

T VISA / I-914

I-192 Waiver of Inadmissibility Enclosed
****Fee Waiver Enclosed****

VIA U.S. CERTIFIED MAIL

DATE

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden St.
St. Albans, Vermont 05479

RE: CLIENT
Application for “T” Nonimmigrant Status

Dear Sir/Madam:

CLIENT (“Ms. CLIENT”), through undersigned counsel, is applying for “T” nonimmigrant status, as a victim of a severe form of human trafficking pursuant to the Victims of Trafficking & Violence Protection Act of 2000, 114 Stat. 1464, Pub. L. No. 106-386 (Oct. 28, 2000) (“VTVPA”). The following documents are enclosed:

Application for T Nonimmigrant Status

- A. G-28, Notice of Entry of Appearance as Attorney
- B. Form I-914, Application for “T” Nonimmigrant Status, with three photographs of Ms. CLIENT
- C. Declaration of CLIENT in Support of Her Application for T Nonimmigrant Status

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- D. Copy of Ms. CLIENT's birth certificate, with certified English translation

Evidence that Ms. CLIENT is a survivor of a severe form of trafficking in persons

- E. Letter from Ms. CLIENT's friend, FRIEND, describing the effects of the trafficking on Ms. CLIENT and her efforts to assist Ms. CLIENT in obtaining help, with certified English translation.
- F. Letter from XXX, Social Services Manager, Tahirih Justice Center, describing Ms. CLIENT's suffering as a result of her trafficking as greater than average even among a pool of survivors of trauma.
- G. Psychological Evaluation by Dr. DOCTOR, Ph.D. in Psychology, LPC, describing Ms. CLIENT's experience being held hostage and forced to work as a servant for gang members in a hacienda, diagnosing her with Chronic Post-Traumatic Stress Disorder, and describing her as a "credible reporter."

Evidence that Ms. CLIENT has cooperated with law enforcement investigating the trafficking.

- H. Correspondence between ATTORNEY, Ms. CLIENT's prior attorney, and law enforcement officials, reporting the trafficking and arranging for an in-person interview with ICE-HSI agents.

See also Tab C, Declaration of Ms. CLIENT, describing this interview and its effects on her, at ¶¶ 28-35.

See also Tab G, Psychological Evaluation, describing the interview and its effects on Ms. CLIENT.

Evidence that Ms. CLIENT qualifies for the trauma exception to the requirement of cooperation with law enforcement.

See Tab C, Declaration of Ms. CLIENT, describing her difficulty coping with the law enforcement interview, including suffering physical symptoms of trauma such as an inability to eat and vomiting after the interview.

See Tab G, Psychological Evaluation, diagnosing Ms. CLIENT with Chronic Type Post-Traumatic Stress Disorder and concluding that Ms. CLIENT suffers from a high risk of re-traumatization if forced further to cooperate with law enforcement, including a potential need for "emergency psychological or psychiatric intervention to stabilize her."

Evidence that Ms. CLIENT is in the United States on Account of the Trafficking

See Tab C, Ms. CLIENT's declaration, describing her encounters with the traffickers in Mexico, across the US border, and in Texas, at ¶¶ 3-27. Ms. CLIENT entered the US with her traffickers, has no valid passport, almost no resources, and no ability to depart

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from the US. Further, she fears retaliation in COUNTRY and has an infant US citizen daughter. *Id.* at ¶ 47.

See also Tab G, Psychological Evaluation, concluding that a return to COUNTRY would pose a “serious threat to [Ms. CLIENT’s] mental health and life,” at ¶ 34.

Evidence that Ms. CLIENT would face extreme hardship if forced to return to COUNTRY.

- I. Birth Certificate of Ms. CLIENT’s infant daughter, DAUGHTER, born in STATE on DATE.
- J. US Department of State, Trafficking in Persons Report: COUNTRY (DATE), *stating* services for trafficking survivors are “limited” and that fear of reprisal is common and prevents prosecution.
- K. US Department of State, Country Human Rights Reports: COUNTRY (DATE) (excerpted), *reporting* that trafficking in persons remains a significant human rights problem in COUNTRY and that domestic and sexual violence remain severe problems as well.

