



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

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

In Re: 9437513

Date: AUG. 11, 2020

Motion on Administrative Appeals Office Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification under sections 101(a)(15)(U) and 214(p) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition). We dismissed the Petitioner’s subsequent appeal. He now files a motion to reopen and reconsider, submitting new evidence and arguing that we erred in the decision dismissing his appeal. Upon review, we will dismiss the motions.

I. LAW

Section 101(a)(15)(U)(i) of the Act provides U-1 nonimmigrant classification to victims of qualifying crimes who suffer substantial physical or mental abuse as a result of the offense. These victims must also possess information regarding the qualifying crime and be helpful to law enforcement officials in their investigation or prosecution of it. *Id.*

The petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. 8 C.F.R. § 214.14(c)(4); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). As a part of meeting this burden, a petitioner must submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying a petitioner’s helpfulness in the investigation or prosecution of the qualifying criminal activity. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The Supplement B must be signed by the certifying official within the six months immediately preceding the filing of the U petition. 8 C.F.R. § 214.14(c)(2)(i). Although a petitioner may submit any evidence for us to consider, we determine, in our sole discretion, the credibility of and weight given to all of the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

A motion to reopen must state new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must 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. 8 C.F.R. § 103.5(a)(3). The motion to reconsider must also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. *Id.* We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit. Here, although

the Petitioner has submitted new evidence with his motion, such evidence is not sufficient to demonstrate his eligibility. Likewise, the Petitioner has not established that our prior decision was based on an error of law or policy, or was otherwise incorrect based on the record at the time of the decision.

II. ANALYSIS

In our prior decision dismissing the Petitioner's appeal, incorporated here by reference, we determined that he did not meet his burden of establishing that he was the victim of qualifying criminal activity under section 101(a)(15)(U)(iii) of the Act. We also determined that the Petitioner was ineligible for U nonimmigrant classification because he did not submit a Supplement B with his U petition that was executed within the six months immediately preceding the filing of the U petition, as section 214(p)(1) of the Act and 8 C.F.R. § 214.14(c)(2)(i) require. The Petitioner's initial Supplement B was signed more than seven months prior to the date on which his U petition was filed and the second Supplement B submitted in response to the Director's request for additional evidence was signed by a certifying official 18 months after the U petition was filed.

On motion, the Petitioner argues that we erred in our determination that he did not meet his burden of establishing that he was the victim of qualifying criminal activity under section 101(a)(15)(U)(iii) of the Act. He submits new evidence in support of this argument. However, the Petitioner has not addressed our determination that he did not submit a Supplement B with his U petition that was executed within the six months immediately preceding the filing of the U petition, as section 214(p)(1) of the Act and 8 C.F.R. § 214.14(c)(2)(i) require. Moreover, he has not submitted new evidence in the form of a Supplement B that would satisfy the requirements of the Act and regulations. As a result, the Petitioner has not established any error of law or policy in our previous decision and has not submitted evidence sufficient to demonstrate his eligibility for U nonimmigrant status.¹

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.

¹ Because the Petitioner has not established that he submitted required initial evidence with his U petition, which is dispositive of his motion, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he has satisfied the requirements for reopening or reconsideration as the victim of qualifying criminal activity. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where a petitioner or applicant is otherwise ineligible).