



T VISA ADJUSTMENT OF STATUS TRAINING

Kirkland & Ellis
February 8, 2023



AGENDA

- Introduction to Immigration Law
- T Visa AOS Eligibility
- T AOS Application Preparation
- Trauma-Informed Representation & Tips for Working with Trafficking Survivors



INTRODUCTION TO IMMIGRATION LAW

TYPES OF IMMIGRATION TO THE U.S.



Family

Humanitarian

Employment

T Visa Adjustment of Status

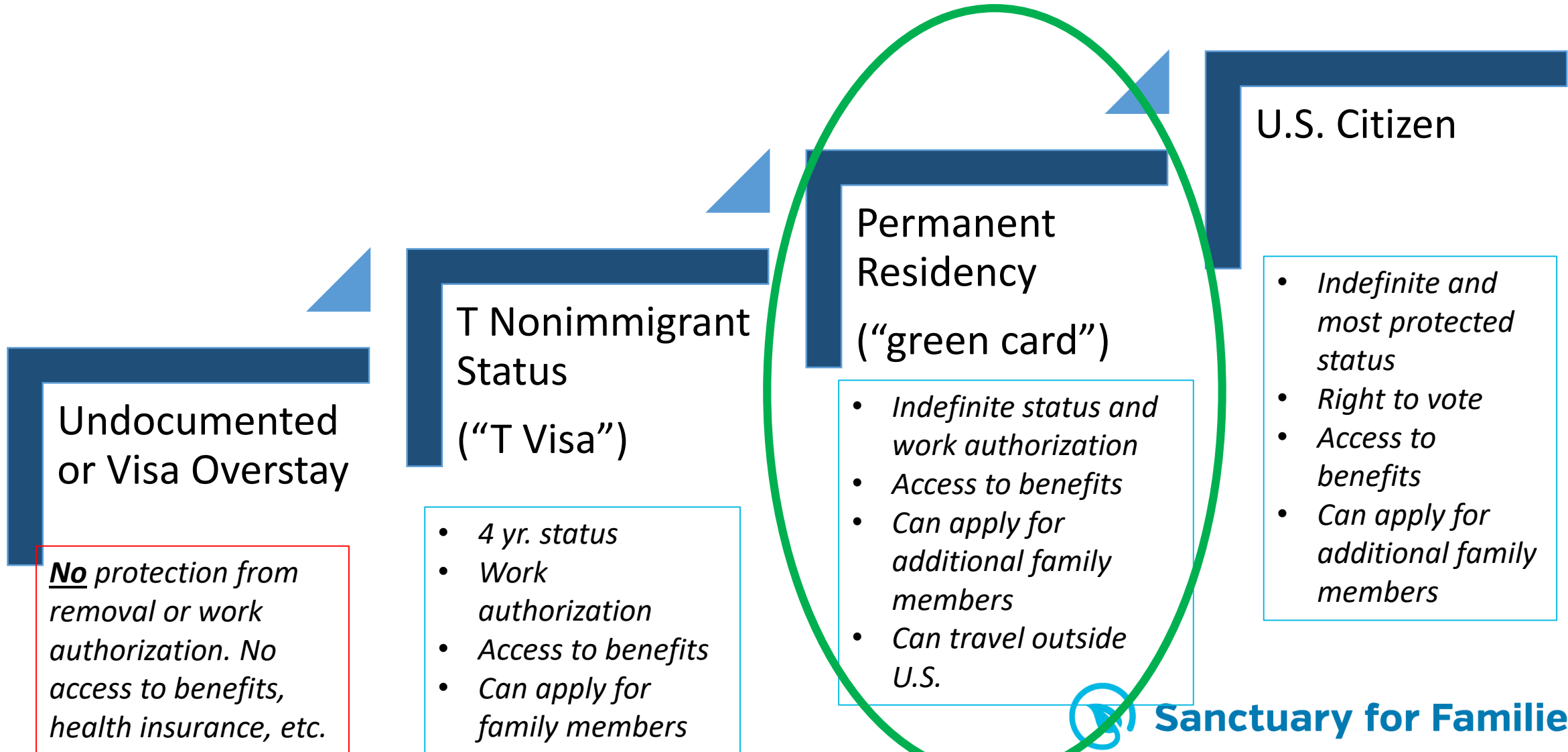
Protection

T VISA: HUMANITARIAN RELIEF & LAW ENFORCEMENT TOOL



- Created in 2000 as part of Victims of Trafficking and Violence Protection Act (TVPA)
- Provides four years of temporary immigration status to immigrant victims of “severe forms” of human trafficking
- Provides pathway to permanent residency
- Encourages immigrant survivors to report crimes and seek protection of law enforcement
- USCIS has sole jurisdiction

T VISA IS A PATHWAY TO CITIZENSHIP



IMMIGRATION TERMS



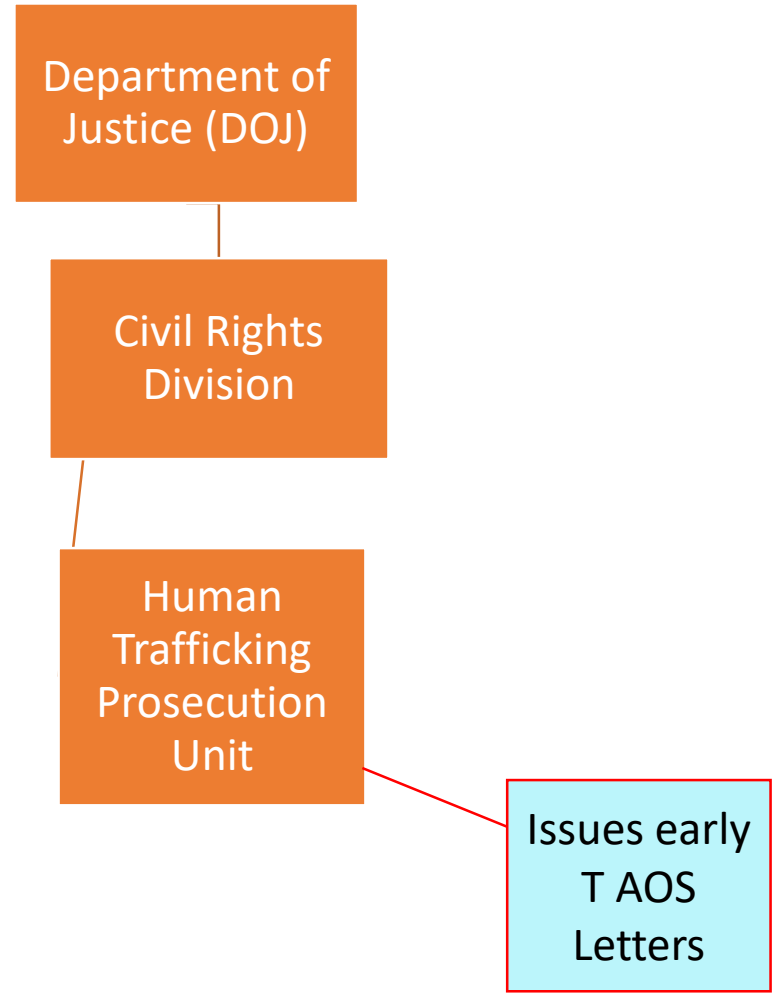
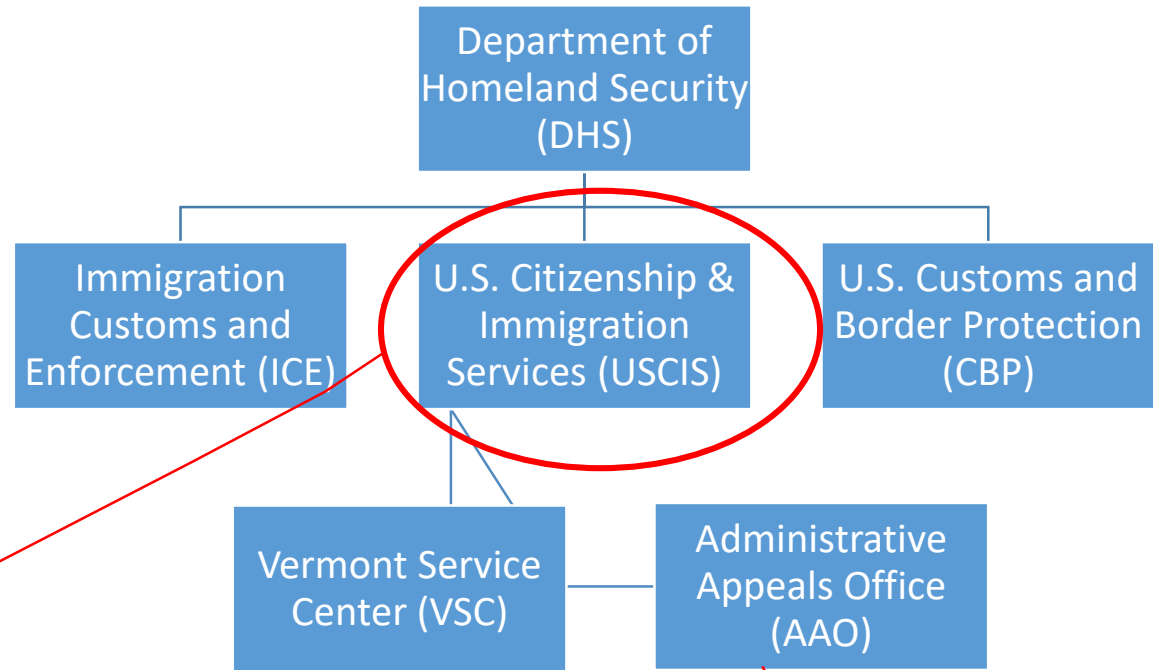
Term	Definition
“T visa”	<p>Trafficking survivors (principal) and their eligible family members (derivatives) who reside in the U.S. are granted T Nonimmigrant Status by USCIS. This is colloquially referred to as a “T visa”, although it is not actually a visa (which is granted outside the U.S. by the U.S. Department of State to an immigrant seeking to enter the U.S. from abroad). T visa holders are granted four years of status, work authorization and access to public benefits.</p> <p>Eligible family members (derivatives) who reside outside the U.S. will request a T visa from the U.S. Department of State through a process called “consular processing” after USCIS has approved Form I-914A.</p>
LPR	<p>Lawful Permanent Residence</p> <p>Entitled to reside and work lawfully in the U.S. permanently pursuant to DHS, DOJ or DOS approval.</p>
AOS	<p>Adjustment of Status</p> <p>Process through which a noncitizen in the United States becomes a lawful permanent resident</p>
Consular Processing	<p>Process by which an individual outside the U.S. seeks a visa (immigrant or non-immigrant) to enter the U.S. from a U.S. Department of State consulate abroad. Eligibility to consular process is generally based on a visa petition or application approved by USCIS.</p>



IMMIGRATION TERMS

Term	Definition
Inadmissible	Classes of noncitizens ineligible for visa or admission based on a ground listed at INA §212(a).
Waiver of Inadmissibility	The excusing of a ground of inadmissibility by the DHS or the Immigration Court. <i>T visa adjustment of status applicants are eligible for waivers of inadmissibility under INA §245(l)(2) and 8 C.F.R. § 212.18.</i>
LEA	Law enforcement agency
EAD	Employment Authorization Document, commonly referred to as “work permit”
A#	Alien Registration Number DHS assigns a seven, eight or nine digit number to noncitizens applying for status.
RFE	Request For Evidence USCIS requests additional evidence to adjudicate an application.

