U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 3520564

Date: JUNE 2, 2020

Appeal of Vermont Service Center Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification as a victim of human trafficking under sections 101(a)(15)(T) and 214(o) of the Immigration and Nationality Act (the Act), 8 U.S.C. sections 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 record did not establish that the Applicant is physically present in the United States on account of having been a victim of a severe form of trafficking in persons. In addition, the Director concluded that the Applicant was inadmissible to the United States and the applicable grounds of inadmissibility had not been waived. On appeal, the Applicant submits a brief, additional evidence, and copies of previously submitted evidence, and asserts her eligibility.

We review the questions in this matter *de novo*. *See 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) (2018).[1]

The term "severe form of trafficking in persons" is defined, in pertinent part, as "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).

[1] The Department of Homeland Security issued an interim rule, effective January 18, 2017, amending its regulations at 8 C.F.R. § 214.11 for victims of human trafficking who seek T nonimmigrant status. *See Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status* (Interim T Rule), 81 Fed. Reg. 92266, 92308-09 (Dec. 19, 2016). This application was filed before the issuance of the Interim T Rule.

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

II. ANALYSIS

The Applicant is a citizen of the Philippines who was admitted to the United States in September 2005 on an A-2 visa, as an employee of a foreign embassy or consulate located in the United States, using a false [redacted] passport obtained by her alleged traffickers. The Applicant filed the instant T application in December 2016.

A. The Applicant's Trafficking Claim

According to the Applicant's joint statements[2] with her spouse, N-J-,[3] who filed a separate T application, an individual named E-C- recruited them in the Philippines to work at the [redacted] Embassy in Washington D.C. in 2005. They stated that E-C- first contacted N-J- to work as a driver for the Embassy. N-J- recalled that E-C- informed him that he was in charge of hiring personnel at the Embassy, and he showed N-J- various credentials and his mansion where they met three times to make arrangements for N-J- to travel to the United States. According to the statements, E-C- informed N-J- that the cost for N-J- would be $10,000 and that the first $5,000 would have to be paid immediately in cash to cover the visa processing fee and airfare, while the remaining balance would be deducted from his wages from the embassy. N-J- stated that E-C- explained that he would be employed as a driver from 8 am to 5 pm at a weekly salary of $500 and would be paid $100 per day if he worked Saturdays and Sundays. N-J- indicated that he sold a number of their belongings to pay the visa processing fee, and he applied for and obtained a Filipino passport which E-C- kept to obtain the visa and airline tickets for N-J-. According to the statements, the Applicant, who had been working in Taiwan when E-C- met and made N-J- the job offer, quit her job and returned to the Philippines before N-J-'s departure, foregoing her final paycheck and incurring a penalty for her abrupt departure. They stated that N-J- met with E-C- for the third time in April 2005, this time with the Applicant as well, and they paid E-C- the initial $5,000. They recalled that E-C- told the Applicant that he could obtain a job for her at the embassy as well if she was not "picky" and that they could work out a visa processing fee of $5,000. In the end, they agreed to pay a total fee of $25,000 to have E-C- arrange to bring N-J-, the Applicant, and their minor daughter to the United States. As with N-J-, they were required to pay $5,000 in cash for the Applicant and her child, with the remainder to be paid through deductions from the Applicant's future wages from her employment at the Embassy.

N-J- recalled that he and E-C- traveled to [redacted] in April 2005 using N-J-'s Filipino passport, but that N-J- noticed that E-C- used a [redacted] passport for N-J- when they arrived at the airport in [redacted] New Jersey. He stated that E-C- said he was the Embassy official and would do all the talking to immigration and customs officials. N-J- stated that in the United States, E-C- purchased

[2] The statements are written from the Applicant's spouse's perspective but are signed by both. The Applicant did not submit a separate statement.

