



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

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

In Re: 9027071

Date: JULY 30, 2020

Appeal of Vermont Service Center 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). On appeal, the Petitioner submits a brief and additional evidence, asserting his eligibility. We review the questions in this matter *de novo*. See *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

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. U petitioners must also establish that they possess information regarding the qualifying crime and have been helpful, are being helpful, or are likely to be helpful to law enforcement officials investigating or prosecuting the qualifying criminal activity. *Id.*

U.S. Citizenship and Immigration Services (USCIS) has sole jurisdiction over U petitions, and 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). To meet this burden, U petitioners must submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying the petitioner’s helpfulness in the investigation or prosecution of the qualifying criminal activity.¹ Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The Supplement B must be submitted as initial evidence with the U petition and have been signed by the certifying official within the six months preceding the filing of the petition. 8 C.F.R. § 214.14(c)(2)(i). Although a petitioner may submit any relevant, credible evidence for us to consider, USCIS determines, in its sole discretion, the credibility of and the 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).

¹ The Supplement B also provides factual information concerning the criminal activity, such as the specific violation of law that was investigated or prosecuted, and gives the certifying agency the opportunity to describe the crime, the victim’s helpfulness, and the victim’s injuries.

II. ANALYSIS

The Petitioner, a native and citizen of India, claims to have been admitted to the United States in March 2000 using a false passport and identity. The Director denied the U petition because the Petitioner did not submit the requisite Supplement B with his petition and therefore did not satisfy the eligibility requirements for U nonimmigrant classification under the Act.² On appeal, the Petitioner asserts that he provided the requisite Supplement B with the U petition and submits a duplicate copy, as well as a newly executed Supplement B from the certifying official.

As stated, the Supplement B is required initial evidence that must be filed with the U petition to establish a U nonimmigrant's helpfulness to law enforcement under section 101(a)(15)(U)(i) of the Act. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i).³ Although the Petitioner provides a copy of a Supplement B that appears to have been signed by the certifying official within the six months preceding the filing of the U petition, there is no evidence that the original was filed as initial evidence with the U petition as required. 8 C.F.R. § 214.14(c)(2)(i). We lack authority to waive the requirements of the statute, as implemented by regulation. *See United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (as long as regulations remain in force, they are binding on government officials). The Petitioner's filing of the Supplement B subsequent to USCIS' denial of his U petition does not conform to the regulatory requirements listed at 8 C.F.R. § 214.14(c)(2)(i) for required initial evidence, and he, therefore, has failed to establish his eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. *See* subsections 101(a)(15)(U)(i)(I)–(IV) of the Act (requiring qualifying criminal activity for all prongs of eligibility).

III. CONCLUSION

As the Petitioner did not meet the statutory and regulatory requirements for the Supplement B, he has not established his eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The appeal is dismissed.

² The Director also determined that the Petitioner is inadmissible to the United States on certain specified grounds and his Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), requesting a waiver of the grounds of inadmissibility, had been denied solely on the basis that this U petition was denied. We do not reach this issue, as the Petitioner has not otherwise established his eligibility. Moreover, the Petitioner does not contest his inadmissibility on appeal, and we have no appellate jurisdiction over the Director's denial of the Petitioner's waiver application. 8 C.F.R. § 212.17(b)(3).

³ This requirement is also specified in the instructions for both the U petition and the Supplement B. USCIS, <http://www.uscis.gov/i-918> (accessed July 27, 2020).