



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

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

MATTER OF M-G-D-

DATE: DEC. 22, 2015

MOTION ON ADMINISTRATIVE APPEALS OFFICE 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 and we dismissed a subsequent appeal. The matter is now before us on a motion to reconsider. The motion will be denied.

The Director denied the Form I-918 Supplement A, Petition for Qualifying Member of U-1 Recipient, because the record indicated that the Petitioner's Form I-918, Petition for U Nonimmigrant Visa, had been denied and thus, he had not been granted U nonimmigrant status. The Petitioner appealed the Director's decision on the Form I-918 Supplement A. We dismissed the appeal, because in a separate proceeding, we had already dismissed the Petitioner's appeal of the denial of his Form I-918, and consequently, the Derivative was ineligible for nonimmigrant classification as the qualifying relative of a U nonimmigrant pursuant to section 101(a)(15)(U)(ii) of the Act. The Petitioner thereafter filed the instant motion to reconsider our May 11, 2015, decision on the Form I-918 Supplement A on behalf of the Derivative.

The record indicates that the Petitioner also filed a motion to reconsider our decision dismissing his appeal of the denial of his Form I-918. We denied the Petitioner's motion to reconsider and the Petitioner's Form I-918 remains denied. The Petitioner therefore remains ineligible for U nonimmigrant classification and the Derivative is ineligible for nonimmigrant classification as the qualifying relative of a U nonimmigrant. Accordingly, the Form I-918 Supplement A that the Petitioner submitted on behalf of the Derivative cannot be approved. 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 motion to reconsider is denied.

Cite as *Matter of M-G-D-*, ID# 15100 (AAO Dec. 22, 2015)