[3] Initials are used to protect the identities of individuals.

train tickets to Washington D.C. and told N-J- to get his social security card and driver's license to start working. N-J- indicated he looked at the [redacted] passport, which had all his correct information, for the first time at the social security office two weeks after his arrival and that he believed that E-C- had somehow obtained dual nationality for him. He indicated that he was unable to pass the driving learner's permit three times due to his lack of English abilities, and he was therefore unable to start work as a driver for the Embassy. N-J- stated that at E-C-'s instruction, he found a temporary job in landscaping from 6 am to 9 pm while waiting to start working at the Embassy and began sending money home for the Applicant and their child's expenses. He recalled that E-C- told him that because N-J- was on a diplomatic visa from the [redacted] Embassy, he needed to complete all his paperwork for employment using information that matched the [redacted] passport.

N-J- stated that E-C- started asking him to make payments on the balance of the visa processing fee, despite the fact that he was not working as a driver for the embassy as arranged. He indicated that he made three payments of $500 between June and August 2005 and two smaller payments of $200 and $300 after the Applicant and their daughter arrived in September 2005. N-J- stated that E-C- refused to give him a receipt for his payments. According to the Applicant and N-J-'s statements, the Applicant also used a [redacted] passport to travel to the United States with an associate of E-C-'s named R-. They stated that R- promised the Applicant a job as an office or accounting clerk with the Embassy and a salary of at least $15 per hour, and that she could start working after the birth of the couple's second child, who was due in [redacted] 2005. However, they recalled that they were unable to contact E-C- in October 2005, and later, agents from Immigration and Customs Enforcement (ICE) contacted them and informed them that E-C- and R- had been arrested. The Applicant and N-J- agreed to voluntarily speak with the agents about their experiences with E-C- and R- and learned the extent of E-C-'s fraudulent smuggling scheme. They stated that they met with many officers and were given papers and an agent's business card in case they encountered any other law enforcement. In addition, they stated that they took pictures, had their fingerprints taken, and were given work authorization. They asserted that they were also told not to move in case they were needed and that they would be able to get legal status. They stated that they are still residing at the same residence for fear of violating any of the terms set by the ICE officer. They indicated that they wanted to return to the Philippines but stayed to be witnesses for the U.S. government.

The Applicant and her spouse indicated that E-C- was convicted of smuggling about 50 people into the United States. They recalled that he was ultimately deported, but after his deportation, he started contacting them from the Philippines in 2007. They stated that E-C- contacted the Applicant's cellphone at least two times, requesting that they pay the balance they owed him because his assets had been confiscated and he and his family had no money to pay for their expenses. They asserted that he made threats to kill them if they were deported back to the Philippines. The Applicant and her spouse asserted that both their families still live in the Philippines and that E-C- is very powerful there and can get away with murder. They stated that they left their steady jobs in the Philippines because of E-C-'s fraudulent scheme and cannot pay back the remaining $13,500 debt they owed him as of the date of E-C-'s arrest.

The record before the Director also includes a 2006 ICE Record of Investigation (ROI), setting forth a summary of the interviews conducted with the Applicant and N-J- regarding their experiences with E-C- and R-. Additionally, the Applicant proffered court and conviction records, as well as news articles, showing that E-C- was a Filipino driver at the [redacted] Embassy who doctored stolen

passports from the embassy to sell to other Filipinos seeking to enter the United States. These documents show that E-C- charged up to $15,000 for each passport. E-C- and R- were prosecuted on federal charges and that E-C- was ultimately convicted in 2007 of conspiracy to defraud the United States and of bringing in and harboring aliens.

