



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

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

In Re: 13496012

Date: MAR. 3, 2022

Appeal of Vermont Service Center Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification under Immigration and Nationality Act (the Act) sections 101(a)(15)(T) and 214(o), 8 U.S.C. §§ 1101(a)(15)(T) and 1184(o), as a victim of human trafficking. The Director of the Vermont Service Center revoked the approval of the Applicant's Form I-914, Application for T Nonimmigrant Status (T application), concluding that the record demonstrates the Applicant misrepresented material facts in order to obtain T nonimmigrant status and the submitted evidence was not sufficient to establish she is a victim of a severe form of trafficking in persons. The Applicant filed a motion to reconsider which the Director dismissed. The matter is now before us on appeal. We review the questions in this matter *de novo*. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 101(a)(15)(T)(i) of the Act provides that applicants may be classified as T-1 nonimmigrants if they: are or have been a victim of a severe form of trafficking in persons; are physically present in the United States on account of such trafficking; have complied with any reasonable requests for assistance in the investigation or prosecution of trafficking; and would suffer extreme hardship involving unusual and severe harm upon removal from the United States. *See also* 8 C.F.R. § 214.11(b)(1)-(4) (reiterating the statutory eligibility criteria).

The term "severe form of trafficking in persons" is defined as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under the age of 18 years; or 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." 8 C.F.R. § 214.11(a). Sex trafficking means the "recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act." *Id.*

The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.11(d)(5); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). An applicant may submit any credible, relevant evidence for us

to consider in our *de novo* review; however, we determine, in our sole discretion, the value of that evidence. 8 C.F.R. § 214.11(d)(5).

U.S. Citizenship and Immigration Services (USCIS) may revoke an approved T application after issuing a notice of intent to revoke (NOIR) if, in pertinent part, “approval of the application violated the requirements of section 101(a)(15)(T) of the Act or 8 CFR 214.11 or involved error in preparation, procedure, or adjudication that affects the outcome . . .” or the “[law enforcement agency (LEA)] that signed the LEA endorsement [on a Supplement B] withdraws it or disavows its contents and notifies USCIS and provides a detailed explanation of its reasoning in writing.” 8 C.F.R. § 214.11(m)(2).

II. ANALYSIS

The Applicant, a 45-year-old native and citizen of South Korea, entered the United States without being inspected, admitted, or paroled on or about November 2004. In October 2013, the Applicant filed her T application claiming a recruiter fraudulently induced her to travel to the United States, where she was forced to work and was sexually exploited. The Applicant stated she reported her experience to and cooperated with U.S. Immigration and Customs Enforcement (ICE). The Applicant’s T application was approved in February 2014.

In June 2015, the Applicant filed a Form I-485, Application to Register Permanent Residence or Adjust Status (T adjustment application). In July 2015, the Applicant was interviewed by two Department of Homeland Security (DHS) Homeland Security Investigations’ (HSI) agents. In December 2017, the Applicant was sent a NOIR, which informed the Applicant that discrepancies between her HSI interview and her personal statement submitted with her T application indicated that she misrepresented material facts to obtain her T nonimmigrant status. The Director noted that these discrepancies, in addition to her admission that she continued to work as an escort after the approval of her T application, diminished the credibility of her trafficking claims. The NOIR explained the discrepancies, including inconsistent statements made regarding her work as an escort after obtaining her T nonimmigrant status and her prior cooperation with law enforcement, among other issues. The Director also notified the Applicant that the Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Supplement B), that was initially submitted with the T application and certified by HSI, was subsequently disavowed, and could not be used as evidence toward establishing her claim of trafficking. In response to the NOIR, the Applicant reasserted her eligibility and argued that she did not make any misrepresentations to USCIS or the HSI agents. She claimed that the statements she allegedly made during the HSI interview were unreliable due to miscommunication because the Korean-speaking agent was not fluent, the Applicant felt intimidated and nervous by the presence of the HSI agents and could not adequately express herself, and she was not informed that her attorney could be present during the interview.

In the revocation, the Director gave diminished weight to the Applicant’s testimony, including her statements provided with the T application and in response to the NOIR, and stated that she did not meet her burden to establish she was a victim of a severe form of trafficking in persons. The Applicant filed a motion to reconsider asserting, among other things, that her supplemental declaration and evidence sufficiently explained any inconsistencies the Director believed to exist. The Director dismissed the motion, explaining the Applicant did not provide new facts or reasons for reconsideration. On appeal, the Applicant asserts the Director erred in placing significant weight on

the HSI interview and argues that the disavowal of the Supplement B is not sufficient grounds to revoke her T application because USCIS did not explicitly state the disavowal as the reason for the revocation nor provide a detailed explanation of the reasoning in writing. She further contends that a Supplement B is not required to establish eligibility for T nonimmigrant status and under 8 C.F.R. § 214.11(h)(3), USCIS will accept any credible evidence of compliance with reasonable requests from law enforcement, including, but not limited to an LEA endorsement on a Supplement B. While there are several issues raised on appeal, we focus on the dispositive issue of whether the Applicant has established by a preponderance of the evidence that the record does not support the Director's revocation of her T application. The Applicant has not met her burden.

