



Sanctuary for Families

**T Nonimmigrant Status and
T Adjustment of Status
Training Manual**

**Center for Battered Women's Legal Services
Sanctuary for Families**

30 Wall Street, 8th Floor
New York, NY 10005
P. 212.349.6009

<https://www.sanctuaryforfamilies.org/>

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This manual does not constitute legal advice. It is intended to provide an overview of immigration applications for T Nonimmigrant Status and Adjustment of Status for survivors of trafficking. It is important to note that law and policy in this area are evolving rapidly and so advocates should use this Manual as a foundation only and should always look for updates in statutory and case law when preparing immigration cases for survivors of trafficking. This manual is for the use of Sanctuary for Families staff, volunteers, and pro-bono counsel. The manual may not be reproduced or distributed without the written consent of Sanctuary for Families.

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INTRODUCTION

For undocumented immigrant victims of human trafficking in the U.S., a lack of legal immigration status makes it impossible for them to work lawfully and gain access to the services and public benefits they so desperately need to rebuild their lives.

There are several forms of immigration relief that victims of trafficking could potentially pursue in the U.S., including asylum, applications for T nonimmigrant status and petitions for U nonimmigrant status. This training manual (the “**Manual**”) focuses on applications for T nonimmigrant status, and provides an overview of the application process for pro bono attorneys who would like to assist trafficking victims in obtaining T nonimmigrant status, and subsequently if applicable, T nonimmigrant status adjustments (*i.e.*, lawful permanent residency in the U.S.).

This Manual is intended to supplement Sanctuary for Families’ (“**Sanctuary**”) live T Nonimmigrant Status training; it is not intended as a substitute, and **all pro bono attorneys representing Sanctuary trafficking clients should attend a live Sanctuary T training or view a recording of such training before taking a case.**

Unless otherwise defined herein, please refer to the section at the end of the Manual headed “Quick Reference: Common Terms and Definitions” for terms and abbreviations used throughout this Manual.

This Manual updates the Sanctuary and Her Justice March 2021 version to incorporate changes that USCIS recently has instituted. While we seek to keep this Manual current, it is advisable that you also speak with your Sanctuary Mentoring Attorney (hereinafter “**Mentoring Attorney**”) to ascertain whether additional policy changes have been implemented.

T NONIMMIGRANT STATUS OVERVIEW & ELIGIBILITY

T nonimmigrant status (referred interchangeably in this Manual as “**T-Status**¹”) is a form of immigration relief created by the Trafficking Victims Protection Act (“**TVPA**”), passed by Congress in 2000 and reauthorized in 2003, 2005, 2008, 2013 and 2018. This relief provides victims of severe forms of trafficking who have cooperated with law enforcement an opportunity to gain immigration status in the U.S.

Individuals with T-Status are entitled to live and work in the U.S., and are eligible for all public benefits. The T-Status lasts up to four years, and a T recipient can apply to adjust their status into lawful permanent residency (“**LPR**”) (*i.e.*, a green card) (“**T Adjustments**”), either as soon as (i) the investigation or prosecution they are cooperating with is complete, or (ii) after three years of having T-Status, whichever is sooner. Please see the section headed “T Nonimmigrant Status Adjustment” contained in this Manual for further details regarding T Adjustments.

It is important to note that before your client is able to obtain T-Status and even while their application is pending, the client² remains an undocumented alien in the U.S. who is denied access to any public benefits and is subject to risks of removal.³ It is therefore imperative that they initiate their T-Status application as soon as possible to secure sources of relief and temporary security.

To mitigate your client’s risks of deportation from the U.S. before receiving T-Status, you should consult with your Mentoring Attorney regarding the possibility of obtaining **Continued Presence** from federal law enforcement agencies on their behalf. Continued Presence is a temporary immigration status that allows a trafficking victim who is a potential witness in the investigation or prosecution of the trafficker to live, work and access the full range of public benefits in the U.S. during the investigation/prosecution of their trafficker. Please see the section headed “Continued Presence & Reporting Trafficking to Law Enforcement” contained in this Manual for further details regarding Continued Presence.

¹ This benefit is colloquially referred to as a “T visa.” However, because a “visa” is not issued by the US Citizenship and Immigration Service, but by the US State Department at an embassy or consulate, the more appropriate designation is “T nonimmigrant status.” When this Manual refers to “T visa,” it will be in reference to visas issued (generally to derivative applicants) abroad.

² Victims of human trafficking can include cisgender, transgender, gender non binary and gender nonconforming individuals; Sanctuary for Families assists victims of all gender identities. For the purposes of this Manual, all clients will be referred to using they/them pronouns.

³ Generally, non-citizens without status and who were not “admitted” to the U.S. are subject to removal, which is distinct from deportation. Lawful Permanent Residents, who are “admitted” to the U.S., are subject to deportation.

Determine Eligibility for T-Status

To obtain T-Status, applicants must establish that they:

1. are victims of a severe form of trafficking;
2. are physically present in the U.S. on account of trafficking;
3. have complied with reasonable requests for assistance in the investigation or prosecution of acts of trafficking, (or are under 18 at the time of at least one act of trafficking or unable to cooperate due to trauma), and
4. would suffer extreme hardship involving unusual and severe harm if they were forced to leave the U.S.⁴

Your client must be able to satisfy the above requirements to be considered for T-Status in the U.S.

Requirement No. 1: Applicant is a Victim of a Severe Form of Trafficking

Applicants must first establish that they are victims of a severe form of trafficking as defined in the TVPA. Under the TVPA, severe forms of trafficking are defined in either one (or both) of the following two forms:

- **Severe Form of Sex Trafficking:** The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, (i) that was induced by force, fraud, or coercion, or (ii) in which the victim is under the age of 18.⁵

Practice Tip: If your client is currently over the age of 18, but first engaged in commercial sex acts when they were under the age of 18, they do not need to prove force, fraud, or coercion.

- **Severe Form of Labor Trafficking:** 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.⁶

Practice Tip: While victims of a severe form of sex trafficking under the age of 18 do not need to prove force, fraud, or coercion, your client must show force, fraud, or coercion to prove labor trafficking even if your client is currently under the age of 18.

⁴ INA §101(a)(15)(T)(i). 8 CFR §214.11(b)(4).

⁵ TVPA §103(8)(A).; 22 USC §7102 (9)(A).

⁶ TVPA §103(8)(B).; 22 USC §7102 (9)(B).

Force, fraud or coercion are not separate elements to be proven; rather, they are “alternate means to accomplish a single element.”⁷ It could be assumed that the meaning of the terms “force” and “fraud” are self-evident, but the interpretation of these terms across case law is extremely wide.⁸ For example, fraud can involve romancing the victims and tricking them into moving away from their families. The victims are then compelled either by force or manipulation to engage in sex acts.⁹

The term “coercion,” is somewhat more ambiguous and was thus defined in TVPA as including: (a) “threats of serious harm to or physical restraint against any person, (b) 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 the person; or (c) the abuse or threatened abuse of the legal process.”¹⁰ While the definition involves an element of psychological manipulation, courts have found “coercion” to include acts of violence against the victim¹¹ and efforts to prevent free movement or escape.¹² Similarly, courts have found the use of addictive narcotics to constitute coercion.¹³ USCIS published updated policy guidelines in October 2021 and included examples of a broad range of actions that could constitute coercion.¹⁴

Establishing force, fraud, and particularly coercion, requires an understanding of the power and control dynamics in the relationship between your client and their trafficker(s). Exploring the ways in which a trafficker exerted control over their victim is therefore an important step in understanding your client’s story and in establishing to USCIS that there was force, fraud or coercion. Power and control in trafficking situations can take many forms, including psychological coercion and threats, intimidation, emotional abuse, isolation, minimizing the victim’s abuse and suffering, sexual and physical abuse, exploiting privilege,

⁷ *U.S. v Paris*, Cr. No. 03:06-cr-64 (CFD), 2007 US Dist. LEXIS 78418 at *36 (D. Conn. Oct. 23, 2007), affirmed by *U.S. v. Martinez*, No. 08-5071-cr, 2010 U.S. App. LEXIS 19380 (2d Cir. Sept. 17, 2010).

⁸ Michelle Madden Dempsey, *Decriminalizing Victims of Sex Trafficking*, 52 *Am. J. Crim. L. Rev.* 207, 230, (2015), p. 215.

⁹ See, e.g., *U.S. v. Jennings* (E.D.N.C.) or *U.S. v. Taylor* (D. Minn.), *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2020* (2020 A.G. Report), p. 72, available at: https://www.justice.gov/d9/pages/attachments/2022/03/24/fy20_ag_ht_report.pdf (accessed 11/4/2022).

¹⁰ TVPA §103(2)(A)(B)(C); 22 USC §7102 (3)(A)(B)(C).

¹¹ See e.g. *U.S. v. Granados-Corona* (S.D.N.Y.), cited in 2020 A.G. Report, p.72.

¹² For example, holding victims in “trap houses,” *U.S. v. Horne* (E.D. Pa.), cited in 2020 A.G. Report, p.75.

¹³ See e.g., *U.S. v Boston* (W.D.N.C.) and *U.S. v. Folks* (D. Vt.), cited in 2020 A.G. Report, p.73.

¹⁴ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 2 (2021), available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>(enumerating several examples of key concepts of coercion including “threats of serious harm”, “use or threats of use of physical restraint”, “analyzing whether actions constitute threats”, “scheme, pattern, or plan”, and “abuse or threatened abuse of the legal process”).

or economic abuse.¹⁵ Be sure to explore all of these potential avenues of power and control during your client interviews.

Practice Tip: The definition of “severe form of trafficking” does not require that a commercial sex act, labor or services be performed. An applicant may show force, fraud or coercion was used for the purpose of labor or sex trafficking, even if the act was never realized.¹⁶

Practice Tip: An individual may simultaneously be a victim of both sex and labor trafficking and advocates do not have to choose whether to pursue one claim over another. When meeting with your client, it is important to explore whether your client is a victim of both forms of exploitation.

Practice Tip: An individual may also simultaneously be a victim of domestic violence and human trafficking when the intimate partner or family member compels the victim to engage in commercial sex or labor. USCIS has provided insight into how to frame the perpetrator’s use of domestic violence as a means to not only control, harm and belittle victims, but also to compel them to perform sex or labor.¹⁷

Requirement No. 2: Physical Presence on Account of Trafficking

This requirement does not mean that the victim must have been brought into the U.S. for the purposes of trafficking. A victim could have come to the U.S. for any reason (*i.e.*, find work, visit family, *etc.*) and then have been trafficked after they arrived here – this person will still be considered to be in the U.S. on account of trafficking if they meet one of the following categories:¹⁸

- (i) Is currently being subjected to human trafficking
- (ii) A law enforcement agency removed the victim from a trafficking situation
- (iii) The victim escaped from the trafficker(s) and subsequently a law enforcement agency became involved
- (iv) The individual’s current presence in the U.S. is directly related to the trafficking victimization they endured
- (v) The victim is in the U.S. after “having been allowed entry into the United States” to participate in the investigation or judicial process associated with the trafficking.¹⁹

¹⁵ Please refer to the Trafficking Power & Control Wheel in the exhibits for more information on each of these forms of abuse.

¹⁶ 8 CFR § 214.11(f)(1).

¹⁷ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 2 (2021), available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2> (see “Conditions of Servitude Induced by Domestic Violence”).

¹⁸ 8 CFR § 214.11(g)(1).

¹⁹ While this basis to establish presence on account of trafficking is vague, we have only seen this prong been met when a federal law enforcement agency paroled a survivor into the U.S. for the purpose of cooperating in an investigation or prosecution of the trafficker.

Practice Tip: There is no requirement that a T visa is filed within a certain amount of time after the trafficking victimization ended in order to prove continuous presence. The USCIS policy manual lists several factors adjudicators consider when determining whether a victim’s presence is directly related to the original trafficking, such as ongoing trauma, law enforcement cooperation, the victim’s ability to access therapeutic services, and whether the victim is accessing such services, the victim’s efforts to stabilize following identification as a survivor, etc.²⁰

Generally, if your client has departed the U.S. after escaping their trafficker (either voluntarily or through deportation), and subsequently re-entered, they will no longer be considered to be present “as a result of such trafficking.”²¹ Exceptions to this rule exist if:

- (i) The person’s reentry into the United States was the result of the continued victimization of the alien;
- (ii) The person is a victim of a new incident of a severe form of trafficking in persons; or
- (iii) The person has been allowed reentry into the United States for participation in investigative or judicial processes associated with an act or perpetrator of trafficking.²²

Practice Tip: According to the commentary provided by DHS in the Federal Register, Law Enforcement Agent (“LEA”) “sponsorship” is not required to meet this “physically present” requirement upon reentry. Any valid reentry into the U.S. for an investigation or judicial process should be sufficient to meet the “physical presence” requirement.²³

If your client left and subsequently returned to the U.S., you should consult with your Mentoring Attorney to strategize the best arguments to make on their behalf.