B. The Applicant Is Not the Victim of a Severe Form of Trafficking in Persons

As an initial matter, although the Director did not deny the T application on this ground, the Applicant has not established that she is a victim of a severe form of trafficking in persons ("trafficking"), as section 101(a)(15)(T)(i)(I) of the Act requires. Applicants seeking to demonstrate that they are victims of a severe form of trafficking must show: (1) that they were recruited, harbored, transported, provided, or obtained for their labor or services, (2) through the use of force, fraud, or coercion, (3) for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. *See* 22 U.S.C. § 7102(8); 8 C.F.R. § 214.11(a) (defining the term "severe forms of trafficking in persons").[4]

The evidence does not establish that E-C- recruited, harbored, and transported the Applicant through the use of fraud for her labor and services, as she maintained. According to the Applicant and N-J-'s joint statements, E-C- falsely promised them employment positions at the [redacted] Embassy in the United States, and relying on his promises, they left their jobs, sold their belongings, and incurred debt to pay E-C- for the cost of visa processing fees and airfare. However, their assertions are inconsistent with their prior statements to ICE agents, as set forth in the 2006 ICE ROI the Applicant submitted. In contrast to their statements here that E-C- contacted N-J- to offer him an employment opportunity in the United States, the ROI indicates that N-J- informed the interviewing agents that he was the one who contacted E-C- after hearing that E-C- was able to facilitate entry of Philippine nationals to the United States. According to the ROI, upon arriving in the United States (in New Jersey), E-C- had N-J- accompany him to Maryland only after N-J- told him that he did not know anyone in the United States and did not know where to go from there. The ROI further indicates that N-J- reported going to a mall the next day where "by chance" he met a Filipino national who helped him find a place to live and employment as a landscaper. The 2006 statements by N-J- to ICE conflict with his and the Applicant's claims here that E-C- recruited them for and promised them employment in the United States, and instead, they show that they entered into an agreement with E-C- to facilitate the Applicant's and her family's entry into the United States. Additionally, consistent with the Applicant's and her spouse's statements in the ROI, the federal criminal indictment against E-C- in the record, charging him with harboring and smuggling aliens, specifically alleged that the Applicant paid E-C- "to smuggle herself and her child . . . into the United States." Consequently, the preponderance of the evidence does not support the Applicant's assertion that E-C- recruited, harbored, and transported her for her labor and services or that he did so through the use of fraud as she maintains.

The Applicant also has not demonstrated that the alleged traffickers recruited, harbored, and transported her for the purpose of subjecting her to involuntary servitude, peonage, or debt bondage as she maintained below and on appeal. "Involuntary servitude" is defined as:

[4] The definition of a severe form of trafficking also includes commercial sex trafficking, which does not apply in this case. 8 C.F.R. § 214.11(a).

> a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or a condition of servitude induced by the abuse or threatened abuse of legal process. Involuntary servitude includes a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through the law or the legal process. This definition encompasses those cases in which the defendant holds the victim in servitude by placing the victim in fear of such physical restraint or injury or legal coercion.

8 C.F.R. § 214.11(a). As used in section 101(a)(15)(T)(i) of the Act, the term peonage is defined as "a status or condition of involuntary servitude based upon real or alleged indebtedness." *Id.* Servitude is not defined in the Act or the regulations but is commonly understood as "the condition of being a servant or slave," or a prisoner sentenced to forced labor. *Black's Law Dictionary* (B.A. Garner, ed.) (11th ed. 2019).

As stated, the Applicant has not established that E-C- or his associates recruited, harbored, and transported her for the purpose of subjecting her to a condition of servitude, which is the underlying prerequisite to establishing involuntary servitude and peonage. Rather, the record shows that E-C- organized a smuggling scheme using his position as a driver at the [redacted] Embassy to steal and alter passports and sell them to Filipino nationals for the purpose of smuggling them to the United States. News articles and conviction records proffered by the Applicant show that E-C- smuggled approximately 50 Filipinos to the United States in this manner as part of this scheme, including the Applicant and her family. However, the record lacks any evidence that E-C- subjected, or intended to subject, any of the people he smuggled, the Applicant and N-J- included, to a condition of servitude. The Applicant and N-J-'s joint statements reflect that after N-J- gained admission to the United States, E-C- instructed him to find other employment on his own when he was unable to pass the test to obtain a driving learner's permit, and he provided N-J- with assistance in obtaining a social security card and driver's license. The couple claimed that after his incarceration, E-C- contacted them by cellphone and through a social media website to collect his debt. In their second statement, they added that after E-C-'s deportation to the Philippines in 2007, he contacted them "at least 2 times, maybe more," requesting that they pay the balance of the fee they had agreed upon and making threats against them and their family in the Philippines if they did not pay. These statements support the Applicant's assertion that E-C- attempted to coerce the Applicant and her spouse into paying him the balance of agreed upon fee for bringing the Applicant and her family to the United States. However, they do not show, and the Applicant did not allege, that E-C- used, or threatened to use, physical restraint or injury, or abused or threatened abuse of legal process, in order to coerce or force them into a condition of servitude, as described under 8 C.F.R. § 214.11(a) (defining involuntary servitude and peonage).

