



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

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

MATTER OF Y-A-V-

DATE: JUNE 29, 2016

APPEAL OF VERMONT SERVICE CENTER 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.

The matter is before us on appeal. On appeal, the Petitioner submits a brief.

Upon *de novo* review, we will dismiss the appeal.

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 his U petition and denied a subsequent motion to reconsider because he did not establish that he 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 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. Accordingly, the appeal is dismissed.

Matter of Y-A-V-

ORDER: The appeal is dismissed.

Cite as *Matter of Y-A-V-*, ID# 15005 (AAO June 29, 2016)