

IMPORTANT:

This is a link to a simple pdf version of your Her Justice manual. Please download this document and then open it in Adobe Acrobat or Google Chrome in order to access all the features of this manual, including bookmarks and page thumbnails.

This training manual is intended for informational purposes only and to be used in consultation with a Her Justice mentor and should not be considered as a substitute for legal advice. Users should always consult with a qualified attorney regarding any specific legal questions or situations arising from their practice. The authors and publishers of this manual assume no responsibility for any errors or omissions contained herein, or for any consequences arising from its use.

T-Nonimmigrant Status

Manual 2025



ALERT: This Manual was finalized in March 2025 – any urgent immigration policy updates that went into effect after this date will be addressed by your Her Justice mentor and in the Training that accompanies this manual.

Please also refer to our accompanying Immigration Policy Updates Manual for additional information.

T NON- IMMIGRANT STATUS MANUAL 2025

T NONIMMIGRANT STATUS

TABLE OF CONTENTS

EXHIBIT 1 – GET TO KNOW YOUR CLIENT AND HER CASE

- A. Exhibit 1 Table of Contents
- B. Her Justice FAQ
- C. Best Practices and Ethical Considerations
- D. Her Justice T Non immigrant Status Program
- E. T Nonimmigrant Status Overview and Eligibility
- F. Continued Presence and reporting trafficking to law enforcement
- G. Grounds of inadmissibility and waivers
- H. Derivative applicants
- I. T Nonimmigrant Status eligibility at a glance
- J. Common terms and definitions

EXHIBIT 2A – INITIAL FILING: GUIDANCE AND RESOURCES

- A. Exhibit 2A Table of Contents
- B. Quick Reference: Step-by-Step Guide for Filing a T Nonimmigrant Status Application
- C. Contents of the T Nonimmigrant Status Application
- D. Before Your First Client Meeting
- E. T Visa Document Checklist for Clients
- F. Interviewing Your Client
- G. Article: Interviewing and Assisting Trafficking Survivors
- H. Filing the T Nonimmigrant Application
- I. USCIS Forms Warning

EXHIBIT 2B – INITIAL FILING: SAMPLE FORMS AND AFFIDAVITS

- A. Exhibit 2B Table of Contents
- B. Sample Cover Letter
- C. Sample G-28
- D. Sample Form I-914, Application for T Nonimmigrant Status
- E. Sample Form I-914 Addendum
- F. Sample Statement of Law
- G. Sample Index of Supporting Documents
- H. Sample I-914 Affidavit
- I. Sample Attorney Affidavit on Law Enforcement Cooperation
- J. Sample Form I-765, Application for Employment Authorization under category (c)(40) (for T principals and T derivatives)
- K. Sample Form I-192, Application for Advance Permission to Enter as a Nonimmigrant
- L. Sample I-192 Affidavit

- M. Sample Form I-914, Supplement A, Application for Family Member of T-1 Recipient
- N. Sample Form I-765, Application for Employment Authorization under category (c)(25) (for T derivatives only)
- O. Sample I-914, Supplement B, Declaration of Law Enforcement Officer (rarely submitted)
- P. Sample G-639, Freedom of Information Act Request
- Q. Sample Authorization for Release of Health Information

EXHIBIT 3 – POST-FILING: IMPORTANT DOCUMENTS PRIOR TO DECISION

- A. Exhibit 3 Table of Contents
- B. Post-filing guidance
- C. What happens after I file an application with USCIS?
- D. Sample I-914 Receipt Notice
- E. Sample I-192 Receipt Notice
- F. Sample I-765 Receipt Notice ((c)(40))
- G. Sample I-914 Supplement A Receipt Notice
- H. Sample I-765 Receipt Notice ((c)(25))
- I. Sample I-914 Biometrics Notice
- J. Sample I-914 Supplement A Biometrics Notice (derivative outside the U.S.)
- K. Sample Request for Evidence (RFE) for Presence on Account of Trafficking and Extreme Hardship Involving Unusual and Severe Harm
- L. Sample RFE Response Cover Letter and Statement of Law for Presence on Account of Trafficking and Extreme Hardship Involving Unusual and Severe Harm
- M. Sample New Attorney G-28 Cover Letter

EXHIBIT 4 – POST-FILING: DECISION AND POST-DECISION

- A. Exhibit 4 Table of Contents
- B. Decision and Post-Decision Guidance
- C. Sample I-914 Approval Notice
- D. Sample (a)(16) Employment Authorization Document for T-1 Applicant
- E. Sample I-914 Supplement A Approval Notice
- F. Sample (c)(25) Employment Authorization Document for T Derivative
- G. Sample I-192 Approval Notice
- H. Sample I-765 Approval Notice
- I. Sample Termination Letter

EXHIBIT 1: GET TO KNOW YOUR CLIENT & HER CASE

EXHIBIT 1: GET TO KNOW YOUR CLIENT & HER CASE

- A. Cover Page and Sub-Table of Contents
- B. Her Justice FAQ
- C. Best Practices and Ethical Considerations
- D. Her Justice T Nonimmigrant Status Program
- E. T Nonimmigrant Status Overview and Eligibility
- F. Continued Presence and Reporting Trafficking to Law Enforcement
- G. Grounds of Inadmissibility and Waivers
- H. Derivative Applicants
- I. T Nonimmigrant Status Eligibility at a Glance
- J. Common Terms and Definitions

FREQUENTLY ASKED QUESTIONS

Thank you for taking a pro bono case through Her Justice. We hope the following frequently asked questions will help guide your representation and troubleshoot some common challenges in pro bono work. Our manuals provide additional information and guidance specific to each type of case in our program. Of course, your mentor is always available to answer questions about legal strategy and client expectations as your case progresses.

1. What is my firm's relationship with Her Justice for the purpose of this matter?

Her Justice is a consultant to the firm. We provide mentoring, training, sample documents, and will also review any written materials that you produce in the case. When we put a client on our waitlist, we explain to them that they will be represented directly by a firm, and that we will act as consultants to their lawyers. We assert attorney-client privilege over our direct communications with clients and over our communications with our pro bono teams.

We recommend that you explain this relationship to your client at your initial meeting so that they can be reminded of our relationship with the firm and understand that the firm should be their main point of contact going forward. We recommend that Her Justice be described in your retainer agreement as an outside consultant with whom you may have privileged and confidential discussions and share documents and information.

2. This is my first pro bono client and I don't feel like I understand their perspective on the case. What should I do?

Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective our client has on their case may vary significantly from you. Take this as an opportunity to explore sensitivity and cultural humility. Do not assume. Leave space for inquiry and introspection.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

3. What is required if my client and I do not speak the same languages?

We are grateful to firms that take cases for clients with limited English proficiency, who are even less likely to have access to justice than our similarly situated clients with English fluency. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to work with a qualified interpreter - any staff member that demonstrates written and spoken fluency - at your firm that can consistently interpret during all calls and communications with your client. If that is not accessible to you, think creatively about the interpretation and translation services available to you. Ask your pro bono coordinator if it is possible to retain professional interpreter services, or assist you in reviewing the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.**

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

4. What special considerations are there for working with domestic violence survivors?

In 2024, 85% of Her Justice client self-identified as survivors of Intimate Partner Violence (IPV). Your representation may or may not be directly related to the abuse that they have experienced. Depending on your client's specific circumstances, there are multiple ways that your client's experiences as a survivor may impact your work together. It is best practice in the course of your representation to make your client's safety and autonomy paramount.

For more information, please see the Best Practices and Ethical Considerations, and What is Domestic Violence sections, and Appendix Resources of this manual. Consult your mentor for further guidance.

5. What special considerations are there for working with clients with physical or cognitive disabilities?

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodation is needed. Check in with your client periodically about what

they need in order to work most effectively with you throughout your representation, e.g., instead of handing them a written paper, ask if they are comfortable reading it to themselves or if they would like you to read it out loud to them. Be mindful of potential obstacles like the accessibility of your building or public transportation to get to your office or a court building.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

6. I am having trouble getting in contact with my client. What should I do?

We emphasize to clients that your time is valuable, and that they must be responsive to their pro bono attorney's calls, and respectful of attorney time. It is important for attorneys, however, to remember that Her Justice clients typically fall within 200% of the federal poverty line (approximately \$30,000 for a household of one), are juggling multiple urgent needs, and are prioritizing accordingly. For example, in light of food or housing insecurities, your client may choose to forego buying cell phone minutes in order to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

7. My client has been late to meetings or hasn't shown up to court or my office. What should I do?

We emphasize to clients that they should call you if they need to change or cancel their appointment, or if they are running late. It is helpful if the pro bono attorneys understand that it is not unusual for a client to have trouble keeping an appointment. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. It is possible that attending an appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Consider whether the firm could pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation. At your first meeting with the client, ask them about their work and childcare schedules so you can select meeting dates and times that are easy to keep. For example, if your case will involve court appearances, tell the client that they should expect to meet with you or attend court during business hours, and that they will have to ask for time off from work or arrange for childcare in order to do so. Plan to meet up early on the day of a court appearance, taking into account the likelihood of the client needing extra time to get to court from home with everything they need and childcare in place. These expectations should be clear at the outset of the case so that the client can plan and does not feel surprised or overwhelmed later on. We thank you for your patience and compassion and encourage you to use your time with your client efficiently, to keep the number of meetings manageable.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

8. My client wants me to help with a new case or another issue. What should I tell them?

Remember that your firm is retained only for a specific case, and your retainer agreement should state the scope of the representation simply and specifically. For Family Court cases, we recommend that you specify the docket number for your case on the retainer, as you are not obligated to represent the client on future violation and modification petitions. While we encourage firms to assist clients if possible, with related cases, we do not recommend that the firm take on additional cases for a client without consulting with Her Justice or another legal services organization, if the new case is unrelated to family, matrimonial, or immigration work.

Be consistent with the client and maintain appropriate boundaries, remembering that you are their attorney for a discrete issue, and cannot provide social work services or unrelated legal services (for more information on these services, see Question 9, below). If the client has new legal issues, contact Her Justice for a new intake for the client. It is possible that Her Justice can provide advice or an appropriate referral. If the new issue is one that we would typically assist with, we can discuss whether the firm would like to expand its representation to include the new case (for example, the client now has an order of protection case in addition to a child support case).

9. I think my client needs to talk to a counselor or social worker. What should I do?

The litigation process can be very stressful and upsetting for clients. Many clients have underlying mental health concerns, such as depression or post-traumatic stress disorder, or would benefit from extra support in making decisions about the trajectory of their cases.

Contact your mentor about connecting your client to the in-house social work program at Her Justice. If your client is a survivor of domestic violence or elder abuse, they also qualify for services at a New York City Family Justice Center (FJC). Your mentor can assist with making a referral. Many clients already have case managers assigned at their local FJC.

10. How can I get up to speed on the substantive law that affects my case?

Our manuals provide an overview of the relevant law for each type of case that we mentor. In addition, we offer live and video training on every type of case, plus some additional advanced topics such as child support enforcement and division of pensions in a litigated divorce. It is imperative that you attend or view the relevant training before you start the case so that you are competent to answer basic questions that your client will have at the first meeting. Your mentor is available to answer your substantive law questions and provide guidance on any research you need to conduct, once you have viewed the training and reviewed our manual. It is also important to remember your general obligation as an attorney to familiarize yourself with the relevant law, so be sure to review, for example, the sections of the Family Court Act, Domestic Relations Law, Civil Practice Law and Rules, or applicable immigration laws you will be relying upon in your case.

11. I have a trial coming up in the Family or Supreme Court and I don't know where to begin. What should I do?

Getting courtroom experience as the lead attorney is one reason that pro bono attorneys, and leadership at their firms, seek out our cases. Our staff attorneys have personally litigated many cases, but we are primarily your consultants on substantive law, client management, and case strategy, rather than trial advocacy skills. For general litigation practice skills (for example, understanding hearsay, entering exhibits into evidence, and conducting cross examination), remember that your firm's litigation department has in-house expertise and resources in addition to the knowledge we can provide.

12. I am going on secondment, parental or other extended leave, or leaving the firm—what happens to my client? Can Her Justice take the case back?

The client has retained your firm, not any individual attorney, for pro bono representation. Her Justice is a pro-bono-first organization. With a relatively small staff of attorneys, we are able to mentor thousands of cases a year because the firms represent the clients directly, aided by our training and mentoring. Because of this leverage model, usually it is not possible for Her Justice to take the case back. Although it is possible to take on a client as an attorney working alone, it is best if the client has two associates in addition to a supervising partner. This will allow each attorney to accommodate very busy times for billable work and allows for seamless transition of cases in the event that an attorney

leaves the firm for any reason. If you are leaving, it is imperative that you find a replacement attorney at the firm before you go. The client should meet their new attorney with you, ideally in person, before you leave, and the new attorney should take possession of all files and materials. Contact Her Justice right away if you are leaving the firm for any significant period of time. Ultimately, when a pro bono attorney is no longer available to the client, it is the responsibility of the firm to re-staff the case. If your firm has taken an uncontested divorce that has become contested, and the firm has a policy against pro-bono contested matrimonial work, speak with your mentor immediately about your options.

BEST PRACTICES AND ETHICAL CONSIDERATIONS

Thank you so much for your time, effort and energy in providing pro bono legal representation to our clients. This document is meant to provide some useful framing of the unique experiences and needs of our clients as well as some best practices and ethical considerations to guide you in your practice.

POVERTY IS A RACE AND GENDER EQUITY ISSUE

The impacts of poverty are felt disproportionately amongst communities of color and communities with Limited English Proficiency (LEP) in New York City and New York State. A comprehensive study of poverty in New York City by the Poverty Tracker Research Group at Columbia University (2021) found that, before the pandemic, nearly one in five adults (or 1.2 million people) in New York City lived in poverty and more than 350,000 children (one in five) live in poverty¹. Research from the New York State Comptroller shows that one quarter of New York's foreign born population lived below the poverty level in 2021 compared to 15% nationwide². Further, a study by the Poverty Tracker Research Group at Columbia found that every year, from 2016 to 2019, Black and Latino New Yorkers were **twice** as likely as white New Yorkers to experience poverty; 22% of Black New Yorkers, 25% of Latino New Yorkers, 21% Asian New Yorkers lived in poverty from 2016 to 2019 compared to 12% of white New Yorkers.³ Further, due to structural racism and discrimination, "roughly 40% of Black New Yorkers and 30% of Latino New Yorkers who exited poverty were pushed back below the poverty threshold just a year later"⁴. According to researchers at the Poverty Tracker Research Group at Columbia, "the interaction between racism, discrimination, and economic inequality leaves Black and Latino New Yorkers significantly more likely to endure material hardship than white New Yorkers⁵."

People of marginalized gender identity, referring to women and individuals who identify outside of the gender binary⁶, in New York City were more likely to experience all forms of disadvantage than cisgender⁷ men⁸. In fact, families with female heads of household

¹ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

² New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

³ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁴ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁵ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁶ The gender binary refers to the idea that there are only two genders

⁷ Cisgender refers to someone whose gender identity is the same as the sex they were assigned at birth

⁸ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

experience poverty at more than two times the rate of all families and four times the rate of married couples.⁹ A study conducted by Legal Services NYC (2016) found that Black Americans in same sex couples have poverty rates at least twice of those of different sex couples and Black people in same-sex couples are more than six times as likely to be impoverished than White men in same-sex couples¹⁰. This same study found that transgender Americans are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%)¹¹.

HER JUSTICE CLIENT POPULATION

Her Justice serves low-income folks of marginalized gender identities who reside in the 5 boroughs of New York with legal issues in the areas of family, matrimonial, and immigration law. Our clients' income falls 200% below the Federal Poverty Level (FPL), which was \$15,060 for a single person and \$62,400 for a family of 4 in 2024¹². Poverty is "when an individual or household does not have the financial resources to meet basic needs such as food, clothing, and shelter, or alternatively, access to a minimum standard of living".¹³ Our clients are 92% women of color, 85% self-identify as survivors of intimate partner violence, and 49% have Limited English Proficiency (LEP) and would need an interpreter to effectively engage in court proceedings¹⁴.

⁹ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁰ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

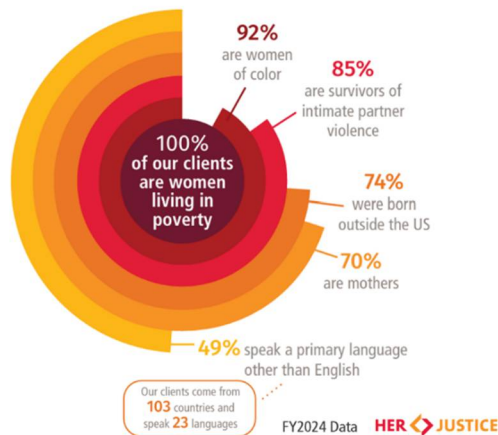
¹¹ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

¹² ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2024

<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

¹³ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁴ Her Justice Annual Report FY 2022



Her Justice is a pro bono first organization which means we employ a small highly-skilled staff of attorneys that use their skills and expertise to educate and mentor pro bono attorneys, like yourself, on how to effectively serve and represent our client population. In FY 2024, our model allowed us to leverage the skills and expertise of our 13 in-house attorneys to mentor 1,484 pro bono volunteer attorneys who served 3,698 women children, donating 49,511 hours of their time and energy amounting to a value of \$45 million in legal services¹⁵.

BEST PRACTICES

Differences in Perspective – Cultural Humility

Her Justice clients come from diverse backgrounds. Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective your client has on their case may vary significantly from yours. Take this as an opportunity to explore sensitivity and cultural humility.

The term cultural humility was coined by doctors Melanie Tervalon and Jann Murray-Garcia in 1998 and describes "a lifelong commitment to self-evaluation and self-critique, to redressing of power imbalances in the patient-physician dynamic, and to developing the mutually beneficial and non-paternalistic clinical and advocacy partnerships with

¹⁵ Her Justice Annual Report FY 2024

communities”¹⁶. Similar to medical professionals, a power imbalance exists between legal professionals and the people they serve. We acknowledge and are grateful for your professional expertise; however, in challenging this power imbalance, it is important to recognize the client as the expert regarding their life experience and the needs of their family. Remember “client-centered lawyering prioritizes the client, the client’s understanding of the problem, and achievement of the client’s goals in the way the client deems best”¹⁷. Empower your client to make informed decisions by explaining the law, legal processes and possible outcomes. Don’t assume things and be sure to leave space for inquiry and introspection.

Respect, Empathy & Trust

Many of our clients are survivors of various forms of victimization frequently related to their gender identity, race, ethnicity, sexual orientation, class, English language proficiency, and/or immigration status. They may have experienced further victimization in attempting to access help from agencies or individuals that did not give them the space to be understood. These experiences may cause them to feel hesitant, unsafe, or distrustful. It is important to prioritize building trust in your attorney-client relationship by approaching your client with respect, empathy, patience, and transparency.

Some suggestions for establishing a good relationship with your client are:

- Be prepared to listen. Do not be in a hurry to give advice without the complete picture
- Validate their experience and believe what they tell you unless there is clear evidence of the contrary
- Be mindful of your asks of the client. Keep in mind the other conflicting demands in their life and any existing restrictions on time or money and be as accommodating as possible
- Be realistic in your deliverables to your client and set clear boundaries
- Confirm with the client that you understand them, and they are understanding you
- Be patient in repeating information and be willing to rephrase information to improve understanding
- Listen carefully and encourage questioning
- Be responsive to the needs your client raises with you. If their need falls outside of the scope of your representation, speak with your mentor for appropriate referrals

¹⁶ Tervalon, M. & Murray-Garcia, J. (1998). Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. *Journal of Health Care for the Poor and Underserved*. Vol 9.2. pp 117-125

¹⁷ Stoeber, J. K. (2013). Transforming Domestic Violence Representation. *Kentucky Law Journal*. Vol. 101.3. Art. 3.

- Empower the client's informed decision making and respect the decisions they've made

Considerations for LGBTQ+ Clients

LGBTQ+ clients are often among the most marginalized communities served by Her Justice¹⁸. In working with LGBTQ+ clients it is important to not assume their gender identity or sexual orientation. In your initial conversation with your client introduce yourself by your name and gender pronouns. Ask your client their name and if they feel comfortable sharing their gender pronouns with you. Understand that your client may not feel comfortable sharing their gender pronouns with you initially. If they do not share their gender pronouns with you, please refer to the client by name or using gender neutral pronouns (they/them/theirs). If you make a mistake in your client's gender pronouns, acknowledge the mistake and move on.

Mirror the language the client uses in referring to their gender identity and sexual orientation. Always refer to your client with the name the client gave you. Referring to a client by a name they no longer use is called "deadnaming" and is very traumatizing as it negates your client's identity¹⁹. If you make a mistake in referring to your client by the wrong name, acknowledge the mistake and move on.

Lastly, be an ally and advocate for your client. According to a Lambda Legal survey of 2,376 LGBTQ+ people, 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression²⁰. To the extent the client is comfortable, attempt to address bias in the courtroom and always respect the name, gender, and pronouns they identify with.

Considerations for Clients with Disabilities

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed, and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodations are needed. Be mindful of the accessibility of your building.

¹⁸ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

¹⁹ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

²⁰ as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

Be patient with needing to repeat and rephrase information for your client. If you need additional resources to accommodate your client, speak to your Her Justice mentor.

Communication

Be thoughtful about the communication needs of your client. Frequently, our clients do not have experience with the legal system and may be unfamiliar with many of the terms commonly used in the court room or legal discourse. Due to circumstance, their formal education may be limited, and they may have a low level of literacy. Be mindful of the needs of your client. Ensure they are able to understand all materials presented to them to the fullest capacity. Always check for comprehension.

For limited English proficiency clients, please review the “Limited English Proficiency (LEP) Clients” on this document.

Scheduling

Before making your first phone call with your client, review the information we provided you with to ensure it is safe to call the client at the time you are calling and that it is safe to leave a voicemail. Remember that many of our clients self-identify as survivors of intimate partner violence and may still be residing with the opposing party.

In your initial conversation with your client establish what methods and times are best for you to contact your client. Keep in mind that our clients are low income and may not have sufficient resources to maintain a phone plan or continuously purchase more minutes for their phone. If possible, ask if there is a trusted friend or family member whose phone you can contact if you experience difficulty in contacting your client.

In making appointments, especially in person, be mindful of time and economic restrictions your client may be experiencing. Take into account their work and childcare schedules in making these appointments. Be mindful of any safety concerns your client may have in terms of what times are most appropriate in scheduling appointments. Consider whether the firm can pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation.

When scheduling in person appointments with your client, consider the security requirements to enter the building. Many law offices require guests to present a valid form of identification and intense security checks to enter. This can be extremely anxiety inducing for undocumented clients that may not have a valid form of ID, LGBTQ+ clients that may not have a valid form of ID that reflects their gender identity, and clients with limited English proficiency. Some clients have difficulty navigating large office buildings and may not know where to enter, which elevator to use, or which security desk to go to. It is a

best practice to meet your client in the lobby of your building and escort them to the meeting room or your office.

Missed Appointments

We emphasize to our clients that they should call you in advance if they need to change or cancel their appointment or are running late. However, it is not unusual for clients to have trouble keeping appointments. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. Or attending the appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Responsiveness

Our clients typically have incomes below 200% of the federal poverty line, \$14,580 for a single person and \$60,000 for a family of 4 in 2023²¹, and are typically juggling multiple urgent needs. Many of our clients do not have a phone plan and instead purchase minutes on a pre-paid phone. However, in light of food or housing insecurities, your client may choose to go without minutes to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

Interacting with the legal system is inherently traumatizing and anxiety-inducing for many of our clients. Remember that for many of our clients the legal system is unfamiliar. This is not their area of expertise and they know they need to rely on your knowledge and support to successfully navigate their case. Be patient when fielding phone calls and questions from your client. Be transparent about your capacity and set clear boundaries with your client. For example, if you are receiving multiple calls a week from a client asking for case updates, call them back and schedule a regular check-in meeting with them that fits with your work schedule to go over any questions they have and provide any case

²¹ ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2023
<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

updates. This will help ease the clients' anxiety as they know a schedule to expect regular communication from you on their case.

Interviewing

Clients are often sharing sensitive personal information with you that can be difficult to share. It is imperative to build trust in your attorney-client relationship. Remind your client that the information they share with you is confidential. When asking questions about sensitive information make sure your questioning is grounded in what is needed for the case. It may be helpful to provide the client with some additional framing when asking questions as to why the information is needed and what it will be used for. For example,

- when asking questions regarding sensitive information we suggest this framing: "I am going to ask you some questions to better understand your case and how I can help. Please be as forthcoming as possible so I can provide you with the best assistance possible. Some of these questions may ask you about sensitive or private information. I want to assure you that everything you share with me is confidential, I will not share what you tell me here without your permission. Before we begin, I just want to emphasize that you do not have to share anything with me that you do not feel comfortable sharing. Please let me know if you would like to take a break or stop at any point during our interview."

At the end of the interview thank the client for sharing this information with you. It was likely not easy for them to share that level of vulnerability with you. Reground them in what this information will be used for and provide them with any next steps.

Limited English Proficiency (LEP) Clients

As stated previously, our clients come from diverse backgrounds and speak a multitude of languages. In 2022, 6 million people in New York spoke a language other than English; of that, 2.5 million speak English less well and would be considered Limited English Proficient or LEP.²² LEPs in New York City speak 151 different languages²³. New York City has acknowledged the need for greater language access through NYC Local Law No. 33 (LL 30) that requires covered agencies to translate commonly distributed documents into 10 designated languages and provide telephonic interpretation in at least 100 languages²⁴. However, LL 30, for the most part, does not apply to most legal organizations including legal nonprofits. This means that there is a huge gap in the legal services available for LEPs. Even in our own work we see cases for LEPs take much longer to receive services than similarly situated English speaking cases.

²² VOLS. (2022). Language Access in Pro Bono Practice.

²³ VOLS. (2022). Language Access in Pro Bono Practice.

²⁴ VOLS. (2022). Language Access in Pro Bono Practice.

We greatly appreciate your effort if you are handling a case for an LEP client. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to use an in-house qualified interpreter to work with your client for the duration of the case. If that is not accessible to you, think creatively about the interpretation and translation services available to you. See if it is possible to retain professional interpreter services or review the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.** The Spanish Group, an internationally recognized certified translation service list 5 reasons why you should not use Google Translate or a similar software for translations:

- Translation apps translate the text literally. Think about the number of times you speak in expressions in English. For example, the phrase "break a leg" is an expression of good luck, however, if translated literally it gives the impression that you are wishing that someone would break their leg.
- Many of these translation apps are not updated or operated by professional translators
- The translator apps do not account for the regional dialect your client may speak.
- Using a translator app frequently requires proofreading by someone fluent in the language to ensure the grammar and language choices match with the idea being expressed.
- Using a translator app for translating sensitive information is unsafe as the information may be compromised during a data breach²⁵

Here are some other best practices in working with interpreters:

- Always brief the interpreter on the nature of the call before starting the meeting with client
- Consult the interpreter regarding whether a legal interpreter is more appropriate for the call
- Speak to the client directly, do not address your comments to the interpreter
- Ask the interpreter to confirm the client can understand them
- Ask the client to ensure they understand you

²⁵ The Spanish Group. (2020). 5 Reasons why not to Use Google Translate for Business Purposes. The Spanish Group. <https://thespanishgroup.org/blog/top-5-reasons-not-use-google-translate-business-purposes/>

Managing Your Case

Even if there are no updates in your case for the client, continue to regularly check in with them. Remember our clients are facing many complex issues and conflicting demands. Without regular check-ins you may miss vital information about your client's living situation, access to phone and internet services, and safety.

Be affirmative in asking questions to your mentor and informing them of any case updates. It is your responsibility to inform your mentor in a timely fashion when documents are due to be filed in court or immigration authorities, when court dates are scheduled, and when final orders or judgements are received. Without this information we are unable to accurately report on our cases and are unable to monitor the needs of our clients.

GETTING TO KNOW YOUR CASE: THE HER JUSTICE T NONIMMIGRANT STATUS PROGRAM

"To have such close client contact, to have someone actually relying upon you for help, advocacy and advice is an incredible personal and professional growth experience. Her Justice challenged us to be better lawyers, and with our client and her daughter's future at stake, we were forced to rise to the challenge."

– Volunteer Attorney at Simpson
Thacher & Bartlett

Her Justice recruits, trains and mentors teams of volunteer attorneys and legal assistants at major law firms to provide crucial immigration assistance to survivors of gender-based violence and their children. Volunteers provide life-altering assistance to some of the most at-risk individuals living in New York City on a daily basis through the Her Justice T Nonimmigrant Status Program.

The Role of Her Justice

Staff Attorneys at Her Justice conduct trainings for volunteers handling T Nonimmigrant Status cases. We require all members of the volunteer teams from our law firms – supervising partners, associates, and legal assistants alike – to attend a live training or to view a pre-recorded training and to review the Her Justice T Nonimmigrant Status Training Manual. CLE credit is provided to attorneys for the trainings (either live or video), as well as for their actual pro bono representation of clients.

After conflict checks have been conducted, Her Justice forwards client case files, which include case descriptions and copies of clients' documents, to participating firms. Where possible, this is done prior to the training. This enables new legal teams to process the information they receive at our CLE training with their clients' specific circumstances in mind.

Her Justice Staff Attorneys provide ongoing mentoring to the volunteer legal team. Each case is assigned a Her Justice mentor. Mentors review, edit and approve all applications and communications before they are filed with USCIS. This is an evolving area of practice, with frequent changes in administrative practice and law, so our commitment is to pass along relevant information about substantive and procedural changes at USCIS to teams handling these immigration law cases to help obtain the best outcome for clients.

The Role of the Volunteer Attorney

Her Justice connects female-identified and gender non-conforming survivors of trafficking who are eligible to seek immigration relief through the T Nonimmigrant Status Application process with pro bono attorneys who are eager to learn a new area of law and to make a positive difference for clients who live in constant fear of deportation and separation from their children. These immigration cases are non-litigated and done on submission to USCIS. The volunteer attorneys represent individual clients and their eligible family members on applications for T Nonimmigrant Status which directly affects a client's ability to work and remain in the United States and puts them on the pathway to citizenship.

The attorney-client relationship will last from 1 to 3 years, until USCIS has adjudicated the case and granted the applicant and her eligible family members T Nonimmigrant Status. The application is usually pending with USCIS from 12 to 18 months. Volunteer attorneys may terminate the attorney-client relationship after the client and her eligible family members have been granted T Nonimmigrant Status and received employment authorization.

Law students enrolled in an accredited law school, or a law graduate who is not yet admitted to the bar, may represent an immigration client referred by Her Justice as part of the legal team under the direct supervision of an admitted attorney from the law firm. At all times, an admitted attorney from the law firm must be the client's attorney of record and must review and sign all papers.

The legal team will handle:

- Conducting in-depth interviews with their clients¹ to establish eligibility for T Nonimmigrant Status, drafting compelling and detailed affidavits which chronicle their clients' experience;
- Preparing and filing initial applications with USCIS for a client and eligible family members; and
- Securing employment authorization for a client and eligible family members living in the United States.

The legal team may also handle:

¹ Special sensitivity is required to represent an immigrant client who has been the victim of a crime. Your client's social and cultural background, and/or other specific circumstances, may impact their ability to describe their experiences. Refer your client to counseling, where appropriate, after discussing the issues with your mentor.

- Filing applications for consular processing so that children or other eligible family members abroad may reunify with their parent, sibling or child in the United States once T Nonimmigrant Status has been granted.

USING THE HER JUSTICE TRAINING MANUAL

This manual, in conjunction with the Her Justice T Nonimmigrant Status Training is designed to give you:

- Sample completed forms, applications, cover letters, and affidavits;
- A basic knowledge of immigration law and procedure as it applies to obtaining T Nonimmigrant Status for survivors of trafficking and their qualifying family members;
- The ability to prepare the necessary documents to apply to USCIS for T Nonimmigrant Status on behalf of a survivor of trafficking and eligible derivatives, and to file accompanying applications for work authorization and waivers of inadmissibility, if applicable;
- The ability to counsel your client on what to expect throughout the T application process, including the scope of your representation, risks to traveling outside the U.S. during the pendency of the T application and after T Nonimmigrant Status has been granted, and the immigration timeline; and
- Relevant policy memoranda from USCIS and a list of resources so that you can easily conduct research or obtain the answer to your question(s).

This manual will not make you an expert. However, it will allow you to effectively represent a client in a T Nonimmigrant Status application and put them, and any eligible family members, on the pathway to citizenship. In most instances, the manual will be able to answer basic questions you may have about how to complete USCIS immigration forms, what to do next in your case, and what evidence to include to support your client's application. The manual is intended to serve as a desk reference on how to prepare a T Nonimmigrant Status application. We hope this manual is helpful to you in your representation of a client through Her Justice. If you have any feedback or suggestions for improvement, please contact the Her Justice mentor who has been assigned to mentor you on your case.

As you read this manual, keep in mind the following:

- **Immigration forms should be downloaded through the USCIS website at www.uscis.gov.** USCIS is constantly revising immigration forms and you should use the most current edition posted on their website. The USCIS website is also a valuable resource for general information and policy memoranda.
- **Working with a survivor of human trafficking requires patience and understanding.** It's important to be aware of how you feel during your representation so that you can effectively listen and be present with your client. The information in this manual will help you prepare for your client meetings and

inform you of concerns specific to survivors of human trafficking. Please make sure to read this section of the manual carefully and to consult with your Her Justice mentor where appropriate.

Your Her Justice mentor is here to help. It is critical to keep in regular contact with your Her Justice mentor and to allow them time to review your client's application prior to filing. Your mentor can help spot additional issues and provide necessary guidance throughout the case.

T NONIMMIGRANT STATUS OVERVIEW & ELIGIBILITY

T nonimmigrant status (referred interchangeably in this Manual as “**T-Status**¹”) is a form of immigration relief created by the Trafficking Victims Protection Act (“**TVPA**”), passed by Congress in 2000 and reauthorized in 2003, 2005, 2008, 2013 and 2018. This relief provides victims of severe forms of trafficking who have cooperated with law enforcement an opportunity to gain immigration status in the U.S.

Individuals with T-Status are entitled to live and work in the U.S. and are eligible for public benefits. T-Status lasts up to four years, and a T recipient can apply to adjust their status into lawful permanent residency (“**LPR**”) (*i.e.*, a green card) (“**T Adjustments**”), either as soon as (i) the investigation or prosecution they are cooperating with is complete, or (ii) after three years of having T-Status, whichever is sooner.

It is important to note that before your client is able to obtain T-Status, she² remains an undocumented person in the U.S. and is subject to risks of removal.³ It is therefore imperative that she initiates her T-Status application as soon as possible to secure sources of relief and temporary security.

Please note, starting August 28, 2024, USCIS will review all I-914 Applications and I-914 Supplement A applications filed for consideration of a **bona fide determination (“BFD”)**. BFD is an interim benefit granted before full T-Status. If your client receives a BFD, she will be issued deferred action and granted work authorization under category code (c)(40) while she waits for full adjudication of her T-Status.

When reviewing whether to grant BFD, USCIS will conduct an initial review of the full I-914 filing and verifies the file contains:

- A properly filed, complete I-914 Application
- Applicant’s signed personal statement
- Background checks that show no “national security concerns”

To mitigate your client’s risks of removal from the U.S. before receiving T-Status, you should consult with your Her Justice mentor regarding the possibility of obtaining **Continued Presence** from federal law enforcement agencies on her behalf. Continued Presence is a temporary immigration status that allows a trafficking victim who is a potential witness in the investigation or prosecution of the trafficker to live and work in the U.S. during

¹ This benefit is colloquially referred to as a “T visa.” However, because a “visa” is not issued by the US Citizenship and Immigration Service, but by the US State Department at an embassy or consulate, the more appropriate designation is “T nonimmigrant status.” When this Manual refers to “T visa,” it will be in reference to visas issued (generally to derivative applicants) abroad.

² Victims of human trafficking can include both men and women; Her Justice represents victims who identify as women. For the purposes of this Manual, clients will be referred to in the feminine.

³ Generally, non-citizens without status and who were not “admitted” to the U.S. are subject to removal, which is distinct from deportation. Lawful Permanent Residents, who are “admitted” to the U.S., are subject to deportation.

the investigation/prosecution of her trafficker. Please see the section headed "Continued Presence & Reporting Trafficking to Law Enforcement" contained in this Manual for further details regarding Continued Presence.

Determine Eligibility for T-Status

To obtain T-Status, applicants must establish that they:

1. are victims of a severe form of trafficking;
2. are physically present in the U.S. on account of trafficking;
3. have complied with reasonable requests for assistance in the detection, investigation or prosecution of acts of trafficking, (or were under 18 at the time of victimization or unable to cooperate due to trauma), and
4. would suffer extreme hardship involving unusual and severe harm if they were forced to leave the U.S.⁴

Your client must be able to satisfy the above requirements to be considered for T-Status in the U.S.

Requirement No. 1: Applicant is a Victim of a Severe Form of Trafficking

Applicants must first establish that they are victims of a severe form of trafficking as defined in the TVPA. Under the TVPA, severe forms of trafficking are defined in either one (or both) of the following two forms:

- Severe Form of Sex Trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, (i) that was induced by force, fraud, or coercion, or (ii) in which the victim is under the age of 18.⁵

Practice Tip: If your client is currently over the age of 18, but first engaged in commercial sex acts when she was under the age of 18, she does not need to prove force, fraud, or coercion.

- Severe Form of Labor Trafficking: The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁶

Practice Tip: While victims of a severe form of sex trafficking under the age of 18 do not need to prove force, fraud, or coercion, your client must show force, fraud, or coercion to prove labor trafficking even if your client

⁴ INA §101(a)(15)(T)(i). 8 CFR §214.202.

⁵ TVPA §103(8)(A); 22 USC §7102 (9)(A); 8 CFR § 214.201; 8 CFR § 214.206(a)(1).

⁶ TVPA §103(8)(B); 22 USC §7102 (9)(B); 8 CFR § 214.201; 8 CFR § 214.206(a)(1).

is currently under the age of 18 or was under 18 when some of the victimization took place.

Force, fraud or coercion are not separate elements to be proven; rather, they are “alternate means to accomplish a single element.”⁷ It could be assumed that the meaning of the terms “force” and “fraud” are self-evident, but the interpretation of these terms across case law is extremely wide.⁸ For example, fraud can involve romancing the victims and tricking them into moving away from their families. Many victims are compelled either by force or manipulation to engage in sex acts.⁹

The term “coercion” has historically been somewhat more ambiguous and was thus defined in TVPA as including: (a) “threats of serious harm to or physical restraint against any person, (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against the person; or (c) the abuse or threatened abuse of the legal process.”¹⁰ While the definition involves an element of psychological manipulation, courts have found “coercion” to include acts of violence against the victim¹¹ and efforts to prevent free movement or escape.¹² Similarly, courts have found the use of addictive narcotics to constitute coercion.¹³

Establishing force, fraud, and particularly coercion, requires an understanding of the power and control dynamics in the relationship between your client and her trafficker(s). Exploring the ways in which a trafficker exerted control over their victim is therefore an important step in understanding your client’s story and in establishing to USCIS that there was force, fraud or coercion. Power and control in trafficking situations can take many forms, including psychological coercion and threats, intimidation, emotional abuse, isolation, minimizing the victim’s abuse and suffering, sexual and physical abuse, exploiting privilege, or economic abuse.¹⁴ Be sure to explore all of these potential avenues of power and control during your client interviews.

⁷ *U.S. v Paris*, Cr. No. 03:06-cr-64 (CFD), 2007 US Dist. LEXIS 78418 (D. Conn. Oct. 23, 2007).

⁸ Michelle Madden Dempsey, *Decriminalizing Victims of Sex Trafficking*, 52 Am. J. Crim. L. Rev. 207, 230, (2015), p.215.

⁹ See, e.g., *U.S. v. Porter* where the trafficker spent a great deal of time and money romancing the victim, or *U.S. v Rojas-Coyotl*, both cited in the *AG Report 2015*.

¹⁰ TVPA §103(2)(A)(B)(C); 22 USC §7102 (3)(A)(B)(C); 8 CFR § 214.201.

¹¹ See, for a particularly extreme example, *U.S. v. Yarbrough* (W.D. Tenn.), cited in *Attorney General’s Annual Report to Congress and Assessment of US Government Activities to Combat Trafficking in Persons 2014*, p.138.

¹² For example, padlocking and boarding exits to a building, *U.S v. Hisle* (W.D. Ky.), cited in the *Attorney General’s Annual Report to Congress and Assessment of US Government Activities to Combat Trafficking in Persons 2015*, p.136.

¹³ See, *U.S. v Fields* (M.D. Fla.), cited in the *Attorney General’s Annual Report to Congress and Assessment of US Government Activities to Combat Trafficking in Persons 2014*, p.138.

¹⁴ Please refer to the Trafficking Power & Control Wheel in the exhibits for more information on each of these forms of abuse.

Practice Tip: The definition of “severe form of trafficking” does not require that a commercial sex act, labor or services be performed. An applicant may show force, fraud or coercion was used for the purpose of labor or sex trafficking, even if the act was never realized.¹⁵

Practice Tip: An individual may simultaneously be a victim of both sex and labor trafficking and advocates do not have to choose whether to pursue one claim over another. When meeting with your client, it is important to explore whether your client is a victim of both forms of exploitation.

Requirement No. 2: Physical Presence on Account of Trafficking

This requirement does not mean that the victim must have been brought into the U.S. for the purposes of trafficking. A victim could have come to the U.S. for any reason (*i.e.*, find work, visit family, *etc.*) and then have been trafficked after they arrived here – this person will still be considered to be in the U.S. on account of trafficking.¹⁶

Generally, if your client has departed the U.S. after escaping her trafficker (either voluntarily or through deportation), and subsequently re-entered, she will no longer be considered to be present “as a result of such trafficking.”¹⁷ Exceptions to this rule exist if:

- (i) The applicant’s reentry into the United States was the result of their continued victimization;
- (ii) The applicant is a victim of a new incident of a severe form of trafficking in persons; or
- (iii) The applicant has been allowed reentry into the United States for participation in investigative or judicial processes associated with an act or perpetrator of trafficking;
- (iv) The applicant's presence in the United States is on account of their past or current participation in investigative or judicial processes associated with an act or perpetrator of trafficking, regardless of where such trafficking occurred; or
- (v) The applicant returned to the United States and received treatment or services related to their victimization that cannot be provided in their home country or last place of residence outside the United States.¹⁸

¹⁵8 CFR § 214.201; 8 CFR § 214.206(a)(2).

¹⁶ 8 CFR§ 214.207(a)

¹⁷ 8 CFR § 214.207(b).

¹⁸ *Id.*

Practice Tip: Law Enforcement Agent (“**LEA**”) “sponsorship” is not required to meet this “physically present” requirement upon reentry. Any valid reentry into the U.S. for an investigation or judicial process should be sufficient to meet the “physical presence” requirement.¹⁹

If your client left and subsequently returned to the U.S., you should consult with your Her Justice mentor to strategize the best arguments to make on her behalf.

Requirement No. 3: Cooperation with Law Enforcement

An applicant is required to demonstrate that she complied (or is complying) with reasonable requests for assistance by law enforcement in the detection, investigation, or prosecution of acts of trafficking or the investigation of a crime where acts of trafficking are at least one central reason for the commission of that crime.²⁰ There are two exceptions to this cooperation requirement: (i) if the applicant is unable to cooperate with law enforcement due to physical/psychological trauma, or (ii) if the applicant was under the age of 18 at the time of victimization.²¹

Practice Tip: Law enforcement’s requests for your client to cooperate must be reasonable. You can, and should, push back if you think any request will put your client in danger, if they ask inappropriate questions, or if your client seems very overwhelmed during a law enforcement meeting and needs to end the meeting. You can also push back if the law enforcement agency asks your client to come in for an excessive number of interviews.

