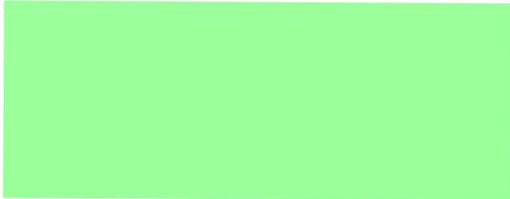




U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **MAR 19 2015** 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. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:

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 nor 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 Administrative Appeals Office (AAO) dismissed the subsequent appeal. The matter is again before the AAO on motion to reconsider. The motion will be dismissed and the underlying petition will remain denied.

The petitioner seeks nonimmigrant classification under section 101(a)(15)(U) of the Immigration and Nationality Act (the Act), as an alien victim of certain qualifying criminal activity. The director denied the Petition for U Nonimmigrant Status (Form I-918 U petition) because the petitioner did not submit a properly executed U Nonimmigrant Status Certification (Form I-918 Supplement B).¹ We affirmed the director's decision, noting that the petitioner failed to submit required initial evidence with her Form I-918 U petition and therefore could not meet the eligibility requirements for U nonimmigrant classification. The petitioner filed a motion to reconsider our decision.

The regulation at 8 C.F.R. § 103.5(a)(3) states, in pertinent part:

* * *

Requirements for motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. . . .

* * *

On motion, the petitioner submits a brief in which she reiterates her assertion in the appeal that the Form I-918 Supplement B was mailed within the 6 month time frame. Additionally she asks that United States Citizenship and Immigration Services (USCIS) reconsider its previous decisions as a "matter of fundamental fairness." The petitioner fails to establish that our September 18, 2014, decision was based on an incorrect application of law or USCIS policy as required, and she does not support her contentions with any pertinent precedent decisions. As such, the motion to reconsider must be dismissed for failing to meet applicable requirements. 8 C.F.R. § 103.5(a)(4).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The motion is dismissed. The petition remains denied.

¹ The Form I-918 Supplement B the petitioner submitted was not signed within six months of the filing date of her Form I-918 U petition as required under 8 C.F.R. 214.14(c)(2)(i).