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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

[Redacted]

DATE: **MAY 07 2015**

[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:

[Redacted]

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

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

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, finding that the petitioner did not meet the definition of “victim of qualifying criminal activity” at 8 C.F.R. § 214.14(a)(14), and failed to demonstrate he was admissible to the United States.

On appeal, the petitioner asserts in his affidavit that although he was not a direct victim of the murder, he assisted in the conviction of the perpetrators and is therefore “seeking relief under the regulation known as 8 C.F.R. § 214.14(a)(14).” The petitioner, however, does not provide any substantive legal arguments on appeal to establish that he was the victim of a qualifying crime or criminal activity pursuant to the regulation. The evidence submitted on appeal consists of copies of the documents already contained in the record, judgments of conviction, and letters from the petitioner’s friends, doctor and pastoral consultant.

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. 8 C.F.R. § 103.3(a)(1)(v). The evidence on appeal does not contain new facts or legal arguments to demonstrate that the petitioner has been the victim of a qualifying crime or criminal activity. Moreover, the petitioner’s appellate submission does not address his admissibility. As the petitioner fails to identify any specific, erroneous conclusion of law or statement of fact in the director’s decision, the appeal must be summarily dismissed.

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 Otieno*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). He has not met his burden and the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.