



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

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

In Re: 25501184

Date: APRIL 7, 2023

Motion on Administrative Appeals Office Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification as a victim of human trafficking under sections 101(a)(15)(T) and 214(o) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(T) and 1184(o). The Director of the Vermont Service Center revoked the approval of the Applicant's Form I-914, Application for T Nonimmigrant Status (T application), and dismissed a motion to reconsider, concluding that the Applicant misrepresented material facts in order to obtain T nonimmigrant status, and she did not establish that she is a victim of a severe form of trafficking in persons. We dismissed a subsequent appeal, and the matter is now before us on a motion to reconsider. The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

I. LAW

A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We may grant a motion that satisfies these requirements and establishes eligibility for the benefit sought.

U.S. Citizenship and Immigration Services (USCIS) may revoke an approved T application after issuing a notice of intent to revoke (NOIR) if, in pertinent part, "approval of the application violated the requirements of section 101(a)(15)(T) of the Act or 8 CFR 214.11 or involved error in preparation, procedure, or adjudication that affects the outcome" or the "[law enforcement agency (LEA)] that signed the LEA endorsement [on a Supplement B] withdraws it or disavows its contents and notifies USCIS and provides a detailed explanation of its reasoning in writing." 8 C.F.R. § 214.11(m)(2).

II. ANALYSIS

The Applicant, a citizen of South Korea, entered the United States without being inspected, admitted, or paroled, in 2004. In February 2014, the Applicant's T application was approved, and in June 2015, she filed a Form I-485, Application to Register Permanent Residence or Adjust Status (T adjustment application). In December 2017, the Applicant was sent a NOIR, advising her that the record

contained discrepancies between statements she provided to the Department of Homeland Security (DHS), Homeland Security Investigations (HSI)¹ and her personal statement, submitted with her T application – discrepancies indicating that she misrepresented material facts to obtain her T nonimmigrant status. The Director noted that these discrepancies, in addition to her admission that she continued to work as an escort after the approval of her T application, diminished the credibility of her trafficking claims. Through the NOIR, the Director also informed the Applicant that the Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Supplement B), submitted with the T application and certified by HSI, was subsequently disavowed, and could not be used as evidence toward establishing her claim of trafficking. The Director subsequently revoked her T nonimmigrant status, concluding that the Applicant did not meet her burden to establish she was a victim of a severe form of trafficking in persons.

In our prior decision, which is incorporated here by reference, we determined that the record supported the Director's revocation of the Applicant's T application. We noted that USCIS may revoke an approved T application after issuing a NOIR if, in pertinent part, the "LEA that signed the LEA endorsement [on a Supplement B] withdraws it or disavows its contents and notifies USCIS and provides a detailed explanation of its reasoning in writing." 8 C.F.R. § 214.11(m)(2). In the present case, as required by 8 C.F.R. § 214.11(m)(2), the LEA provided USCIS with a detailed explanation of its reasoning in writing for the disavowal of the Supplement B. The Director then notified the Applicant in the NOIR that one of the reasons for the revocation was the disavowal of the Supplement B, which is a sufficient ground to revoke an approved T application after issuing a NOIR. We also noted that the revocation of the Applicant's T application was dispositive of the Applicant's appeal, and we declined to reach and reserved the Applicant's additional appellate arguments.²

On motion, the Applicant has not overcome the reasons for our dismissal of her appeal, as she has not shown how our decision was incorrect based on the evidence in the record at the time. Instead, she acknowledges that a disavowal of the Supplement B is a sufficient ground to revoke a T application, but nevertheless contends that the mere fact that a sufficient ground to revoke her T application exists does not necessarily mean that the decision to revoke was correct or that we should decline to consider her explanations for the discrepancies in the record. Here, the Applicant concedes that pursuant to 8 C.F.R. § 214.11(m)(2), disavowal of the Supplement B is a sufficient ground to revoke the approval of a T application. Further, as previously noted, the revocation of the T application based upon the disavowal of the Supplement B is dispositive of the appeal, and absent an express statutory requirement, we are not required to make additional determinations as to the Applicant's eligibility.

ORDER: The motion to reconsider is dismissed.

¹In July 2015, the Applicant was interviewed by DHS HSI agents.

² See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "[a]s a general rule, courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).