See also Tab C, Declaration of Ms. CLIENT, at ¶¶ 37-39, 47.

See also Tab G, Psychological Evaluation, at ¶¶ 31, 32, 34.

Application for a Waiver of Inadmissibility

- L. Form G-28, Notice of Entry of Appearance
- M. Form I-192, Application for a Waiver of Inadmissibility
- N. Form I-912, Application for a Fee Waiver

Ms. CLIENT’s only grounds of inadmissibility are entry without inspection and lack of a valid passport, both related to the trafficking. *See* Tab C, Declaration of Ms. CLIENT, at ¶¶ 3-11.

I. Ms. CLIENT Has Established Her Eligibility for “T” Nonimmigrant Status

As explained in greater detail below, Ms. CLIENT has established each of the four elements of eligibility for the “T” visa: she is a physically present in the US because of the trafficking, is a victim of a severe form of trafficking, has complied with reasonable requests for assistance by law enforcement *and* is psychologically unable further to cooperate, and would suffer extreme hardship if forced to return to COUNTRY. 8 U.S.C. § 1101(a)(15)(T)(i)(III)(bb).

Ms. CLIENT came to the United States in DATE because her boyfriend beat her badly when he found out she was pregnant. Ms. CLIENT met her traffickers, members of GANG, in CITY, Mexico. The GANG brought her to a hacienda near CITY, Texas and locked her in with about 70 other people. The GANG forced Ms. CLIENT, along with several other women, to cook and clean for all 70 people. Ms. CLIENT was forced to wake up at dawn, cook breakfast, lunch and dinner for the GANG, cook breakfast and sometimes lunch for the other 70 people being held at the hacienda, clean the entire hacienda, and do the GANG’s laundry. When she was not being

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forced to work, Ms. CLIENT was locked in a room with the other women. The GANG beat Ms. CLIENT and frequently threatened to kill her, holding a pistol to her head four or five times. After about a week, Ms. CLIENT fled the hacienda while she and the other women were outside cooking and the GANG were drinking. Ms. CLIENT reported the crimes against her to the Department of Justice on DATE and met with ICE agents and a Department of Justice attorney on DATE to aid them in their investigation, although her future cooperation may be limited by her extreme psychological trauma. She has remained in the U.S. in order to deal with the effects that being trafficked has had on her mental health, and to care for her infant U.S. citizen daughter. If Ms. CLIENT is forced to return to COUNTRY, she may be the victim of further domestic violence at the hands of her ex-boyfriend, retaliation by the traffickers, continued and worsened psychological trauma compounded by a lack of appropriate services, and separation from her US citizen, infant daughter.

A. Ms. CLIENT is physically present in the U.S. as a result of trafficking by the GANG.

“[T]he physical presence requirement reaches an alien who . . . was subject to severe forms of trafficking in persons at some point in the past and whose continuing presence in the United States is directly related to the original trafficking in persons.” 8 C.F.R. § 214.11(g). “If the alien has escaped the traffickers before law enforcement became involved in the matter, he or she must show that he or she did not have a clear chance to leave the United States in the interim.” 8 C.F.R. § 214.11(g)(2). “Information relevant to th[e] determination of [whether an applicant had a clear chance to leave] may include, but is not limited to, circumstances attributable to the trafficking in persons situation, such as trauma, injury, lack of resources, or travel documents that have been seized by the traffickers.” *Id.*