One way to establish cooperation with law enforcement is by either (i) submitting with your client’s application a **Form I-914 Supplement B** (Declaration for Trafficking Victim) (“**Form I-914, Supp. B.**”) that is signed by a law enforcement officer, or (ii) proof of grant of **Continued Presence**. If law enforcement will not sign the Form I-914, Supp. B. or your client does not have Continued Presence, you can meet the cooperation requirement by providing evidence of cooperation (e.g., client affidavit, attorney affirmation, police reports, letters and e-mails with law enforcement, etc.). The law enforcement agency must have proper jurisdiction over the reported trafficking crime, but “proper jurisdiction” is not otherwise defined in the regulations or USCIS Policy Manual.²²

To establish that your client is unable to cooperate with law enforcement because of trauma, your client will need to submit one or more of the following materials:

¹⁹ 8 CFR § 214.207(c); Department of Homeland Security; Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92274 (Dec. 19, 2016) available at <https://www.federalregister.gov/documents/2016/12/19/2016-29900/classification-for-victims-of-severe-forms-of-trafficking-in-persons-eligibility-for-t-nonimmigrant>.

²⁰ 8 CFR § 214.208(a).

²¹ 8 CFR § 214.208(e)(1) & (2).

²² 8 CFR § 214.208(b).

- i. A personal statement describing the trauma and explaining the circumstances surrounding the trauma the applicant experienced, including their age, background, maturity, health, disability, and any history of abuse or exploitation;
- ii. A signed statement from a qualified professional, such as a medical professional, mental health professional, social worker, or victim advocate, who attests to the victim's mental state or medical condition;
- iii. Medical or psychological records documenting the trauma or its impact;
- iv. Witness statements;
- v. Photographs;
- vi. Police reports;
- vii. Court records and court orders;
- viii. Disability determinations;
- ix. Government agency findings; or
- x. Any other credible evidence.²³

Practice Tip: Prior to the August 28, 2024 implementation of new regulations regarding T Nonimmigration Status (8 CFR § 214.201-216), USCIS required a written report by a psychologist, social worker, or victim advocate. That is no longer strictly required. However, if you and your client plan to pursue an expert report by a medical or mental health professional, social worker or victim advocate, please immediately start the process of finding an expert and scheduling an appointment. The expert might want to meet with your client more than once, and the process could take some time, especially if you also have to find and coordinate an interpreter for the session(s).

Requirement No. 4: Extreme Hardship Involving Unusual and Severe Harm

Applicants must establish that they would suffer extreme hardship involving unusual and severe harm if removed from the U.S. While this sounds like a heavy burden to meet, it is generally achievable in human trafficking cases. For example, if an applicant explains in her affidavit that there are inadequate services or protection for sex trafficking victims in her home country, she will typically be able to satisfy the extreme hardship requirement. Our experience with USCIS has shown that meeting the extreme hardship requirement in labor trafficking cases tends to be a bit harder, and you should provide documentation explaining why it would not be safe for the labor trafficking victim to go back to her home country (for example, if the employer is a diplomat or powerful government official who can seek retribution against your client).

²³ 8 CFR § 214.208(e)(1).

A list of factors to consider when determining extreme hardship is set forth in 8 CFR § 214.209(b):

- i. The age, maturity and personal circumstances of the applicant;
- ii. Any physical or psychological issues the applicant has that necessitate medical or psychological attention not reasonably available in the foreign country to which the applicant would be returned;
- iii. The nature and extent of the physical and psychological consequences of having been a victim of a severe form of trafficking in persons;
- iv. The impact of the loss of access to the U.S. courts and the criminal justice system for purposes relating to the incident of a severe form of trafficking in persons or other crimes perpetrated against the applicant, including criminal and civil redress for acts of trafficking in persons, criminal prosecution, restitution, and protection;
- v. The reasonable expectation that the existence of laws, social practices, or customs in the foreign country to which the applicant would be returned would penalize the applicant severely for having been the victim of a severe form of trafficking in persons;
- vi. The likelihood of re-victimization and the need, ability, or willingness of foreign authorities to protect the applicant;
- vii. The likelihood that the trafficker in persons or others acting on behalf of the trafficker in the foreign country would cause the applicant harm;
- viii. The likelihood that the applicant's individual safety would be seriously threatened by the existence of civil unrest or armed conflict; or
- ix. Current or likelihood of future economic harm.

Practice Tip: Prior to the August 28, 2024 implementation of new regulations regarding T Nonimmigration Status (8 CFR § 214.201-216), economic reasons alone (e.g., there are no jobs in her home country) were insufficient to show extreme hardship and could not be relied upon as the sole hardship factor in an applicant's affidavit.²⁴ Although economic reasons are now one of the ways to show extreme hardship in an applicant's affidavit, we still recommend that you interview your client regarding all of the factors set out at 8 CFR § 214.209(b) to see if any other factors apply.

Practice Tip: It is now possible to use hardship to persons other than the applicant to show that the applicant will suffer extreme hardship involving unusual and severe

²⁴ 8 CFR § 214.11(i)(1), superseded by 8 CFR § 214.209(b)(9).

harm.²⁵ Prior to this holistic change via the new T Nonimmigrant Status regulations, only hardship to the applicant could be considered in determining whether the applicant would suffer the requisite extreme hardship. So when preparing your client's I-914 Application, ask her how her removal from the U.S. would cause extreme hardship to her as well as people in her life (partner, spouse, children, friends) and how that correspondingly would cause her extreme hardship involving unusual and severe harm.

²⁵ 8 CFR § 214.209(c)(2).

CONTINUED PRESENCE & REPORTING TRAFFICKING TO LAW ENFORCEMENT

Her Justice will usually place with your office a pro bono client who has already navigated the law enforcement agency ("LEA") reporting process. It is possible, however, that you will need to help your client through the law enforcement reporting process and help her obtain proof of cooperation to satisfy the reasonable cooperation with law enforcement eligibility requirement for her T-Status application. Ideally, proof of cooperation will be in the form of (i) a grant of Continued Presence, or (ii) a signed Form I-914, Supp. B. Both the grant of Continued Presence or a signed Form I-914, Supp. B. can serve as sufficient proof of your client's cooperation with reasonable requests for assistance by law enforcement. However, note that **neither Continued Presence nor a signed I-914 Supplement B is required to satisfy the reasonable cooperation with law enforcement eligibility requirement.**

After you have spent some time with your client and have a good handle on the facts of her story, you should strategize with your Her Justice mentor about which LEA to reach out to. Common reporting agencies include the FBI, the Department of Labor, the Department of Homeland Security, the U.S. Attorney's Office, NYPD Vice, and/or the District Attorney's office. You will act as your client's liaison and advocate throughout the law enforcement reporting process. The LEA should never contact your client directly – they should always go through you. Make sure your client understands that if the LEA contacts her, she should tell the LEA to contact you instead.

Continued Presence

Prosecutors and law enforcement officials are frequently reluctant to sign a Supp. B at the outset of a matter, as they believe a judge or jury might find that a client's testimony was "bought" in exchange for an immigration benefit. In response to this concern, an individual identified as a victim of human trafficking who is a potential witness in the investigation or prosecution of the trafficker can qualify for Continued Presence. As victims of human trafficking often play a central role in building a case against a trafficker, Continued Presence is an important tool for federal, state and local law enforcement in their investigation of human trafficking related crimes. Given the nature of Continued Presence, it serves as a form of proof that your client is deemed a victim of a severe form of trafficking, that she is present on account of such trafficking, and she is complying with reasonable requests for assistance by law enforcement.

Continued Presence is a temporary immigration status, authorized by 22 U.S.C §7105(c)(3), that allows a trafficking victim to live and work in the U.S. during the investigation and/or prosecution of her trafficker. As such, Continued Presence affords victims a legal means to temporarily live and work in the U.S., providing them a sense of stability and protection. It lasts for varying amounts of time (generally one or two years) and is renewable.

Continued Presence can only be requested by a federal law enforcement agency, primarily from the U.S. Immigration and Customs Enforcement (“**ICE**”), the FBI, and federal prosecutors from U.S. Attorney’s Offices within the Department of Justice. State and local LEAs must coordinate with a federal agency (usually the Department of Homeland Security) to ensure your client obtains Continued Presence.

Practice Tip: Even as your client cooperates in an investigation, if she does not have legal status, she remains undocumented and thus subject to removal, as well as ineligible to work or receive public benefits. To address this dangerous situation, you should immediately seek Continued Presence. Seeking Continued Presence means asking the LEA your client reported to if they would be willing to apply for Continued Presence on your client’s behalf. If the reporting was made to a state or local LEA, the state or local LEA would need to coordinate with a federal agency, as Continued Presence can only be requested by a federal law enforcement agency. Ultimately, the decision on whether to proceed with Continued Presence is made by the LEA, although the attorney, as the client’s advocate, should be zealous in asking for Continued Presence.

To get your client Continued Presence, you should:

- Complete **Form I-102** (Application for Replacement/Initial Nonimmigrant Arrival-Departure Document) and submit the signed document (an original signature is required) to the relevant federal law enforcement agency. When filling out the Form, the “US Mailing Address” and the “U.S. Physical Address” should always be the contact at the federal law enforcement agency and his/her address.¹ You should leave blank the question regarding when your client’s status expires (Part 1, Q. 14) – the federal law enforcement agency will fill that out.²
- Complete **Form I-765** (Application for Employment Authorization) and submit the signed document (an original signature is required) to the LEA.

Practice Tip: When filling out Form I-765 for a client applying for Continued Presence, the answer as to why your client is eligible for a work permit—Question No. 16 (Eligibility Category)—is that she is a person “Paroled in the Public Interest.” As of the time of the writing of this Manual, a person Paroled in the Public Interest is category (c) (11). But please always check the most recent Form I-

¹ When dealing with Homeland Security Investigations (“**HSI**”) in New York, the contact address to use in the form will almost always be Tenaz Dubash, Victim Advocate Services, 601 West 26th Street, Suite 700, New York, NY 10001. For victims participating in FBI investigations, the address is: Attn: Laura Riso, Victim Specialist, 26 Federal Plaza, 23rd Floor, NY, NY 10278.

² Note that this instruction is New York HSI specific. If you are dealing with another LEA, please check with them to determine their individual practice.

765 Instructions to confirm that “Paroled in the Public Interest” is still identified on the instruction sheet as category (c) (11).

Practice Tip: Always check the U.S. Citizenship and Immigration Services website to ensure that you have the most current application edition, as USCIS regularly updates forms inconsistently to their written expiration date and your application may be rejected despite seeming current.

- Give the relevant federal law enforcement agency two passport-sized photos of your client for the Employment Authorization Document.
- All Continued Presence applications are submitted by federal law enforcement to the ICE Parole Branch.

Practice Tip: Because the application is submitted by the government, not by the victim’s attorney, no G-28 Notice of Appearance should be included. Likewise, confirm with the law enforcement entity the address to where the approved documents should be sent (not to your firm or to the client, but to law enforcement). Since the LEA is applying on behalf of the victim, there is no fee or fee waiver required for this application.

Be persistent in following up with the relevant federal law enforcement agency to make sure the I-102 and the I-765 Forms are mailed. Once mailed, the Form I-102 should not take long to process. Once processed, you should receive a receipt notice from USCIS (via the federal law enforcement agency), and once it is approved, you should receive an approval notice from USCIS. Please email copies of these notices to your Her Justice mentor, and keep copies of both for your files.

Note that at some point your client will be called into the relevant federal law enforcement agency’s office for fingerprinting in connection with her request for Continued Presence. When a client appears at the relevant federal law enforcement agency’s office for fingerprinting you should accompany her in the event that, while there, an agent or officer decides to ask her questions about the investigation/case.

Form I-914, Supp. B

Form I-914, Supp. B. is a form of proof signed by the relevant LEA confirming the applicant is a victim of severe form of trafficking in persons and has cooperated with the LEA’s reasonable requests for assistance in an investigation or prosecution of a crime where trafficking is at least one central reason for the commission of that crime.

Keep a paper trail of all communications with law enforcement. If you have a phone call with law enforcement, send a follow-up email right away confirming the key points (but not in too much detail as the emails are discoverable) of the call and next steps. If law

enforcement later declines to sign the Form I-914, Supp. B., you can submit an attorney affirmation detailing your efforts to communicate with law enforcement and provide all the written communications as evidence of your client's cooperation. Note that in these communications there must be at least one explicit request for the LEA to sign the Form I-914 Supp. B, and the request must attach Form I-914 Supp. B. Thus, even if law enforcement is not responding to your inquiries, you still must ask them to sign a Form I-914 Supp. B. If you are not receiving any responses from the LEA, send them at least three communications, with the last communication being your request that they sign the Form I-914 Supp. B and attach one for their review.

The LEA may want to schedule one or more interviews with your client. The meeting(s) is (are) supposed to be non-adversarial. Depending on your client's circumstances, you may want to consider asking law enforcement to sign a non-prosecution agreement³ with your client before any interview takes place.

If the LEA proceeds with prosecuting the trafficker(s), be sure to ask the prosecutor to request restitution as part of the pre-sentencing memorandum. Particularly when the trafficker is charged with a severe form of trafficking in persons, restitution is mandatory.⁴

Practice Tips for Prepping Your Client for the LEA Interview:

- Make sure you really understand your client's story and have addressed any inconsistencies or gaps with her before the LEA interview.
- Review the timeline of events with her, including any dates she can remember.
- Explain that it is okay if she does not remember dates or other details during the interview – she should simply tell the investigator that she does not remember. She should understand how important it is to never make up or guess dates or details in order to answer their questions. She should know that the most important thing is to always tell the truth.
- It is possible that law enforcement will bring pictures of suspected traffickers or other victims for her to review. You should prepare her for

³ A non-prosecution agreement is an agreement whereby a government agency agrees not to charge an individual with a crime in exchange for something, such as cooperation in the case. While the US Attorney's Office has indicated that they view our clients as victims and not subjects or targets of an investigation, it is a strategy to consider if your client's trafficker forced her to engage in conduct that could make your client criminally liable (e.g., selling drugs for him).

⁴ The TVPA mandates restitution in trafficking cases. Title 18, United States Code, Section 1593(a) provides that "in addition to any other... criminal penalties authorized by law, the court shall order restitution for any offense under this chapter." Restitution orders should "direct the defendant to pay the victim... the full amount of the victim's losses." 18 U.S.C. §1593(b)(1).

this and make sure she is ready and willing to identify her traffickers if she sees them.

- Let your client know that she is allowed to ask for breaks during the interview. Let her know that if she feels overwhelmed or needs to talk to you about something, she can ask for a bathroom or water break.

Practice Tips for the LEA Interview:

- You should always attend all the client's LEA interviews.
- Do not take notes during the meeting as they may be discoverable. Instead, write a memo to your file after the meeting based upon your own impressions as the victim's attorney.
- The government will bring their own interpreter, but it is extremely helpful if you can bring an attorney who speaks the language and is familiar with the case to make sure the interpretation is accurate. Your interpreter is there not just to check for interpretation errors, but also to make sure the government interpreter is not changing your client's words. For example, we have had an experience where we had to interject when a government interpreter kept translating "he raped me" into "he made me have sex with him."
- You can, and should, engage with law enforcement during the meeting if necessary to clarify something your client said, or to highlight something that your client glossed over or that the investigators failed to ask her.
- You can ask for a break if you think your client is becoming overwhelmed, or if you need to talk to your client about a potential inaccuracy that needs to be corrected.
- Remember that law enforcement's requests for your client to cooperate must be **reasonable**. As previously discussed, you can, and should, push back if you think any request will put your client in danger, if they ask inappropriate questions, or if your client seems very overwhelmed and needs to end the meeting. You can also push back if the agency asks your client to come in for an excessive number of interviews.
- If the LEA makes a request at the meeting that you or your client are not entirely comfortable with (e.g., download data from the client's phone) and you want to think through, let them know that you will have to discuss it with your client and get back to them later. There is no need to make a snap decision during the meeting.

While the government is permitted to provide Continued Presence immediately as part of victim protection, this is not commonly pursued by law enforcement. Also, it is more difficult to predict when in the process you will get a signed Form I-914, Supp. B. from law enforcement. You can help move things along by continuing to follow up with the LEA and by advocating for your client to get a signed Form I-914 Supp. B. If your client's traffickers are ultimately prosecuted as a result of the investigation, it could take many months for your client to receive a signed Form I-914, Supp. B. from law enforcement because prosecutors may not want your client to apply for T-Status until after the trial is over.

GROUND OF INADMISSIBILITY & WAIVERS

Inadmissibility

Every person applying for immigration status in the U.S. is subject to certain grounds of inadmissibility. This means that even clients who can meet the requirements for obtaining T-Status may nonetheless be denied pursuant to one of the inadmissibility grounds, which are set forth in INA §212(a). You should thoroughly review section 212(a) to determine whether your client fits into any of the grounds for inadmissibility. Some of the more common grounds of inadmissibility include (but are not limited to):

- Being convicted of prostitution or any other of a long list of crimes (including some misdemeanors and violations);
- Previously lying to federal immigration authorities (such as by submitting applications with false information or presenting false documents);

Practice Tip: This might include securing employment in the U.S. if your client entered on a tourist visa. Explore with your client: (i) when she began looking for employment and (ii) when she obtained employment and then discuss with your Her Justice mentor whether the situation constitutes a ground of inadmissibility.¹

- Previously lying to a government official about being a U.S. citizen;
- Entering the U.S. without inspection by coming across the border when no one was looking;
- Smuggling a family member across the border;
- Receiving an order of exclusion, deportation or removal, but not leaving the U.S. or staying outside the U.S. for less than the required amount of time; or
- Living in the U.S. without immigration authorization, then leaving and either returning or seeking return to the U.S.

Waivers

T-Status applicants with grounds of inadmissibility can request a waiver, essentially asking for forgiveness of their ground of inadmissibility from USCIS, if they can show that the ground of inadmissibility was caused by or incident to their experience as a trafficking victim and waiver of the ground of inadmissibility is in the national interest.² Many of our

¹ Under a 2017 State Department rule, an individual who engages in conduct inconsistent with his or her nonimmigrant visa (such as working without authorization) within 90 days of entry is subject to a presumption that he or she made a willful material misrepresentation in applying for the nonimmigrant visa or at the time of admission. 9 FAM 302.9-4(B)(3), *available at* <https://fam.state.gov/fam/09FAM/09FAM030209.html>.

² INA §212(d)(13); 8 CFR §212.16(b).

clients, for example, have prostitution convictions, but they can request a waiver for this ground of inadmissibility and explain in their request that the convictions are a result of having been trafficked, and thus the convictions should not make them inadmissible.

Practice Tip: While sex trafficking involves “commercial sex,” our practice is not to indicate on the application forms that a client “engaged in prostitution” if those acts occurred in connection with the victimization. Instead, in most cases, we recommend answering the prostitution-related question “no” and writing by hand “see attached” to explain on the Additional Information page of Form I-914 that those acts were connected to the sex trafficking.

Practice Tip: You should refrain from checking “yes” to any question that asks “I have committed a crime for which I have not been arrested.” As our clients’ advocates, we generally are not in a position to determine whether a particular act meets all the elements of a crime or whether affirmative defenses exist, a role that is more properly reserved for a court. If you believe that your client committed a crime for which she has not been convicted, please speak with your Her Justice mentor.

Note that T-Status applicants are not subject to the “public charge” ground of inadmissibility and do not need to request a waiver for receiving (or being likely to receive) public assistance.³

There are certain grounds of inadmissibility that cannot be waived, including inadmissibility concerning security and related grounds⁴, international child abduction⁵ and former citizens who renounced citizenship to avoid taxation.⁶

In the event that it is difficult to make an argument under the T-Status specific waiver per INA §212(d)(13) as discussed above, an argument may be made under the broader INA §212(d)(3) waiver. Under *Matter of Hranka*, when adjudicating a 212(d)(3) waiver, factors to be considered include: 1) the risk of harm the applicant poses to society; 2) the seriousness of the immigration or criminal violations of the applicant; and 3) the nature of the applicant’s reasons for wishing to stay.⁷

If you determine that your client is inadmissible for one or more reasons, you should request a waiver by submitting **Form I-192** (Application for Advance Permission to Enter as Nonimmigrant). The Form I-192 must have a supporting client affidavit outlining the reasons

³ 8 CFR §212.16(b); Form I-192 – Instructions for Application for Advance Permission to enter as a Nonimmigrant.

⁴ INA §212(a)(3); 8 CFR §212.16(b).

⁵ INA §212(a)(10)(C); 8 CFR §212.16 (b).

⁶ INA §212(a)(10)(E); 8 CFR §212.16 (b).

⁷ *Matter of Hranka*, 16 I&N 491 (BIA 1978).

for the applicant's inadmissibility, explaining why the applicant is eligible for a waiver (ideally how the ground of inadmissibility has a nexus to the trafficking) and a request for favorable exercise of discretion. More detailed information about grounds of inadmissibility and waivers are contained in the review of the I-914 application, *infra*.

DERIVATIVE APPLICANTS

Certain of your client's family members may be eligible for immigration status based on your client's T-Status — regardless of whether that family member is present in the U.S. This is known as **derivative status**, and you should submit a derivative application on their behalf at the same time you submit your client's T-Status application.

Practice Tip: T principal applicants ("T-1") are eligible to petition for their spouse regardless of their age (if the spouse is not a trafficker). However, it is important for you to determine whether the marriage is legally valid, as some clients refer to their live-in partners as a "spouse." It is equally important that clients realize the marriage must occur prior to the approval of the application. Please speak with your Her Justice mentor if your client has a partner for whom she is considering an application for derivative status.

If your client is **under 21 years of age** at the time her T-Status application is filed, the following family members are eligible to receive status at the same time as (or subsequent to) the T-1:

- Client's spouse if marriage existed prior to the approval of T-1's T-Status application. (*the spouse is known as a T-2 nonimmigrant*);
- Client's minor child (unmarried and under 21 at time of the filing of the T-1's T-Status application). (*the child is known as a T-3 nonimmigrant*);
- Client's parent(s) (*the parent is known as a T-4 nonimmigrant*); and
- Client's unmarried sibling who is under 18 years of age at the time of the filing of the T-1's T-Status application¹ (*the sibling is known as a T-5 nonimmigrant*).

If your client is **21 years of age or older** at the time her T-Status application is filed, the following family members are eligible to receive status at the same time (or any time after) your client:

- Client's spouse if marriage existed prior to the approval of T-1's T-Status application (*the spouse is known as a T-2 nonimmigrant*);
- Client's minor child (unmarried and under 21 at time of the filing of the T-1's T-Status application) (*the child is known as a T-3 nonimmigrant*);
- Client's parent(s) if the Department of Homeland Security determines parent(s) is (are) in danger of retaliation as a result of your client's escape from trafficking or her cooperation with law enforcement (*the parent is known as a T-4 nonimmigrant*); and

¹ INA §101(a)(15)(T)(ii)(I); 8 USC §1101(a)(15)(T)(ii)(I); 8 CFR § 214.211(e)(2).

- Client's unmarried sibling who is under 18 years of age at the time of the filing of the T-1's T-Status application if the Department of Homeland Security determines the sibling is in danger of retaliation as a result of your client's escape from trafficking or her cooperation with law enforcement² (*the sibling is known as a T-5 nonimmigrant*).

Practice Tip: Make sure you know the birthdates of all your client's family members. If a child or sibling is about to age out (*i.e.*, a sibling about to turn 18 or a child about to turn 21), you should file the T-Status application quickly to ensure your client's family member is eligible for derivative status.

Practice Tip: If a client is requesting derivative status for her child, that child must be under 21 years of age and unmarried at the time of the filing. If the application is timely filed, children remain eligible if they turn 21 while the application is pending.³ However, the children must remain unmarried until they have entered the US in T derivative status.⁴

Practice Tip: Similarly, if a client is requesting derivative status for her unmarried siblings under 18, those siblings retain eligibility if they turn 18 while the application is pending, but they must remain unmarried until they are admitted into the U.S.⁵

The 2013 VAWA reauthorization created a new derivative status – the T-6 nonimmigrant status. A person may be eligible for T-6 status if she is the child (adult or minor) of a derivative (*i.e.*, child of a T-2, T-3, T-4, or T-5) and she faces a present danger of retaliation as a result of the T-1 applicant's escape from trafficking or cooperation with law enforcement.⁶

Each derivative applicant must file a **Form I-914 Supplement A** (Application for Immediate Family Member of a T-1 Recipient) (see Form I-914 Supp A in Exhibit 2 *Sample Forms and Affidavits*).

² INA §101(a)(15)(T)(ii)(II); 8 USC §1101(a)(15)(T)(ii)(II); 8 CFR § 214.211(e)(3).

³ 8 CFR §214.211(e)(3).

⁴ 8 CFR §214.211(e)(4)(i).

⁵ 8 CFR §214.211(e)(2)(i) & (ii); 8 CFR §214.211(e)(4)(ii).

⁶ INA §101(a)(15)(T)(ii)(III) as amended by VAWA 2013, 8 CFR §214.11(k)(1)(iii); see *also* USCIS, *New T Nonimmigrant Derivative Category and T and U Nonimmigrant Adjustment of Status for Applicants from the Commonwealth of the Northern Mariana Islands*, PM 602-0107 (Oct. 30, 2014),

https://www.uscis.gov/sites/default/files/USCIS/Outreach/Interim%20Guidance%20for%20Comment/Interim_PM-602-0107.pdf; 8 CFR §214.211(a)(3)).

Derivative applicants are also eligible to apply for T Adjustment of Status provided that they meet all necessary requirements. If you have questions about this, please speak to your Her Justice mentor.

QUICK REFERENCE:
T NONIMMIGRANT STATUS ELIGIBILITY AT A GLANCE¹

Category	Description	Eligibility For T Nonimmigrant Status	
T-1	Trafficking victim/principal applicant	<u>Under the age of 18:</u> <ul style="list-style-type: none"> Victim of a <i>severe form of trafficking</i>; <ul style="list-style-type: none"> Sex trafficking: Do not have to show force, fraud or coercion Labor trafficking: Have to show force, fraud or coercion and trafficking itself (involuntary servitude, peonage, debt bondage, or slavery) Physically present in the U.S. on account of trafficking; Would suffer extreme hardship involving unusual and severe harm if forced to leave U.S.; and If under 18 at time of occurrence of at least one of the acts of trafficking, do not have to show cooperated with reasonable requests from law enforcement 	<u>Age 18 or older:</u> <ul style="list-style-type: none"> Victim of a <i>severe form of trafficking</i>; Physically present in the U.S. on account of trafficking; Would suffer extreme hardship involving unusual and severe harm if forced to leave U.S.; and Cooperated with reasonable requests from law enforcement OR cannot cooperate because of trauma
T-2	T-1's spouse	Marriage must exist prior to approval of the principal's T application.	
T-3	T-1's child (under 21 years old)	T-3 must be unmarried and under 21 at the time of filing of principal's application. Remains eligible if turned 21 during pendency of principal's application. Must remain unmarried until admission to the US in T-3 status.	
T-4	T-1's parent	<u>T-1 is under the age of 21:</u> <ul style="list-style-type: none"> Must show legitimacy if petitioning for T-1's father (See INA 101(b)(1) for more) Remains eligible if principal turned 21 during pendency of principal's application. 	<u>T-1 is 21 years old or older:</u> <ul style="list-style-type: none"> Must show legitimacy if petitioning for T-1's father (See INA 101(b)(1) for more); AND Must show that parent is in danger of retaliation as a result of T-1's escape from trafficking or her cooperation with law enforcement.
T-5	T-1's siblings (under the age of 18)	<u>T-1 is under 21:</u> <ul style="list-style-type: none"> Remains eligible if principal turned 21 during pendency of principal's application Siblings must be under the age of 18 at the time of filing the principal's application and remain eligible if sibling is 18 or older when principal's application is approved.² Siblings must be unmarried (and remain unmarried until admitted to the U.S.) 	<u>T-1 is 21 or older:</u> <ul style="list-style-type: none"> Siblings must be under the age of 18 at the time of filing the principal's application and remain eligible if sibling is 18 or older when principal's application is approved.³ Siblings must be unmarried (and remain unmarried until admitted to the U.S.) Siblings must show that they are in danger of retaliation as a result of T-1's escape from trafficking or her cooperation with law enforcement.

¹ INA §101(a)(15)(T)(i) and (ii); 8 CFR §214.211.

² 8 CFR § 214.211(e)(2)(iii) & (iv).

³ 8 CFR § 214.211(a)(3), (e)(2)(iii) & (iv).

T-6	Adult or minor child of T-2, T-3, T-4, or T-5	Applicant must show that he/she is a child of a T-1 derivative and is in danger of retaliation as a result of T-1's escape from trafficking or her cooperation with law enforcement.
-----	---	--

QUICK REFERENCE: **COMMON TERMS AND DEFINITIONS**

Term	Definition
A #	Alien Registration Number. A unique 8- or 9-digit number assigned when USCIS receives an applicant's immigration application
AAO	Administrative Appeals Office
ACD	Adjournment in Contemplation of Dismissal
AG	Attorney General
AR-11	Alien's Change of Address Form. A change of address form must be submitted within 10 days of moving.
ASC	Application Support Center
BIA	Board of Immigration Appeals
CBP	U.S. Customs and Border Protection
CP	Continued Presence. This is a temporary immigration status provided to trafficking victims by law enforcement.
DHS	Department of Homeland Security
DOJ	Department of Justice
DSS	Diplomatic Security Service. This is an office within the State Department that investigates trafficking by diplomats.
EAD	Employment Authorization Document. Also known as a "work permit"
EOIR	Executive Office for Immigration Review. The agency within the DOJ responsible for adjudicating removal proceedings; also known as "Immigration Court"
EWI	Entered Without Inspection
FOIA	Freedom of Information Act
G-28	Notice of Entry of Appearance as Attorney or Accredited Representative (traditionally printed on blue paper)
G-639	Freedom of Information Act/Privacy Act Request
HHS	U.S Department of Health & Human Services
HTIC	Human Trafficking Intervention Court
I-102	Application for a Replacement, or Initial, Nonimmigrant Arrival-Departure Document
I-192	Application for Advance Permission to Enter as a Nonimmigrant (used for waivers of inadmissibility; sometimes referred to as the "waiver application")
I-193	Application for Waiver of Passport and/or Visa

I-765	Application for Employment Authorization
I-912	Request for Fee Waiver
I-914	Application for T Nonimmigrant Status
I-914 Supp. A	Application for Family Member of T-1 Recipient
I-914 Supp. B	Declaration of Law Enforcement Officer for Victim of Trafficking in Persons
I-94	This is the U.S. Arrival-Departure Record Card, an electronic or paper travel document that all non-U.S. citizens receive when they arrive in the U.S. Each I-94 has a unique 11-digit number. You can access your client's I-94 information here: https://i94.cbp.dhs.gov/i94/#/home .
ICE	United States Immigration and Customs Enforcement
LEA	Law Enforcement Agency
LPR	Lawful Permanent Resident (<i>i.e.</i> , green card holder)
NOID	Notice of Intent to Deny
OTDA	Office of Temporary and Disability Assistance (New York State)
RFE	Request for Evidence
TVPA	Trafficking Victims Protection Act. Federal trafficking law passed in 2000 and reauthorized in 2003, 2005, 2013 and 2018.
USCIS	United States Citizenship and Immigration Services
VAWA	Violence Against Women Act

STEP 2A: INITIAL FILING: GUIDANCE & RESOURCES

STEP 2A: INITIAL FILING: GUIDANCE & RESOURCES

- A. Cover Page and Table of Contents
- B. Quick Reference: Step-by-Step Guide for Filing a T Nonimmigrant Status Application
- C. Contents of the T Nonimmigrant Status Application
- D. Before Your First Client Meeting
- E. T Visa Document Checklist for Clients
- F. Interviewing Your Client
- G. Article: Interviewing and Assisting Trafficking Survivors
- H. Filing the T Nonimmigrant Application
- I. USCIS Forms Warning

QUICK REFERENCE:

STEP BY STEP CASE GUIDE REGARDING T NONIMMIGRANT STATUS APPLICATION

This section provides a basic outline of a T Nonimmigrant Status case. Of course, every client and case is different, and so you will need to be flexible with the steps and the timing. Nonetheless, the following guideposts should give you a good sense of what to expect when you help a client apply for T Nonimmigrant Status.

There are three main phases in drafting a T case, including (1) gathering information and beginning the drafting; (2) cooperation with law enforcement; and (3) filing the application. These phases are described in detail below.

Phase 1. Gather Information and Begin Drafting

1. After you take on representation of a T client you should:
 - a. Get in touch with your Her Justice mentor to set up an introductory case call. If Her Justice has any relevant client documents, we will send them to you before the call.
 - b. Attend, or watch a recording of, a Her Justice T Nonimmigrant Status training, and review this Manual.
2. If you do not have someone who speaks the client's language on your team, arrange for an interpreter to join the team. The interpreter should be the same throughout the case to maintain consistency and build trust with the client.
3. Call your client to introduce yourself and set up a time to meet. Go over the documents that you would like your client to start gathering and, ideally, bring to the first meeting (see T Visa Document Checklist for Clients). For the first meeting, you will likely want to set aside at least 1.5 to 3 hours (you may need longer for the first meeting if an interpreter is involved).
4. Review the *Interviewing Your Client* and *Interviewing and Assisting Trafficking Survivors* sections of this Manual to prepare for your first client meeting.
5. Meet with the client. You will need to meet with your client several times to gather all the necessary information.
6. You should start drafting the client affidavit as soon as practicable. This will help you organize all the information you have and will enable you to easily identify gaps or inconsistencies that you need to go over with your client at the next meeting(s). You should also begin gathering the supporting documents you want to attach to the T application.

7. After you have a good handle on your client's story, touch base with your Her Justice mentor to further strategize.
8. **Timing:** Phase 1 should be completed within the **first 4-6 weeks**¹ of your representation. It is important to gather the client's story right away. The drafting process could take some time, so you will want to start it as soon as you can.

Phase 2. Cooperation with Law Enforcement; Continued Drafting

9. At the time of placement, Her Justice will have already made an initial report of your client's trafficking to the most strategic law enforcement agency.
10. Speak to your Her Justice mentor about whether seeking Continued Presence for your client is appropriate in their case. If so, you should immediately reach out to the law enforcement agency that your client previously reported to in order to seek Continued Presence and work authorization (if your client does not already have it).
11. Assist your client with follow-up law enforcement reporting, if any. The mechanics of your assistance will vary depending on how interested the law enforcement agency is. Your client may be asked for one or more interviews. Help her prepare for, and accompany her to, every interaction with law enforcement.
12. The timing for this phase depends on law enforcement and you should communicate with your Her Justice mentor about case strategy. If your client is cooperating in an active prosecution and wishes to file for T nonimmigrant status before the investigation/prosecution is over, please discuss with your Her Justice mentor.
13. During this phase you should also finalize your client's T Nonimmigrant Status application as much as possible. The most time-intensive documents will be your client's I-914 affidavit and your Statement of Law.

Phase 3. Filing the Application

14. After you have drafted all components of your client's T Nonimmigrant Status application, send the entire draft filing (including all supporting documents) to your Her Justice mentor to review.
15. After you and your Her Justice mentor are satisfied with the application package, schedule a final meeting with your client and have them review and sign all final forms and notarize all affidavits.

¹ If your client struggles to tell you their story because of trauma even after multiple meetings, please notify your Her Justice mentor so we can make the appropriate referrals, such as counseling services.

Submit the entire application to the address listed under "Where to File" at <https://www.uscis.gov/i-914>.

16. E-mail your Her Justice mentor a scan of the entire filing.

CONTENTS OF A T-NONIMMIGRANT STATUS APPLICATION

You are permitted to include in the application any credible evidence, which means that you can prove much of your case through your client's testimony. As a result, the most important part of your application is a fulsome I-914 affidavit that details all compelling and relevant pieces of your client's story.

In a typical case, your application package will include all of the documents set forth below. We have provided samples of many of the immigration forms you will need under *Exhibit 1* to this Manual, **but you should always download the forms directly from www.uscis.gov to ensure that you are getting the most up-to-date document.**

Cover Letter

Typically, the cover letter can be fairly brief and should clearly outline everything included in the package. Occasionally, depending on the facts of the case, you may need to submit a more detailed cover letter. Please discuss with your Her Justice mentor whether a more detailed cover letter is necessary.

Form G-28 (Notice of Entry of Appearance)

This is your notice of appearance, and you must submit a separate G-28 for each applicant. The G-28 must be signed by a member in good standing of the bar of any U.S. state, or of the District of Columbia. The G-28 allows you to include several forms, but it is best practice to include a separate G-28 for each form that you are filing (e.g., Form I-914, I-914 Supp. A., I-192, I-765). This is important as it ensures that all notifications for each form come directly to you. Unless your client requests otherwise, do not list your client's home address; use your firm's address (with a "c/o" indicator). Additionally, on Part 4 of the application, please mark both 1.a. and 1.b. to ensure that the notifications and identity documents are delivered to your office and not to the client's home address.

Form I-914 (Application for T Nonimmigrant Status)

This is your client's application form for T Nonimmigrant Status (often referred to as "Form I-914." You should review the sample Form I-914 in this Manual, and of course always go through every question with your client. Below are a few practice tips to remember when filling out Form I-914.

Form I-914: Practice Tips

- As discussed previously, do not list client's home address or telephone. Use your firm's address (with a "c/o" indicator) and your phone number.

- In the “Date of Last Entry” field, always write in “approx.” unless your client entered with inspection and has an entry date stamped on her passport.

Always indicate “Yes” regarding whether your client would like an Employment Authorization Document, even if they already have one.

- For any questions in Part 4 where your client answers “Yes,” or “No” but the answer is more appropriately labeled “Unclear,” you must attach a short supplemental affidavit (“Affidavit Explaining Affirmative or Unclear Responses to Form I-914 Application for T Nonimmigrant Status” or “Form I-914 Addendum”) from your client supplementing their response and explaining the circumstances. Form I-914 addendums should be succinct but should still be advocacy pieces that highlight the most compelling parts of your client’s story.
- When responding to Part 4, Q1. regarding crimes, keep these two points in mind:
 - You should generally answer “No” to the question regarding whether your client has ever committed a crime or offense for which they have not been arrested. This question calls for the client to make a legal analysis about whether past conduct may have constituted a crime in the jurisdiction they were in at the time. The client should not be guessing at the answer if they are not in a position to make that determination. If you believe the client has engaged in some act that could be considered criminal (such as prostitution), you may answer “No” and provide an explanation why your client answered “No” but feels the answer is more appropriately labeled as “Unclear.”
 - If your client has been arrested, charged, or convicted of a crime, you should be sure to make full disclosure by indicating “yes” if Her Justice has been able to obtain FBI fingerprint confirmation. If your client believes that they were detained or charged but there is no FBI record, you should answer “Yes” on the Form and address the facts in a Form I-914 Affidavit. You should make the disclosure even if (i) their case has been dismissed; (ii) they have received an Adjournment in Contemplation of Dismissal (“ACD”); (iii) they were arrested under the age of 18, or (iv) if you cannot find the Certificate of Disposition but your client remembers being arrested, etc. This

includes any immigration-related arrests or charge, as well as any violations.¹

- With respect to Part 4, Q2. a., regarding whether your client has ever engaged in prostitution, the answer should be answered “No”, even if your client has prostitution-related arrests. Engaging in prostitution is a specific legal term that indicates a pattern of behavior or deliberate course of conduct entered into primarily for financial gain. As a trafficking victim, your client will generally not fit this description. Note that you still want to provide a supplemental response to this question, which you can do in a Form I-914 Affidavit, explaining why you do not consider them to have engaged in prostitution. And you will also want to seek a waiver on Form I-192 (see below) and explain in the I-192 supplemental affidavit (“Affidavit in Connection with Form I-192” or “Form I-192 Affidavit”) that you do not believe that your client has engaged in prostitution but that you are seeking a waiver out of an abundance of caution in case the government views the case differently.
- With respect to Part 4, Q8. a-c., which asks whether your client has ever been present when a person was killed, beaten, displaced, etc., you should answer “Yes” if the client themselves was ever beaten, forced to move, etc. Some clients may also have seen other victims being beaten by their trafficker, a common form of intimidation, so if appropriate, please explore these questions. This helps to create a compelling story.
- If your client does not know details regarding present or past removal, exclusion, rescission, or deportation proceeding against them (Part 4, Q9), you should be able to get that information from a Freedom of Information Act request (“FOIA Request”). Please speak to your Her Justice mentor to determine if a FOIA request is necessary.

Statement of Law

This is where you, as your client’s attorney, will explain to USCIS why your client meets the four elements of T Nonimmigrant Status. Unlike the plain language I-914 affidavit, this document is more like a legal brief. You should cite specific paragraphs of your client’s affidavit. See the sample Statement of Law in this Manual.

Index of Supporting Evidence

¹ Although in New York a violation is not considered a crime, violations must nonetheless be disclosed for immigration purposes.

USCIS has stated that they find an index of supporting evidence very useful in I-914 applications. Please refer to the sample index provided in the exhibits to this Manual.

Supporting Evidence

- The following are some of the exhibits that you will need to include in your T Nonimmigrant Status application and list on the index of supporting evidence. This is a non-exhaustive list – you may have other evidence to include depending on your case.
- I-914 Affidavit
The I-914 Affidavit is mandatory, and the central component of the application. It is a narrative of your client's trafficking story, and it should include facts that help your client satisfy all four elements of T Nonimmigrant Status. It needs to provide a cogent explanation of how your client was trafficked, their trafficking experience, any cooperation with law enforcement, fears about being returned to their home country, and the hardships they will face if returned. If possible, it should also include a sentence or two about any personal developments in the U.S. since escaping their trafficking (e.g., participating in community events, taking English lessons).

Practice Tip: You should draft your client's affidavit using plain English. The affidavit should not include law or any legalese and should not be written in any overly formal style. The language should reflect the client's voice.

Practice Tip: Avoid providing specific dates or unnecessary details that could impeach a client's credibility should there be a criminal investigation of their trafficker. You should include the least amount of detail necessary to satisfy the T Status standard.

- Evidence of Law Enforcement Cooperation
If you have not obtained a signed I-914 Supp. B or Continued Presence (true for most clients), you must include other evidence of law enforcement cooperation. This will generally include documents such as emails to and from law enforcement. This could also include drafting an attorney affirmation detailing the efforts you made to contact law enforcement on your client's behalf. If you have obtained a signed I-914 Supp. B or Continued Presence, include the Supp. B and any documentation showing your client's grant of Continued Presence.
- All Other Supporting Documents

You should try to gather other evidence to support your client's affidavit, although it may not always be available. For example, you may be able to include Craigslist or Backpage.com advertisements posted by your client's pimp or trafficker; newspaper articles about prosecutions of your client's traffickers; medical records documenting abuse or forced abortions; orders of protection; a letter from your client's therapist discussing trauma from trafficking, etc. Also include certified certificates of disposition for all of your client's arrests.

Practice Tip: Any documents in a foreign language must be accompanied by an English translation and a certificate of translation.

- **Identity and Immigration Documents**
Include copies of identity documents (e.g., passport, birth certificates of all children, marriage certificates, divorce decrees and death certificates if relevant) for your client and for each derivative family member applicant. Also include copies of immigration documents indicating lawful entry to the U.S. or significant public benefit parole into the U.S., such as an I-94 card, an I-102 approval notice (indicating that the client has Continued Presence) and/or an I-765 approval notice. Note that a client who cannot present proof of lawful entry and cannot include proof of a current valid passport must file a Form I-192 seeking a waiver for lack of passport.

Practice Tip: Any documents in a foreign language must be accompanied by an English translation and a certificate of translation.

Form I-192 (Application for Advance Permission to Enter as Nonimmigrant)

You must submit a Form I-192 if your client or any derivative is inadmissible under INA §212(a), as well as a Form I-192 Affidavit – a brief affidavit outlining the reasons for the applicant's inadmissibility, arguments for their eligibility for a waiver, and requesting a favorable exercise of discretion for a waiver. If an applicant is 14 years or older, the Form I-192 must be signed by the applicant. If the applicant is under the age of 14, the applicant's parent or legal guardian can sign the Form.

Practice Tip: Waivers are both statutory and discretionary, therefore, it is important to refer to the statute and regulations as you determine whether to seek a waiver. Depending on the nature of the ground of inadmissibility, you may also want to look at case law to help craft your request.