FEDERAL AGENCIES RELEVANT TO T-AOS



USCIS is an administrative agency with sole jurisdiction over T AOS cases. 8 CFR § 245.23(d). Immigration judges cannot adjudicate T AOS. If your client is in removal proceedings, consult with your SFF mentor.

Initial Applications
I-485, I-765,
I-601, I-693

Appeals
I-485, I-601

WHO IS ADJUDICATING THE T AOS CASE?



USCIS-Vermont Service Center
38 River Rd, Essex Junction, VT 05452



Not an immigration judge.

SOURCES OF LAW AND POLICY OVERVIEW



Federal Statutes

Trafficking Victims Protection Act (TVPA)
Immigration & Nationality Act (INA)
Criminal Code

Federal Regulations

T Visa Rule
DOS FAM
DOJ/BIA

USCIS Policy Manual

Case Law

SCOTUS
District and Circuit Courts

Administrative Decisions

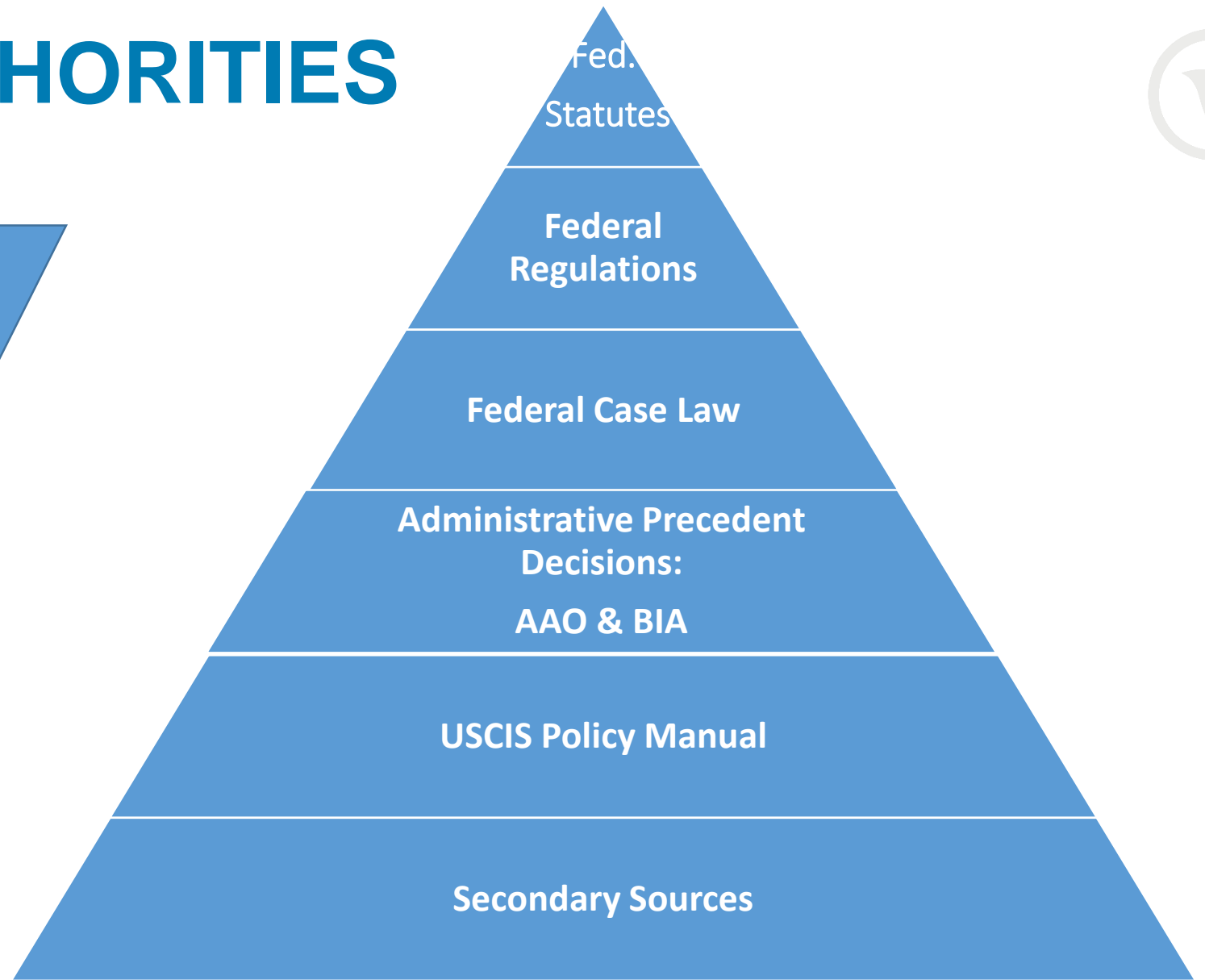
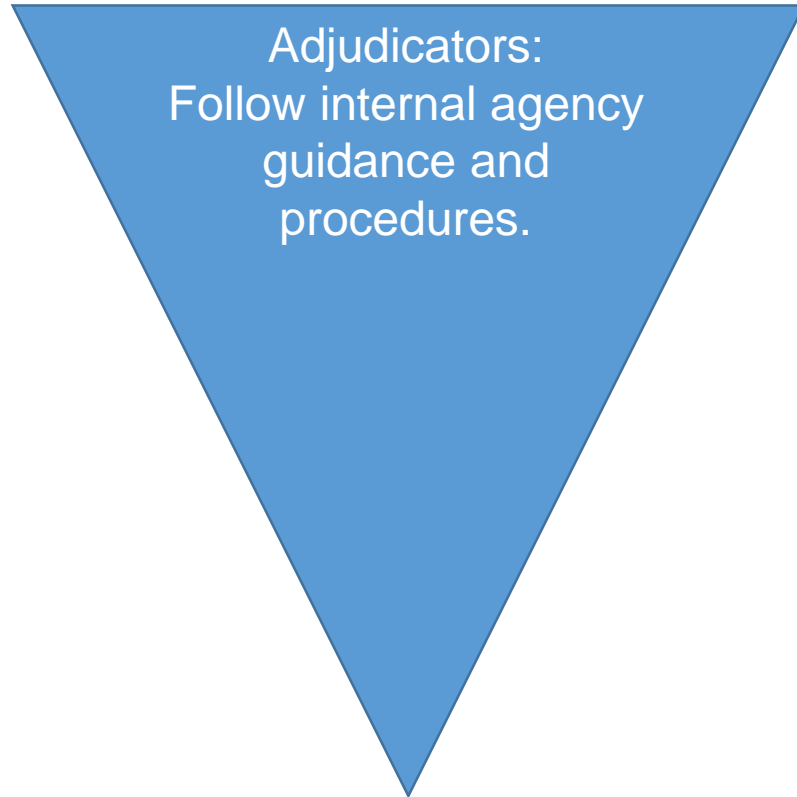
USCIS Administrative Appeals Office (AAO)
Board of Immigration Appeals (BIA)

State Statutes & Local Criminal Laws

Secondary Sources, Gov't Reports, Social Science Reports



ORDER OF AUTHORITIES





T VISA AOS ELIGIBILITY



T AOS LAW & POLICY REFERENCE

- Immigration and Nationality Act ("INA")
 - INA § 245(l)(T Visa Adjustment of Status)
 - INA § 245(l)(2)(Waiver of Inadmissibility for T Adjustment of Status)
 - INA § 101(f)(Good Moral Character)
 - INA § 212(a)(Inadmissibility Grounds)
- Code of Federal Regulations ("C.F.R.")
 - 8 CFR § 245.22 (Physical Presence Evidence)
 - 8 C.F.R. § 245.23 (T visa Adjustment of Status)
 - 8 C.F.R. § 212.18 (Waivers of Inadmissibility for T visa Adjustment of Status)
 - 8 C.F.R. § 212.23 (Public Charge Inadmissibility Exemption T & T AOS)
 - 8 C.F.R. § 316.10 (Good Moral Character)
- USCIS Policy Manual
 - Burden of Proof, Standard of Proof, Discretion in Adjustment Cases
 - Good Moral Character Evidence
 - Extreme Hardship Factors for T visa Holders



BURDEN OF PROOF AND STANDARD OF EVIDENCE



- The burden is on the applicant to demonstrate eligibility for T-AOS by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).
- T AOS Applicants also bear the burden that discretion should be exercised in their favor. 8 CFR § 245.23(e)(3).
- USCIS takes a “victim-centered approach” to T AOS filings, meaning they apply “a trauma-informed, survivor-informed, and culturally competent approach”. [USCIS Policy Manual, Vol. 3, Pt. B, Ch. 7.](#)