Requirement No. 3: Cooperation with Law Enforcement

An applicant is required to demonstrate that they complied (or are complying) with reasonable requests for assistance by law enforcement. There are two exceptions to this cooperation requirement: (i) if the applicant is unable to cooperate with law enforcement due

²⁰ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 2 (2021), available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2> (see establishing Physical Presence Requirement).

²¹ 8 CFR § 214.11(g)(2).

²² *Id.*

²³ Department of Homeland Security; Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92274 (Dec. 19, 2016) available at <https://www.federalregister.gov/documents/2016/12/19/2016-29900/classification-for-victims-of-severe-forms-of-trafficking-in-persons-eligibility-for-t-nonimmigrant>.

to physical/psychological trauma, or (ii) if the applicant is or was under the age of 18 at the time of their victimization.

Practice Tip: Effective October 20, 2021, USCIS clarified that the age-based cooperation exemption applies if “the applicant was under 18 years of age *at the time at least one of the acts of trafficking occurred.*”²⁴ Therefore, even if the trafficking continued after the victim’s 18th birthday, it is sufficient to show proof that only one of the trafficking acts occurred before the victim was 18 to qualify for the law enforcement cooperation exemption.

Practice Tip: Law enforcement’s requests for your client to cooperate must be reasonable. You can, and should, push back if you think any request will put your client in danger, if they ask inappropriate questions, or if your client seems very overwhelmed during a law enforcement meeting and needs to end the meeting. You can also push back if the law enforcement agency asks your client to come in for an excessive number of interviews.

One way to establish cooperation with law enforcement is by either (i) submitting with your client’s application a **Form I-914 Supplement B** (Declaration of Law Enforcement Officer for Victim of Trafficking in Persons) (“**Form I-914, Supp. B.**”) that is signed by a law enforcement officer, or (ii) proof of grant of **Continued Presence**. If law enforcement will not sign the Form I-914, Supp. B., you can meet the cooperation requirement by providing evidence of cooperation (*e.g.*, client affidavit, attorney affirmation, police reports, letters and e-mails with law enforcement, etc.).

To establish that your client is unable to cooperate with law enforcement because of trauma, you may submit your client’s affidavit, medical or psychological records, or any other relevant, credible evidence.²⁵

Requirement No. 4: Extreme Hardship

Applicants must establish that they would suffer extreme hardship involving unusual and severe harm if deported from the U.S. While this sounds like a heavy burden to meet, it is generally achievable in human trafficking cases. For example, if an applicant explains in their affidavit that there are inadequate services or protection for sex trafficking victims in their home country, they will typically be able to satisfy the extreme hardship requirement. Our experience with USCIS has shown that meeting the extreme hardship requirement in labor trafficking cases tends to be a bit harder, and you should provide documentation explaining why it would not be safe for the labor trafficking victim to go back to their home country (for example, if the employer is a diplomat or powerful government official who can seek retribution against your client). In addition to hardship factors associated with the trafficking

²⁴ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 2 (2021) available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2> (emphasis added).

²⁵ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 3.C.7 available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-3>

victimization, USCIS has clarified that they will also consider “traditional” extreme hardship factors.²⁶ Examples of traditional hardship factors include family ties in the U.S. and in the country to which the applicant would be returned, if any, political and economic conditions in the country to which the applicant would be returned and availability and quality of required medical treatment in the country of relocation.²⁷ Note, however, that economic reasons alone (*e.g.*, there are no jobs in their home country) are insufficient to show extreme hardship and should not be relied upon as a sole hardship factor in your client’s affidavit.²⁸

A non-exhaustive list of factors to consider when determining extreme hardship is set forth in 8 CFR §214.11(i)(2):

- i. The age and personal circumstances of the applicant;
- ii. Serious physical or mental illness of the applicant that necessitates medical or psychological attention not reasonably available in the foreign country;
- iii. The nature and extent of the physical and psychological consequences of severe forms of trafficking in persons;
- iv. The impact of the loss of access to the U.S. courts and the criminal justice system for purposes relating to the incident of severe forms of trafficking in persons or other crimes perpetrated against the applicant;
- v. The reasonable expectation that the existence of laws, social practices, or customs in the foreign country to which the applicant would be returned would penalize the applicant severely for having been the victim of a severe form of trafficking in persons;
- vi. The likelihood of re-victimization and the need, ability, or willingness of foreign authorities to protect the applicant;
- vii. The likelihood that the trafficker in persons or others acting on behalf of the trafficker in the foreign country would severely harm the applicant, and
- viii. The 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 or the granting of other relevant protections.

²⁶ *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 2 (2021) available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2> (see “E. Extreme Hardship”).

²⁷ *Id.* (enumerating a list of traditional extreme hardship factors).

²⁸ 8 CFR §214.11(i)(1).

CONTINUED PRESENCE & REPORTING TRAFFICKING TO LAW ENFORCEMENT

It is possible that Sanctuary will refer a pro bono client who has already navigated the law enforcement agency (“LEA”) reporting process. More often, however, you will need to represent your client throughout the law enforcement reporting process and help them obtain proof of cooperation to satisfy the reasonable cooperation with law enforcement eligibility requirement for their T-Status application. Ideally, proof of cooperation will be in the form of (i) a grant of Continued Presence, or (ii) a signed Form I-914, Supp. B. Both the grant of Continued Presence or a signed Form I-914, Supp. B. can serve as sufficient proof of your client’s cooperation with reasonable requests for assistance by law enforcement.

After you have spent some time with your client and have a good handle on the facts of their story, you should strategize with your Mentoring Attorney about which LEA to reach out to. Common reporting agencies include the FBI, the Department of Labor, the Department of Homeland Security, the U.S. Attorney’s Office, NYPD Vice, and/or the District Attorney’s office. You will act as your client’s legal counsel and advocate throughout the law enforcement reporting process. The LEA should never contact your client directly – they should always go through you. Make sure your client understands that if the LEA contacts them, they should tell the LEA to contact you instead. **Sanctuary for Families provides training on victim witness representation; please reach out to your Mentoring Attorney to inquire about training prior to reaching out to the LEA.**

Continued Presence

Prosecutors and law enforcement officials are frequently reluctant to sign a I-914 Supp. B at the outset of a matter, as they believe a judge or jury might find that a client’s testimony was “bought” in exchange for an immigration benefit. In response to this concern, an individual identified as a victim of human trafficking who is a potential witness in the investigation or prosecution of the trafficker can qualify for Continued Presence. As victims of human trafficking often play a central role in building a case against a trafficker, Continued Presence is an important tool for federal, state and local law enforcement in their investigation of human trafficking related crimes. Given the nature of Continued Presence, it serves as a form of proof that your client is deemed a victim of a severe form of trafficking, that they are present on account of such trafficking, and they are complying with reasonable requests for assistance by law enforcement.

Continued Presence is a temporary immigration status, authorized by 22 U.S.C §7105(c)(3), that allows a trafficking victim to live, work and access public benefits in the U.S. during the investigation and/or prosecution of their trafficker. As such, Continued Presence affords victims a sense of stability and protection. It lasts for varying amounts of time (generally one or two years), and is renewable.

Continued Presence can only be requested by a federal law enforcement agency, primarily from the U.S. Immigration and Customs Enforcement (“ICE”), the FBI, and federal prosecutors from U.S. Attorney’s Offices within the DOJ. State and local LEAs must

coordinate with a federal agency (usually the Department of Homeland Security) to ensure your client obtains Continued Presence.

Practice Tip: Even as your client cooperates in an investigation, if they do not have legal status, they remain undocumented and thus subject to removal, as well as ineligible to work or receive public benefits. To address this dangerous situation, you should immediately seek Continued Presence.

To get your client Continued Presence, you should:

- Complete **Form I-102** (Application for Replacement/Initial Nonimmigrant Arrival-Departure Document) (*see* Form I-102 under *Tab 15*) and submit the signed document (an original signature is required) to the relevant federal law enforcement agency. When filling out the Form, the “US Mailing Address” and the “U.S. Physical Address” should always be the contact at the federal law enforcement agency and their address.²⁹ You should leave blank the question regarding when your client’s status expires (Part 1, Q. 14) – the federal law enforcement agency will fill that out.³⁰
- Complete **Form I-765** (Application for Employment Authorization) (*see* Form I-765 under *Tab 17*) and submit the signed document (an original signature is required) to the LEA.

Practice Tip: When filling out Form I-765 for a client applying for Continued Presence, the answer as to why your client is eligible for a work permit—Question No. 16 (Eligibility Category)—is that they are a person “Paroled in the Public Interest.” As of the time of the writing of this Manual, a person Paroled in the Public Interest is category (c) (11). But please always check the most recent Form I-765 Instructions to confirm that “Paroled in the Public Interest” is still identified on the instruction sheet as category (c) (11).

Practice Tip: Always check the U.S. Citizenship and Immigration Website to ensure that you have the most current application, as USCIS occasionally updates forms prior to their written expiration date and your application may be rejected despite seeming current.

- Give the relevant federal law enforcement agency two passport-sized photos of your client for the Employment Authorization Document.

²⁹ When dealing with Homeland Security Investigations (“**HSI**”) in New York, the contact address to use in the form will almost always be Tenaz Dubash, Victim Advocate Services, 601 West 26th Street, Suite 700, New York, NY 10001, as shown in Exhibit 15. For victims participating in FBI investigations, the address is: Attn: Laura Riso, Victim Specialist, 26 Federal Plaza, 23rd Floor, NY, NY 10278

³⁰ Note that this instruction is New York HSI specific. If you are dealing with another LEA, please check with them to determine their individual practice.

- All Continued Presence applications are submitted by federal law enforcement to the ICE Parole Branch.

Practice Tip: Because the application is submitted by the government, not by the victim’s attorney, no G-28 Notice of Appearance should be included. Likewise, confirm with the law enforcement entity the address to where the approved documents should be sent (not to your firm or to the client, but to law enforcement). Since the LEA is applying on behalf of the victim, there is no fee or fee waiver required for this application.

Be persistent in following up with the relevant federal law enforcement agency to make sure the I-102 and the I-765 Forms are mailed. Once mailed, the Form I-102 should not take long to process. Once processed, you will receive a receipt notice from USCIS, and once it is approved, you will receive an approval notice from USCIS. Please email copies of these notices to your Mentoring Attorney, and keep copies of both for your files.

Note that at some point your client will be called into the relevant federal law enforcement agency’s office for fingerprinting in connection with their request for Continued Presence. When a client appears at the relevant federal law enforcement agency’s office for fingerprinting you should accompany them in the event that, while there, an agent or officer decides to ask them questions about the investigation/case.

Practice Tip: Once your client has received Continued Presence, please reach out to your Mentoring Attorney to coordinate the request of a U.S. Department of Health and Human Services (HHS) Certification Letter. The Certification Letter allows a trafficking survivor to apply for the same public benefits and services as refugees.³¹

Form I-914, Supp. B

Form I-914, Supp. B. is a form signed by the relevant LEA confirming the applicant is a victim of severe form of trafficking in persons and has cooperated with the LEA’s reasonable requests for assistance in an investigation or prosecution of a crime where trafficking is at least one central reason for the commission of that crime. LEAs are given broad discretion to decide if they will sign Form I-914, Supp. B, and are not required to provide a reason for denying your request to sign Form I-914, Supp. B.³² Although the regulations and the USCIS Policy Manual clarify that “a formal investigation or prosecution is *not required* to complete a [I-914]

³¹ U.S. Department of Health and Human Services, OTIP-FS-19-01, *Certification for Adult Victims of Human Trafficking, FY 2001-2018 Data Fact Sheet* (Jul. 31, 2019), available at <https://www.acf.hhs.gov/otip/fact-sheet/resource/certification> (last accessed Nov. 3, 2022).

