



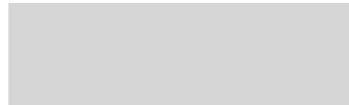
U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUL 23 2015**

FILE #:



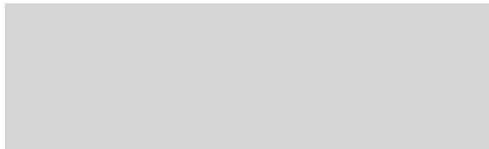
APPEAL RECEIPT #:

IN RE: Petitioner:
Beneficiary:



PETITION: Petition for Qualifying Family Member of U-1 Recipient Pursuant to Section 101(a)(15)(U)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)(ii)

ON BEHALF OF PETITIONER:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

REV 3/2015

DISCUSSION: The Acting Director, Vermont Service Center (the director), denied the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks nonimmigrant classification of the beneficiary under section 101(a)(15)(U)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U)(ii), as a qualifying family member of a U-1 nonimmigrant.

The director denied the petitioner's Form I-918, Petition for U Nonimmigrant Status (Form I-918 U petition) because the petitioner did not establish that he was a victim of qualifying criminal activity or had suffered substantial physical or mental abuse as a result, and therefore also failed to demonstrate the remaining eligibility requirements. The petitioner filed a timely appeal.

In a separate proceeding, we dismissed the petitioner's appeal because he failed to 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 Form I-918 U petition remains denied, the beneficiary 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. Accordingly, the Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient, that the petitioner submitted on behalf of the beneficiary cannot be approved. *See* 8 C.F.R. § 214.14(a)(10).

As in all visa petition proceedings, the petitioner bears the burden of proving eligibility for the benefit he seeks. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the petitioner has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed. The petition remains denied.