



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

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

In Re: 22376361

Date: JUL. 28, 2022

Appeal of Vermont 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 Vermont 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.¹ *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).

¹ 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 native and citizen of Bangladesh, filed the instant U petition in December 2014 based on a [] 2014 incident of robbery and assault with a deadly weapon. With his U petition, the Petitioner submitted a Supplement B from the [] California, County Sheriff's Department (certifying agency). In Part 2 of the Supplement B, Agency Information, the Director noted in a request for evidence (RFE) that the information on the Supplement B had been altered, it was unclear who made the alterations, that the individual who certified the Supplement B was not recognized as a proper certifying official, and the questions in Part 4 of the Supplement B were blank. The Director outlined these concerns in the RFE and requested evidence to show that the person who signed the Supplement B was the head of the certifying agency or a person in a supervisory role that has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of the agency; or is a Federal, State, or local judge. In response to the RFE, the Petitioner submitted a new Supplement B, certified by a detective in the [] Sheriff's Department. In the Director's decision, she noted that the new Supplement B would not be considered properly executed, as the Supplement B did not list the Head of the Certifying Agency, and that the individual who signed the certification, was again not recognized as a certifying official. As a result, the Director denied the U petition, finding that without a properly executed Supplement B, the Petitioner had not sufficiently demonstrated that he was the victim of qualifying criminal activity.

On appeal, the Petitioner submits a third Supplement B, certified by a detective in the [] Sheriff's Department. Crucially, however, the Name of Head of Certifying Agency field in Part 2 was once again left blank. While the Petitioner asserts that he suffered from ineffective assistance of counsel with his U petition, the deficiency with the Supplement B has not been cured with the new form, and therefore remains insufficient, as he did not include evidence to show that the individual who signed the certification is recognized as a certifying official. As such, the Petitioner has not satisfied initial evidence requirements.

The Director further determined that the Petitioner had not demonstrated that he was admissible, as the record did not contain evidence regarding his entry to the United States, and he had not submitted a Form I-192, Application for Advance Permission to Enter as a Nonimmigrant (waiver application), as was requested in the Director's RFE. On appeal, the Petitioner claims that he satisfies these requirements, and has since filed a waiver application. As the Petitioner's failure to submit a properly executed Supplement B resulted in his inability to establish that qualifying criminal activity was detected or investigated is dispositive of his appeal, we decline to reach and hereby reserve the Petitioner's appellate arguments on this issue. 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 an applicant is otherwise ineligible).

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.²

ORDER: The appeal is dismissed.

² This decision is without prejudice to the Petitioner’s filing of a new U petition including, as initial required evidence, a properly executed Supplement B.