³² 8 CFR 214.11(d)(3)(i) (“The decision whether to complete an LEA endorsement is at the discretion of the LEA.”).

Supplement B”³³, in practice we have noticed that some LEAs will not sign Form I-914, Supp. B unless there is an open field investigation or indictment of the trafficker. Therefore, we recommend setting the client’s expectations regarding the I-914, Supp B. and reminding them that this is not a required piece of evidence to prove their cooperation.³⁴

Keep a paper trail of all communications with law enforcement. If you have a phone call with law enforcement, send a follow-up email right away confirming the key points (but not in too much detail as the emails are discoverable) of the call and next steps. If law enforcement later declines to sign the Form I-914, Supp. B., you can submit an attorney affirmation detailing your efforts to communicate with law enforcement and provide all the written communications as evidence of your client’s cooperation. If you are not receiving any responses from the LEA, send them at least three communications, with the last communication being your request that they sign the Form I-914 Supp. B.

The LEA may want to schedule one or more interviews with your client. The meeting(s) is (are) supposed to be non-adversarial. Depending on your client’s circumstances, you may want to consider asking law enforcement to sign a proffer or non-prosecution agreement³⁵ with your client before any interview takes place. *Remember that even if your client provides the LEA with one or more interviews and substantial evidence, the LEA may still deny your request for Form I-914, Supp. B.* Contact your Mentoring Attorney if you have questions regarding advocacy to obtain the Supp. B.

If LEA proceeds with prosecuting the trafficker(s), be sure to ask the prosecutor to request restitution as part of the pre-sentencing memorandum. Particularly when the trafficker is charged with a severe form of trafficking in persons, restitution is mandatory.³⁶

Practice Tips for Prepping Your Client for the LEA Interview:

- Make sure you really understand your client’s story and have addressed any inconsistencies or gaps with them before the LEA interview.

³³ 8 CFR 214.11(d)(3)(i)(emphasis added); *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 3 (2021) available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-3> (see “3. Evidence from Law Enforcement Agency”).

³⁴ 8 CFR 214.11(d)(3)(i)(“An LEA endorsement is optional evidence that can be submitted to help demonstrate victimization and/or compliance with reasonable requests. An LEA endorsement is not mandatory and is not given any special evidentiary weight.”)

³⁵ A non-prosecution agreement is an agreement whereby a government agency agrees not to charge an individual with a crime in exchange for something, such as cooperation in the case. While the US Attorney’s Office has indicated that they view our clients as victims and not subjects or targets of an investigation, it is a strategy to consider if your client’s trafficker forced them to engage in conduct that could make your client criminally liable (e.g., selling drugs for him).

³⁶ The TVPA mandates restitution in trafficking cases. Title 18, United States Code, Section 1593(a) provides that “in addition to any other... criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.” Restitution orders should “direct the defendant to pay the victim... the full amount of the victim’s losses.” 18 U.S.C. §1593(b)(1).

- Be sure to review any criminal liability with your client, including any acts that may have been unlawful, even if not arrested, as well as any contact with law enforcement, arrests, charges, convictions or diversion programs.
- Review the timeline of events with them, including any dates they can remember.
- Review the names, address and contact information (especially cell phone numbers) of anyone involved in the trafficking scheme (including other victims). The LEA will likely be very interested in this information.

Practice Tip: We have seen an increase in LEA requests for the client’s phone at the interview. Prior to your interview, the attorney should review the contents of the phone with the client to determine if there are helpful leads and contact information, as well as personal (or incriminating) information the client does not wish to share with the LEA. If the LEA requests the phone at the interview, ask what the LEA is specifically interested in and offer to review that information together at the meeting (provided you have reviewed it first), as an alternative to seizing the client’s phone. When in doubt, contact your Mentoring Attorney for advice.

- Explain that it is okay if they do not remember dates or other details during the interview – they should simply tell the investigator that they do not remember. They should understand how important it is to never make up or guess dates or details in order to answer the investigator’s questions. They should know that the most important thing is to always tell the truth.
- Empower your client. Remind them that this is not a test. They are the expert of their own experience.
- It is possible that law enforcement will bring pictures of suspected traffickers or other victims for them to review. You should prepare them for this and make sure they are ready and willing to identify their traffickers if they see them.
- Let your client know that they are allowed to ask for breaks during the interview. Let them know that if they feel overwhelmed or need to talk to you about something, they can ask for a bathroom or water break.

Practice Tips for the LEA Interview:

- You should always attend all the client’s LEA interviews.
- Do not take notes during the meeting as they may be discoverable. Instead, write a memo to your file after the meeting based upon your own impressions as the victim’s attorney.

- The government will either bring their own interpreter or conduct the interview in the client's native language. Therefore, it is extremely helpful if you can bring an attorney who speaks the client's language and is familiar with the case to make sure the interpretation is accurate and/or that the client is understanding the government's questions. Your interpreter is there not just to check for translation errors, but also to make sure the government interpreter is not changing your client's words. For example, we have had an experience where we had to interject when a government interpreter kept translating "he raped me" into "he made me have sex with him."
- You can, and should, engage with law enforcement during the meeting if necessary to clarify something your client said, or to highlight something that your client glossed over or that the investigators failed to ask them.
- You can ask for a break if you think your client is becoming overwhelmed, or if you need to talk to your client about a potential inaccuracy that needs to be corrected.
- Remember that law enforcement's requests for your client to cooperate must be *reasonable*. As previously discussed, you can, and should, push back if you think any request will put your client in danger, if they ask inappropriate questions, or if your client seems very overwhelmed and needs to end the meeting. You can also push back if the agency asks your client to come in for an excessive number of interviews.
- If the LEA makes a request at the meeting that you or your client are not entirely comfortable with (*e.g.*, download data from the client's phone) and you want to think through, let them know that you will have to discuss it with your client and get back to them later. There is no need to make a snap decision during the meeting.

While the government is permitted to provide Continued Presence immediately as part of victim protection (although often does not), it is more difficult to predict when in the process you will get a signed Form I-914, Supp. B. from law enforcement. You can help move things along by continuing to follow up with the LEA and by advocating for your client to get a signed Form I-914 Supp. B. If your client's traffickers are ultimately prosecuted as a result of the investigation, it could take many months for your client to receive a signed Form I-914, Supp. B. from law enforcement because prosecutors may not want your client to apply for T-Status until after the trial is over.

GROUND OF INADMISSIBILITY & WAIVERS

Inadmissibility

Every person applying for immigration status in the U.S. is subject to certain grounds of inadmissibility. This means that even clients who can meet the requirements for obtaining T-Status may nonetheless be denied pursuant to one of the inadmissibility grounds, which are set forth in INA §212(a). You should thoroughly review section 212(a) to determine whether your client fits into any of the grounds for inadmissibility. Some of the more common grounds of inadmissibility include (but are not limited to):

- Being convicted of prostitution or certain other crimes (including some misdemeanors and violations);
- Committing misrepresentation or fraud to obtain immigration benefits from federal immigration authorities (such as by submitting applications with false information or presenting false documents);
- Falsely claiming to be a U.S. citizen;
- Entering the U.S. without authorization and inspection by U.S. government officials at an airport, border crossing, or other official port of entry;
- Smuggling a family member across the border;
- Receiving an order of exclusion, deportation or removal, but not leaving the U.S. or staying outside the U.S. for less than the required amount of time; or
- Living in the U.S. without immigration authorization, then leaving and either returning or seeking return to the U.S.

Waivers

T-Status applicants who trigger grounds of inadmissibility under INA § 212(a) can request a waiver, essentially asking USCIS for forgiveness for the act(s) that gave rise to their ground(s) of inadmissibility. Pursuant to 8 CFR §212.16, there are two waivers available to T-status applicants: the general nonimmigrant waiver at INA §212(d)(3) and the T-status specific waiver at INA §212(d)(13). There are very few grounds of inadmissibility that cannot be waived under these waivers, including national security and terrorism grounds³⁷, international child abduction³⁸ and former citizens who renounced citizenship to avoid taxation.³⁹ T-Status

³⁷ INA §212(a)(3); 8 CFR §212.16 (b).

³⁸ INA §212(a)(10)(C); 8 CFR §212.16 (b).

³⁹ INA §212(a)(10)(E); 8 CFR §212.16 (b).

applicants are not subject to the “public charge” ground for inadmissibility and do not need to request a waiver for receiving (or being likely to receive) public assistance.⁴⁰

To qualify for the T-specific waiver under INA §212(d)(13), the applicant must show that the ground of inadmissibility was caused by or incident to their experience as a trafficking victim and it is in the national interest to waive this ground.⁴¹ Many of our clients, for example, have prostitution convictions, but they can request a waiver for this ground of inadmissibility and explain that the convictions are a result of their having been trafficked, and thus the convictions should not make them inadmissible. Think broadly when considering how a client’s inadmissibility ground may have been impacted by the trauma they experienced when they were trafficked. USCIS takes a “victim-centered approach” to adjudicating T-Status applications and should apply a “trauma-informed, survivor-informed, and culturally competent approach to all policies regarding victims.”⁴²

Practice Tip: If your client was a victim of sex trafficking and compelled to engage in commercial sex, we recommend answering the prostitution-related question “yes” and writing by hand “see attached” to explain that those acts were connected to the sex trafficking.

Practice Tip: You should refrain from checking “yes” to any question that asks “I have committed a crime for which I have not been arrested.” As our clients’ advocates, we generally are not in a position to determine whether a particular act meets all the elements of a crime or whether affirmative defenses exist, a role that is more properly reserved for a court. If you believe that your client committed a crime for which they have not been convicted, please speak with your Mentoring Attorney.

In the event that it is difficult to make an argument under the T-Status specific waiver per INA §212(d)(13) as discussed above, an applicant may seek a waiver under the broader INA §212(d)(3) general nonimmigrant waiver, which gives USCIS discretion to waive almost any ground of inadmissibility⁴³. The INA does not specify a standard for discretionary waivers under INA §212(d)(3), however the Board of Immigration Appeals created a balancing test for analyzing this waiver in *Matter of Hranka*.⁴⁴ Under *Matter of Hranka*, when adjudicating a 212(d)(3) waiver, factors to be considered include: the risk of harm the applicant poses to

⁴⁰ 8 CFR §212.16 (b); Form I-192 – Instructions for Application for Advance Permission to enter as a Nonimmigrant.

⁴¹ INA §212(d)(13), INA §212(d)(3); 8 CFR §212.16 (a).

⁴² *United States Citizenship and Immigration Services Policy Manual*, Vol. 3, Part B, Ch. 7 (2021) available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-7#footnote-2>.

⁴³ The only grounds that cannot be waived by INA § 212(d)(3) related to sabotage, espionage, genocide and participation in Nazi persecution.

⁴⁴ National Immigrant Justice Center, *Practice Advisory U Visa Inadmissibility Waivers in Removal Proceedings* (2017); *Matter of Hranka*, 16 I&N 491 (BIA 1978).

society; 2) the seriousness of the immigration or criminal violations of the applicant; and, 3) the nature of the applicant's reasons for wishing to stay.⁴⁵

If you determine that your client is inadmissible for one or more reasons, you should request a waiver by submitting **Form I-192** (Application for Advance Permission to Enter as Nonimmigrant). If the grounds of inadmissibility are criminal in nature or complex, Form I-192 must have a supporting client affidavit outlining the reasons for the applicant's inadmissibility, explaining why the applicant is eligible for a waiver and requesting favorable exercise of discretion. However, if the inadmissibility grounds are more routine (such as Entry Without Inspection), you could simply provide a short explanation of the facts that gave rise to the inadmissibility ground on Part 8 of Form I-192, in lieu of a supporting affidavit. More detailed information about grounds of inadmissibility and waivers are contained in the review of the I-914 application, *infra*. If you have questions regarding inadmissibility or waivers, contact your Mentoring Attorney.

⁴⁵ *Matter of Hranka*, 16 I&N 491, 492 (BIA 1978).