Ms. CLIENT has had no clear chance to leave the U.S. since the GANG brought her to Texas in DATE. Ms. CLIENT escaped from the hacienda where the GANG held her and went to Virginia to live with her cousin. *See* Tab C, Declaration of Ms. CLIENT at ¶ 27. She was pregnant and extremely traumatized and it took her several months to seek legal assistance. *See* Tab F, Letter from Social Services Program Manager at Tahirih Justice Center. Ms. CLIENT gave birth to her daughter prematurely on DATE. Tab C at ¶ 29; Tab I, Copy of Ms. CLIENT’s daughter’s birth certificate. Ms. CLIENT reported the crimes against her on DATE. *See* Tab H. Ms. CLIENT has remained in the U.S. since that time to deal with the effects that being trafficked has had on her mental health and to care for her infant, US citizen daughter. In addition, Ms. CLIENT does not have a passport and does not have the resources to obtain a passport or pay for return travel to COUNTRY. Ms. CLIENT currently has no income because she is not legally authorized to work in the U.S. and she spends her time caring for her infant daughter. Tab C at ¶ 40. As detailed further below, her traffickers threatened retaliation if she spoke about their crimes against her, further denying her any opportunity to depart the United States after the trafficking due to her fear for her life.

B. Ms. CLIENT is a victim of a severe form of trafficking: The GANG used force and coercion to subject her to involuntary servitude as a cook and servant.

8 C.F.R. § 214.11 defines “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” as severe forms of trafficking. Involuntary servitude is “a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process.” 8 C.F.R. § 214.11. The GANG used force and coercion to subject Ms. CLIENT to involuntary servitude as a cook and a servant, which is a severe form of trafficking.

The GANG used **force** for the purpose of subjecting Ms. CLIENT to involuntary servitude as a cook and servant by severely beating her. *See* Tab C at ¶¶ 12-25.

“The next morning, while it was still dark, the GANG woke us up. I could not get up, so the man with the hat took my hand and lifted me. I fell down right away. He kicked me in the back while I was on the floor. The man told me to get up or it would be worse.” *Id.* at ¶ 13.

“I felt pain in my back and stomach, and I bled from my vagina while doing the dishes.” *Id.* at ¶ 14.

“I was severely beaten by the GANG. One of the other women told them I was pregnant, but they did not care and kept beating me anyway. I was basically always in pain from the last beating until the next beating came; I never had time to heal. When the men found out I was pregnant, they said that I had very bad luck because the baby was not going to arrive alive. They also said I should not think they would treat me differently than the others just because I was pregnant. I was very afraid that I would lose my baby and I was in a lot of pain.” *Id.* at ¶ 22.

“On one occasion . . . I fainted and the GANG lifted me to wake me up, and when I was half conscious, they threw me on the ground. The man in the hat hit me again, and kicked me in my legs, and back. He picked me up and threw me on the ground again. He grabbed my hair and said that if I didn’t get up, he’d kill me. He put a gun to my head while I was on the ground. One time, they beat me and took me outside the hacienda and left me there almost unconscious. A man who looked Chinese brought me back inside the hacienda, and then the GANG beat him for helping me.” *Id.* at ¶ 23.

The GANG used **coercion** for the purpose of subjecting Ms. CLIENT to involuntary servitude as a cook and servant by locking her in a room, surrounding her with armed men, and threatening to kill her if she tried to leave. *See* Tab C at ¶¶ 3-25. 8 C.F.R. § 214.11(a) defines coercion as “threats of serious harm to or physical restraint against any person; 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 any person; or the abuse or threatened abuse of the legal process.”

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“The GANG said that if we left, that they would kill us or the police would arrest us.” Tab C at ¶ 3.

“We did not try to escape because we thought that if we did, they would kill us. They also told us that there were dangerous animals like snakes and coyotes.” *Id.* at ¶ 6.

“The men left us [at the hacienda], and I heard the keys in the door as he locked us in. Later the men came back, told us we couldn’t leave, and made us give them phone numbers of our family members in the U.S. They said if we tried to escape, they’d kill us.” *Id.* at ¶ 10.

