

RMIAN T NONIMMIGRANT STATUS (I-914)

– PRO SE MANUAL

WHAT IS T NONIMMIGRANT STATUS?

T Nonimmigrant Status is a form of immigration relief for noncitizens who are survivors of human trafficking. The status allows a qualifying individual to remain in the United States with work authorization for four years. The individual may also be able to include certain family members as “derivatives” in their application. After three years the recipient of T Nonimmigrant Status is eligible to apply to become a Lawful Permanent Resident (adjust status). If the prosecution of the traffickers is complete, the recipient may be eligible to apply to adjust status sooner than three years. Form I-914 is used to request T Nonimmigrant Status.

ELIGIBILITY FOR T NONIMMIGRANT STATUS:

To be eligible for T Nonimmigrant Status the following four requirements must be met:

- I was the victim of a severe form of human trafficking

Trafficking involves any situation in which another person receives the benefit of your labor, legal or illegal, formal or informal, through the use of force, fraud, or coercion.

Legal Definition—Severe Form of Human Trafficking

- Sex Trafficking: the recruitment, harboring, transportation, provision, obtaining or soliciting, of a person for a commercial sex act is induced by *force, fraud, or coercion*, or in which the person induced to perform such act has *not attained 18 years of age*.
- 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.

- I am physically present in the United States on account of the trafficking.

Physical Presence “On Account Of” Can Include:

- You are currently in a trafficking situation in the United States
- You were liberated from a trafficking situation by a law enforcement agency (“LEA”) in the United States
- You escaped a severe form of trafficking in persons before a LEA was involved and have not left the United States since
- You came to the United States to assist in the investigation or prosecution of a trafficking situation, or in the civil suit against perpetrators of trafficking
- You were liberated/escaped trafficking a long time ago but have not left the United States and your continued presence is related to the human trafficking (for example because you need to access medical/psychological care, participate in either criminal or civil investigations, or you could not leave due to financial hardship or).

- I have complied with any reasonable request for assistance in the investigation or prosecution of the trafficking, OR I am willing to report my trafficking to law enforcement and comply with reasonable requests for assistance, OR I am unable to cooperate because of physical or psychological trauma, OR I was under 18 at the time I was subjected to a severe form of human trafficking.

Contact with Law Enforcement

Unless you are unable to cooperate because you are suffering from physical or psychological trauma OR you were under 18 at the time of the trafficking, you must show that you reported the trafficking to a law enforcement agency (can include Federal, State, or local law enforcement agency, prosecutor, judge, labor agency, children’s protective services agency, human rights commission, or other authority for the detection, investigation, and/or prosecution of severe forms of trafficking in persons), and that you responded to any reasonable request for assistance in the investigation of the trafficking.

- You can report past trafficking now. If you are currently undocumented or if you have committed any crimes, including those related to your trafficking experience, there is always some risk in presenting yourself to law enforcement.
- One way to prove that you helped, will help, or are likely to help in the investigation or prosecution of the human trafficking is by having a police officer, a prosecutor, or a member of another designated agency sign a form called Form I-914 Supplement B (“Supp B”).

- I would suffer extreme hardship involving unusual and severe harm if I was removed from the United States.

Some Examples of Qualifying Hardship May Include:

- You are elderly (over 65) or young (under 18), you have been in the US a long time, you have family in the US but not in your home country, or you have children in the US who are under age 21 and who are citizens or lawful permanent residents
- The physical and psychological issues necessitating medical or psychological care that is not reasonably available in your home country
- Impact on your loss of access to the US courts or criminal justice for purposes such as protecting you from criminal or civil redress associated with reporting the trafficking
- The reasonable expectation that law, social practices, or customs in your home country would punish you severely for having been a victim of human trafficking
- The likelihood of being revictimized if returned to your home country and your government’s inability or unwillingness to protect you
- The likelihood that the trafficker or others acting on their behalf would harm you in your home country
- The likelihood that your individual safety would be seriously threatened by the existence of civil unrest or armed conflict

HOW TO PREPARE AN APPLICATION FOR T NONIMMIGRANT STATUS

STEP 1: GATHER EVIDENCE

Required supporting evidence:

- Identification documents such as a passport
- Your declaration (see step 2)

Additional helpful evidence if possible (you don’t need to have all of this):

- Witness statements – similar to your declaration, any witnesses or people who can corroborate what happened to you can write a statement. There should not be any inconsistencies between your declaration and the witness statements. Even minor inconsistencies (for example, saying an even

occurred on a different date, can be hugely problematic for your application). The statement must be notarized.

