



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

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

In Re: 27177208

Date: JUNE 20, 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 December 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 Department of Public Safety (DPS) Reference Card the Applicant submitted did not contain sufficient information to establish that it directly related to the Applicant's case. In addition, the affidavits in the record were not sufficiently corroborated. 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 two other victims to the DPS in the Commonwealth of the Northern Mariana Islands (CNMI) on October 19, 2021, to report threats made against them. She further contends that the Applicant returned with a DPS "blue card" which she asserts is issued when a criminal complaint is filed. The Applicant's lawyer further maintains that she then called the Homeland Security Investigations (HSI) office and spoke with an agent, F-J-¹, and on October 22, 2021, she delivered the Applicant's statement and supporting documents to F-J-.

We adopt and affirm the Director's decision. *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 F.3d 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.)).

As detailed by the Director, the DPS Reference Card does not contain the Applicant's name. Nor does it specify the full name of the agency that issued the card. Moreover, the Applicant has not submitted any documentation to establish that the case number referenced on the DPS card directly relates to the Applicant's October 19, 2021 purported report to the CNMI Department of Public Safety.

As for the Applicant's affidavits in the record, the October 2021 statement indicates that "my coworkers went to HSI and complained against H-R- [the trafficker]." He also states that "once my coworkers trafficked by H-R- decided to complaint [sic] about our situation" they went in December 2020 "to HSI and asked appointment [sic]." The Applicant's 2021 affidavit does not establish that his specific trafficking was reported to a law enforcement agent. Although we have also reviewed the Applicant's September 2022 affidavit and the supporting affidavits from co-workers he submitted before the Director, they similarly lack sufficient detail to show that he reported his claimed trafficking with an LEA or that a report was filed on his behalf.

¹ Initials are used throughout this decision to protect the identities of the individuals.

Regarding the statement submitted on appeal from the Applicant's lawyer, it 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 DPS on October 19, 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 a 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.