“[We] were locked in the room with a key from the outside. The GANG would come wake us up at dawn or early in the morning, and they would tell us that they would kill us if we did not wake up and make breakfast. The GANG had pistols with them all the time, and four or five times they held the pistol to my head.” *Id.* at ¶ 15.

“While we were cleaning the outside walls, the GANG would watch us with their pistols so that we could not escape. This took until it was time to cook lunch most days. The GANG told us that if we did not clean, we would be killed. I believed them, because they had already beaten me and had guns on them all the time.” *Id.* at ¶ 17.

“[T]he 15 or so younger women there were most severely abused. They were locked in their room but taken out and raped by the GANG when they wanted to rape them. . . . I knew this was happening because I would see the other women when they came in for meals and they looked very bad and sometimes talked about what happened.” *Id.* at ¶ 20.

“The GANG also told me and the others that if we tried to escape, the GANG would call ICE and ICE would treat us even worse. I was afraid that I would be killed if I left.” *Id.* at ¶ 24.

“The boss of the GANG was also from COUNTRY, and he told me that if I ever told anyone what happened to me, he would kill me. He was called “S---” by the others, and he said he was from COUNTRY. When he spoke, he had a Salvadoran accent. He seemed like a man who had probably killed before, he was very violent, and so I believed his threat. I am still afraid of him now.” *Id.* at ¶ 25.

The GANG forced and coerced Ms. CLIENT to cook and clean for them from very early in the morning to late at night, with only short breaks during which she was locked in a room. She was not allowed to speak to the other women, and she was taken to the bathroom only once a day. She was only allowed to eat once or twice a day, and then only if there was food left over after everyone else had eaten. *Id.* at ¶¶ 12-21. As described above, the GANG beat Ms. CLIENT severely for doing things which she could not control, such as falling or fainting. *Id.* at ¶¶ 13, 22, 23. The GANG frequently threatened to kill Ms. CLIENT, or to call ICE, if she escaped. *Id.* at ¶¶ 3, 10, 24. Ms. CLIENT was already traumatized from being badly beaten by her ex-boyfriend, the reason she fled COUNTRY in the first place, and she reasonably feared further physical harm

if she did not do what her traffickers asked. *See id.* at ¶¶ 2, 25. The GANG locked Ms. CLIENT in a room or surrounded her with armed men at all times. *Id.* at ¶¶ 10, 15, 17. Furthermore, Ms. CLIENT had no idea where she was. *See id.* at ¶ 24 (“The hacienda was in the middle of nowhere, so I do not know how far it was from McAllen. There was no one around to see us or help us.”). Ms. CLIENT reasonably believed she was not free to leave. Ms. CLIENT was subjected to involuntary servitude.

C. Ms. CLIENT complied with reasonable requests for assistance from law enforcement by meeting with ICE agents and an attorney from the Department of Homeland Security on DATE, though her future cooperation may be limited by her extreme psychological trauma.

8 U.S.C. § 1101(a)(15)(T)(i)(III) requires that an applicant “compl[y] with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime” unless the applicant “is unable to cooperate with [such] a request . . . due to physical or psychological trauma.”

An applicant who is unable to cooperate with law enforcement officials in the investigation or prosecution of the trafficking crime due to physical or psychological trauma must submit evidence to establish the physical or psychological trauma, such as “an affirmative statement describing the trauma,” “a signed statement on official letterhead from a professional who makes determinations of this type in the course of his or her job, such as a medical professional or social worker or victim advocate, and can attest to the victim’s mental state,” and “any other credible evidence.” USCIS Adjudicator’s Field Manual, § 39.2 “T Immigrants,” June 22, 2012.¹

