

Administrative Appeals Office

DATE: JUN 24, 2020

OFFICE: Motion on Administrative Appeals Office Decision

**Reporter**

2020 Immig. Rptr. LEXIS 10665 \*

**In Re: 6246237**

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**Core Terms**

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was, traffic, reconsideration motion, personal statement, severe form, nonimmigrant, translate, involuntary servitude, has, preponderance of evidence, incorrect application, sufficient evidence, burden of proof, incorrect, probative, coercion, bondage, literal, section, induce

[\*1] AAO Designation: D12

Form I-914, Application for T Nonimmigrant Status

**Opinion**

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The Applicant seeks T-1 nonimmigrant classification as a victim of human trafficking 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\(o\)](#). The Director of the Vermont Service Center denied the Form I-914, Application for T Nonimmigrant Status (T application), concluding that the Applicant did not provide clear evidence regarding her claimed trafficking, and therefore had not established that she was the victim of a severe form of trafficking in persons. We dismissed the Applicant's subsequent appeal. On a motion to reconsider, the Applicant submits a brief and a new translation of her personal statement. The Applicant bears the burden of proof in these proceedings. Upon review, we will dismiss the motion to reconsider.

**I. LAW**

A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. [8 C.F.R. § 103.5\(a\)\(3\)](#).

Section 101(a)(15)(T)(i) of the Act provides that an applicant may be classified [\*2] as a T-1 nonimmigrant if he or she: is or has been a victim of a severe form of trafficking in persons; is physically present in the United States on account of such trafficking; has complied with any reasonable requests for assistance in the investigation or prosecution of the trafficking; and would suffer extreme hardship involving unusual and severe harm upon removal from the United States. 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\(a\) \(2017\)](#).

The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. [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, [\*3] in our sole discretion, the value of that evidence. [8 C.F.R. § 214.11\(d\)\(5\)](#).

## II. ANALYSIS

In our decision on appeal, we agreed with the Director that the Applicant had not provided sufficient evidence to meet her burden of establishing by a preponderance of the evidence that she was the victim of a severe form of trafficking in persons. We noted that the Applicant’s personal statements in support of her T application were unclear and difficult to understand and did not provide probative details about her experiences. Further, we found that although the Applicant claimed that she was the victim of involuntary servitude, she did not specify what facts she relied on to support her claim, and the evidence of record did not otherwise establish that she was placed in a condition of servitude.

On motion, the Applicant submits a new translation of her personal statement and asserts that the translation she previously submitted, while accurate, was “too literal to be literate.” The new translation, like the prior version, is difficult to understand and does not include sufficient clear, probative detail about the Applicant’s experiences to support a finding that she was the victim of a severe [\*4] form of trafficking in persons under section 101(a)(15)(T)(i) of the Act.

Furthermore, the Applicant does not allege that our decision was based on an incorrect application of law or policy and was incorrect based on the evidence in the record of proceedings at the time of the decision, as required to meet the requirements for a motion to reconsider. [8 C.F.R. § 103.5\(a\)\(3\)](#). Instead, she concedes that the personal statement she previously submitted was unreadable. She does not contend that we erred in concluding that she did not submit sufficient evidence to establish that she was the victim of a severe form of trafficking. Additionally, she still does not specify which facts support her claim that she was subjected to involuntary servitude, but instead adds a new claim on motion that she was subjected to debt bondage. The Applicant has not met the requirements of a motion to reconsider under [8 C.F.R. § 103.5\(a\)\(3\)](#).

**ORDER:** The motion to reconsider is dismissed.

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