Form I-914, Supp. A (Application for Immediate Family Member of T-1 Recipient)

You will include a Form I-914 Supp. A for each family member who is applying for derivative status. The T-1 principal is the applicant, and the applicant signs the form. The derivative family member signs in the box below the applicant's signature if the derivative is 14 or over and in the U.S. If the derivative relative is under the age of 14, the derivative's parent or legal guardian can sign the Form on their behalf.

You must attach a supplemental affidavit ("Affidavit in Connection with Form I-914, Supp. A." or "Form I-914 Supp. A. Affidavit") if the answer to any of the questions in Part 4 ("Processing Information" section) is "Yes." The Form I-914 Supp. A. Affidavit can be from your client (explaining the circumstances on behalf of the derivative) or from the derivative applicant themselves. If the derivative is over the age of 14 and in the U.S., it is better if the affidavit comes from the derivative.

Form I-765 (Application for Employment Authorization)

Submit an Employment Authorization Form for the principal applicant. This I-765 application is filed under category (c)(40), in anticipation of USCIS determining that the principal applicant's I-914 Application is bona fide. The I-765 application has to include two passport photos.

Submit two Employment Authorization Forms for each derivative family member applicant who is currently in the U.S. and who would like a work permit. One of the Form I-765s is filed under category (c)(40), in anticipation of USCIS determining that the principal applicant's I-914 Application is bona fide and then determining the same for the derivative family member's I-914 Supp. A. The second Form I-765 is filed under category (c)(25), in anticipation of a final USCIS approval of the principal applicant's I-914 Application and the I-914 Supp. A for the derivative family member. Each Form I-765 must include two passport photos.

BEFORE YOUR FIRST CLIENT MEETING

1. Make sure you are familiar with the facts of your client's case and the initial documents sent to you by Her Justice.
2. Make note of the information still needed to prove that your client a) meets all four elements of T Nonimmigrant Status eligibility, and b) is either admissible to the U.S., or will require an inadmissibility waiver (and if so, identify which inadmissibility grounds will need to be disclosed and waived). Identify areas where you already have strong evidence and areas where you will need to gather more information from your client. Identify if you, or Her Justice, will need to make any Freedom of Information Act (FOIA) requests or FBI fingerprint background checks.
3. Call your client to introduce yourself and set up a time to meet. During this initial phone call, go over the documents that you would like your client to start gathering and, ideally, bring to your first meeting (see T Visa Document Checklist for Clients).
4. For the first meeting, you will likely need to set aside **1.5 to 3 hours** to introduce yourself and gather information from your client (you may need longer for the first meeting if an interpreter is involved).
5. You should plan to meet with your client several times over the next few months to gather all the necessary information.

T VISA DOCUMENT CHECKLIST FOR CLIENTS

Before you meet with your client, tell her to bring the following documents to your first meeting:

- Birth certificates and any marriage certificates, divorce/annulment decrees, or death certificates related to the primary T visa applicant, their children (even if they are U.S. citizens) and any potential derivative applicants.
- Valid passports, if available, for each T applicant and derivative. (Note: Any derivatives outside the U.S. who are unable to obtain passports and who seek to enter the U.S. on T derivative visas must file Form I-193 to waive the passport requirement).
- I-94 cards, if any, of T applicant and any family members in the U.S.
- Copies of any documents previously submitted to or received from federal immigration authorities.
- Work permits of each T applicant and derivative (for those who have work permits).
- Social security cards (or numbers, if the card is unavailable) of each T applicant and derivative (for those who have social security numbers).
- All hospital and other medical records concerning incidents of injury or trauma resulting from trafficking.
- Any Orders of Protection.
- Any criminal court records, including certificates of disposition.

Note that all documents that are not in English must be accompanied by certified translations when submitted to USCIS.

INTERVIEWING YOUR CLIENT

You will need to gather a significant amount of information from your client, some of which may be very difficult for them to tell you, and you will inevitably need to meet with them several times to get everything you need. It is often advisable to spend the first meeting getting to know each other, going over some basic information, and gathering documents. First build a rapport with your client, and wait until the second meeting to begin asking questions about their trafficking. Of course, all clients are different, and some might be ready to jump in during the first meeting—you will have to assess your client's demeanor and comfort level that day and proceed accordingly.

Building a strong and trusting relationship with your client is critical. Your client will likely be very nervous about telling their harrowing story to a group of new people. They may feel embarrassed about their experiences, their level of education, or their inability to communicate with you in English. They may not fully understand your role as pro bono attorney and may think that you are someone connected to law enforcement. It is important to do everything you can to try to put your client at ease right away, and this includes providing them with sufficient information to understand your role and the process. Below are some tips that will help you build a trusting relationship with your client.

1. Prepping for the First Meeting

- When you call your client to schedule the meeting, make sure you give them specific directions to your office, as well as specific directions on what to do once she gets there. Prep them for the security check-in and let them know that they will need identification. If they do not have photo identification, please make advance arrangements at the Security Desk. Make sure they have your contact number (or the contact number of the person who is interpreting if you do not speak their language) in case they get lost or have problems.
- Consider meeting them in the lobby and accompanying them to the conference room (this will help relieve some of their stress around facing security).
- Avoid scheduling the meeting in a “fishbowl” conference room, *i.e.*, a room where passersby can see in. Try to secure a room with windows facing outside, as some trafficking victims feel uncomfortable in a windowless room.
- Make sure the room has water, coffee/tea, and tissues. If you are able to provide food, that is also a nice added touch.

- **The First Meeting**

- Don't overwhelm the client with too many people in the room – include only those in the meeting who are necessary. Female clients generally should not be represented by all-male teams (although we have had some positive exceptions).
- If there is food, please note that many clients will be too shy to help themselves unless you are also eating. It is often helpful to indicate that you are going to eat and ask them to please join you and get yourself some food. This will help put them at ease.
- Introduce everyone in the room, and explain their roles (*i.e.*, attorney, translator, paralegal). Make sure the client understands that you are working with Her Justice and that you are their attorneys. Explain the concept of attorney-client privilege and assure them that everything they tell you is confidential. You will not reveal anything to law enforcement or anyone else unless they give you permission.
- Walk them through the engagement letter and explain everything in plain terms. Ask if they have any questions. Even if the client has a translated version of the letter in their native language, it is still important that it is discussed and explained in simple terms.
- Outline goals (*e.g.*, obtain T Nonimmigrant Status and work authorization for client; and obtain derivative status for their children/family) and explain the process of drafting documents and submitting an application. Ask if they have any questions, and if they have any other goals.
- Obtain some basic information:
 - Current safe telephone number, address, and e-mail (if any);
 - Best way/time to contact client;
 - A numbers for client and all family members (if any; usually they would only have A numbers if they have previously been in Immigration Court or have filed other immigration applications to USCIS);
 - Social security numbers (if any) for client and all family members;
 - Make copies of all documents the client has brought with them, and
 - Before the client leaves, make sure they have a list of documents that you need them to try to gather if they are still important documents you do not have access to.
- Before they leave that first meeting, make sure they have the business cards of the people on the team they should contact if they have any questions or any updates. Some clients prefer to text – decide in advance if you are

comfortable doing so. Make sure your client knows that they must inform you of any changed phone numbers, addresses, emails, etc.

2. The Follow-Up Meeting: Talking to Your Client about Their Trafficking Experience

- Start with open-ended questions. Let your client begin their story however they're comfortable. If possible, try not to interrupt their story. Rather, jot down your questions and when they come to a natural break in the story, go back and ask about the additional details you need to know. Note that clients will rarely tell their story in chronological order, but you can always go back and get the order and approximate dates later.
- Make sure your questions are not judgmental. Do not ask questions like, *Why did you stay so long? Why did you go with that person? You only knew them for a few days, why did you trust them? Why didn't you go to the police right away?* These type of questions will cause clients to shut down.
- Remember that this is not a cross-examination. You may identify inconsistencies in your client's story, but that will very often be because of the defenses they have employed to try to survive the trauma they suffered, including minimization, compartmentalization, repression, and other forms of trauma survival. You should gently and compassionately try to reconcile those inconsistencies with your client, perhaps at another meeting if your client appears to be getting upset. Always explain that you are asking questions for in order to produce the best possible application on their behalf, and not because you don't believe them.
- Emphasize that the questions you are asking may be sensitive, invasive, and upsetting, but that you are only asking to draft a strong application, and nothing more. Explain that all the questions you are asking are directly relevant to your client's application.
- If your client begins to cry or becomes very upset, do not try to comfort them by initiating a hug or touching them in any way. This could make your client more uncomfortable or could be a trigger. Offer them some tissues, and ask if they want to walk with you to the bathroom, to get something to drink, or go outside. Walking or drinking water can be very soothing.

Interviewing and Assisting Trafficking Survivors

by Dorchen A. Leidholdt

Barriers to Interviewing and Assisting Survivors

As challenging as it can be to identify human trafficking and recognize victims, the tasks of interviewing and assisting survivors of human trafficking can be even more daunting. Trafficking victims endure the same kind of harms as victims of many commonly occurring crimes. What distinguishes trafficking is that, while most crime victims suffer discrete injuries that occur during a limited period of time, victims of human trafficking are often subjected to a wide array of criminal acts inflicted over a period of months or even years.

Trafficking victims have much in common with other kinds of crime victims and frequently have experienced the same forms of violence as victims of intimate partner violence, rape and sexual harassment, theft and extortion, stalking and torture, and official corruption. Like intimate partner violence, trafficking often involves betrayal by individuals the victim trusted and loved as well as a course of abusive conduct that extends over years. Like rape and sexual harassment, trafficking often involves a profound violation of the victim's most intimate boundaries. Like theft and extortion, trafficking almost always robs victims of economic resources, leaving victims with urgent material needs. Like stalking and torture, trafficking deprives victims of privacy and peace of mind, instilling in them a state of fear. Like official corruption, trafficking too often denies victims the possibility of justice and protection.

The multifaceted and prolonged nature of the victimization affects trafficking victims in ways that can impede the efforts of attorneys and other service providers to interview victims and develop strong working relationships with them. The many obstacles faced by the legal or social service professional attempting to assist trafficking victims are almost always the direct result of the harm — physical, psychological, and material — inflicted by the traffickers who carry out this profoundly injurious crime.

Trauma

Many trafficking victims have sustained psychological trauma, symptoms of which can range from depression, often accompanied by listlessness or flattened affect, to panic attacks and extreme emotionality. Often victims attempt to distance themselves psychically from their terrifying and humiliating experiences through minimization, memory loss, and dissociation. Many try to numb feelings of anxiety through alcohol and drugs. Post traumatic stress disorder (PTSD) is extremely common among victims of human trafficking.¹ A normal response to abnormal degrees of stress, PTSD is characterized by intrusion (emotional reactions, flashbacks, images, nightmares), avoidance (dissociation, minimizing, numbing, denial), and arousal (anger, difficulty concentrating, insomnia).²

Prior to being trafficked, many victims suffer traumatic events that inflict psychic trauma. This prior trauma not only attracts the attention of traffickers, who are adept at seeking out vulnerable victims and exploiting their vulnerability, but also magnifies the psychic harm of subsequent trauma. Typical is the experience of Kika, a sex trafficking victim from Latin America who was a client at Sanctuary for Families, a large New York City not-for-profit organization serving domestic violence and trafficking victims and their families.³ Before Kika met the man who lured her to the United States, pressed her into debt bondage, and handed her over to a brothel manager, she had been beaten by her mother as a child, raped by her mother's boyfriend, and battered by a boyfriend. Like sharks that scent blood in the water, Kika's traffickers were attracted by and preyed on her vulnerability. The psychic damage they inflicted was greatly compounded by her previous psychic injury and rendered her so disabled that she was unable to resist the demands of her traffickers and identify routes of escape.⁴

Many victims display the hallmarks of traumatic bonding, also known as Stockholm syndrome, sometimes viewing their exploiters as their protectors. Mario, a labor trafficking victim from Honduras, had witnessed the murder of his beloved older brother by a rival street gang and had been threatened and held captive by the "coyotes" he paid to smuggle him through Mexico and across the border. Once in the United States he fell under the control of a construction boss who confiscated his passport and held him in a trailer on the construction company's work site, forcing him to work long hours for no pay. However, the construction boss occasionally wired money to Mario's family in Mexico. Sporadic acts of apparent kindness like the payments to his family led Mario to feel indebted to the man who was brutally exploiting him. Mario's traumatic bonding intensified his trafficker's domination and control.⁵

High degrees of trauma like that sustained by Kika and Mario heighten the challenges faced by lawyers and other professionals attempting to interview and assist victims. Minimization, denial, and memory loss, all symptoms of psychological trauma, can make it extremely difficult to elicit information necessary to understand whether the exploiter's conduct rises to the level of actionable trafficking, to draft petitions and criminal complaints, and to prepare the victim to testify at trial.

Physical trauma, especially traumatic brain injury, may also be at the root of difficulties victims have remembering. Traffickers and other abusers know that leaving victims with visible physical injuries can tip off authorities and render victims less marketable. Beatings sustained in and around the head can leave even cooperative victims with enduring difficulties producing a coherent narrative of their histories and details of their trafficking experience.

Interviewing survivors and preparing them for court proceedings require them to recount the traumatic events. Not infrequently this can cause them to reexperience the earlier trauma and trigger traumatic symptoms. For survivors, the pain of reliving traumatic events can discourage them from attending meetings with attorneys and other service providers and cooperating with law enforcement officials. For the providers attempting to assist survivors and not cause further harm, the experience of inadvertently retraumatizing a client during interviews or preparation sessions can be extremely uncomfortable and thwart well-intentioned efforts to provide help.

Anger and irritability are frequent symptoms of the kind of depression and trauma victims experience, and it is not unusual for survivors to misdirect these emotions caused by abuse at the hands of their traffickers to those attempting to provide protection and assistance. Attorneys at Sanctuary for Families provided legal representation to Kristina, an Eastern European trafficking victim who had been serially raped, first by the American man who recruited her on an internet bride website and then, when she fled from him, by a man who falsely claimed to be a police officer. The efforts of attorneys to help Kristina obtain immigration relief and medical assistance for her seizure disorder were frequently met with outbursts of rage and, on two occasions, with physically menacing acts. Staff struggled to maintain their composure in the face of repeated incidents of provocative and even frightening behavior.⁶

Fear

Traffickers maintain control over their victims by deliberately instilling in them high degrees of fear, often by threatening to harm them and those they

love.⁷ Since traffickers often have connections with victims' communities and know the whereabouts of their family members, victims are acutely aware that their exploiters can make good on such threats. Olga, a Sanctuary for Families client and a labor trafficking victim from the Ukraine, was subjected to chilling threats. Not only was she told that she would be forced into prostitution if she disobeyed her traffickers' orders, after she tried to escape she was warned that if she did not do everything her traffickers demanded they would murder her two small children in the Ukraine, eviscerate them, and sell their organs. Olga was paralyzed by fear, and when she was rescued had frequent and uncontrollable panic attacks. This made it extremely difficult for her attorney to gather the information she needed to prepare Olga's application for a T-visa.⁸

Traffickers also instill in their victims fears about the response of law enforcement and immigration authorities. Sex trafficking victims are routinely told by their traffickers that if they try to seek help from the police they will be arrested for prostitution and, if they are immigrants, summarily deported. Sex traffickers threaten victims with children that, if the authorities find out that they were in prostitution, their children will be put in foster care and they will be deported and never see their children again. Labor traffickers tell victims that authorities will separate them from their families, incarcerate them in immigration jails, and deport them back into the conditions of poverty they had hoped to escape.

Sadly, too often these threats are realized. Both sex and labor trafficking victims often experience mistreatment by authorities, not only in their countries of origin, where official corruption may be rampant, but also in the United States. Survivors of sex trafficking often report that law enforcement officers tell them after arrest that they will be released if they provide sexual services to the officers. Sex trafficking victims who are apprehended by the police are far more likely to be arrested and treated as law breakers than identified as victims and offered services. Trafficking victims who are undocumented immigrants are frequently subjected to arrest, detention, and deportation by American criminal justice and immigration authorities more used to expelling "illegal immigrants" than identifying victims and providing them with protection.

Existing in conditions of heightened fear for months or even years not only can exacerbate trauma and its symptoms but also can make it difficult for survivors to trust anyone, especially someone who is or appears to be connected with government authorities, including lawyers. Repeated experiences of betrayal and exploitation, often by those in whom survivors had placed their trust, render them suspicious, guarded, reluctant to disclose important information, and likely to resort to giving those attempting to assist them the false narratives drilled into them by their traffickers.

Shame

Like all those who are victimized, survivors of human trafficking experience shame — shame at having been tricked and deceived, at having been taken advantage of, at having been exploited, and often at failing to provide family members with money survivors had intended to send them. Because the period of victimization is often prolonged, the shame they experience is often deeper and more persistent than that experienced by other crime victims.

Sex trafficking victims almost invariably experience a profound degree of shame.⁹ Over and over, they are required by both their traffickers and their customers to perform acts that are degrading, humiliating, and repugnant to them. Deepening their shame, they often are required to feign pleasure in the degradation and to pretend that they are engaging in humiliating acts of their own volition. Not infrequently these acts are photographed or filmed, and the victims are threatened that the pornographic images will be shown to family members and/or publicized on the internet. Victims are often subjected to verbal abuse by their exploiters and their customers, called names like “dirty whore,” “puta,” and “slut” that suggest that their very beings are vile and that they are in prostitution because they are prostitutes by nature.

In most societies, especially traditional ones, prostitution is considered the lowest human condition, one that renders those in it permanently stigmatized and cast out of normal society. Prostitution is considered immoral, a violation of religious precepts, and prostitutes are regarded as “fallen women.” In many countries, including our own, prostitution is a crime. By inducing their victims into prostitution, sex traffickers marginalize them, creating a vast gulf between victims and those attempting to assist them. It is not surprising that sex trafficking victims often find it difficult if not impossible to recount experiences that are mortifying in the extreme.

Isolation

Extreme isolation, the *sine qua non* of human trafficking, takes place in a variety of settings — private homes, farms and factories, brothels, strip clubs, and sex shops. This isolation does not separate victims from all human contact; indeed, they are usually surrounded by others, they enjoy little if any privacy, and human contact of the most invasive nature imaginable is often pressed upon them. Instead, the isolation that is endemic to human trafficking takes the form of the trafficker rigorously controlling the victim’s ability to communicate, cutting the victim off from systems of support, and curtailing his or her freedom of movement.

Traffickers isolate their victims for many, interconnected reasons: to separate them from sources of help, to prevent them from obtaining information that could facilitate escape, to keep them in a state of disorientation and dependence, to stop them from discovering the truth about the trafficker's campaign of misinformation, and to shield their operations from detection by law enforcement authorities. Often trafficking victims suffer in conditions of isolation for weeks, months, or years.

The isolation imposed by traffickers amplifies their power and control over their victims and impresses the traffickers' world view and belief system on them. Sex traffickers often carry this to an extreme, employing a process called "seasoning," which systematically breaks down and reconstructs the victim's values, sense of self, and understanding of her or his relationship to society. A victim who has been successfully seasoned regards the trafficker as an omniscient, omnipotent god and offers him devotion and blind obedience. Isolation and its consequences mean that the legal professional trying to connect with a victim may first need to deal with someone deeply influenced by, if not still in the service of, the trafficker.

Adaptation

While trafficking is often precipitated by tactics of overt brutality and/or deception, as months turn into years, traumatized, fearful, shamed, and isolated victims may begin to accept their circumstances. They struggle to make the intolerable survivable. They learn that fighting against their exploiters is dangerous and futile. The best that can be achieved is accommodation. If traumatic bonding kicks in, victims come to regard traffickers as family and protectors.

When exploitation in trafficking becomes routine, victims no longer try to escape but instead try to find a way to survive physically and emotionally within its confines. Often it takes an overtly violent experience to rouse the victim from this trauma-induced stupor and precipitate an effort to escape. Kika, one of Sanctuary for Families' sex trafficking clients, is a good example. Psychologically devastated by having to provide sexual services to twenty customers a night, Kika adapted to life in a brothel by creating a family with the other victims. Annie, a trafficking victim from the Dominican Republic, became her confidante and best friend. Only when Annie was murdered in front of her by an irate customer did Kika's illusion of safety shatter, and she began to try to find an exit route.¹⁰ Similarly, Olga, the labor trafficking victim from the Ukraine, became inured to life as a labor slave until her trafficker tried to rape her. Then she tried the only exit available to her — suicide.¹¹

When she first met with her lawyer at Sanctuary for Families, Katerina presented as a battered wife who needed an order of protection. Later she told her attorney that she had previously been in prostitution, which she described as entirely voluntary. To the attorney's surprise, a law student intern who had been preparing Katerina's application for a civil order of protection reported that Katerina was a trafficking victim. In her mid-20's she had gone to an employment agency in Moscow in response to an ad for babysitters in New York City. When she arrived at Kennedy Airport, she was met by a man, working with a female confederate, who placed her in debt bondage, confiscated her passport, and, with the debt mounting, offered Katerina a way to settle it: stripping in Newark or performing "massage" in Brooklyn. Katerina's entry into prostitution was far from volitional, and the three years in brothel and escort prostitution that followed left her suicidal, self-hating, and alcoholic. Nonetheless, Katerina continued to insist that she was not a victim and that the other women in the brothel had suffered far more than she.¹²

Katerina's attorney came to realize that her client was engaged in the psychological strategy of "reappraisal," "cognitively transforming the situation so as to alter its emotional impact."¹³ As a team of psychologists explains, "This process may include an individual reappraising an aversive situation as not as bad as it could be, minimizing the harm, [providing] justification for the situation, [making] social comparisons to others who are worse off, or [demonstrating] acceptance of the situation."¹⁴

Lawyers and other service providers working with possible victims of trafficking who deny sustaining harm or minimize negative effects should be alert to the likelihood that reappraisal or other mechanisms of adaptation may be at work. Rather than simply accepting a client's disclaimer of harm at face value, as initially occurred in Katerina's case, the legal professional should sensitively explore all of the facts and circumstances before ruling out the crime of trafficking. Once Katerina was correctly identified as a victim of human trafficking, not only did her self-blame abate but she became eligible for a T-Visa and the many benefits available to T-Visa applicants.

Recommendations to Legal Professionals

Work to Develop a Relationship of Trust

Building the trust that is essential to a healthy attorney-client relationship is not an easy task but there are steps you can take to help create a strong, trusting relationship. Your first task may be dispelling misunderstandings about your role. Even though you may be a private practitioner or a lawyer employed by a public interest organization, your client may assume that you are a government official and regard you with suspicion and fear.

As soon as possible, explain to your client, if it is accurate, that you are not working for the government and that all of his or her communications to you will be kept strictly confidential. Emphasize that your client can speak with you freely and openly, without concern that you will disclose his or her confidences to the government or the traffickers. If your client is an immigrant, broach the subject of immigration status with sensitivity: For example, instead of asking “Are you undocumented?” you could say “We may be able to help you with your immigration legal needs.” Be alert to the power imbalance inherent in the attorney-client relationship and work to diminish it by acknowledging the client’s strengths, listening to his or her concerns, and demonstrating responsiveness to his or her needs.

Prioritize Effective Communication

Effective communication is the foundation of a strong attorney-client relationship. If your client does not speak English and you do not speak her or his language, be sure that you communicate through a competent interpreter who not only speaks your client’s language but, if appropriate, your client’s dialect. Equally important, make sure that the interpreter treats your client with sensitivity, professionalism, and respect. If you can communicate with your client at all without an interpreter, after the interpretation has begun try to ask your client, outside of the interpreter’s earshot, whether he or she feels comfortable with the interpreter’s level of skill and attitude. Both your client and the interpreter must understand his or her duty of confidentiality. If the interpreter is from your client’s ethnic community, inquire as to whether he or she has connections to your client’s kinship group or that of the exploiters and, if so, find another interpreter.

Whether your client speaks your language or not, try to use language that is readily accessible to a layperson and, whenever possible, avoid legal jargon.

Take time to thoroughly explain to your client the available legal remedies, each step of the process, the identities and role of key players, what to expect during interaction with each of them, and what will be expected of your client in and outside of court. The better prepared your client is for each stage of the case, the more comfortable he or she will feel, the better he or she will present, and the more confidence he or she will have in the representation. Because emergencies often arise suddenly in trafficking cases, make sure that your client has a way to reach you if necessary.

Be Alert to Symptoms of Psychological Distress

Legal professionals working with trafficking victims need to be alert to the possibility that their clients are experiencing psychological distress and be able to recognize its symptoms. Many trafficking victims suffer from anxiety, depression, and other symptoms of trauma. A normal response to acutely distressing abnormal experiences, these symptoms can interfere with the victim rebuilding her life and working with her attorney on her case. Victims may avoid talking about painful experiences, may deny that they occurred, or may break down when attempting to describe them. You may discover that your client has suicidal ideations or is actively suicidal. If possible, attempt to make referrals to appropriately trained professionals with experience and skill in working with trauma victims. Be aware that your client may have developed substance abuse problems in an effort to alleviate feelings of depression and anxiety. If you see signs that this is the case, identify appropriate substance abuse treatment providers and encourage your client to seek their assistance.

Strive to Mitigate the Effects of Recounting Traumatic Events

Describing traumatic experiences almost invariably forces trafficking survivors to relive them and often sparks traumatic symptoms. Legal professionals cannot avoid such inquiries because an accurate, detailed account of incidents of trafficking, the tactics of the traffickers, and the effects on the victim is essential to almost every kind of case intended to provide survivors with legal relief. While there is no easy solution to this dilemma, there are ways that the psychological harm from participation in the legal process can be alleviated. It may be less injurious, and even therapeutic, for victims to transcribe accounts of their traumatic experiences. If your client is literate, consider asking her or him to prepare a written narrative of her or his experiences. Ask questions in a supportive, nonjudgmental way and affirm your client's responses in a manner that demonstrates understanding and compassion. Avoid body language,

expressions, or comments that indicate that you find her pitiful or her experiences shocking or disgusting or that you take a voyeuristic interest in her ordeal.

Understand that there may need to be multiple meetings before your client can disclose incidents that are especially painful to remember or humiliating to reveal. Scheduling the interview over several days may help prevent your client from being flooded with feelings of distress. If your client breaks down in the course of a session and timing permits, take a break and consider ending early. Reassure your client that it is not unusual to become upset in an interview when asked to remember traumatic occurrences. Remember that your client has survived an experience in which his or her autonomy was severely curtailed if not destroyed; in the interview, let your client determine the timing and pace to the greatest extent possible. Try to end the interview in a positive way, for example, by acknowledging your client's strength and courage.¹⁵

Avoid Exacerbating Feelings of Embarrassment, Shame, or Self-blame

Choose a meeting location that is private and avoid interruptions once your interview begins. Do not disclose your client's circumstances to anyone other than colleagues who are part of your legal team. Realize that your client may not have disclosed the trafficking to family members or friends, who could be judgmental or critical, so don't interview her or him in their presence or allude in their presence to her or his victimization. Be careful not to imply in your comments or questions that your client was responsible for the exploitation or stayed in an abusive situation voluntarily. Avoid, for example, asking, "Why couldn't you leave?" When inquiring about sexual abuse, let your client guide the discussion and reassure her or him that such victimization is common in trafficking cases and that he or she is not to blame. Understand that sex trafficking victims often experience prostitution as rape. Avoid asking questions such as "Was sex a part of your job?" that downplay the seriousness of the violation survivors typically feel.

Be Sensitive to Issues of Gender

If you are male and your client is a female victim of sexual exploitation or abuse, ask her if she would be more comfortable talking with a legal professional who is female and, if so, try to enlist the help of a sensitive female colleague. Demonstrate through your words and actions that you are not being judgmental. You may wish to acknowledge the strength and agency that facilitated her survival. Recognize that trafficking victims often have complex relationships with and feelings about their traffickers and that traumatic bonding

may still be at work. If appropriate, explain that it is not unusual for victims to have feelings of love or gratitude toward those who abused them.

Develop and Implement a Safety Plan

Safety planning is as essential in trafficking cases as in cases of domestic violence. It may have begun before you even meet your client; inquire about safety considerations from any referral sources, such as law enforcement providers. Ensure that the meeting place for your interviews with your client is in a safe location, ideally one that is confidential. Help your client understand the importance of keeping the fact and substance of your meetings confidential. Find out where your client's traffickers and any confederates are, and work with your client to develop a plan in which they can be avoided.

Often the next step — and the most difficult one — is identifying a safe place for the survivor to live. Shelter resources for trafficking survivors are scarce. Explore the possibility of your client entering a domestic violence shelter and, if there is resistance on the part of shelter staff, emphasize to them the similarities of trafficking to intimate partner violence. Be sure that the shelter is not near the living quarters or operations of the traffickers and their associates. If local shelter is not available, explore the possibility of your client relocating to another part of the state or to another state with such facilities.

Other safety measures available to domestic violence victims may be equally beneficial to trafficking victims, such as criminal orders of protection, which usually require the initiation of a criminal case against the trafficker, and civil orders of protection, which usually require that the trafficker and victim have an intimate relationship. Because the family members of victims are frequently the subject of traffickers' threats, your safety plan should include steps that protect the safety of the client's family members in the home country. In one Sanctuary for Families' case, a survivor's attorney persuaded the prosecutor to postpone the arrest of her client's traffickers, who operated between Mexico and the United States, until her daughter in Mexico, whom the traffickers had under surveillance, could be spirited to safety in a domestic violence shelter in New York City.

Be Attentive to Your Client's Material Needs

Trafficking survivors have an array of urgent material needs. Be attentive to these needs and work to address them. They include the need for a safe place to live, food, toiletries, clothing, and medical care. Survivors who are undocumented may not be eligible for traditional public benefits such as food stamps and cash

assistance; explore the possibility of obtaining benefits for them under New York State's anti-trafficking law and available to T-Visa applicants. Material assistance also includes providing your client with a glass of water, tissues, and snacks during the interview. Helping the survivor address these needs not only will free him or her from dependence on exploiters but will help facilitate a relationship of trust.

Conclusion

Interviewing and assisting survivors of human trafficking pose many of the same challenges as interviewing and assisting victims of domestic violence. For this reason, it can be immensely helpful to reach out to experienced domestic violence victim advocates for suggestions about safety planning and addressing clients' other needs. While working in respectful partnership to assist a client with the strength and courage to survive the unimaginable will test the knowledge and skill of even the most seasoned legal professional, it is likely to be one of the most rewarding experiences of an attorney's legal career.

Notes

1. Melissa Farley, *et al.*, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder*, 2 (3/4) *Journal of Trauma Practice* 33, 35 (2003); Melissa Farley & Howard Barkan, *Prostitution, Violence, and Post-Traumatic Stress Disorder*, 27 (3) *Women & Health* 37, 40-41 (1998).
2. See, e.g., Mary Ann Dutton, *Empowering and Healing the Battered Woman*, at 16-3 (1992).
3. The trafficking victims whose experiences are drawn upon to provide examples for this chapter were all clients of the Center for Battered Women's Legal Services at Sanctuary for Families in New York City. The author of this chapter is the Center's Director.
4. Kika Cerpa, "The Human Toll of Sex Trafficking and the Way Out: Kika's Story," presentation at Mercer University (Mar. 20, 2009).
5. Information provided by the victim to the author.
6. Information provided by the victim to Lori Cohen, Senior Staff Attorney, Center for Battered Women's Legal Services, Sanctuary for Families.
7. Kevin Bales, *Disposable people: New slavery in the global economy* (1999).
8. Information provided by the victim to Lori Cohen, Senior Staff Attorney, Center for Battered Women's Legal Services, Sanctuary for Families.
9. Judith Lewis Herman, "Introduction: Hidden in Plain Sight: Clinical Observations on Prostitution," in Melissa Farley, ed., *Prostitution, Trafficking, and Traumatic Stress* (2003).
10. Information provided by the victim to the author.
11. Information provided by the victim to Lori Cohen, Senior Staff Attorney, Center for Battered Women's Legal Services, Sanctuary for Families.
12. Information provided by the victim to the author.
13. J. Gross, *Antecedent-and response-focused emotion regulation: Divergent consequences for experience, expression, and physiology*, *Journal of Personality and Social Psychology*, 74, 284 (1998).
14. T.K. Logan et al., *Understanding Human Trafficking in the United States, Trauma, Violence, and Abuse*, Vol. 10, No. 1, 15 (January 2009).
15. World Health Organization, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (2003).

FILING THE T NONIMMIGRANT STATUS APPLICATION

All applications for T Nonimmigrant Status should be reviewed with your Her Justice mentor prior to filing. The application should be bound at the top with a two-hole metal bracket. Instead of exhibit tabs, use a colored sheet marked "Exhibit X" to separate your exhibits. Applications should generally be ordered as follows:

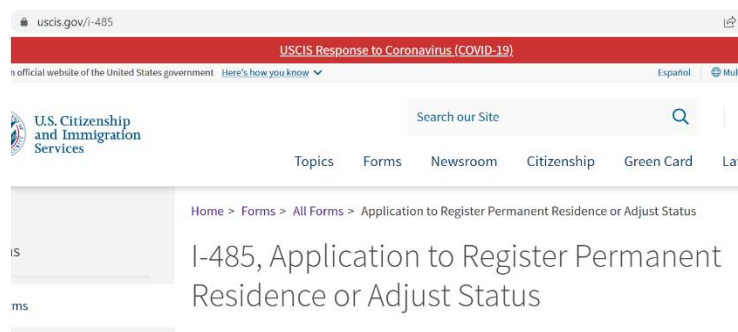
- Cover letter
- Principal Applicant
 - Form G-28 notice of appearance for principal applicant
 - Form I-914
 - I-914 addendum (if needed)
 - Statement of Law
 - I-914 Index of Supporting Documents
 - Supporting documents
 - I-914 affidavit
 - Evidence of cooperation with law enforcement
 - Any other evidence supporting your client's I-914 application
 - Form I-765 (category code (c)(40))
 - Two passport photos of principal applicant for Form I-765
 - Form I-192 for principal applicant (if needed)
 - I-192 affidavit (if needed)
- Derivative Applicant
 - Form G-28 notice of appearance for derivative applicant
 - Form I-914 Supp. A
 - I-914 Supp. A addendum for derivative applicant (if needed)
 - I-914 Supp. A supporting documents
 - Form I-192 for derivative applicant (if needed)
 - I-192 affidavit (if needed)
 - If the derivative is in the US: Two Forms I-765 for derivative applicant
 - Form I-765 (category code (c)(40))
 - Form I-765 (category code (c)(25))
 - If filing Form I-765, two passport photos of derivative applicant for each Form I-765.

Submit the entire application to the address listed under "Where to File" at <https://www.uscis.gov/i-914>.

USCIS FORMS: WARNING

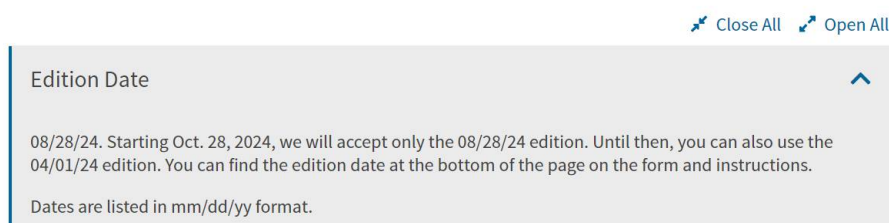
The forms contained in this manual are for instructional and educational purposes only. They are not necessarily the most up to date forms. USCIS forms change periodically. If you do not file the current edition of the form, the filing will be rejected by USCIS, potentially causing a missed deadline and malpractice. It is critical that you confirm that you are using the current edition of the relevant form by following the steps below. You should do this both before the client signs the form and also before you mail the form to USCIS:

1. Go to www.uscis.gov/ forms. Find the form number that you are looking for.



2. Go to the webpage for that form:
3. Scroll down to where it says "Form Details" - "Edition Date":

Form Details



4. Check the bottom left corner of the form you are filing (not the top right corner where it says "expires") and make sure that it matches the Edition Date on the webpage. If so, your form is the current version and you are ready to file. If not, you must download the current edition and execute that one instead:

13.e. State

13.f. ZIP Code



STEP 2B: INITIAL FILING: SAMPLE FORMS AND AFFIDAVITS

STEP 2B: INITIAL FILING: SAMPLE FORMS AND AFFIDAVITS

- A. Cover Page and Table of Contents
- B. Sample Cover Letter
- C. Sample G-28
- D. Sample Form I-914, Application for T Nonimmigrant Status
- E. Sample Form I-914 Addendum
- F. Sample Statement of Law
- G. Sample Index of Supporting Documents
- H. Sample I-914 Affidavit
- I. Sample Attorney Affidavit on Law Enforcement Cooperation
- J. Sample Form I-765, Application for Employment Authorization under category (c)(40) (for T principals and T derivatives)
- K. Sample Form I-192, Application for Advance Permission to Enter as Nonimmigrant
- L. Sample I-192 Affidavit
- M. Sample Form I-914, Supplement A, Application for Family Member of T-1 Recipient
- N. Sample Form I-765, Application for Employment Authorization under category (c)(25) (for T derivatives only)
- O. Sample I-914, Supplement B, Declaration of Law Enforcement Officer (rarely submitted)
- P. Sample G-639, Freedom of Information Act Request
- Q. Sample Authorization for Release of Health Information

September 9, 2019

U.S. Citizenship and Immigration Services
Vermont Service Center
Attn: T Visa Unit
75 Lower Welden St.
St. Albans, VT 05479-0001

Re: [REDACTED] A [REDACTED]
I-914 Application for T Nonimmigrant Status

Dear Sir or Madam:

I am the attorney for Ms. [REDACTED] in connection with her Form I-914 Application for T Nonimmigrant Status.

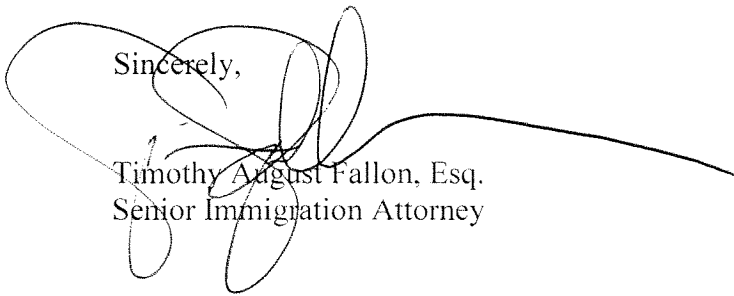
On behalf of Ms. [REDACTED] I am now submitting Form I-914 Application for T Nonimmigrant Status to request that she be granted T Nonimmigrant Status pursuant to INA §101(a)(15)(T), 8 USC §1101(a)(15)(T) and INA §212(d)(3), 8 USC §214.11 As demonstrated by the enclosed documentation, Ms. [REDACTED] is eligible for T Nonimmigrant Status and merits a grant of her Application as she was subjected to a severe form of trafficking in persons and cooperated in the investigation of her trafficker.

In support of Ms. [REDACTED] s I-914 Application, please find the following documents enclosed:

- Form G-28, Notice of Appearance as Attorney;
- Form I-914 Application for T Nonimmigrant Status;
- Statement of Law;
- Index of Supporting Documents;
- Exhibits 1—16;

Based on the enclosed documentation, I kindly request that Ms. [REDACTED] s Application for T Nonimmigrant Status be approved at the earliest possible time. Please do not hesitate to contact me if you should have any questions. I may be reached by phone at (646) 442-1190 or by e-mail at tfallon@herjustice.org. Thank you very much for your consideration of this case.

Sincerely,



Timothy August Fallon, Esq.
Senior Immigration Attorney



**Notice of Entry of Appearance
as Attorney or Accredited Representative**

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with , the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
I-914 I-192
- 2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. ☐ U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
4. Receipt Number (if any)
▶

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):
☒ Applicant ☐ Petitioner ☐ Requestor
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name) **Client**
- 6.b. Given Name (First Name) **Maria**
- 6.c. Middle Name **Rosa**
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
8. Client's USCIS Online Account Number (if any)
▶

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
9. Client's Alien Registration Number (A-Number) (if any)
▶ A-

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

Client's Contact Information

10. Daytime Telephone Number
2124445555
11. Mobile Telephone Number (if any)
12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name **345 Main Street**
- 13.b. ☐ Apt. ☐ Ste. ☐ Flr.

--
- 13.c. City or Town **New York**
- 13.d. State **NY** 13.e. ZIP Code **10005**
- 13.f. Province

--
- 13.g. Postal Code

--
- 13.h. Country
USA

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity



- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)

Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a Family Name (Last Name)

1.b Given Name (First Name)

1.c Middle Name

2.a Page Number
2.b Part Number
2.c Item Number

2.d

3.a Page Number
3.b Part Number
3.c Item Number

3.d

4.a Page Number
4.b Part Number
4.c Item Number

4.d

5.a Page Number
5.b Part Number
5.c Item Number

5.d

6.a Page Number
6.b Part Number
6.c Item Number

6.d



Application for T Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. 1615-0099
Expires 04/30/2021

START HERE - Type or print. Use black ink. See Instructions for information about eligibility and how to complete and file this application.

PART A. Purpose for Filing the Application

Check all that apply:

- ☒ I am filing for T-1 nonimmigrant status and have not previously filed for such status.
- ☐ I am filing for T-1 nonimmigrant status and have previously filed for such status.
Receipt Number (begins with EAC)
- ☐ I have received T-1 status and am applying to bring family members to the United States.

PART B. General Information About You (Person filing this form as a victim)

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

Other Names Used (Include maiden name/nickname)

Home Address - Street Number and Name (USPS ZIP Code Lookup) Apt. Number

Confidential

City State/Province Zip/Postal Code

New York New York

Safe Mailing Address (if other than above) - Street Number and Name Apt. Number

100 Broadway 10 fl.

C/O (in care of):

Her Justice

City State/Province Zip/Postal Code

New York New York 10005

Home Telephone Number
(with area code)

Safe Daytime Phone Number
(with area code)

646-442-1190

E-Mail Address (optional)

A-Number (if any)

U.S. Social Security Number (if any)

Gender

☐ Male ☒ Female

Marital Status:

☒ Single/Never Married ☐ Married ☐ Divorced ☐ Widowed

Date of Birth (mm/dd/yyyy)

Country of Birth

Country of Citizenship

Passport Number

Place of Issuance

Date of Issue (mm/dd/yyyy)

Place of Last Entry

Date of Last Entry (mm/dd/yyyy)

Form I-94 Number (Arrival-Departure Record)

Current Immigration Status

None

For USCIS Use Only

Returned

Date

Date

Resubmitted

Date

Date

Reloc Sent

Date

Date

Reloc Rec'd

Date

Date

Receipt

Validity Dates

From:

To:

Remarks

Conditional Approval

Stamp #

Date

Action Block

To Be Completed by
Attorney or Representative, if any

☒ Fill in box if G-28 is attached to represent the applicant.

ATTY State
License #

5285687 NY
59761 MO

PART C. Additional Information

Answers to the following questions about your claim require explanation and supporting documentation. You should attach documents in support of your claim that you are a victim of a severe form of trafficking in persons and the specific facts on which you are relying to support your claim. **You must** attach a personal narrative statement describing the trafficking. If you are only applying for T derivative status for a family member subsequent to your (the principal applicant) initial filing, evidence supporting the original application is not required to be resubmitted with the new Form I-914.

Attach additional sheets of paper as needed. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet and indicate the number of the item that you are answering. Include the Part and letter or number relating to the additional information you provided (example: Part C, 3).