Ms. CLIENT complied with reasonable requests for assistance from law enforcement by meeting with ICE agents and an attorney from the Department of Homeland Security on May 20, 2013. *See* Tab C, Declaration of Ms. CLIENT, ¶¶ 28-36; Tab H, Email Correspondence with Department of Justice and Immigration and Customs Enforcement Officials. Ms. CLIENT was willing to help law enforcement officials in the investigation of the crimes that the GANG committed, but the interview made her relive the traumatic experiences she suffered. *Id.* at ¶¶ 31-32. It left her physically ill for two days afterwards. *Id.* at ¶ 33 (“When I got home after the interview, I felt very sick. I was very nauseous; I wanted to cry a lot. I vomited all day and all the next day after talking about this. I did not sleep at all that night. I could not eat; if I tried to eat I threw up. It reminded me of feeling nauseous when I was pregnant, but it was from talking to the people from the government.”). Ms. CLIENT was unable to stop thinking about what happened in the hacienda for several weeks after the interview. *Id.* at ¶¶ 34-35.

Ms. CLIENT has not been asked to go through another interview, but she now feels unable to go through another interview with law enforcement officials due to the traumatizing effect that the first interview had on her, and it would be unreasonable for law enforcement officials to ask that

¹ Available at:

<http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?CH=afm&vgnnextchannel=f a7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCR D>

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she do so. *See id.* at ¶ 35 (“I really want to help the government investigate what happened to me. At the same time, if I had to meet with law enforcement, I think I would feel nauseous and start vomiting again. I do not think I could go through another interview. Even just thinking about the interview now, about a month later, my head starts to hurt.”).

Ms. CLIENT has been diagnosed with Post-Traumatic Stress Disorder, Chronic Type. Tab G at ¶ 28. Dr. A, the psychologist who examined Ms. CLIENT, opined that “[s]he is currently unable to successfully manage her anxiety to complete the task in a para-therapeutic setting with an experienced clinician; therefore, the chance of re-traumatizing CLIENT in a non-therapeutic setting with non-clinicians is extremely high.” *Id.* at ¶ 33. Dr. A predicts that “further interviews would lead her symptoms to become aggravated . . . , potentially to the point that she would need emergency psychological or psychiatric intervention to stabilize her.” *Id.* Finally, Dr. A has “grave concerns” about the potential effects of further interaction with law enforcement on Ms. CLIENT’s healing process and willingness to engage in further, necessary treatment. *Id.*

D. Ms. CLIENT faces extreme hardship if removed to COUNTRY, namely physical violence at the hands of her ex-boyfriend, retaliation by the leader of the GANG, separation from her U.S. citizen daughter, or hardship to her U.S. citizen daughter if she is forced to travel to COUNTRY with Ms. CLIENT, threats to her safety due to civil unrest, the possibility of revictimization, and inability to access mental health services.

8 C.F.R. § 214.11 states that “[f]actors that may be considered in evaluating whether removal would result in extreme hardship involving unusual and severe harm” include “[t]he age and personal circumstances of the applicant;” “[s]erious physical or mental illness of the applicant that necessitates medical or psychological attention not reasonably available in the foreign country;” “[t]he nature and extent of the physical and psychological consequences of severe forms of trafficking in persons;” [t]he likelihood of re-victimization and the need, ability, or willingness of foreign authorities to protect the applicant;” “[t]he likelihood that the trafficker in persons or others acting on behalf of the trafficker in the foreign country would severely harm the applicant;” and “[t]he likelihood that the applicant's 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 Act, or the granting of other relevant protections.”

Ms. CLIENT faces extreme hardship if removed to COUNTRY. Ms. CLIENT fled COUNTRY because her boyfriend beat her severely when he found out that she was pregnant. *See* Tab C, Declaration of Ms. CLIENT at ¶ 2. Ms. CLIENT fears that the father of her daughter will be even angrier when he finds out that she had the child, and will hurt her again if she returns. *Id.* at ¶ 37 (“I am afraid that if I return to COUNTRY, the father of my daughter will look for me and hurt me. I left COUNTRY because he was angry that I was pregnant and he beat me. He wanted me to have an abortion and did not want me to have the baby, so he will be even more angry now that I have the baby.”). The likelihood that Ms. CLIENT will be subjected to domestic violence upon returning to COUNTRY is high. “Laws against domestic violence [in COUNTRY] were not well enforced, and cases were not effectively prosecuted. Violence against women, including

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domestic violence, was a widespread and serious problem.” *See* Tab K, U.S. Department of State, COUNTRY DATE Human Rights Report.