T AOS ELIGIBILITY-PRINCIPAL APPLICANT

1. Holds
T-1
Status

2. Present in
U.S. for 3 yr.
OR DOJ
confirmed
investigation
is complete

3.
Admissible
or Granted
Waiver

4. Good
Moral
Character

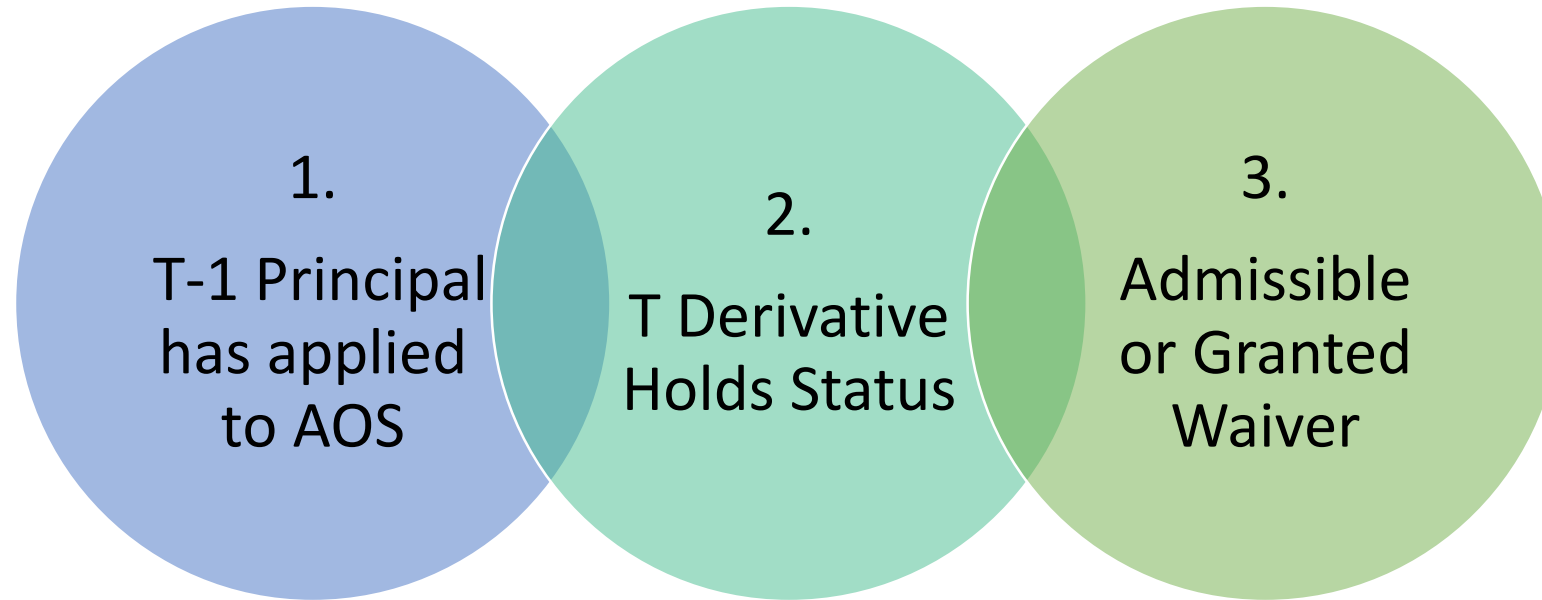
5.
Cooperated
with LEA,
Extreme
Hardship, or
Age
Exemption

8 CFR § 245.23(e)(3)

- 6. Merits Positive Discretion

INA § 245(l)
8 C.F.R. § 245.23(a)

T AOS ELIGIBILITY-DERIVATIVE APPLICANT



8 CFR § 245.23(e)(3)

- 4. Merits Positive Discretion

INA § 245(I)(1)(C)
8 C.F.R. § 245.23(b)



1. PROVING APPLICANTS HAVE STATUS

- T-1 Principals & T Derivatives
 - USCIS Approval Notice
- T-1 Principal
 - Affidavit attesting to status

THE UNITED STATES OF AMERICA
 I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
 U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number EAC [REDACTED]	Case Type I14 - APPLICATION FOR T NONIMMIGRANT STATUS
Received Date 12/27/2016	Applicant A556 [REDACTED]
Issue Date 02/29/2018	Page 1 of 2

Address:
 [REDACTED]
 SANCTUARY FOR FAMILIES
 30 WALL STREET FLR 8
 NEW YORK NY 10005

Notice Type: Approval Notice
 Class: T1
 Valid from [REDACTED] to [REDACTED]

Your application for T-1 Nonimmigrant Classification has been approved. Attached below please find a completed Form I-94 Arrival-Departure Record, indicating that you have been granted T Nonimmigrant Classification for a period of 4 years.

EMPLOYMENT AUTHORIZATION:
 You are authorized to work in the United States for the validity period of your T Nonimmigrant Classification. Your Employment Authorization Document will be mailed to you separately.

ADJUSTMENT OF STATUS:
 Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A T-1 Nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted on a T-1 Nonimmigrant or after he/she has been physically present in the United States for a continuous period during the investigation or prosecution of the acts of trafficking, provided that the Attorney General has determined the investigation or prosecution is complete.

DERIVATIVE NONIMMIGRANT CLASSIFICATION:
 You may request derivative T Nonimmigrant Classification for qualifying family members. To request derivative status, you must submit a Form I-914 with Supplement A in accordance with the instructions printed on the form. If you included qualifying family members on your original application, a notice of decision on the derivative application(s) will be mailed to you separately.

DEPARTING FROM THE UNITED STATES:
 If you plan to depart the United States you must obtain permission to return to the United States before you leave this country by obtaining advance parole. If you do not obtain advance parole in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal.

Please use the additional information on the back. You will be notified separately about any other cases you filed.

Vermont Service Center
 U. S. CITIZENSHIP & IMMIGRATION SVC
 75 Lower Welden Street
 Suisun Adams VT 05479-0001
 Customer Service Telephone: 800-375-5283

PLEASE TEAR OFF PORTION PRINTED BELOW AND STAPLE TO ORIGINAL FILE IF AVAILABLE

476360830 33
 Receipt Number EAC [REDACTED]
 US Citizenship and Immigration Services

194 Departure Record
 Applicant: [REDACTED]

14. Family Name
 [REDACTED]

15. First (Given) Name
 [REDACTED]

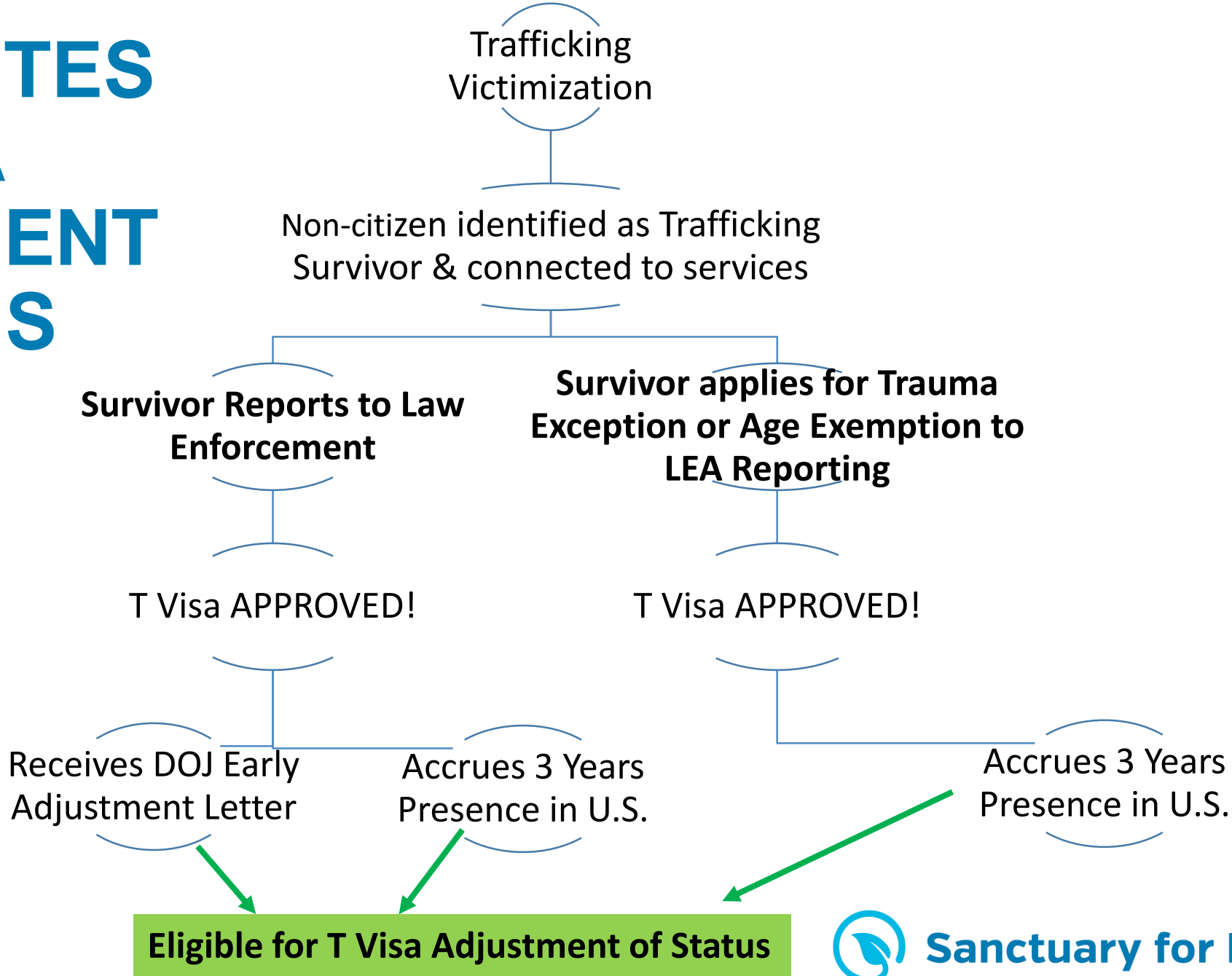
16. Date of Birth
 [REDACTED]

