



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

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

MATTER OF V-P-

DATE: NOV. 18, 2016

APPEAL OF VERMONT SERVICE CENTER 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 Petition for U Nonimmigrant Status (U petition) finding that the Petitioner did not submit required evidence.<sup>1</sup>

The matter is now before us on appeal. On appeal, the Petitioner submits a supporting statement.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 101(a)(15)(U) of the Act, 8 U.S.C. § 1101(a)(15)(U), provides U nonimmigrant classification to victims of certain qualifying criminal activity and their qualifying family members. Section 214(p)(1) of the Act, 8 U.S.C. § 1184(p)(1) states:

The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

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<sup>1</sup> The Director also noted that the Petitioner had not established the eligibility requirements for U nonimmigrant classification set forth at section 101(a)(15)(U)(i) of the Act, but did not further address these issues in any detail. The Petitioner’s lengthy criminal record includes criminal inadmissibility grounds for which he has never sought a waiver and is thus an additional ground of ineligibility.

Regarding the application procedures for U nonimmigrant classification, 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 burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). A petitioner may submit any evidence for us to consider in our *de novo* review; however, we determine, in our sole discretion, the credibility of and the weight to give that evidence, including Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B). *See* section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

## II. ANALYSIS

The submission of a Supplement B with a U petition is required by statute at section 214(p)(1) of the Act. Further, as provided by the regulation at 8 C.F.R. § 214.14(c)(2)(i), a U petition must include a Supplement B signed by a certifying official within the 6 months immediately preceding the filing of the U petition.

Here, the Petitioner filed his U petition without the required Supplement B and in his statement before the Director acknowledged not having a Supplement B. The Director denied the petition on this basis.<sup>2</sup>

On appeal, the Petitioner submits only his own statement and claims to be a U.S. citizen. Although the record reflects that he filed a Form N-400, Application for Naturalization, the application has not been adjudicated. Moreover, the application is unsupported by any evidence of his required underlying lawful permanent residence and the record does not reflect that he has acquired status as either a permanent U.S. resident or a U.S. citizen.<sup>3</sup>

## III. CONCLUSION

The Petitioner did not comply with section 214(p)(1) of the Act and the regulation at 8 C.F.R. § 214.14(c)(2)(i) regarding the submission of required evidence. The Petitioner is consequently

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<sup>2</sup> The Petitioner had previously filed a U petition supported by an incomplete Supplement B.

<sup>3</sup> If the Petitioner is a lawful permanent resident or U.S. citizen, as he claims, then he would be ineligible for a nonimmigrant "U" visa.

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ineligible for nonimmigrant classification pursuant to section 101(a)(15)(U)(i) of the Act, and his U petition must remain denied.

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 appeal is dismissed.

Cite as *Matter of V-P-*, ID# 55896 (AAO Nov. 18, 2016)