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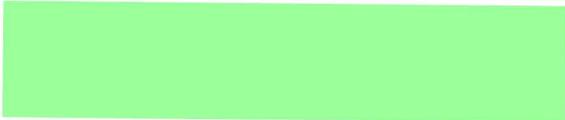
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



Date: **JUN 26 2014** Office: VERMONT SERVICE CENTER FILE: 

IN RE: PETITIONER: 
BENEFICIARY:

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)

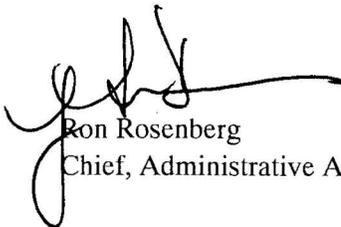
ON BEHALF OF PETITIONER:



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.

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 The director's decision will be withdrawn and the matter remanded for entry of a new decision.

The petitioner seeks nonimmigrant classification of her son 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 petitioner's Petition for U Nonimmigrant Status (Form I-918 U petition), because she did not submit a properly executed law enforcement certification (Form I-918 Supplement B), nor did she establish the eligibility criteria at section 101(a)(15)(U)(i) of the Act. The petitioner appealed the director's adverse finding. On appeal, counsel explained that in response to a Request for Evidence (RFE), the petitioner submitted a newly certified original Form I-918 Supplement B signed by a certifying official; however, it must have been misplaced. She submitted another Form I-918 Supplement B on appeal.

The petitioner is a native and citizen of Mexico, who filed her Form I-918 U petition on April 23, 2012 with a photocopy of a Form I-918 Supplement B dated October 19, 2011. On May 20, 2013, the director issued a Request for Evidence (RFE) requesting the original Form I-918 Supplement B with the signature of a person who is recognized as a certifying official or a newly executed Form I-918 Supplement B. On September 11, 2013, the director denied the petition because the petitioner failed to submit a properly executed Form I-918 Supplement B.

According to the evidence in the record, on June 10, 2013, the Vermont Service Center received a newly executed Form I-918 Supplement B, dated May 27, 2013. However, the Form I-918 Supplement B was not included in the record at the time the director made a final decision on the Form I-918 U petition, but it is has since been incorporated into the record. As the petitioner submitted a newly executed Form I-918 Supplement B in response to the director's RFE and the director's denial did not address this new Form I-918 Supplement B, we remanded the matter to the director for issuance of a new decision on the Form I-918 U petition.

On September 24, 2013, the director denied the instant Form I-918 Supplement A based solely on the denial of the petitioner's Form I-918 U petition. However, since the director's decision on the Form I-918 U petition was withdrawn and remanded to the director for issuance of a new decision, the decision on the Form I-918 Supplement A will be withdrawn and the matter remanded for entry of a new decision. If the decision is adverse to the petitioner, it shall be certified to the AAO for review. As in all visa proceedings, the petitioner bears the 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).

In addition, all nonimmigrants, including U nonimmigrants, must establish their admissibility to the United States or show that any grounds of inadmissibility have been waived. 8 C.F.R. § 214.1(a)(3)(i).

For qualifying family members of U-1 nonimmigrants who are inadmissible to the United States, the regulations at 8 C.F.R. §§ 212.17, 214.14(f)(3)(ii) require the filing of a Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Form I-192) in conjunction with a Form I-918 Supplement A in order to waive any ground of inadmissibility. A full review of the record in this case establishes that the beneficiary is inadmissible under subsections 212(a)(6)(A)(i) (present without admission or parole) and 212(a)(7)(B)(i)(II) (nonimmigrant without a valid passport) of the Act. The director denied the beneficiary's Form I-192 solely on the basis of the denial of the Form I-918 Supplement A. We have no jurisdiction to review the denial of a Form I-192 submitted in connection with a Form I-918 Supplement A. 8 C.F.R. § 212.17(b)(3). However, because the director's decision on the Form I-918 Supplement A has been withdrawn, we will return the matter to the director for reconsideration of the Form I-192.

ORDER: The director's decision is withdrawn. The matter is returned to the director for reconsideration of the Form I-192 and issuance of a new decision on the Form I-918 Supplement A, which if adverse to the petitioner shall be certified to the AAO for review.