- Trial transcripts, police reports, or other court documents, Supplement B is possible (see step 3)
- Orders of protection, no contact orders, or restraining orders
- News articles about your trafficking, even if they don't name you personally
- Medical and/or mental health evaluations or other records – if you ever received physical or psychological treatment on account of your trafficking experience those medical records can corroborate your story.
- Photographs of trafficking conditions or injuries
- Emails, text messages, voicemails and any other communications you had with your employer/trafficker, particularly if they include threats or statements that induced fear/coercion
- Employment documents that corroborate your story. These can include: contracts or other documents that you signed that were not upheld by your employer, pay stubs, checks or money transfers demonstrating how much you were paid and when,
- Letters from any service providers regarding your victimization and any services they are currently providing or have provided to you in the past
- Travel receipts and documents
- If you are applying for qualifying family members

If the trafficking survivor is over 21 or older, they can also apply for their:	If the trafficking survivor is under 21 they can also apply for their:
<ul style="list-style-type: none"> • Spouse (T-2) 	<ul style="list-style-type: none"> • Spouse (T-2)
<ul style="list-style-type: none"> • Unmarried children under the age of 21 (T-3) 	<ul style="list-style-type: none"> • Unmarried children under the age of 21 (T-3)
<ul style="list-style-type: none"> • Parent (T-4) or unmarried sibling under the age of 18 (T-5) who faces a present danger of retaliation as a result of the principal's escape from trafficking or cooperation with LE 	<ul style="list-style-type: none"> • Parents (T-4) • Unmarried siblings who are under the age of 18 at the time the principal application is filed (T-5)
<ul style="list-style-type: none"> • Certain adult or minor children of I-914 derivatives who face present danger of retaliation as a result of the principal's escape from trafficking or cooperation with LE (T-6) 	<ul style="list-style-type: none"> • Certain adult or minor children of I-914 derivatives who face present danger of retaliation as a result of the principal's escape from trafficking or cooperation with LE (T-6)

To apply for these individuals you will need:

- Marriage/birth certificates showing you are the spouse/parent/child of the qualifying family member
- If your current spouse is not your first spouse, you will need divorce/annulment documents demonstrating any previous marriages were legally over before you entered into your current marriage
- They will also need to obtain a passport from their home country. As this process can take a while depending on the country, it might be a good idea to start this early.

STEP 2: WRITE YOUR DECLARATION

The declaration is one of the few absolute requirements for the application. It is your story, written in your own words. It is your opportunity to tell the government why you qualify for T Nonimmigrant Status. As such, you will want your story to include information on the four requirements for eligibility. There is no interview or court hearing so this is your only chance to make your voice heard! The statement should also explain any gaps in your story, or anything that may seem odd. For example, if you were injured during the trafficking but did not seek medical help, you could explain that you could not afford to, your trafficker would not let you, or you were afraid because you were undocumented.

Before you start to write, think about narrative style. Narrative style is a style of writing that pulls the reader in by telling a story, rather than just explaining facts.

- If your story were a movie how would it unfold?
- Who are the main characters? Who are the “good guys” and who are the “bad guys?”
- How does your story begin? Is there a climax? How does your story end? What are three most important moments or moments of heightened drama?

Formatting:

- The top of your declaration should look something like this:

**Declaration of YOUR NAME
In Support of her/his Application for T Nonimmigrant Status**

1. I, YOUR NAME, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge. I am writing this declaration in support of my application for T nonimmigrant status.

- It is a good idea to write your declaration in short, numbered paragraphs which are usually no more than 2-3 sentences each. For example, an introductory section of a declaration may look like this:

MY YOUNGER YEARS IN HOME COUNTY

1. I was born on Month ##, YEAR, in Town, Country. Growing up, I lived with my parents Father's Name and Mother's Name as well as my number brothers and sisters.
2. 1-5 sentences about your home, standard of living, general information about childhood.
3. 1-5 sentences about your education/job background.