Additionally, the Applicant and her spouse's statements in 2006 to ICE agents further undermine the Applicant's claim that E-C- recruited, harbored, and transported her for the purpose of subjecting her to a condition of servitude. As previously discussed, neither the Applicant nor N-J- made any claim during their ICE interviews that E-C- recruited N-J- or the Applicant for their labor or services or that he had ever promised to find them both employment in the United States during their meetings with him in the Philippines, as the Applicant claims in these proceedings. To the contrary, N-J-'s statements to ICE indicate that he was the one who contacted E-C- in order to facilitate his and his family's entry

to the United States and that he affirmatively sought E-C-'s continued assistance upon arriving in the United States because he did not know anyone and had nowhere to go. Further, the ROI does not show that they made any assertion that E-C- attempted to coerce or coerced them into a condition of servitude at any point, and they do not otherwise reflect that E-C- intended to subject them to such a condition.

The record also does not establish that E-C- recruited, harbored, and transported the Applicant for the purpose of subjecting her to debt bondage, as she asserts. As used in section 101(a)(15)(T)(i) of the Act, the term "debt bondage" is defined, in pertinent part, as the status or condition of a debtor arising from a pledge by the debtor of his or her personal services . . . as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. 8 C.F.R. § 214.11(a). The Applicant contends on appeal that E-C- recruited N-J- and her for the purpose of subjecting them to debt bondage, because they had to "pledge[] the wages" they were supposed to earn from their intended employment at the [redacted] Embassy. Debt bondage, however, requires that the trafficking victim's "personal services" have been pledged as "security for the debt." The record shows that the Applicant and N-J- entered into an agreement to pay $25,000 to bring the Applicant and her family to the United States, of which they paid $10,000 up front in the Philippines and some additional installment payments, leaving a balance of about $13,500. However, while the Applicant and her spouse indicated that E-C- requested that they pay the remaining balance they owed him per their agreement, the evidence does not indicate that he expected or compelled the Applicant to provide any services in lieu of the fees or that the Applicant pledged her services as security for any debt arising from her inability to pay the remainder. The record therefore does not show that either E-C- or his associates subjected or intended to subject the Applicant to debt bondage.

In summary, the record indicates that E-C- recruited the Applicant and her spouse as part of a larger smuggling scheme by E-C-. Although a trafficking situation may arise during the course of a smuggling, the Applicant has not shown that such a trafficking situation arose in this case. The preponderance of the evidence here does not establish the E-C- or his associates recruited, harbored, and transported the Applicant or her spouse for their labor or services through the use of fraud for the purpose of subjecting them to involuntary servitude, peonage, or debt bondage, as she maintained. She therefore has not established that she is a victim of trafficking, as required by section 101(a)(15)(T)(i)(I) of the Act.

C. Not Physically Present on Account of Trafficking in Persons

As the Applicant has not shown that she was the victim of trafficking, she necessarily cannot establish that she 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. Regardless, even if the Applicant had established that she was a victim of trafficking, the record supports the Director's determination that she did not establish that she is present in the United States on account of the claimed trafficking.

