



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

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

In Re: 22894954

Date: DEC. 9, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U 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 Petitioner's Form I-918, Petition for U Nonimmigrant Status, concluding that the record did not establish that his Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), was signed by a certifying official within six months immediately preceding the filing of his petition. The matter is now before us on appeal. Upon *de novo* review, we will dismiss the appeal.

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. 8 C.F.R. § 214.14(c)(2)(i). A Form I-918 is considered received by USCIS as of the actual date of receipt at the location designated for filing, which is recorded by USCIS. 8 C.F.R. § 103.2(a)(7)(i).

II. ANALYSIS

A. Relevant Facts and Procedural History

The record reflects that the Petitioner mailed his Form I-918 with a Supplement B to the Vermont Service Center on July 7, 2015, through the U.S. Postal Service (USPS) using priority mail express. USCIS recorded the date of receipt for the Form I-918 and Supplement B as July 9, 2015. The Supplement B was signed by the District Attorney in Georgia on January 8, 2015.

The Director issued a request for evidence requesting, among other items, an updated or newly issued Supplement B because the Petitioner's Supplement B was signed on January 8, 2015, which was more

than six months preceding the filing of his Form I-918 on July 9, 2015. The Petitioner provided several documents, including emails detailing his efforts to obtain a new or updated Supplement B. The Petitioner, however, did not provide an updated or new Supplement B.

The Director denied the Form I-918 finding that the Petitioner was ineligible for U nonimmigrant classification because his Supplement B was signed on January 8, 2015, which was more than six months immediately preceding the filing of his Form I-918 on July 9, 2015, and therefore was not properly executed per 8 C.F.R. § 214.14(c)(2)(i).

On appeal, the Petitioner claims that his Form I-918 and accompanying Supplement B were received by the Vermont Service Center on July 8, 2015, and thus was still valid upon receipt. The Petitioner also claimed that the [REDACTED] District Attorney's office declined to issue a new Supplement B due to COVID-19 and highlighted that he had been bedridden for years while suffering from several medical conditions. In support of his argument, the Petitioner provides a copy of a priority mail express receipt that shows the scheduled delivery date for his Form I-918 and accompanying Supplement B was for July 8, 2015, and which also bears a tracking number. As noted above, the Petitioner's Supplement B must have been signed within the six months immediately preceding the filing of his Form I-918. The Petitioner's Supplement B was signed on January 8, 2015, which means it needed to be filed along with his Form I-918 on or before July 8, 2015. However, USCIS recorded July 9, 2015, as the receipt date for the Petitioner's Form I-918 and Supplement B. While the Petitioner claims his Form I-918 was received on July 8, 2015, the priority mail express receipt he provided only shows a scheduled delivery date and he has not provided evidence, such as a website printout associated with the parcel's tracking number, establishing that USCIS actually received the petition on that date instead of the date recorded. The Petitioner has therefore not met his burden of showing his Supplement B was signed within six months preceding the filing of his Form I-918.

III. CONCLUSION

The Petitioner has not established that he provided a Supplement B signed by an appropriate law enforcement official within six months immediately preceding the filing of the Form I-918 as required by 8 C.F.R. § 214.14(c)(2)(i). The Petitioner is consequently ineligible for U nonimmigrant classification.

ORDER: The appeal is dismissed.