Your declaration should include:

- Basic information about you: your name, date of birth, place of birth, when and why you came to the United States
- The story of your trafficking. How did it start? Who is responsible? How did you meet that person and start working with them? How long did the trafficking continue? Explain why you continued to work despite the bad conditions or lack of pay. Be sure to discuss all the elements of the trafficking definition. It can be helpful to think of trafficking as having 3 components, an Act, a Means, and a Purpose.

○ **Sex Trafficking:**

Act	Means	Purpose
<ul style="list-style-type: none"> • recruitment, • harboring, • transportation, • provision, • obtaining, • patronizing, • or soliciting of a person 	<ul style="list-style-type: none"> • Force: physical force, physical restraint, severe isolation • Fraud: lies, manipulations • Coercion: threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against <i>any person</i> (can be a person other than the applicant); or the abuse or threatened abuse of the legal process <p>**you do not need to talk about this if you were under 18 at the time the trafficking occurred although it may still be helpful to your application if you were induced by one of these**</p>	<p>For the purpose of a commercial sex act</p> <ul style="list-style-type: none"> • Commercial sex act: <i>any sex act</i> on account of which <i>anything of value</i> is given to or received by any person • “Thing of value” may include: money, drugs, rent, food, a visa, protection from someone who could harm you or your family, relief from torture

○ **Labor Trafficking:**

Act	Means	Purpose
<ul style="list-style-type: none"> • recruitment, • harboring, • transportation, • provision, • obtaining, • or soliciting of a person 	<p>Same as above— **required for all applicants regardless of age**</p>	<p>For the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery</p> <ul style="list-style-type: none"> • Involuntary servitude/forced labor: servitude/labor induced by (1) means of force, threats of force, physical restraint, or threats of physical restraint to that person; (2) by means of serious harm or threats of serious harm to that person or another person; (3) by means of abuse or threatened abuse of law or legal process; or (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that the person or another person would suffer serious harm or physical restraint <ul style="list-style-type: none"> ○ Serious harm: [A]ny harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm • Peonage/Debt Bondage: status or condition of involuntary servitude based upon real or alleged indebtedness (someone forcing you to work to pay of a debt)

- Tips on Means –you want to make the person reading your declaration understand why you continued to work for your trafficker/employer despite the horrible conditions/treatment. Were you afraid if you left they would harm you or your children or have you deported? Could you not escape because your door was locked?
- Tips on Purpose – explain to the reader what it was your trafficker wanted to get from you, why did he or she do to you what they did?

- If your trafficker took your passport or other important documents make sure to discuss that in your declaration.
- Descriptions of the harm you suffered including:
 - physical harm (including denial of adequate food, toiletries, clothing, other necessities, medical care, and/or dental care)
 - sexual harm,
 - emotional or psychological harm (including physical manifestations of that harm such as nightmares, insomnia, anxiety, depression, loss of interest in life, etc.),
 - financial harm,
 - reputational harm (for example being accused of stealing so that it might be hard to get a job in the future),
 - and threats (such as threats of deportation or police involvement, and threats to family members).
- Descriptions of your work including hours worked, any wages received (form of payment, dates or frequency of payment etc.), and any fraud used to induce you to work or to travel into the United States
- How and when you escaped, were rescued, or otherwise became separated from the traffickers (including any explanations you have for why you could not escape earlier for example if you were under surveillance, denied access to phone or other communications, kept isolated etc.).
- When and how you reported the trafficking to law enforcement (if you have not yet reported, it is okay to write this part after you do step 3) including dates of interviews, status of your case, and a statement regarding your willingness to continue working with law enforcement
- Why you were unable to leave the United States after becoming separated from the traffickers.
- What harm or mistreatment you fear if you were returned to your home country.
- Any other information on hardships you might face if you were returned to your home country including information about civil unrest, lack of opportunities, lack of medical/psychological treatment (and how this would impact you), and impact of loss of access to US court system (if applicable).
- What services you are receiving or hoping to receive in the United States including medical treatment, psychological treatment, educational opportunities and others

Declaration Writing Tips:

- You can use headings to indicate a new part in your story, to make certain parts of your story stand out, and/or to organize your story chronologically or by eligibility requirement
- Unless you have a specific reason to organize your declaration differently, usually a chronological organization is best
- You don't have to use legal language in your declaration, in fact, you shouldn't unless you use that type of language in your everyday speech. Your declaration should sound like you.

