



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF D-S-P-

DATE: DEC. 18, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-918 SUPPLEMENT A, PETITION FOR QUALIFYING MEMBER OF U-1
RECIPIENT

The Petitioner seeks nonimmigrant classification of the Derivative as a qualifying family member of a U-1 nonimmigrant. *See* 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 matter is now before us on appeal. The appeal will be dismissed.

The Director denied this Derivative petition based on the Director's denial of the Petitioner's own Form I-918, Petition for U Nonimmigrant Status.

In a separate proceeding, we dismissed the Petitioner's appeal of his Form I-918 denial decision. As the Petitioner's Form I-918 remains denied, the Derivative is ineligible for nonimmigrant classification as the qualifying family member of a U nonimmigrant pursuant to section 101(a)(15)(U)(ii)(II) of the Act. Consequently, the Form I-918 Supplement A submitted by the Petitioner on behalf of the Derivative cannot be approved. *See* 8 C.F.R. § 214.14(a)(10), (f)(1).

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

ORDER: The appeal is dismissed.

Cite as *Matter of D-S-P-*, ID# 15226 (AAO Dec. 18, 2015)