



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF J-S-

DATE: SEPT. 3, 2015

MOTION OF ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-918, PETITION FOR U NONIMMIGRANT STATUS

The Petitioner seeks nonimmigrant classification as a victim of certain qualifying criminal activity. *See* section 101(a)(15)(U) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U). The Director, Vermont Service Center, denied the petition. We denied the Petitioner's subsequent appeal. The matter is now before us on motion. The motion will be denied.

The Director denied the petition because the Petitioner did not submit initial required evidence of a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification. Additionally, the Director found that the Petitioner had not met the eligibility requirements of U nonimmigrant classification. On appeal, we concurred with the Director's findings and our previous decision is incorporated here by reference. In support of the instant motion to reconsider, the petitioner submits a brief.

A motion to reconsider must: (1) 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 U.S. Citizenship and Immigration Services (USCIS) policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

On motion, the Petitioner argues that the Director should have issued a request for a Form I-918 Supplement B that conformed to regulatory requirements prior to denying his Form I-918, Petition for U Nonimmigrant Status. He further argues that on appeal we should have addressed the merits of the Form I-918 rather than focusing solely on the lack of the required initial evidence of the Form I-918 Supplement B.

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 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." Although the petitioner argues that USCIS should have issued a request for a properly executed Form I-918, Supplement B, the regulation at 8 C.F.R. § 103.2(b)(8)(ii) provides that if all required initial evidence is not submitted with the benefit request or does not demonstrate eligibility, USCIS has the discretion to deny the benefit request for lack of initial evidence without requesting further evidence.

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Regarding the Petitioner's assertion that the merits of the Form I-918 petition should have been addressed beyond the lack of required initial evidence, without the required certification of a properly executed Form I-918 Supplement B, the Petitioner cannot establish eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

The Petitioner has not cited binding precedent decisions or other legal authority establishing that our prior decision incorrectly applied law or agency policy, nor has he shown that our decision was incorrect based on the relevant evidence in the record at the time of the decision. Therefore, we must deny the motion. *See* 8 C.F.R. § 103.5(a)(4) (a motion that does not meet the applicable requirements shall be denied).

**ORDER:** The motion is denied.

Cite as *Matter of J-S-*, ID#13156 (AAO Sept. 3, 2015)