



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

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

In Re: 1421030

Date: JULY 23, 2020

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 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 Nebraska Service Center denied the Petitioner’s Form I-918, Petition for U Nonimmigrant Status (U petition), and the matter is before us on appeal. Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

The U-1 classification affords nonimmigrant status to victims of qualifying criminal activity who suffer substantial physical or mental abuse as a result of the crime. Section 101(a)(15)(U)(i) of the Act; *see also* 8 C.F.R. § 214.14(a)(14) (defining “victim of qualifying criminal activity” generally as “an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.”). To be eligible for U-1 nonimmigrant status, the petitioner must also possess information about the qualifying crime and be helpful to appropriate officials in their investigation or prosecution of the crime.<sup>1</sup> *Id.*

A U petition must be filed with a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B) by a “Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity” and signed by a certifying official within six months immediately preceding the filing of the U petition. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). *See also* 8 C.F.R. § 214.14(a)(3)(i) (defining “certifying official,” as relevant here, as “[t]he 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. . . .”). The Supplement B must certify that the petitioner was a victim of qualifying criminal activity that the certifying agency is investigating or prosecuting, possesses information about the crime, and “has been, is being, or is likely to be helpful” in the investigation or prosecution of the crime. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i).

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<sup>1</sup> The regulatory definition of “investigation or prosecution” includes the “detection” of qualifying criminal activity. 8 C.F.R. § 214.14(a)(5).

A 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). Although a petitioner may submit additional evidence along with the Supplement B to establish U-1 eligibility, we determine, in our sole discretion, the credibility of and the weight to give all of the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

## II. ANALYSIS

The Petitioner, a 33-year old native and citizen of Mexico, filed the instant U petition in February 2015 based on a [REDACTED] 1999 incident of domestic violence by his father toward his mother. With his U petition, the Petitioner submitted a Supplement B from the [REDACTED] California Police Department (certifying agency). In Part 2 of the Supplement B, Agency Information, no information is provided in the information fields for the Name and Division/Office of the Certifying Official and Name of the Head of the Certifying Agency. Part 3 of the Supplement B indicates that of the 28 qualifying criminal activities listed in section 101(a)(U)(15)(iii) of the Act, the Petitioner was a victim of domestic violence, felonious assault, and attempt, and lists section 273.5(a) of the California Penal Code, willful infliction of corporal injury upon certain individuals including a spouse or former spouse, as the criminal activity that was investigated or prosecuted. In describing the criminal activity, the Supplement B states that the Petitioner “was 13-years-old at the time. Suspect transported [the Petitioner’s] mother in a van and as [the Petitioner’s] mother swung the door of the van open to run to her son and friends, suspect grabbed victim’s mother’s pants between the crotch area causing them to rip.” In addition, a statement that the Petitioner “witnessed suspect assaulting his mother” is crossed out in blue ink. Part 4, which requests other information about the U petitioner’s helpfulness, states that the Petitioner “did not witness this crime” and that he was “not needed for court to testify on this case.”

The Petitioner additionally provided before the Director a police report from the [REDACTED] Police Department describing the [REDACTED] 1999 incident. The police report indicates that the Petitioner was at his mother’s friends’ apartment at the time of the incident and that immediately after she ran out of the van, she entered the apartment, told the Petitioner that his father had hit her, and asked him to call the police. The record reflects that the Petitioner contacted the police.

The Director denied the petition, determining that the Petitioner had not established that he was a victim of qualifying criminal activity. The Director noted that although the Petitioner had been requested, in a February 2019 request for evidence (RFE) and July 2019 notice of intent to deny (NOID), to provide a fully completed Supplement B that included the Name and Division/Office of the Certifying Official and Name of the Head of the Certifying Agency, he had not done so. The Director also explained that the certifying agency’s statement that Petitioner had not witnessed the criminal activity and was not needed to testify were insufficient to establish the qualifying criminal activity of which he was a victim.

On appeal, the Petitioner asserts that the fact that the certifying official left blank certain fields on the Supplement B cannot be considered as a ground for denying his U petition, as the Name and Division/Office of the Certifying Official and Name of the Head of the Certifying Agency are “not fundamental

in determining [a U petitioner's] eligibility for U nonimmigrant status. We disagree, as applicable regulations require that a U petitioner submit, as initial evidence, a Supplement B signed by a certifying official, which 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). Here, as the Supplement B does not specify the head of the certifying agency or the name of the person who signed the certification, the Petitioner has not established that the Supplement B was signed by a certifying official. As such, the Petitioner has not satisfied initial evidence requirements.<sup>2</sup>

Even if the Supplement B were complete, the Petitioner has not established that he was a victim of qualifying criminal activity. On appeal, the Petitioner maintains that notwithstanding the stricken statement that he witnessed the crime and was not needed to testify in court, the certifying agency, in issuing the Supplement B, confirmed that he was a victim of domestic violence and felonious assault. As the Supplement B is not properly executed, we afford it limited weight. *See* 8 C.F.R. § 214.14(c)(4) (explaining that we determine, in our sole discretion, the credibility of and the weight to give all of the evidence, including the Supplement B). Moreover, the basis of the Petitioner's claim regarding his victimization is unclear, as both the Supplement B and police report—the record evidence of the criminal activity that was detected, investigated, or prosecuted by the certifying agency—describe an incident between the Petitioner's mother and father for which he was not present, and his primary involvement appears to have been contacting the police.

The Director further determined that because the Petitioner had not established that he was victim of qualifying criminal activity, he had not demonstrated that he satisfied the remaining eligibility requirements for U-1 nonimmigrant status. On appeal, the Petitioner claims that he satisfies these requirements. As the Petitioner has not established his eligibility on other grounds, we do not reach this issue.

### III. CONCLUSION

The Petitioner has not established that he satisfied initial evidence requirements and has not demonstrated that he is victim of qualifying criminal activity. Consequently, he has not established his eligibility for U-1 classification.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> In addition, by failing to provide this information, the Supplement B was not completed "fully and accurately," as required by the form's instructions. *Instructions to Form I-918 Supplement B*, at 1 (Jan. 15, 2013 ed.); *see also* 8 C.F.R. § 103.2(a)(1) (explaining that every immigration benefits request must be executed in accordance with the form's instructions and incorporating the instructions into the applicable regulations).