17. Countries of Citizenship
 [REDACTED]

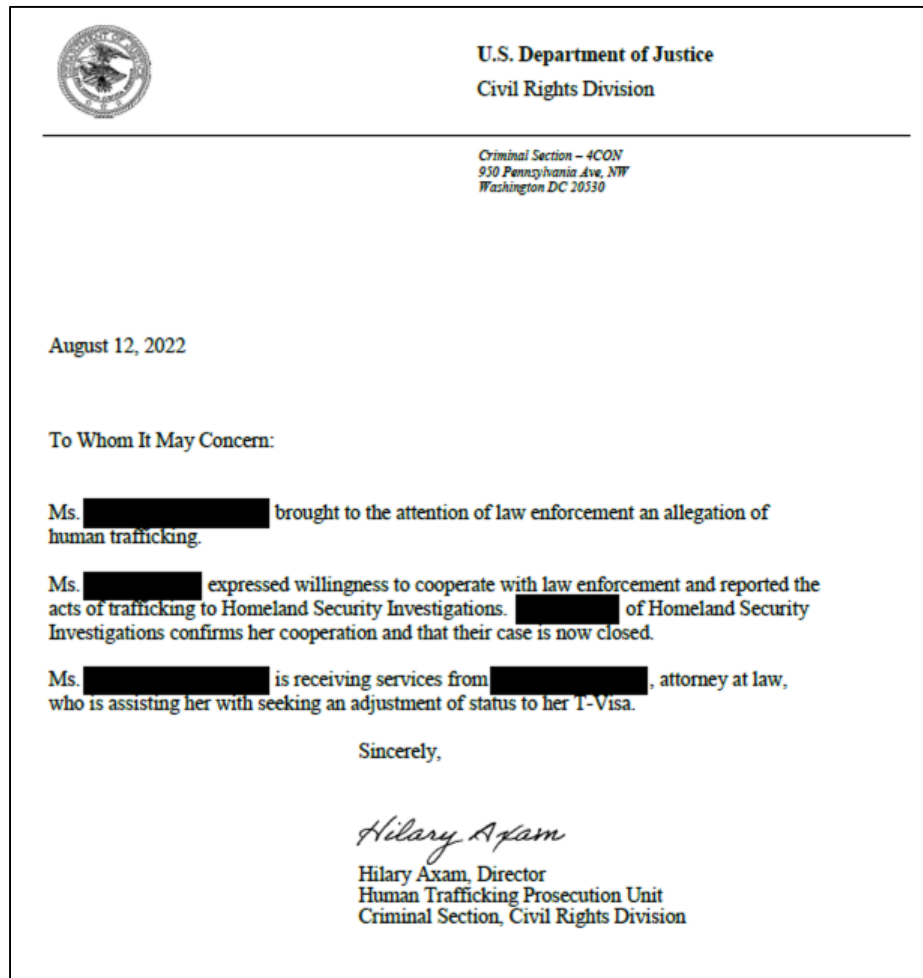
Detach This Half for Personal Records
 Receipt# EAC [REDACTED]
 I-94# [REDACTED]
 NAME [REDACTED]
 CLASS T1
 VALID FROM [REDACTED] UNTIL [REDACTED]
 APPLICANT
 [REDACTED]
 30 WALL STREET FLR 8
 NEW YORK NY 10005

FORM I-797A (REV. 06/01/16)

TWO ROUTES TO T VISA ADJUSTMENT OF STATUS



2. PROVING COMPLETION OF INVESTIGATION & ELIGIBILITY TO ADJUST EARLY



- 8 CFR § 245.23(a)(3) provides for early adjustment if survivor reported to LEA and cooperated IF requested.
- If survivor obtained trauma-exception to LEA reporting for T visa or age-exemption → NOT eligible to adjust early.
- Attorney General has delegated authority to DOJ Civil Rights Division HT Prosecution Unit to confirm investigation/prosecution has concluded and victim cooperated.
- Not dependent on successful investigation or prosecution.
- Email request for letter to T-Adjustment.Cert@usdoj.gov
- Sanctuary will provide sample email to DOJ to request letter.
- Wait time for letter ~90 days. Follow-up likely required.

2. PROVING T-1 CONTINUOUS PRESENCE

The Standard

- Only the principal T-1 must show three years continuous physical presence.
- Time period: **Date of T-1 approval** to time of filing AOS.
- **Breaking continuous presence** → Departure for 90+ days or departure for 180+ days in the aggregate.

INA 245(I)(1)(A) & INA 245(I)(3)
8 CFR § 245.23(a)(3)

The Proof

- Copy of every page of passport since T visa approval
- Affidavit attesting to continuous presence
- State driver's license or ID
- Medical records (e.g. vaccines)
- School transcripts
- Income tax records
- Bank statements
- Letter from employer
- Rental lease

Recommend one piece of evidence for each month since T-1 Approval

8 CFR § 245.22



Sanctuary for Families

3. ADMISSIBILITY



Certain acts can render a person “inadmissible” to the U.S. under INA §212(a), such as certain violations of immigration law like entering without a visa or other authorization, certain criminal acts, lack of valid passport, etc.

T AOS applicants must establish they are “admissible” to the U.S. or that any grounds of “inadmissibility” have been waived.

3. WAIVERS OF INADMISSIBILITY FOR T AOS



The Standard

INA
§ 245(I)(2)(A)
8 CFR 212.18(b)(2)

- USCIS determines whether it is in the **national interest** to waive **health** grounds of inadmissibility.

INA
§ 245(I)(2)(B)
8 CFR 212.18(b)(3)

- For **all other inadmissibility grounds** under INA § 212(a), USCIS determines whether there is a **connection** between the inadmissibility grounds and **trafficking victimization**.

*T AOS Exemption: Public Charge Inadmissibility

3. PROVING CLIENT MERITS WAIVER OF INADMISSIBILITY



The Proof

- USCIS I-192 Approval Notice (if applicable) → demonstrates waiver of inadmissibility granted when T visa adjudicated.
- Familiarize yourself with INA § 212(a)
- If you believe new grounds of inadmissibility have been triggered *since* T visa approval, **consult with your Sanctuary mentor to discuss strategy.**
 - May need to file Form I-601 and prove how new inadmissibility ground is connected to trafficking victimization.

THE UNITED STATES OF AMERICA			
I-797 NOTICE OF ACTION DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES			
Receipt Number EAC [REDACTED]		Case Type I192 - APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT	
Received Date 11/24/2017	Priority Date	Applicant A [REDACTED]	
Notice Date 02/20/2018	Page 1 of 1	Beneficiary A [REDACTED]	
[REDACTED] SANCTUARY FOR FAMILIES 30 WALL STREET FLR 8 NEW YORK NY 10005		Notice Type: Approval Notice	
The above application for advance permission to enter the U.S. as a nonimmigrant has been approved.			
Grounds of Inadmissibility Waiver(s): 212(d)(13)			
The back of this form contains additional general information. If the applicant has questions about the conditions of this approval, he or she should contact the nearest U.S. consulate.			
Enclosures.			



4. GOOD MORAL CHARACTER

The Standard

- Not defined
- Usually if no criminal history= GMC
- Time period: *Since* T-1 Approval → USCIS completes adjudication of T AOS.
- Waiver of GMC requirement IF lack of GMC is incident to trafficking victimization. INA § 245(I)(6).
- Presumption of GMC IF <14 y.o.

INA § 101(f), 8 CFR § 316.10
8 CFR § 245.23(g)
INA § 245(I)(6)



[VIDEO: Good Moral Character Overview](#)

[USCIS Policy Manual](#) explains forced prostitution will not preclude applicants from establishing GMC.



4. PROVING GOOD MORAL CHARACTER



The Proof

- Affidavit attesting to GMC
- Local or State Police Clearance for each jurisdiction where resided at least 6 mo.
- NYP Certificate of Conduct
 - <https://www.nyc.gov/site/nypd/services/law-enforcement/record-requests.page>
 - Select “Services” → “Schedule an Appointment” → Follow instructions to schedule appt. for Certificate of Conduct
 - Appointments may be ~60 days out
 - SCHEDULE AS SOON AS CASE PLACED
 - Certificates **EXPIRE** 60 days after ISSUED
- If resided outside of NYC, contact local or state police stations for how to request background check/clearance letter.
- USCIS Policy Manual-Evidence to prove GMC

8 CFR § 245.23(g)

A form from the New York City Police Department for a Certificate of Conduct. The form includes the department's logo, name, and address. It has fields for personal information like name, address, date of birth, race, sex, and social security number. There are checkboxes for criminal record and a section for events. At the bottom, there are two rows of fingerprint impressions labeled 'RIGHT HAND' and 'LEFT HAND', each with five individual prints for the thumb, index, middle, ring, and little fingers.

The City of New York POLICE DEPARTMENT
CERTIFICATE OF CONDUCT & NON-CRIMINAL FINGERPRINT SECTION
ONE POLICE PLAZA, ROOM 152A
NEW YORK, N.Y. 10038-1497

Certificate # [REDACTED]

CERTIFICATE OF CONDUCT
EXPIRES IN 60 DAYS
CRIMINAL RECORD: YES NO
IF YES, # OF EVENTS (EVENTS LISTED ON REVERSE SIDE) [REDACTED]

- TO AUTHORITIES CONCERNED -

NAME (Last, First Middle)	ALIAS	DATE PROCESSED
[REDACTED]	[REDACTED]	[REDACTED]
ADDRESS	DATE OF BIRTH	RACE
[REDACTED]	[REDACTED]	[REDACTED]
CITY, STATE	SOCIAL SECURITY NUMBER	
[REDACTED]	[REDACTED]	

