U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF M-G-

DATE: APR. 26, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner, who seeks "U-1" nonimmigrant classification for himself, also seeks U nonimmigrant classification of the Derivative as a qualifying family member of a person granted U-1 status. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(U)(ii), 8 U.S.C. § 1101(a)(15)(U)(ii). The U classification affords nonimmigrant status to victims of certain crimes who assist authorities investigating or prosecuting the criminal activity, and affords derivative status for qualifying family members.

The Director, Vermont Service Center, denied the Derivative's Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient. The Director determined that because the Petitioner's Form I-918, Petition for U Nonimmigrant Status, had been denied, the Derivative was ineligible as a qualifying family member of a U-1 nonimmigrant. We dismissed a subsequent appeal filed on the Derivative's behalf as the Petitioner's appeal had been separately dismissed.

The matter is now before us on a motion to reopen. The motion will be denied.

In order to properly file a motion, the regulation at 8 C.F.R. § 103.5(a)(1)(iii)(A) requires that the motion be signed by the affected party or his or her attorney. The Derivative is not an affected party in this proceeding. *See* 8 C.F.R. §§ 103.2(a)(3), 214.14(f)(1). Here, the Form I-290B, Notice of Appeal or Motion, was signed by an attorney and the accompanying Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, indicates that the attorney represents the Derivative in this proceeding. Accordingly, the motion does not meet the filing requirements.

Even if the motion had been properly filed, it would nevertheless be denied. Approval of the Derivative's Form I-918 Supplement A, is contingent upon the approval of the Petitioner's Form I-918. *See* 8 C.F.R. § 214.14(a)(10), (f)(1). In a separate proceeding, we denied the Petitioner's motion on our prior dismissal of his appeal. As the Petitioner's Form I-918 remains denied, the Derivative is ineligible for nonimmigrant classification as the qualifying relative of a U nonimmigrant pursuant to section 101(a)(15)(U)(ii) of the Act.

ORDER: The motion to reopen is denied.

Cite as *Matter of M-G-*, ID# 16330 (AAO Apr. 26, 2016)