

2016 Immig. Rptr. LEXIS 8774

Administrative Appeals Office

September 19, 2016

OFFICE: MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

BIA & AAU Non-Precedent Decisions

Reporter

2016 Immig. Rptr. LEXIS 8774 *

MATTER OF K-V-N-

Core Terms

traffic, nonimmigrant, motion to reopen, sufficient evidence, prior decision, reconsider, reconsideration motion, incorrect application, evidentiary record, severe form, new facts, classification, eligibility, incorrect, resubmit

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 "T-1" nonimmigrant classification as a victim of human trafficking. *See* 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 T-1 classification affords nonimmigrant status to victims who assist authorities investigating or prosecuting the acts or perpetrators of trafficking.

The Director, Vermont Service Center, denied the Form I-914, Application for T Nonimmigrant Status (T application). The Director concluded that the Applicant did not establish that he had complied with any reasonable requests for assistance in the investigation or prosecution of severe forms of trafficking. We dismissed a subsequent appeal, affirming the Director's decision and concluding that the Applicant had not submitted sufficient evidence to establish that he was a victim of a severe form of trafficking in

persons, that he is physically present in the [*2] United States on account of such trafficking, and that he would suffer extreme hardship involving unusual and severe harm if he were removed from the United States. In our decision, we noted numerous inconsistencies in the Petitioner's claims and evidence.

The matter is now before us on a motion to reopen and reconsider. On motion, the Applicant provides a statement and resubmits evidence that is already contained within the record.

Upon review, we will deny the motion.

I. APPLICABLE LAW

A motion to reopen must state the new facts to be proved and be supported by affidavits or other documentary evidence. [8 C.F.R. § 103.5\(a\)\(2\)](#). 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 (USCIS) 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. ANALYSIS

On motion, the Applicant again recounts [*3] the timeline and events that are the basis of his prior statements regarding his alleged trafficking. He resubmits previously provided evidence and asserts that the record already shows that he has submitted sufficient evidence to establish his eligibility. However, the Applicant does not address any of the findings we made in our prior decision and has not provided new facts to overcome our prior decision or sufficient evidence to establish that our prior decision was based on an incorrect application of law or policy, or incorrect based on the evidence of the record at the time of our decision. For these reasons, the Applicant's motion does not meet the requirements of a motion to reopen and reconsider and must therefore be denied. [8 C.F.R. § 103.5\(a\)\(4\)](#) (a motion that does not meet the applicable requirements shall be denied).

III. CONCLUSION

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](#); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013) . Here, that burden has not been met.

ORDER: The [*4] motion to reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of K-V-N*- ID# 113826 (AAO Sept. 19, 2016)

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