A. The Applicant's Trafficking Claim

In her initial declaration, the Applicant made the following statements: her parents and siblings in South Korea struggled financially and she entered the work force after high school to support them. She was unable to meet the family's financial obligations and had no choice but to work at a room salon, where a coworker introduced her to Y-M-,¹ who persuaded the Applicant and her friend to come to the United States by stating that they could make enough money to support her family by working in room salons here. Y-M- assured the Applicant he would take care of the traveling costs and she would not have to pay him back right away.

The Applicant entered the United States from Mexico in November 2004 by using a fraudulent passport, was taken by Y-M-'s associates to an apartment in [REDACTED] where four other girls lived, and was told to never go outside. One of the girls in the apartment told the Applicant they work at massage parlors where they provide sexual services for clients in exchange for money. The Applicant told S-, one of Y-M-'s associates, to tell Y-M- there was a mistake because she did not travel to the United States to work at a massage parlor. S- pushed the Applicant and stated that Y-M- placed her at the massage parlors to work because she owed him \$20,000 in debt and he would go after her family for the money if she tried to leave.

For the next seven months, the Applicant was forced to work like a slave, 12 to 14 hours a day, seven days a week, performing oral, vaginal, and anal sex, at three different massage parlors. All of her money was turned over to Y-M-, she was verbally abused by the massage parlor managers, and she contracted a sexually transmitted disease. The Applicant received several tickets from the police for not having a massage permit and retained an attorney to take care of one of her tickets. She asked Y-M- for \$1,000 for legal expenses, he provided the money, and he told the Applicant she would be responsible for the principal debt plus expenses. In June 2005, the Applicant was arrested during a police raid and she was taken to the police station where she stayed for 24 hours until friends provided money for her bail.

After leaving the police station, the Applicant ran away from the traffickers by staying at a friend's place. Y-M- subsequently contacted her by phone and told her that she still owed him \$10,000 and if she did not contact him within a week, he would harm the Applicant and her family in Korea. The Applicant obtained the money from a loan shark and paid off her debt to Y-M-. To pay her new debt, the Applicant worked at various room salons in [REDACTED] where the clients groped and verbally

¹ We use initials to protect the privacy of individuals.

assaulted her, and though her health suffered she had to keep working to pay her debt and support her family. In 2005, she began a romantic relationship with a man who later became physically and verbally abusive toward her. She left the relationship in 2008 and felt pressured to return to working in the massage parlors after accumulating almost \$80,000 in debt. From 2008 to 2011, the Applicant worked at various massage parlors in New York, Nevada, Colorado, and California, where she suffered physical abuse by the clients. She received tickets from the police for not having a work permit at the massage parlors, and though she was cooperative with law enforcement officers after her arrests, she felt coerced to return to the massage parlors after her release because of her debt. In 2011, the Applicant moved to [REDACTED] and worked as a call girl until [REDACTED] 2013 when she came into contact with an undercover ICE officer posing as a client. The ICE officer asked the Applicant how she came to work in the sex industry, told the Applicant she could get legal help, and asked her to work undercover for them. The Applicant provided the requested assistance until March 2013, when she was referred to the Legal Aid Foundation of [REDACTED]

B. The Record Supports the Director's Grounds for Revocation

The Director revoked approval of the T application, concluding that discrepancies between the Applicant's personal statement submitted with her T application and statements made during her 2015 interview with two HSI agents indicated that she misrepresented material facts to obtain her T nonimmigrant status. The Director noted that these discrepancies, in addition to her admission that she continued to work as an escort after the approval of her T application, diminished the credibility of her trafficking claims. Further, the Director noted the Supplement B that was initially submitted with the T application and certified by HSI, was subsequently disavowed. The Director concluded that the evidence in the record was not sufficient to establish that the Applicant was a victim of a severe form of trafficking in persons.

Upon review, the record supports the Director's revocation of the Applicant's T application. USCIS may revoke an approved T application after issuing a NOIR if, in pertinent part, the "LEA that signed the LEA endorsement [on a Supplement B] withdraws it or disavows its contents and notifies USCIS and provides a detailed explanation of its reasoning in writing." 8 C.F.R. § 214.11(m)(2). As required by 8 C.F.R. § 214.11(m)(2), the LEA provided USCIS with a detailed explanation of its reasoning in writing for the April 2017 disavowal of the Supplement B that was initially submitted with the T application and certified by HSI. The Director then notified the Applicant in the NOIR that one of the reasons for the revocation was the disavowal of the Supplement B. The regulations do not require USCIS to provide the Applicant with a detailed explanation of the LEA's reasoning for the disavowal. Further, while the Applicant correctly notes on appeal that a Supplement B is not required to establish eligibility for T nonimmigrant status, the disavowal of a previously signed Supplement B is a sufficient ground to revoke an approved T application after issuing a NOIR. As our decision determining that the record supports the Director's revocation of the Applicant's T application is dispositive of the Applicant's appeal, we decline to reach and hereby reserve the Applicant's arguments regarding her assertion that the Director erred in placing significant weight on the HSI interview. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Applicant, who bears the burden of proof in these proceedings, has not demonstrated that the Director erred in revoking the approval of her T application per 8 C.F.R. § 214.11(m)(2). Accordingly, the Applicant is not eligible for T nonimmigrant classification.

ORDER: The appeal is dismissed.