U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF Y-A-V-

DATE: DEC. 8, 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 (U derivative petition). The Director determined that because the Petitioner's Form I-918, Petition for U Nonimmigrant Status (U petition), had been denied the Derivative was ineligible as a qualifying family member of a U-1 nonimmigrant.

Approval of the U derivative petition is contingent upon the approval of the U petition. *See* 8 C.F.R. §§ 214.14(a)(10), (f)(1). In separate proceedings, we first dismissed the Petitioner's appeal of his U petition and then denied a subsequent motion to reconsider. Most recently we again denied the Petitioner's motion to reopen and reconsider the U petition. As the Petitioner's U petition 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. The Petitioner bears the burden of proving eligibility for U nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende,* 26 I&N Dec. 127, 128 (BIA 2013). The Petitioner has not met this burden.

ORDER: The motion to reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of Y-A-V-*, ID# 188757 (AAO Dec. 8, 2016)