



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

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

MATTER OF J-C-R-M-

DATE: JAN. 15, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-918 SUPPLEMENT A, PETITION FOR QUALIFYING FAMILY 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 reopen and a motion to reconsider. The motions will be denied.

The Director denied the Petitioner's Form I-918 Petition for U Nonimmigrant Status, because the Petitioner had not established that she was a victim of qualifying criminal activity or criminal activity that was substantially similar to one of the qualifying crimes, and consequently, she also had not demonstrated that she had suffered resultant substantial physical or mental abuse, possessed information concerning qualifying criminal activity, had been helpful to authorities investigating or prosecuting qualifying criminal activity, and shown that qualifying criminal activity occurred within the jurisdiction of the United States. We summarily dismissed the Petitioner's appeal and, based on that decision, we also dismissed the appeal filed on the Derivative's behalf.

In a separate proceeding, we denied the Petitioner's motions to reopen and reconsider our decision to summary dismiss her appeal. As the Petitioner's Form I-918 remains denied, the Derivative is ineligible for nonimmigrant classification as the qualifying family member of a U-1 nonimmigrant. *See* Section 101(a)(15)(U)(ii) of the Act; 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 reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of J-C-R-M-*, ID# 15601 (AAO Jan. 15, 2016)