



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

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

MATTER OF A-A-T-S-

DATE: MAR. 31, 2016

MOTION ON 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* Immigration and Nationality Act (the Act) § 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U). The Director, Vermont Service Center, denied the petition and we dismissed a subsequent appeal. The matter is now before us again on a motion to reconsider. The motion will be denied.

I. APPLICABLE LAW

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).

II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Petitioner is a native and citizen of Pakistan who last entered the United States on October 15, 2014, as a nonimmigrant visitor.¹ The Petitioner filed the instant Form I-918, Petition for U Nonimmigrant Status, on October 21, 2014, with an accompanying Form I-918 Supplement B, U Nonimmigrant Status Certification, which was not signed by a certifying official. The Director denied the Form I-918 because the Petitioner did not submit a properly executed Form I-918 Supplement B at the time of filing the Form I-918.² We dismissed the Petitioner's subsequent appeal. The Petitioner now files a motion to reconsider and submits a statement.

¹ On appeal, the Petitioner indicated that as of August 2015, any future correspondence should be mailed to his permanent address in Pakistan.

² The Director also noted that the Petitioner had not submitted a signed statement and that he was inadmissible and had not proffered the required Form I-192, Application for Advance Permission to Enter as Nonimmigrant, to waive his inadmissibility. The Director did not further address these grounds in any probative detail as the Form I-918 was denied on a separate basis.

III. ANALYSIS

Upon a full review of the record, the Petitioner has not overcome the grounds for denial. A motion that does not meet the applicable requirements shall be denied. 8 C.F.R. § 103.5(a)(4).

In our prior decision dated August 5, 2015, incorporated here by reference, we found that the Petitioner had not established his eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act because he had not submitted a Form I-918 Supplement B as initial evidence, which was required by section 214(p)(1) of the Act and the regulation at 8 C.F.R. § 214.14(c)(2)(i).³ On motion, the Petitioner does not assert any legal or factual error in our prior decision, and instead, sets forth facts about his attempts to provide information to U.S. law enforcement officials.⁴

As stated in our previous decision, the submission of a Form I-918 Supplement B with a Form I-918 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 “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’s Form I-918 was properly denied because he did not file an executed Form I-918 Supplement B as required initial evidence with his Form I-918. Although we understand that the Petitioner has faced difficulties obtaining a Form I-918 Supplement B, 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). On motion, the Petitioner has not identified, and our review does not disclose, any mistake of fact or error in our decision. Accordingly, we affirm our prior decision.

IV. CONCLUSION

The Petitioner did not comply with the regulation at 8 C.F.R. § 214.14(c)(2)(i) regarding the submission of a Form I-918 Supplement B as required initial evidence when he filed his Form I-918. He, therefore, did not establish his eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act, and his Form I-918 must remain denied. *See* subsections 101(a)(15)(U)(i)(I)–(IV) of the Act (requiring qualifying criminal activity for all prongs of eligibility).

³ In our earlier decision, we also noted that the Petitioner had indicated “no” at questions 2.1 and 2.2 of the Form I-918, inquiring about whether he was a victim of qualifying criminal activity and whether he had suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity. In addition, he had left blank question 2.3 about whether he possessed information about the referenced criminal activity. We properly noted that based on the Petitioner’s responses, he would not meet the requirements for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. As the Petitioner does not address this determination on motion, we will not revisit it further here.

⁴ These attempts relate to an incident that appears to be unrelated to the one set forth in the Petitioner’s unexecuted Form I-918 Supplement B which served as the basis for this Form I-918.

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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 to reconsider is denied.

Cite as *Matter of A-A-T-S-*, ID# 16180 (AAO Mar. 31, 2016)