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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20520-2090



U.S. Citizenship
and Immigration
Services

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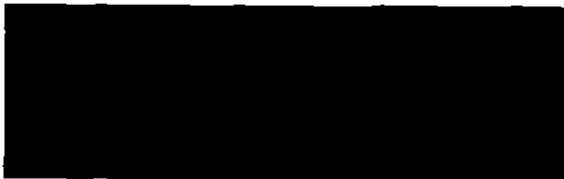
D14

Date: **MAY 22 2012** Office: VERMONT SERVICE CENTER FILE: 

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:

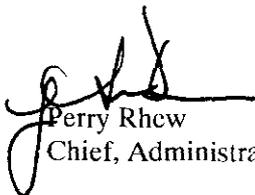


INSTRUCTIONS:

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 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) of the Immigration and Nationality Act (“the Act”), 8 U.S.C. § 1101(a)(15)(U), as an alien victim of certain qualifying criminal activity.

The director initially denied the petition on August 16, 2010 because the petitioner failed to establish that he was the victim of qualifying criminal activity. Consequently, the director determined that the petitioner did not meet any of the statutory eligibility criteria for U classification at subsections 101(a)(15)(U)(i)(I) – (IV) of the Act. The director reopened this matter on two subsequent occasions and each time determined that the petitioner had not overcome the grounds for the initial denial.

On appeal, new counsel submits a Notice of Appeal (Form I-290B), checking the box indicating that a brief or other evidence would be submitted within 30 days but also noting that the brief would be submitted after receipt of his FOIA (Freedom of Information Act) request. In counsel’s letter appended to the Form I-290B, counsel requests additional time to submit a brief. Counsel indicates that he prepared and mailed a FOIA request on October 17, 2011, and needed an additional 45 days after receipt of the FOIA to properly prepare the appeal brief. To date the AAO has received no further brief or evidence from the petitioner. According to the website of U.S. Citizenship and Immigration Services (www.uscis.gov), FOIA processing time is estimated at 121 days.

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

Summary dismissal. 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.

Counsel has not submitted a brief or other evidence for the AAO to consider on appeal. As neither counsel nor the petitioner identifies any specific erroneous conclusion of law or statement of fact in the director’s decision, the appeal must be summarily dismissed.

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