



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

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

MATTER OF A-E-P-E-

DATE: DEC. 14, 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 herself, 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. We dismissed an appeal filed on the Derivative's behalf.

The matter is before us on a motion to reopen and motion to reconsider. The Petitioner submits a copy of her brief asserting that she is eligible for U-1 nonimmigrant status.

Upon review, we will deny the motion to reopen and motion to reconsider.

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 dismissed the Petitioner's appeal of her U petition and denied her subsequent motion to reopen and motion to reconsider because she did not establish that she was the victim of a qualifying crime, and consequently, was ineligible for nonimmigrant classification under section 101(a)(15)(U)(i) of the Act. 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)(II) of the Act.

The Petitioner bears the burden of proving her own and her derivative's eligibility for U nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4), (f)(5); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). The Petitioner has not met this burden. Accordingly, the motion to reopen and the motion to reconsider are denied.

*Matter of A-E-P-E-*

**ORDER:** The motion to reopen is denied.

**FURTHER ORDER:** The motion to reconsider is denied.

Cite as *Matter of A-E-P-E-*, ID# 00044986 (AAO Dec. 14, 2016)