In determining the physical presence requirement, USCIS must consider a T applicant's presence in the United States at the time the application is filed. 8 C.F.R. § 214.11(g)(1); *see also* Interim T Rule, 81 Fed. Reg. at 92273 (noting that the language of the physical presence requirement under the Act is phrased in the present tense and is interpreted as requiring "a consideration of the victim's current

situation, and a consideration of whether the victim can establish that his or her current presence in the United States is on account of trafficking"). The physical presence requirement reaches an applicants who at the time of filing: (i) are currently being subjected to trafficking; (ii) were liberated from trafficking by a law enforcement agency (LEA); (iii) escaped from trafficking before an LEA was involved; (iv) were subject to trafficking in the past and their continuing presence in the United States is directly related to the original trafficking; or (v) were allowed to enter the United States to participate in investigative or judicial processes related to the trafficking. 8 C.F.R. §§ 214.11(g)(1)(i)-(v). In considering the evidence of the physical presence requirement, USCIS may consider an applicant's responses to when he or she escaped the trafficker, what activities he or she has since undertaken to deal with the consequences of having been trafficked, and his or her ability to leave the United States. 8 C.F.R. § 214.11(g)(4).

The Applicant asserts on appeal that the Director impermissibly created a new physical presence requirement not in the Act or regulation by requiring her to demonstrate that her "continued presence" after the completion of the ICE investigation into her trafficking "was no longer related to the original trafficking." The Applicant is mistaken as to the Director's basis for finding that she had not established the physical presence requirement. The Director's decision acknowledged that the Applicant was granted deferred action and work authorization during the period ICE investigated E-C- for prosecution until 2007. However, the Director ultimately determined that the Applicant did not establish her physical presence under 8 C.F.R. § 214.11(g)(1)(iv), because she did not establish that her continuing presence after July 2007 was directly related to the original trafficking. Our review supports the Director's determination. The record shows that E-C- was convicted and sentenced in 2007 for harboring and smuggling people into the United States. The Applicant alleged that beginning in 2007, E-C- called her from the Philippines "at least 2 times, maybe more," demanding that they pay the balance they owed him. They asserted that E-C- stated he knew their family in the Philippines and made threats to the Applicant and her spouse's lives if they were deported back to the Philippines. The Applicant and N-J- stated that they continued to receive calls from E-C-. However, they did not indicate how many times E-C- called them apart from the two or more calls they received in 2007 and if he ever called them after 2007. They also indicated that the Applicant's several family members continue to live in the Philippines but did not allege that E-C- ever contacted or threatened them there during the past 13 years as they feared.

Counsel asserts on appeal that the Applicant's continuing presence in the United States is on account of her claimed trafficking because she and her spouse followed the literal instructions of the ICE agents investigating E-C-, which included being told to not change residences and not to seek counsel. However, the Applicant and N-J-'s joint statement responding to the Director's request for evidence contradicts counsel's assertions, as they stated that after telling ICE agents that E-C- had contacted them in 2007, the agents told them to "talk to your lawyer" and that ICE no longer had "anything to do with" them anymore.

Accordingly, the Applicant has not demonstrated that her continuing presence in the United States is directly related to her past claimed trafficking, as set forth in 8 C.F.R. § 214.11(g)(1)(iv).[5] Regardless,

[5] We note that had the Applicant established trafficking, she may demonstrate her physical presence under one of the remaining four subsections of 8 C.F.R. § 214.11(g)(1) not considered by the Director, including under subsection (ii), if

as stated, because the Applicant has not established that she was a victim of a severe form of trafficking in persons by E-C-, she necessarily cannot establish that she is physically present in the United States on account of such trafficking.

D. The Applicant Is Inadmissible and Her Waiver of Inadmissibility Was Denied

The Director also correctly concluded that the Applicant was ineligible for T nonimmigrant classification because the record demonstrated that the Applicant was inadmissible to the United States under sections 212(a)(6)(C)(i) (willful fraud or misrepresentation) and 212(a)(7)(B)(i)(I) (no valid passport) of the Act, and she did not have an approved Form I-192, Application for Advance Permission to Enter as a Nonimmigrant (T waiver application), to waive the grounds of inadmissibility.