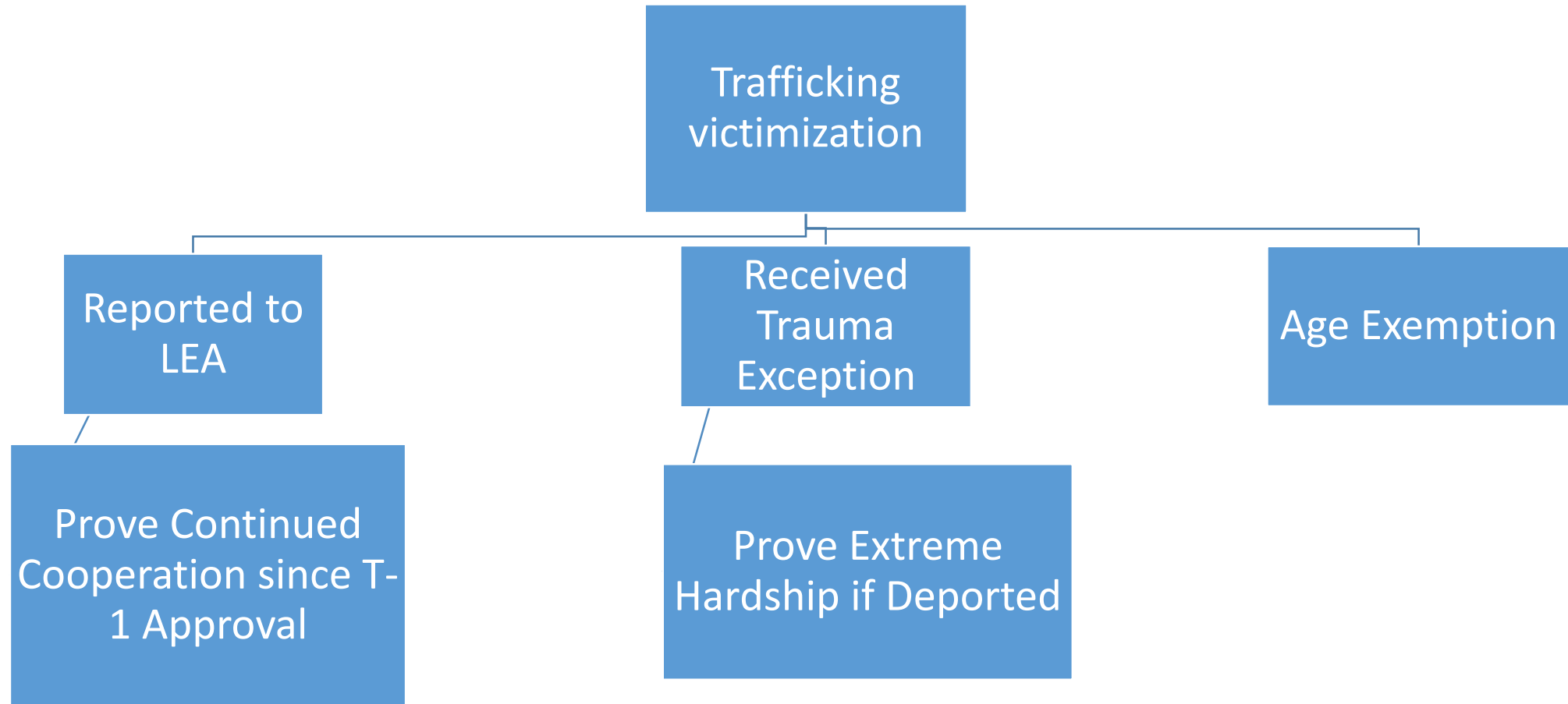
RIGHT HAND

1-RIGHT THUMB	2-R. INDEX FINGER	3-R. MIDDLE FINGER	4-R. RING FINGER	5-R. LITTLE FINGER
[Fingerprint]	[Fingerprint]	[Fingerprint]	[Fingerprint]	[Fingerprint]

LEFT HAND

6-LEFT THUMB	7-L. INDEX FINGER	8-L. MIDDLE FINGER	9-L. RING FINGER	10-L. LITTLE FINGER
[Fingerprint]	[Fingerprint]	[Fingerprint]	[Fingerprint]	[Fingerprint]

5. PROVING LEA COOPERATION, EXTREME HARDSHIP OR AGE EXEMPTION



5. PROVING COOPERATION WITH LAW ENFORCEMENT



The Proof

The Standard

- Time period: *Since* T-1 Approval → T AOS Adjudication
- Compliance with any reasonable request for assistance in investigation or prosecution.
- ***Not dependent*** on successful prosecution.

- Law Enforcement Declaration, Form I-914B,
- Proof of Continued Presence, or
- Any credible evidence
 - Applicant's Statement re: reporting to LEA and no requests for assistance since T-1 approval
 - If investigation was ongoing, letter from LEA confirming completion of investigation.

8 CFR § 214.11(h)(3)

5. PROVING EXTREME HARDSHIP IF DEPORTED



The Standard

- Extreme hardship factors listed at 8 C.F.R. § 214.11(i) and described in [USCIS Policy Manual](#)
- Factors related to trafficking
 - Physical and psychological consequences of surviving trafficking, and if require services likely not available in foreign country
 - Likelihood that social practices or customs in foreign country would penalize applicant for having experienced trafficking
 - Likelihood of re-victimization and ability of foreign authorities to protect victim
 - Loss of access to civil or criminal justice systems or LEA
- Traditional extreme hardship factors
 - Age (esp. youth and elderly)
 - Family & community ties in U.S. v. ties in home country
 - Length of residence in U.S.

The Proof

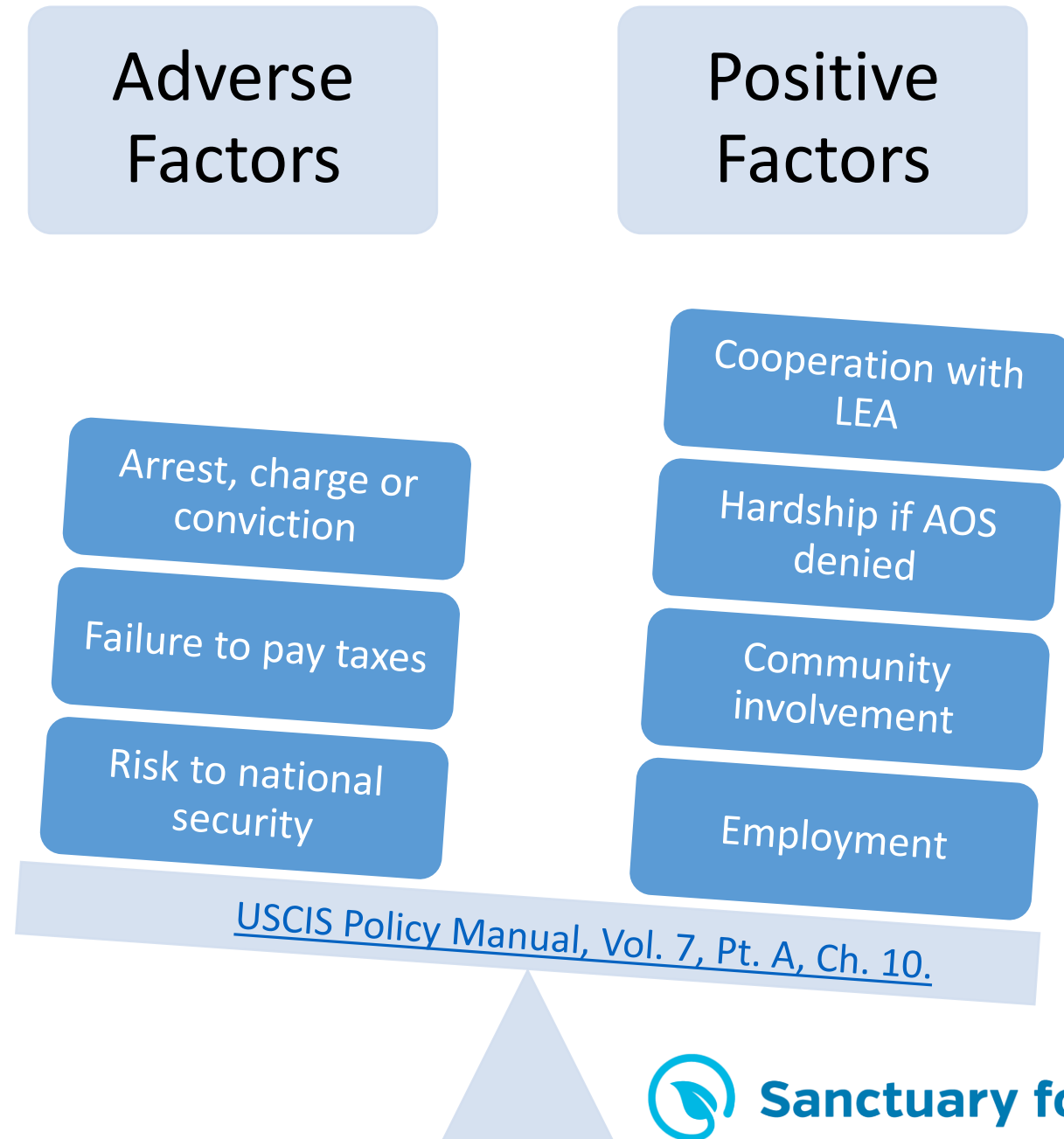
- Personal statement describing harm victim would face in home country
- Country condition reports, e.g. [U.S. State Department TIP Report](#).
- Letters from family or friends in home country
- Letters from healthcare provider(s) in U.S.
- Credible articles documenting state of civil unrest, lack of protection for vulnerable populations, law enforcement corruption.
- “any other public or private sources of information”

8 CFR § 214.11(i)(3)

6. DISCRETION

- “A favorable exercise of discretion is generally warranted in the absence of adverse factors and presence of favorable factors.”

Matter of Arai, 13 I&N Dec. 494, 496 (BIA 1970).