DERIVATIVE APPLICANTS

Certain of your client’s family members may be eligible for immigration status based on your client’s T-Status — regardless of whether that family member is present in the U.S. This is known as **derivative status**, and you should generally submit a derivative application on the derivative’s behalf at the same time you submit your client’s T-Status application. In cases where your client is married after the submission of their T-Status application, but before the adjudication of their status, you should file the derivative application for the new spouse as soon as possible after the marriage.⁴⁶

Practice Tip: T principal applicants (“T-1”) are eligible to petition for their spouse regardless of their age (if the spouse is not a trafficker). However, it is important for you to determine whether the marriage is legally valid, as some clients refer to their live-in partners as a “spouse.” Please speak with your Mentoring Attorney if your client has a partner for whom they are considering an application for derivative status.

If your client is **under 21 years of age** at the time their T-Status application is filed, the following family members are eligible to receive status at the same time as (or subsequent to) the T-1:

- Client’s spouse if marriage existed prior to the adjudication of T-1’s T-Status application. (*the spouse is known as a T-2 nonimmigrant*);
- Client’s minor child (unmarried and under 21 at time of the filing of the derivative application). (*the child is known as a T-3 nonimmigrant*);
- Client’s parent(s) (*the parent is known as a T-4 nonimmigrant*); and
- Client’s unmarried sibling who is under 18 years of age at the time of the filing of the derivative application.⁴⁷ (*the sibling is known as a T-5 nonimmigrant*)

If your client is **21 years of age or older** at the time their T-Status application is filed, the following family members are eligible to receive visas at the same time (or any time after) your client:

⁴⁶ United States Citizenship and Immigration Services *Policy Manual*, Vol. 3, Part B, Ch. 4 n. 13, available at <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-4#footnote-13> (2021) (“See [8 CFR 214.11\(k\)\(4\)](#) as limited by *Medina Tovar v. Zuchowski*, 982 F.3d 631 (9th Cir. 2020) (holding invalid the regulatory requirement that a spousal relationship exist at the time a Petition for U Nonimmigrant Status ([Form I-918](#)) is filed in order for the spouse to be eligible for classification as a U-2 nonimmigrant). As a matter of policy, USCIS applies the *Medina Tovar* decision nationwide to spousal and stepparent relationships arising in T visa and U visa adjudications. Therefore, where the family relationship is created by marriage, it does not have to exist at the time the applicant submits the application for T-1 nonimmigrant status. In that circumstance, the family relationship must exist at the four subsequent points set forth at [8 CFR 214.11\(k\)\(4\)](#).”)

⁴⁷ INA §101(a)(15)(T)(ii)(I); 8 USC §1101(a)(15)(T)(ii)(I).

- Client’s spouse if marriage existed prior to the adjudication of T-1’s T-Status application (*the spouse is known as a T-2 nonimmigrant*);
- Client’s minor child (unmarried and under 21 at time of the filing of the derivative application) (*the child is known as a T-3 nonimmigrant*);
- Client’s parent(s) if the Department of Homeland Security determines parent(s) is (are) in danger of retaliation as a result of your client’s escape from trafficking or their cooperation with law enforcement (*the parent is known as a T-4 nonimmigrant*); and
- Client’s unmarried sibling who is under 18 years of age at the time of the filing of the derivative application if the Department of Homeland Security determines the sibling is in danger of retaliation as a result of your client’s escape from trafficking or their cooperation with law enforcement.⁴⁸ (*the sibling is known as a T-5 nonimmigrant*).

Practice Tip: Make sure you know the birthdates of all your client’s family members. If a child or sibling is about to age out (*i.e.*, a sibling about to turn 18 or a child about to turn 21), you should file the T-Status application quickly to ensure your client’s family member is eligible for derivative status.

Practice Tip: If a client is requesting derivative status for their child, that child must be under 21 years of age and unmarried at the time of the filing. If the application is timely filed, children remain eligible if they turn 21 while the application is pending.⁴⁹ However, the children must remain unmarried until they have entered the US in T derivative status.⁵⁰

Practice Tip: Similarly, if a client is requesting derivative status for their unmarried siblings under 18, those siblings retain eligibility if they turn 18 while the application is pending, but they must remain unmarried until they are admitted into the U.S.⁵¹

The 2013 VAWA reauthorization created a new derivative status – the T-6 nonimmigrant status.⁵² A person may be eligible for T-6 status if they are the child (adult or minor) of a derivative (*i.e.*, child of a T-2, T-3, T-4, or T-5) and they face a present

⁴⁸ INA §101(a)(15)(T)(ii)(II).; 8 USC §1101(a)(15)(T)(ii)(II).

⁴⁹ 8 CFR §214.11 (k)(5)(ii).

⁵⁰ 8 CFR §214.11(k)(5)(iii).

⁵¹ 8 CFR §214.11(k)(5)(ii) and (iii).

⁵² See the attached, **QUICK REFERENCE: T NONIMMIGRANT STATUS ELIGIBILITY AT A GLANCE**, which provides a reference chart to all the T Status eligibility categories, T-1, T-2, T-3, T-4, T-5, and T-6.

danger of retaliation as a result of the T-1 applicant's escape from trafficking or cooperation with law enforcement.⁵³

Practice Tip: While the T-6 nonimmigrant status is a welcome addition, it does not encompass all of the principal's family members who might be experiencing a present danger related to the trafficking. For example, if the T-1 principal has a child over the age of 21, this adult child can only qualify for T-6 status if the child's parent is the T-2 spouse. However, if the T-1 principal never married the adult child's father/mother, the adult child over 21 does not qualify for T-6 status. Please consult your Mentoring Attorney with questions regarding derivative eligibility.

The principal applicant must file a **Form I-914 Supplement A** (Application for Immediate Family Member of a T-1 Recipient) (see Form I-914 Supp A under *Tab 13*) on behalf of each of their qualifying family members, as well as proof of the qualifying relationship.

Derivative applicants are also eligible to apply for T Adjustments provided that they meet all necessary requirements. Please see section headed "T Nonimmigrant Status Adjustments" contained in this Manual.

⁵³ INA §101(a)(15)(T)(ii)(III) as amended by VAWA 2013, 8 CFR §214.11(k)(1)(iii); *see also* USCIS, *New T Nonimmigrant Derivative Category and T and U Nonimmigrant Adjustment of Status for Applicants from the Commonwealth of the Northern Mariana Islands*, PM 602-0107 (Oct. 30, 2014), https://www.uscis.gov/sites/default/files/USCIS/Outreach/Interim%20Guidance%20for%20Comment/Interim_PM-602-0107.pdf

INTERVIEWING YOUR CLIENT

You will need to gather a significant amount of information from your client, some of it very difficult for them to tell you, and you will inevitably need to meet with them several times in order to get everything you need. It is often advisable to spend the first meeting getting to know each other, going over some basic information, and gathering documents. First build a rapport with the client, and wait until the second meeting to begin asking questions about their trafficking. Of course, all clients are different, and some might be ready to jump in during the first meeting—you will have to assess your client’s demeanor and comfort level that day and proceed accordingly.

Building a strong and trusting relationship with your client is critical. Your client may be very nervous about telling their harrowing story to a group of new people. They may feel embarrassed about their experiences, their level of education, or their inability to communicate with you in English. Some clients may also present a flat affect when they are disassociating or otherwise unable to speak about their trauma. Clients may not fully understand your role as pro bono attorney, and may think that you are someone connected to law enforcement. It is important to do everything you can to try to put your client at ease right away, and this includes providing them with sufficient information to understand your role and the process. Below are some tips that will help you build a trusting relationship with your client.

1. Prepping for the First Meeting

- When you call your client to schedule the meeting, make sure you clearly introduce yourself and your role, and how your case was referred to you. Provide specific directions to your office, as well as specific directions on what to do once they get there. Prep them for the security check-in, and let them know that they will need identification. If they do not have photo identification, please make advance arrangements at the Security Desk. Make sure they have your contact number (or the contact number of the person who is interpreting if you do not speak their language) in case they get lost or have problems.
- Consider meeting them in the lobby and accompanying them to the conference room (this will help relieve some of their stress around facing security).
- Avoid scheduling the meeting in a “fishbowl” conference room, *i.e.*, a room where passersby can see in. Try to secure a room with windows facing outside, as some trafficking victims feel uncomfortable in a windowless room.
- Make sure the room has water, coffee/tea, and tissues. If you are able to provide food, that is also a nice added touch.

- Review the article *Interviewing and Assisting Trafficking Survivors* (see Tab 2) before the meeting.

2. **The First Meeting**

- Don't overwhelm the client with too many people in the room – include only those in the meeting who are necessary. Female clients generally should not be represented by all male teams (we have had some positive exceptions, so please contact the Mentoring Attorney if you have male-only representation available).
- If there is food, please note that many clients will be too shy to help themselves unless you are also eating. It is often helpful to indicate that you are going to eat and ask them to please join you, and get yourself some food. This will help put them at ease.
- Introduce everyone in the room, and explain their roles (*i.e.*, attorney, translator, paralegal). Make sure the client understands that you are working with Sanctuary and that you and Sanctuary are their attorneys. Explain the concept of attorney-client privilege and assure them that everything they tells you is confidential. You will not reveal anything to law enforcement or anyone else unless they give you permission.
- Walk them through the engagement letter and explain everything in plain terms to them. Ask if they have any questions. Even if the client has a translated version of the letter in their native language, it is still important that it is discussed and explained in simple terms.
- Outline goals (*e.g.*, obtain T Status and work authorization for client; and obtain derivative status for their children/family) and explain the process and timeline. Ask if they have any questions, and if they have any other goals.
- Obtain some basic information
 - Current safe telephone number, address, and e-mail (if any);
 - Best way/time to contact client;
 - Alien numbers for client and all family members (if any);
 - Social security numbers (if any) for client and all family members;
 - Make copies of all documents the client has brought with them, and
 - Before the client leaves, make sure they have a list of documents that you need them to try to gather if there are documents that you do not have access to.
- Before they leaves that first meeting, make sure they have the business cards of the people on the team they should contact if they have any questions or any updates. Some clients prefer to text – decide in advance if you are comfortable giving out your cell phone number. Make sure your client knows that they must inform you of any changed phone numbers, addresses, emails, *etc.*

3. The Follow-Up Meeting: Talking to Your Client about Their Trafficking Experience

- Start with open-ended questions. Let your client begin their story however they're comfortable. If possible, try not to interrupt their story. Rather, jot down your questions and when they come to a natural break in the story, go back and ask them about the additional details you need to know. Note that clients will rarely tell their story in chronological order, but you can always go back and get the order and approximate dates later.
- Make sure your questions are not judgmental. Do not ask questions like, *Why did you stay so long? Why did you go with him? You only knew him for a few days, why did you trust him? Why didn't you go to the police right away?* These type of questions will cause clients to shut down.
- Remember that this is not a cross-examination. You may identify inconsistencies in your client's story, but that will very often be because of the defenses they have employed to try to survive the trauma they suffered, including minimization, compartmentalization, repression, and other forms of trauma survival. You should gently and compassionately try to reconcile those inconsistencies with your client, perhaps at another meeting if your client appears to be getting upset. Always explain that you are asking them for purposes of creating the best possible application on their behalf, and not because you don't believe them.
- If your client begins to cry or becomes very upset, do not try to comfort them by initiating a hug or touching them in any way. This could make your client more uncomfortable, or could be a trigger. Offer them some tissues, and ask if they wants to walk with you to the bathroom, to get something to drink, or go outside. Walking or drinking water can be very soothing.

CONTENTS OF A T-NONIMMIGRANT STATUS APPLICATION

You should include in the application any credible, relevant evidence, which means that you can prove much of your case through your client's testimony. As a result, the most important part of your application is a fulsome victim affidavit that details all compelling and relevant pieces of your client's story.

In a typical case, your application package will include all of the documents set forth below. We have provided samples of many of the immigration forms you will need under *Exhibit 1* to this Manual, **but you should always download the forms directly from www.uscis.gov to ensure that you are getting the most up-to-date document.**

Photos

Under the new regulations, which took effect January 18, 2017, photographs are **no longer** required for principal applicants. Two photos are still required for each derivative applicant in the US who wishes to obtain a work permit.

Checks (if subject to a filing fee)

The I-914 application has no filing fee for the principal applicant or their derivatives. However, there are fees for the waiver of inadmissibility (Form I-192) or for derivative family member work permits (Form I-765). Typically, your client will be requesting fee waivers. However, if your client is paying, you should include a separate personal check, cashier's check or money order for each fee and should paper clip them directly in front of the cover letter. This is to make sure the checks do not get lost in the package. Additionally, the application package is first screened by non-adjudicators and will be rejected if there are any errors in the fee or fee waiver.

