

Non-Precedent Decision of the Administrative Appeals Office

In Re: 26876829 Date: MAY 25, 2023

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

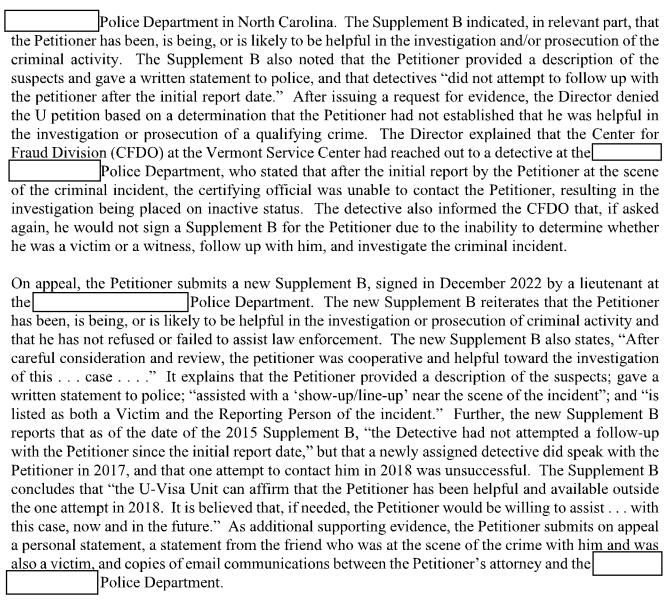
The Petitioner seeks U nonimmigrant classification under sections 101(a)(15)(U) and 214(p) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the record did not establish that the Petitioner was helpful in the investigation or prosecution of qualifying criminal activity. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

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 and possess information about the crime. Section 101(a)(15)(U)(i) of the Act. 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. This requirement includes demonstrating that, since initiating cooperation, the petitioner "has not refused or failed to provide information and assistance reasonably requested." 8 C.F.R. 212.14(b)(3). A U petition must be filed with 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 crime. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i).

II. ANALYSIS

The Petitioner filed his U petition in 2015 based on having been the victim of felonious assault. With his U petition he submitted a 2015 Supplement B signed by a certifying official from the



Because the Petitioner submits new material evidence that the Director has not had the opportunity to review, we will remand the matter to the Director to consider it in the first instance and to determine whether the Petitioner otherwise meets the requirements for U nonimmigrant status.

ORDER: The Director's decision is withdrawn.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