Finishing touches:

- If typed, your letter should be written in an easy to read, professional font, like Times New Roman, in size 12.
- Make sure all your facts and dates are consistent with your supporting documents.
- The following are optional but make your letter look more professional and complete:
 - page numbers at the bottom of each page
 - heading at the top of each page which looks something like this:

Declaration of **First Name LAST NAME**

Sign your declaration: At the end of your declaration include the following signature.

I certify under penalty of perjury under the laws of the United States of America, that the above statements are true and correct to the best of my knowledge and ability.

Respectfully submitted,

YOUR NAME

Date

STEP 3: IF YOU HAVE NOT DONE SO ALREADY, REPORT TO LAW ENFORCEMENT

Adult trafficking survivors will need to report their trafficking to a law enforcement agency, and comply with any reasonable requests for information/assistance, to qualify for T Nonimmigrant Status. Individuals who are under the age of 18 or who have suffered severe trauma as a result of their trafficking may be exempt from this requirement.



To find an appropriate law enforcement officer, call the **Colorado Human Trafficking Hotline: 1-866-455-5075**. They can direct you to report to the proper official.

Before going to meet with a law enforcement individual it is important that you consider some of the benefits and risks associated with making law enforcement aware of your case. Some of these may include

Pros	Cons
<ul style="list-style-type: none">○ Potential to qualify for T Nonimmigrant Status○ Protecting others from harm by the same traffickers○ Justice○ Possible financial restitution○ Potential for immunity or reduced charges in exchange for helping law enforcement	<ul style="list-style-type: none">○ Bringing yourself, and any criminal history, to the attention of authorities who could contact ICE or refer you for removal proceedings○ The criminal process can take a long time and trial proceedings will be open to the public○ There is little or nothing the US can do to protect family in your home country from retaliation

If you are unable to get a law enforcement person to sign a Supplement B but you should gather other evidence of your contact with law enforcement. This can include:

- All documentation related to your grant of “Continued Presence” if you have received this
- A log of contacts made to the law enforcement agency
 - For phone calls: include time, date, phone number, and the name of the person you spoke to if you spoke to someone;
 - For faxes: include proof that it went through;
 - For emails: print the emails out and be sure they include a “read” receipt.
- This evidence will be included in your application materials (further instructions below).

It is not necessary to include a signed Supplement B with your application. Therefore, you should submit your application without waiting for the signed Supplement B once the rest of the application is ready (included evidence of cooperation with law enforcement).

STEP 4: FILL OUT THE FORMS

You will need to complete form I-914. If you have family members that qualify as derivative and you would like to include them, then fill out form I-914A. If Law Enforcement is willing, have them complete form I-914B. If you entered the United States without authorization, don't have a valid passport from your country, or have committed any crimes, you may have to submit form I-192 to ask for permission to be admitted to the United States despite that "ground of inadmissibility." Form I-192 requires a fee be paid. If you cannot pay it, you may submit form I-912 to request a fee waiver.

If you are having trouble completing the forms, you may ask RMIAN (Pro bono) for instructions and guidance.

STEP 5: GATHER COUNTRY CONDITIONS REPORTS

Information about your home country can be helpful for a couple different reasons: (1) if you experiences are somewhat common in your country, reports can corroborate your story; (2) they can provide information to help the person reading your application understand what harm you may face if you were returned to your home country. Keep these two purposes in mind as you search for country conditions evidence.

You should include the following (if the information supports your story):

- The US Department of State's Human Rights Report for your home country. To find this:
 - Go to <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/>
 - On the right hand side you will see places where you can select the year and country you need.
 - Print the entire report (it might be long). Highlight any information that is particularly relevant to your experiences, the harm you have faced in the past, and/or the harm you could face if you were removed from the United States.
- The US Trafficking in Persons Report for the United States, your home country, and any other country you were trafficked in, for every year during which you were trafficked (for example, if you are from the Philippines, were trafficked by a family from the United Arab Emirates in 2018 and then brought to the United States in 2019 you would want to include the reports for the Philippines, UAE, and US for 2018 and 2019, 6 reports in total). You can find these reports by:
 - Go to <https://www.state.gov/reports/2019-trafficking-in-persons-report/>
 - On the right hand side you will see places where you can select the year and country you need.
 - Print out the document and highlight any information that is particularly relevant to your experiences, the harm you have faced in the past, and/or the harm you could face if you were removed from the United States.