1. I **am** or have been a victim of a severe form of trafficking in persons. (*Attach evidence to support your claim.*) ☒ Yes ☐ No
2. I **am** submitting a law enforcement agency (LEA) declaration on Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. (*If "No," explain why you are not submitting the LEA Certification.*) ☐ Yes ☒ No
3. I **am** physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry, **on account of trafficking**, or have been allowed entry into the United States to participate in investigative or judicial processes associated with an act or perpetrator of trafficking. (*If "Yes," explain in detail and attach evidence and documents supporting this claim.*) ☒ Yes ☐ No
4. I fear that I will suffer extreme hardship involving unusual and severe harm upon removal. (*If "Yes," explain in detail and attach evidence and documents supporting this claim.*) ☒ Yes ☐ No
5. I have reported the crime of which I am claiming to be a victim. (*If "Yes," indicate to which law enforcement agency and office you have made the report, the address and phone number of that office, and the case number assigned, if any. If "No," explain the circumstances.*) ☒ Yes ☐ No

Law Enforcement Agency and Office	Address	Phone Number	Case Number
			Unknown

Circumstances:

6. I am under the age of 18 years. (*If "Yes," proceed to Question 8.*) ☐ Yes ☒ No
7. I have complied with requests from Federal, State, or local law enforcement authorities for assistance in the investigation or prosecution of acts of trafficking, or am unable to cooperate with such requests due to physical or psychological trauma. (*If "No," explain the circumstances.*) ☒ Yes ☐ No
8. This is the first time I have entered the United States. (*If "No," list each date, place of entry, and under which status you entered the United States for the past five years, and explain the circumstances of your most recent arrival.*) ☐ Yes ☒ No

Date of Entry	Place of Entry	Status

PART C. Additional Information (continued)

9. My most recent entry was on account of the trafficking that forms the basis for my claim. *(Explain the circumstances of your most recent arrival.)* ☐ Yes ☒ No
10. I want an Employment Authorization Document. ☒ Yes ☐ No
11. I am now applying for one or more eligible family members. *(If "Yes," complete and include a Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient, for each family member for whom you are now applying. You may also apply to bring eligible family members to the United States at a later date.)* ☐ Yes ☒ No

PART D. Processing Information

Answer the following questions about yourself. For purposes of this application, if applicable, you must answer "Yes" to the following questions, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. *(If your answer is "Yes" to any one of these questions, explain on a separate sheet of paper. Additionally, explain if any of the acts or circumstances below are related to you having been a victim of a severe form of trafficking. Answering "Yes" does not necessarily mean that you will be denied T nonimmigrant status or are not entitled to adjust your status or register for permanent residence.)*

1. Have you EVER:

- a. Committed a crime or offense for which you have not been arrested? ☐ Yes ☒ No
- b. Been arrested, cited, or detained by any law enforcement officer (including DHS, former INS, and military officers) for any reason? ☐ Yes ☒ No
- c. Been charged with committing any crime or offense? ☐ Yes ☒ No
- d. Been convicted of a crime or offense (even if violation was subsequently expunged or pardoned)? ☐ Yes ☒ No
- e. Been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No
- f. Received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
- g. Been in jail or prison? ☐ Yes ☒ No
- h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? ☐ Yes ☒ No
- i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No

If you answered "Yes" to any of the above questions, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date of arrest, citation, detention, charge (mm/dd/yyyy)	Where were you arrested, cited, detained, or charged? (City, State, Country)	Outcome or disposition (e.g., no charges filed, charges dismissed, jail, probation, etc.)
N/A			

PART D. Processing Information (continued)

2. Have you:
- a. Engaged in prostitution or procurement of prostitution or do you intend to engage in prostitution or procurement of prostitution? ☐ Yes ☒ No
 - b. EVER engaged in any unlawful commercialized vice, including, but not limited to illegal gambling? ☐ Yes ☒ No
 - c. EVER knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
 - d. EVER illicitly trafficked in any controlled substance, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
3. Have you EVER committed, planned or prepared, participated in, threatened to, attempted to, or conspired to commit, gathered information for, or solicited funds for any of the following:
- a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
 - b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☒ No
 - c. Assassination? ☐ Yes ☒ No
 - d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? ☐ Yes ☒ No
 - e. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive; or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
4. Have you EVER been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of title 18, United States Code) by or on behalf of, or been associated with an organization that is:
- a. Designated as a terrorist organization under section 219 of the Immigration and Nationality Act? ☐ Yes ☒ No
 - b. Any other group of two or more individuals, whether organized or not, which has engaged in or has a subgroup which has engaged in:
 - 1. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
 - 2. Seizing or detaining, and threatening to kill, injure, or continue to detain another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☒ No
 - 3. Assassination? ☐ Yes ☒ No
 - 4. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? ☐ Yes ☒ No
 - 5. Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☒ No
 - 6. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No

PART D. Processing Information (continued)

5. Do you intend to engage in the United States in:
- a. Espionage? ☐ Yes ☒ No
 - b. Any unlawful activity, or any activity the purpose of which is in opposition, to control, or overthrow of the government of the United States? ☐ Yes ☒ No
 - c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? ☐ Yes ☒ No
6. Have you ever been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? ☐ Yes ☒ No
7. Have you, during the period of March 23, 1933, to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion? ☐ Yes ☒ No
8. Have you EVER been present or nearby when any person was:
- a. Intentionally killed, tortured, beaten, or injured? ☐ Yes ☒ No
 - b. Displaced or moved from his or her residence by force, compulsion, or duress? ☒ Yes ☐ No
 - c. In any way compelled or forced to engage in any kind of sexual contact or relations? ☐ Yes ☒ No
9. a. Are removal, exclusion, rescission, or deportation proceedings pending against you? ☐ Yes ☒ No
- b. Have removal, exclusion, rescission, or deportation proceedings EVER been initiated against you? ☐ Yes ☒ No
- c. Have you EVER been removed, excluded, or deported from the United States? ☐ Yes ☒ No
- d. Have you EVER been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
- e. Have you EVER been denied a visa or denied admission to the United States? *(If a visa was denied, explain why on a separate sheet of paper.)* ☐ Yes ☒ No
- f. Have you EVER been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? ☐ Yes ☒ No
10. Have you EVER ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:
- a. Acts involving torture or genocide? ☐ Yes ☒ No
 - b. Killing any person? ☐ Yes ☒ No
 - c. Intentionally and severely injuring any person? ☐ Yes ☒ No
 - d. Engaging in any kind of sexual contact or relations with any person who was being forced or threatened? ☐ Yes ☒ No
 - e. Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☒ No
11. Have you EVER:
- a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization? ☐ Yes ☒ No
 - b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☒ No

PART D. Processing Information (continued)

12. Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☒ No
13. Have you EVER assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☒ No
14. Have you EVER received any type of military, paramilitary, or weapons training? ☐ Yes ☒ No
15. Are you under a final order or civil penalty for violating section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act)? ☐ Yes ☒ No
16. Have you EVER, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, for entry into the United States or any immigration benefit? ☐ Yes ☒ No
17. Have you EVER left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
18. Have you EVER been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☒ No
19. Have you EVER detained, retained, or withheld the custody of a child, having a lawful claim to U.S. citizenship, outside the United States from a U.S. citizen granted custody? ☐ Yes ☒ No
20. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No
21. Have you entered the United States as a stowaway? ☐ Yes ☒ No
22. a. Do you have a communicable disease of public health significance? ☐ Yes ☒ No
- b. Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? ☐ Yes ☒ No
- c. Are you now or have you been a drug abuser or drug addict? ☐ Yes ☒ No

PART E. Information About Your Family Members

Provide the following information about your spouse and all of your sons and daughters. If you need more space, attach an additional sheet of paper.

1. ☐ Spouse

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
Country of Birth		Current Location	

PART E. Information About Your Family Members (continued)2. ☐ Children

a.	Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
	Country of Birth	Relationship	Current Location	
b.	Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
	Country of Birth	Relationship	Current Location	
c.	Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
	Country of Birth	Relationship	Current Location	

Complete Form I-914, Supplement A, Application for Family Member of T-1 Recipient, for each family member listed above for whom you are now applying to have join you in the United States, and attach it to this application.

PART F. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-914 Instructions before completing this part.

Applicant's Statement

NOTE: Select the box for either **Item A.** or **B.** in **Item Number 1.** If applicable, select the box for **Item Number 2.**

1. Applicant's Statement Regarding the Interpreter

- A. ☒ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- B. ☐ The interpreter named in **Part G.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.

2. Applicant's Statement Regarding the Preparer

- ☒ At my request, the preparer named in **Part H.**, Timothy Fallon, prepared this application for me based only upon information I provided or authorized.

PART F. Applicant's Statement, Contact Information, Declaration, Certification, and Signature
(continued)

Applicant's Contact Information

3. Applicant's Daytime Telephone Number

6464421190

4. Applicant's Mobile Telephone Number (if any)

5. Applicant's Email Address (if any)

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I authorize the release of any information from my record that USCIS needs to determine eligibility for the benefit I am seeking to investigate my claim, and to investigate fraudulent claims. I further authorize USCIS to release information to law enforcement agencies and prosecutors investigating crimes of trafficking or related crimes. I further authorize USCIS to release information to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to 8 USC 1641(c).

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

6. Applicant's Signature (sign in ink)

Date of Signature (mm/dd/yyyy)

→ [REDACTED SIGNATURE] [REDACTED DATE]

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

PART G. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1. Interpreter's Family Name (Last Name)

Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

3. Street Number and Name

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

State

ZIP Code

Province

Postal Code

Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part F., Item B.** in **Item Number 1.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7. Interpreter's Signature (sign in ink)

Date of Signature (mm/dd/yyyy)

PART H. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1. Preparer's Family Name (Last Name)

Fallon

Preparer's Given Name (First Name)

Timothy

2. Preparer's Business or Organization Name (if any)

Her Justice

Preparer's Mailing Address

3. Street Number and Name

100 Broadway

Apt. Stc. Flr. Number

☐

☐

☒

10

City or Town

New York

State

NY

ZIP Code

10005

Province

Postal Code

Country

USA

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

6464421190

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

tfallon@herjustice.org

Preparer's Statement

7. A. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.

B. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8. Preparer's Signature (sign in ink)

Date of Signature (mm/dd/yyyy)

5/13/2019

Form I-914, Application for T Nonimmigrant Status

Applicant:

A#:

Part C. Additional Information

Question 2

I am submitting a law enforcement agency (LEA) declaration on Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

I am not submitting the LEA certification because the [REDACTED] has not yet responded to my attorney's request for U and T visa certification and an interview. He told me that sending them a summary of my case was the first step towards having an interview with them about the trafficking I experienced. My attorney told me that the [REDACTED] told him that it would be several months until we would have an interview with them, based on their response to his contact. I am ready and willing to speak to [REDACTED] investigators when they contact my attorney.

Part D. Processing Information

Question 8b

Have you EVER been present or nearby when any person was:

Displaced or moved from his residence by force, compulsion, or duress?

I answered Question 8b as "yes" because I had to flee [REDACTED]'s apartment in [REDACTED] after she trafficked me for over a year. I lived with her and worked for her, but [REDACTED] refused to pay me, tightly controlled my life, and continually pressured me to give her money.

I also had to flee several of the live-in jobs [REDACTED] arranged for me. At those jobs, where I was to be allowed housing in exchange for cooking and cleaning services, the men who lived there tried to make me have sex with them.

Also, at the last job that [REDACTED] found for me, at an [REDACTED] the manager sexually harassed me. Because the owner wouldn't support me, I had to leave the [REDACTED] where I also lived.

Form I-914, Application for T Nonimmigrant Status

Applicant:

A#:

Part C. Additional Information

Question 2

I am submitting a law enforcement agency (LEA) declaration on Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

I am not submitting the LEA certification because the Federal Bureau of Investigation and New York City Police Department (NYPD) communicated with my attorney and then me, but seemed to not want to pursue a fuller investigation of [REDACTED] because the authorities in this case are in New York and [REDACTED] is in [REDACTED].

Question 5

I have reported the crime of which I am claiming to be a victim (continued)

<i>Law Enforcement Agency and Office</i>	<i>Address</i>	<i>Phone Number</i>	<i>Case-Number</i>
New York City Police Department	New York, New York	[REDACTED]	None/unknown
<i>Circumstances:</i>			
Attorney for applicant corresponded with FBI, who then had NYPD counterpart [REDACTED] call and speak to applicant.			

Part D. Processing Information

Question 1

Have you EVER

- a. Committed a crime or offense for which you have not been arrested?
- b. Been arrested, cited, or detained by any law enforcement office (including DHS, former INS, and military officers) for any reason?
- g. Been in jail or prison?

I answered Question 1a as "unclear" and Questions 1b and 1g as "yes." I am not sure as to whether you would categorize me not attending a required check-in with an ICE officer and then not attending immigration court as my having committed a crime or offense for which I have not been arrested. My son [REDACTED] and I entered the United States without authorization in August 2016, and I requested asylum upon entry. I brought [REDACTED] to the United States without authorization so that he could be safe with me in the United States. [REDACTED] and I were detained and I had a credible fear interview. I was placed into removal proceedings and later bonded out of detention.

My trafficker didn't allow me to return to New York to attend a required ICE check-in, and I was later ordered removed.

Question 2

Have you:

- c. EVER knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally?**

I answered this question "yes" because in August 2016 I attempted to enter the United States with my son [REDACTED]. We did not have authorization to enter, and I requested asylum in Brownsville, Texas.

Question 9

- b. Have removal, exclusion, rescission, or deportation proceedings EVER been initiated against you?**
- d. Have you EVER been ordered to be removed, excluded, or deported from the United States?**

I answered Questions 9b and 9d "yes" because after I was arrested and had a credible fear interview in August 2016, I was placed into removal proceedings and had to check in with ICE in New York. After I moved to Virginia with my trafficker, she didn't allow me to return to New York for my ICE check-ins, and I was later ordered removed in June 2017.

***attorney's note: please see attached to this addendum the following documents:**

- FBI fingerprint results letter—arrested 8/25/16 by CBP
- Notice to Appear—showing 8/24/2016 entry
- Order of Removal in absentia (6/9/2017)

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER**

In the Matter of

Applicant

I-914, Application for T Nonimmigrant Status

Statement of Law

Statement of Facts

██████████ (“██████████”) is a victim of a severe form of trafficking. Ms. ██████████, an ██████████ citizen, is present in the United States because ██████████ sheltered, provisioned and obtained her through force, fraud and coercion to subject her to labor trafficking, particularly sexual slavery. ██████████ welcomed ██████████ to his home, encouraged her to continue her education in New York, and promised to marry her. But upon her arrival, ██████████ forced her to have sex with him countless times. He also used force and coercion to make ██████████ have sex with two of his acquaintances. When living with ██████████, ██████████ was unable to leave due to his constant physical, sexual and psychological force and coercion.

██████████ would suffer extreme hardship involving unusual and severe harm if she were removed from the United States. She is effectively severed from her family, as the trafficking caused her to default on student loans tied to her family’s land. ██████████ suffers from severe depression, anxiety, post-traumatic stress disorder, and bipolar disorder as a result of the trafficking she survived. She needs to continue meeting with her trauma specialist and psychiatrist, professional medical services that would be very difficult to replicate in ██████████. If she were removed to ██████████, ██████████ would not have family or support and would be cut off from the mental health services she receives, and would have to immediately seek work. ██████████ might have to leave ██████████ to seek work, putting her at a heightened risk of being re-trafficked.

I. ██████████ is a victim of a Severe Form of Trafficking in Persons

Under the Trafficking Victims Protection and Act, victims of severe forms of trafficking in persons are trafficked in:

-sex trafficking: a commercial sex act is induced by *force, fraud or coercion* or in which the person induced to perform such act has *not attained 18 years of age*; **or**

-the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

██████████ is a victim of a Severe Form of Trafficking in Persons, specifically labor trafficking as a victim of sexual slavery. The trafficker, ██████████ convinced ██████████ to come to the United States by fraudulently promising to marry her. Once she was here, ██████████ kept ██████████ under his control for 11 years by threatening her life, constantly physically assaulting her, raping her, and manipulating her mental illness. The trafficker kept ██████████ as his sex slave and expected her to satisfy his sexual needs at his command. He told ██████████ that serving him sexually was the only purpose that she served. ██████████ made ██████████ have sex with other people and perform sex acts against her will for his own sexual satisfaction.

After the first incident of rape, ██████████ became so depressed that she could not leave her bed. Although she wanted to leave, her mental illness became so severe that she could not gather the resources necessary to escape. The trafficker used ██████████'s mental illness to control her. He knew that as long as ██████████ remained ill she would not be able to leave. ██████████ withheld food, money, and other necessities when she attempted to physically fight against his repeated rapes. He made sure that she never recovered from her mental illness by withholding her medication or treating her especially horribly if he felt she was coming out of her depression. Because ██████████ used force, fraud, and coercion to subject ██████████ to involuntary sexual servitude for 11 years, she is a victim of a Severe Form of Trafficking in Persons.

II. ██████████ is present in the United States on account of trafficking

██████████ is present in the United States on account of trafficking. She was already attending college in the ██████████ and would not have come to New York if ██████████ had not persuaded her to do so by fraudulently promising to marry her. After ██████████ moved in with him in New York, the trafficker began repeatedly raping her and causing her severe physical, mental and emotional trauma. Because of her resulting struggle with mental illness, particularly her depression and anxiety, ██████████ could not hold a job and she was completely financially dependent on ██████████ and unable to leave him.

After 11 years with the trafficker, ██████████ knew that she could no longer live under his control and she was able to gather the courage to leave. When she left, ██████████ was struggling with anxiety, depression, post-traumatic stress disorder, dissociative disorder, and bipolar disorder. ██████████ began to seek out affordable treatment for her illnesses. She currently sees both a psychiatrist and a counselor to work through the trauma caused by ██████████.

Further, during her time being trafficked by ██████████, ██████████ became estranged from her family in ██████████. Due to the trafficking and her resultant inability to work, ██████████ defaulted on her student loans and because her family's land was collateral to the loans, the land was repossessed and family members, including her grandmother, were evicted. Soon after the repossession, ██████████'s grandmother died and her family blames ██████████ for her grandmother's death.

Also, ██████████ continues to live in the United States because she would be unable to receive the same quality of psychiatric treatment in ██████████ and because she has no one, family or friend, who would receive her in ██████████. Furthermore, ██████████ has struggled to support herself as she tries to rebuild her life. She can hardly afford to eat, is currently housed though ██████████, does not work and therefore cannot afford a plane ticket with which to leave the United States. ██████████ is present in the United States on account of trafficking.

III. [REDACTED] has complied with any reasonable request to assist law enforcement

[REDACTED] reported [REDACTED]'s decade of sexually assaulting her and threats to kill her to the New York Police Department in 2015. Soon after, she spoke with an Assistant District Attorney at the Kings County District Attorney's office, who informed her that they could not bring criminal charges against [REDACTED] due to the Statute of Limitations.

[REDACTED] also met with an Assistant District Attorney at the Human Trafficking Unit of the Kings County District Attorney's Office in 2016. The investigating Assistant District Attorney met with her for several hours but also was unable to go forward with a criminal prosecution because of the Statute of Limitations. However, [REDACTED] was willing and ready to assist law enforcement in any further investigation or prosecution.

IV. [REDACTED] would suffer extreme hardship upon removal involving unusual and severe harm

[REDACTED] would suffer extreme hardship upon removal to [REDACTED], as she has nothing to return to. Her family has effectively disowned her because of her defaulting on student loans and their land being repossessed. As a result, her family lost their property, [REDACTED]'s grandmother had to move off the lost property and passed away during the move. [REDACTED]'s family blames her for her grandmother's death and her father has forbidden anyone in the family from speaking with her.

[REDACTED] never revealed to her family that she was subjected to sexual slavery in the United States. She grew up in a very strict household, fears her family's judgment and knows that her family would not believe her or understand what happened. If [REDACTED] was removed to [REDACTED], she would have no means of support or shelter and would likely become homeless.

Further, the quality of mental healthcare in [REDACTED] is very poor. [REDACTED] currently visits a trauma specialist once a week for therapy as well as a psychiatrist for medication. She fears that she would not receive comparable treatment in [REDACTED]. Mental health issues in [REDACTED] are more stigmatized and those with anxiety and depression are generally viewed as being feeble-minded or weak. [REDACTED] fears she would be institutionalized in [REDACTED] rather than receive appropriate out-patient treatment. Even if the appropriate care were available to her, [REDACTED] would be unable to afford it because she has no money and no support system.

If [REDACTED] were removed to [REDACTED], she would have to find work immediately and would be vulnerable to re-trafficking. [REDACTED] is a transit point for trafficked persons, and the government appears to pay only passing attention to the problem. The police in [REDACTED] are known to actively collude with traffickers, and [REDACTED], newly arrived in [REDACTED] while still recovering from a decade of trauma, would be in particular danger of being trafficked.

Conclusion: [REDACTED] is a victim of a Severe Form of Trafficking, and eligible for T Nonimmigrant Status

[REDACTED] is a victim of a Severe Form of Trafficking: she was harbored, provisioned and obtained for sexual slavery through force, fraud and coercion. She is physically present in the United States because of the trafficking, has complied with any reasonable request for assistance in the investigation and prosecution of the trafficking, and would suffer extreme hardship involving unusual and severe harm upon removal.

Respectfully submitted,

Timothy Fallon
Senior Immigration Attorney
Her Justice

March 9, 2017

INDEX OF SUPPORTING DOCUMENTS FOR THE APPLICATION FOR T NONIMMIGRANT STATUS OF
[REDACTED], (A#: [REDACTED])

		Document relates to:			
Exhibit #	Document	Victim of a Severe Form of Trafficking in Persons	Present in the U.S. on account of trafficking	Complied with any reasonable request to assist law enforcement	Extreme hardship upon removal involving unusual and severe harm
1.	Affidavit of [REDACTED]	X	X	X	X
2.	Copy of identification page of [REDACTED]'s passport with I-94 card	X	X		
3.	Letter from counselor [REDACTED]	X	X		X
4.	Supporting affidavit of [REDACTED]	X	X		X
5.	Copy of Domestic Incident Report, dated [REDACTED], regarding [REDACTED]	X	X	X	
6.	Emails between applicant's attorney and [REDACTED]	X	X	X	
7.	Copy of applicant's hospital records, dated [REDACTED]	X	X		X

		Document relates to:			
Exhibit #	Document	Victim of a Severe Form of Trafficking in Persons	Present in the U.S. on account of trafficking	Complied with any reasonable request to assist law enforcement	Extreme hardship upon removal involving unusual and severe harm
8.	Copy of Family Offense Petition by [REDACTED] against [REDACTED], detailing incident of [REDACTED]	X	X	X	
9.	Copy of Temporary Order of Protection	X		X	
10.	Trafficking in Persons Report, 2014—U.S. Department of State ([REDACTED])				X

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICE
VERMONT SERVICE CENTER**

In re:

Affidavit of [REDACTED] in support of her I-914, Application for T Nonimmigrant Status

I, [REDACTED] do hereby swear and depose the following:

1. My name is [REDACTED]. I am filing this application based on the severe human trafficking I suffered at the hands of a man in [REDACTED].
2. I was born on [REDACTED] in [REDACTED]. Growing up, I didn't have a close bond with my family. My parents fought all the time with each other. My friends commented that I became really negative, and I think that is because of my parents always arguing. Being around my parents is very stressful.
3. In February 2012, I made a life changing decision by returning to [REDACTED]. [REDACTED] This is my story.

Recruitment and physical presence in the U.S. on account of trafficking

4. In the Spring and Summer of 2011, I was a 21 year old student at [REDACTED] studying for my bachelor degree in Business, Language and Culture. My 2nd semester of my first year was coming to an end. I missed my last exam of the spring because I was hospitalized with mononucleosis in [REDACTED]. I recovered and decided to take a three month vacation in [REDACTED] because a friend had recommended visiting there; I wanted to travel outside of [REDACTED]. Also, I decided to go because of a conversation earlier that year with my mother, urging me to vacation somewhere away from [REDACTED].
5. On October 27, 2011, I entered the United States at [REDACTED] Airport and planned to return to [REDACTED] within 90 days. I made sleeping arrangements through [REDACTED].org through the first part of my vacation and then rented a small cheap room in [REDACTED] for the remainder of my stay. During my stay, I met people and went to parties, and the beach. Some people invited me to a Halloween party. I also spent time in [REDACTED] going to the beach. Basically, I was a beach bum and having fun.
6. Through some friends I met, I was introduced to some websites (one was Craigslist) as an easy and effective way to find paid gigs to make some cash for my trip. Through multiple initial applications I received a response on a promotional modeling gig and corresponded via e-mail and eventually by phone. I thought it sounded good, and I was sent a link to a website to confirm that this gig does not contain any sexual content or expectations (I have been told to watch out for scams; I had been told to not

trust anything anyone told me in [REDACTED] I told them my height, eye color but can't remember if I sent my photo.

7. I had a phone interview with a man named [REDACTED] in December 2011. We talked about the modeling job. [REDACTED] told me it was 4—6 hours a day, Monday through Friday. He explained how much I would expect to earn. After talking for 30 minutes, he assured me a job opportunity should I be interested. [REDACTED] wanted to meet with me in person before starting. We decided that we would keep in contact, because I hadn't made up my mind. I had to leave the United States because my 90 days were almost up.
8. I returned to [REDACTED] in January 2012 with a fond memory of [REDACTED] as a good and memorable vacation destination, and considered returning to [REDACTED] to make some cash and return to [REDACTED] as my funds are low and job opportunities in [REDACTED] are not good for people without college degrees. When I was in [REDACTED], I visited friends and my family. I told my mom that I was going to go to [REDACTED] to work at the modeling job, and my mom kept on asking me if I was sure that I was safe taking that job. I told her that I would be okay. I decided to return to the United States to work at the modeling job that [REDACTED] offered, because I was almost out of money. My best friend from [REDACTED] paid for half of my plane ticket (\$600). I told him I would be able to pay him back in a month based on the amount of money that [REDACTED] told me I would make.
9. On February 23, 2012, I flew to [REDACTED] and was set to return again to [REDACTED] within 90 days. I made sleeping arrangements for the first couple of nights through acquaintances from my first trip and eventually I found a room to rent for the remainder of my stay like the first time around; the room was in [REDACTED]

Sex trafficking

10. Shortly after my arrival to [REDACTED] I got in contact with [REDACTED] and an in-person job interview is arranged. He told me to come as I am. The interview was conducted in a conference room inside an office building in [REDACTED]. At the meeting [REDACTED] took photocopies of my passport and invited me to speak with another girl who works for him who was also present. I met [REDACTED] an all American girl with platinum blonde dyed hair. [REDACTED] told me she was one of the new girls and that she has been working with [REDACTED] for 3 months and explained to me a job description that sounds just like Ronnie had explained me about a month earlier: promotional modeling—for example go to a private party and be a cocktail waitress, or serve food. She added that all the girls are friends and often go out together after work. I agreed to start the following week. The terms were the same, 4—6 hours a day, Monday through Friday. I was told that if I am hired more often, I would earn more money. It all sounded okay to me at the time.
11. The next week, a driver picked me up for work at 9 a.m. outside of the address of my temporary home; I had given my address to [REDACTED] earlier. I think the driver's name was [REDACTED]. He was driving an older model car of burgundy color and picked me up for work. [REDACTED] told me someone would pick me up for work. That seemed regular,

because you need a car to get around, and I didn't drive. When I got inside the car, [REDACTED] asked if I am the new girl, to which I responded "yes."

12. About an hour later we stopped outside of a major hotel in [REDACTED] where I was to meet with [REDACTED] before meeting up with the other girls I will work with. I knew I was going to a conference, so the hotel didn't surprise me. Upon the meeting with [REDACTED] I was told to strip down to bra and panties and perform oral sex because he needs to "test me out" before I am set up with other men. I was stunned, I couldn't have imagined that he would demand that.
13. His whole demeanor changed. Immediately [REDACTED] said he has security to "take care of any problems." He told me that they were outside, but I didn't see them at that time. I was stunned and he instructed me how to act like "their" girlfriend and collect the "donation" upfront. I thought that if I refused his demands, I would get beat up. I didn't know where I was, and I had been driven there—I had no way to get away. I thought if I could get through what he demanded, then I could escape and never have to do this again.
14. I was brought to another room, where, upon entry a girl comes out of the bathroom, her hair soaking wet and in her underwear. Another girl bluntly asks me if [REDACTED] gave me a condom and another girl looked at me like she felt bad for me. One of the girls explained how much to charge, and to give the money to the driver later on.
15. Minutes later I received a text message on my phone to inform me my name is [REDACTED] and I am 19 years old from [REDACTED]. I am in a state of shock, despair and "I-can't-believe-this-is--happening" while the other girls are telling me what to do. One girl received a text message in which I noticed my name being mentioned; I thought that the text message was probably from [REDACTED]
16. Later, I was left alone in the room when moments later someone knocked on the door. I was carefully instructed by the girl from the other room and [REDACTED] in what to say, what to do and how to act accordingly; they said to kiss the guy when he came in to make sure he isn't a cop. I was thinking the whole time that if I could just get through this, then I could get away from the whole situation—I was trapped, and thought I couldn't fight back. I opened the door in my underwear and in walks a 6'4" tall, thirty-something white male dressed business casual. I asked him for the "donation" upfront like I have been told and count the money while he is in the bathroom to make sure it is all there--280 dollars. He asks me where I am from and nervously not knowing what to say I say [REDACTED]. The man pushes me to the bed and strips me entirely, telling me to speak [REDACTED] to him. As I don't speak the language at all I mumble some cursing words in [REDACTED] and from there the rest is a blurr.
17. I was at the hotel for about 12 hours. The driver brought me home; I gave the driver the money, way more than \$1,000. When he dropped me off, the driver gave me \$80. When the driver was driving me home, [REDACTED] called him 3 or 4 times. I could tell that he was asking the driver how I was reacting and stuff. When I was finally home, [REDACTED] called me close to 50 times. I picked up the first few times, and he told me that because I accepted the \$80, I could never go to the police to report what was going on. He repeated to me several times that he knew where I lived, threatening me if I didn't do what he wanted. Finally I stopped picking up.

18. The next day, the driver was outside my home at 9 a.m. to pick me up again. I felt like I didn't have a choice—if I told my roommates, I would be very embarrassed. And since [REDACTED] was so demanding and calling me all the time, and knew where I lived, I felt like I had to keep on working. Once I was in the car, I was crying the whole time.
19. I was never alone unless left in "appointments" inside the room to make "clients" happy - which were carefully monitored by letting [REDACTED] know when they are inside, when they leave, and if they don't leave on time, someone would knock hard on the door to make sure they did. If money was missing or clients were unhappy [REDACTED] would make sure to let me know and if there were any problems with the guy not paying, [REDACTED] would call security in the area and "take care of it"—he was always threatening people with his security guys. The other girls I worked with were very convinced by his threats too—[REDACTED] would threaten me, and the girls would repeat what he said as the truth, so it was hard to know anything else. I remember one of the girls crying constantly because [REDACTED] would call raging at her because clients were unhappy--she was on her period. Another girl got pregnant, and I never saw her again after [REDACTED] found out. She was only 19 years old.
20. I was picked up every morning and came back late every night. Sometimes there would be two of us in the car. We wouldn't talk and the driver wasn't allowed to talk with us. I was mentally brainwashed to think something bad was going to happen if I did go to the police or tell anyone close to me about my whereabouts. [REDACTED] told me that since I accepted money from the driver, I could never go to the police. [REDACTED] always knew where I was and every morning a car would be parked outside to pick me up. Between February and May 2012, I moved three times. The first place I paid rent at, I couldn't afford the rent because [REDACTED] was barely giving me any money. I moved but [REDACTED] figured out where I was living. Sometimes [REDACTED] would call me and if I wouldn't pick up, [REDACTED] would call me—I think she was his partner. She would be nicer, but explain that I had to go to work. I knew she was working for [REDACTED] and trying to use a different approach. If I wasn't out to the car in five minutes, I would get several phone calls until I went and got in the car. I was convinced that if I didn't go out to the car to do the work [REDACTED] demanded, that he would have his security show up and hurt me. I was also concerned that my roommates would get hurt if [REDACTED] sent people over to hurt me.
21. The destination was always unknown. We went to a new place every day and I don't think the driver even knew where he was bringing us until he received a call or text. I was forced to have sexual intercourse with strangers, sometimes 5 times a day. Several hundred men came through that door to have sex with me. No matter what hotel or place we were at, [REDACTED] was there to direct things. She would make sure people followed [REDACTED]'s instructions. The situation was usually a hotel room with four or five women, and when a client came to the hotel, he would knock and we would usually all be out of there except for the woman who had to work.
22. During that time, I didn't have contact with my family. My parents called me, but I didn't pick up the phone. I knew that my mom would be able to tell that something wasn't ok—and I was so embarrassed, I didn't want her to know what was happening to me, and also I know it would devastate her.

23. I didn't call the police because I knew that prostitution was illegal, and [REDACTED] repeated to me that since I accepted money, I would get in trouble with the police. So I didn't know who to go to.

Escape

24. In late May 2012, I fainted on the street. An ambulance to the ER in [REDACTED] Hospital, unconscious, and doctors conducted a CAT-scan. Within 5 days I had passed out 3 times landing in emergency rooms. Eventually I was kept there and hospitalized for further evaluation to figure out the cause to my unexplained fainting episodes. I stayed in the hospital for six weeks.
25. After I left the hospital, I was homeless for two months. One day I was in a coffee shop and very upset, and a stranger asked me what was wrong—I said that I had nowhere to go. That stranger paid for one month of a hotel for me to have a place to stay.
26. I didn't want to leave the United States after overstaying my permission in the United States; I had been here for more than 90 days. I had no money and my parents couldn't help because they don't have a lot of money. For a little while, I had to go back to prostitution to make money. I moved around so many times; in the two and a half years I have been in the US, I have lived at more than countless places.
27. In January 2014, I came to New York by [REDACTED]—I came here because my manager set me up with work and a place to stay at a model loft, through [REDACTED] [REDACTED] We would go out most nights to nightclubs, hired to serve drinks, act as hostess, or just be there-- but it eventually did not work out because the models, we were supposed to drink at the events, but I don't drink alcohol.
28. In February 2014, I met [REDACTED] in New York City and we became friends. He offered to let me stay with him and his roommates in [REDACTED] NY. In March 2014, I passed out at their house and when the paramedics came, I refused to go to the hospital because of all the time I spent in hospitals in [REDACTED] So the police were called and after talking to the police, they were concerned about my safety and referred me to My Sisters' Place for services. Soon after, I moved into a confidential shelter.

Cooperation with law enforcement

29. On March 12, 2014, I met with officers from Homeland Security, [REDACTED] at [REDACTED] office in [REDACTED] They asked me about my time in [REDACTED] and how and why I was in the United States. We met for about two hours, and they said they would be in touch for us to talk again.
30. On May 20, 2014, I met again with Mike and Donna from Homeland Security—we discussed any other details I could remember about what happened. Because I lost my phone from when I lived in [REDACTED] I didn't have [REDACTED]'s numbers, and we were always at different hotels. Mike discussed the possibility of applying for Continued Presence.

Fear of returning to Denmark/extreme hardship

31. Being forced to have sex with men for money from February to May 2012, has changed me. I don't trust people, and I have an especially hard time trusting men. If I have a place to stay for the night, I can barely sleep because I don't trust the people who let me stay there—I have had guy friends in the last two years, but I get very uncomfortable if I think they want to be more than friends. [REDACTED] lying to me and make me do that work made me not be able to trust anyone. Someone was talking about their boyfriend the other day, and I realized I can't even imagine having a boyfriend.
32. Because of this experience, I struggled with depression as well—I had depression before, but what happened to me made me go really low.
33. If I returned to [REDACTED], I would have to restart my life. I wouldn't be able to get a job there because I don't have a college degree, and I have been out of the system for too long to qualify for college.
34. Because I couldn't find work, I would probably leave [REDACTED] right away to go to another fashion, like Tokyo, Milan or Shanghai. If I have to do that, and things don't work out like they do in fashion, I might end up homeless again and I don't want to be there again. If I was in that situation, feel like I could be in a very vulnerable situation.
35. If I had to return to [REDACTED] and my parents learned what has happened to me in the United States, I fear for their health. My father has had several strokes and my mother has been very sick as well—I am afraid that my parents would die if they found out.
36. I feel conflicted—I want to leave all of what happened behind, but I also would like the opportunity to sue [REDACTED] for money he never paid me. It would be hard to tell so many strangers about it, but if it were possible, I would consider it.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

SIGNED:

[REDACTED]

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

Affidavit in Support of the T
Nonimmigrant Status Petition of
RMZ

**AFFIDAVIT of
Jessica-Wind ABOLAFIA, Esq.**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Jessica-Wind Abolafia, pursuant to 28 USC §1746, declare that the following is true and correct:

1. I am a staff attorney with the Anti-Trafficking Initiative at Sanctuary for Families, a nonprofit organization that serves domestic violence victims and victims of sex trafficking.
2. I submit the following statement on behalf of RMZ (“Ms. MZ,”) in support of her I-914 Petition for T Nonimmigrant status, concerning her willingness to assist law enforcement in the investigation and prosecution of her trafficker.
3. The information provided herein is based upon my actual knowledge of Ms. MZ’s cooperation, and willingness to cooperate further with law enforcement in the investigation of the human trafficking case in which she was a victim.
4. Ms. MZ was initially represented by Dania Lopez Beltran (“Ms. Lopez Beltran,”) a Senior Staff Attorney previously employed by Sanctuary for Families. Ms. MZ’s case was referred to me internally at Sanctuary for Families in January of 2016.
5. Ms. MZ has cooperated with Agents of the New York County, New York, Federal Bureau of Investigation (“FBI”).

Ms. MZ's Cooperation with Federal Law Enforcement

6. On September 15, 2015, with the permission of Ms. MZ, Ms. Lopez Beltran contacted Officer Samuel Johnson, with the Child Exploitation Task Force of the FBI ("Officer Johnson"). In her message, Ms. Lopez Beltran confirmed Ms. MZ's cooperation with the FBI in connection with an investigation of her trafficker and also expressed Ms. MZ's willingness to continue to provide assistance. Officer Johnson responded on September 20, 2015 by e-mail, acknowledging that Ms. MZ had previously met with the FBI and requesting additional information from Ms. MZ's social media accounts (*see* Exhibit A, attached hereto).
7. On September 21, 2015 Ms. MZ responded to Officer Johnson's e-mail, agreeing to forward responsive information (*see* Exhibit B, attached hereto).
8. On October 4, 2015, Ms. Lopez Beltran emailed Officer Johnson to follow up on her September 21st correspondence. On November 10, 2015 and December 15, 2015, Ms. Lopez Beltran sent Officer Johnson additional e-mails, requesting an update as to the status of the investigation and to reiterate Ms. MZ's willingness to cooperate (*see* Exhibit C, attached hereto).
9. Upon receiving Ms. MZ's case from Ms. Lopez Beltran, I emailed Officer Johnson on January 21, 2016 requesting issuance of a T certification on Form I-914 Supplement B in light of Ms. MZ's previous and continuous willingness to cooperate with the FBI in the investigation of her trafficker (*see* Exhibit D, attached hereto). To date, I have not received a response from Officer Johnson.

Ms. MZ's Continued Willingness to Assist

10. Although it has required her to revisit painful and traumatic experiences, Ms. MZ has cooperated with law enforcement and remains willing to cooperate in further investigations against her trafficker.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

Jessica-Wind Abolafia

Dated:_____
New York, NY



Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-765
OMB No. 1615-0040
Expires 09/30/2027

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block									
	<input type="checkbox"/> Authorization/Extension Valid Through _____											
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>											
Remarks												

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE - Type or print in black ink.**

Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☒ Initial permission to accept employment.
- 1.b. ☐ Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

- 1.c. ☐ Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name)

Client

- 1.b. Given Name (First Name)

Claire

- 1.c. Middle Name

--

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

Additional Information.

- 2.a. Family Name (Last Name)

Client

- 2.b. Given Name (First Name)

Clair

- 2.c. Middle Name

--
- 3.a. Family Name (Last Name)

--
- 3.b. Given Name (First Name)

--
- 3.c. Middle Name

--
- 4.a. Family Name (Last Name)

--
- 4.b. Given Name (First Name)

--
- 4.c. Middle Name

--



Part 2. Information About You (continued)

Your U.S. Mailing Address

- 5.a. In Care Of Name (if any)
Ashley Attorney
- 5.b. Street Number and Name
Law Firm Address
- 5.c. ☐ Apt. ☐ Ste. ☒ Flr. **Law Firm Floor**
- 5.d. City or Town
New York
- 5.e. State **NY** 5.f. ZIP Code **Law Firm Zip Code**
6. Is your current mailing address the same as your physical address?
☐ Yes ☒ No

NOTE: If you answered "No" to **Item Number 6**, provide your physical address below.

U.S. Physical Address

- 7.a. Street Number and Name
Confidential
- 7.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 7.c. City or Town
Client's NYC Borough
- 7.d. State **NY** 7.e. ZIP Code **Client's Zip Code**

Other Information

8. Alien Registration Number (A-Number) (if any)
▶ A- **Fill in if client has A#**
9. USCIS Online Account Number (if any)
▶
10. Gender ☐ Male ☒ Female
11. Marital Status
☒ Single ☐ Married ☐ Divorced ☐ Widowed
12. Have you previously filed Form I-765?
☐ Yes ☒ No
- 13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?
☐ Yes ☒ No

NOTE: If you answered "No" to **Item Number 13.a**, skip to **Item Number 14**. If you answered "Yes" to **Item Number 13.a**, provide the information requested in **Item Number 13.b**.

- 13.b. Provide your Social Security number (SSN) (if known).

▶

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to **Item Number 15**, **Consent for Disclosure**, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to **Item Number 14**, skip to **Part 2**, **Item Number 18.a**. If you answered "Yes" to **Item Number 14**, you must also answer "Yes" to **Item Number 15**.

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☒ Yes ☐ No

NOTE: If you answered "Yes" to **Item Numbers 14 - 15**, provide the information requested in **Item Numbers 16.a - 17.b**.

Father's Name

Provide your father's birth name.

- 16.a. Family Name (Last Name) **Father**
- 16.b. Given Name (First Name) **Frankie**

Mother's Name

Provide your mother's birth name.

- 17.a. Family Name (Last Name) **Mother**
- 17.b. Given Name (First Name) **Madison**

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in **Part 6. Additional Information**.

- 18.a. Country
Mexico

- 18.b. Country

Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

Chimalhuacan

19.b. State/Province of Birth

Mexico

19.c. Country of Birth

Mexico

20. Date of Birth (mm/dd/yyyy)

01/01/1990

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

► Fill in if client has I-94 from entry

21.b. Passport Number of Your Most Recently Issued Passport

A11111111

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

Mexico

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

01/01/2030

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

01/01/2000

23. Place of Your Last Arrival Into the United States

California

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

No Status

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

BFD T Visa-Based Deferred Action

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

► N-

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(c) (40) ()

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

►

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

►

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**, , prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.


I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

- 7.a. Applicant's Signature 
- 7.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
2. Interpreter's Business or Organization Name (if any)



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☒ Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Mobile Telephone Number (if any)
6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☒ Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Mobile Telephone Number (if any)
6. Preparer's Email Address (if any)



Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name

1.c. Middle Name	
-------------------------	--

2. A-Number (if any) ► A-

3.a. Page Number **3.b.** Part Number **3.c.** Item Number

[illegible]

4.a. Page Number **4.b.** Part Number **4.c.** Item Number

[illegible]

5.a. Page Number	5.b. Part Number	5.c. Item Number
<div></div>	<div></div>	<div></div>

5.d.	

6.a. Page Number	6.b. Part Number	6.c. Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

[illegible]

7.a. Page Number **7.b.** Part Number **7.c.** Item Number

[illegible]



Application for Advance Permission to Enter as a Nonimmigrant

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-192
OMB No. 1615-0017
Expires 04/30/2021

For DHS Use Only

Received	Returned Trans. Out	Fee Stamp
Trans. In	Completed	
Action by the Department of Homeland Security		
Ground of Inadmissibility		Action Stamp
<input type="checkbox"/> INA 212(a)(1) <input type="checkbox"/> INA 212(a)(9) <input type="checkbox"/> INA 212(a)(2) <input type="checkbox"/> INA 212(a)(10) <input type="checkbox"/> INA 212(a)(3) <input type="checkbox"/> Other: _____ <input type="checkbox"/> INA 212(a)(4) <input type="checkbox"/> Granted, subject to revocation at any time, upon the following terms and conditions <input type="checkbox"/> INA 212(a)(6) <input type="checkbox"/> INA 212(a)(8) <input type="checkbox"/> INA 212(a)(9)		Benefits Category: <input type="checkbox"/> Nonimmigrant other than T or U nonimmigrant/Advance Permission under INA 212(d)(3)(A) and 8 CFR 212.4 <input type="checkbox"/> T Nonimmigrant/Advance Permission under INA 212(d)(3) and 8 CFR 212.16 <input type="checkbox"/> T Nonimmigrant/Waiver under INA 212(d)(13) and 8 CFR 212.16 <input type="checkbox"/> U Nonimmigrant/Waiver under INA 212(d)(14) and 8 CFR 212.17 <input type="checkbox"/> U Nonimmigrant/Advance Permission under INA 212(d)(3)(A) and 8 CFR 212.17
Date of Action (mm/dd/yyyy) _____ DD or OIC _____ Office _____		

To be completed by an attorney or accredited representative (if any).

