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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: **NOV 27 2013** Office: VERMONT SERVICE CENTER FILE: [REDACTED]

IN RE: PETITIONER: [REDACTED]  
BENEFICIARY: [REDACTED]

PETITION: Petition for U Nonimmigrant Classification for Qualifying Family Member of U-1 Recipient 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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center (the director), denied the Petition for Qualifying Family Member of a U-1 Recipient (Form I-918 Supplement A) submitted by the petitioner on behalf of her child. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the petition will remain denied.

The petitioner seeks nonimmigrant classification of her child 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-1 nonimmigrant.

The director denied the Form I-918 Supplement A filed by the petitioner on behalf of her son because the petitioner's Form I-918, Petition for U Nonimmigrant Status (Form I-918 U petition), was denied. The petitioner, through counsel, timely filed the instant appeal with the AAO. On appeal, counsel submits a Notice of Appeal (Form I-290B) and additional evidence.

Counsel claims that the basis of the appeal is "technical and not substantive." She indicates that the petitioner's Form I-918 U petition was denied because it was not accompanied by a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Form I-918 Supplement B), and that she did not receive a request from U.S. Citizenship and Immigration Services (USCIS) to submit a Form I-918 Supplement B. Counsel's claims and evidence relate to the merits of the petitioner's Form I-918 U petition and do not address this petition, the Form I-918 Supplement A filed on her child's behalf. In addition, USCIS records do not reflect, nor has the petitioner submitted any evidence, that the petitioner has an approved U nonimmigrant visa petition.

As the petitioner has not received U nonimmigrant classification, her child is ineligible for nonimmigrant classification as the qualifying relative of a U nonimmigrant pursuant to section 101(a)(15)(U)(ii)(II) of the Act. Consequently, the Form I-918 Supplement A that the petitioner submitted on behalf of her child cannot be approved. *See* 8 C.F.R. § 214.14(a)(10).

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

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