U.S. Citizenship and Immigration Services

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

In Re: 27177005

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. 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 because a Homeland Security Investigations (HSI) officer declined to take a statement from the Applicant regarding his labor trafficking, he has not reported said trafficking to law enforcement and thus, has not complied with any reasonable request from an LEA. The Director noted that, while the Applicant filed a civil suit against A-T-S- Corp.,[1] M-W-I-I- Corporation, and G-T-L-, this action is not sufficient to establish that he reported his claimed victimization to law enforcement. Moreover, the news articles the Applicant provided are public source documents that discuss general details pertaining to the crimes his traffickers committed, but offer no specific evidence to establish that the Applicant meets the requirement of cooperation with law enforcement.

On appeal, the Applicant submits a December 2022 statement from his lawyer, signed under penalty of perjury, detailing that she "sent" the Applicant to the HSI office in Saipan in April 2021, to report his complaint to the agents. She contends that the Applicant returned to her office to report that the "agents would not take his complaint." The Applicant's lawyer further maintains that she then called the HSI office and spoke with agent F-J-, and on April 30, 2021, she delivered the Applicant's statement and some supporting documents to F-J-, but has not received any communication in return from F-J- or any other HSI agent regarding the Applicant's complaint against his trafficker, M-A-.

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 did not include any information about his experience with HSI or even indicate that he visited the HSI office. The Applicant's July 2022 statement indicated that he went to the HSI office on April 28, 2021 at around 9:00 a.m. to complain against M-A- and was met by an officer at the front desk who asked why he was there and he replied that he was there to file a complaint about his labor trafficking. He stated that the officer asked what year the Applicant arrived in Saipan and who sent him to the HSI office, to which he replied July 21, 2016 and that he was sent to the HSI office by his immigration attorney. He stated that the HSI officer then told the Applicant that "HSI was not taking any case then." Although we have also reviewed the statement from the Applicant's friend who introduced the Applicant to his immigration attorney, it similarly lacks sufficient detail to show that the Applicant reported his claimed trafficking with an LEA or that a report was filed on his behalf.

[1] We use initials to protect the identities of individuals and businesses.

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 accompany the Applicant to the HSI office on April 28, 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.