<input checked="" type="checkbox"/> Select this box if Form G-28 or Form G-28I is attached.	Volag Number (if any) _____	Attorney State Bar Number (if applicable) 1234567	Attorney or Accredited Representative USCIS Online Account Number (if any) _____
--	-----------------------------------	---	--

► **START HERE - Type or print in black ink.**

Part 1. Application Type

I am applying to the Secretary of Homeland Security for permission to enter the United States temporarily under the provisions of the Immigration and Nationality Act (INA) section 212(d)(3)(A)(ii), section 212(d)(13), or section 212(d)(14).

I am seeking this permission so that I may obtain (select **only one box**):

- ☐ Admission as a nonimmigrant (other than as a T or U nonimmigrant).
- ☒ Status as a victim of trafficking (T nonimmigrant status) or a victim of a crime (U nonimmigrant status).

Part 2. Information About You

Your Full Name

1.a. Family Name (Last Name)	Client
1.b. Given Name (First Name)	Maria
1.c. Middle Name	Rosa

Part 2. Information About You (continued)**Other Names Used (if any)**

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in Part 8.

Additional Information.

- 2.a. Family Name (Last Name) **Soltera**
- 2.b. Given Name (First Name) **Maria**
- 2.c. Middle Name **Rosa**
- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name

Other Information

4. Alien Registration Number (A-Number) (if any)
▶ A-

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---
5. USCIS Online Account Number (if any)
▶

--	--	--	--	--	--	--	--	--	--
6. Date of Birth (mm/dd/yyyy) **10/20/1974**
7. Gender ☐ Male ☒ Female
- Place of Birth
- 8.a. City or Town **Puebla**
- 8.b. State or Province **Puebla**
- 8.c. Country **Mexico**
9. Country of Citizenship or Nationality **Mexico**

Mailing Address

- 10.a. In Care Of Name (if any)

Lawyers R Us

- 10.b. Street Number and Name **345 Main Street**

- 10.c. ☐ Apt. ☐ Ste. ☐ Flr.

- 10.d. City or Town **New York**

- 10.e. State **NY** 10.f. ZIP Code **10005**

- 10.g. Province

- 10.h. Postal Code

- 10.i. Country

USA**Safe Mailing Address**

If you are a T or U visa applicant, and do not want U.S. Citizenship and Immigration Services (USCIS) to send notices about this application to your home, you may provide a safe mailing address.

- 11.a. In Care Of Name (if any)

Sally Lawyer

- 11.b. Organization Name (if applicable)

Lawyers R Us

- 11.c. Street Number and Name **345 Main Street**

- 11.d. ☐ Apt. ☐ Ste. ☐ Flr.

- 11.e. City or Town **New York**

- 11.f. State **NY** 11.g. ZIP Code **10005**

- 11.h. Province

- 11.i. Postal Code

- 11.j. Country

USA

Part 2. Information About You (continued)**Address History**

Provide physical addresses for everywhere you have lived during the last five years, whether inside or outside the United States. Provide your current address first. If you need extra space to complete this section, use the space provided in **Part 8. Additional Information**.

Physical Address 1 (current address)

12.a. Street Number and Name
12.b. ☐ Apt. ☐ Ste. ☐ Flr.
12.c. City or Town
12.d. State 12.e. ZIP Code
12.f. Province
12.g. Postal Code
12.h. Country

Dates of Residence

13.a. From (mm/dd/yyyy)
13.b. To (mm/dd/yyyy)

Physical Address 2

14.a. Street Number and Name
14.b. ☐ Apt. ☐ Ste. ☒ Flr.
14.c. City or Town
14.d. State 14.e. ZIP Code
14.f. Province
14.g. Postal Code
14.h. Country

Dates of Residence

15.a. From (mm/dd/yyyy)
15.b. To (mm/dd/yyyy)

Physical Address 3

16.a. Street Number and Name
16.b. ☐ Apt. ☐ Ste. ☐ Flr.
16.c. City or Town
16.d. State 16.e. ZIP Code
16.f. Province
16.g. Postal Code
16.h. Country

Dates of Residence

17.a. From (mm/dd/yyyy)
17.b. To (mm/dd/yyyy)

Physical Address 4

18.a. Street Number and Name
18.b. ☐ Apt. ☐ Ste. ☐ Flr.
18.c. City or Town
18.d. State 18.e. ZIP Code
18.f. Province
18.g. Postal Code
18.h. Country

Dates of Residence

19.a. From (mm/dd/yyyy)
19.b. To (mm/dd/yyyy)

Part 2. Information About You (continued)

Travel Information

NOTE: If you are applying for T or U nonimmigrant status and are in the United States, you may skip **Item Numbers 20. - 25.**

Location at Which you Plan to Enter the United States (desired Port-of-Entry)

20.a. City

20.b. State

21. Name of Port-of-Entry

22. How do you plan to travel to the United States?
(For example, by plane, ship, car)

23. When do you plan to enter the United States? (mm/dd/yyyy)

24. Approximate Length of Stay in the United States

25. What is the purpose of your stay in the United States?
Explain fully below.

Immigration and Criminal History

26. Do you believe that you may be inadmissible to the United States? ☒ Yes ☐ No

If you answered "Yes" to **Item Number 26.**, explain the reasons why you believe, according to the best of your knowledge, that you may be inadmissible in **Part 8. Additional Information.** If you were told that you are inadmissible, provide the reason you were given.

27. Have you previously filed an application for advance permission to enter the United States as a nonimmigrant? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 27.**, provide the details in **Item Numbers 28. - 29.e.** If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.**

28. Date Application Filed (mm/dd/yyyy)

Location where you filed your application (for example, USCIS Office or Port-of-Entry).

29.a. USCIS Office or U.S. Port-of-Entry

29.b. City or Town

29.c. State or Province

29.d. Country

29.e. Receipt Number (if available)

30. Have you **EVER** been in the United States for a period of six months or more? ☒ Yes ☐ No

If you answered "Yes" to **Item Number 30.**, provide the dates you were in the United States (from and to) and your immigration status at the time of entry into the United States in the space provided in **Part 8. Additional Information.**

31. Have you **EVER** filed an application or petition for immigration benefits with the U.S. Government, or has one ever been filed on your behalf? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 31.**, provide the information requested in **Item Numbers 32.a. - 32.c.**

If you (or somebody else on your behalf) have filed multiple applications or petitions for immigration benefits with the U.S. Government, use the space provided in **Part 8. Additional Information** to provide the answers to **Item Numbers 32.a. - 32.c.** for each of your additional applications or petitions.

32.a. Type of Application or Petition Filed

32.b. Location Where You (or the Other Person) Filed the Application or Petition (for example, USCIS office or Port-of-Entry);

32.c. Outcome of the Application or Petition (for example, approved, denied, or is pending).

Part 2. Information About You (continued)

33. Have you **EVER** been denied or refused an immigration benefit by the U.S. Government, or had a benefit revoked or terminated (including but not limited to visas)?

☐ Yes ☒ No

If you answered "Yes" to **Item Number 33.**, provide an explanation the information in the space provided in **Part 8. Additional Information.**

34. Have you **EVER**, in or outside the United States, been arrested, cited, charged, indicted, fined, convicted, or imprisoned for breaking or violating any law or ordinance, excluding minor traffic violations?

☐ Yes ☒ No

If you answered "Yes" to **Item Number 34.**, describe the incidents in detail and include all offenses where impaired driving may have been an issue in the space provided in **Part 8. Additional Information.**

Part 3. Biographic Information

1. Ethnicity (Select **only one** box)

☒ Hispanic or Latino
☐ Not Hispanic or Latino

2. Race (Select **all applicable** boxes)

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☒ White

3. Height Feet Inches

4. Weight Pounds

5. Eye Color (Select **only one** box)

☐ Black ☐ Blue ☒ Brown
☐ Gray ☐ Green ☐ Hazel
☐ Maroon ☐ Pink ☐ Unknown/Other

6. Hair Color (Select **only one** box)

☐ Bald (No hair) ☒ Black ☐ Blond
☐ Brown ☐ Gray ☐ Red
☐ Sandy ☐ White ☐ Unknown/Other

Part 4. Other Information About You**Employment History**

Provide your employment history for the last five years, whether inside or outside the United States. Provide the most recent employment first. If you need extra space to complete this section, use the space provided in **Part 8. Additional Information.**

Employer 1 (current or most recent)

1. Name of Employer or Company

None

Address of Employer or Company

- 2.a. Street Number and Name

- 2.b. ☐ Apt. ☐ Ste. ☐ Flr.

- 2.c. City or Town

- 2.d. State 2.e. ZIP Code

- 2.f. Province

- 2.g. Postal Code

- 2.h. Country

3. Your Occupation

Dates of Employment

- 4.a. From (mm/dd/yyyy)

- 4.b. To (mm/dd/yyyy)

Part 4. Other Information About You (continued)**Employer 2****5. Name of Employer or Company****Address of Employer or Company****6.a. Street Number and Name****6.b.** ☐ Apt. ☐ Ste. ☐ Flr.**6.c. City or Town****6.d. State****6.e. ZIP Code****6.f. Province****6.g. Postal Code****6.h. Country****7. Your Occupation****Dates of Employment****8.a. From (mm/dd/yyyy)****8.b. To (mm/dd/yyyy)****Information About Your Parents****Information About Your Mother****Mother's Legal Name****9.a. Family Name (Last Name)****9.b. Given Name (First Name)****9.c. Middle Name****Mother's Name at Birth (if different than above)****10.a. Family Name (Last Name)****10.b. Given Name (First Name)****10.c. Middle Name****11. Date of Birth (mm/dd/yyyy)****12. City or Town of Birth****13. Country of Birth****14. Current City or Town of Residence (if living)****15. Current Country of Residence (if living)****Information About Your Father****Father's Legal Name****16.a. Family Name (Last Name)****16.b. Given Name (First Name)****16.c. Middle Name****Father's Name at Birth (if different than above)****17.a. Family Name (Last Name)****17.b. Given Name (First Name)****17.c. Middle Name****18. Date of Birth (mm/dd/yyyy)****19. City or Town of Birth****20. Country of Birth****21. Current City or Town of Residence (if living)****22. Current Country of Residence (if living)****Information About Your Marital History****23. What is your current marital status?**

- ☐ Single, Never Married ☒ Married ☐ Divorced
☐ Widowed ☐ Legally Separated
☐ Marriage Annulled ☐ Other

24. How many times have you been married (including annulled marriages and marriages to the same person)?

Part 4. Other Information About You (continued)**Information About Your Current Marriage**
(including if you are legally separated)

If you are currently married, provide the following information about your current spouse.

Current Spouse's Legal Name

25.a. Family Name (Last Name)

25.b. Given Name (First Name)

25.c. Middle Name

26. A-Number (if any)
 ▶ A-

27. Current Spouse's Date of Birth (mm/dd/yyyy)

28. Date of Marriage to Current Spouse (mm/dd/yyyy)

Current Spouse's Place of Birth

29.a. City or Town

29.b. State or Province

29.c. Country

Place of Marriage to Current Spouse

30.a. City or Town

30.b. State or Province

30.c. Country

Information About Prior Marriages (if any)

If you have been married before, whether in the United States or in any other country, provide the information requested in **Item Numbers 31.a. - 36.c.** about your prior marriage. If you have had more than one previous marriage, use the space provided in **Part 8. Additional Information** to provide the answers to **Item Numbers 31.a. - 36.c.** for each additional marriage.

Prior Spouse's Legal Name (provide family name before marriage)

31.a. Family Name (Last Name)

31.b. Given Name (First Name)

31.c. Middle Name

32. Prior Spouse's Date of Birth (mm/dd/yyyy)

33. Date of Marriage to Prior Spouse (mm/dd/yyyy)

Place of Marriage to Prior Spouse

34.a. City or Town

34.b. State or Province

34.c. Country

35. Date Marriage with Prior Spouse Legally Ended (mm/dd/yyyy)

Place Where Marriage with Prior Spouse Legally Ended

36.a. City or Town

36.b. State or Province

36.c. Country

Part 5. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-192 Instructions before completing this section.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 6.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 7.**, , prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that the U.S. Department of Homeland Security (DHS) may require that I submit original documents to DHS at a later date. Furthermore, I authorize the release of any information from any and all of my records that DHS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my DHS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that DHS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

6.a. Applicant's Signature

6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 6. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Part 6. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Mobile Telephone Number (if any)
6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 5., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Mobile Telephone Number (if any)
6. Preparer's Email Address (if any)

Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or Form G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)

Part 8. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ▶ A-

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. I believe I am inadmissible for
entering the United States without
inspection (INA § 212(a)(6)(A)(i)) and
smuggling my daughter into the United
States (INA § 212(a)(6)(E)(i))

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. I entered the United States on the US
Mexico border without inspection in or
about August 15, 2010. I have
remained here since that time (eleven
years), which is in excess of six
months.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

In the Matter of

**AFFIDAVIT IN SUPPORT OF HER
APPLICATION FOR ADVANCE
PERMISSION TO ENTER AS
NONIMMIGRANT ON FORM I-192**

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, [REDACTED] being duly sworn, depose and say:

1. My name is [REDACTED] I was born in [REDACTED] on [REDACTED] I submit this affidavit in support of my Application for Advance Permission to Enter as Nonimmigrant on Form I-192 and ask for the positive exercise of discretion.
2. I am seeking admission to the U.S. and I believe I may be inadmissible to the U.S. for the following reason:

INA 212(a)(6)(A)

3. In October 2016, I entered the United States at the U.S. Mexico Border without inspection. I have been present in the United States since that time without being admitted or paroled.

INA 212(a)(6)(C)

4. When I entered the United States in October 2016, the people who brought me took all of my documents and I had no form of identification. A few weeks after I arrived, a man came into the [REDACTED] where I worked and told me that he could sell me an ID, which would allow me to get a better job. I purchased this ID, which turned out to be a Legal Permanent Resident Card. I used this green card to apply for work and when I needed treatment at the hospital because it was my only form of identification. I never filled out any tax documents or received any benefits from using this card. I didn't know that this was against the law until my attorney told me. I immediately stopped using it and contacted my family in [REDACTED] who sent me copies of my documents so that I could apply for a passport.

Reasons for Waiver

5. I was a victim of labor trafficking by my employer [REDACTED] During my work with this employer, I was physically assaulted by superiors, placed in dangerous work conditions that led to serious injury, and threatened if I did not complete work or complained.

6. Along with my I-192 application, I am concurrently submitting an application for T Nonimmigrant Status, form I-914. This application provides extensive details about the severe form of trafficking that I went through and evidence providing that I would also suffer extreme hardship involving unusual and extreme harm upon removal.
7. I understand that the grounds of inadmissibility that may apply to me constitute serious violations of the immigration laws of the United States, and I am truly sorry.
8. Based on the abuse I have experienced in the workplace, I have suffered both physically and emotionally. I am thankful for services here in the U.S. that have provided significant assistance to me. I was so badly injured by my employer that I am in constant pain. I go to physical therapy three times a week. I will likely need to have surgery on my knee and back. I know I would not be able to get this level of medical assistance in my home country of [REDACTED]
9. I also meet regularly with a social worker at the [REDACTED] at the [REDACTED]. She provides both counseling and case management services to me. After I reported my trafficking to the New York State Department of Labor, they referred me for services available to victims of trafficking, so I will soon be receiving additional services. These services are extremely helpful as I try to process the trauma I have experienced. In my home country of [REDACTED], I would not have access to such services.
10. Additionally, I am currently in the midst of a workers compensation legal case against my former employer based on the injuries I experienced at work. If I were to leave the United States, I would not be able to present evidence in this case and obtain the relief to which I am entitled. I am also actively assisting the Department of Labor in their investigations into my former employers, [REDACTED]. I met with an attorney from the Department of Labor in December 2017 to assist these investigations and I am eager to continue to assist their investigations to make sure others are not harmed by these employers in the manner that I was. If I were to leave the United States, I would not be able to assist these investigations or to recover the wages to which I am entitled.
11. I came to the United States to work to support my children. I was not able to pay for their school fees despite working hard in [REDACTED] and it is very important to me that they attend school and have a better life than I did. My children are relying on my financial support. I was sending money back to [REDACTED] and paying for these fees until I had to stop working due to my injuries.
12. Unfortunately, due to my injuries, I have also accumulated significant debt. I owe approximately \$7,000 to my landlord and \$10,000 to the individuals who brought me into this country. If I am able to stay in the United States and work, I would be able to repay these debts. I would not be able to make much progress on these debts with the work that would be available to me in [REDACTED]. Furthermore, the individuals who brought me into the United States will require my family, including my parents and my husband, to pay for my debt if I

am not able to repay it. My parents would have to sell their home and would likely become homeless. I do not want to create further harm for my family by burdening them with this debt.

13. Thus, I respectfully request that my I-192 application be granted so that I can remain in the United States. I want to be able to continue to receive the services I desperately need for my physical and emotional health and to assist the government in their investigations into my employers so that others do not also suffer.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

[REDACTED]

Subscribed and sworn to me on

this 27 day of March, 2018



Notary Public

KIRBY TYRRELL
Notary Public, State of New York
No. 02TY6352730
Qualified in Kings County
Commission Expires January 3, 2021

I, Fidel Martinez, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to [REDACTED] to the best of my abilities.



Fidel Martinez

Subscribed and sworn to me on

this 27 day of March, 2018



Notary Public

KIRBY TYRRELL
Notary Public, State of New York
No. 02TY6352730
Qualified in Kings County
Commission Expires January 3, 2021



Supplement A, Application for Family Member of T-1 Recipient

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. [REDACTED]
Expires 01/31/2019

START HERE - Type or print. Use black ink. See Instructions for information about eligibility and how to complete and file this application. The recipient of the T nonimmigrant classification is referred to as the principal applicant. His or her family member(s) is referred to as a derivative applicant. **Form I-914, Supplement A, is to be completed by the principal applicant.**

PART A. Family Member Relationship to You (the principal)

The family member that I am filing for is my: (Check one)

☐ Husband/Wife ☒ Child ☐ Parent ☐ Unmarried Sibling Under 18 Years of Age

PART B. Family Member Relationship to Your Derivative

The family member I am filing for is the adult or minor child of my derivative (my grandchild, my spouse's child, my niece or nephew, or my sibling) who faces a present danger of retaliation as a result of my escape from the severe form of trafficking in persons or my cooperation with law enforcement.

☐ Derivative's Adult **OR** ☐ Minor Child

PART C. General Information About You (the principal)

Family Name (Last Name) Given Name (First Name) Middle Name (if any)
[REDACTED] [REDACTED] [REDACTED]

Date of Birth (mm/dd/yyyy) A-Number (if any)
[REDACTED] [REDACTED]

Status of your Form I-914, Application for T Nonimmigrant Status: (Check one)

☒ Filing this Form I-914, Supplement A, concurrently
☐ Pending
☐ Approved

PART D. Information About Your Family Member (the derivative)

Family Name (Last Name) Given Name (First Name) Middle Name (if any)
[REDACTED] [REDACTED] [REDACTED]

Other Names Used (include maiden name/nickname)

N A

Residence or Intended Residence in the U.S. - Street Number and Name Apt. Number
Confidential [REDACTED]

City State ZIP Code
New York New York [REDACTED]

For USCIS Use Only

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

Validity Dates

From: _____
To: _____

Remarks

Conditional Approval

Stamp # _____ Date _____

Action Block

To Be Completed by
Attorney or Representative, if any

☒ Fill in box if G-28 is attached to represent the applicant.

ATTY State
License #

[REDACTED]

PART D. Information About Your Family Member (the derivative) (continued)

Safe Mailing Address (if other than above) - Street Number and Name

Apt. Number

100 Broadway

10

C/O (in care of):

Timothy Fallon

City

State/Province

ZIP/Postal Code

New York

New York

10005

Home Telephone Number
(with area code)Safe Daytime Telephone
Number (with area code)E-mail Address
(optional)

(646) 442-1190

A-Number (if any)

U.S. Social Security Number (if any)

Gender

☒ Male ☐ Female

Marital Status:



Single/Never Married



Married



Divorced



Widowed

Date of Birth (mm/dd/yyyy)

Country of Birth

Country of Citizenship

Passport Number

Place of Issuance

Date of Issue (mm/dd/yyyy)

None

N/A

N/A

Give the following information about your family member if he or she is currently in the United States.

Place of Last Entry

Date of Last Entry (mm/dd/yyyy)

N A

N/A

I-94 Number (Arrival-Departure Document)

Current Immigration Status

N/A

N A

Give the following information about your family member if he or she has previously traveled to the United States.

Place of Entry	Date of Entry (mm/dd/yyyy)	Date Authorized Stay Expired (mm/dd/yyyy)	Immigration Status
N A			

PART D. Information About Your Family Member (the derivative) (continued)

If your family member was previously married, list names of prior spouses and dates of termination of marriage. Documents such as divorce decrees or death certificates must be attached.

Name of Former Spouse(s)	Date Marriage Ended (mm/dd/yyyy)	Where and How Marriage Ended
N A		

If your family member is outside the United States, indicate the U.S. Consulate or inspection facility you want notified if this application is approved.

Type of Office (Check one): ☐ Consulate ☐ Pre-Flight Inspection ☐ Port of Entry

Office Address (City)

U.S. State or Foreign Country

Foreign Address Where You Want Notification Sent

Has your family member ever been in immigration proceedings?

☐ Yes ☒ No

If "Yes," what type of proceedings? (Check all that apply)

☐ Removal Date (mm/dd/yyyy) ☐ Exclusion Date (mm/dd/yyyy) ☐ Deportation Date (mm/dd/yyyy) ☐ Rescission Date (mm/dd/yyyy) ☐ Judicial Date (mm/dd/yyyy)

Is your family member requesting an Employment Authorization Document?

☐ Yes ☒ No

(If "Yes," submit Form I-765, Application for Employment Authorization Document with Form I-914, Supplement A, or separately.)

NOTE: If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do not file Form I-765 for a family member living outside the United States.

PART E. Processing Information

Answer the following questions about your family member. For the purposes of this application, if applicable, you must answer "Yes" to the following questions even if the records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that your family member no longer has a record. (If your answer is "Yes" to any one of these questions, explain on a separate sheet of paper. Answering "Yes" does not necessarily mean that your family member will be denied T nonimmigrant status.)

1. Has the family member for whom you are filing **EVER**:

- a. Committed a crime or offense for which he or she has not been arrested? ☐ Yes ☒ No
- b. Been arrested, cited, or detained by any law enforcement officer (including DHS, former INS, and military officers) for any reason? ☐ Yes ☒ No
- c. Been charged with committing any crime or offense? ☐ Yes ☒ No
- d. Been convicted of a crime or offense (even if violation was subsequently expunged or pardoned)? ☐ Yes ☒ No
- e. Been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No

PART E. Processing Information (continued)

- f. Received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
- g. Been in jail or prison? ☐ Yes ☒ No
- h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? ☐ Yes ☒ No
- i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No

If the answer is "Yes" to any of the above questions, complete the following table. If you need more space, use a separate sheet of paper.

Why was the family member for whom you are filing arrested, cited, detained, or charged?	Date of arrest, citation, detention, charge (mm/dd/yyyy)	Where was the family member for whom you are filing arrested, cited, detained, or charged? (City, State, Country)	Outcome or disposition (e.g., no charges filed, charges dismissed, jail, probation, etc.)

2. Has the family member for whom you are filing:
- a. Engaged in prostitution or procurement of prostitution or does he or she intend to engage in prostitution or procurement of prostitution? ☐ Yes ☒ No
- b. EVER engaged in any unlawful commercialized vice, including but not limited to illegal gambling? ☐ Yes ☒ No
- c. EVER knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
- d. EVER illicitly trafficked in any controlled substance, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
3. Has the family member for whom you are filing EVER committed, planned or prepared, participated in, threatened to, attempted to, or conspired to commit, gathered information for, or solicited funds for any of the following:
- a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
- b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☒ No
- c. Assassination? ☐ Yes ☒ No
- d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? ☐ Yes ☒ No
- e. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive; or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No

PART E. Processing Information (continued)

4. Has the family member for whom you are filing EVER been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of title 18, United States Code) by or on behalf of, or been associated with an organization that is:
- a. Designated as a terrorist organization under section 219 of the Immigration and Nationality Act? ☐ Yes ☒ No
 - b. Any other group of two or more individuals, whether organized or not, which has engaged in or has a subgroup which has engaged in:
 - 1. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
 - 2. Seizing or detaining, and threatening to kill, injure, or continue to detain another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☒ No
 - 3. Assassination? ☐ Yes ☒ No
 - 4. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? ☐ Yes ☒ No
 - 5. Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☒ No
 - 6. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive; or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
5. Does the family member for whom you are filing intend to engage in the United States in:
- a. Espionage? ☐ Yes ☒ No
 - b. Any unlawful activity, or any activity the purpose of which is in opposition, to control or overthrow of the Government of the United States? ☐ Yes ☒ No
 - c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? ☐ Yes ☒ No
6. Has the family member for whom you are filing EVER been or does he or she continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? ☐ Yes ☒ No
7. Has the family member for whom you are filing, during the period of March 23, 1933, to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion? ☐ Yes ☒ No
8. Has the family member for whom you are filing EVER been present or nearby when any person was:
- a. Intentionally killed, tortured, beaten, or injured? ☐ Yes ☒ No
 - b. Displaced or moved from his or her residence by force, compulsion, or duress? ☐ Yes ☒ No
 - c. In any way compelled or forced to engage in any kind of sexual contact or relations? ☐ Yes ☒ No
9. a. Are removal, exclusion, rescission, or deportation proceedings pending against the family member for whom you are filing? ☐ Yes ☒ No
- b. Have removal, exclusion, rescission, or deportation proceedings EVER been initiated against the family member for whom you are filing? ☐ Yes ☒ No
- c. Has the family member for whom you are filing EVER been removed, excluded, or deported from the United States? ☐ Yes ☒ No
- d. Has the family member for whom you are filing EVER been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
- e. Has the family member for whom you are filing EVER been denied a visa or denied admission to the United States? (If a visa was denied, explain why on a separate sheet of paper.) ☐ Yes ☒ No

PART E. Processing Information (continued)

- f. Has the family member for whom you are filing EVER been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? ☐ Yes ☒ No
10. Has the family member for whom you are filing (or has any member of his or her family) EVER ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:
- a. Acts involving torture or genocide? ☐ Yes ☒ No
 - b. Killing any person? ☐ Yes ☒ No
 - c. Intentionally and severely injuring any person? ☐ Yes ☒ No
 - d. Engaging in any kind of sexual contact or relations with any person who was being forced or threatened? ☐ Yes ☒ No
 - e. Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☒ No
11. Has the family member for whom you are filing EVER:
- a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization? ☐ Yes ☒ No
 - b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☒ No
12. Has the family member for whom you are filing EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which he or she or any other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☒ No
13. Has the family member for whom you are filing EVER assisted or participated in selling or providing weapons to any person who to his or her knowledge used them against another person, or in transporting weapons to any person who to his or her knowledge used them against another person? ☐ Yes ☒ No
14. Has the family member for whom you are filing EVER received any type of military, paramilitary, or weapons training? ☐ Yes ☒ No
15. Is the family member for whom you are filing under a final order or civil penalty for violating section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act)? ☐ Yes ☒ No
16. Has the family member for whom you are filing EVER, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, for entry into the United States or any immigration benefit? ☐ Yes ☒ No
17. Has the family member for whom you are filing EVER left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
18. Has the family member for whom you are filing EVER been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☒ No
19. Has the family member for whom you are filing EVER detained, retained, or withheld the custody of a child, having a lawful claim to U.S. citizenship, outside the United States from a U.S. citizen granted custody? ☐ Yes ☒ No
20. Does the family member for whom you are filing plan to practice polygamy in the United States? ☐ Yes ☒ No
21. Did the family member for whom you are filing enter the United States as a stowaway? ☐ Yes ☒ No
22. a. Does the family member for whom you are filing have a communicable disease of public health significance? ☐ Yes ☒ No
- b. Does the family member for whom you are filing have or has he or she had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of themselves or others? ☐ Yes ☒ No
 - c. Is the family member for whom you are filing now or has he or she been a drug abuser or drug addict? ☐ Yes ☒ No

PART F. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-914 Instructions before completing this part.

Applicant's Statement

NOTE: Select the box for either **Item A.** or **B.** in **Item Number 1.** If applicable, select the box for **Item Number 2.**

1. Applicant's Statement Regarding the Interpreter

- A. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- B. ☒ The interpreter named in **Part G.** read to me every question and instruction on this application and my answer to every question in Spanish,
a language in which I am fluent, and I understood everything.

2. Applicant's Statement Regarding the Preparer

- ☒ At my request, the preparer named in **Part H.**, Timothy Fallon,
prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number

6464421190

4. Applicant's Mobile Telephone Number (if any)

5. Applicant's Email Address (if any)

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that U.S. Citizenship and Immigration Services (USCIS) may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I authorize the release of any information from my record that USCIS needs to determine eligibility for the benefit I am seeking for the family member for whom I am applying, to investigate my claim, and to investigate fraudulent claims. I further authorize USCIS to release information to law enforcement agencies and prosecutors investigating or prosecuting crimes of trafficking or related crimes. I further authorize USCIS to release information to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to 8 USC 1641(c).

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

6. Applicant's Signature (sign in ink)

Date of Signature (mm/dd/yyyy)

→ [Redacted Signature] [Redacted Date]

PART F. Applicant's Statement, Contact Information, Declaration, Certification, and Signature
(continued)

Signature of Derivative (your family member if physically present in the United States) (sign in ink)

Date (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

PART G. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1. Interpreter's Family Name (Last Name)

Fallon

Interpreter's Given Name (First Name)

Timothy

2. Interpreter's Business or Organization Name (if any)

Her Justice

Interpreter's Mailing Address

3. Street Number and Name

100 Broadway

Apt. Ste. Flr. Number

☐ ☐ ☒ 10

City or Town

New York

State

NY

ZIP Code

10005

Province

Postal Code

Country

USA

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

6464421190

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

tfallon@herjustice.org

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and Spanish, which is the same language specified in **Part F., Item B.** in **Item Number 1.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7. Interpreter's Signature (Sign in ink)

Date of Signature (mm/dd/yyyy)

9/27/18

PART H. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1. Preparer's Family Name (Last Name) Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3. Street Number and Name Apt. Ste. Flr. ☐ ☐ ☒ Number
- City or Town State ZIP Code
- Province Postal Code Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Mobile Telephone Number (if any)
6. Preparer's Email Address (if any)

Preparer's Statement

7. A. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- B. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8. Preparer's Signature (sign in ink)  Date of Signature (mm/dd/yyyy)

Part 2. Information About You (continued)

Your U.S. Mailing Address

5.a. In Care Of Name (if any)

Timothy Fallon Her Justice

5.b. Street Number and Name

100 Broadway

5.c. ☐ Apt. ☐ Ste. ☒ Flr.

10

5.d. City or Town

New York

5.e. State

NY

5.f. ZIP Code

10005

6. Is your current mailing address the same as your physical address? ☐ Yes ☒ No

NOTE: If you answered "No" to Item Number 6., provide your physical address below.

U.S. Physical Address

7.a. Street Number and Name

123 Second Avenue

7.b. ☐ Apt. ☐ Ste. ☒ Flr.

2nd

7.c. City or Town

Queens

7.d. State

NY

7.e. ZIP Code

54321

Other Information

8. Alien Registration Number (A-Number) (if any)

▶ A- 2 3 4 5 6 7 8 9 1

9. USCIS Online Account Number (if any)

▶

10. Gender

☐ Male

☒ Female

11. Marital Status

☒ Single

☐ Married

☐ Divorced

☐ Widowed

12. Have you previously filed Form I-765?

☐ Yes

☒ No

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes

☒ No

NOTE: If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

13.b. Provide your Social Security number (SSN) (if known).

▶

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15., Consent for Disclosure, to receive a card.)

☐ Yes

☒ No

NOTE: If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☐ Yes

☐ No

NOTE: If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

Father's Name

Provide your father's birth name.

16.a. Family Name (Last Name)

16.b. Given Name (First Name)

Mother's Name

Provide your mother's birth name.

17.a. Family Name (Last Name)

17.b. Given Name (First Name)

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in Part 6. Additional Information.

18.a. Country

Cuba

18.b. Country



Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

Santiago de Cuba

19.b. State/Province of Birth

Santiago de Cuba

19.c. Country of Birth

Cuba

20. Date of Birth (mm/dd/yyyy)

01/09/2006

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)



21.b. Passport Number of Your Most Recently Issued Passport

123HK678

21.c. Travel Document Number (if any)

N A

21.d. Country That Issued Your Passport or Travel Document

Cuba

21.e. Expiration Date for Passport or Travel Document
(mm/dd/yyyy)

01/01/2024

22. Date of Your Last Arrival Into the United States, On or
About (mm/dd/yyyy)

05/06/2022

23. Place of Your Last Arrival Into the United States

New York New York

24. Immigration Status at Your Last Arrival (for example,
B-2 visitor, F-1 student, or no status)

T-3 nonimmigrant

25. Your Current Immigration Status or Category (for example,
B-2 visitor, F-1 student, parolee, deferred action, or no
status or category)

T-3 nonimmigrant status

26. Student and Exchange Visitor Information System
(SEVIS) Number (if any)

▶ N-

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(c) (25) ()

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in Item Number 27., provide the information requested in Item Numbers 28.a - 28.c.

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in Item Number 27., provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in Item Number 27., have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to Item Number 30., refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in Item Number 27., please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in Item Number 27., please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

31.b. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 27., have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to Item Number 31.b., refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.,** in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.

Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**, , prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)



Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) Client

1.b. Given Name
(First Name) Child

1.c. Middle Name	
-------------------------	--

2. A-Number (if any) ► A-

2	3	4	5	6	7	8	9	1
---	---	---	---	---	---	---	---	---

3.a. Page Number 3 3.b. Part Number 2 3.c. Item Number 21a

3.d. I have been unable to retrieve my I-94 record from CBP's website.

4.a. Page Number	4.b. Part Number	4.c. Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

4.d.

5.a. Page Number **5.b.** Part Number **5.c.** Item Number

5.d.

6.a. Page Number **6.b.** Part Number **6.c.** Item Number

6.d.

7.a. Page Number	7.b. Part Number	7.c. Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

7.d.





Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. 1615-0099
Expires 01/31/2019

START HERE - Type or print in blank ink. This form should be completed by Federal, State, or local law enforcement authorities for victims under the Victims of Trafficking and Violence Protection Act, Public Law 106-386, as amended.

PART A. Victim Information

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

[Redacted] [Redacted] [Redacted]

Other Names Used (include maiden name/nickname)

[Redacted]

Date of Birth (mm/dd/yyyy)

[Redacted]

Gender

☐ Male ☒ Female

A # (if known)

[Redacted]

Social Security # (if known)

[Redacted]

Part B. Agency Information

Name of Certifying Agency

New York State Department of Labor

Name of Certifying Official

Jeanette Lazelle

Title and Division/Office of Certifying Official

Dir., Div. Imm. Policy & Affairs

Agency Address - Street Number and Name

State Office Campus, Building 12

Suite #

570

City

Albany

State/Province

New York

Zip/Postal Code

12240

Daytime Phone # (area code and/or extension)

5184577304

Fax # (with area code)

2127753389

Agency Type

☐ Federal ☒ State ☐ Local

Case Status

☒ On-going ☐ Completed ☐ Local

Certifying Agency Category

☐ Judge ☒ Law Enforcement ☐ Prosecutor ☐ Other

Case Number

[Redacted]

FBI # or SID # (if applicable)

[Redacted]

Part C. Statement of Claim

1. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of: (Check all that apply. Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 CFR 214.11(a).)

☐ Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

☐ Sex trafficking and the victim is under the age of 18.

For USCIS Use Only

Returned

Receipt

Date

Date

Resubmitted

Date

Date

Reloc Sent

Date

Date

Reloc Rec'd

Date

Date

Remarks

Part C. Statement of Claim (Continued)

☒ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery.

☐ Not applicable.

☐ Other, specify on attached additional sheets.

2. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case, as well as any relevant reports and findings. Include relevant dates, etc. Attach additional sheets, if necessary.

See Attached

3. Has the applicant expressed any fear of retaliation or revenge if removed from the United States? If yes, explain. Attach additional sheets, if necessary.

See Applicant Affidavit

4. Provide the date(s) on which the acts of trafficking occurred.

Date (mm/dd/yyyy)

██████████

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

5. List the statutory citation(s) for the acts of trafficking being investigated or prosecuted, or that were investigated or prosecuted.

8 CFR 214.11 (a) ; NY Penal Law § 135.35

6. Provide the date on which the investigation or prosecution was initiated.

Date (mm/dd/yyyy)

██████████

7. Provide the date on which the investigation or prosecution was completed (if any).

Date (mm/dd/yyyy)

Part D. Cooperation of Victim *(Attach additional sheets, if necessary)*

The applicant:

- ☒ Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- ☐ Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- ☐ Has not been requested to assist in the investigation/prosecution of any crime of trafficking.
- ☐ Has not yet attained the age of 18.
- ☐ Other, specify on attached additional sheets.

--

Part E. Family Members Implicated In Trafficking

- ☐ Yes ☒ No Are any of the applicant's family members believed to have been involved in his or her trafficking to the United States? If "Yes," list the relative(s) and describe the involvement. Attach additional sheets if necessary.

Full Name	Relationship	Involvement

Part F. Attestation

Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the VTVPA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the acts of trafficking of which he/she is a victim, I will notify USCIS.

Signature of Law Enforcement Officer *(identified in Part B)*Date *(mm/dd/yyyy)*

Signature of Supervisor of Certifying Officer

Date *(mm/dd/yyyy)*

Printed Name of Supervisor

**Attachment: Form I-914, Supplement B, Declaration of Law Enforcement Officer for
Victim of Trafficking in Persons**

Part C: Statement of Claim

#2 Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution.

Ms. [REDACTED] filed a complaint for unpaid wages with the New York State Department of Labor ("NYSDOL") in October 2017. Ms. [REDACTED] was confirmed as a victim of human trafficking under the New York State Penal Law § 135.35 by the New York State Response to Human Trafficking Program ("RHTP"), entitling her to services under New York State Social Services Law § 483-cc on February 2, 2018. The RHTP connects confirmed victims with contracted provider agencies to receive social services and health care. The reported labor law violations include failure to pay minimum wage and overtime under N.Y. Labor Law § 191. Unpaid wages are currently calculated at \$ [REDACTED]

Ms. [REDACTED] is a victim of a severe form of trafficking in persons; She was coerced to continue working through physical assault, threats of physical assault, and threats to call immigration and have her deported (8 CFR § 214.11(a)). She was additionally not paid for approximately half the hours she worked. She was constantly pushed to work harder, carrying jagged cement from a demolition site by wheelbarrow, without meal periods, causing her to become fatigued and injured on multiple occasions.

Ms. [REDACTED] was recruited by the promise of \$15.00 per hour, with overtime, to work six days a week for [REDACTED] on approximately [REDACTED]. Her employer was known to her as [REDACTED] with the honorific "[REDACTED]" [REDACTED] sister was the site supervisor, known to Ms. [REDACTED] as "[REDACTED]" Ms. [REDACTED] reports [REDACTED] asked her about her immigration status, and when she replied that she was illegal, informed her that "she did not matter here," that she should be afraid. Ms. [REDACTED] reports [REDACTED] took a dislike to her, and would constantly harass her on the job site, not allowing her to take lunch, telling her she couldn't stop for breaks, sit down at the work site, and that if she observed her taking a break, she would inform her brother [REDACTED] and Ms. [REDACTED] would be fired. Ms. [REDACTED] states that her treatment by [REDACTED] was different than other workers, and that she believed it had to do with her national origin or immigration status.

[REDACTED] was physically abusive of Ms. [REDACTED]. On one occasion, Ms. [REDACTED], who had not been provided with any personal protective equipment and did not own construction boots, stepped on a nail that broke through the sole of her shoe and inserted about an inch into her foot. Ms. [REDACTED] stated she began limping, and [REDACTED] accused her of faking and slapped her across the face, telling her that she was weak. [REDACTED] additionally told her, "If you complain, I will call Immigration on you." In approximately [REDACTED], Ms. [REDACTED] stated that after repeated criticism from [REDACTED] for not working hard enough, she had overloaded a wheelbarrow filled with

Applicant: [REDACTED]
Date of Birth: [REDACTED]

concrete pieces, and pulled a muscle in her back while lifting it. She was taken to the hospital, and treated. The doctor recommended she not return to work for a week, but she was afraid to miss work, as [REDACTED] had previously threatened her with calling Immigration if she did not work. She states she returned to work the day after the accident. On another occasion, shortly after the back injury, Ms. [REDACTED] states [REDACTED] was drinking beer while supervising the workers. [REDACTED] became annoyed with Ms. [REDACTED] and pushed her from behind, causing her to trip over a rock, fall, and injury her neck. Ms. [REDACTED] states she lay on the ground and could not get up. Ms. [REDACTED] returned to the same Emergency Room, and was treated by the same Doctor, who expressed concern that she was being frequently injured on the job, including assaulted by her Supervisor. She was referred to Worker's Compensation and social services providers, who identified her as a potential trafficking victim and assisted her in filing a claim with the New York State Department of Labor.

Ms. [REDACTED] is a victim of a severe form of trafficking in persons. She was coerced into continuing working, despite working for approximately twice as many hours as she was paid for, by physical assault, threats of physical assault, and threats of calling immigration and deportation.

#4. Provide the date(s) on which the acts of trafficking occurred.

Approximately [REDACTED] to [REDACTED]

Part D: Cooperation of the Victim

Ms. [REDACTED] has cooperated with the NYSDOL by coming forward to file an unpaid wage claim, being available for follow-up questions from Labor Standards Investigators, providing a statement to Counsel to the Division of Immigrant Policies and Affairs, and fully cooperating with the NYSDOL.

[REDACTED]
Jeanette C. Lazelle
Director, Division of Immigrant Policies and Affairs
New York State Department of Labor
State Office Campus, Room 570
Albany, NY 12240
t: 518-457-73-4
f: 212-775-3389
e: Jeanette.Lazelle@labor.ny.gov

04/23/2018
Date



Freedom of Information/Privacy Act Request

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form G-639
OMB No. 1615-0102
Expires 04/30/2020

NOTE: Use of this form is optional. USCIS accepts any written request, regardless of format, provided that the request complies with the applicable requirements under the FOIA and the Privacy Act.

► **START HERE - Type or print in black ink.**

Part 1. Type of Request

Select only one box.

NOTE: If you are filing this request on behalf of another individual, respond as it would apply to that individual.

- 1.a. ☒ Freedom of Information Act (FOIA)/Privacy Act (PA)
1.b. ☐ Amendment of Record (PA only)

Part 2. Requestor Information

1. Are you the Subject of Record for this request?
☐ Yes ☒ No

If you answered "No" to **Item Number 1.**, provide the information requested in **Part 2.** If you answered "Yes" to **Item Number 1.**, skip to **Part 3.**

Requestor's Full Name

- 2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Requestor's Mailing Address

- 3.a. In Care Of Name (if any)
3.b. Street Number and Name
3.c. ☐ Apt. ☐ Ste. ☒ Flr.
3.d. City or Town
3.e. State 3.f. ZIP Code
3.g. Province
3.h. Postal Code
3.i. Country

Requestor's Contact Information

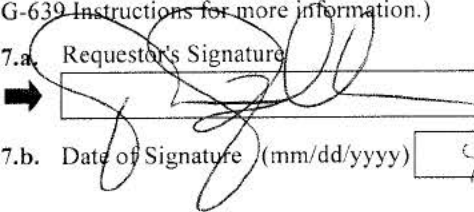
4. Requestor's Daytime Telephone Number

5. Requestor's Mobile Telephone Number (if any)

6. Requestor's Email Address (if any)

Requestor's Certification

By my signature, I consent to pay all costs incurred for search, duplication, and review of documents up to \$25. (See Form G-639 Instructions for more information.)

