

Administrative Appeals Office

January 27, 2016

OFFICE: MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

BIA & AAU Non-Precedent Decisions

Reporter

2016 Immig. Rptr. LEXIS 3555 *

MATTER OF I-L-C-

Core Terms

redact, traffic, nonimmigrant, reconsideration motion, incorrect, prior decision, entity, evidentiary record, initial decision, severe form, citizenship, recruitment

Opinion By: [*1] Decision transmittal issued by: Perry Rhew, Chief, Administrative Appeals Office

Opinion

AAO Designation: D12

APPLICATION: FORM I-914, APPLICATION FOR T NONIMMIGRANT STATUS

The Applicant seeks nonimmigrant classification as a victim of a severe form of trafficking in persons. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(T)(i), 8 U.S.C. § 1101(a)(15)(T)(i). The Director, Vermont Service Center, denied the application. We dismissed a subsequent appeal. The matter is now before us on a motion to reconsider. The motion will be denied.

I. APPLICABLE LAW

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

II. PERTINENT FACTS AND PROCEDURAL HISTORY

The Applicant is a citizen of the Philippines who first entered the United States on April 22, 2008, as an H-2B nonimmigrant to be employed as a waiter [*2] for [redacted] in Colorado. The Applicant filed the instant FORM I-914, Application for T Nonimmigrant Status, with U.S. Citizenship and Immigration Services (USCIS) on December 2, 2013. The Director issued a request for evidence (RFE) of the Applicant's claim to being a victim of trafficking, to which the Applicant responded with additional evidence. The Director ultimately denied the Applicant's FORM I-914, and we subsequently dismissed his appeal. The Applicant filed a motion to reconsider in which he reasserts that he was trafficked by [redacted] of Colorado [redacted] representative), and emphasizes that he was also trafficked by [redacted] a recruiting entity in the Philippines. He resubmits previously provided evidence.

III. ANALYSIS

We previously considered on appeal whether the Applicant was trafficked by [redacted] and [redacted]. Moreover, our prior decision discussed [redacted] role in the Applicant's recruitment and the loan the Applicant secured in order to pay [redacted] placement fee. Although the Applicant emphasizes on motion that he was also trafficked by [redacted] he has not provided additional or new evidence to [*3] show that the loans he voluntarily took out to pay [redacted] before he departed the Philippines, or the employment conditions he described once in the United States were such that the Applicant has established that he was trafficked by [redacted] or any other entity such as [redacted] as required by section 101(a)(15)(T)(i)(I) of the Act. Consequently, he also has not shown that he is physically present in the United States on account of such trafficking, as required by section 101(a)(15)(T)(i)(II) of the Act. Although the Applicant emphasizes that he reported to the Department of Justice (DOJ) in addition to reporting [redacted] of [redacted] the record does not reflect a response from DOJ with respect to any reported entity or individual beyond acknowledgement of receipt of the information. As the record otherwise does not establish any severe form of human trafficking in connection with the Applicant's recruitment by [redacted] or employment with [redacted] the Applicant has not met the assistance requirement of section 101(a)(15)(T)(i)(III) of the Act, or established that he would suffer extreme hardship involving unusual severe harm upon removal from [*4] the United States under the standard and factors prescribed at 8 C.F.R. § 214.11(i)(1), and as required by section 101(a)(15)(T)(i)(IV) of the Act. The Applicant has not cited any binding precedent decisions or other legal authority establishing that our prior decision incorrectly applied the pertinent law or agency policy and that our prior decision was incorrect based on the evidence of record at the time of the initial decision. *See* 8 C.F.R. § 103.5(a)(3).

IV. CONCLUSION

The motion will be denied for the above stated reason. The Applicant bears the burden of proof to establish his eligibility for T nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.11(1)(2); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Applicant has not met that burden. Accordingly, the motion will be denied.

ORDER: The motion to reconsider is denied.

Cite as *Matter of I-L-C-*, ID# 15229 (AAO Jan. 27, 2016)

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