Cover Letter

Typically, the cover letter can be fairly brief, and should just clearly outline everything included in the package, including a bulleted list of exhibits. In some cases, however, where you do not have a law enforcement attestation of cooperation or proof of Continued Presence, you may need to submit a more detailed cover letter or a legal brief. Please discuss with your Mentoring Attorney whether a more detailed cover letter is necessary. At the top of your cover letter you should hand write "**T-VISA**" with a red marker.

Fee Waivers

Fee waiver requests should be placed right after the cover letter. All fee waiver requests should be bundled together on Form I-912 (Request for Fee Waiver), which asks you to indicate for which forms you are seeking a fee waiver as well as which family members should be included in this request (if you are simultaneously filing for family members as derivatives). **We recommend reading USCIS' Instructions to Form I-912, which is available on their**

website, for a detailed overview of the types of evidence required or requested for each eligibility category for a fee waiver.⁵⁴

Practice Tip: The Form I-912 offers three bases for waiving the filing fee: a) receipt of a means-tested benefit by the applicant, their spouse or the head of the household; b) household income at or below 150% of the Federal Poverty Guidelines; or c) financial hardship. While in the past practitioners often just checked one of these categories, we now advise that you check as many as apply to your client’s situation, even if the evidence in support of the bases is redundant.

Practice Tip: The receipt of public benefits by a client’s US citizen child is not sufficient for Part 4 “Means Tested Benefits” on Form I-912. Instead, such receipt can be used to document Part 5 “Income at or Below 150 Percent of the Federal Poverty Guidelines.”

Practice Tip: Given the recent uncertainties around fee waivers, if your client is facing an urgent deadline (age out for themselves or derivative child), you may consider payment of the filing fee rather than seeking a fee waiver.

Form G-28 (Notice of Entry of Appearance)

This is your notice of appearance, and you must submit a separate G-28 for each applicant. The G-28 must be signed by a member in good standing of the bar of any U.S. state, or of the District of Columbia. The G-28 allows you to include several Forms, and you should indicate all Forms that you are filing for the client (e.g., Form I-914, I-914 Supp. A., I-192, I-765). This is important as it ensures that all notifications about each Form come directly to you. Unless your client requests otherwise, do not list client’s home address, use your firm’s address (with a “c/o” indicator). Additionally, on Part 4 of the application, please mark both 1.a. and 1.b. to ensure that the notifications and identity documents are delivered to your office and not to the client’s home address. There are no filing fees associated with filing Form G-28.

Practice Tip: You will be checking “Yes” to the question about whether your client wants an Employment Authorization Document on your client’s Form I-914 (see below). As a result, even though you are not submitting a separate Form I-765 for your client, you still need to indicate on your Form G-28 that you are representing your client for purposes of their Employment Authorization Document. Again, this is to ensure that you receive USCIS notifications related to your client’s work authorization.

Form I-914 (Application for T Nonimmigrant Status)

This is your client’s application form for T-Status.⁵⁵ You should review the sample Form I-914 in the exhibits to this Manual, and of course always go through every question with

⁵⁴ USCIS Instructions for Form I-912, available at <https://www.uscis.gov/i-912>.

⁵⁵ USCIS published a new Form I-914 edition date 12/02/21. Starting on January 1, 2023, they will only accept the 12/02/21 edition. Remember to always check the USCIS website (www.uscis.gov) to download the most up to date forms.

your client. But below are a few practice tips to remember when filling out the Form I-914. Also, there are no filing fees associated with filing Form I-914.

Form I-914, Part 2

- As discussed previously, do not list client's home address or telephone. Use your firm's address (with a "c/o" indicator) and your phone number.
- In the "Date of Last Entry" field, always write in "approx." unless your client entered with inspection and has an entry date stamped on their passport.

Form I-914, Part 3

- Part 3. Questions 1, 2 (either A or B), 3 and 4 should be answered "Yes." If the answer is "no" to any of these questions, please contact your Mentoring Attorney.
- Always indicate "Yes" in Part 3. Question 10 regarding whether your client would like an Employment Authorization Document – even if they already have one.

Form I-914, Part 4

- If your client answers "Yes" or "No" but the answer is more appropriately labeled "Unclear" to any of the questions in Part 4, you must include an explanation either in Part 9. Additional Information or attach a short supplemental affidavit ("Affidavit in Connection with Form I-914" or "Form I-914 Affidavit") from your client supplementing their response and explaining the circumstances. Your explanations in Part 9. or on Form I-914 Affidavits should be succinct, but should still be advocacy pieces that highlight the most compelling parts of your client's story.
- When responding to Part 4. Question 1 regarding crimes, keep these two points in mind:
 - You should generally answer "No" to the question regarding whether your client has ever committed a crime or offense for which they have not been arrested. This question calls for the client to make a legal analysis about whether past conduct may have constituted a crime in the jurisdiction they were in at the time. The client should not be guessing at the answer if they are not in a position to make that determination. If you believe the client has engaged in some act that could be considered criminal (such as prostitution), you may answer "No" and provide an explanation why your client answered "No" but feels the answer is more appropriately labeled as "Unclear."

- If your client has been arrested, charged, or convicted of a crime you should be sure to make full disclosure by indicating “yes” if Sanctuary has been able to obtain FBI fingerprint confirmation or other official records. If your client believes that they were detained or charged but there is no FBI or other record, you should answer “Yes” on the Form and address the facts in a Form I-914 Affidavit. You should make the disclosure even if (i) their case has been dismissed; (ii) they have received an Adjournment in Contemplation of Dismissal (“ACD”); (iii) they were arrested under the age of 18, or (iv) if you cannot find the Certificate of Disposition but your client remembers being arrested, etc. This includes any immigration-related arrests or charge, as well as any violations.⁵⁶
- With respect to Part 4. 2. A., regarding whether your client has ever engaged in prostitution, we recommend answering “Yes” if your client has been compelled to engage in commercial sex or has prostitution-related arrests. Our position on this question has evolved after observing that USCIS has found trafficking survivors—who were coerced into performing sex acts—inadmissible on prostitution grounds and in need of a waiver. We now believe it is more risk averse to seek a waiver for prostitution inadmissibility grounds at the T-Status phase so that clients will not face scrutiny at the Adjustment of Status phase, or be found inadmissible for a Crime Involving Moral Turpitude (CIMT). Note that you still want to provide a supplemental response to this question, which you can do in Part 8 or in a Form I-914 Affidavit, explaining why you do not consider them to have engaged in prostitution. And you will also want to seek a waiver on Form I-192 (*see* below) and explain in Part 8 of Form I-192 or the I-192 supplemental affidavit (“Affidavit in Connection with Form I-192” or “Form I-192 Affidavit”) that you do not believe that your client has engaged in prostitution but that you are seeking a waiver out of an abundance of caution in case the government views the case differently.
- With respect to Part 4. 8. A-C., which asks whether your client has ever been present when a person was killed, beaten, displaced, etc., you should answer “Yes” if the client them self was ever beaten, forced to move, etc. Some clients may also have seen other victims being beaten by their trafficker, a common form of intimidation, so if appropriate, please explore these questions. This helps to create a compelling story.
- If your client does not know if they have a pending removal, exclusion, rescission, or deportation proceeding against them (Part 4. 10.), you should be able to get that information from a Freedom of Information Act request (“**FOIA Request**”) (Sanctuary typically makes a FOIA request soon after screening the client, so ideally you will already have this information in your file).

⁵⁶ Although in New York a violation is not considered a crime, violations must nonetheless be disclosed for immigration purposes.

Form I-914, Supp. A (Application for Immediate Family Member of T-1 Recipient)

You will include a Form I-914 Supp. A for each family member who is applying for derivative status. The T-1 principal is the applicant, and the applicant signs in Part 6. Question 7. The derivative family member signs in the box below the applicant's signature if the derivative is 14 or over and in the U.S. If the derivative relative is under the age of 14, the derivative's parent or legal guardian can sign the Form on their behalf.

You must complete Part 9. Additional Information or attach a supplemental affidavit ("Affidavit in Connection with Form I-914, Supp. A." or "Form I-914 Supp. A. Affidavit") if the answer to any of the questions in Part 5 ("Processing Information" section) is "Yes." The Form I-914 Supp. A. Affidavit can be from your client (explaining the circumstances on behalf of the derivative) or from the derivative applicant them self. If the derivative is over the age of 14 and in the U.S., it is better if the affidavit comes from them. There is no filing fee associated with filing the I-914 Supp. A.

Form I-192 (Application for Advance Permission to Enter as Nonimmigrant)

You must submit a Form I-192 for each applicant who is inadmissible under INA §212(a). If the inadmissibility grounds are criminal in nature or complex, we recommend drafting a Form I-192 Affidavit – a brief affidavit outlining the reasons for the applicant's inadmissibility, arguments for their eligibility for a waiver, and requesting a favorable exercise of discretion for a waiver. However, if the inadmissibility grounds are straight forward (e.g. Entry Without Inspection or lack of valid passport), you can include your explanation of the facts that gave rise to the inadmissibility in Part 8 of Form I-192 without writing a separate affidavit. If an applicant is 14 years or older, the Form I-192 must be signed by the applicant. If the applicant is under the age of 14, the applicant's parent or legal guardian can sign the Form. There is a fee associated with filing Form I-192, so you will either need to provide a check or a fee waiver request.

Practice Tip: Waivers are both statutory and discretionary, therefore, it is important to refer to the statute and regulations as you determine whether to seek a waiver. Depending on the nature of the ground of inadmissibility, you may also want to look at case law to help craft your request.

Briefly, if an applicant meets all other statutory and regulatory requirements of the waiver, the USCIS officer must determine whether to approve the waiver as a matter of discretion.⁵⁷ For applicants with criminal grounds for inadmissibility (including "engagement in prostitution"), referred to in the USCIS Policy Manual under the Waiver Eligibility Category and the Criminal History/Moral Character, the applicant needs to:

1. Amplify the following favorable factors

⁵⁷ USCIS Policy Manual, Chapter 5 (<https://www.uscis.gov/policy-manual/volume-9-part-a-chapter-5>)

- a. Respect for law and order, and good moral character, which may be evidenced by affidavits from family, friends, and responsible community representatives.
 - b. Reformation of character and rehabilitation.
 - c. Community service beyond any imposed by the courts.
 - d. Considerable passage of time since deportation or removal.
2. Show how these unfavorable factors do not exist in their case
- a. Moral depravity or criminal tendencies reflected by an ongoing or continuing criminal record, particularly the nature, scope, seriousness, and recent occurrence of criminal activity.
 - b. Repeated or serious violations of immigration laws, which evidence a disregard for U.S. law.
 - c. Lack of reformation of character or rehabilitation.
 - d. Previous instances of fraud or false testimony in dealings with USCIS or any government agency.
 - e. Marriage to a U.S. citizen or LPR for the primary purpose of circumventing immigration laws.
 - f. Nature and underlying circumstances of the inadmissibility ground at issue, and the seriousness of the violation.
 - g. Public safety or national security concerns

Form I-765 (Application for Employment Authorization)

Submit an Employment Authorization Form for each derivative family member applicant who is currently in the U.S. and who would like a work permit. There is a fee associated with filing Form I-765, so you will either need to provide a check or a fee waiver request. While photos are not required for the principal applicant, two passport photos are required for each derivative family member seeking employment authorization.

Practice Tip: Recall that you do not need to complete Form I-765 for the principal applicant, because you have already requested employment authorization on their Form I-914, but you will still list Form I-765 on the principal applicant's Form G-28.

Index of Supporting Evidence

USCIS has told us that they find an index of supporting evidence very useful in our T-Status applications. You may follow our sample index provided in the exhibits to this Manual. The following are some of the exhibits that you will need to include in your T-Status application and list on the index of supporting evidence. This is a non-exhaustive list – you may have other evidence to include depending on your case.

Supporting Evidence

- Form I-914, Supp. B.; Continued Presence; or Other Evidence of LEA Cooperation

Submit the grant of Continued Presence, and/or the signed (original signature required) Form I-914, Supp. B. If you have not obtained a signed I-914 Supp. B or Continued Presence, you must include other evidence of law enforcement cooperation. This could include drafting an attorney affirmation detailing the efforts you made to contact law enforcement and should include all supporting documents such as emails to and from law enforcement.