- 7.a. Requestor's Signature 
7.b. Date of Signature (mm/dd/yyyy)

Part 3. Description of Records Requested

NOTE: While you are not required to respond to every item in **Part 3.**, failure to provide complete and specific information may delay processing of your request or create an inability for U.S. Citizenship and Immigration Services (USCIS) to locate the records or information requested.

1. **Purpose (Optional:** You are not required to state the purpose of your request. However, providing this information may assist USCIS in locating the records needed to respond to your request.)

Full Name of the Subject of Record

- 2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Part 3. Description of Records Requested (continued)

Other Names Used by the Subject of Record (if any)

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information.**

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name

Full Name of the Subject of Record at Time of Entry into the United States

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name

Other Information About the Subject of Record

5. Form I-94 Number Arrival-Departure Record
▶
6. Alien Registration Number (A-Number) (if any)
▶ A-
7. USCIS Online Account Number (if any)
▶
8. Application, Petition, or Request Receipt Number
▶

Information About Family Members that May Appear on Requested Records

For example, provide the requested information about a spouse or children. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information.**

Family Member 1

- 9.a. Family Name (Last Name)
- 9.b. Given Name (First Name)
- 9.c. Middle Name
10. Relationship

Family Member 2

- 11.a. Family Name (Last Name)
- 11.b. Given Name (First Name)
- 11.c. Middle Name
12. Relationship

Parents' Names for the Subject of Record

Father

- 13.a. Family Name (Last Name)
- 13.b. Given Name (First Name)
- 13.c. Middle Name

Mother

- 14.a. Family Name (Last Name)
- 14.b. Given Name (First Name)
- 14.c. Middle Name
- 14.d. Maiden Name (if applicable)

15. Description of Records Sought.

Provide a description of the records you are seeking. If you need additional space, use the space provided in **Part 5. Additional Information.**

visa record, any
employment authorization

Part 4. Verification of Identity and Subject of Record Consent

NOTE: Complete all applicable **Item Numbers**. In addition, the Subject of Record **MUST** sign **Part 4.** of this request.

Full Name of the Subject of Record

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Part 4. Verification of Identity and Subject of Record Consent (continued)

Mailing Address for the Subject of Record

- 2.a. In Care Of Name (if any)
Her Justice
- 2.b. Street Number and Name
100 Broadway
- 2.c. ☐ Apt. ☐ Ste. ☒ Flr. 10
- 2.d. City or Town
New York
- 2.e. State NY 2.f. ZIP Code 10005
- 2.g. Province
- 2.h. Postal Code
- 2.i. Country
USA

Other Information for the Subject of Record

3. Date of Birth (mm/dd/yyyy)
4. Country of Birth

Contact Information for the Subject of Record

Providing this information is optional.

5. Daytime Telephone Number
6. Mobile Telephone Number (if any)
7. Email Address (if any)

Signature and Notarized Affidavit or Declaration of the Subject of Record

Select only one box.

NOTE: The Subject of Record **MUST** provide a signature in **Item Number 8.a. Notarized Affidavit of Identity OR Item Number 8.b. Declaration Under Penalty of Perjury**. If the Subject of Record is deceased, read **Item Number 8.c. Deceased Subject of Record** and attach proof of death.

8.a. ☒ Notarized Affidavit of Identity

(Do **NOT** sign and date below until the notary public provides instructions to you.)

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25** (if filing this request for myself).

TIMOTHY AUGUST FALLON
Notary Public, State of New York
No. 02FA6329197
Qualified in New York County
Commission Expires Aug. 17, 2013

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Subscribed and sworn to before me on this

day of April in the year 2008

Daytime Telephone Number

Signature of Notary

My Commission Expires on (mm/dd/yyyy)

8.b. ☐ Declaration Under Penalty of Perjury

By my signature, I consent to USCIS releasing the requested records to the requestor (if applicable) named in **Part 2**. I also consent to pay all costs incurred for search, duplication, and review of documents up to **\$25** (if filing this request for myself).

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

8.c. Deceased Subject of Record

(NOTE: You **MUST** attach an obituary, death certificate, or other proof of death.)

Part 5. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with your request or attach a separate sheet of paper. Type or print the name of the Subject of Record and his or her A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which the information refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. Alien Registration Number (A-Number) (if any)

▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d.

Patient Name [REDACTED]	Date of Birth [REDACTED]	Social Security Number
Patient Address c/o Her Justice, 100 Broadway, 10th floor, New York, NY 10005		

STEP 3: POST-FILING: IMPORTANT DOCUMENTS PRIOR TO DECISION

STEP 3: POST-FILING: IMPORTANT DOCUMENTS PRIOR TO DECISION

- A. Cover Page and Sub-Table of Contents
- B. Post-filing guidance
- C. What happens after I file an application with USCIS?
- D. Sample I-914 Receipt Notice
- E. Sample I-192 Receipt Notice
- F. Sample I-765 Receipt Notice ((c)(40))
- G. Sample I-914 Supplement A Receipt Notice
- H. Sample I-765 Receipt Notice ((c)(25))
- I. Sample I-914 Biometrics Notice
- J. Sample I-914 Supplement A Biometrics Notice (derivative outside the U.S.)
- K. Sample Request for Evidence (RFE) for Presence on Account of Trafficking and Extreme Hardship Involving Unusual and Severe Harm
- L. Sample RFE Response Cover Letter for Presence on Account of Trafficking and Extreme Hardship Involving Unusual and Severe Harm
- M. Sample New Attorney G-28 Cover Letter

POST-FILING GUIDANCE

Please send your Her Justice mentor a complete PDF copy of the entire application. Please do not send hard copies to Her Justice.

After you file the application, you will receive several Notice of Action Forms from USCIS, including receipts indicating that the I-914, I-192 (where applicable), I-914 Supplement A (where applicable) and I-765 were received. Update both your client and your Her Justice mentor about all Notices of Action that you receive. **Please send PDF copies of every Notice to your Her Justice mentor.**

Practice Tip: After you receive your first Notice of Action, you can create a USCIS account at <https://myaccount.uscis.gov/create-account> to track the progress of your client's case. Note that your client's I-914 receipt number will not be recognized by the USCIS website because it is protected by strong confidentiality provisions originating with the Violence Against Women Act (VAWA).

Application Support Center ("ASC") Biometric Appointment

Approximately one to two months after you file the application, you will get an ASC Biometric Appointment Notice (the "**Appointment Notice**") for your client (please send a PDF copy to Her Justice). At this appointment, your client will be photographed and fingerprinted. Make sure your client understands that she must attend her biometric appointment on the day that it is scheduled, and that she will have to go through security and will need to bring valid identification with her. She must also bring a copy of the Appointment Notice and she should give you a copy of the Appointment Notice after it has been stamped by the ASC officer at her appointment (please send a stamped PDF copy to Her Justice). You do not need to accompany your client to this appointment – it is a very simple process, and you can assure your client that it is a straightforward and standard requirement for all applicants.

If your client filed an I-914 Supplement A application for a derivative residing outside the United States, you will receive a blue document accompanied by FD-258 fingerprint cards requesting that you submit the derivatives fingerprints by a date specified on the notice. When you receive this notice, send a PDF copy to your Her Justice mentor and ask for information on how to schedule your client's derivative for fingerprinting at the nearest USCIS office, U.S. Consulate, or U.S. military installation. This notice might arrive concurrently with the ASC Biometric Appointment Notice for your client, or later during the processing of her case.

Bona Fide Determinations (“BFD”)

USCIS will review all I-914 Applications and I-914 Supplement A applications filed on or after August 28, 2024 for consideration of a bona fide determination (“BFD”). Initial review of I-914 Applications that result in BFD for the applicant verifies the file contains:

- A properly filed, complete I-914 Application
- Applicant’s signed personal statement
- Background checks that show no “national security concerns”

Initial review for BFD doesn't require evidence supporting all elements of T eligibility or admissibility/waiver thereof or discretion. If BFD is granted to the principal applicant, they will be issued a notice regarding BFD and deferred action, and her I-765 application based on category (c)(40) should be approved soon after. If the principal applicant fails initial BFD review, there is no way to appeal the decision. USCIS will automatically make a secondary review, but will consider the full adjudication requirements (evidence supporting all elements of T eligibility, admissibility/waiver thereof or discretion).

Initial review for BFD regarding a derivative of the principal applicant has the following criteria:

- Principal must receive BFD first
- Derivative must be in U.S.
- Granted if
 - Complete I-914 Supplement A was properly filed
 - Credible evidence of qualifying family relationship
 - Background checks show no “national security concerns”

As with a principal applicant, if a derivative fails their initial BFD review, there is an automatic secondary review. If that review is positive, USCIS will issue BFD, deferred action, and approve the derivative’s I-765 application based on category (c)(40).¹

Requests for Evidence (“RFE”)

If USCIS finds an application to be “incomplete,” you will receive a Request For Evidence (“RFE”) that provides the applicant an opportunity to correct what USCIS finds to be incomplete via an RFE. If you receive an RFE, please alert your Her Justice mentor immediately. Read the RFE carefully and respond to everything USCIS is requesting. In some cases, the RFE may be relying on misinformation, in which case part of your role will be to clarify the record. Then, per the instructions on the RFE, include the original RFE as the first

¹ 8 CFR § 214.205

page of your submission, followed by your cover letter, and then any documents in response to the RFE. Note that RFEs are very time sensitive. The RFE deadlines are strict, and you should mail the RFE responses well before the deadline, and with tracking confirmation.

FAQ'S: WHAT HAPPENS AFTER I FILE AN APPLICATION WITH USCIS?

This is a general advisory covering the range of immigration cases mentored by Her Justice.

When will I get the receipt notice?

- The receipt notice(s) should arrive about three weeks after sending the application to USCIS, assuming the application was sent via FedEx or another courier service. If you do not receive a receipt notice within three weeks of submitting your case to USCIS, please alert your Her Justice mentor.

What information does the receipt notice contain?

- You will get a receipt notice for each application that was filed. If you used your address as the client's "safe address", you will receive two copies of the receipt notices for each application (an attorney copy and a client copy).
- The notice will contain a "receipt date" which is the date that USCIS officially accepted the filing. Make sure that the receipt date is before any applicable filing deadline. If it was not before the deadline, you will have the burden of proving (via trackable mail receipt) that USCIS received it and should have receipted it in before the deadline. If you believe you missed a deadline, speak to your Her Justice mentor immediately.

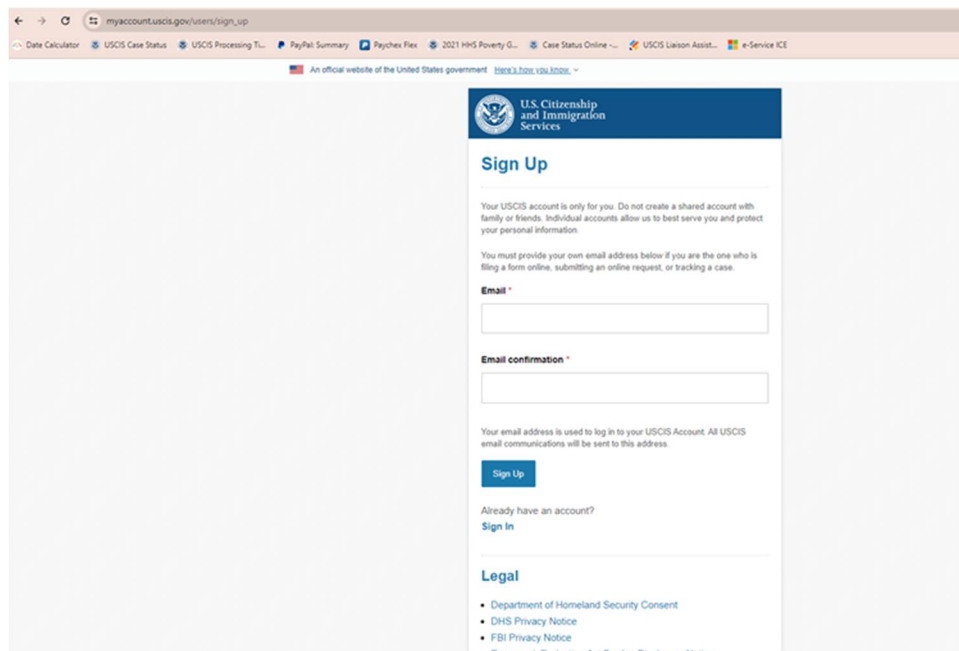
What should I do with the receipt notice?

- The receipt notice is a critical document in every immigration case. It is extremely important that you keep the receipt notice in the digital and hard copy file. You, or whomever else works on the case in the future, will need this notice to follow up on the case if there are any issues.
- Give your client her copy of the receipt notice(s).
- Send a pdf of the receipt notice(s) to your Her Justice mentor.
- For most cases, the receipt notice alone does not convey any immigration status on your client. However, for **I-751 Petitions to Remove Conditions on Residence**, the receipt notice is the document that extends your client's lawful immigration status, including the right to work lawfully in the U.S. and to travel outside of the U.S. and return. For **I-485 Adjustment of Status for U Nonimmigrants**, the I-485 receipt notice extends your client's lawful immigration status and extends the right to work lawfully in the U.S. for one year from expiration of her previous employment authorization.
- For other types of immigration relief, the receipt notice may be used to apply for certain public assistance, including Medicaid. Note that this is very important if you filed both applications where the fee waiver was denied and applications that do not require a fee. In these cases, Her Justice recommends that the client use the receipt notice to apply for Medicaid and, assuming the client is approved for

Medicaid, re-submit the fee waiver request on the basis of receipt of “means tested benefit”. Speak to your Her Justice mentor about how to do this.

Can the receipt notice help me keep track of the progress of the case?

- After you submit a paper filing with USCIS, you should create an electronic account (“USCIS online account”) on the USCIS website.
 - Step 1: Create an account and follow the instructions on the USCIS website here: <https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account>.

A screenshot of the USCIS online account creation page. The browser address bar shows 'myaccount.uscis.gov/users/sign_up'. The page header includes navigation links like 'Data Calculator', 'USCIS Case Status', 'USCIS Processing T...', 'PayPal Summary', 'Paychex Flex', '2021 HHS Poverty G...', 'Case Status Online', 'USCIS Liaison Assist...', and 'e-Service ICE'. The main content area has the USCIS logo and the title 'Sign Up'. It includes instructions: 'Your USCIS account is only for you. Do not create a shared account with family or friends. Individual accounts allow us to best serve you and protect your personal information.' and 'You must provide your own email address below if you are the one who is filing a form online, submitting an online request, or tracking a case.' There are two input fields labeled 'Email *' and 'Email confirmation *'. Below them is a 'Sign Up' button. A link 'Sign In' is provided for users who already have an account. At the bottom, there is a 'Legal' section with links to 'Department of Homeland Security Consent', 'DHS Privacy Notice', 'FBI Privacy Notice', and 'Department of Justice Privacy Notice'.

- Step 2: Once you have created an account, you can access the Case Status Online portal with your login at <https://egov.uscis.gov/login>

Case Status Online

Log In
Access your account.

Username

Password

[Forgot username?](#) [Forgot password?](#)

[I've lost my account](#)
 Don't have an account? [Create your account now.](#)

Courtesy of the Library of Congress, LC-USZ62-123456

- Step 3: You will receive a receipt notice for each application you file for your client. Each application will have a unique receipt number that you can input into the Case Status portal.

Welcome Prathiba Desai [My Cases](#) | [My Account](#) | [Logout](#)

Cases
 Use this tool to manage all of your applications and petitions.
 You can use the My Cases page to edit, remove, or check the status of your applications and petitions. Additionally, you can turn on or off email and mobile alerts.

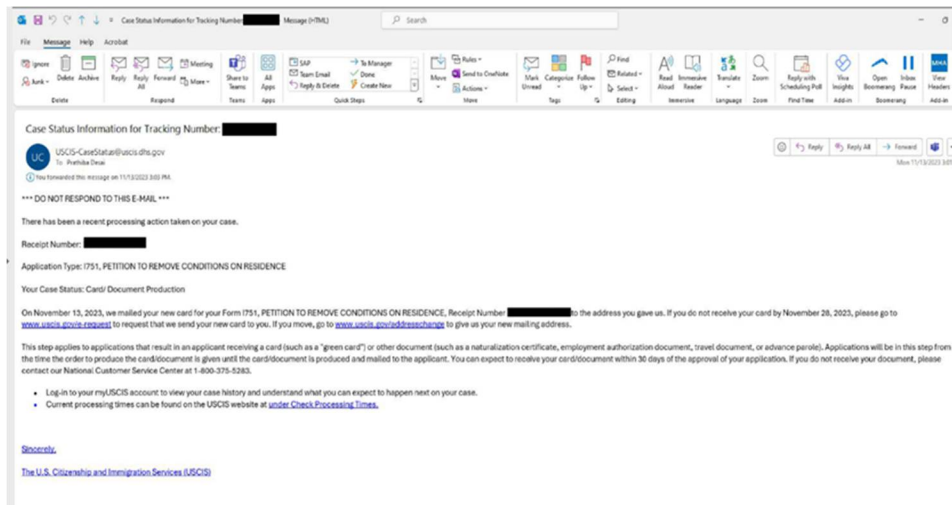
Enter a Receipt Number

Your Tracking Number

< 1 > Selected 0 of 6

<input type="checkbox"/>	Receipt Number	Tracking Number	Last Updated (MM/DD/YYYY)	Form	E-mail Alert	Mobile Alert
<input type="checkbox"/>	[REDACTED]	[REDACTED]	02/20/2024	I-485	Yes	No

- If there were multiple applications filed, be sure to input the receipt numbers for all receipt notices. You can also assign a tracking number for each receipt number. We recommend using the same tracking number for each client. Make sure to select “Yes” to receive E-mail alerts for each receipt number entered. That way, you will receive an email any time USCIS takes any action on the case.



- Note that, due to VAWA confidentiality provisions, some applications will not show the case status on the USCIS online system (e.g., I-360 VAWA Self-Petition, I-918 Petition for U nonimmigrant Status, I-914 Application for T Nonimmigrant Status). For these case types, you should still sign up for an online account using the I-765 receipt number associated with the case.
- Even if you create an online account at USCIS, it is essential that you maintain an accurate mailing address for the case on file with USCIS. The most important correspondence will only be sent by USCIS via paper mail. If you miss a paper notice sent by USCIS, the case could be denied.
- You can also periodically check on the status of the case by going to the USCIS website and clicking on “[Check Case Status](#)” using the receipt number.
- If you need to make a status inquiry with USCIS about the case through the Contact Center, the receipt number will be required.
- Note that some applications are covered by the Violence Against Women Act (VAWA) Confidentiality provisions (e.g., I-918 Petition for U Nonimmigrant Status, I-360 Self-Petition for Battered Spouse, I-914 Application for T Nonimmigrant Status). Information about the status of those cases will not show up on the USCIS website or be accessible through the USCIS Contact Center. Speak to your Her Justice mentor about how to obtain information about the status of those cases.

How long will it take to get a decision on the case?

- Find out **how long the case will take to be adjudicated** (on average) by going to the USCIS website (www.uscis.gov) and clicking on “Check Processing Times”. The drop-down menu will ask you to input the application form number (e.g., I-360, I-918, etc.) and the USCIS office where you sent the filing (e.g., Vermont Service Center, Texas Service Center).
 - You will see a time range for the average case processing time for that application.

- If your receipt date is before the "Receipt date for a case inquiry", you can submit an "outside normal processing time" service request. Speak to your Her Justice mentor about how to do this.

What will happen after the receipt notice is issued?

- It depends on the type of case. Most cases require that the client and any derivative beneficiaries (e.g., children) who are age 14 or older and are present in the U.S. attend a "**Biometrics**" appointment to take fingerprints and photographs. This appointment will take place at a USCIS office called an "**Application Support Center**" (**ASC**). The location of the ASC will be determined based on the address listed for the client in the application.
- The Biometrics Appointment Notice will be sent on form I-797C Notice of Action. An "Application Information Worksheet" (AIW) will also be sent. Please assist your client in filling out the AIW before they attend the biometrics appointment.
- It is important that the client and derivative beneficiaries attend this appointment promptly. A lawyer does not need to attend with the client.
- The client should bring valid, government-issued identification and an original Biometrics scheduling notice, along with the completed AIW.
- If the client/derivatives cannot attend at the required time, it may be possible to appear at the ASC a few days before or after the appointment and ask for biometrics to be done at that time. If it is necessary to reschedule the appointment, please follow the directions on the Biometrics appointment notice.

What is a Prima Facie Determination Notice?

- For **I-360 VAWA Self-Petitions**, USCIS may issue a "Prima Facie Determination" notice about two months after the case is filed. This notice means that USCIS has determined that the petitioner meets the general requirements "at first review". The notice does not guarantee any particular outcome in the case. USCIS could still issue a "Request for Evidence" (RFE) or deny the case.
- When the notice arrives, notify your client and ask if she is interested in applying for public assistance benefits. If so, please notify your Her Justice mentor for further assistance.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number EAC [REDACTED]		Case Type I914 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 12/27/2022	Priority Date	Applicant [REDACTED]
Notice Date 03/03/2023	Page 1 of 2	Beneficiary [REDACTED]

[REDACTED]
c/o HER JUSTICE
100 BROADWAY FLR 10
NEW YORK NY 10005

Notice Type: Receipt Notice
Fee Waived

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency

If your safe mailing address changes and you do not have an attorney of record or representative on your case you must submit your address change in writing, with your signature, to the center with jurisdiction over your filing. Otherwise, you might not receive notice of your action on this case. If any other changes need to be made you also must contact the center with jurisdiction over your filing in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Vermont Service Center
U.S. Citizenship & Immigration Services
38 River Road
Essex Junction, VT 05479-0001

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification.

Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number EAC [REDACTED]		Case Type I914 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 12/27/2022	Priority Date	Applicant [REDACTED]
Notice Date 03/03/2023	Page 2 of 2	Beneficiary [REDACTED]

requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number EAC [REDACTED]		Case Type I192 - APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT
Received Date 12/11/2019	Priority Date	Applicant A [REDACTED]
Notice Date 01/09/2020	Page 1 of 1	Beneficiary A [REDACTED]

[REDACTED]
c/o TIMOTHY AUGUST FALLON
HER JUSTICE
100 BROADWAY FL 10
NEW YORK NY 10005

Notice Type: Receipt Notice
Fee Waived

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

If any of the above information is incorrect or you have any questions about the status of your case, please call the USCIS Contact Center (UCC) at 1-800-375-5283 (TDD number is 1-800-767-1833) or visit the USCIS website at www.uscis.gov. If you call us, please have your Alien Registration Number (A-Number) and/or the receipt number shown above. The receipt number is a tracking number for your case and will help with inquiries.

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- Most of the time your case is pending, the process status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.
- If you do not receive an initial decision or update from us within our current processing time, contact the UCC at 1-800-375-5283 or visit our website at www.uscis.gov.

If your address changes - Non-U.S. citizens must report a change of address within ten (10) days of moving within the United States or its territories. To file a change of address visit the USCIS website at www.uscis.gov/addresschange or call UCC at 1-800-375-5283 (TDD number is 1-800-767-1833).

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: Under the Immigration and Nationality Act (INA), the information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number [REDACTED]		Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 09/03/2024	Priority Date	Applicant [REDACTED]
Notice Date 09/04/2024	Page 1 of 2	Beneficiary [REDACTED]
[REDACTED]		Notice Type: Receipt Notice Fee Waived Class requested: C40

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at www.uscis.gov/contactcenter or ask about your case online at www.uscis.gov/e-request. You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting www.uscis.gov/casestatus to get the latest status or you can create an account at my.uscis.gov/account and receive email updates for your case.

Automatic Employment Authorization Document (EAD) Extension - This notice, by itself, does not grant any immigration status or benefit, nor is it evidence that this case is still pending. However, if you are eligible, you may use this notice in conjunction with your facially expired Form I-766, Employment Authorization Document (EAD), as proof of an automatic extension of employment authorization and/or EAD, as applicable.

You are eligible for an automatic extension of your employment authorization and/or EAD if:

- You have timely and properly filed to renew your current employment authorization and/or EAD;
- Your EAD renewal request is under a category that is eligible for an automatic extension (see uscis.gov/eadautoextend for a list of eligible categories);
- The category on your current EAD matches the "Class Requested" listed on this notice (if you are a Temporary Protected Status (TPS) beneficiary or applicant, your EAD and this notice must contain either the A12 or C19 class, but they do not need to match each other); and
- Your EAD renewal application is still pending with USCIS when your current EAD expires.

If eligible, you may present this notice to an employer with your expired EAD (and Form I-94, Arrival/Departure Record, if applicable) for employment eligibility verification (Form I-9) purposes.

If eligible, your automatic extension is for up to 540 days from the expiration date printed on the front of your EAD. If we deny your EAD renewal application, the automatic extension immediately ends, and you can no longer present this notice to your employer for Form I-9 purposes. If your EAD is also your Advance Parole document, the automatic extension does not apply to advance parole.

If you are applying to renew A17, A18, or C26 employment authorization and you are relying upon the automatic extension to demonstrate your employment authorization during the automatic extension period, you must show this receipt notice, an unexpired I-94 showing valid E, L-2, or H-4 status, and a facially expired A17, A18, or C26 EAD that matches this receipt notice. Your EAD automatic extension terminates the earliest of: the end date on your I-94, the date we adjudicate this application, or 540 days after the expiration date on your EAD.

For more information, please see our website at uscis.gov/eadautoextend.

Processing time - Processing times vary by form type.

- Visit www.uscis.gov/processingtimes to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at www.uscis.gov/tools or ask about your case online at www.uscis.gov/e-request.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

You can receive updates on your case.

- Visit the Case Status Online website at www.uscis.gov/casestatus. Provide your receipt number and get the latest update on your case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number [REDACTED]		Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 09/03/2024	Priority Date	Applicant - A [REDACTED]
Notice Date 09/04/2024	Page 2 of 2	Beneficiary [REDACTED]

- Create an account at my.uscis.gov/account and receive email updates on your case.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

If your address changes - If you move while your case is pending, please visit www.uscis.gov/addresschange for information on how to update your address. Remember to update your address for all your receipt numbers.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number EAC [REDACTED]		Case Type I914A - APPLICATION FOR FAMILY MEMBER OF T-1 RECIPIENT
Received Date 03/30/2023	Priority Date	Applicant [REDACTED]
Notice Date 04/04/2023	Page 1 of 2	Beneficiary [REDACTED]

[REDACTED]
c/o HER JUSTICE
100 BROADWAY FL 10
NEW YORK NY 10005

Notice Type: Receipt Notice
Fee Waived

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said -

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency

If your safe mailing address changes and you do not have an attorney of record or representative on your case you must submit your address change in writing, with your signature, to the center with jurisdiction over your filing. Otherwise, you might not receive notice of your action on this case. If any other changes need to be made you also must contact the center with jurisdiction over your filing in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Vermont Service Center
U.S. Citizenship & Immigration Services
38 River Road
Essex Junction, VT 05479-0001

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

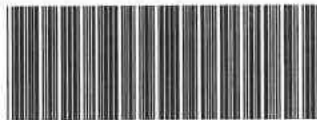
Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number EAC [REDACTED]		Case Type I914A - APPLICATION FOR FAMILY MEMBER OF T-1 RECIPIENT
Received Date 03/30/2023	Priority Date	Applicant [REDACTED]
Notice Date 04/04/2023	Page 2 of 2	Beneficiary [REDACTED]

requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number EAC [REDACTED]		Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 12/11/2019	Priority Date	Applicant A [REDACTED]
Notice Date 01/09/2020	Page 1 of 2	Beneficiary A [REDACTED]

[REDACTED]
c/o HER JUSTICE
100 BROADWAY FL 10
NEW YORK NY 10005

Notice Type: Receipt Notice
Fee Waived
Class requested: C25

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at www.uscis.gov/contactcenter or ask about your case online at www.uscis.gov/e-request. You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting www.uscis.gov/casestatus to get the latest status or you can create an account at my.uscis.gov/account and receive email updates for your case.

Automatic 180 day Employment Authorization Document (EAD) Extension - This notice, by itself, does not grant any immigration status or benefit, nor is it evidence that this case is still pending. However, if:

- You have timely filed to renew your current Form I-765 EAD; and
- Your EAD renewal is under a category that is eligible for an automatic 180 day extension (see www.uscis.gov/I-765 for a list of categories); and
- The category on your current EAD matches the "Class Requested" listed on this Notice of Action (Note: If you are a Temporary Protected Status beneficiary or applicant, your EAD and this Notice must contain either the A12 or C19 class, but they do not need to match each other.) and
- You do not receive your renewal EAD before your current EAD expires;

Then this Notice of Action automatically extends the validity of your EAD for up to 180 days from the expiration date printed on the face of the card. If all of the above conditions apply with respect to your EAD renewal application, you may present this Notice of Action with your expired EAD to your employer for employment eligibility verification (Form I-9) purposes. If your renewal application is denied, the automatic extension immediately terminates, and you may not provide this Notice of Action with your expired EAD for Form I-9 purposes. If your EAD is a combo card, the automatic extension does not apply to advance parole. For more information, please visit our website at www.uscis.gov/I-765.

Processing time - Processing times vary by form type.

- Visit www.uscis.gov/processingtimes to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at www.uscis.gov/tools or ask about your case online at www.uscis.gov/e-request.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

You can receive updates on your case.


- Visit the Case Status Online website at www.uscis.gov/casestatus. Provide your receipt number and get the latest update on your case.
- Create an account at my.uscis.gov/account and receive email updates on your case.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number EAC [REDACTED]		Case Type 1765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 12/11/2019	Priority Date	Applicant A [REDACTED]
Notice Date 01/09/2020	Page 2 of 2	Beneficiary A [REDACTED]

You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country.
- A driver's license.
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

If your address changes - If you move while your case is pending, please visit www.uscis.gov/addresschange for information on how to update your address. Remember to update your address for all your receipt numbers.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: Under the Immigration and Nationality Act (INA), the information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001


USCIS Contact Center: www.uscis.gov/contactcenter



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



ASC Appointment Notice - APPLICANT COPY		CASE TYPE I914 - APPLICATION FOR T NONIMMIGRANT STATUS		NOTICE DATE 09/08/2023	
APPLICATION/PETITION/REQUEST NUMBER EAC [REDACTED]			USCIS A# A [REDACTED]		CODE 3
ACCOUNT NUMBER			TCR	SERVICE CENTER VSC	PAGE 1 of 2



[REDACTED]

c/o HER JUSTICE
100 BROADWAY FLR 10
NEW YORK NY 10005

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. To process your application, petition, or request, U.S. Citizenship and Immigration Services (USCIS) must collect your biometrics. Please appear at the below Application Support Center (ASC) at the date and time specified.

TO REQUEST THAT USCIS RESCHEDULE YOUR APPOINTMENT, SEE THE INSTRUCTIONS AT THE BOTTOM OF THIS NOTICE. IF YOU FAIL TO APPEAR AS SCHEDULED, USCIS WILL CONSIDER YOUR BENEFIT REQUEST ABANDONED AND IT MAY BE DENIED.

APPLICATION SUPPORT CENTER USCIS MANHATTAN 201 Varick St, Ste 1023 W Houston St Entrance New York NY 10014	DATE AND TIME OF APPOINTMENT 09/28/2023 03:00PM
--	--

WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING:

- THIS APPOINTMENT NOTICE.** If you received multiple ASC notices, bring **all** notices to your first appointment, and
- PHOTO IDENTIFICATION.** Your biometrics will not be collected without identification. You must bring a valid government-issued photo identification document. If the name on your identification is different than the name on your ASC notice, bring supporting documentation. If you filed an Application for Naturalization (Form N-400) or Application to Replace Permanent Resident Card (Form I-90), you must bring your Permanent Resident Card (also known as a Green Card).

Only those necessary to assist you with transportation or completion of the biometrics worksheet should accompany you to your ASC appointment. If you have open wounds, bandages, or casts when you appear for biometrics submission, USCIS may reschedule your appointment if we determine your injuries may interfere with biometrics submission. Please do not visit a USCIS office if you are sick or feel any symptoms of being sick. Follow the instructions on this notice to reschedule your appointment.

You may bring cell phones or electronic devices, but they must be turned off during biometrics collection. No one may photograph or record at an ASC.

For more information regarding your ASC appointment, visit <https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment>. If you have questions regarding this notice, please call the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833).

NOTE: If an ASC closes due to inclement weather or unforeseen circumstances, USCIS will automatically reschedule your appointment for the next available date and time. For the latest information on the status of an office, visit <https://www.uscis.gov/about-us/uscis-office-closings>. Please check this page on the day of your appointment. If USCIS reschedules your appointment for any reason, you will receive a new ASC appointment notice.

To ensure you receive all correspondence from USCIS, you must update your address if you move. For instructions, visit <https://www.uscis.gov/addresschange>.

USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or any purpose authorized by the Immigration and Nationality Act.

You may obtain a copy of your own FBI record using the procedures outlined within Title 28 C.F.R., Section 16.32. For information, please visit: <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks>


For Privacy Act information, please visit <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement>

REQUESTS TO RESCHEDULE/SPECIAL HANDLING

If you are unable to attend your scheduled ASC appointment, you may request that USCIS reschedule your appointment. **Your request to reschedule must: 1) be made before the date and time of the original appointment and 2) establish good cause for rescheduling.** If you fail to make a request before your scheduled appointment or fail to establish good cause, USCIS may not reschedule your ASC appointment. To request a reschedule, please visit <https://my.uscis.gov/accounts/biometrics/overview>. You may also call the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833).

If you have a serious ongoing medical condition and you cannot leave your home/hospital, you may request a mobile biometrics/homebound appointment by following the instructions on the back in the Notice for People with Disabilities or by visiting uscis.gov/accommodations.

APPLICATION NUMBER
I914 - EAC [REDACTED]



If you have any questions regarding this notice, please contact the USCIS Contact Center at 1-800-375-5283.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Important Information for Your Biometric Services Appointment

You have been scheduled for a biometric services appointment at an Application Support Center (ASC). Please note the following:

- Application Support Centers (ASC) offer biometrics collection services by appointment.
- You must have a scheduled appointment before arriving at an ASC.
- Your notice will provide specific instructions on what you should bring to your ASC appointment. You must also bring:
 - your printed ASC appointment notice (Form I-797C).
 - valid photo identification (such as your Green Card, passport, or driver's license)
 - the completed Applicant Information Worksheet (AIW) below
- If you received multiple biometrics appointment notices, please bring all notices to your appointment:
 - Interpreters, attorneys or those providing needed assistance if you are disabled are permitted to accompany you.
 - Family groups may appear together, even if they are scheduled for a different day.
 - Military members may appear without an appointment.
- If you arrive more than 15 minutes before your appointment, you may be asked to wait until your appointment time to be processed.
- On the day of your appointment, please check for office closures or delays here: www.uscis.gov/about-us/uscis-office-closings
- For more information for visiting USCIS facilities, please visit: www.uscis.gov/about-us/uscis-visitor-policy
- ASCs do not provide information services or case services relating to the status of applications. To track the status of an immigration application, petition, or request, visit: <https://egov.uscis.gov/casestatus/landing.do>

APPLICANT'S INFORMATION WORKSHEET (AIW)

NAME:

FIRST MIDDLE LAST

LIST ANY OTHER NAMES USED (MAIDEN NAME, PREVIOUS MARRIAGE, ALIAS, ETC.):

1) FIRST MIDDLE LAST

2) FIRST MIDDLE LAST

DATE OF BIRTH:

MONTH DAY YEAR

COUNTRY OF BIRTH:

COUNTRY OF CITIZENSHIP:

GENDER: (CHECK ONE)

- ☐ MALE
☐ FEMALE
☐ OTHER

RACE: (CHECK ONE)

- ☐ ASIAN
☐ BLACK
☐ CAUCASIAN/LATINO

- ☐ NATIVE AMERICAN
☐ UNKNOWN

EYE COLOR: (CHECK ONE)

- ☐ BLACK
☐ BLUE
☐ BROWN
☐ GRAY
☐ GREEN

- ☐ HAZEL
☐ MAROON
☐ MULTICOLOR
☐ PINK
☐ UNKNOWN

HAIR COLOR: (CHECK ONE)

- ☐ BALD
☐ BLACK
☐ BLOND OR STRAWBERRY
☐ BLUE
☐ BROWN
☐ GRAY
☐ GREEN

- ☐ ORANGE
☐ PINK
☐ PURPLE
☐ RED OR AUBURN
☐ SANDY
☐ WHITE
☐ UNKNOWN

HEIGHT:

FEET/INCHES

OR

CENTIMETERS

WEIGHT:

POUNDS

OR

KILOGRAMS

When you provide your digital signature, you will be attesting to the following:

I declare under penalty of perjury that I have reviewed and understand the document(s) identified by the receipt number displayed on the screen above, and that all the information in these materials is complete, true, and correct. This includes any:

- application, petition, or request that I submitted;
- application, petition, or request that I provided on behalf of my derivative beneficiary;
- application, petition, or request that was submitted on my behalf; and
- supporting documents, applications, petitions, or requests filed with my application, petition, or request that I (or my attorney or accredited representative) filed with USCIS, or that was filed on my behalf.

RETURN "AIW" TO APPLICANT

Case # / Reference # EAC [REDACTED]	Form Type I-914A Overseas Notice [Application for T Nonimmigrant Status]
Alien # A [REDACTED]	Petitioner / Applicant [REDACTED]
Notice Date 08/24/23	Beneficiary [REDACTED]

[REDACTED]
ATTN EMILY JESSICA SUN
C/O HER JUSTICE
100 BROADWAY FL 10
NEW YORK, NY 10005

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE RESUBMITTED IN THE ORIGINAL WITH THE REQUESTED INFORMATION. WHEN YOU HAVE COMPLIED WITH THE INSTRUCTIONS ON THIS FORM, RESUBMIT THIS NOTICE AND ALL REQUESTED DOCUMENTS AND/OR INFORMATION.

1. YOUR RESPONSE MUST BE RECEIVED IN THIS OFFICE ON OR BEFORE:

02/19/2024

2. REGULATIONS REQUIRE THAT THE REQUESTED EVIDENCE BE SUBMITTED WITHIN 12 WEEKS.
3. ALL DOCUMENTATION REQUESTED SHOULD BE SUBMITTED TOGETHER.

To continue processing this petition for you or your family member, U.S. Citizenship and Immigration Services (USCIS) must first conduct a criminal record check with the Federal Bureau of Investigation. To do this, MARIELLE ADRIANNE BULARIN's fingerprints must be taken. The petition was either not received with a completed fingerprint card or the fingerprint card submitted could not be used.

Because you or your family member currently resides outside of the United States, the fingerprints must be taken by the nearest overseas USCIS office, U.S. Consulate, or U.S. military installation.

INSTRUCTIONS for Overseas USCIS Office, U.S. Consulate or U.S. Military Installation:

Enclosed with this notice are two blank fingerprint cards (Form FD-258) with instructions on the back to be used by the person that takes the fingerprints of your family member. The person taking the fingerprints will complete the information on the fingerprint card. Once the fingerprints have been taken, the person who took the fingerprints must seal the completed FD-258 in an envelope and affix his or her signature across the seal of the envelope. The completed FD-258 must be returned to this office with a copy of this notice attached to the sealed envelope.

To ensure proper processing, checks and/or money order must be payable to:
'Department of Homeland Security' or 'U.S. Citizenship and Immigration Services.'
Please enclose a copy of this notice when responding or when filing another application based on this decision.
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
Vermont Service Center
38 River Road
Essex Junction, VT 05479

May 4, 2020

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479

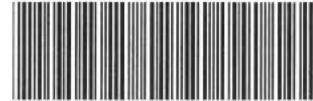


U.S. Citizenship
and Immigration
Services

TIMOTHY AUGUST FALLON
HER JUSTICE
100 BROADWAY FLR 10
NEW YORK, NY 10005



EAC [REDACTED]



A [REDACTED]

RE [REDACTED]
I-914, Application for T Nonimmigrant Status

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by July 30, 2020.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. See Title 8 Code of Federal Regulations (8 CFR), Section 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11). If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.** The processing of your form or benefit request will resume upon timely receipt of your response. Written inquiries may be mailed to:

USCIS/ Vermont Service Center
ATTN: VAWA T U Division
75 Lower Welden Street
St. Albans, VT 05479-0001

Your written inquiry must be signed and should include your A-number, receipt number, and indicate the purpose of your inquiry.

U.S. Citizenship and Immigration Services (USCIS) has reviewed your Application for T Nonimmigrant Status (Form I-914). The evidence submitted has been reviewed in its entirety and considered for all of the eligibility requirements. At this time, USCIS has determined that additional evidence is needed to establish your eligibility for the benefit sought.

Physical Presence

USCIS must consider a T applicant's presence in the United States when the Form I-914 is filed to determine if the applicant has met the physical presence requirement. Section 101(a)(15)(T)(i)(II) of the Immigration and Nationality Act (INA) requires that a victim be physically present "on account of such trafficking."

Unlike the requirement of victimization, which is phrased in both the past and present tense, the physical presence requirement is only phrased in the present tense. Therefore the victim's presence in the United States at the time of his or her application for T-1 nonimmigrant status must be on account of a severe form of human trafficking, and the victim's current situation in relation to the trafficking will be carefully considered when USCIS makes this determination. A victim who is liberated from trafficking is not exempt from the statutory requirement to show that his or her presence is on account of trafficking.

The record indicates you entered the United States with a [REDACTED] visa on [REDACTED] and have not departed since that entry. You indicate you are not able to return to [REDACTED] because you fear your trafficker will find you and harm you. USCIS notes the record does not contain evidence that you have been contacted by your trafficker since you escaped in 2012.

USCIS acknowledges the letter from [REDACTED] of Restore, which indicates you received counseling services from [REDACTED]. The letter indicates on [REDACTED] you were diagnosed with Post Traumatic Stress Disorder. It is indicated you will need ongoing support; however, the record contains no evidence that you are currently receiving mental health counseling services. You would also be very ashamed to be identified as a trafficking victim as in [REDACTED] most people identify trafficking victims with prostitution. You also claim counseling services would much harder to find and are considered embarrassing and shameful in [REDACTED]. However, you have not provided evidence to demonstrate that mental health services are not available to you in [REDACTED].

You have indicated you want to assist the Department of [REDACTED] so your trafficker can be held accountable and to try to be compensated for the wages you were not paid. USCIS notes the record does not contain evidence to demonstrate any criminal or civil proceedings are pending regarding your claim.

Evidence submitted does not sufficiently establish that your continuing presence in the United States is directly related to your original claim of trafficking in persons. You have stated that you escaped your trafficker in 2012.

Therefore, additional evidence is required.

To establish physical presence on account of trafficking at the time of your application for T-1 nonimmigrant status, you must demonstrate that:

1. You are present because you currently being subjected to a severe form of trafficking in

- persons; or
2. You have been liberated from a severe form of trafficking in persons by a Law Enforcement Agency (LEA); or
 3. You escaped a severe form of trafficking in persons before an LEA became involved; or
 4. You were subjected to a severe form of trafficking at some point in the past and your continuing presence in the United States is directly related to the original trafficking in persons; or
 5. You are present on account of having been allowed into the United States to participate in an investigation or judicial process associated with the act of trafficking or perpetrator of the trafficking underlying your application.

The submitted evidence does not establish that you are currently being subjected to trafficking, that you were liberated by an LEA, or escaped before an LEA became involved.

The record also does not establish that you are present in the United States to participate in an investigative or judicial process regarding your trafficking victimization.

Therefore, you must submit evidence to establish that at the time of your application you were physically present in the United States on account of your trafficking victimization.

