

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

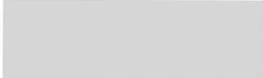
(b)(6)



Date:

MAY 07 2015

FILE #:



PETITION RECEIPT #:

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:

NO REPRESENTATIVE OF RECORD

INSTRUCTIONS:

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 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 Form I-290B Notice of Appeal or Motion states in Part 4 that the petitioner must include a statement regarding the basis for the appeal that identifies an erroneous conclusion of law or fact in the decision being appealed. Without such a statement, the appeal may be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v). Here, the petitioner fails to identify any specific, erroneous conclusion of law or statement of fact in the director's decision with the filing of the Form I-290B despite checking the box at Part 3.1 indicating that a brief and/or additional evidence was being provided with the initial filing. Although the petitioner submitted a copy of an unexecuted Form I-918 Supplement B, U Nonimmigrant Status Certification (Form I-918 Supplement B) and a copy of the [REDACTED] California Superior Court docket with the initial filing, she did not indicate how this evidence demonstrated that the director's denial decision was made in error. Consequently, the appeal will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Even if the petitioner had submitted the required statement regarding why the director's decision was made in error, the appeal would be dismissed and the petition would remain denied. The director denied the petition because the petitioner did not submit a properly executed Form I-918 Supplement B at the time of filing the nonimmigrant U petition (Form I-918 U petition).

The regulation at 8 C.F.R. § 214.14(c) states, in pertinent part:

(2) *Initial evidence.* Form I-918 must include the following initial evidence:

- (i) Form I-918, Supplement B, "U Nonimmigrant Status Certification," signed by a certifying official within the six months immediately preceding the filing of Form I-918[.]

* * *

The submission of a Form I-918 Supplement B is required by statute at section 214(p)(1) of the Act ("The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification . . ."). As 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." The petitioner did not file her Form I-918 U petition with required initial evidence, and we lack authority to waive the requirements of the statute, as implemented by the regulations. See *United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (as long as regulations remain in force, they are binding on government officials). She, therefore, has failed to establish her eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. See subsections 101(a)(15)(U)(i)(I)-(IV) of the Act (requiring qualifying criminal activity for all prongs of eligibility). As a result, the appeal would be

dismissed for the failure to comply with the regulation at 8 C.F.R. § 214.14(c)(2)(i) regarding the submission of initial evidence at the time she filed her petition as required.

As the appeal did not identify any specific, erroneous conclusion of law or statement of fact in the director's decision, the appeal must be summarily dismissed. In addition, we find no error in the director's decision and dismiss the appeal on this ground as well.

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