



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

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

In Re: 22919282

Date: NOV. 18, 2022

Appeal of Nebraska Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U nonimmigrant classification. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U). The Director of the Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status, concluding that the Petitioner did not comply with the initial evidence requirements in 8 C.F.R. § 214.14(c). The matter is now before us on appeal. Upon *de novo* review, we will remand the matter to the Director for further proceedings.

I. LAW

To establish eligibility for U nonimmigrant classification, petitioners must show that they: have suffered substantial physical or mental abuse as a result of having been the victim of qualifying criminal activity; possess information concerning the qualifying criminal activity; and have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act. As required initial evidence, petitioners must submit a Supplement B that is signed by an appropriate law enforcement official within six months immediately preceding the filing of the Form I-918. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). If an adverse decision will be based on derogatory information of which the Petitioner is unaware, he shall be advised of the fact and offered an opportunity to rebut the information and present information on his behalf before a decision is rendered. 8 C.F.R. § 103.2(b)(16)(i)

II. ANALYSIS

The Petitioner filed his Form I-918 in June 2015 with a Supplement B, U Nonimmigrant Status Certification, signed and certified in 2014 (2014 Supplement B). The Director issued a notice of intent to deny (NOID) in November 2020 notifying the Petitioner, among other items, that the 2014 Supplement B was invalid and that he was required to submit a new Supplement B. The Petitioner provided a response in February 2021 that included a new Supplement B signed and certified in November 2020 (2020 Supplement B).¹ The Director denied the Form I-918 in March 2022 concluding that the Petitioner had not met the initial evidentiary requirements in 8 C.F.R. § 214.14(c).

¹ The Petitioner provided a second response to the notice of intent to deny in March 2021, however, the contents of that response are not dispositive to our decision.

Specifically, the Director stated that the 2014 Supplement B was withdrawn by the certifying agency in September 2019. The Director then acknowledged receipt of the 2020 Supplement B in response to the NOID but stated that in June 2021 it had also been withdrawn by the certifying agency and was therefore insufficient. Because the Petitioner had not submitted a properly executed Supplement B, U Nonimmigrant Status Certification, the Director concluded that he had not met the initial evidentiary requirements.

On appeal, the Petitioner claims that the certifying agency had not contacted him regarding the withdrawal of his 2020 Supplement B. He further asserts that the government has a duty to disclose information in a timely manner and that no evidence or explanation was provided regarding the June 2021 withdrawal of the 2020 Supplement B. Based on this, the Petitioner asks that his Form I-918 be reopened and returned to the Director for continued adjudication. We note that after filing his appeal, the Petitioner has submitted another Supplement B, U Nonimmigrant Status Certification, that was signed and certified in April 2022.

As stated above, if an adverse decision will be based on derogatory information of which the Petitioner is unaware, he must be made aware of that information and be given an opportunity to rebut the information before the decision is rendered. 8 C.F.R. § 103.2(b)(16)(i). The record establishes that the Petitioner was advised of the invalidity of his 2014 Supplement B and afforded the opportunity to respond through the issuance of the NOID in November 2020. The record does not establish, however, that he was advised of the invalidity of his 2020 Supplement B prior to the issuance of the Director's March 2022 decision, and therefore was not afforded an opportunity to rebut the purported June 2021 withdrawal of the certification.² Additionally, the record now includes new evidence in the form of an updated Supplement B, U Nonimmigrant Status Certification, that postdates the aforementioned withdrawals. Accordingly, we are remanding the matter to the Director to review the new evidence in the first instance and determine whether the Petitioner has demonstrated eligibility for U nonimmigrant classification.

ORDER: The decision of the Director is withdrawn. The matter is remanded to the Director for the entry of a new decision consistent with the foregoing analysis.

² We note that while the record contains the September 2019 withdrawal, the record does not appear to contain the June 2021 withdrawal.