

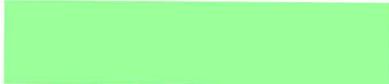
(b)(6)

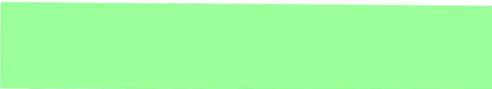
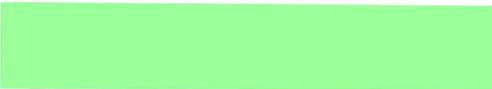
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



Date: **JUL 17 2013** Office: VERMONT SERVICE CENTER FILE: 

IN RE: PETITIONER: 
BENEFICIARY: 

PETITION: Petition for a Qualifying Family Member of a U Nonimmigrant Pursuant to Section 101(a)(15)(U)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)(ii)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director of the Vermont Service Center (the director) approved the petitioner's U nonimmigrant status petition (Form I-918 U petition) but denied the Petition for Qualifying Family Member of a U-1 Recipient (Form I-918 Supplement A) submitted by the petitioner on behalf of the beneficiary. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks nonimmigrant classification of the beneficiary under section 101(a)(15)(U)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U)(ii), as a qualifying family member of a U nonimmigrant. The director denied the Form I-918 Supplement A due to abandonment because the petitioner failed to respond to the director's Request for Evidence (RFE).

The petitioner, through counsel, appealed the director's decision to deny the Form I-918 Supplement A, claiming that the petition was denied in error. Counsel submits a copy of an RFE issued to the petitioner regarding the petitioner's U-1 nonimmigrant status petition as well as a copy of the petitioner's response.

The denial of a petition due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, it must be rejected. However, even if the AAO had jurisdiction over the appeal, counsel's submission would be insufficient to overcome the director's denial decision. The director issued an RFE to the petitioner on May 10, 2012 regarding this Form I-918 Supplement A, notifying the petitioner that the beneficiary was inadmissible to the United States under section 212(a)(6)(A)(i) of the Act and, therefore, requiring the filing of an Application for Advance Permission to Enter as a Nonimmigrant (Form I-192). The petitioner failed to respond to the RFE and on appeal does not submit the requested application. Consequently, the record remains incomplete and the applicant ineligible for derivative U nonimmigrant status.

ORDER: The appeal is rejected. The petition remains denied.