



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

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

In Re: 29208343

Date: NOVEMBER 30, 2023

Motion on Administrative Appeals Office 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), as a victim of qualifying criminal activity. The Director of the Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status, concluding that the Petitioner did not submit a timely executed or properly completed<sup>1</sup> Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), as required by 8 C.F.R. § 214.14(c)(2)(i). We dismissed a subsequent appeal, and the matter is now before us on a motion to reopen. 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). Upon review, we will dismiss the motion.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. See *Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

A petitioner must submit a Supplement B, from a law enforcement official certifying a petitioner’s helpfulness in the investigation or prosecution of the qualifying criminal activity. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The Supplement B must be signed by the certifying official within the six months immediately preceding the filing of the U petition. 8 C.F.R. § 214.14(c)(2)(i). A Supplement B that is not signed within the six-month period prior to the filing of the U petition does not satisfy initial evidence requirements. *Id.*; see also *New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status*, 72 Fed. Reg. 53014, 53023 (Sept. 17, 2007) (explaining that the six-month requirement was established to “seek a balance between encouraging the filing of petitions and preventing the submission of stale certifications”).

In our prior decision, we acknowledged the Petitioner’s claim that he could not obtain a new Supplement B because the certifying agency had a policy disallowing re-certifications. However, we noted that it was incumbent upon the Petitioner to submit a Supplement B within six months of

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<sup>1</sup> The Director noted that the Supplement B did not include the statutory citation concerning the qualifying criminal activity.

certification, and in the absence of a timely executed Supplement B, the Petitioner had not satisfied initial evidence requirements and did not establish eligibility for U nonimmigrant status.

On motion, the Petitioner submits a new Supplement B indicating that he was a victim of a qualifying activity, including the statutory citation related to the criminal activity. Although we acknowledge this new Supplement B, the Petitioner is not able to cure the deficiency of his initial filing, as the Supplement B was not signed within the requisite six-month period prior to the filing of the U petition as required by 8 C.F.R. § 214.14(c)(2)(i). As such, he has not satisfied the initial filing requirements for U petitions and cannot establish eligibility for relief. We recognize the harsh outcome in this case; however, we lack authority to waive the requirements of the statute, as implemented by the regulations. See *United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (holding that both governing statutes and their implementing regulations hold “the force of law” and must be adhered to by government officials).<sup>2</sup>

Although the Petitioner has submitted additional evidence in support of the motion to reopen, he has not established his eligibility for the benefit sought, U nonimmigrant status under section 101(a)(15)(U) of the Act. See *Matter of Coelho*, 20 I&N Dec. at 473. Therefore, the motion will be dismissed.<sup>3</sup>

ORDER: The motion to reopen is dismissed.

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<sup>2</sup> We also note here that the Petitioner’s filing of the instant motion is untimely as it was not submitted within 30 days after service of the prior decision, as required by 8 C.F.R. § 103.3(a)(2)(i). However, we will not address whether the Petitioner has established that the delay in filing was reasonable and beyond his control as he has not established eligibility for the benefit sought.

<sup>3</sup> 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.