

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER

IN THE MATTER OF)
)
[CLIENT NAME])
)
I-914 Applicant)
)
_____)

File No.: A XXX-XXX-XXX

**DECLARATION OF [CLIENT FULL NAME] IN SUPPORT OF HER APPLICATION
FOR T NONIMMIGRANT STATUS**

I, [client full name], hereby state under penalty of perjury that the following information is true and correct to the best of my knowledge and memory and that I submit this Declaration in support of my Form I-914.

INTRODUCTION

- My name is [client full name] and I was born on [birth date] at [birth location]. I am citizen of [country of nationality]. I currently live at [address].
- I have [#] children, born in [birth location] and living in [city of residence]. *Note if children are US citizens.*
- I came to the United States on [date and port of entry]. *Provide a brief description of the circumstances surrounding and purpose of entry.*
- *Provide a brief description of the trafficking situation.*
- I cooperated with law enforcement, provided details about my traffickers to [law enforcement entity such as DOJ, DOS, local law enforcement, etc.], and testified against my traffickers in [name of court] OR brief statement about the trauma experienced (if trauma exception case)
- I want to stay in the US because [provide reason regarding unusual and severe harm if removed].

PERSONAL BACKGROUND

Here are some questions that may help flesh out the greater context of the trafficking recruitment and/or provide context for the adjudicator as to the applicant's level of education and personal circumstances (like health problems) that were aggravated by the exploitation. They are meant to lay the foundation for the individual circumstances but it may not be necessary to include the answers to all these questions if they do not somehow factor into either how/why the person was recruited or introduce circumstances that were aggravated by the trafficking experience.

T VISA DECLARATION – DRAFTING GUIDE

- Tell me about your family. How many siblings do you have? Where did you grow up?
- What was the relationship like between your parents? Between your siblings? Between you and your parents / siblings?
- Did you go to school? What was the name of your high school / college? What did you study? What degrees did you get?
- What jobs have you had after your education?
- [If relevant later to the trafficking situation] Do you currently have any medical conditions? Have you had any serious medical problems in the past?

MY JOURNEY TO THE UNITED STATES

Please note that this section may or may not relate to the trafficking, as some trafficking victims enter trafficking situations after their arrival to the US and which are not connected to their entry.

This section assumes a connection between the arrival into the US and the trafficking. If that's not the case, you may want to include a few sentences about the entry in the personal background section—for example, "I entered the U.S. on [date] at [place of entry] by [use of type of visa or crossing the border without permission etc.] and went to live in XX [listing places of residency until applicant comes into contact with trafficker]."

- How did you first become acquainted with your trafficker abroad?
- What did you discuss during your initial communications? (agreement to work, etc.)
- What did you agree upon prior to your travel to the US?
- Did your trafficker sponsor you for a visa? If so, what (if anything) were you instructed to say during the visa interview?
- How did you travel to the US from your home country?
- How did you enter the US? Please describe. If there are facts that occurred on the journey to the US that are relevant to the trafficking situation, include them in this section.
- When did you arrive in the US?
- What arrangements did you make with your trafficker regarding payment of your travel expenses? Did you understand that the cost of your journey was being paid for, or that you would have to pay for it yourself?
- What happened upon arrival to the US? Where did you go and who did you stay with?
- What was your understanding of what would happen/what you would be doing when you arrived in the US?

LIVING AND WORKING CONDITIONS IN THE UNITED STATES

- What actually happened when you arrived and how did this differ from your expectations?

Sex Trafficking

Sex trafficking is defined as the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where the commercial sex act is induced by force, fraud, or coercion, or the person being induced to perform such act is under 18 years of age.” This section establishes that your client was a victim of sex trafficking.

- When were you first asked to perform sex work? Who asked you? How did they ask you?
- Did your traffickers threaten to physically harm you if you did not comply with their orders to perform sex work?
- Did your traffickers threaten to deprive you of food, water, or housing if you did not comply?
- Did your traffickers threaten to report you to the police or immigration if you did not comply?
- Did your traffickers carry out any of their threats?
- Did your traffickers state that you owed them a debt? What was the debt for?
- Can you provide names of people who played a role in the sex trafficking?
- Who was in charge? Who carried out the orders? Did anyone take care of the house or you?
- What did your traffickers ask you to do? Please provide details if possible. Note particularly memorable incidents.
- Did you receive money or anything of value in exchange for performing sex work? Did your traffickers receive money or anything of value?
- How often did your traffickers ask you to perform sex work?
- Were there other women with you? What did the traffickers make them do?

Labor Trafficking

Labor trafficking is defined 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 involuntary servitude, peonage, debt bondage, or slavery.” This section establishes that your client was a victim of labor trafficking.

- What were your living conditions like in the US? Where did you sleep?
- Did you have a key to the house? Could you come and go as you pleased? Were you able to venture out on your own?
- What restrictions were placed on your freedom of movement?
- What other rules were you expected to follow? What did you understand would happen if you did not follow these rules?
- What did you eat? Did you have enough to eat?
- Did you have access to your personal documents (passport, etc.) or did your traffickers take them?

T VISA DECLARATION – DRAFTING GUIDE

- Who did you work for? Who was in charge? Who carried out the orders?
- Did you sign any kind of document specifying your duties, working conditions, and compensation?
- Before you arrived in the US, what did your traffickers tell you about your duties, working conditions, and compensation?
- How did your actual duties and working conditions differ from what was promised to you?
- What kind of work did you do for your traffickers? Can you describe a typical workday?
- How many hours did you work a day on average?
- Did you have breaks during your work shift?
- Did you work on the weekends? Did you work when you were sick?
- How much compensation did you receive, and in what form (cash, placed in bank account, money wired to family back home, etc.)? Did you ever request additional compensation? How did your traffickers respond to this request?
- Who paid for your room and board?
- How long did you work for your traffickers?
- Did you work or live with other people? What kind of work did they do?

