



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

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

In Re: 9970840

Date: AUG. 3, 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 Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), and we dismissed his subsequent appeal. The matter is now before us on a motion to reconsider. On motion, the Petitioner submits a brief and copies of previously-submitted documents. Upon review, we will dismiss the motion.

The Petitioner bears the burden of establishing eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). A motion to reconsider must establish that our decision was based on an incorrect application of the law or USCIS policy and that the decision was incorrect based on the evidence in the record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

On motion, the Petitioner, through counsel, resubmits the identical brief he submitted on appeal and provides, in a short addendum to the brief, that “the reason for this motion to reconsider is the same reason for the appeal. . . . We are making the same arguments.” This assertion does not allege that our decision was based on an incorrect application of the law or USCIS policy or otherwise establish, by a preponderance of the evidence, that the decision was incorrect based on the evidence in the record at the time of the decision. While we acknowledge and do not seek to diminish the evidence in record regarding the Petitioner’s victimization, he has not submitted sufficient evidence to meet the motion to reconsider requirements and, accordingly, the motion to reconsider is dismissed.

ORDER: The motion to reconsider is dismissed.