- Client Affidavit

The Client Affidavit is mandatory, and the central component of the application. The Client Affidavit is a narrative of their trafficking story, and it should include facts that help your client satisfy all four elements of the T-Status requirements. It needs to provide a cogent explanation of how your client was trafficked, their trafficking experience, any cooperation with law enforcement, their fears about being returned to their home country, and the hardships they will face if returned. If possible, it should also include a sentence or two about any personal developments in the U.S. since escaping their trafficker (*e.g.*, seeing a therapist, taking English lessons).

Practice Tip: You should draft your client’s affidavit using plain English. The affidavit should not include law or any legalese, and should not be written in any overly formal style. The language should reflect the client’s voice.

Practice Tip: Avoid providing specific dates or unnecessary details that could impeach a client’s credibility should there be a criminal investigation of their trafficker. You should include the least amount of detail necessary to satisfy the T-Status standard.

Practice Tip: Before asking your client to sign the final draft of the affidavit, be sure to review the document with your client word-for-word to confirm accuracy. Ask the client whether they would prefer you read the declaration to them, or if they would prefer to read it quietly at a meeting with you. Do not mail a copy of the affidavit to the client, as it contains highly sensitive and confidential information.

- Supporting Documents

You should try to gather other evidence to support your client’s affidavit, although it may not always be available. For example, you may be able to include Craigslist or Backpage.com advertisements posted by your client’s pimp or trafficker; newspaper articles about prosecutions of your client’s traffickers; medical records documenting abuse or forced abortions; orders of protection; a letter from your client’s therapist discussing their trauma from trafficking; photographs of visible injuries caused by the trafficker, Google Maps screenshot of the location where your client was trafficked or harbored; etc. Also include certified certificates of disposition for all of your client’s arrests.

Practice Tip: Any documents in a foreign language must be accompanied by an English translation and a certificate of translation.

- **Identity and Immigration Documents**

Include copies of identity documents (*e.g.*, passport, birth certificates of all children, marriage certificates, divorce decrees and death certificates if relevant) for your client and for each derivative family member applicant. Also include copies of immigration documents indicating lawful entry to the U.S. or significant public benefit parole into the U.S., such as an I-94 card, an I-102 approval notice (indicating that the client has Continued Presence) and/or an I-765 approval notice. Note that a client who cannot present proof of lawful entry and cannot include proof of a current valid passport must file a Form I-192 seeking a waiver.

Practice Tip: Any documents in a foreign language must be accompanied by an English translation and a certificate of translation.

FILING THE T NONIMMIGRANT STATUS APPLICATION

All applications should be reviewed with your Mentoring Attorney prior to filing. Once approved by your Mentoring Attorney, your application should be bound with a binder clip and labeled with exhibit tabs. USCIS will scan your application upon receipt, therefore marking the exhibits with tabs will help ensure all evidence is clearly identified. T-Status applications should generally be ordered as follows:

- Checks (if any)
- Cover letter
- Fee Waiver (If not providing check for I-192 filing fee, one form for all applications of principal and derivatives)
- Principal Applicant
 - Form G-28 notice of appearance for principal applicant
 - Form I-914
 - Form I-192 for principal applicant (if required)
- Derivative Applicant
 - Form G-28 notice of appearance for derivate applicant
 - Form I-914 Supp. A
 - Form I-192 for derivative applicant (if required)
 - Form I-765 for derivative applicant if the derivative is in the US
 - Two passport photos for the derivative if filing Form I-765,
- Index of Supporting Documents
- Supporting documents
 - Client Affidavit
 - Client Response Affidavit in Connection with Form I-914 (if explanations to “yes” answers do not fit in Part 9)
 - Client Affidavit in Connection with Form I-192 (if explanations to “yes” answers do not fit in Part 8)
 - Derivative Response Affidavit in Connection with Form I-914A (if explanations to “yes” answers do not fit in Part 9)
 - Derivative Affidavit in Connection with Form I-192 (if explanations to “yes” answers do not fit in Part 8)
 - Signed I-914 Supp. B or other evidence of cooperation with law enforcement
 - Any other evidence supporting your client and derivative’s applications

Submit the entire application to:

USCIS – Vermont Service Center
38 River Rd.
Essex Junction, VT 05479-0001

POST-FILING

Please send your Mentoring Attorney a complete .pdf copy of the entire application. Please do not send hard copies to Sanctuary.

After you file the application you will receive several Notice of Action Forms from USCIS, including receipts indicating that the I-914, I-914A (where applicable), I-192 (where applicable) and I-765 (where applicable) were received. Update both your client and your Mentoring Attorney about all Notices of Action that you receive. USCIS should send two receipt notices for each application. Please retain the attorney copy and provide the original copy to your client. **Please send PDF copies of every Notice to your Mentoring Attorney.**

Practice Tip: After you receive your first Notice of Action, you can create a USCIS account to track the progress of your case:

<https://egov.uscis.gov/casestatus/landing.do>

Application Support Center (“ASC”) Biometric Appointment

Approximately one to two months after you file the application, you will get an ASC Biometric Appointment Notice (the “**Appointment Notice**”) for your client (please send a PDF copy to Sanctuary). At this appointment, your client will be photographed and fingerprinted. **Make sure your client understands that they must attend their biometric appointment on the day that it is scheduled**, and that they will have to go through metal-detector security and will need to bring valid identification with them. They must also bring a copy of the Appointment Notice and they should give you a copy of the Appointment Notice after it has been stamped by the ASC officer at their appointment (please send a stamped .pdf copy to Sanctuary). You do not need to accompany your client to this appointment – it is a very simple process, and you can assure your client that it is a straightforward and standard requirement for all applicants.

Requests for Evidence (“RFE”)⁵⁸

“USCIS may either deny or issue a request for additional evidence for any application submitted without all of the required initial evidence.” 8 CFR 103.2(b)(8)(ii). The only required evidence for T applications are the applicant's signed statement of victimization, a Form I-192 request for waiver of any applicable inadmissibility grounds with the fee, and any other relevant, credible evidence of the applicant's eligibility.” 8 CFR 214.11(d)(2).

If you receive a Request for Evidence (“RFE”), please alert your Mentoring Attorney immediately. Read the RFE carefully and respond to everything USCIS is requesting. In some cases, the RFE may be relying on misinformation, in which case part of your role will be to

⁵⁸ Policy Memorandum PM-602-0163, “Issuance of Certain RFEs and NOIDs; Revisions to *Adjudicator’s Field Manual* (AFM) Chapter 10.5(a), Chapter 10.5(b) (July 13, 2018), https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf.

clarify the record. Then, per the instructions on the RFE, include the original RFE as the first page of your submission, followed by your cover letter, and then any documents in response to the RFE. Note that RFEs are time sensitive. The RFE deadlines are strict, and you must mail the RFE responses well before the deadline, and with tracking confirmation. During the COVID pandemic, USCIS issued extensions to RFE deadlines. Be sure to check the USCIS website to determine if a COVID extension applies to your RFE.⁵⁹

Decision

Timing on application decisions vary. USCIS processing times for T applications have ranged from 9.6 months in Fiscal Year 2017 to 18.6 months in Fiscal Year 2020. As of August 2022, the average processing time was 12.9 months.⁶⁰ If the application has been pending for one year, please contact the Mentoring Attorney to discuss strategies for expediting the application. When the application is approved, please notify the Mentoring Attorney immediately so that we can notify the Department of Health and Human Services and access public benefits for the client. Provide your client with the original I-914 approval notice, and retain a copy for your records. Your client can expect to get their Employment Authorization Document a few weeks after the I-914 approval. If the application is denied, please immediately consult with your Mentoring Attorney, as an immediate appeal may be necessary.

Practice Tip: The USCIS website provides estimates of the current processing times for various immigration applications:

<https://egov.uscis.gov/processing-times/>

Consular Processing for Derivatives

Once your client's derivatives who are outside of the U.S. have received their I-914 Supp. A approvals from USCIS, they must then go through the consular process in their home country to obtain a T visa from the U.S. Department of State to enter to the U.S. This can be particularly challenging if the derivative is a child and does not have a passport. After you receive the I-914A approval notices from USCIS, contact your Mentoring Attorney on the case and we will put you in touch with the appropriate person at the International Organization for Migration ("IOM"). IOM will help you organize the on-the-ground processes for obtaining a T visa from a U.S. consulate where your clients' derivative(s) reside.

After Approval & Family Reunification

Your client's application has been approved, they proudly holds a four-year work permit and you have greeted the family members at the airport with balloons. Congratulations! There are just a few final steps remaining:

1. Removal Proceedings? In a small number of cases, a client may be in removal proceedings, which will require a motion to terminate proceedings based upon the T nonimmigrant status approval. If your client is or ever has been in removal proceedings,

⁵⁹ See <https://www.uscis.gov/about-us/uscis-response-to-covid-19>.

⁶⁰ See <https://egov.uscis.gov/processing-times/historic-pt>.

please contact your Mentoring Attorney for assistance in filing the appropriate motion(s) with the Immigration Court.

2. Employment Authorization. Please help the derivative family members complete their employment authorization applications immediately after arrival, even if they are little children. The Employment Authorization Document serves as a valuable form of photo identification, and the Social Security Office has required it for children to obtain a Social Security number, and subsequently, access to public assistance. Instructions for the EAD are identical to those contained when concurrently filing for derivative family members in the United States.
3. Closing the matter? Once your client's derivatives have work permits (or before, if there are no derivatives) and/or removal proceedings have been terminated, determine whether your firm will close the matter or continue with representation on the application for Adjustment of Status to Lawful Permanent Residence. If you are closing the matter, please provide your client with a closing letter that provides information about their T nonimmigrant status and continuing legal obligations while in status, as well as the date they are eligible to apply for lawful permanent residence and the deadline by which to do so. A sample closing letter is included in this Manual.
4. Continuing Representation for Permanent Residence. In many cases, your client may be eligible to apply for permanent residence early if the investigation or prosecution of their trafficker has ended. If your client is eligible, we recommend that T status holders seek early adjustment whenever possible. Consult your Mentoring Attorney with any questions. Please continue to the following section if you and your client are ready to file for Lawful Permanent Residence!

T NONIMMIGRANT STATUS ADJUSTMENT

T Adjustments – Obtaining Lawful Permanent Residency in the U.S.

Your client may apply to adjust their T-Status into lawful permanent residency in the U.S. if they meet all the requirements. A lawful permanent resident (or colloquially known as a “green card” holder) (“LPR”) is authorized to permanently live and work in the U.S. Most importantly, it is a pathway to U.S. citizenship. For the purposes of this Manual, we will refer to this adjustment process as “T Adjustment”.

Under INA §245(l), your client may be able apply for a green card if it has been three years since they have been granted T-Status, or if the Attorney General certifies that the investigation or prosecution surrounding their case is complete, whichever is earlier. As such, under the INA an individual can apply earlier (before the three year anniversary) if the Attorney General confirms that the investigation or prosecution has concluded.⁶¹ The Attorney General has delegated this authority to the U.S. Department of Justice Civil Rights Division (“DOJ”). If you believe that the investigation against your client’s trafficker has concluded, contact your Mentoring Attorney to discuss how to request a letter from the DOJ. If your client receives a letter from the DOJ before the third anniversary of their T-Status, consult with your client and your Mentoring Attorney and proceed to prepare for their green card application.

Step 1: Determine Eligibility for LPR

Your client may apply for a green card if they meet all of the following eligibility requirements for T-Status holders to become a LPR:

1. Continues to hold T-Status;⁶²
2. Has been continuously physically present in the U.S. for **three** years since receiving the T nonimmigrant status or the Attorney General has determined that the investigation or prosecution is complete;⁶³
3. Establishes that they are a person of good moral character since receiving the T-Status;⁶⁴

Practice Tip: Applicants under the age of 14 are generally presumed to be a person of good moral character and are not required to submit proof of such. However, if there is a reason to believe that the

⁶¹ INA§245(l)(1)(A).

⁶² 8 CFR§245.23(a)(2)(ii).

⁶³ INA§245(1)(A); 8 CFR§245.23(a)(3).

⁶⁴ INA§245(1)(b)(B); 8 CFR§245.23(a)(5).

applicant may lack good moral character, USCIS may require evidence to establish an applicant's good moral character.