You may also consider including:

- Articles and other media sources that describe similar experiences to those you have had
- Reports from organizations such as Amnesty International or the United Nations which discuss:
 - trafficking in your home country
 - ongoing civil strife, civil war, or other incidents of violence in your home country
 - lack of medical/psychological treatment in your home country
- Remember to highlight all relevant portions particularly if the articles or reports are long

STEP 6: ASSEMBLE YOUR APPLICATION

Before you write your cover letter (which will serve as a guide to your application) it is a good idea to organize everything you have gathered so far. Gather all your documents in following order:

1. Your I-914
2. Your I-192 (if filing)
3. Your I-912 or filing fee (if filing an I-192)
4. Your I-914, Supplement As (if filing)
5. Evidence – each of these should be separated by a different colored paper (like green) and marked with a letter or number that says “Exhibit #” as well as your name (surname in ALL CAPS) and date of birth
 - a. Your signed and notarized declaration
 - b. A copy of your passport
 - c. Copies of any documentation regarding your contact with law enforcement (Supplement Bs, police reports, logs of contacts with law enforcement, court documents etc.)
 - d. Copies of any documentation regarding your employment history (contracts, pay stubs, emails, etc.)
 - e. Copies of Medical/psychological records and evaluations
 - f. Letters from any social service organizations that are providing you with benefits/supports
 - g. Affidavits from witnesses
 - h. Country conditions documents in order of strongest (most supportive of your case) to weakest

STEP 7: WRITE YOUR COVER LETTER

Now that you have all your application materials assembled you are ready to write your cover letter. Your cover letter will act as a guide to the person reviewing your application. It will explain why you are eligible for T Nonimmigrant Status and what all the evidence is that you have included in your application.

The letter should be written in a business letter format, typed or in black ink. If you hand write it, make sure your hand writing is legible. As you write your letter you may feel like you are repeating a lot of things. This is okay. You want to make sure the person reading your letter sees that you meet all the requirements for T Nonimmigrant Status.

The very top of your letter should include your address, the date, “Via Priority Mail” to indicate how you are submitting your documents, the address of the Vermont Service Center of USCIS, a “Re:” line which includes your name and date of birth and lists all immigration documents included in your application, and the salutation “Dear Sir or Madam,”

Here is an example of a properly formatted cover letter:

Your name
Street Name, Apt #
City, State Zip Code

← Your safe mailing address goes at the very top to the left side

MM/DD/YYYY

← Below that should be the date when you are finalizing your letter

Via Priority Mail

U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-001
Attn: T Nonimmigrant Unit

Below your name and date of birth you will list the immigration forms you are including in your application. If you are applying for more than 1 family member, make sure to write the number after the Supplement A line

RE: First Name LAST NAME (DOB: MM/DD/YYYY)
Form I-914, Application for T Nonimmigrant Status, with attachments
Form I-192, Application for Advance Permission to Enter as Nonimmigrant
Form I-912, Application for Fee Waiver for Form I-912
Form I-914, Supplement A, Application for T-1 Recipients (#)

FEE WAIVER APPLICATION ENCLOSED

Dear Sir or Madam,

U.S. Citizenship and Immigration Services
RE: **LAST NAME, First Name** (DOB: **MM/DD/YYYY**)
Page 2 of 12

STEP 8: FINAL STEPS AND MAIL

MAKE A COPY of your entire application package including all the exhibits. Keep this in a safe place.

The following steps are optional but will help make your application package easier for the people reading it to manage.

Mail: You are now ready to mail your application to USCIS! You will want to send it **priority mail** to:

United States Citizenship & Immigration Services Vermont Service Center
Attn: Crime Victims Unit
75 Lower Welden Street
St. Albans, VT 05479-0001

STEP 9: FOLLOW UP

Keep track of the status of the application and make sure to complete all follow up appointments/requests for additional evidence.

You should receive notices within four weeks. There will be separate receipts for the I-914, the I-192 (if submitted), and for an I-765 employment authorization (even though you didn't file this form you get a receipt because it was built-in to the I-914). You will also get receipts for each derivative application. At this time, it is taking about twelve to fifteen months for a decision on an I-914 application. If you do not receive receipts or there are errors, you can call (802) 527-4888 to leave a message with the Crime Victims unit or email the hotline at HotlineFollowUpI918I914.vsc@uscis.dhs.gov. You should also consider writing to them to correct any errors. This number should not be used for case status inquiries.