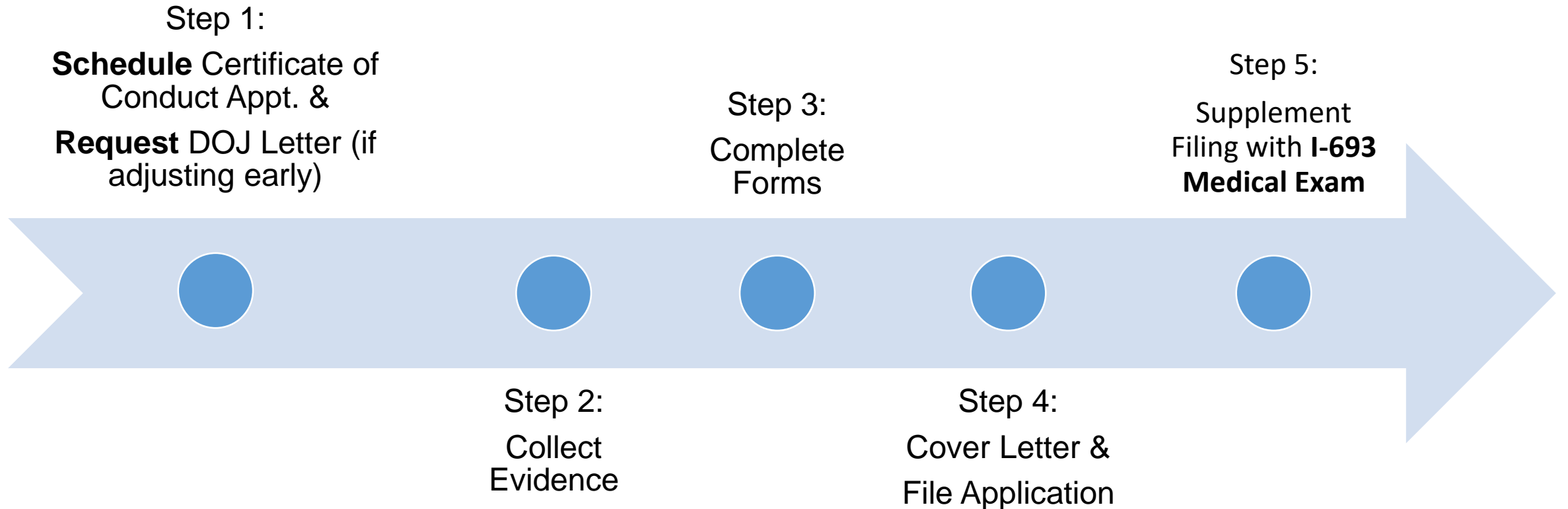


T AOS CASE PREPARATION





TYPICAL T AOS PREPARATION



CASE PACKAGE-PRINCIPAL



Principal Petitioner

- **Form G-28**
- **Form I-485**
 - Affidavit explaining “yes” answers on I-485 or use I-485, Part 14 “Additional Information”
 - Check or Money Order with I-485 filing fee or fee waiver request on Form I-912.
- **Form I-765** (if less than 1 yr. on EAD), category (c)(9)
 - Check or Money Order with I-765 filing fee or fee waiver request on Form I-912.
- **Form I-601** (if required)
 - Affidavit addressing ground(s) of inadmissibility and eligibility for waiver or use I-485, Part 10 “Additional Information”
 - Check or Money Order with I-601 filing fee or fee waiver request on Form I-912.
- **Form I-912** (If eligible)
- **Form I-693** [Not submitted with initial application; supplemented ~6 mo., after filing.]
- **Client affidavit**
- T visa (and Waiver) Approval Notice(s)
- Copy of all pages of passport(s) since T-1 approval
- Evidence of Continued Presence *OR* DOJ Letter
- State/Local Police Clearance(s)
- Passport photos (2x I-485 + 2x I-765)
- Birth Certificate
- EAD, SSN (recommended)
- Cover Letter (Brief) with List of Supporting Documents or Index of Exhibits

CASE PACKAGE-DERIVATIVE



For Each Derivative

- **Form G-28**
 - **Form I-485**
 - Affidavit explaining “yes” answers on I-485 or use I-485, Part 14 “Additional Information”
 - Check or Money Order with I-485 filing fee *or* fee waiver request on **Form I-912**.
 - **Form I-765** (if less than 1 yr. on EAD), category (c)(9)
 - Check or Money Order with I-765 filing fee *or* fee waiver request on **Form I-912**.
 - **Form I-601** (if required)
 - Affidavit addressing ground(s) of inadmissibility and eligibility for waiver or use I-485, Part 10 “Additional Information”
 - Check or Money Order with I-601 filing fee *or* fee waiver request on **Form I-912**.
 - **Form I-912** (If eligible)
 - **Form I-693** [Not submitted with initial application; supplemented ~6 mo., after filing.]
- T visa (and Waiver) Approval Notice(s)
 - Copy of all pages of passport
 - Passport photos (2x I-485 + 2x I-765)
 - Birth Certificate
 - EAD, SSN (recommended)
 - If spouse of T-1, copy of marriage certificate and any past divorce certificate(s)

FORM I-485 TIPS



IF client worked without authorization prior to obtaining T visa status, answer "yes", and explain in addendum.

13.b. To (mm/dd/yyyy)

Answer **Item Numbers 14. - 86.b.** Choose the answer that you think is correct. If you answer "Yes" to any questions (or if you answer "No," but are unsure of your answer), provide an explanation of the events and circumstances in the space provided in **Part 14. Additional Information.**

14. Have you **EVER** been denied admission to the United States? Yes No

15. Have you **EVER** been denied a visa to the United States? Yes No

16. Have you **EVER** worked in the United States without authorization? Yes No

17. Have you **EVER** violated the terms or conditions of your nonimmigrant status? Yes No

18. Are you presently or have you **EVER** been in removal, exclusion, rescission, or deportation proceedings? Yes No

19. Have you **EVER** been issued a final order of exclusion, deportation, or removal? Yes No

Criminal Acts and Violations

For **Item Numbers 25. - 45.**, you must answer "Yes" to any question that applies to you, even if your records were sealed or otherwise cleared, or even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. You must also answer "Yes" to the following questions whether the action or offense occurred here in the United States or anywhere else in the world. If you answer "Yes" to **Item Numbers 25. - 45.**, use the space provided in **Part 14. Additional Information** to provide an explanation that includes why you were arrested, cited, detained, or charged; where you were arrested, cited, detained, or charged; when (date) the event occurred; and the outcome or disposition (for example, no charges filed, charges dismissed, jail, probation, or community service).

25. Have you **EVER** been arrested, cited, charged, or detained for any reason by any law enforcement official or any official of the U.S. armed forces or U.S. Coast Guard? Yes No

26. Have you **EVER** committed a crime of any kind (even if you were not arrested, cited, charged with, or tried for that crime)? Yes No

Form I-485 Edition 12/23/22 Page 10 of 20

Answer "no" unless Sanctuary has indicated otherwise.

FORM I-485 TIPS

A-Number ▶ A-

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Part 8. General Eligibility and Inadmissibility Grounds (continued)

27. Have you **EVER** pled guilty to or been convicted of a crime or offense (even if the violation was subsequently expunged or sealed by a court, or if you were granted a pardon, amnesty, a rehabilitation decree, or other act of clemency)? Yes No

NOTE: If you were the beneficiary of a pardon, amnesty, a rehabilitation decree, or other act of clemency, provide documentation of that post-conviction action.

by a judge or had
your liberty
sentence, house

35. Have you **EVER** engaged in prostitution or are you coming to the United States to engage in prostitution?

Yes No

36. Have you **EVER** directly or indirectly procured (or attempted to procure) or imported prostitutes or persons for the purpose of prostitution?

Yes No

37. Have you **EVER** received any proceeds or money from prostitution?

Yes No

38. Do you intend to engage in illegal gambling or any other form of commercialized vice, such as prostitution, bootlegging, or the sale of child pornography, while in the United States?

Yes No

Answer "no" unless
Sanctuary has indicated
otherwise.

If client is survivor of commercial sexual exploitation, review I-914 and determine how question was answered. If client answered "yes" on I-914, select "yes" and handwrite "see affidavit". Explain victimization in addendum and that Form I-192 waiver of prostitution inadmissibility was granted. If client answered "no" on I-914, then answer "no" here as well.

FORM I-485 TIPS



A-Number ▶ A-

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Part 8. General Eligibility and Inadmissibility Grounds (continued)

53. Have you **EVER** worked, volunteered, or otherwise served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? Yes No

54. Have you **EVER** been a member of, assisted, or participated in any group, unit, or organization of any kind, which you or other persons used any type of force, violence, or threat against any person or threatened to do so? Yes No

55. Have you **EVER** served in, been a member of, assisted, or participated in any military unit, paramilitary unit, militia, self-defense unit, vigilante unit, rebel group, or any other group, militia, insurgent organization, or any armed group? Yes No

60. Have you **EVER** used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? Yes No

NOTE: If you answered “Yes” to any part of **Item Numbers 52. - 60.**, explain what occurred, including the dates and location of the circumstances, in the space provided in **Part 14. Additional Information.**

Public Charge

61. Are you subject to the public charge ground of inadmissibility under INA section 212(a)(4)? Yes No

If you answered “Yes” to **Item Number 61.**, complete **Item Numbers 62. - 68.d.** below. If you answered “No” to **Item Number 61.**, go to **Item Number 69.a.** If you need extra space to complete this section, use the space provided in **Part 14. Additional Information.**

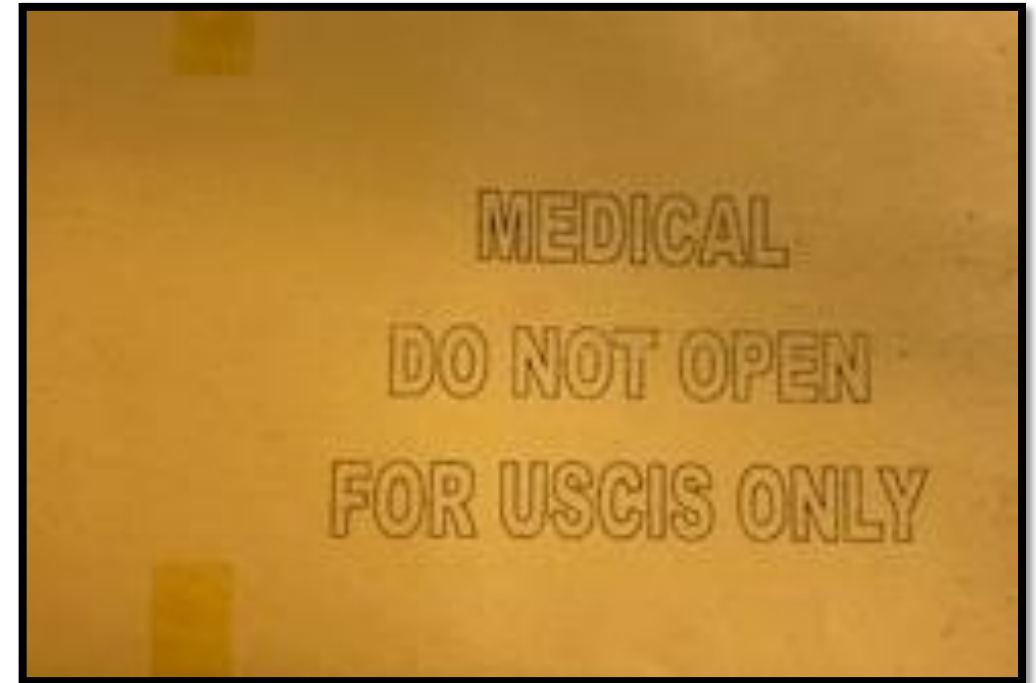
Answer “no”. T AOS Applicants are exempt from the public charge inadmissibility ground. 8 CFR § 212.23(18)(ii)

Then, skip to Item 69a.