4. Establishes that they complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking since receiving the T-Status⁶⁵, **or** they would suffer extreme hardship involving unusual and severe harm upon removal from the U.S.;⁶⁶ and
5. Establishes that they are admissible to the U.S. as a permanent resident,⁶⁷ or if inadmissible, that the grounds or inadmissibility were caused by or incident to their trafficking victimization, or approval of their application is warranted as a matter of discretion on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.⁶⁸

Step 2: Gathering Documents as Proof to Meet the LPR Eligibility Criteria

You will need to compile documents as proof that all requirements have been met and your client is eligible to apply for T Adjustment. We have set out a list of documents that can serve as sufficient proof of each requirement required for T Adjustment applications in the following:

❖ 1st Requirement: Proof of T-Status

This requirement is to show that your client continues to hold T-Status while they submit their application for LPR.

Relevant documentary proof includes:

- Copy of Form I-797, Notice of Action, for approval of T-Status;
- Copy of Form I-94, Arrival-Departure Record⁶⁹;
- Copy of client's Employment Authorization Document; and
- Copy of all pages of applicant's passport(s) during period of T-Status (or explanation of why your client does not have a passport).

❖ 2nd Requirement: Proof of Continuous Physical Presence in the U.S. for three years since receiving T-Status or Proof that the Attorney General has attested to the Completion of the Investigation.

⁶⁵ INA§245(1)(C)(i).; 8 CFR§245.23(a)(5).

⁶⁶ INA§245(1)(C)(ii).; 8 CFR§245.23(a)(6)(i)(ii).

⁶⁷ INA§245(1)(2).; 8 CFR§245.23(a)(4).

⁶⁸ INA§245(1)(2); 8 CFR§245.23(e)(3).

⁶⁹ Note: the I-94 for T-Status holders is not a separate document. USCIS issues the I-94 document on the bottom of the I-797, T-Status Approval notice.

Principal T-Status holders must show that either 1) they have been continuously and physically present in the U.S. for three years since receiving their T-Status, or if applying before three years in Status, 2) proof that the investigation or prosecution related to their trafficking case has been completed.

Relevant documentary proof includes:

- The applicant’s own affidavit attesting to their continuous physical presence (though it will be insufficient by itself);
- A list of documents giving the type and date, already contained in your client’s DHS file that establishes physical presence, including but not limited to:
 - A written copy of a sworn statement given to a DHS officer;
 - A document from the law enforcement agency attesting to the fact that your client has continued to comply with requests for assistance;
 - The transcript of the formal hearing; and
 - Form I-213 – Record of Deportable-Inadmissible Alien
- Other documents such as:
 - Bank records showing dated transactions in the U.S.;
 - Certification of the filing of Federal or state income tax returns (*e.g.*, tax filings or W-2 forms)⁷⁰;
 - Documents showing installment periods, such as a series of monthly rent receipts or utility bills (*e.g.*, gas, phone, electricity etc....);
 - Documents relating to public benefits (*e.g.*, food stamps) for your client or their children;
 - A lease in the applicant’s name or a letter from a landlord confirming the dates of residence;
 - A letter from a U.S.-based employer confirming past employment;
 - School records (letters, report cards, etc.) from schools that the applicant or their children have attended in the U.S. showing periods of attendance;
 - Birth certificates for children born in the U.S. (if applicable).
 - Hospital or medical records reflecting delivery of care in the U.S.;
 - Money order receipts for money sent out of the country, showing applicant’s name as the sender, or
 - Letters or any dated correspondence sent to the applicant at a U.S. address

Practice Tip: The preamble to the regulations states that the applicant does not need to provide evidence of presence on every day of the three year period, but that there should be “no significant chronological gaps in

⁷⁰ While tax returns are strong evidence of Continued Presence, we tend not to include these records if possible for client privacy concerns. Only use tax returns if no other records are available.

documentation.” The preamble also suggests that an applicant may provide a declaration attesting to their continuous physical presence, but that this alone will not be enough to establish continuous physical presence. If the applicant is unable to provide documentation of continuous physical presence, they must explain why the evidence is unavailable in an affidavit and provide additional affidavits from others with information about the applicant’s physical presence during the requisite period. Sanctuary for Families strives to obtain one piece of documentation for each month since T Status approval.

Continuous physical presence is broken if, after receiving the T-Status, your client leaves the U.S. for a single period exceeding 90 days or for multiple periods exceeding 180 days in the aggregate.⁷¹ If continuous physical presence has been broken, the applicant must provide a letter from law enforcement stating that the applicant’s absences from the U.S. were necessary or justified. Note, however, that your client should not depart the US for any period of time without receiving the appropriate parole authorization, and even then, it is highly discouraged because Customs and Border Patrol could deny re-entry to the US. Please contact your Mentoring Attorney if your client wishes to travel abroad in T nonimmigrant status.

❖ 3rd Requirement: Proof of Good Moral Character

This requirement is to show that your client is of good moral character. According to the USCIS Policy Manual, good moral character means that a person’s conduct “measures up to the standards of average citizens of the community in which the applicant resides.” The goal is to assure that only law-abiding, productive members of society receive the benefits and responsibilities of U.S. citizens.⁷² INA§101 (f) provides a non-exhaustive list of bars to establishing good moral character.

Relevant documentary proof includes:

- The applicant’s own affidavit attesting to their good moral character (this is mandatory);⁷³
- Local police clearance or a state-issued criminal background check from each locality or State in the U.S. in which your client has resided for six or more months during the period of T-1 nonimmigrant status (also mandatory).⁷⁴ If LEA issued proof is unavailable, your applicant should include an explanation and submit other evidence in their affidavit⁷⁵;

⁷¹ INA§245(l)(3); 8 CFR§245.23(a)(3)(i).

⁷² See 8 CFR §316.10(a)(2). See INA §101(f). See *In re Mogus*, 73 F.Supp. 150 (W.D. Pa. 1947) (moral standard of average citizen).

⁷³ 8 CFR§245.23(g)(1).

⁷⁴ *Id.*

⁷⁵ 8 CFR§245.23(g)(2).

- Other credible evidence of good moral character such as affidavits from responsible persons who can knowledgeably attest to the applicant’s good moral character.⁷⁶

Practice Tip: Please ensure that your client has undergone an FBI fingerprint check prior to filing for adjustment of status to confirm that your client has not been arrested or cited since receiving T nonimmigrant status. If your client has been arrested, please speak with your Mentoring Attorney, even if those charges have been dismissed, as USCIS has become more aggressive in seeking information regarding those arrests and challenging good moral character.

❖ **4th Requirement: Proof of Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution of Acts of Trafficking**

Similar to the T-Status application, this requirement to show that your client has been or is complying with reasonable requests for assistance in the investigation or prosecution of acts of trafficking since receiving their T-Status. Alternatively, your client can show evidence that they would suffer extreme hardship involving unusual and severe harm if deported from the U.S.

Relevant documentary proof includes:

- A document issued by the DOJ, certifying that the applicant has complied with any reasonable request for assistance in the investigation or prosecution of trafficking of persons, unless your client establishes that they would suffer extreme hardship involving unusual and severe harm upon removal from the U.S.⁷⁷
- Other types of evidence may include:
 - Your client’s own affidavit describing how they continue to comply, or is willing to comply (if no requests by law enforcement have been made), with any reasonable requests;
 - A statement from a federal, state, or local law enforcement official describing how your client complied with any reasonable requests;
 - A re-signed and dated Form I-914, Supplement B⁷⁸;
 - Trial transcripts;
 - Court documents;
 - Police reports; and
 - News articles (if applicable)

⁷⁶ 8 CFR§245.23(g)(3).

⁷⁷ INA§245(l)(1)(c)(ii).; 8 CFR§245.23(f).

⁷⁸ A re-signed and dated Form I-914, Supplement B is not required for T Adjustment, but is possible evidence.

❖ 5th Requirement: Applicant's Admissibility to the U.S.

Nonimmigrants applying to become LPR are considered to be seeking admission into the U.S. and are therefore subject to grounds of inadmissibility set forth in the INA. Your client must show that they are admissible to the U.S. under the INA, or otherwise must be granted a waiver of any applicable ground of inadmissibility.

- The following grounds of inadmissibility can be waived in the national interest:
 - Health-related grounds;
 - Public charge; and
 - Any other ground of inadmissibility (with following exclusions) if the activities rendering your client inadmissible were caused by or were incident to your client's trafficking victimization.⁷⁹

If you determine that your client is inadmissible for one or more reasons, you should request a waiver by submitting **Form I-601** (Application for Waiver of Grounds of Inadmissibility). The Form I-601 must have a supporting client affidavit outlining the reasons for the applicant's inadmissibility, explaining why the applicant is eligible for a waiver and a request for favorable exercise of discretion.

- The following rounds of inadmissibility cannot be waived:
 - Security and related grounds;
 - International child abduction; and
 - Former citizens who renounced citizenship to avoid taxation.⁸⁰

❖ 6th Requirement: Applicant's Explanation of Why Discretion Should Be Exercised

Your client bears the burden of showing that discretion should be exercised in their favor, demonstrating that the denial of adjustment of status would result in exceptional and extremely unusual hardship.⁸¹

Relevant documentary proof includes:

- Your client's own affidavit explaining why discretion should be exercised in their favor.

Practice Tip: Generally favorable factors such as family ties, hardship and length of residence in the U.S. may be sufficient to merit a favorable exercise of discretion.

⁷⁹ 8 CFR §212.18(b). Despite the recent changes on public charge that would affect many individuals applications for obtaining a green card, the waiver for T status holders remains unchanged. The regulation notes that other waivers may be available, so please contact your Mentoring Attorney if you encounter other areas of inadmissibility.

⁸⁰ INA§245(1)(2)(B).

⁸¹ INA§245(1)(1)(c)(ii); 8 CFR§245.23(e)(3).

Step 3: Gathering the Content of your Client's T Adjustment Application

To obtain a green card for your client, you should prepare and file **Form I-485**, Application to Register Permanent Residence or Adjust Status.

Together with the completed Form I-485, the documents included in an applicant's application for T Adjustment of Status to LPR are as follow:

- Cover letter;
- Four (4) passport photos (two photos for the I-485 and two photos for the I-765)
- Form G-28 –Notice of Appearance
- Form I-912 – Request for Fee Waiver for Filing and Biometrics Fees (or if paying, money order, personal check or cashier's check);
- Form I-485 – Application for Adjustment of Status;
- Form I-765—Application for Employment Authorization (if there is less than two years left on the client's current EAD) in category (c)(9)(pending adjustment)
- A memo explaining the applicant's eligibility for adjustment of status;
- An index of supporting documents submitted in connection with Form I-485;
- All supporting documents presented in accordance to the index, including but not limited to and to the extent applicable:
 - Documents that establishes **T-Status**:
 - Client's Affidavit;
 - Copy of Form I-797 – Notice of Action, for approval of T-Status;
 - Copy of Form I-94 – Arrival-Departure Record (found at the bottom of the I-797 T-Status approval notice);
 - Copy of all pages of your client's passport with T-Status (or explanation of why your client does not have a passport);
 - Documents that establishes **continuous physical presence**:
 - Form I-213 – Record of Deportable-Inadmissible Alien
 - Sworn statement from DHS
 - Document from law enforcement agency attesting to your client's compliance with requests for assistance;
 - Bank records;
 - Tax declarations (provided that you can confirm their accuracy);
 - Lease;
 - Utility bills showing installment periods;
 - Public benefits documents;
 - Employment letter from U.S. based employer;
 - School records;
 - Birth certificates;
 - Money order receipts for money sent out of the country;
 - Letters or any dated correspondence to a U.S. address

- Documents that establish **good moral character**:
 - Client’s Affidavit;
 - Local police clearance or state-issued criminal background check from each locality or state in the U.S. in which your client has resided for six or more months on T-Status or explanation if such is unavailable
 - Affidavits from others attesting client’s character;
 - Employment and education records;
 - Church or other community organization memberships.

 - Documents that establishes **compliance with reasonable requests**:
 - Client’s Affidavit;
 - A document issued by the DOJ, certifying that the applicant has complied with any reasonable request for assistance in the investigation or prosecution of trafficking of persons, unless your client establishes that they would suffer extreme hardship involving unusual and severe harm upon removal from the U.S.;
 - A statement from a federal, state, or local law enforcement official describing how your client complied with any reasonable requests;
 - A re-signed and dated Form I-914, Supplement B⁸²;
 - Trial transcripts;
 - Court documents;
 - Police reports; and
 - News articles (if applicable)

 - Documents that establishes **admissibility**:
 - Client’s Affidavit;

 - Documents that **bears the burden of showing that discretion should be exercised in client’s favor**:
 - Client’s Affidavit;
- Form I-693 – Report of Medical Examination and Vaccination⁸³;

⁸² A re-signed and dated Form I-914, Supplement B not required for T Adjustment, but is possible evidence.