Evidence to establish that your continuing presence in the United States is on account of your trafficking victimization may include, but is not limited to:

- A detailed description from a mental health provider of any mental health condition(s) resulting from your trafficking and the corresponding impact on your daily life and current presence in the United States;
- A detailed description from a medical health provider of any physical health condition(s) resulting from your trafficking and the corresponding impact on your daily life and current presence in the United States;
- Evidence that your trafficker has continued to interact with you in an effort to regain control over you and the resulting impact on your daily life and current presence in the United States; or
- Any other consideration that will credibly establish that your current presence in the United States is on account of your trafficking victimization.

Extreme Hardship

In your personal statement you indicate you fear you will suffer extreme hardship involving unusual and severe harm if you are returned to your home country including but not limited to retaliation from your former employer. In addition, you would not be able to recover the money you are owed and counseling services would be harder to find in [REDACTED]. USCIS notes the record does not contain evidence that since your escape you have been contacted by your trafficker, that criminal or civil proceedings are pending regarding your case or that mental health counseling services are not available to you in [REDACTED]. Although USCIS acknowledges your reasons for wishing to remain in the United States, you have not sufficiently demonstrated that you would suffer extreme hardship involving unusual or severe harm if you were removed from the United States, therefore, additional evidence is needed.

To qualify for T-1 nonimmigrant status, you must demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States. These factors may include, but are not limited to:

- Your age and personal circumstances;
- Your serious physical or mental illness requiring medical or psychological attention not reasonably available in the foreign country;
- The nature and extent of the physical and psychological consequences of severe forms of trafficking in persons;
- The impact of the loss of access to the U.S. courts and the criminal justice system regarding the incident of severe forms of trafficking in persons or other crimes perpetrated against you, including criminal and civil redress for the incident of severe forms of trafficking in persons, criminal prosecution, restitution, and protection;
- The reasonable expectation that the existence of laws, social practices, or customs in the foreign country to which you would be returned would penalize you severely for having been the victim of a severe form of trafficking in persons;
- The likelihood of re-victimization and the need, ability, or willingness of foreign authorities to protect you;
- The likelihood that the trafficker in persons or others acting on behalf of the trafficker in the foreign country would severely harm you;
- The likelihood that your individual safety would be seriously threatened by the existence of civil unrest or armed conflict as demonstrated by the designation of Temporary Protected Status under section 244 of the Immigration and Nationality Act, or the granting of other relevant protections.

Submit evidence to demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States. Such evidence may include, but is not limited to:

1. Your detailed declaration describing your hardship;
2. Declarations or statements from witnesses who can attest to conditions of your home country;
3. Law enforcement reports, including the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B), photographs, medical records, reports and records from counselors or therapists;
4. Reports from nongovernmental organizations, government and international agencies, and individuals regarding the current conditions in your home country and the protection or lack of protection likely to be afforded to you in your home country.

Note: Per regulation, extreme hardship involving unusual and severe harm may not be based upon current or future economic detriment, or the lack of or disruption to social or economic opportunities.

Further Information

For further information, visit www.dhs.gov/humantrafficking. You may also wish to contact one or both of the following:

Law Enforcement Tip Line: 1-866-347-2423

This Tip Line may be used to report a human trafficking crime. It is staffed by law enforcement 24 hours a day, 7 days a week.

National Human Trafficking Resource Center Hotline: 1-888-373-7888

This hotline provides callers with a range of comprehensive services, including crisis intervention, urgent and non-urgent referrals, tip reporting, and comprehensive anti-trafficking resources. It is staffed 24 hours a day, 7 days a week.

PLEASE NOTE: Contacting the Law Enforcement Tip Line or the National Human Trafficking Resource Center Hotline is not evidence to show that you have complied with a reasonable request for assistance in the investigation or prosecution of acts of severe forms of trafficking in persons.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
75 LOWER WELDEN ST
ST ALBANS VT 05479



September 23, 2020

U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479-0001

Re: [REDACTED]
I-914 Application for T Nonimmigrant Status
Response to Request for Evidence

A# [REDACTED]
EAC [REDACTED]

Dear USCIS officer:

On behalf of [REDACTED] A# [REDACTED], please find enclosed a response to the attached Request for Evidence pertaining to:

- Physical presence in the United States on account of trafficking in persons; and
- Extreme hardship involving unusual and severe harm

As **new** evidence in response to the Request for Evidence, please find enclosed:

- Supporting evidence², Exhibits 17 – 30

Please note that submitted with Ms. [REDACTED]'s I-914 Application in September 2019 were the following documents pertaining to physical presence in the United States on account of trafficking in persons and extreme hardship involving unusual and severe harm:

- Statement of Law;
- Supporting evidence including:
 - [REDACTED]'s affidavit describing facts of victimization in severe form of trafficking in persons (Exhibit 1);
 - Email request for U and T visa certifications (Exhibit 8);
 - Letter from [REDACTED] at Restore NYC (Exhibit 9);
 - Letter from [REDACTED] at Restore NYC (Exhibit 10);
 - Letter from [REDACTED] of Avanzar's Dream Free (formerly DreamCatcher) program (Exhibit 11);
 - Letter from [REDACTED] former pastor of [REDACTED] Church in [REDACTED] (Exhibit 12);
 - Affidavit from [REDACTED] Church in [REDACTED] (Exhibit 13);

¹ [REDACTED]'s original A# was [REDACTED] based on the I-765 application [REDACTED] approved in 2011 under 8 CFR 274a.12 [REDACTED]. This A# is reflected on her I-914 filing and I-914 receipt number; from her I-914 biometrics notice through her Request for Evidence, USCIS assigned a new A#: [REDACTED]

² With a Statement of Law proving Ms. [REDACTED]'s physical presence in the United States on account of trafficking in persons and extreme hardship involving unusual and severe harm that she would suffer upon return to [REDACTED] also an index of exhibits describing which grounds of INA §101(a)(15)(T) that the evidence credibly establishes in Ms. [REDACTED]'s case.



- Voucher/purchase order signed by [REDACTED] for applicant's temporary lodging (Exhibit 14);
- Affidavit of [REDACTED] applicant's former internship supervisor at [REDACTED] (Exhibit 15);
- US Department of State Trafficking in Persons Report – [REDACTED] (2019) (Exhibit 16)

RFE deadline

Please note that although that the RFE set July 30, 2020 as the date by which Ms. [REDACTED]'s response must be received, USCIS extended on September 11, 2020 its March 20, 2020 announcement that applicants may respond within the 60 days following the original Request for Evidence response deadline for Requests for Evidence that were issued between March 1, 2020 and January 1, 2021.³ Ms. [REDACTED]'s Request for Evidence was issued on May 4, 2020, and the original response due date was July 30, 2020. Because this response to her Request for Evidence is arriving at USCIS on September 24, 2020 (56 days following the original due date), Ms. [REDACTED] is responding in a timely fashion to the Request for Evidence.

Copies of signatures


USCIS allows for copies of signatures on submitted declarations and affidavits.⁴

Please direct all future communications regarding the immigration matters of [REDACTED] to my attention as follows:

**c/o Timothy Fallon, Esq.
Her Justice
100 Broadway, 10th Floor
New York, NY 10005**

Please feel free to contact me with any questions that you might have at (646) 442-1190 or tfallon@herjustice.org.

Sincerely,



Timothy August Fallon, Esq.
Senior Immigration Attorney

³ USCIS announcement at Exhibit 29; also viewable at <https://www.uscis.gov/news/alerts/uscis-extends-flexibility-for-responding-to-agency-requests-1>

⁴ USCIS announcement at Exhibit 30; also viewable at <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency#finref1>

STATEMENT OF LAW

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER

In the Matter of

A#

Applicant

I-914, Application for T Nonimmigrant Status
Response to Request for Evidence/EAC

Statement of Law

Procedural History

's I-914 Application for T Nonimmigrant Status and supporting evidence arrived at USCIS on September 10, 2019. USCIS issued a Request for Evidence (hereinafter "RFE") on May 4, 2020, which requested more evidence pertaining to a) 's presence on account of trafficking in persons and b) the extreme hardship involving unusual and severe harm that she would face if returned to .¹ The RFE response deadline was July 30, 2020, but due to USCIS' policy change related to COVID-19, has until September 28, 2020 to respond to the RFE.²

Evidentiary Standard of Any Credible Evidence

Under the updated 8 CFR §214.11(d)(2)(ii), USCIS will accept any credible evidence of victimization. Equal weight should be given to both primary and secondary evidence based on the TVPA's goals of protecting victims and enhancing law enforcement's ability to investigate and prosecute trafficking. Congressional testimony affirms that the distinction between primary and secondary evidence was purposefully eradicated to eliminate the pressure to provide primary evidence, which is extremely difficult for trafficking survivors to provide due to their victimization. 81 FR92266-01, 2016 WL 7326454 (2017).

I. is present in the United States on account of trafficking

was subject to a severe form of trafficking in persons in the past and her continuing presence in the U.S. is directly related to the original trafficking in persons.³ It is clear that is present in the United States on account of her trafficking experience.⁴ As you can see from the evidence submitted with 's I-914 application (Exhibits 1—16) and the additional evidence included in this RFE response (Exhibits 17—30), has been reeling from, and reacting to, the trafficking since her escape.

¹ See Request for Evidence, Exhibit 28.

² See USCIS Extends Flexibility for Responding to Agency Requests (9/11/2020 version), Exhibit 29.

³ 8 CFR §214.11(g)(1)(iv)

⁴ Id.

█████ last entered the United States on █████⁵ She graduated from █████ University in █████ and came to New York after accepting a job offer made by █████ on behalf of █████ █████ was promised a H-1B visa and believed she would be paid, as well as able to choose where she lived. Upon arrival, █████ and █████ coerced █████ into living at █████'s home. █████ was not paid for her work and the trafficker told her she was an intern. The trafficker threatened her with harm and deportation, but would vacillate into temporary kindness, particularly when she coerced and defrauded █████ out of money. After escaping the trafficker's home, where she was only allowed to go anywhere if she was with the trafficker or members of her family, █████ has struggled to survive. She continues to live with various traumas emanating from her trafficking experience and gravely fears retaliation by █████ her family and associates.⁶

Currently in the US to receive victim services for injuries or trauma sustained from the trafficking

█████ has clearly remained in the US to receive the ongoing trafficking-specific services she needs as a result of her victimization in the US. USCIS incorrectly and confusingly states in the RFE that "the record contains no evidence that you are currently receiving mental health counseling services."⁷ USCIS erroneously views receiving mental health services as the only indicia of receiving trafficking-specific supportive services. The mental health clinical counseling that █████ received at Restore NYC was but one aspect of the trafficking-specific support that she receives there. 8 CFR §214.11(g)(4) states that USCIS will consider all evidence of the applicant's presence being on account of trafficking in persons, including, "what activities he or she has undertaken since (escape from the trafficker) including the consequences of having been trafficked..." There is no specific requirement for the continued receipt of mental health services in order to show presence on account of trafficking.

USCIS also asserts that █████ has "not provided evidence to demonstrate that mental health services are not available to you in █████"⁸ It bears repeating that mental health services are not the standard by which the availability of trafficking-specific services are measured.⁹ Included in the any other credible evidence that USCIS will consider regarding the applicant's presence being on account of trafficking in persons is "a personal statement from the applicant."¹⁰ █████ provided such an affidavit with her I-914 application in September 2019, and discussed in detail why the shame and embarrassment of seeking trafficking-specific supportive services would make those services so much harder to find. She explained how trafficking is viewed in █████ as sex trafficking, and how if anyone knew what she was seeking services for in █████ she would be even more isolated and outcast.¹¹ The US Department of State Trafficking in Persons Report – █████ (2019) notes that while there are some social services resources in █████ for survivors, the resources are misguided or incomplete – for instance, a counseling hotline for foreign workers was not trafficking specific. Most of the resources listed in the 2019 Trafficking in Persons Report referred to resources for non-█████ survivors.¹² The 2020 Trafficking in Persons Report *downgrades* █████ from Tier 1 (countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking) in 2019 to Tier 2

⁵ See Affidavit describing facts of victimization in severe form of trafficking in persons (hereinafter referred to as "Affidavit"), Exhibit 1 (Exhibits 1—16, when referenced in this Statement of Law, refer to the Exhibits submitted with █████'s I-914 application in September 2019); see also Expired █████ visa, with entry stamp, Exhibit 4; see also Form I-94, with entry stamp, Exhibit 5.

⁶ See Affidavit, Exhibit 1; see also Supplementary Declaration, Exhibit 17, paras. 3—4; see also Declaration by █████ at Restore NYC, Exhibit 21; see also Letter from █████ (September 2020 & February 2019—February 2018), Exhibit 23

⁷ See Request for Evidence, Exhibit 28, page 2.

⁸ See Id.

⁹ See 8 CFR §214.11(g)(4).

¹⁰ See 8 CFR §214.11(g)(4)(iv).

¹¹ See Affidavit, Exhibit 1, para. 42.

¹² See US Department of State Trafficking in Persons Report – █████ (2019), Exhibit 16

(countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards) for 2020. This is because of [REDACTED]'s lack of resources for survivors of trafficking. According to the TIP Report, "[t]he government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to trafficking victims; however, it significantly reduced the relevant budgetary allocation during the reporting period."¹³ [REDACTED] haphazardly urges other nonprofits to provide services for survivors of trafficking, but there is not one agency that is solely devoted to specifically serving survivors of trafficking and their needs.¹⁴ Organizations in [REDACTED] that do provide some services to survivors of trafficking primarily serve survivors who have been trafficked to [REDACTED] from other countries and not to [REDACTED] citizens who have been trafficked abroad.¹⁵

Professor [REDACTED] provides further detail of [REDACTED]'s lack of support services specifically tailored to returned [REDACTED] survivors of human trafficking, explaining in her declaration that [REDACTED] society lacks awareness and understanding of human trafficking.¹⁶ An expert on the topic due to her long career in migration and labor in [REDACTED] other Asian countries and Australia, Professor [REDACTED] also conferred with [REDACTED] government officials and [REDACTED] nongovernmental organizations (NGOs) to obtain current information for her declaration.¹⁷ She concluded that there is no support program or service that is specifically tailored to [REDACTED] survivors of human trafficking who returned to [REDACTED] from abroad.¹⁸ Starkly, none of the [REDACTED] government officials or NGO staff in [REDACTED] who she spoke to were aware of any [REDACTED] trafficking survivors who returned from overseas, believing instead that [REDACTED] is solely a destination for trafficking, not a source.¹⁹

[REDACTED] has received trafficking-specific services from Restore NYC from October 2017 to the present time.²⁰ [REDACTED] lived in Restore NYC's Safehome, a supportive and trauma-informed environment for survivors of trafficking, from October 31, 2017 to May 31, 2019.²¹ She received clinical counseling for 11 months, during which time it became apparent how severely the trafficking had affected [REDACTED]'s mental and emotional health. She reported feeling hopeless, depressed and fearful of the future. Restore NYC staff also evaluated [REDACTED]'s level of Post Traumatic Stress Disorder (PTSD), and found her PTSD level to be high. [REDACTED]'s counselor, "helped her navigate recovery and restoration to help place her on a more stable path." [REDACTED] continues to need ongoing support and assistance from Restore NYC in order to stabilize her mental and emotional health and wellbeing.²²

The ongoing trafficking-specific services provided by Restore NYC continue to this day. [REDACTED]
[REDACTED]'s case manager at Restore NYC, connects her with resources she needs, such as

¹³ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also US Department of State Trafficking in Persons Report - [REDACTED] (2020), Exhibit 26.

¹⁴ Id.

¹⁵ Id.

¹⁶ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ See Affidavit, Exhibit 1; see also Letter from [REDACTED] at Restore NYC, Exhibit 9; see also Letter from [REDACTED] Exhibit 10; see also Supplementary Declaration of [REDACTED] (hereinafter referred to as "Supplementary Declaration"), Exhibit 17, paras. 3—4; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21.

²¹ See Affidavit, Exhibit 1; see also Letter from [REDACTED] at Restore NYC, Exhibit 10; see also Supplementary Declaration, Exhibit 17, paras. 3—4; see also [REDACTED] at Restore NYC, Exhibit 21.

²² See Letter from [REDACTED] at Restore NYC, Exhibit 9; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21.

financial assistance, connection to housing and housing advocacy, and emotional support and psychoeducation with regards to her trauma and trafficking history. [REDACTED] graduated from Restore NYC's work-readiness program in 2019, and she continues to discuss ideas and possibilities about future work with [REDACTED]. [REDACTED] also regularly asks [REDACTED] at their monthly case management meeting whether she believes it is safe for her to use her real name, instead of an alias, as she continues to fear retaliation by the trafficker. [REDACTED] helps [REDACTED] navigate housing, medical issues, questions about work and her day to day anxieties borne of the trafficking. She notes that [REDACTED] needs ongoing support and assistance from Restore NYC; since Restore NYC is dedicated to assisting foreign nationals trafficked for the purpose of labor or sex, the ongoing support and assistance will be trafficking-related. Most importantly, [REDACTED] finds her continued meetings with [REDACTED] helpful, as she trusts her and appreciates that [REDACTED] knows her story and what she has survived.²³

In addition to ongoing trafficking-specific services at Restore NYC, since February 2018 [REDACTED] has been a patient of the [REDACTED]'s specialty clinic for women who have been trafficked.²⁴ The medical staff at [REDACTED] have diagnosed [REDACTED] with chronic fatigue, anxiety and depression, and atopic dermatitis (eczema).²⁵ [REDACTED] has discussed anxiety, depression, ongoing issues with atopic dermatitis, issues with sleep, a history of sexual assault, and chronic fatigue with the staff at [REDACTED]. [REDACTED] was referred to this trafficking-specific medical clinic by her Restore NYC case manager [REDACTED] helping [REDACTED] receive medical care for injuries and medical conditions sustained and exacerbated by the trafficking.²⁶ Not only is the medical clinic trafficking-specific, but [REDACTED]'s initial interaction with the clinic staff was trafficking-specific—she at first used one of her aliases ("[REDACTED]") and an incorrect date of birth in order to avoid retaliation by the trafficker. [REDACTED] finds the medical staff at [REDACTED] helpful, and appreciates their ongoing efforts to treat her skin condition and anxiety, depression and chronic fatigue.²⁷

[REDACTED] currently lives at a shelter in a [REDACTED] managed by the [REDACTED].²⁸ The shelter is financed by the NYC Department of Homeless Services, and also provides [REDACTED] with trafficking-specific services.²⁹ She is unable to afford her own home or otherwise live independently, due to the trafficking. [REDACTED] case managers meet with [REDACTED] about every two weeks, or sometimes more often. Their discussions mainly revolve around [REDACTED]'s lack of immigration status, and how immigration status would allow her to access more housing options. [REDACTED] staff even communicated with [REDACTED]'s immigration attorney about trying to find out her social security number, obtained via her [REDACTED] employment authorization in 2011.³⁰

All of the trafficking-specific services that [REDACTED] is presently receiving are derived from her initial contact with the deacon and pastor at the [REDACTED] Church in [REDACTED]. She sought help there in May 2017, and the pastor spoke to her about the trafficking she experienced. The church briefly arranged for [REDACTED] to stay in a hotel, and from there she was referred to the

²³ See Supplementary Declaration, Exhibit 17, paras. 3—4; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21.

²⁴ See Supplementary Declaration, Exhibit 17, para. 5; see also Letter from [REDACTED] Exhibit 22

²⁵ See Id.

²⁶ See Id.; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21.

²⁷ See Form I-914 Application for T Nonimmigrant Status, page 1, Other Names Used ([REDACTED]; see also Letter from [REDACTED] of Avanzar's Dream Free (formerly DreamCatcher) program, Exhibit 11; see also Letter from [REDACTED] Church in [REDACTED] Exhibit 12; see also Supplementary Declaration, Exhibit 17, paras. 4—5; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also Letter from [REDACTED] Exhibit 22; see also Medical Records from [REDACTED] (September 2020 & February 2019—February 2018), Exhibit 23

²⁸ See Supplementary Declaration, Exhibit 17, para. 6; see also Residency letter from [REDACTED] and emails between staff and applicant's attorney, Exhibit 24

²⁹ Id.

³⁰ Id.; see also Affidavit, Exhibit 1, para. 9; see also Copy of approved I-765 based on [REDACTED] showing A# [REDACTED]

DreamCatcher program in New Jersey for trafficking-specific housing and supportive services. [REDACTED] at the DreamCatcher program referred [REDACTED] to Restore NYC in June 2017, and she moved into Restore NYC's Safehome in October 2017. As has been noted above, [REDACTED] continues to receive trafficking-specific supportive services from Restore NYC, and Restore NYC was instrumental in referring her to her current trafficking-specific medical provider and shelter.³¹

Fear of retaliation from trafficker in home country

USCIS incorrectly "notes the record does not contain evidence that you have been contacted by your trafficker since you escaped in 2012."³² [REDACTED] explained in her original affidavit that she was in touch with [REDACTED] and her friends by email between the time she escaped the trafficker's home and up until she started receiving trafficking-specific services and support in about mid-2017. [REDACTED] set the trafficking in motion – she recruited [REDACTED] and obtained her for [REDACTED] by using fraud and coercion. Throughout the time [REDACTED] lived with [REDACTED] and worked for her without pay [REDACTED] and [REDACTED] both took most of [REDACTED]'s savings, claiming it was for [REDACTED]'s business, fees related to the H-1B visa, or even to help [REDACTED] make money in the stock market. Once [REDACTED] fled [REDACTED]'s home, [REDACTED] stayed in touch with her over email and "helped" [REDACTED] by directing her to various jobs and living situations that proved to be dangerous and untenable. [REDACTED] and her friends discouraged her from seeking a shelter and other support, claiming that if she went to a shelter, [REDACTED] would be deported.³³ [REDACTED] was always operating as [REDACTED]'s agent; she facilitated the trafficking and then served to protect both [REDACTED] and herself once [REDACTED] escaped, by intentionally misguiding her to bad living and working arrangements, failing to pay her back the thousands of dollars she took from her, and discouraging her from seeking trafficking-specific supportive services.

[REDACTED] continued contact with [REDACTED] until 2017 is further spelled out in a collection of sixteen emails at Exhibit 19. Most of these emails are written by [REDACTED]'s two friends who communicated with [REDACTED] on [REDACTED]'s behalf. [REDACTED]'s friends repeat many themes in the emails, including that [REDACTED] is extremely dangerous and capable of killing people who cross her, [REDACTED] at times threatens to have [REDACTED] deported or thrown in jail when [REDACTED] refuses to give [REDACTED] money or when [REDACTED] argues with [REDACTED] about [REDACTED] and that [REDACTED] seeking supportive trafficking-specific services from a church, shelter or nonprofit would lead to [REDACTED] being arrested, deported or harmed.³⁴ As noted in the previous section regarding trafficking-specific services that [REDACTED] continues to receive, she has used various aliases due to her fear of detection by the trafficker.³⁵ [REDACTED] still suffers from anxiety, depression and fatigue.³⁶

³¹ See Affidavit, Exhibit 1, paras. 34–35, 42; see also Letter from [REDACTED] of Avanzar's Dream Free (formerly DreamCatcher) program, Exhibit 11; see also [REDACTED] Church in [REDACTED] Exhibit 12; see also Affidavit from [REDACTED] Church in [REDACTED] Exhibit 13; see also Voucher/purchase order signed by [REDACTED] for applicant's temporary lodging, Exhibit 14; see also Supplementary Declaration, Exhibit 17, paras. 4–5; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also Letter from [REDACTED] Exhibit 22; see also Medical Records from [REDACTED] (September 2020 & February 2019–February 2018), Exhibit 23

³² See Request for Evidence, Exhibit 28, page 2.

³³ See Affidavit, Exhibit 1, paras. 28–34; see also Letter from [REDACTED] Church in [REDACTED] Exhibit 12.

³⁴ See Supplementary Declaration, Exhibit 17, para. 11; see also Emails in [REDACTED] translated into English (tabs 1–16), with certificate of translation, Exhibit 19; see also Declaration of [REDACTED] describing emails in Exhibit 19, Exhibit 20

³⁵ See Form I-914 Application for T Nonimmigrant Status, page 1, Other Names Used ([REDACTED] see also Letter from [REDACTED] of Avanzar's Dream Free (formerly DreamCatcher) program, Exhibit 11; see also Letter from [REDACTED] Church in [REDACTED] Exhibit 12; see also Supplementary Declaration, Exhibit 17, paras. 4–5; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also Letter from [REDACTED] Exhibit 22; see also Medical Records from [REDACTED] (September 2020 & February 2019–February 2018), Exhibit 23

³⁶ See Affidavit, Exhibit 1, para. 37; see also Supplementary Declaration, Exhibit 17, paras. 4–5; see also Letter from [REDACTED] at Restore NYC, Exhibit 9; see also Declaration by [REDACTED]

█████ fears retaliation by █████ and that fear has been reinforced by the threats and claims of access to powerful friends that █████ made during the trafficking and the repeating of █████'s threats via email to kill, deport or have █████ imprisoned.³⁷ It would not be difficult for █████ or her associates to retaliate against █████ in █████ – she could use █████ or the █████ student who helped her monitor █████ to find █████ and the protection that trafficking survivors could receive from █████ police officers is likely to be limited, as regular police officers are not well-informed regarding human trafficking.³⁸ █████'s worst fears would be realized if she sought protection from the police in █████ – they would not understand what she is talking about and would just dismiss her.³⁹ Then she would have no protection against █████ or people working on her behalf.

Currently in the US to access legal remedies, particularly civil damages

On September 10, 2020, █████'s immigration attorney made a referral to the Human Trafficking Legal Center so she could speak to a pro bono attorney about how to be compensated for the time █████ subjected her to labor trafficking and regaining the money █████ and █████ obtained from her via fraud and coercion.⁴⁰ █████ quickly depleted her savings and eventually had to abandon the first apartment she had after escaping █████'s trafficking.⁴¹ From 2012 or 2013 until 2017, █████ was barely surviving, based on the trajectory from █████'s trafficking and the absence of financial resources due to █████ and █████'s theft of █████'s money.⁴² Because she did not have steady employment or a place to live and had no other one to turn to, █████ relied completely on █████ and her friends to help her find work and places to live. █████ moved to different men's apartments, believing she would be cooking and cleaning, when many of the men instead tried to sexually assault her.⁴³ She has received trafficking-specific support, including housing, counseling, and medical and legal services since mid-2017, and continues on her slow but steady path of healing. █████ wants to return to working but has concerns due to her chronic fatigue, lack of employment authorization, and the uncertainty of the current COVID-19 pandemic.⁴⁴ She needs financial resources in able to transition to a different stage in her life and continue healing from the trafficking – obtaining financial restitution from █████ and █████ will allow her to do that.

Currently in US because no resources to leave the US

8 CFR §214.11(g)(4) states that USCIS will consider all evidence of the applicant's presence being on account of trafficking in persons, including, "the applicant's ability to leave the United States." █████'s

█████ at Restore NYC, Exhibit 21; see also Letter from █████ Exhibit 22; see also Medical Records from █████ (September 2020 & February 2019–February 2018), Exhibit 23

³⁷ See Affidavit, Exhibit 1; see also Supplementary Declaration, Exhibit 17, paras. 8–11; see also Emails in █████ translated into English (tabs 1–16), with certificate of translation, Exhibit 19; see also Declaration of █████ describing emails in Exhibit 19, Exhibit 20

³⁸ See University Professor Declaration by Professor █████ with Curriculum Vitae (CV), Exhibit 18; see also US Department of State Trafficking in Persons Report – █████ (2020), Exhibit 26

³⁹ See Supplementary Declaration, Exhibit 17, para. 8.

⁴⁰ See Supplementary Declaration, Exhibit 17, paras. 12–15; see also Referral to Human Trafficking Legal Center re damages attorney, Exhibit 25

⁴¹ See Affidavit, Exhibit 1, para. 27; see also Supplementary Declaration, Exhibit 17, paras. 12–15.

⁴² Id.; see also Affidavit, Exhibit 1, paras. 24–26.

⁴³ See Affidavit, Exhibit 1, paras. 28–34; see also Letter from █████ Church in █████ Exhibit 12; see also Supplementary Declaration, Exhibit 17, para. 11; see also Medical Records from █████ (September 2020 & February 2019–February 2018), Exhibit 23, page "3 of 18" ("Post Traumatic Stress Disorder: **history of sexual assault**").

⁴⁴ See Affidavit, Exhibit 1, para. 41; see also Supplementary Declaration, Exhibit 17, paras. 5, 12–15; see also Declaration by █████ at Restore NYC, Exhibit 21; see also Letter from █████ Exhibit 22; see also Medical Records from █████ September 2020 & February 2019–February 2018), Exhibit 23; see Residency letter from █████ and emails between staff and applicant's attorney, Exhibit 24.

trafficking experience has left her in a precarious financial situation. She does not have any financial resources which would enable her to leave the United States and restart her life elsewhere. [REDACTED] and [REDACTED] drained [REDACTED]'s savings, leaving her destitute for years and now reliant on supportive trafficking-specific housing and social services. She lost her [REDACTED] passport several years ago, and avoided renewing it due to a fear of interaction with the [REDACTED] consulate and lack of money.⁴⁵ With the support of Restore NYC and her immigration attorney, [REDACTED] was finally able to renew her [REDACTED] passport in March 2019.⁴⁶ However, her lack of financial resources and cascading trauma prevented [REDACTED] from leaving the United States. She filed her I-914 application in September 2019, and if she left the United States before she filed her I-914 or even while it was pending, [REDACTED] would have triggered the inadmissibility ground of INA §212(a)(9)(C)(i)(I), requiring her to remotely complete an I-192 Application for Advance Permission to Enter as Nonimmigrant, along with an affidavit and supporting evidence.

Not only does [REDACTED]'s lack of money, employment authorization, severe trauma and fear of retaliation in [REDACTED] prevent her from leaving the US, but additionally she would not presently be able to enter [REDACTED] due to COVID-19 restrictions.⁴⁷ The [REDACTED] government currently requires a two-week quarantine for all [REDACTED] citizens returning to [REDACTED]. If trafficking survivors cannot stay with their families, they must pay for a hotel and food for two weeks, which is expensive, particularly in [REDACTED].⁴⁸ [REDACTED] would not be able to enter [REDACTED]—she does not have sufficient financial resources to pay for her own home, and lives in a shelter.⁴⁹ She is not in contact with her sister, and [REDACTED] cannot rely on her or other family members for even temporary shelter.⁵⁰ [REDACTED] cannot afford a plane ticket to [REDACTED] and even if she could, the [REDACTED] government would disallow her entry.

Currently in US to cooperate with law enforcement prosecution or investigation

[REDACTED] reported her trafficking to [REDACTED] at the US Department of [REDACTED]. Her formal submission of information and request for T and U visa certification was forwarded to the US Department of [REDACTED] in September 2018. [REDACTED] and her attorney prepared her case while waiting to hear from the Department of [REDACTED] through 2019, and submitted her I-914 application to USCIS in September 2019. [REDACTED] remains willing and able to cooperate in an investigation against her trafficker.⁵¹

II. [REDACTED] would suffer extreme hardship upon removal involving unusual and severe harm

*Any serious physical or psychological issues the applicant has which necessitates medical or psychological care not reasonably available in [REDACTED] & the nature and extent of the physical and psychological consequences of severe form of trafficking in persons*⁵²

[REDACTED] was diagnosed as having PTSD related to the trafficking by both Restore NYC and the [REDACTED]. [REDACTED] She suffers from anxiety, depression, chronic fatigue and atopic dermatitis (eczema). [REDACTED] has received supportive trafficking-specific services from Restore NYC since 2017 and continues to require those services in order to navigate her mental health, housing, legal, and other concerns. Her case manager at Restore NYC highlights the trauma that [REDACTED] continues to live with,

⁴⁵ See Supplementary Declaration, Exhibit 17, paras. 15—16

⁴⁶ Id.; see also Copy of current [REDACTED] passport identification page, Exhibit 3

⁴⁷ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18

⁴⁸ Id.

⁴⁹ See Residency letter from [REDACTED] and emails between staff and applicant's attorney, Exhibit 24

⁵⁰ See Supplementary Declaration, Exhibit 17, para. 9

⁵¹ See Affidavit, Exhibit 1, para. 40; see also Emailed request for U and T visa certifications (9/28/2018—1/03/2019), Exhibit 8; see also Supplementary Declaration, Exhibit 17, para. 18

⁵² 8 CFR §214.11(i)(2)(ii—iii)

and the importance of maintaining the continuity of services from Restore NYC. Her recent medical notes reflect the anxiety that [REDACTED] deals with day to day. Withdrawing [REDACTED]'s supportive trafficking-specific services provided by Restore NYC, New Life and [REDACTED] would be devastating to [REDACTED]'s recovery and eventual ability to operate independently. [REDACTED] is still so concerned about retaliation by the trafficker that she still discusses the efficacy of using her real name if she applies for a job, or when she first goes to a medical clinic.⁵³

USCIS will consider any credible evidence regarding the nature and scope of the hardship if the applicant was removed from the United States, including evidence of hardship arising from circumstances surrounding the victimization and any other circumstances, including a personal statement or other evidence.⁵⁴ [REDACTED] provided such an affidavit with her I-914 application in September 2019, and discussed in detail why the shame and embarrassment of seeking trafficking-specific supportive services would make those services so much harder to find. She explained how trafficking is viewed in [REDACTED] as sex trafficking, and how if anyone knew what she was seeking services for in [REDACTED] she would be even more isolated and outcast.⁵⁵ The few social services resources for survivors in [REDACTED] resources are not useful to [REDACTED] as many are geared for non-[REDACTED] citizens or aren't specific to trafficking.⁵⁶ The 2020 Trafficking in Persons Report *downgrades* [REDACTED] from Tier 1 (countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking) in 2019 to Tier 2 (countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards) for 2020. This is because of [REDACTED]'s lack of resources for survivors of trafficking. According to the TIP Report, "[t]he government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to trafficking victims; however, it significantly reduced the relevant budgetary allocation during the reporting period."⁵⁷ The [REDACTED] government urges other nonprofits to provide services for survivors of trafficking, but there is not one agency that is solely devoted to specifically serving survivors of trafficking and their needs.⁵⁸ Organizations in [REDACTED] that do provide some services to survivors of trafficking primarily serve survivors who have been trafficked to [REDACTED] from other countries and not to [REDACTED] citizens who have been trafficked abroad.⁵⁹

[REDACTED] society lacks awareness and understanding of human trafficking.⁶⁰ An expert on the topic due to her long career in migration and labor in [REDACTED] other [REDACTED] countries and [REDACTED] Professor [REDACTED] also spoke to [REDACTED] government officials and nongovernmental organizations (NGOs) in [REDACTED].⁶¹ She concluded that there is no support program or service that is specifically tailored to [REDACTED] survivors of human trafficking who returned to [REDACTED] from abroad.⁶² None of the [REDACTED] government officials

⁵³ See Affidavit, Exhibit 1, paras. 37–42; see also Supplementary Declaration, Exhibit 17, paras. 11–14, 20, 23, 24; see also Letter from [REDACTED] at Restore NYC, Exhibit 9; see also Letter from [REDACTED] at Restore NYC, Exhibit 10; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also Letter from [REDACTED] Exhibit 22; see also Medical Records from [REDACTED] (September 2020 & February 2019–February 2018), Exhibit 23; see also Residency letter from [REDACTED] and emails between staff and applicant's attorney, Exhibit 24

⁵⁴ 8 CFR §214.11(i)(3)

⁵⁵ See Affidavit, Exhibit 1, para. 42.

⁵⁶ See US Department of State Trafficking in Persons Report [REDACTED] 2019), Exhibit 16

⁵⁷ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also US Department of State Trafficking in Persons Report [REDACTED] 2020), Exhibit 26.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18.

⁶¹ Id.

⁶² Id.

or NGO staff in [REDACTED] who she spoke to were aware of any [REDACTED] trafficking survivors who returned from overseas, believing instead that [REDACTED] is solely a destination for trafficking, not a source.⁶³

The lack of awareness and resultant lack of support for trafficking survivors would cause [REDACTED] to suffer extreme hardship involving unusual and severe harm. [REDACTED] would have no one to help her in the search for trafficking-specific support services, whether for mental health or counseling, housing, or employment services, or for even basic government welfare benefits. If [REDACTED] applied for welfare and social services, she would have to do this at the municipal government level in [REDACTED]. As she has been absent from [REDACTED] for so long, she would have no residential registration with any municipal government, which would delay and complicate the process of getting her government support. Since there is no emergency support available for trafficking survivors, she would be stuck in an untenable situation upon return to [REDACTED]—no supportive services, no money, no housing, and no job. In [REDACTED] there is no center, shelter or program specifically tailored to returned human trafficking survivors. [REDACTED] would likely have to return to the street to sleep, until she received a response to an application for welfare or other basic services. This in turn would exacerbate her mental health conditions of anxiety and depression, and her chronic fatigue would serve to hinder any recovery or building of her life in [REDACTED]. If [REDACTED] has to return to [REDACTED] she would face a lifetime of uncertainty, poverty, isolation and increased anxiety and depression, coupled with her chronic fatigue. Mental health and counseling services carry a strong social stigma in [REDACTED] which would force [REDACTED] to make her search for, and explanation of her need for, any supportive trafficking-specific services in [REDACTED] impossible. She would struggle to communicate her predicament to anyone in [REDACTED] or obtain safety and support.⁶⁴

The impact of the loss of access to US courts, re trafficking, for criminal and civil redress (restitution)

If [REDACTED] is returned to [REDACTED] she would lose access to US civil courts for restitution against [REDACTED] and [REDACTED]. Her immigration attorney referred her case to the Human Trafficking Legal Center on September 10, 2020 for possible placement with a pro bono attorney who could advise and represent [REDACTED] in a civil suit against [REDACTED] and [REDACTED]. Additionally, [REDACTED] reported the trafficking to the US Department of [REDACTED] in hopes of an investigation resulting in some restitution for her as well. She remains willing and able to cooperate with the Department of [REDACTED] and returning her to [REDACTED] would also make this an impossibility. Lost access to civil or criminal restitution would cause [REDACTED] extreme hardship involving unusual and severe harm. She would be returning to a country with no support services for survivors of trafficking and no family to rely on, and [REDACTED] would then be cut off from access to a successful judgment or negotiated settlement as part of a civil suit or criminal case in the United States. Restitution from [REDACTED] and [REDACTED] would be the only possibility that could provide [REDACTED] with some financial cushion if she has to return to [REDACTED]. Losing that opportunity would condemn [REDACTED] to a future of impoverishment, possible homelessness, and cause exacerbation of her anxiety, depression and chronic fatigue.⁶⁵

The reasonable expectation that the existence of laws, social practices, or customs in [REDACTED] would penalize the applicant severely for having been the victim of trafficking

Trafficking survivors who return to [REDACTED] would likely face misunderstanding, stigma and prejudice because human trafficking is equivalent to sex work in [REDACTED]. This is the root of [REDACTED]'s not wanting to ask for help from her family in [REDACTED] as she fears bringing them shame and disgrace. [REDACTED] accurately fears that her sister and family would reject her once they learn what happened to her. She is from a region in [REDACTED] that is known for being conservative, adding to the reasonableness of her reluctance to return there and ask her family for help. Also, due to her long absence and lack of contact

⁶³ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18.

⁶⁴ Id.

⁶⁵ See Affidavit, Exhibit 1, para. 40; see also Emailed request for U and T visa certifications (9/28/2018—1/03/2019), Exhibit 8; see also Supplementary Declaration, Exhibit 17, paras. 18, 21; see also Referral to Human Trafficking Legal Center re damages attorney, Exhibit 25

with her family, [REDACTED] faces a very high likelihood of rejection by her family. While in other eastern [REDACTED] countries, like [REDACTED] NGOs contact family members of returning trafficking survivors to see if the families are willing to accept and support the returning survivors. If families will not accept and support returning trafficking survivors, NGOs provide housing and other assistance. But there are no such NGOs in [REDACTED] that could provide similar support and assistance to [REDACTED] upon her return to [REDACTED].⁶⁶

Another social practice or custom that would cause [REDACTED] extreme hardship involving unusual and severe harm in [REDACTED] could be triggered by even mentioning she seeks or receives mental health services. Mental health and counseling services carry a strong social stigma, which often prevents people from seeking and receiving the services of a counselor or psychiatrist. Receiving mental health services is still perceived as a shameful act that indicates one's weakness and incapability. Thus [REDACTED] would be penalized by the societal stigma against receiving mental health services, and viewed by anyone she encountered as a lesser person and unworthy of their time, help or attention. There have also been reports of female trafficking survivors facing labor exploitation and sexual harassment by their new employers, who felt they could easily take advantage of women who have already survived past trafficking.⁶⁷

Likelihood of re-victimization and the need, ability or willingness of police to protect the applicant in

If [REDACTED] were returned to [REDACTED] she would be without resources and extremely vulnerable to re-trafficking by [REDACTED] [REDACTED] could locate [REDACTED] in [REDACTED] with the assistance of [REDACTED] the [REDACTED] student she knows, or other associates. After [REDACTED]'s post-escape years in the US, struggling to survive and subject to sexual assaults by people she thought were employing her, and then what would undoubtedly be the bleakness of [REDACTED] desperately searching for housing and work in [REDACTED] she would be very susceptible to re-victimization by [REDACTED]. Once [REDACTED] located [REDACTED] she could use either threats or gentleness to lure [REDACTED] into working for her again, or perhaps even to just take whatever money [REDACTED] would have earned by that time. [REDACTED] worked for [REDACTED] specifically in translating documents between English and [REDACTED] and speaking to [REDACTED] customers. This could be done from [REDACTED] or a third country, even if [REDACTED] could not immediately return to the United States. Not only would [REDACTED] be cut off from her traffic-specific supportive services in the US (Restore NYC, medical care, housing), she would be unable to find any similar supportive services in [REDACTED]. [REDACTED]'s recruiter and trafficking assistant, maintained contact with [REDACTED] for several years after [REDACTED]'s escape, and through her friends discouraged [REDACTED] from seeking help or services related to the trafficking. [REDACTED] would be extremely vulnerable to re-trafficking by [REDACTED].⁶⁸

The police in [REDACTED] would not be able to protect [REDACTED] from re-trafficking; [REDACTED] law enforcement's understanding of trafficking, particularly labor trafficking, is lacking to such a degree that [REDACTED] was dropped from Tier 1 (2019) to Tier 2 (2020) in the US Department of State's Trafficking in Person

⁶⁶ See Affidavit, Exhibit 1, paras. 3, 38; see also Supplementary Declaration, Exhibit 17, para. 34; see also University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18

⁶⁷ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18

⁶⁸ See Affidavit, Exhibit 1, paras. 13—17; see also Supplementary Declaration, Exhibit 17, paras. 22—23; see also Emails in [REDACTED] translated into English (tabs 1—16), with certificate of translation; see also Declaration of [REDACTED] describing emails in Exhibit 19, Exhibit 20; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also Letter from [REDACTED] Exhibit 22; see also Medical Records from [REDACTED] September 2020 & February 2019—February 2018), Exhibit 23; see also Residency letter from [REDACTED] and emails between staff and applicant's attorney, Exhibit 24

Report.⁶⁹ [REDACTED] would no one to rely on in [REDACTED] and cannot imagine going to the police if she is located by [REDACTED] she believes they would not understand her concerns and would simply dismiss her.⁷⁰

The likelihood that the trafficker or others acting on her behalf in [REDACTED] would severely harm applicant

If [REDACTED] could not convince [REDACTED] to return to either working for her or letting her have more money, she could easily do serious harm to [REDACTED] in [REDACTED] s daughter in law. [REDACTED] is a [REDACTED] citizen with family in [REDACTED] [REDACTED] also brought around a [REDACTED] student when [REDACTED] lived there, using her to eavesdrop on [REDACTED] s phone conversations or talks with [REDACTED] [REDACTED] could also use her friend [REDACTED] or hire someone to find [REDACTED] and viciously retaliate against her. This is even more likely to happen if [REDACTED] finds out about [REDACTED] accessing trafficking-specific services in the US, reporting her to the US Department of [REDACTED] or pursuing civil damages against her. [REDACTED] s friends shared with [REDACTED] s warnings of how dangerous [REDACTED] is, repeating stories of how [REDACTED] retaliated against [REDACTED] for challenging her and how her friend [REDACTED] even had her own ex-husband killed.⁷¹

The [REDACTED] government is doing so poorly on providing protection, prevention and services for survivors of trafficking in persons that they were downgraded to Tier 2 on the US Department of State's Trafficking in Persons Report and even [REDACTED] officials and NGO staff responded that they had never heard of a [REDACTED] survivor of trafficking returning to [REDACTED] from abroad. Clearly, further education and resources on human trafficking for [REDACTED] government and police officials are needed to keep [REDACTED] safe if she returns to [REDACTED].⁷²

Applicant's age and personal circumstances

[REDACTED] has no money with which to buy a plane ticket to [REDACTED] and she would likely be barred from entering [REDACTED] due to current COVID-19 restrictions and her own poverty. The [REDACTED] government presently requires all [REDACTED] citizens returning to [REDACTED] to quarantine for two weeks. If [REDACTED] survivors cannot stay with their families, as would [REDACTED] would not be able to, they must pay for their own hotel and food for two weeks. This is out of the question for [REDACTED] who is unable to afford her own housing and food in the United States, struggled for years to renew her passport, and cannot even afford a plane ticket to [REDACTED] [REDACTED] would most likely be refused entry to [REDACTED] and either be temporarily stranded at an airport in [REDACTED] or made to return to the United States, where she would be inadmissible and unable to return.⁷³

If [REDACTED] were returned to [REDACTED] she would confront the danger of COVID-19 by going to an airport and taking an international flight. A flight to [REDACTED] from New York would exceed 12 hours, and such prolonged exposure in close proximity to other passengers would greatly increase the risk of [REDACTED] contracting COVID-19. Right now, she is tested for COVID-19 every three weeks since at her current shelter, and has never tested positive. The Centers for Disease Control and Prevention (CDC) list in current demographic data that the age group to which [REDACTED] belongs, [REDACTED] years, has the second-highest percentage of COVID-19 cases among age groups in the United States. Furthermore, persons

⁶⁹ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also US Department of State Trafficking in Persons Report - [REDACTED] (2020), Exhibit 26

⁷⁰ See Supplementary Declaration, Exhibit 17, paras. 8, 22

⁷¹ See Affidavit, Exhibit 1, paras. 13—17; see also Supplementary Declaration, Exhibit 17, paras. 8, 22—23; see also University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18; see also Emails in [REDACTED] translated into English (tabs 1—16), with certificate of translation; see also Declaration of [REDACTED]

describing emails in Exhibit 19, Exhibit 20; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also US Department of State Trafficking in Persons Report - [REDACTED] (2020), Exhibit 26

⁷² See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18; see also Declaration by [REDACTED] at Restore NYC, Exhibit 21; see also US Department of State Trafficking in Persons Report - [REDACTED] (2020), Exhibit 26

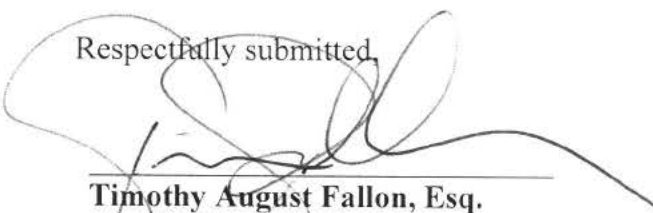
⁷³ See University Professor Declaration by Professor [REDACTED] with Curriculum Vitae (CV), Exhibit 18

in [REDACTED] s age group have one of the highest percentages of death due to COVID-19. For the reasons already set forth in this section and others, [REDACTED] would very likely face homelessness and lack control over her physical surroundings if returned to [REDACTED]. Even if she found temporary housing, perhaps a room in someone's home or a short-term shelter, she would again be exposed to a varying amount of people from whom she could contract COVID-19 and possibly die as a result.⁷⁴

III. Conclusion: [REDACTED] is physically present in the United States on account of trafficking in persons and would suffer extreme hardship involving unusual and severe harm if returned to [REDACTED] -- she is eligible for T Nonimmigrant Status

[REDACTED] is a victim of a Severe Form of Trafficking: She was induced by fraud and coercion to work unpaid for a company while living with, and under the tight control of, the owner. The company's owner and her daughter-in-law coerced and defrauded [REDACTED] out of several thousand dollars, and tricked her into taking the job and remaining there for a year with the promise of an H-1B visa. Additionally, [REDACTED] is physically present in the United States because of the trafficking because she was controlled by the trafficker's daughter-in-law [REDACTED] following her escape, and only broke free from that control when she began receiving trafficking-specific services in 2017 to the present. She fears retaliation in [REDACTED] needs to continue her supportive services, and is actively seeking restitution. She has complied with any reasonable request for assistance in an investigation and prosecution of the trafficking, and would suffer extreme hardship involving unusual and severe harm upon removal.

