



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

Date: **AUG 20 2015**

FILE #: [Redacted]

APPEAL RECEIPT #: [Redacted]

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

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

ON BEHALF OF PETITIONER:  
[Redacted]

INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Form I-290B, Notice of Appeal or Motion, **within 33 days of the date of this decision**. The Form I-290B website ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

*R* Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Petitioner seeks nonimmigrant classification of the beneficiary as a qualifying family member of a U-1 nonimmigrant. Immigration and Nationality Act (the Act) § 101(a)(15)(U)(ii), 8 U.S.C. § 1101(a)(15)(U)(ii). The Director, Vermont Service Center, denied the petition. The Petitioner filed a motion to reconsider, which the Director dismissed. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the Petitioner's Form I-918 Petition for U Nonimmigrant Status because the Petitioner did not establish that he was admissible to the United States or had any grounds of inadmissibility waived. After the Director denied the Petitioner's motion to reconsider, the Petitioner appealed the Director's adverse finding.

In a separate proceeding, we dismissed the Petitioner's appeal because he failed to demonstrate that he was admissible to the United States and we have no jurisdiction to adjudicate a waiver, and consequently, he is ineligible for nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. As the Petitioner's Form I-918 remains denied, the Beneficiary 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 the Beneficiary 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.