When adjudicating a T application, USCIS is required to determine whether any grounds of inadmissibility exist and may waive certain grounds of inadmissibility as a matter of discretion. Section 212(d)(13) of the Act. The Applicant bears the burden of establishing that he or she is admissible to the United States or that any grounds of inadmissibility have been waived. 8 C.F.R. § 214.1(a)(3)(i). For individuals seeking T nonimmigrant status who are inadmissible to the United States, a T waiver application must be filed in conjunction with a T application in order to waive any ground of inadmissibility. 8 C.F.R. §§ 212.16, 214.11(d)(2)(iii). There is no appeal of a decision to deny a waiver. 8 C.F.R. § 212.16(c). Although the regulations do not provide for appellate review of the Director's discretionary denial of a waiver application filed in T proceedings, we may still consider whether the Director was correct in finding the Applicant inadmissible to the United States and, therefore, requiring an approved waiver application.

On appeal, the Applicant concedes that she used a fraudulently obtained Micronesian passport to enter the United States, but contends that she believed she made a "lawful process" and that as a trafficking victim, she is not considered "unlawfully present" under section 212(a)(9)(B) of the Act. However, the Director's determination of the Applicant's inadmissibility was not for unlawful presence under section 212(a)(9)(B) of the Act.[6] Rather, the Director concluded and the record contains sufficient evidence showing that she is inadmissible to the United States under section 212(a)(6)(C)(i) of the Act for presenting a fraudulent passport and visa to obtain admission to the United States.[7] The Director

she demonstrates she was liberated from the trafficking by an LEA, or under subsection (iii) for escaping the claimed trafficking before the LEA became involved in the investigation and prosecution of the trafficking. The Director's decision did not consider the Applicant's physical presence under either of these subsections. However, we do not address this issue here, as the Applicant did not address her eligibility under those subsections on appeal and because she necessarily did not establish physical presence in the United States on account of trafficking, given our finding that she did not establish she was the victim of trafficking in the first instance.

[6] Additionally, inadmissibility under section 212(a)(9)(B)(i) of the Act for unlawful presence in the United States is only triggered after an applicant who has acquired such unlawful presence departs the United States and seeks readmission. The Applicant is not inadmissible under this section as the record does not show that the Applicant departed the United States since her initial 2005 entry.

[7] We acknowledge the Applicant's assertion that she did not knowingly present a fraudulent [redacted] passport to obtain admission and that she and her spouse believed that E-C- had somehow obtained them dual nationality and that the passport was valid. The preponderance of the evidence does not support the Applicant's assertion. However, we do not further address the Applicant's claims here as she is nevertheless inadmissible under section 212(a)(7)(B)(i)(I) of the Act and is otherwise ineligible for T nonimmigrant classification on the other grounds set forth in this decision.

also properly found that the Applicant was inadmissible under section 212(a)(7)(B)(i)(I) of the Act, as the record does not contain a copy of the Applicant's valid, unexpired passport.

As the Applicant has not overcome the Director's determination of her inadmissibility, she requires a waiver of her inadmissibility to establish eligibility. 8 C.F.R. §§ 212.16, 214.11(d)(2)(iii). Although the Applicant filed the requisite T waiver application, the Director denied the application after denying this T application. As the evidence demonstrates the Applicant's inadmissibility and we have no appellate jurisdiction over the Director's denial of her T waiver application, she has not established her eligibility. 8 C.F.R. § 212.16(c).

III. CONCLUSION

The Applicant has not established that she is a victim of trafficking and is physically present in the United States on account of such trafficking. In addition, the Applicant is inadmissible to the United States and the grounds of inadmissibility against her have not been waived, as 8 C.F.R. § 214.1(a)(3)(i) requires. Accordingly, she is ineligible for T nonimmigrant classification under section 101(a)(15)(T) of the Act.

ORDER: The appeal is dismissed.