



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

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

In Re: 35864704

Date: DEC. 19, 2024

Appeal of Nebraska Service Center Decision

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 Director of the Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the record did not establish that the Petitioner submitted a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), as required. Additionally, the Director determined that the Petitioner is inadmissible. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo’s, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LAW

To establish eligibility for U-1 nonimmigrant classification, petitioners must show that they: have suffered substantial physical or mental abuse as a result of having been the victim of qualifying criminal activity; possess information concerning the qualifying criminal activity; and have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act.

As required initial evidence, a petitioner must submit a Supplement B from a law enforcement official certifying the petitioner’s credible and reliable information regarding, and helpfulness in the investigation or prosecution of, the qualifying criminal activity perpetrated against them. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i).

A petitioner bears the burden of establishing that they are admissible to the United States or that any applicable ground of inadmissibility has been waived. 8 C.F.R. § 214.1(a)(3)(i). To meet this burden,

a petitioner must file a waiver application in conjunction with the U petition, requesting waiver of any grounds of inadmissibility. 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv).

U.S. Citizenship and Immigration Services (USCIS) has sole jurisdiction over U petitions. 8 C.F.R. § 214.14(c)(4). Although petitioners may submit any relevant, credible evidence for the agency to consider, USCIS determines, in its sole discretion, the credibility of and weight given to all the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

II. ANALYSIS

The Petitioner, a citizen of Peru, filed her U petition in October 2018. The Director issued a request for evidence (RFE) notifying the Petitioner that she had not submitted required initial evidence, as the petition was not accompanied by a properly executed Supplement B. The Director explained that the Supplement B the Petitioner submitted did not contain the names of the certifying official and the head of the certifying agency, as required. In a May 2024 response to the RFE, the Petitioner submitted evidence that she requested a new Supplement B from the certifying agency but had not yet received a response. In a subsequent RFE response in June 2024, the Petitioner submitted a second incomplete Supplement B. The second Supplement B did not contain any information in Part 1, which identifies the victim of qualifying criminal activity, and Part 2, which identifies the certifying agency and certifying official. Also, the second Supplement B did not contain a description of the Petitioner's helpfulness to law enforcement. The Director denied the U petition because the Petitioner had not met the requirement of submitting a properly executed Supplement B.

On appeal, the Petitioner submits a third Supplement B, signed in August 2024 by a lieutenant in the [redacted] Police Department, [redacted] New York. The name of the head of the certifying agency is added in handwriting and includes only the first initial of that individual. Part 6 of the Supplement B also lacks the contact information for the certifying official. The Petitioner argues that aside from her failure to submit a properly completed Supplement B as initial evidence, she has met the requirements for U nonimmigrant status, and that she has now resolved the reason for denial.

The Petitioner has not met her burden of establishing eligibility for U nonimmigrant status. As stated above, the submission of a Supplement B is required by statute at section 214(p)(1) of the Act ("The petition filed . . . under section 101(a)(15)(U)(i) [of the Act] shall contain a certification . . ."). Moreover, as provided by the regulation at 8 C.F.R. § 214.14(c)(2)(i), a U petition "must include" as initial evidence a Supplement B "signed by a certifying official within the six months immediately preceding the filing of" the U petition. Our review of the record does not demonstrate that a properly completed Supplement B was filed with the Petitioner's original submission. Because the Petitioner did not file her U petition with the required initial evidence, the Petitioner is not eligible for U nonimmigrant status under section 101(a)(15)(U) of the Act. Although she submits a third Supplement B on appeal, the Petitioner is not able to cure the deficiency, as the Supplement B submitted on appeal was not signed within the requisite six-month period prior to the filing of the U petition as required by 8 C.F.R. § 214.14(c)(2)(i).

Furthermore, the third Supplement B submitted on appeal still does not meet the requirements. "Certifying official" is defined, in pertinent part, as the "head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue

U nonimmigrant status certifications on behalf of that agency. . . .” 8 C.F.R. § 214.14(a)(3)(i). In this case, the record lacks evidence that the lieutenant who signed the third Supplement B meets this definition and therefore qualifies as a certifying official.

Additionally, the Director noted that the Petitioner is inadmissible on two grounds. The Petitioner does not address this issue on appeal and the record reflects that the Director denied her Form I-192, Application for Advance Permission to Enter as Nonimmigrant. Accordingly, she has not established that she is admissible to the United States or that any applicable ground of inadmissibility has been waived, as 8 C.F.R. § 214.1(a)(3)(i) requires.

III. CONCLUSION

The Petitioner filed her U petition without including, as required initial evidence, a properly executed Supplement B signed by a certifying official. Further, she has not established that she is admissible or that applicable grounds of inadmissibility have been waived. Accordingly, the Petitioner has not established her eligibility for U nonimmigrant status.

ORDER: The appeal is dismissed.