



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

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

In Re: 28567087

Date: OCT. 26, 2023

Appeal of Nebraska 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. *See* Immigration and Nationality Act (the Act) sections 101(a)(15)(U) and 214(p), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The U-1 classification affords nonimmigrant status to victims of certain crimes who assist authorities investigating or prosecuting the criminal activity.

The Director of the Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the Petitioner did not submit a properly completed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), with the U petition, as required. The matter is now before us on appeal. 8 C.F.R. § 103.3. On appeal, the Petitioner submits a brief and additional evidence.

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 dismiss the appeal.

I. LAW

To establish eligibility for U-1 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, have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity, and that the qualifying criminal activity occurred in the United States or its territories or possessions. Section 101(a)(15)(U)(i) of the Act.

A U petition must be filed with a Supplement B from a law enforcement official certifying 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). The Supplement B must be signed by the relevant law enforcement official “within the six months immediately preceding the filing of the U petition.” 8 C.F.R. § 214.14(c)(2)(i).

II. ANALYSIS

The Petitioner, a native and citizen of El Salvador, filed his U petition on December 26, 2017. With his U petition, the Petitioner submitted an incomplete Supplement B executed and signed by R-M-¹ (certifying official), a Lieutenant of the [redacted] (Maryland) Police Department (certifying agency). The Supplement B did not include the date of R-M-'s signature at Part 6. The Director issued a request for evidence (RFE) on October 31, 2022, which provided that the Supplement B was not signed within the six months immediately preceding the filing of the U petition as the date of signature at Part 6 was incomplete. The Director also noted that the Supplement B did not include the statutory citations for the criminal activity, and requested an updated or newly issued Supplement B containing an original signature from a certifying official that also indicates the date of signature/certification and includes the statutory citations. In response to the RFE, the Petitioner explained that the missing date was a typographical omission on the certifying official's part, and submitted an updated Supplement B containing the date within six months prior to filing the U petition, along with the required statutory citations. The Petitioner also indicated that he possessed mailing verification from 2017 from the certifying officer of the date of receipt of the original Supplement B, but the Petitioner did not submit it for the record. The second Supplement B, submitted in response to the RFE, lists R-M- as the certifying official and includes a signature from Sgt. M- (badge number [redacted] dated July 27, 2019, one year and seven months after the filing of the U petition.

In denying the U petition, the Director noted that the second Supplement B, submitted in response to the RFE, was not sufficient. The Director explained that the initial Supplement B, submitted in support of the U petition, was completed by R-M- on behalf of the [redacted] Police Department and the second Supplement B also lists R-M- as the name of the certifying official, but is signed and dated by Sgt. M- (badge number [redacted]). Therefore, the second Supplement B was not properly signed by the certifying official that completed the Supplement B certification. The Director also concluded that the Petitioner did not establish that Sgt. M- is the head of the certifying agency, a person 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, or is a Federal, State, or local judge.

On appeal, the Petitioner explains that the certifying official, R-M-, was no longer employed by the [redacted] Police Department, which was why Sgt. M- endorsed the Supplement B with his signature. The Petitioner reports that Sgt. M- executed and signed a Supplement B listing his name as the certifying official with the date of the original underlying crime, which occurred on [redacted] 2015, but the Petitioner conversed with Sgt. M- and requested that he date the Supplement B with the current date at that time. However, the Petitioner notes that there must have been a typographical error where Sgt. M- listed another date on the Supplement B that was submitted in response to the RFE. The Petitioner contends that he should not be penalized for the typographical omissions on the part of R-M- and the typographical errors on the part of Sgt. M-. The Petitioner now submits a third Supplement B listing M-M- (Sgt. M-) as the certifying official, signed by Sgt. M- (badge number [redacted] and dated [redacted] 2015, over two years prior to the filing of the U petition. The Petitioner also submits a copy of an e-mail message from his counsel to D-M-, a person the Petitioner refers to as "Chief M-", referencing a phone call and requesting "the re-

¹ We use initials to protect the privacy of individuals.

certification of [the Petitioner] as a victim of a crime as evidenced by the police report.” The Petitioner does not submit a copy of any response from “Chief M-,” other than the two Supplements B submitted in response to the RFE and on appeal.

As stated above, the Act requires the submission of a Supplement B. Section 214(p)(1) of the Act. Relevant regulations reiterate that the U petition “must include [as] initial evidence” a Supplement B “signed by a certifying official.” 8 C.F.R. § 214.14(c)(2)(i). A certifying official is defined 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” or a “Federal, State, or local judge.” 8 C.F.R. § 214.14(a)(3)(i).

The record as a whole, including items submitted on appeal, does not establish that the updated Supplement B was properly executed by a certifying official as required by 8 C.F.R. § 214.14(c)(2)(i). The record does not show that Sgt. M-, the Sargeant within the [REDACTED] Police Department who signed and certified the updated Supplement B, is the head of the certifying agency or is employed in any supervisory capacity. Indeed, the Supplement B provides that A-A- serves as Head of the Certifying Agency, and the record does not contain any evidence to show that he specifically designated Sgt. M- to issue a Supplement B on the Department’s behalf. Moreover, while the Petitioner submits a copy of an e-mail message to “Chief M-,” he does not submit evidence of “Chief M-’s” authority within the [REDACTED] Police Department or evidence that he, or someone with authority to do so, specifically designated Sgt. M- with the authority to execute the Petitioner’s Supplement B or otherwise aid the Petitioner in meeting the requirements of the regulation. The deficiencies identified by the Director remain in the record on appeal and the Petitioner has not overcome the grounds for denial of his U petition. Accordingly, he has not established his eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. Additionally, he is ineligible for U-1 nonimmigrant classification because without a properly executed Supplement B, he cannot establish he was the victim of qualifying criminal activity, possessed information about the qualifying criminal activity, or was helpful to law enforcement in the investigation or prosecution of the qualifying criminal activity.

III. CONCLUSION

The Petitioner has not shown that the updated Supplement B he submitted was signed by a certifying official, as 8 C.F.R. § 214.14(c)(2)(i) requires. Consequently, he is not eligible for U nonimmigrant status under section 101(a)(15)(U)(i) of the Act.

ORDER: The appeal is dismissed.