

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 20529-2090



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: APR 02 2015

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Petitioner: [REDACTED]

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. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law or establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting 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) 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 denied the petition because the petitioner did not submit a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Form I-918 Supplement B) at the time of filing the Petition for U Nonimmigrant Status (Form I-918 U petition). The director also noted that the petitioner had not provided any evidence that he met the other eligibility requirements for U nonimmigrant status under section 101(a)(15)(U) of the Act, including that he suffered substantial physical or mental abuse as a result of having been a victim of a qualifying crime; that he possessed information about the crime; that he had been, was being, or was likely to be helpful in the investigation; and that the United States has jurisdiction to investigate or prosecute the crime. On appeal, the petitioner submits no additional arguments or evidence.

If a petitioner fails to identify specifically any erroneous conclusion of law or statement of fact on appeal, we must summarily dismiss the appeal. 8 C.F.R. § 103.3(a)(1)(v). The Form I-290B the petitioner filed on appeal contains no statement in Part 3 regarding the basis for his appeal. Although the petitioner indicated on his Form I-290B that a brief and other evidence would be submitted within 30 days, no additional statements or evidence have been submitted as of the date of this decision. The appeal must therefore be summarily dismissed.¹

As in all visa petition proceedings, the petitioner bears the burden of proving his eligibility for U nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369 (AAO 2010). Here, the petitioner has not met that burden. Accordingly, the appeal will be dismissed.

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

¹ The petitioner's failure to submit statutorily required initial evidence could not be remedied by submitting the evidence on appeal or motion. The submission of a Form I-918 Supplement B is required by statute at section 214(p)(1) of the Act. As further provided by the regulation at 8 C.F.R. § 214.14(c)(2)(i), a Form I-918 U petition "must include" as initial evidence a Form I-918 Supplement B "signed by a certifying official within the six months immediately preceding the filing of Form I-918." Therefore, even if the petitioner had submitted the Form I-918 Supplement B on appeal, the appeal would still be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).