



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

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

In Re: 27177084

Date: JUL. 24, 2023

Appeal of Vermont Service Center 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 denied the Form I-914, Application for T Nonimmigrant Status (T application), concluding that the Applicant did not establish that he complied with reasonable requests for assistance from law enforcement. On appeal, the Applicant asserts his eligibility for the benefit sought. We review the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Section 101(a)(15)(T)(i) of the Act provides that applicants may be classified as a T-1 nonimmigrant if they: are or have been a victim of a trafficking; are physically present in the United States on account of such trafficking; have complied with any reasonable requests for assistance in the investigation or prosecution of trafficking; and would suffer extreme hardship involving unusual and severe harm upon removal from the United States. *See also* 8 C.F.R. § 214.11(b)(1)-(4) (reiterating the statutory criteria).

To establish that an applicant has complied with any reasonable requests for assistance in the investigation or prosecution of trafficking, an applicant may submit an endorsement from a Law Enforcement Agency (LEA) on Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Supplement B). An LEA endorsement is optional evidence that can be submitted to help demonstrate victimization or compliance with reasonable requests. 8 C.F.R. § 214.11(d)(3)(i). USCIS will also consider any other credible evidence, such as affidavits of witnesses and the applicant's personal statement. 8 C.F.R. § 214.11(h)(3)(iii). An applicant, however, "must have had, at a minimum, contact with an LEA regarding the acts" of trafficking, unless they meet an exemption. 8 C.F.R. § 214.11(h)(1); *see also* 8 C.F.R. § 214.11(h)(4) (explaining that an applicant may be exempt from the requirement to comply with any reasonable request for assistance in an investigation or prosecution if they are unable to do so due to physical or psychological trauma, or because they are under 18 years of age).

The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.11(d)(5); *Matter of Chawathe*,

25 I&N Dec. 369, 375 (AAO 2010). An applicant may submit any credible evidence for us to consider in our de novo review; however, we determine, in our sole discretion, the weight to give that evidence. 8 C.F.R. § 214.11(d)(5).

The Applicant is a native and citizen of Bangladesh who filed his T application in November 2021. The Director denied the T application, concluding that the Applicant had not established that he had complied with any reasonable requests for assistance in the investigation or prosecution of trafficking, as required by section 101(a)(15)(T)(i)(III) of the Act. Specifically, the Director determined that the Applicant's claims of reporting his trafficking to an LEA are not supported by evidence demonstrating his communication with an LEA and the affidavits in the record were not sufficiently corroborated. The Director noted that, while the Applicant claimed Homeland Security Investigations (HSI) is investigating the case against his trafficker, H-R-<sup>1</sup>, and his company, the record does not contain any evidence to support this. Further, the Applicant did not submit a Supplement B or any other documentation in support of his claim that he had contact with an LEA and was complying with any reasonable requests for assistance. Moreover, the news articles the Applicant provided did not identify the Applicant as a cooperating party or mention the individual or company involved in the Applicant's trafficking.

On appeal, the Applicant submits a December 2022 statement from his lawyer, signed under penalty of perjury, detailing that she "sent" the Applicant and one other victim to the HSI office in Saipan in December 2020, to report their complaints and get an appointment. She contends that the HSI agents made copies of their passports and got their telephone numbers. Then, on April 13, 2021, the Applicant allegedly went to the HSI office regarding his complaint and spoke to agent F-J- who made copies of all the Applicant's evidence and said he would call him if he was needed. The Applicant's lawyer further contends that she continued to follow up with HSI, speaking to agent J- and agent Y-, but despite her contacts, the HSI agents did not contact her in return regarding the Applicant's complaints against H-R-.

We adopt and affirm the Director's decision with the comments below. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F3d 5, 8 (1st Cir. 1996) (joining eight U.S. Courts of Appeals in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case.").

The Applicant's October 2021 statement indicated that in January 2021 HSI in Saipan interviewed one of his coworkers and later agreed to investigate their complaint against H-R- and his company for labor abuse and trafficking. He further indicated that he went to the HSI office on April 13, 2021, and the investigator F-J- got all of his evidence and said he would call him if he needed him. The Applicant's August 2022 statement indicated that he went to the HSI office on April 28, 2021, at around 10:00 a.m. to complain against H-R- with a coworker and was met by agent F-J- who made copies of their documents, got their phone numbers, and said that he would call them if he needed anything further. Although we have also reviewed the statements from the Applicant's coworkers in the record, they similarly lack sufficient detail to show that the Applicant reported his claimed

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<sup>1</sup> We use initials to protect the privacy of individuals.

trafficking with an LEA or that a report was filed on his behalf. Furthermore, the dates of the Applicant's visit to the HSI office have changed in his statement.

The statement submitted on appeal from the Applicant's lawyer does not suffice to establish the Applicant's compliance with reasonable requests for assistance because the Applicant's lawyer did not attend the Applicant's purported appointment with HSI on April 13, 2021, and is thus unable to verify the Applicant's specific interaction with a law enforcement agency. Nor is there any record of the claimed contact between the Applicant's lawyer and HSI regarding the Applicant's trafficking claim. Assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1988) (citing *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980)). Counsel's statements must be substantiated in the record with independent evidence, which may include affidavits and declarations.

On appeal, the Applicant has not shown that at minimum, he had contact with a law enforcement agency regarding the acts of a severe form of trafficking as 8 C.F.R. § 214.11(h)(4) requires. Therefore, the Applicant has not overcome the Director's finding that the record does not contain satisfactory evidence to demonstrate that he complied with reasonable requests for assistance in the investigation or prosecution of acts of severe forms of trafficking in persons, as required by 8 C.F.R. § 214.11(h) and for purposes of section 101(a)(15)(T)(i)(III) of the Act. Accordingly, he is ineligible for T nonimmigrant classification under section 101(a)(15)(T) of the Act.

**ORDER:** The appeal is dismissed.