Respectfully submitted,



Timothy August Fallon, Esq.
Her Justice
100 Broadway, 10th Floor
New York, NY 10005
Phone: 646-442-1190
Fax: 212-695-9519

September 23, 2020

⁷⁴ See also Medical Records from [REDACTED] September 2020 & February 2019—February 2018), Exhibit 23; see also Demographic Trends of COVID-19 cases and deaths in the US reported to CDC, Exhibit 27

March 11, 2024

USCIS Vermont Service Center
38 River Road
Essex Junction, VT 05479-0001

Re: Stephanie Client

I-914 Application for T Nonimmigrant Status
I-192 Application for Advance Permission

A123-456-789

EAC0000111222
EAC2222111000

To whom it may concern:

Please enter my appearance as attorney on behalf of Ms. Adriana Client for her pending I-914 (EAC0000111222) and I-192 (EAC2222111000) applications. Enclosed please find a completed Form G-28 and receipt notices for Ms. Client's I-914 and I-192 applications. Please direct future correspondence to the following address:

Adriana Client
c/o Law Firm LLC
1122 Broadway
New York, NY 10004

Sincerely,

Adriana Attorney, Esq.

STEP 4: POST-FILING - DECISION AND POST- DECISION

STEP 4: POST-FILING - DECISION AND POST-DECISION

- A. Cover Page and Table of Contents
- B. Decision and Post-Decision Guidance
- C. Sample I-914 Approval Notice
- D. Sample (a)(16) Employment Authorization Document for T-1 Applicant
- E. Sample I-914 Supplement A Approval Notice
- F. Sample (c)(25) Employment Authorization Document for T Derivative
- G. Sample I-192 Approval Notice
- H. Sample I-765 Approval Notice
- I. Sample Termination Letter

DECISION AND POST-DECISION GUIDANCE

Decision: Approval

Note: For guidance on Bona Fide Determinations (BFD), which are granted prior to approval, please see Step 3.

Timing on application decisions varies. As of March 2025, according to USCIS' website on case processing times, 80% of T applications are completed within **20.5 months**. This is a general time frame; your client's T application adjudication time may be shorter or longer. Please note that this time frame is expected to grow in future years, as more and more T applications are filed every year.

Practice Tip: The USCIS website provides estimates of the current processing times for various immigration applications:
<https://egov.uscis.gov/processing-times/>

When the application is approved, congratulations! Please share the good news with your client immediately. The approval notice will contain an I-94 at the bottom showing that your client is authorized to be in the U.S. for the next 4 years. Your client can expect to get their Employment Authorization Document a few days to a few weeks after I-914 approval (mailed to the attorney's office). The EAD will be valid for 4 years and will be issued under category code (a)(16).

If your client filed an I-192 inadmissibility waiver, they should also receive an I-192 approval notice that lists each specific inadmissibility ground that was waived.

Upon approval of the T application, please also notify Her Justice and send us a scan of the client's approval notice(s) and Employment Authorization Document. These documents are important for Her Justice's own record-keeping, particularly if the client will later file other applications for immigration benefits (e.g., adjustment of status to Lawful Permanent Resident). We will also use the documents to refer the client to social services organizations that can help them access public benefits they are newly entitled to now that they are in T Nonimmigrant Status.

Other Steps Post-Approval

Again, congratulations to you and your client for their T approval! Depending on the scope of your representation and your client's circumstances, there will likely be other related matters to work on for your client and their family. Please speak to your Her Justice mentor regarding what next steps to take.

Some possible steps to take after T approval (to discuss with your Her Justice mentor; this manual does not go into detail):

1. Helping your client access new benefits; obtaining a certification letter from the United States Department of Health and Human Services (HHS).

2. Getting your client a Social Security card.
3. Only in certain circumstances: Applying for Advance Parole to travel outside the U.S.
 - a. Your T-1 client (approved I-914 Application) can apply for Advance Parole on Form I-131 if they want to travel outside the United States and return; approved Advance Parole will allow her to travel outside of the U.S. and return so that she can continue holding T status. There is no other way to accomplish this for a T-1 Nonimmigrant.¹
 - b. Derivative family members (T-2, T-3, T-4, T-5, or T-6) also can apply for Advance Parole if they want to travel outside the U.S. and return; approved Advance Parole will allow them to travel outside of the U.S. and return so that they can continue holding T status. Another option is that the derivative family member can apply for a T nonimmigrant visa if outside of the U.S. and be admitted as a T nonimmigrant upon arrival in the U.S.²

Practice Tip: To be eligible for later adjustment of status to Lawful Permanent Resident, T nonimmigrants must have been continuously physically present in the U.S. -- any departures from the U.S. during T-1 status cannot exceed 90 days and any aggregate periods outside the U.S. cannot exceed 180 days.³

- c. Applicants with pending I-914 Applications are not eligible for Advance Parole (travel outside the U.S. during pendency of application).
4. For derivative family members in the U.S.: Applying for an Employment Authorization Document (if not already applied for at time of initial filing).
5. For derivative family members outside the U.S.: Consular Processing.
 - a. Once you have received the I-914 Supplement A approvals for your client's derivatives who are outside the U.S., they must then go through the consular process in their home country to enable them to come to the U.S. This can be particularly challenging if the derivative is a child and does not have a passport. After you receive the derivative approval notices from USCIS, contact your Her Justice mentor to discuss next steps.
 - b. Please help the derivative family members complete their employment authorization applications immediately after arrival in the U.S., even if they are young children. The Employment Authorization Document serves as a valuable form of photo identification, and the Social Security Office has required it for children to obtain a Social Security number, and subsequently, access to public assistance. Instructions for the EAD are

¹ 8 CFR § 214.204(p)

² 8 CFR § 214.211(i)(4)

³ 8 CFR § 245.23(a)(4)(i) & (b)(1).

identical to those contained when filing for derivative family members in the United States.

6. Adjusting your client's and derivatives' status to Lawful Permanent Resident, either after 3 years in T Nonimmigrant Status or after receiving an Early Adjustment Letter from the Department of Justice.
 - a. In many cases, your client may be eligible to apply for permanent residence early. While some T status holders wait three years prior to seeking LPR status, we recommend that T status holders seek early adjustment whenever possible. If you are interested in representing your client in applying for permanent residence, please speak to your Her Justice mentor.
7. Removal proceedings: Motion to Terminate based on T approval.
 - a. In a small number of cases, a client may be in removal proceedings, which will require a motion to terminate proceedings based upon the T nonimmigrant status approval. Please contact your Her Justice mentor for assistance in filing a motion to terminate with the Immigration Court. If your client ever has been in removal proceedings and has an order of removal, our current practice is to advise clients to apply for permanent residence (when eligible) and file a motion to reopen and terminate with the Immigration Court once they have obtained permanent residence.
8. Closing your client's matter and terminating representation.
 - a. Once your client's derivatives have been admitted to the U.S. on their T visas (if applicable), have work permits (or before, if there are no derivatives) and/or removal proceedings have been terminated, determine whether your firm will close the matter or continue with representation on the application for Lawful Permanent Residence. If you are closing the matter, please provide your client with a closing letter that provides information about her T nonimmigrant status and continuing legal obligations while in status, as well as the date she is eligible to apply for lawful permanent residence and the deadline by which to do so. A sample closing letter is included in this Manual.

Note: Case Outside Processing Times

If your client's application has been pending for **3 months longer than currently posted processing times**, please contact Her Justice to discuss strategies for expediting the application.

Decision: Denial

If the application is denied, please immediately consult with your Her Justice mentor, as an immediate appeal may be necessary.



I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number [REDACTED]		Case Type I914 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 09/10/2019	Priority Date	Applicant A [REDACTED]
Notice Date 12/16/2020	Page 1 of 2	Beneficiary A [REDACTED]
[REDACTED] c/o TIMOTHY AUGUST FALLON HER JUSTICE 100 BROADWAY FLR 10 NEW YORK NY 10005		Notice Type: Approval Notice Class: T1 Valid from 12/16/2020 to 12/15/2024

Your application for T-1 Nonimmigrant Classification has been approved. Attached below please find a completed Form I-94 Arrival-Departure Record, indicating that you have been granted T Nonimmigrant Classification for a period of 4 years.

EMPLOYMENT AUTHORIZATION:

You are authorized to work in the United States for the validity period of your T Nonimmigrant Classification. Your Employment Authorization Document will be mailed to you separately.

ADJUSTMENT OF STATUS:

Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A T-1 Nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted as a T-1 Nonimmigrant or after he/she has been physically present in the United States for a continuous period during the investigation or prosecution of the acts of trafficking, provided that the Attorney General has determined the investigation or prosecution is complete.

DERIVATIVE NONIMMIGRANT CLASSIFICATION:

You may request derivative T Nonimmigrant Classification for qualifying family members. To request derivative status, you must submit a Form I-914 with Supplement A in accordance with the instructions printed on the form. If you included qualifying family members on your original application, a notice of decision on the derivative application(s) will be mailed to you separately.

DEPARTING FROM THE UNITED STATES:

If you plan to depart the United States you must obtain permission to return to the United States before you leave this country by obtaining advance parole. If you do not obtain advance parole in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You may apply for advance parole by submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver to this office.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001



USCIS Contact Center: www.uscis.gov/contactcenter

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE.

Detach This Half for Personal Records

Receipt# [REDACTED]
I-94# [REDACTED]
NAME [REDACTED]
CLASS T1
VALID FROM 12/16/2020 UNTIL 12/15/2024
APPLICANT
[REDACTED]
100 BROADWAY FLR 10
NEW YORK NY 10005

[REDACTED]
Receipt Number [REDACTED]
US Citizenship and Immigration Services

I94 Departure Record

Applicant: [REDACTED]

14. Family Name [REDACTED]	
15. First (Given) Name [REDACTED]	16. Date of Birth [REDACTED]
17. Country of Citizenship [REDACTED]	



I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number [REDACTED]		Case Type I914 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 09/10/2019	Priority Date	Applicant A [REDACTED]
Notice Date 12/16/2020	Page 2 of 2	Beneficiary A [REDACTED]

Contact the Vermont Service Center if you would like to be provided a list of nongovernmental organizations that may be of assistance to you.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001
Customer Service Telephone: 800-375-5283



PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

RECEIVED INTENTIONALLY LEFT BLANK
I-94# INTENTIONALLY LEFT BLANK
NAME INTENTIONALLY LEFT BLANK
CLASS INTENTIONALLY LEFT BLANK
VALID FROM UNTIL INTENTIONALLY LEFT BLANK
APPLICANT INTENTIONALLY LEFT BLANK
INTENTIONALLY LEFT BLANK
INTENTIONALLY LEFT BLANK

RECEIVED INTENTIONALLY LEFT BLANK
US Citizenship and Immigration Services
INTENTIONALLY LEFT BLANK
I94 Departure Record
Applicant INTENTIONALLY LEFT BLANK
14. Family Name
INTENTIONALLY LEFT BLANK
15. First (Given) Name INTENTIONALLY LEFT BLANK 16. Date of Birth
17. Country of Citizenship
INTENTIONALLY LEFT BLANK

7 Product Way
Lees Summit, MO 64002

USPS Tracking # eVS



USCIS National Customer Service Center
1-800-375-5283

FALLON TIMOTHY AUGUST
100 BROADWAY FL 10
NEW YORK, NY 10005-0000

Date 3/5/2020

IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

A#



FALLON TIMOTHY AUGUST
100 BROADWAY FL 10
NEW YORK, NY 10005-0000



RECEIPT #



CARD #



Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.

Please Read This Notice. It has important information. We also recommend that you keep this notice for your records.



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

Your Application Has Been Approved.

Here is your new card. The expiration date is shown on the front.

Please Check Your Card to Verify That the Information Is Correct.

If any information on this card is missing or incorrect, please call the USCIS Contact Center (UCC) at **1-800-375-5283** or check our Website at www.uscis.gov for instructions.

Please Protect Your Card.

Additional Information About Your Card

U.S. Citizenship and Immigration Services (USCIS) issues several kinds of cards for different purposes. Please read the information in this notice on how to use your card. If you are 18 years of age or older, you are required to carry your Employment Authorization Document or Permanent Resident Card or other proof of alien registration in the United States with you at all times so it is available when needed. If you received a Permanent Resident Card or Combination Employment Authorization and Advance Parole Card (combo card), you should take it with you when you travel outside the United States so you can show it to a Customs and Border Protection (CBP) Officer upon your return to a U.S. port of entry. If you forget to take your card or lose it while traveling outside the United States, contact the nearest U.S. Embassy or consulate for travel assistance.

Permanent Resident Card

Your card has an expiration date.

- If you are a conditional resident, you should apply to remove the conditions 90 days before your card expires.
- If you are a permanent resident, the expiration date does not affect your status, but you should use Form I-90, Application to Replace Permanent Resident Card, to apply for a new card as early as 6 months before your card expires.

As a permanent resident, you should be aware that:

- If your card is lost, stolen, or becomes damaged, or your name or other information shown on your card changes, use Form I-90 to apply for a new card.
- If you are going to travel and believe you may be outside of the United States for a year or more, you should apply for a reentry permit. You must be physically present in the United States when you file the reentry permit application and complete the biometrics services requirement. See Form I-131, Application for Travel Document, for information.
- You can sponsor the immigration of certain relatives. See Form I-130, Petition for Alien Relative, for information.
- Permanent residents can apply to become American citizens after a certain period of residence in the United States. Usually, you have to be a permanent resident for 5 years, but in some circumstances you can apply earlier. See Form M-476, A Guide to Naturalization, or visit the Citizenship Resource Center at www.uscis.gov/citizenship.

USCIS has a guide for new permanent residents called "Welcome to the United States: A Guide for New Immigrants." It has important information about your rights and responsibilities. The guide is available at www.uscis.gov/newimmigrants in English and a variety of languages.

Employment Authorization Document (EAD)

You are authorized to work consistent with any conditions shown on the card until it expires.

- If you apply for a job, you may show your card to the employer to show that you are authorized to work while the card is valid. Employers may accept the new card as a List A document when completing the Employment Eligibility Verification (Form I-9).
- If you are already employed and this card extends your employment authorization, you may show this new card to your employer to show that your work authorization has been extended.

Your EAD may also serve as evidence of your immigration status. In other cases, your EAD may show that you have a pending application for an immigration benefit that authorizes employment while the application is pending.

You may apply for a new EAD if your current card expires before USCIS makes a final decision on your: Form I-485, Application to Register Permanent Residence or Adjust Status; Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal; Form I-589, Application for Asylum and for Withholding of Removal; or other pending application that allows for employment while your application is pending. Please refer to the instructions for Form I-765, Application for Employment Authorization Document, at www.uscis.gov.

Combination Employment Authorization and Advance Parole Card

Your Combination Employment Authorization and Advance Parole Card (combo card) serves as both an employment authorization document and an advance parole document while your Form I-485 is pending with USCIS. See the information above relating to employment authorization.

Your combo card also allows you to seek parole into the United States upon returning from travel outside of the United States. You should take your combo card with you when you travel outside the United States so you can present it to a CBP Officer at a U.S. port of entry to seek parole upon your return. Please see the instructions for Form I-131 and the enclosed Form I-931, which provide important additional information about using an advance parole document for travel.

Questions

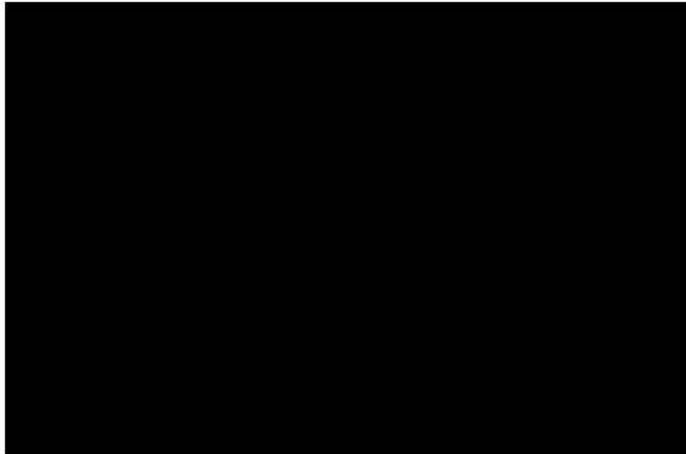
If you ever have questions about immigration benefits and procedures or wish to have an application mailed to you, please call our USCIS Contact Center (UCC) at **1-800-375-5283** or check our Website at www.uscis.gov.

UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

Supreme Court Building
San Francisco, CA 94102

Surname [REDACTED]
Given Name [REDACTED]
USCIS# [REDACTED] Category Card# A16 [REDACTED]
Country of Birth [REDACTED]
Terms and Conditions None
Date of Birth [REDACTED] Sex F
Valid From: 03/02/20
Card Expires: 03/01/24
NOT VALID FOR REENTRY TO U.S.





FORM I-766
Rev (02-2016)

36377953



This card is not evidence of U.S. citizenship or permanent residence.
The document is void if altered, and may be revoked by the U.S. Government.
The person identified is authorized to work in the U.S. for the validity of this card.

111

If found, drop in any US Mailbox. USPS: Mail to USCIS, 7 Product Way, Lees Summit, MO 64002





I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number [REDACTED]		Case Type I914A - APPLICATION FOR IMMEDIATE FAMILY MEMBER OF T-1 RECIPIENT
Received Date 02/07/2019	Priority Date	Applicant A [REDACTED]
Notice Date 05/21/2021	Page 1 of 1	Beneficiary A [REDACTED]
[REDACTED] c/o TIMOTHY AUGUST FALLON 100 BROADWAY FL 10 NEW YORK NY 10005		Notice Type: Approval Notice Class: T3 Section: CHILD OF T1 Valid from 05/21/2021 to 03/01/2024

Your application for derivative T Nonimmigrant Classification as a qualifying family member has been approved. Attached below please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted T Nonimmigrant Classification for the specified period.

EMPLOYMENT AUTHORIZATION:

If you filed a Form I-765, Application for Employment Authorization, in conjunction with your application for T Nonimmigrant Classification, a decision on that form will be mailed to you separately.

DEPARTING FROM THE UNITED STATES:

If you plan to depart the United States you must obtain permission to return to the United States before you leave this country by obtaining advance parole. If you do not obtain advance parole in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You may apply for advance parole by submitting a Form I-131, Application for Travel Document, with required fee or request for fee waiver to this office.

Contact the Vermont Service Center if you would like to be provided a list of nongovernmental organizations that may be of assistance to you.

THIS FORM DOES NOT CONSTITUTE EMPLOYMENT AUTHORIZATION NOR MAY IT BE USED IN PLACE OF AN EMPLOYMENT AUTHORIZATION DOCUMENT.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001



USCIS Contact Center: www.uscis.gov/contactcenter

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# [REDACTED]

I-94# [REDACTED]

NAME [REDACTED]

CLASS T3

VALID FROM 05/21/2021 UNTIL 03/01/2024

APPLICANT

[REDACTED]
100 BROADWAY FL 10
NEW YORK NY 10005

Receipt Number [REDACTED]
US Citizenship and Immigration Services

I94 Departure Record

Applicant: [REDACTED]

14. Family Name

[REDACTED]

15. First (Given) Name

[REDACTED]

16. Date of Birth

[REDACTED]

17. Country of Citizenship

[REDACTED]

7 Product Way
Lees Summit, MO 64002

USPS Tracking # eVS



USCIS National Customer Service Center
1-800-375-5283

FALLON TIMOTHY AUGUST
100 BROADWAY FL 10
NEW YORK, NY 10005-0000

Date 3/5/2020

IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

A#



FALLON TIMOTHY AUGUST
100 BROADWAY FL 10
NEW YORK, NY 10005-0000



RECEIPT #



CARD #



Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.



U.S. Citizenship and Immigration Services

Please Read This Notice. It has important information. We also recommend that you keep this notice for your records.

Your Application Has Been Approved.

Here is your new card. The expiration date is shown on the front.

Please Check Your Card to Verify That the Information Is Correct.

If any information on this card is missing or incorrect, please call the USCIS Contact Center (UCC) at **1-800-375-5283** or check our Website at www.uscis.gov for instructions.

Please Protect Your Card.

Additional Information About Your Card

U.S. Citizenship and Immigration Services (USCIS) issues several kinds of cards for different purposes. Please read the information in this notice on how to use your card. If you are 18 years of age or older, you are required to carry your Employment Authorization Document or Permanent Resident Card or other proof of alien registration in the United States with you at all times so it is available when needed. If you received a Permanent Resident Card or Combination Employment Authorization and Advance Parole Card (combo card), you should take it with you when you travel outside the United States so you can show it to a Customs and Border Protection (CBP) Officer upon your return to a U.S. port of entry. If you forget to take your card or lose it while traveling outside the United States, contact the nearest U.S. Embassy or consulate for travel assistance.

Permanent Resident Card

Your card has an expiration date.

- If you are a conditional resident, you should apply to remove the conditions 90 days before your card expires.
- If you are a permanent resident, the expiration date does not affect your status, but you should use Form I-90, Application to Replace Permanent Resident Card, to apply for a new card as early as 6 months before your card expires.

As a permanent resident, you should be aware that:

- If your card is lost, stolen, or becomes damaged, or your name or other information shown on your card changes, use Form I-90 to apply for a new card.
- If you are going to travel and believe you may be outside of the United States for a year or more, you should apply for a reentry permit. You must be physically present in the United States when you file the reentry permit application and complete the biometrics services requirement. See Form I-131, Application for Travel Document, for information.
- You can sponsor the immigration of certain relatives. See Form I-130, Petition for Alien Relative, for information.
- Permanent residents can apply to become American citizens after a certain period of residence in the United States. Usually, you have to be a permanent resident for 5 years, but in some circumstances you can apply earlier. See Form M-476, A Guide to Naturalization, or visit the Citizenship Resource Center at www.uscis.gov/citizenship.

USCIS has a guide for new permanent residents called "Welcome to the United States: A Guide for New Immigrants." It has important information about your rights and responsibilities. The guide is available at www.uscis.gov/newimmigrants in English and a variety of languages.

Employment Authorization Document (EAD)

You are authorized to work consistent with any conditions shown on the card until it expires.

- If you apply for a job, you may show your card to the employer to show that you are authorized to work while the card is valid. Employers may accept the new card as a List A document when completing the Employment Eligibility Verification (Form I-9).
- If you are already employed and this card extends your employment authorization, you may show this new card to your employer to show that your work authorization has been extended.

Your EAD may also serve as evidence of your immigration status. In other cases, your EAD may show that you have a pending application for an immigration benefit that authorizes employment while the application is pending.

You may apply for a new EAD if your current card expires before USCIS makes a final decision on your: Form I-485, Application to Register Permanent Residence or Adjust Status; Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal; Form I-589, Application for Asylum and for Withholding of Removal; or other pending application that allows for employment while your application is pending. Please refer to the instructions for Form I-765, Application for Employment Authorization Document, at www.uscis.gov.

Combination Employment Authorization and Advance Parole Card

Your Combination Employment Authorization and Advance Parole Card (combo card) serves as both an employment authorization document and an advance parole document while your Form I-485 is pending with USCIS. See the information above relating to employment authorization.

Your combo card also allows you to seek parole into the United States upon returning from travel outside of the United States. You should take your combo card with you when you travel outside the United States so you can present it to a CBP Officer at a U.S. port of entry to seek parole upon your return. Please see the instructions for Form I-131 and the enclosed Form I-931, which provide important additional information about using an advance parole document for travel.

Questions

If you ever have questions about immigration benefits and procedures or wish to have an application mailed to you, please call our USCIS Contact Center (UCC) at **1-800-375-5283** or check our Website at www.uscis.gov.



FORM 750 36158591
Rev (02-2018)

UNITED STATES OF AMERICA

71

This card is not evidence of U.S. citizenship or permanent residence.
This document is void if altered, and may be revoked by the U.S. Government.
The person identified is authorized to work in the U.S. for the validity of this card.

If found, drop in any US Mailbox. USPS: Mail to USCIS, 7 Product Way, Lees Summit, MO 64002



UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

COPIES DESTROYED JANUARY 4, 2012

[REDACTED]

Surname [REDACTED]
Given Name [REDACTED]
USCIS# [REDACTED] Category Card# [REDACTED]
Country of Birth [REDACTED]
Terms and Conditions
None
Date of Birth [REDACTED] Sex
M
Valid From: 03/03/20
Card Expires: 03/01/24
NOT VALID FOR REENTRY TO U.S.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number [REDACTED]		Case Type I192 - APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT
Received Date 12/11/2019	Priority Date	Applicant A [REDACTED]
Notice Date 05/21/2021	Page 1 of 1	Beneficiary A [REDACTED]

[REDACTED]

c/o HER JUSTICE
100 BROADWAY FL 10
NEW YORK NY 10005

Notice Type: Approval Notice

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

The above application for advance permission to enter the U.S. as a nonimmigrant has been approved.

Grounds of Inadmissibility Waiver(s):

212(a)(6)(A)(i) An alien present in the United States without being admitted or paroled (EWI/PWI).
212(a)(7)(B)(i)(I) Any nonimmigrant without a valid passport.

The back of this form contains additional general information. If the applicant has questions about the conditions of this approval, he or she should contact the nearest U.S. consulate.


Enclosures.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001
USCIS Contact Center: www.uscis.gov/contactcenter



THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number [REDACTED]	USCIS Account Number [REDACTED]	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 02/07/2019	Priority Date [REDACTED]	Applicant A [REDACTED]
Notice Date 03/03/2020	Page 1 of 1	
[REDACTED] c/o TIMOTHY AUGUST FALLON 100 BROADWAY FL 10 NEW YORK NY 10005		Notice Type: Approval Notice Class: C25 Valid from 03/03/2020 to 03/01/2024

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected,
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
U. S. CITIZENSHIP & IMMIGRATION SVC
75 Lower Welden Street
Saint Albans VT 05479-0001



USCIS Contact Center: www.uscis.gov/contactcenter

SAMPLE TERMINATION LETTER IN ENGLISH AND SPANISH

DATE

(delivered by hand)

Re: Approval of T Nonimmigrant Status and Conclusion of Representation

Dear Ms. NAME OF CLIENT,

Congratulations on your grant of T Nonimmigrant Status by United States Citizenship and Immigration Services (USCIS)! You have been granted valid T Nonimmigrant Status dating from DATE OF APPROVAL OF T NONIMMIGRANT STATUS and lasting until DATE OF EXPIRATION OF T NONIMMIGRANT STATUS.

Please read the following information regarding your new immigration status carefully.

Eligibility for Benefits

- You can apply for and obtain a Social Security number with your Employment Authorization Document. You can obtain more information about your Social Security Number here: www.ssa.gov.
- You must use your Social Security number for tax purposes and discontinue using an Individual Taxpayer Identification Number (ITIN), if you have one. It is your responsibility to notify the IRS and request that your ITIN be voided by sending a letter to: Internal Revenue Service, Austin, TX 73301-0057. The letter must include your complete name, mailing address, and ITIN along with a copy of your Social Security card and a copy of the CP 565, Notice of ITIN Assignment, if available.
- With your Social Security number, you are eligible to apply for a **New York State non-driver identification card or a New York State driver's license**. You may access more information at the New York State Department of Motor Vehicle web site at dmv.ny.gov.
- With your Employment Authorization Card, I-914 approval notice, and Social Security number, you can apply for certain public benefits. Please speak with your case manager or social worker about applying for these benefits.

Eligibility to Adjust Status to Permanent Resident

- As a result of having been granted T Nonimmigrant Status on Date of approval of T Nonimmigrant Status, you will become **eligible to apply for lawful permanent residence (also known as a “green card”) after three years** in valid T Nonimmigrant Status —on or three years after Date of approval of T Nonimmigrant Status. If you wish to apply for lawful permanent residence, **you must do so before Date of expiration of T**

nonimmigrant status. If your application for lawful permanent residence is not received by USCIS by that date, your eligibility for lawful permanent residence will expire along with your T Nonimmigrant Status.

- Persons in T Nonimmigrant Status can apply for adjustment of status in less than three years if the U.S. Department of Justice certifies that the investigation or prosecution of the acts of trafficking is complete. However, in cases of approved I-914 Applications for T Nonimmigrant Status that relied on the trauma exception to law enforcement cooperation, applying earlier than three years after the grant of T Nonimmigrant Status is not possible.
- In order to be eligible for permanent residency, you will need to establish: 1) that you **continue to hold T Nonimmigrant Status** on the date USCIS receives your application to adjust status.
- You will also have to establish: 2) that you have **lived continuously in the United States for at least three years** prior to the date that you file your application. To that end, we recommend that you save copies of: *telephone, cell, electricity, rent and other bills, bank statements, pay stubs, correspondence with any government officials, school records, immunization records, tax records and other documents* which will establish your ongoing residence in the United States. You should also keep a complete *copy of your passport*, before requesting passport renewal, if it expires during the period that you are in T Nonimmigrant Status.
- You will also need to establish: 3) **good moral character** since being admitted under T Nonimmigrant Status. Thus, *being arrested, cited, charged, or convicted of any crime or violation of local, state or federal law may have a detrimental effect on your ability to obtain lawful permanent residence*. Should you be arrested, cited, or charged with any crime we recommend that you *inform your criminal defense lawyer* of your immigration status and of your future plans to apply for lawful permanent residence in the United States.
- Additionally, you will need to establish: 4) you would suffer **extreme hardship involving unusual and severe harm** if removed from the United States.
- You will also need to establish: 5) that you are **admissible** to the United States.
- Finally, you will need to establish: 6) why **discretion** should be exercised in your favor. Over the three years that you are holding T Nonimmigrant status, you should live your life in accordance with all laws, including that you pay taxes on your income if you are legally required to do so, and that you avoid any problem with law enforcement. In addition, you should also create a record of all of the good things that you do. These things can include work at your place of religious worship, volunteerism, helping neighbors, really anything that you do that shows your generosity and your value to the community.
- When you become eligible to apply for lawful permanent residence you may contact Her Justice at (212) 695-3800 for assistance with that application. Her Justice *cannot*

guarantee that the organization will have the resources to assist you. We encourage and welcome you to contact other organizations for your adjustment of status application.

- **Enclosed is a copy of your T Nonimmigrant Status application.** Please keep these documents in a safe place so that you may provide other immigration attorneys with a copy of your prior filing with USCIS if you are seeking to adjust your status from T Nonimmigrant Status to permanent resident.

Travel Outside the United States

- **We do not recommend that you travel outside of the United States while you have T Nonimmigrant Status.** At this time the United States government has not yet established a clear procedure to allow individuals who have been granted T Nonimmigrant Status to re-enter the United States after travel abroad. There is *no guarantee* that if you leave the United States that you will be allowed to re-enter, and any travel abroad could cause problems in your application to adjust status to permanent resident.

Your Responsibilities

- Should you move to a new residence, please be aware that U.S. federal law requires that you file a change of address form within 10 days of moving. You may file a change of address with USCIS by submitting Form AR-11 www.uscis.gov (<https://egov.uscis.gov/coa/displayCOAForm.do>) by mail addressed to:

US Citizenship and Immigration Services
Attn: Humanitarian Division
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

- Discontinue ITIN. See note above under “Eligibility for Benefits.”
- File for Adjustment of Status. You must file for adjustment of status after 3 years of being continuously present in the U.S. in T Nonimmigrant Status. If you do not file for adjustment of status, or some other immigration application, you will not have lawful immigration status after the expiration date of your T Nonimmigrant Status.

This letter hereby confirms that **Law Firm Name's** representation and responsibilities toward you have concluded. Accordingly, **Law Firm Name** is no longer your attorney and your immigration case(s) are now closed. If you need legal assistance in the future on a divorce, family court, or immigration matter, you may call Her Justice at (212) 695-3800 for a new intake.

It has been a pleasure working with you.

Sincerely,

Attorney Name

Encl.

DATE

NAME OF CLIENT

(entregado a mano)

Estimada NAME OF CLIENT:

¡La felicitamos! El Departamento de Inmigración y Ciudadanía de los Estados Unidos (United States Citizenship and Immigration Services (USCIS)) le otorgó 'T Nonimmigrant Status' (el cual también es conocido como 'la visa T'). Usted ha sido otorgada 'T Nonimmigrant Status'

DATE OF APPROVAL OF T STATUS hasta DATE OF EXPIRATION OF T STATUS.

Por favor, lea cuidadosamente la siguiente información sobre su nuevo estatus de inmigración:

Elegibilidad para beneficios

- Puede solicitar y obtener un número de Seguro Social ('social security number') con su Documento de Autorización de Empleo. Puede conseguir más información en la página web de la 'Social Security Administration': www.ssa.gov.
- Debe utilizar su número de Seguro Social a efectos fiscales y dejar de utilizar un Número de Identificación Personal del Contribuyente (ITIN), si tiene uno. Es su responsabilidad notificar al IRS y solicitar que se anule su ITIN enviando una carta a: Internal Revenue Service, Austin, TX 73301-0057. La carta debe incluir su nombre completo, dirección postal e ITIN junto con una copia de su tarjeta de Seguro Social y una copia del CP 565, Aviso de asignación de ITIN, si está disponible.
- Cuando usted tenga un número de seguridad social, podrá solicitar una licencia de conducir o una identificación de no-conductor del Estado de Nueva York. Puede conseguir más información en la página web del 'New York State Department of Motor Vehicles': <http://www.nydmv.state.ny.us>.
- Con su Tarjeta de Autorización de Empleo, aviso de aprobación I-914 y número de Seguro Social, puede solicitar ciertos beneficios públicos. Hable con su administrador de casos o trabajador social sobre cómo solicitar estos beneficios.

Elegibilidad para Ajustar el Estatus a Residente Permanente

- Como consecuencia de haber sido otorgada 'T Nonimmigrant Status' el **DATE OF APPROVAL OF T STATUS**, usted **podrá solicitar** Residencia Legal Permanente (Lawful Permanent Residence o "green card") en Estados Unidos después de tres (3) años bajo el 'T Nonimmigrant Status' **en o después del 3 YEARS AFTER DATE OF APPROVAL OF T STATUS**. Si desea solicitar su Residencia Legal Permanente, **tendrá que hacerlo antes del 4 YEARS AFTER DATE OF APPROVAL OF T STATUS**. Si el Departamento de Inmigración y Ciudadanía Estadounidense no recibe su petición para la Residencia Legal Permanente **antes del 4 YEARS AFTER DATE OF APPROVAL OF T STATUS** usted

perderá la oportunidad de solicitar la Residencia Legal Permanente el mismo día que se caduca su ‘T Nonimmigrant Status.’

- Las personas en estatus de no inmigrante T pueden solicitar un ajuste de estatus en menos de tres años si el Departamento de Justicia de los EE. UU. certifica que la investigación o el procesamiento de los actos de trata está completo. Sin embargo, en los casos de solicitudes I-914 aprobadas para el estatus de no inmigrante T que se basaron en la excepción de trauma a la cooperación policial, no es posible presentar la solicitud antes de tres años después de la concesión del estatus de no inmigrante T.
- Para ser elegible para la residencia permanente, deberá establecer: 1) que **continúa manteniendo el estatus de no inmigrante T** en la fecha en que USCIS recibe su solicitud para ajustar el estatus.
- Cuando solicite residencia permanente legal, usted tendrá que establecer: 2) que ha vivido continuamente en los Estados Unidos durante por lo menos los tres años antes de la fecha que usted presente su solicitud. **Le recomendamos que guarde copias de sus facturas de teléfono, teléfono celular, electricidad, alquiler y otras facturas, estados bancarios, recibos de sueldo, correspondencia con cualquier funcionario del gobierno, antecedentes escolares, historial de vacunas y otros documentos cuales establecerán su residencia continua en los Estados Unidos.** También debe retener **una copia completa de su pasaporte** si se vence durante el periodo que usted mantenga su estatus T No Inmigrante.
- También deberá establecer: 3) buen carácter moral desde que fue “admitido” bajo el estatus de no inmigrante T. **El ser arrestada, citada, acusada u condenada de cualquier delito u crimen bajo las leyes locales, estatales o federales podrá afectar de forma negativa su posibilidad de obtener Residencia Legal Permanente en Estados Unidos.** Si usted es arrestada, citada, u acusada de un delito o crimen, le recomendamos que le explique su estatus de inmigración, y su intención de solicitar Residencia Legal Permanente a su abogado.
- Además, deberá establecer: 4) sufriría dificultades extremas que implicarían daños inusuales y graves si lo expulsaran de los Estados Unidos.
- También deberá establecer: 5) que es admisible en los Estados Unidos.
- Finalmente, deberá establecer: 6) por qué se debe ejercer la discreción a su favor. Durante los tres años que tenga el estatus de no inmigrante T, debe vivir su vida de acuerdo con todas las leyes, incluido pagar impuestos sobre sus ingresos si está legalmente obligado a hacerlo y evitar cualquier problema con las autoridades. Además, también debes crear un registro de todas las cosas buenas que haces. Estas cosas pueden incluir trabajo en su lugar de culto religioso, voluntariado, ayudar a los vecinos, en realidad cualquier cosa que haga que muestre su generosidad y su valor para la comunidad.
- Cuando sea hora de solicitar su Residencia Legal Permanente, puede llamar a Her Justice al (212) 695-3800 para pedirles ayuda con esa solicitud. **Her Justice no puede garantizar**

que tendrán los recursos para ayudarla. Le recomendamos que se comuniquen con otras organizaciones para su solicitud de ajuste de estatus.

- Adjunto encontrará una copia de su solicitud de estatus de no inmigrante T. Guarde estos documentos en un lugar seguro para que pueda proporcionar a otros abogados de inmigración una copia de su presentación anterior ante USCIS si desea ajustar su estatus de no inmigrante T a residente permanente.

Viajar fuera de los Estados Unidos

- **No le recomendamos que viaje fuera de Estados Unidos mientras que tiene ‘T Nonimmigrant Status.’** El gobierno Estadounidense aún no ha establecido un proceso sensible y seguro para dejar que individuos con ‘T Nonimmigrant Status’ vuelvan a entrar a Estados Unidos de forma legal después de viajar a otro país. No hay garantía de que si sale de los Estados Unidos se le permitirá volver a ingresar, y cualquier viaje al extranjero podría causar problemas en su solicitud para ajustar el estatus a residente permanente.

Sus responsabilidades

- Si usted se muda de su residencia actual, por favor esté consiente que la ley federal estadounidense requiere que usted presente una forma de cambio de dirección entre los primeros diez días de su mudanza. Usted podrá registrar su cambio de dirección con USCIS por correo sometiendo la forma AR-11 al Departamento de Seguridad Nacional de los Estados Unidos por el sitio web de USCIS: www.uscis.gov (<https://egov.uscis.gov/coa/displayCOAForm.do>) por correo dirigido a:

US Citizenship and Immigration Services
Attn: Humanitarian Division
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

- Suspender el ITIN. Consulte la nota anterior en "Elegibilidad para recibir beneficios".
- Solicitud de Ajuste de Estatus. Debe solicitar un ajuste de estatus después de 3 años de estar presente continuamente en los EE. UU. en estatus de no inmigrante T. Si no presenta un ajuste de estatus o alguna otra solicitud de inmigración, no tendrá un estatus migratorio legal después de la fecha de vencimiento de su estatus de no inmigrante T.

Esta carta confirmará que su representación legal (por asuntos migratorio) a manos de **NAME OF LAW FIRM** se ha cumplido, y que ya no tenemos una relación de abogado-cliente con usted (por asuntos migratorio). Le deseamos a usted y su familia todo lo mejor en el futuro.

Atentamente,

NAME OF ATTORNEY