Ms. CLIENT also fears retaliation by the leader of the GANG who trafficked her if removed to COUNTRY. *See* Tab C at ¶ 38 (“I am also afraid that the men who hurt me and made me work will hurt me even more if I return to COUNTRY. They told me many times that they would kill me if I talked about what they did to me, and I told US officials about what they did to me. Even though they were Los GANG, from Mexico, I think they have connections in COUNTRY. One of the five men, the man who was the boss in the hacienda, was Salvadoran, so I am very afraid to go back because I know for sure he has connections there.”).

Ms. CLIENT would also suffer extreme hardship if she were separated from her five-month-old daughter, who is a U.S. citizen. *See* Tab C at ¶ 40. Ms. CLIENT fled COUNTRY to be able to keep her daughter, and separation from her daughter would be a severe hardship, particularly in light of her severe trauma. If Ms. CLIENT were to take her daughter back to COUNTRY with her, she would be forced to live in a country with “widespread corruption, particularly in the judicial system; weaknesses in the judiciary and the security forces that led to a high level of impunity; violence, including domestic violence, and discrimination against women; and abuse and commercial sexual exploitation of children, [and] . . . isolated unlawful killings and cruel treatment by security forces.” *See* Tab K at 1. She would likewise place her daughter at risk of violence by her traffickers, who threatened to retaliate against her if she spoke about their crimes.

Ms. CLIENT also faces the possibility of revictimization in COUNTRY. In the U.S., she has access to services for victims of trafficking, which include housing, food, transportation, and educational opportunities. These services have kept her from becoming vulnerable to further exploitation. “COUNTRY is a source, transit, and destination country for women, men, and children who are subjected to sex trafficking and forced labor.” Tab J, U.S. Department of State, Trafficking in Persons Report: DATE. In addition, while child victims of sex trafficking have access to services, “services for other trafficking victims remained limited and authorities identified no forced labor victims during the year.” *Id.* If returned to COUNTRY, Ms. CLIENT, an unemployed single mother, would be unable to access support services: in these circumstances, it is extremely likely that Ms. CLIENT will again fall prey to trafficking or other abusive or exploitative situations.

Ms. CLIENT is not currently receiving mental health services because she finds it very difficult to share what happened to her. Ms. CLIENT has only told three people, besides the law enforcement agents who interviewed her, what happened to her: her attorney, her friend FRIEND, and Dr. A, the psychologist who evaluated her. Tab C at ¶ 39. In the U.S., Ms. CLIENT will be able to access mental health treatment once she is ready. *Id.* This type of mental health treatment is not widely available in COUNTRY, even for adult victims of trafficking. *See* Tabs J, K.

Ms. CLIENT has demonstrated her eligibility for “T” nonimmigrant status through her own testimony and the attached documentary evidence. Ms. CLIENT also respectfully asks that her request for a waiver of inadmissibility for entry without inspection under INA § 212(a)(6)(A)

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and for inadequate documentation under INA § 212(a)(7)(B) be granted. *See* Tab M, Form I-192, Waiver of Inadmissibility. Ms. CLIENT's entry without inspection was because of her trafficking: she was brought across the border by associates of the GANG who subjected her to involuntary servitude. *See* Tab C at ¶¶ 3-11. Ms. CLIENT's lack of a passport is also incident to her trafficking: Ms. CLIENT cannot afford to obtain a passport because she is unable to work due to the ongoing psychological effects of her trafficking, and the need to care for her infant daughter. *Id.* at ¶ 46.

On behalf of Ms. CLIENT, thank you for your thoughtful consideration of this application. If you have any questions or concerns, please do not hesitate to contact me at XXX.

Sincerely,

NAME
Attorney