IMMIGRATION MEDICAL EXAM, I-693

- I-693 must be completed by Civil Surgeon
 - Contact Sanctuary for recommendations
- Civil Surgeon will provide client with sealed envelope. Instruct client NOT to open the envelope.
- I-693 is valid for 2 years after signature. Current processing times for I-485 ~2.5 yrs.
- Submit the following to USCIS ~6 mo. after filing I-485 to ensure validity:
 - Sealed envelope containing Form I-693
 - Brief cover letter (see Sanctuary samples)
 - Copy of I-485 receipt notice.





USCIS FILING TIPS

- Download all USCIS forms from their website
- Review USCIS Filing by Mail Tips
 - All pages single sided
 - Use fasteners or heavy clips (Do not bind)
 - Label Exhibits with Sticky Tabs on Bottom of Page (Not on side)
 - All documents must be in English or have English translation
 - If sending more than one application in an envelope, separate with heavy clips or rubber bands
 - When responding to RFE, place RFE on top
- Signatures
 - Must be original handwritten signatures, though do not need to be “wet”
 - Can submit a scan or PDF of an original signature





FILING YOUR APPLICATION

As of February 9, 2023, T AOS applications should be sent to:

USCIS Vermont Service Center
38 River Rd.

ATTN: CRU
Essex Junction, VT 05479-0001

*Check the Current Filing Address [here](#):

WHAT TO DO AFTER YOU FILE?



- Send a PDF of the **complete copy of your filing** to your supervisor at Sanctuary for Families.
- Inform your client about:
 - **Upcoming biometrics notice**
 - Approximate time line for adjudication
 - How often you will be in contact
- Send your Sanctuary for Families supervisor PDF copies of all subsequent documents received from or sent to USCIS.

POST-FILING: NOTICES OF ACTION



Every T AOS filing will receive at least two USCIS Notices of Action prior to adjudication:

- Proof of I-485 filing (“Receipt Notice”); and
- **ASC biometric appointment notice.**
 - No accompaniment required.

Additional Correspondence may be received:

- Proof of I-765 or I-601 filing (“Receipt Notice”)
- Requests for Evidence (“RFE”)
- I-485, I-765 or I-601 (“Approval Notices”)
- **Lawful Permanent Resident Card (“green card”)**

RECEIPT NOTICE

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number EA0 [REDACTED]	Case Type I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	
Received Date 01/18/2022	Priority Date	Applicant A [REDACTED]
Notice Date 01/31/2022	Page 1 of 2	Beneficiary A [REDACTED]

Receipt No.

Case Type
(e.g. 485, I-765)

[REDACTED]
30 WALL STREET FL 8
NEW YORK NY 10005

Notice Type: Receipt Notice
Fee Waived
Section: Human Trafficking Victim (T Nonimmigrant)

We have received the application or petition ("your case") listed above. This notice shows that your case was filed on the "Received Date" listed above. It does NOT grant the beneficiary any immigration status, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available if you contact us about your case.

T/U Filings - If you were still in valid U or T nonimmigrant status on the date your Application to Register Permanent Residence or Adjust Status (Form I-485) was received, that status is extended until a decision is reached on your Form I-485. If your status was no longer valid by the date your Form I-485 was received, you will need to file the Application to Extend/Change Nonimmigrant Status (Form I-539) with this office to request an extension of your nonimmigrant status.

Affidavit of Support - If a Form I-864, Affidavit of Support, is required for your filing, please understand that it is a contract between your sponsor and the government of the United States. This means that your sponsor is telling the government that he/she is willing and able to financially support you if needed. It may also make you ineligible for certain Federal, state, or local means-tested benefits, because he/she has indicated that they will support you. If you do receive any means-tested benefits, section 213A(b) of the Immigration and Nationality Act (INA) states that the benefits-granting entity shall request reimbursement from your sponsor.


EMPLOYMENT AUTHORIZATION:
You are authorized to work in the United States while your Application to Register Permanent Residence or Adjust Status (Form I-485) is pending. You may apply for work authorization by submitting an Application for Employment Authorization (Form I-765), pursuant to Title 8 Code of Federal Regulations (8 CFR), section 274a.12(c)(9), to this office. If you have already filed this application, the decision on your application will be sent under separate cover.

Employment Authorization extension

Extension of Status

WORK AUTHORIZATION & EXTENSION OF T STATUS

- When a T visa holder applies for Adjustment of Status, the T-1 visa status is extended by operation of law.
- T-1 nonimmigrants are authorized to work incident to status. INA § 214(o)(7)(C) and 8 CFR 214.11(d)(11).
- As proof of work authorization while the AOS is pending → **I-485 receipt notice + I-94** (found on the bottom of their I-914 approval notice) for 24 months after the expiration date of the I-94. USCIS Policy Manual Vol. 3, Part B, Ch. 10.



TIP: If less than one yr. on EAD, File Form I-765 (Work Authorization) in category (c)(9) Application at the same time as I-485 to prevent gaps in EAD card.

TIP: If client's employer questions T AOS applicant's work authorization, consult Sanctuary mentor for sample advocacy letters.



BIOMETRICS NOTICE



Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice - APPLICANT COPY		CASE TYPE I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	NOTICE DATE 03/18/2022
APPLICATION/PETITION/REQUEST NUMBER EAC [REDACTED]		USCIS A# A [REDACTED]	CODE 2
ACCOUNT NUMBER	TCR	SERVICE CENTER VSC	PAGE 1 of 2

[REDACTED]
30 WALL STREET FL 8
NEW YORK NY 10005

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. To process your application, petition, or request, U.S. Citizenship and Immigration Services (USCIS) must collect your biometrics. Please appear at the below Application Support Center (ASC) at the date and time specified.

IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPOINTMENT MAY NOT BE RESCHEDULED. TO REQUEST THAT USCIS RESCHEDULE YOUR APPOINTMENT, SEE THE INSTRUCTIONS AT THE BOTTOM OF THIS NOTICE. IF USCIS DOES NOT RESCHEDULE YOUR APPOINTMENT, YOUR APPLICATION, PETITION, OR REQUEST WILL BE CONSIDERED ABANDONED AND DENIED.

APPLICATION SUPPORT CENTER USCIS BROOKLYN 1260-1278 60th Street Brooklyn NY 11219	DATE AND TIME OF APPOINTMENT 04/15/2022 09:00AM
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Case Type
(e.g. I-485)

Alien
Registration
Number ("A
Number")

Location of
Appointment

Date & Time of
Appointment

REQUEST FOR EVIDENCE



August 8, 2022

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
38 River Road
Essex Junction, VT 05479-0001

 U.S. Citizenship and Immigration Services


SANCTUARY FOR FAMILIES
30 WALL STREET FL 8
NEW YORK, NY 10005


EAC 


A2 

RE: 
I-485, Application to Register Permanent Residence or
Adjust Status

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.
You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by November 3, 2022.

Forms Indicated

Application No.
(EAC...)

Response Due Date
*check if 60 day
COVID extension
applies

CONTACTING USCIS-VERMONT SERVICE CENTER



- Inquiry Email: HotlineFollowUpI918I914.Vsc@dhs.gov
- ONLY email if outside processing times
- Attach a G-28 to the inquiry
- In the body of the email include:
 - Your name and contact info.
 - Client's name, date of birth, A number, receipt number for the application, and the nature of the inquiry
- USCIS should respond within 30 days

POST LPR APPROVAL- CLIENT ADVISORIES

DOs

- Pay taxes
- If you are a male over 18, Register with Selective Service
- Consider if you have additional relatives that may qualify to adjust based on your status
- Consider applying to naturalized 5 yrs. after LPR approval (or 3 yrs. if marry US citizen)

[USCIS Policy Manual-LPR Status](#)

Don'ts

- DO NOT VOTE or register to vote
- Don't get arrested!





**CLE CODE:
KE 63864**





TRAUMA INFORMED REPRESENTATION & TIPS FOR WORKING WITH TRAFFICKING SURVIVORS

TRAUMA-INFORMED LAWYERING



Rule 1.1 of the NY Rules of Prof. Conduct requires that attorneys “provide competent representation”, which includes “the legal knowledge, skill, thoroughness and preparation reasonably necessary for representation”.





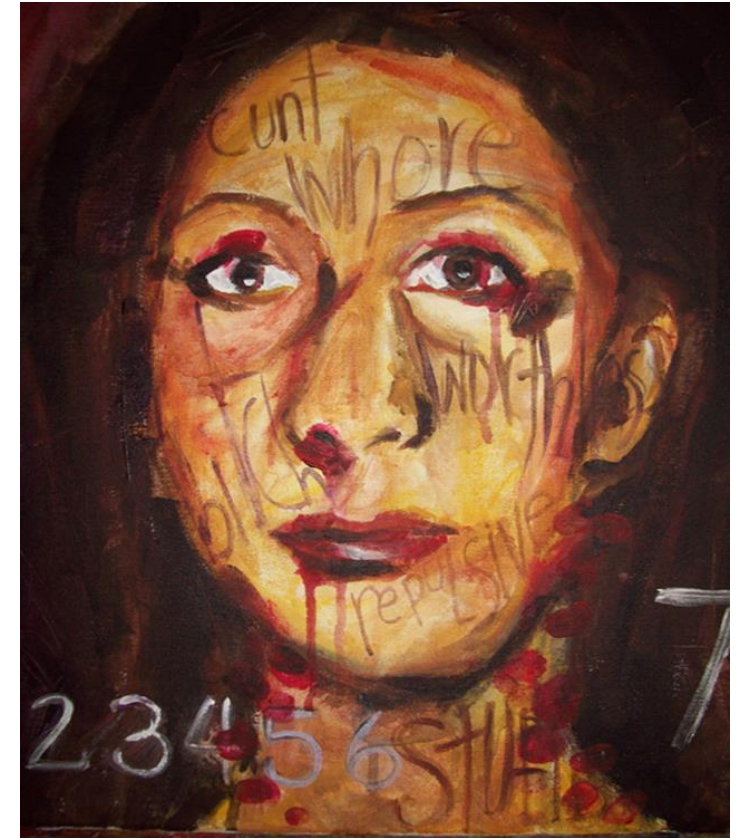
TRAUMA-INFORMED PRACTICE

- Individualized practice approach
- Informed by patient's trauma
- Flexible
- Supportive
- Strives to avoid re-traumatization