⁸³ This is not required initial evidence, and we recommend you wait a few months to file I-693 until after you file your client’s I-485 application. This is because the I-693 is generally valid for two years from the doctor’s signature of the form, and the current processing times for adjustment of status applications is 30 months. Therefore, to ensure the I-693 is valid when it is being adjudicated, we recommend waiting to ask the client to obtain the I-693 from a civil surgeon until after the receipt of the biometrics notice or RFE.

Step 4: Filing the Application for LPR

After you and your Mentoring Attorney have assembled and reviewed a draft T Adjustment application, schedule a final meeting with your client and have their review and sign all final forms and fee waivers, and notarize their affidavits.

Upon completion of the above, submit the entire application to:

**USCIS
Vermont Service Center
38 River Rd.
Essex Junction
VT 05479-0001**

Email your Mentoring Attorney a complete PDF of the entire filing.

Step 5: Post-Filing

Once your client's T-Adjustment application is approved, USCIS will send an approval notice for the I-485. If their application is denied, they may appeal the denial to the Administrative Appeals Office.

You should inform your client and notify your Mentoring Attorney once you receive any notification from USCIS regarding your client's T Adjustment application. As always, please email your Mentoring Attorney a complete .pdf of any notifications you receive.

By statute, USCIS is limited to adjusting 5,000 principal T-status holders a year, not including their derivatives applicants.⁸⁴ Given this statutory annual cap, all eligible T Adjustment applicants who are not granted adjustment of status solely due to the limit imposed will be placed on a waiting list. However, this cap has not been met since the passage of the TVPA in 2000, and we do not anticipate that your client will fall subject to the type of complications that U status applicants are experiencing from these annual limits.

Applying for T Adjustment on behalf of Derivative Family Members

At the outset of your representation of your client's T Adjustment application, you should consider whether any derivative family members remain outside the United States and have yet to complete consular processing. "Once a principal T nonimmigrant is no longer a T nonimmigrant, whether through adjustment of status to lawful permanent residence or through expiration of the T nonimmigrant status, any derivative T nonimmigrants may no longer be eligible for initial admission into the United States on a T visa."⁸⁵ Therefore, it is crucial to ensure that all eligible derivatives complete consular processing and are admitting into the U.S. before the principal T Status holder's adjustment application is adjudicated. If there are derivatives who reside in the U.S. you may wish to consider initiating the T Adjustment

⁸⁴ INA §245(1)(4)

⁸⁵ *USCIS Policy Memorandum: Extension of Status for T and U Nonimmigrants*, PM-602-0032.2, p. 8 (Oct. 4, 2016).

applications on behalf of your client's derivative family members (*i.e.*, T2, T3, T4, T5 and T6) concurrent with your preparation of the principal T Status holder. If they have already been issued T-status as derivative family members, they will most likely want to also apply for a green card.

Practice Tip: If your client has eligible family members who have not yet obtained T derivative status (either from within the United States through USCIS or from outside of the U.S. through the Department of State consular processing), you **must** determine whether your client intends to apply for them before proceeding with an application to adjust status to LPR. “Note that family members who have not previously entered or resided in the United States as derivative T nonimmigrants must be initially admitted in T nonimmigrant status before the T principal adjusts status.”⁸⁶ Once your client receives a green card, a derivative family member will no longer be eligible for admission into the U.S.. If your client declines to apply for eligible family members, we strongly advise you to provide your client with a letter explaining the legal consequences to them.

Derivative T nonimmigrants may apply for adjustment of status either (i) concurrently with the principal's adjustment application, (ii) while the principal's application is pending, or (iii) after the principal's adjustment has been approved. Derivatives cannot submit an application for adjustment of status before the principal has filed for adjustment. If the principal's adjustment application is denied, any derivatives' adjustment applications will automatically be denied.

Pursuant to 8 CFR§245.23(b), a derivative family member of your client may also be granted T Adjustment provided that they meet the following criteria:

1. The T-1 principal has already applied for T Adjustment and meets all the eligibility requirements;⁸⁷
2. Was lawfully admitted to the U.S. by way of derivative T-Status and continues to hold such status at the time of the application;⁸⁸
3. Has applied for such adjustments;⁸⁹ and
4. Is admissible to the U.S. or has been granted a waiver of any applicable ground of inadmissibility at the time of examination of adjustment.⁹⁰

Under 8 CFR§245.23(e), the documents contained in your client's derivative family members' T Adjustment application will be largely the same as your client's. However, unlike

⁸⁶ *Id.* at 1.

⁸⁷ 8 CFR§245.23(b)(1).

⁸⁸ 8 CFR§245.23(b)(2).

⁸⁹ 8 CFR§245.23(b)(3).

⁹⁰ 8 CFR§245.23(b)(4).

the principal T Adjustment applicant, derivative family members do **not** have to prove continuous presence, law enforcement cooperation or good moral character (though they must still establish their admissibility and will be subject to a criminal background check at the time USCIS adjudicates their application). You can refer to the discussion set out under Step 3 described above in this section of the Manual.

QUICK REFERENCE:
COMMON TERMS AND DEFINITIONS

Term	Definition
A #	Alien Registration Number. A unique 8- or 9-digit number USCIS assigns to individuals with immigration records. If your client does not already have an A#, USCIS will assign them one upon receipt of the client's immigration application
AAO	Administrative Appeals Office
ACD	Adjournment in Contemplation of Dismissal
AG	Attorney General
AR-11	Alien's Change of Address Form. A change of address form must be submitted within 10 days of moving.
ASC	Application Support Center
BIA	Board of Immigration Appeals
CBP	U.S. Customs and Border Protection
CP	Continued Presence. This is a temporary immigration status provided to trafficking victims by law enforcement.
DHS	Department of Homeland Security
DOJ	Department of Justice
DSS	Diplomatic Security Service. This is an office within the State Department that investigates trafficking by diplomats.
EAD	Employment Authorization Document. Also known as a "work permit"
EOIR	Executive Office for Immigration Review. The agency within the DOJ responsible for adjudicating removal proceedings; also known as "Immigration Court"
EWI	Entered Without Inspection
FOIA	Freedom of Information Act
G-28	Notice of Entry of Appearance as Attorney or Accredited Representative (traditionally printed on blue paper)
G-639	Freedom of Information Act/Privacy Act Request
HHS	U.S Department of Health & Human Services
HTIC	Human Trafficking Intervention Court
I-102	Application for a Replacement, or Initial, Nonimmigrant Arrival-Departure Document
I-192	Application for Advance Permission to Enter as a Nonimmigrant (used for waivers of inadmissibility; sometimes referred to as the "waiver application")

I-193	Application for Waiver of Passport and/or Visa
I-765	Application for Employment Authorization
I-912	Request for Fee Waiver
I-914	Application for T Nonimmigrant Status
I-914 Supp. A	Application for Immediate Family Member of T-1 Recipient
I-914 Supp. B.	Declaration of Law Enforcement Officer for Victim of Trafficking in Persons
I-94	This is the U.S. Arrival-Departure Record Card, an electronic record or paper travel document that all non-U.S. citizens receive when they arrive in the U.S. Each I-94 has a unique 11-digit number. You can access your client's I-94 information here: https://i94.cbp.dhs.gov/I94/#/home .
ICE	United States Immigration and Customs Enforcement
LEA	Law Enforcement Agency
LPR	Lawful Permanent Resident (<i>i.e.</i> , green card holder)
NOID	Notice of Intent to Deny
OTDA	Office of Temporary and Disability Assistance (New York State)
RFE	Request for Evidence
TVPA	Trafficking Victims Protection Act. Federal trafficking law passed in 2000 and reauthorized in 2003, 2005, and 2013.
USCIS	United States Citizenship and Immigration Services
VAWA	Violence Against Women Act

**QUICK REFERENCE:
T NONIMMIGRANT STATUS ELIGIBILITY AT A GLANCE⁹¹**

Category	Description	Eligibility For T Nonimmigrant Status	
T-1	Trafficking victim/principal applicant	<u>Under the age of 18:</u> <ul style="list-style-type: none"> • Victim of a <i>severe form of trafficking</i>; • Physically present in the U.S. on account of trafficking; and • Would suffer extreme hardship involving unusual and severe harm if forced to leave U.S. 	<u>Age 18 or older:</u> <ul style="list-style-type: none"> • Victim of a <i>severe form of trafficking</i>; • Physically present in the U.S. on account of trafficking; • Would suffer extreme hardship involving unusual and severe harm if forced to leave U.S.; and • Cooperated with reasonable requests from law enforcement OR cannot cooperate because of trauma
T-2	T-1's spouse	Marriage must exist prior to adjudication of the principal's T application.	
T-3	T-1's child (under 21 years old)	T-3 must be unmarried and under 21 at the time of filing of principal's application. Must remain unmarried until admission to the US in T-3 status.	
T-4	T-1's parent	<u>T-1 is under the age of 21:</u> <ul style="list-style-type: none"> • Must show legitimacy if petitioning for T-1's father (<i>See INA 101(b)(1) for more</i>) 	<u>T-1 is 21 years old or older:</u> <ul style="list-style-type: none"> • Must show legitimacy if petitioning for T-1's father (<i>See INA 101(b)(1) for more</i>); AND • Must show that parent is in danger of retaliation as a result of T-1's escape from trafficking or their cooperation with law enforcement.
T-5	T-1's siblings (under the age of 18)	<u>T-1 is under 21:</u> <ul style="list-style-type: none"> • Siblings must be under the age of 18 at the time of filing the derivative petition • Siblings must be unmarried (and remain unmarried until admitted to the U.S.) 	<u>T-1 is 21 or older:</u> <ul style="list-style-type: none"> • Siblings must be under the age of 18 at the time of filing the derivative petition • Siblings must be unmarried (and remain unmarried until admitted to the U.S.) • Siblings must show that they are in danger of retaliation as a result of T-1's escape from trafficking or their cooperation with law enforcement.
T-6	Adult or minor child of T-2, T-3, T-4, or T-5	Applicant must show that they are a child of a T-1 derivative and is in danger of retaliation as a result of T-1's escape from trafficking or their cooperation with law enforcement.	

⁹¹ INA §101(a)(15)(T)(i) and (ii); 8 CFR §214.11(k).

EXHIBITS

T NONIMMIGRANT STATUS APPLICATION DOCUMENTS

1.	Interviewing and Assisting Trafficking Survivors
2.	U.S. Law, Policy, and Resources on T Nonimmigrant Status
3.	Sample Cover Letter (Brief)
4.	Sample Cover Letter (Detailed)
5.	Sample Form I-912 Fee Waiver
6.	Authorization for Release of Health Information Pursuant to HIPAA
7.	Sample I-914 List Index of Supporting Evidence
8.	Sample I-914 Table Index of Supporting Evidence
9.	Sample T-1 Client Affidavits (9a – Sex Trafficking, 9b – Labor Trafficking)
10.	Sample Affidavit in Connection with Form I-92 (waiver application)
11.	Sample Attorney Affidavit regarding LEA Cooperation
12.	Sample OTDA Certification (New York State Trafficking Confirmation)
13.	Sample HHS/OTP Certification (Federal Trafficking Confirmation)
14.	Sample closing letter after grant of T Nonimmigrant Status
15.	Quick Reference Step-by-Step T Status Guide

T-BASED ADJUSTMENT OF STATUS APPLICATION DOCUMENTS

16.	Sample T Adjustment Cover Letter (Short)
17.	Sample T Adjustment Cover Letter (Legal Brief)
18.	Sample Table Index of evidence supporting T-based Adjustment of Status
19.	Sample List Index of evidence supporting T-based Adjustment of Status
20.	Sample Client Affidavit in connection with T Adjustment Application
21.	Sample DOJ Certification re. Completion of Investigation
22.	Sample Form I-912 Fee Waiver Request for T Adjustment
23.	Sample Request for Evidence (RFE) Response with I-693 Medical Examination Report