



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

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

MATTER OF N-S-

DATE: JUNE 30, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner seeks "U-1" nonimmigrant classification as a victim of qualifying criminal activity. *See* Immigration and Nationality Act (the Act) sections 101(a)(15)(U) and 214(p), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The U-1 classification affords nonimmigrant status to victims of certain crimes who assist authorities investigating or prosecuting the criminal activity.

The Director, Vermont Service Center, denied the Form I-918, Petition for U Nonimmigrant Status, and we dismissed a subsequent appeal. In our prior decision, we concluded that the Petitioner had not established that he possessed information regarding the qualifying criminal activity of which he claimed to be a victim and that he has been, is being, or is likely to be helpful in the investigation or prosecution of such activity, as required by subsections 101(a)(15)(U)(i)(II) and (II) of the Act.

The matter is now before us on a motion to reconsider. On motion, the Petitioner submits briefs and additional evidence.

The motion will be denied as it does not meet the applicable filing requirements.

#### I. APPLICABLE LAW

In order to properly file a motion to reconsider, the regulation at 8 C.F.R. § 103.5(a)(1)(i) requires that the motion be filed within 30 days of the unfavorable decision. If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i).

#### II. ANALYSIS

We issued our appellate decision on December 24, 2015, and properly notified the Petitioner that he had 33 days to file a motion. Neither the Act nor the pertinent regulations grant us authority to extend this time limit. The Petitioner filed the instant motion to reconsider on January 29, 2016, more than 33 days after the decision was issued. Accordingly, the Petitioner's motion to reconsider was untimely filed.

*Matter of N-S-*

### III. CONCLUSION

As the Petitioner has not met the filing requirements for a motion to reconsider, the motion must be denied. 8 C.F.R. § 103.5(a)(4) (a motion that does not meet the applicable requirements shall be denied).

**ORDER:** The motion to reconsider is denied.

Cite as *Matter of N-S-*, ID# 17494 (AAO June 30, 2016)