ISOLATION/CONTROL/COERCION

- Were you able to communicate regularly with family and friends? If not, what restricted your ability to do so?
- Did your traffickers state that you owed them a debt? What was the debt for?
- Did your trafficker or anyone else humiliate or insult you? If so, please describe what was said.
- Were you ever threatened by your traffickers, including:
 - Threats to send you back to your home country if you disobeyed?
 - Threats to harm you or your family members if you disobeyed?
 - Threats to harm you or your family members if you sought help or went to the police?
 - Threats to harm you or your family members if you tried to escape?
 - Threats to report you to immigration and have you deported?
 - Other threats related to abuse of the legal process?
 - Threats to deny you of food, water or housing if you did not comply?
- Did any medical conditions arise while with your traffickers? If so, did you have access to medical care?
- Did your trafficker or anyone else hit you? Use a weapon against you?
- Did your trafficker or anyone else sexually abuse you?
- How are you dealing with the harms and abuses you suffered? Are you seeing a therapist or attending counseling?

MY ESCAPE

- What finally lead you to believe that you needed to get out of this situation?
- How did you escape? When did this occur?
- Who, if anyone, assisted you in escaping? (*If someone assisted, would they be willing to provide a statement?)
- Where did you go after you escaped?

COOPERATION WITH LAW ENFORCEMENT

This section establishes that your client complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking. Cooperation with law enforcement is not a necessary element if the client is under the age of 18 or is unable to cooperate due to physical and psychological trauma (questions related to trauma are in a separate section below).

- How did law enforcement get involved with your trafficking situation?
- Did you call the police? How did they find you?
- When the police came, how many of them were there? Did they have a translator (if applicable)?
- What information did you provide to the police to help them with the investigation?
- Did you provide a written statement?
- Why did you provide information to the police?
- How many times did you interact with the police? Can you describe each interaction?
- Did a police officer give you his card or phone number? Who are your contacts with the police or the prosecutor?
- Did the police call you after they left? Did a prosecutor or anyone else from the government contact you?
- Were you ever asked to go to court?
- Were you asked to testify against your traffickers? On what charge?
- Did you agree to testify? Why did you testify?
- What court did you testify at? Who was the judge? What did you say in your testimony?
- How did you feel about testifying in court?
- What was the result of the case against your trafficker? Did the trafficker go to jail or get deported?
- If relevant, where is the trafficker serving his/her sentence? How long is the sentence?
- Do you have any papers other than what I have here related to this incident? *Show her what you have.*
- Did you receive any threats from your traffickers or their acquaintances during and after the court proceedings?

PHYSICAL OR PSYCHOLOGICAL TRAUMA

If your client was unable to cooperate with law enforcement due to “physical or psychological trauma,” please include this section to show the ongoing or past harmful effects of the trafficking.

- Are you currently seeing a therapist? Counselor? Psychologist? Psychiatrist? Support group? Social worker? Have you met with any of them in the past? How long did you meet with them? How often did you meet with them? What was their diagnosis?
- Have you been diagnosed with or experienced any emotional problems?
- As a result of your trafficking situation, have you experienced any panic attacks? Depression? Suicidal thoughts? Suicidal attempts? Nightmares? Insomnia?
- Are you currently on any medication related to your health issues?
- Have you been hospitalized as a result of these health issues?

**I AM PHYSICALLY PRESENT IN THE UNITED STATES
ON ACCOUNT OF TRAFFICKING**

- What have you been doing since you were separated from the traffickers?
- What is your current financial condition?
- What has prevented you from leaving the US since you were separated from the traffickers?
- What services, if any, are you currently receiving?

**I WOULD SUFFER EXTREME HARDSHIP INVOLVING UNUSUAL OR SEVERE
HARM IF REMOVED FROM THE UNITED STATES**

- What harm or mistreatment do you fear if you are removed from the US?
- Why do you fear that you would be harmed or mistreated?
- What do you think would happen to you or your children or other family members if you had to return to your home country?
- Are you or your children receiving any ongoing therapy or counseling or other medical care? What are the names of the therapists and counselors? What organizations do they work with?
- Are you currently on any prescription medications?
- Is the medical and psychological care you are receiving available to you in your home country?
- If there are children, are your children going to school in the US?
- Do you belong to any community groups or religious communities?
- Do you have friends or family members who act as a support network in the US?
- Do you work? Where do you work?
- Have you taken any English or other classes in the US?
- What are your goals if you are allowed to stay and work in the US?
- *Summary:* I work hard, am a good mother, and hope to continue recovering from the trafficking in the US.

T VISA DECLARATION – DRAFTING GUIDE

The interpreter who reads the statement out loud in that language should also sign a certificate of translation. THE LAST PARAGRAPH of the declaration, if applicable, should say:

The statement has been read to me in [language], my native language, and I understood it.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

_____ [Signature line]

_____ [Date]

CERTIFICATE OF TRANSLATION

I, [Name of Translator], hereby certify under penalty of perjury that I am competent to translate the attached document from English into [Language], and that I read the attachment document aloud in [Language] to [Client Full Name], and she understood the content of this statement prior to signing it.

Dated this [] day of [month], [year].

_____ [Signature line]