UNDERSTANDING TRAUMA

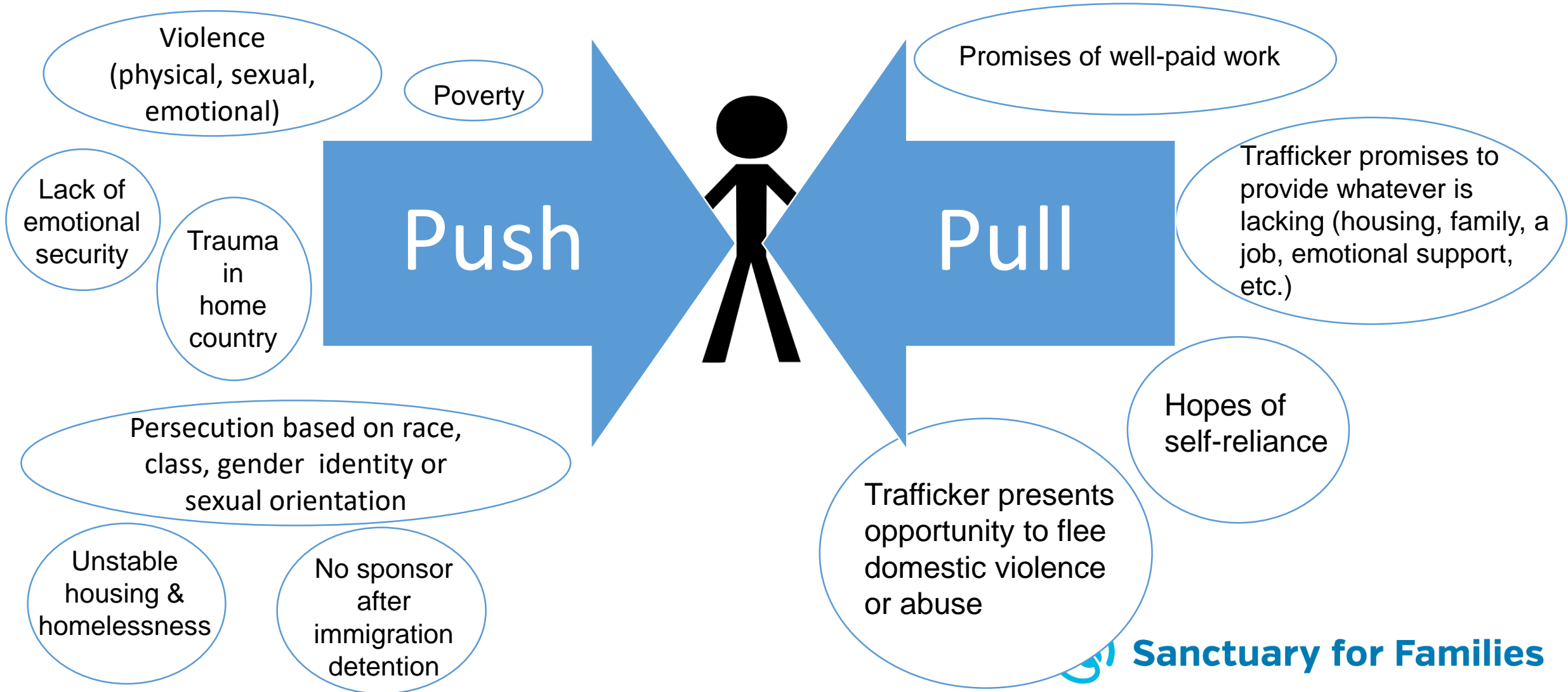
- **Trauma** refers to experiences that have caused intense physical and/or psychological stress reactions.
- Single event, multiple events, and/or a set of circumstances
- Systemic trauma will often be part of your client's experience (e.g., racism, sexism)



“Portrait of Terror” painted by a domestic violence survivor.



DYNAMICS OF TRAFFICKING





POWER & CONTROL DYNAMICS IN TRAFFICKING



NEUROBIOLOGY OF TRAUMA



Frontal Cortex

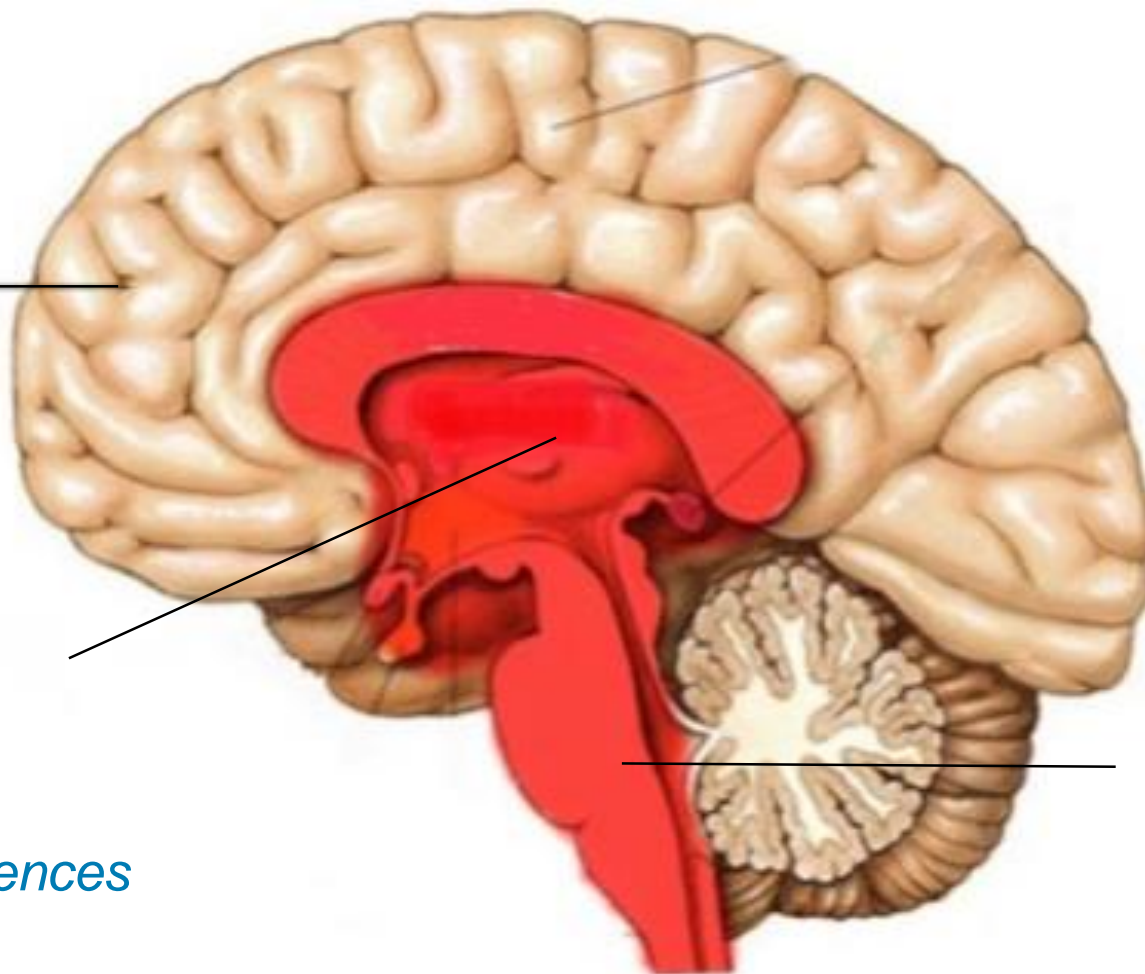
Thoughts

- *Executive functioning*
- *Language*
- *Adaptive learning*

Limbic System (Mammalian brain)

Emotions

- *Non-verbal*
- *Relational experiences*
- *Images*



Brainstem (Reptilian brain)

Instincts

- *Heart rate*
- *Breathing*
- *Impulses*





MANIFESTATIONS OF TRAUMA

Physical, Relational, Psychological

Flooding / Flashbacks	Minimization	Dissociation
Difficulty trusting others	Shame and embarrassment	Lack of trust in one's own judgement
Depression, anxiety, and/or low self-esteem	Self-blaming	Anger
Nightmares/lack of sleep	Trauma-bonding	Drug and alcohol use

CLIENT INTERACTIONS



Safety—physical, emotional, and psychological	Transparency, honesty, and open communication
Sensitivity to your client’s story, trauma, and triggers	Respect, dignity, and shared humanity
Minimize power differential	Collaboration



DISCUSSING SENSITIVE TOPICS

- **Provide** a warning before jumping into a difficult topic
- **Explain** WHY the question is necessary
- **Don't** express entitlement to information (trust must be earned!)
- **Monitor** the patient's reactions
- **Monitor** your own reactions
- **Be** comfortable with silence as things are remembered
- **Leave** the door open for other things to be shared later (if possible)



WRAPPING UP

- Grounding is important at the end of speaking with a patient
- Never end right after a re-telling of a traumatic event
- Bring the patient back to the present with neutral questions
- Thank them for sharing their experience with you

MANY SERVICES ARE AVAILABLE TO TRAFFICKED PERSONS



- Immediate needs/Crisis management
- Information and Options
- Safety planning
- Housing/Shelter
- Access to public benefits
- Interpretation
- Financial assistance
- Mental health
- Health care
- Life skills/cultural competency
- Employment
- Family Reunification
- Repatriation
- Legal Services (Immigration and Criminal Justice Advocacy)



QUESTIONS?

Contact your Sanctuary mentor with any questions that arise.
We're here to help!



DISCLAIMER

This presentation was last updated on February 9, 2023 by the Anti-Trafficking Initiative (ATI) at Sanctuary for Families. It contains no personally identifiable information. This presentation is intended for training and reference only. It should not be solely relied on for the current law, or policy and procedures of any government entities and Sanctuary for Families. This presentation may not be distributed without the written permission of ATI, Sanctuary for Families.