



U.S. Citizenship
and Immigration
Services

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814

Date: Office: VERMONT SERVICE CENTER FILE:

JUN 18 2012

IN RE:

Petitioner:

PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 101(a)(15)(U)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. Do not file any motion directly with the AAO. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (“the director”), denied the U nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The petition will remain denied.

The petitioner seeks nonimmigrant classification under section 101(a)(15)(U)(i) of the Immigration and Nationality Act (“the Act”), 8 U.S.C. § 1101(a)(15)(U)(i), as an alien victim of certain qualifying criminal activity. The director denied the petition because the petitioner did not submit a law enforcement certification (Form I-918 Supplement B, U Nonimmigrant Status Certification (Form I-918 Supplement B)).¹

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner submits a Form I-290B, Notice of Appeal or Motion, checking the box on the Form I-290B indicating that a supplemental brief and/or additional evidence will be submitted within 30 days. The Form I-290B was received on October 31, 2011. On the Form I-290B, the petitioner acknowledges the difficulties in making a judgment when no evidence has been submitted but indicates that further evidence will be submitted. The only additional document submitted is an affidavit from one of the petitioner’s parents attesting that the petitioner’s education was no longer being financed by her parents. The record is considered complete.

The director in this matter determined that the petitioner had not provided a Form I-918, Supplement B, as required under section 214(p)(1) of the Act and thus had not established her eligibility for relief pursuant to section 101(a)(15)(U)(i) of the Act. The petitioner does not submit the requisite Form I-918 Supplement B or any pertinent evidence or argument on appeal. We concur with the director’s assessment of the relevant evidence. As the petitioner in this matter has not provided further evidence or argument sufficient to overcome the director’s determination in this matter, the appeal must be summarily dismissed pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed. The petition remains denied.

¹ The director also noted that the record did not include evidence that the petitioner was a victim of criminal activity or was subjected to substantial mental or physical abuse as the result of qualifying criminal activity, among other issues; however, as the petitioner had not supplied the required initial evidence, the additional deficiencies were not further discussed.