

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

(b)(6)

Date: **MAY 13 2013**

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE:

PETITIONER:
BENEFICIARY: [REDACTED]

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:
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the petitioner's U nonimmigrant status petition (Form I-918 U petition) and 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.¹ The appeal will be dismissed and the petition will remain denied.

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 because the petitioner's Form I-918 U petition was denied.

In a separate proceeding, the AAO dismissed the petitioner's appeal from the denial of her Form I-918 U petition. As the petitioner has been found ineligible for U nonimmigrant classification, the Form I-918 Supplement A that she submitted on behalf of her child cannot be approved. 8 C.F.R. § 214.14(a)(10).²

In these proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4). Here, the petitioner has not met her burden of showing eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

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

¹ On appeal, counsel requested that the Vermont Service Center first treat the appeal as a motion to reopen or reconsider. The director determined that the appeal did not meet the requirements of a motion and forwarded the matter to the AAO.

² The beneficiary appealed the director's decision to deny the Form I-918 Supplement A submitted on her behalf by signing the Form G-28, Notice of Entry or Appearance as Accredited Representative. However, the beneficiary of a visa petition is not an affected party and may not submit an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). Consequently, even if the petitioner had been found eligible for U status, the appeal would have been rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).