

[DATE]

USCIS – Vermont Service Center
Attn: T VISA UNIT
75 Lower Welden St.
St. Albans, VT 05479-0001

**Re: Application for “T” Nonimmigrant Status of
CLIENT**

Dear Sir or Madam:

Enclosed please find the application of CLIENT for a “T” Nonimmigrant Visa Pursuant to the Trafficking Victims Protection Act of 2000. As demonstrated by the evidence set forth in her application, Ms. CLIENT is eligible for a T visa because she:

- 1) is a victim of a severe form of trafficking;
- 2) has complied with any reasonable request for assistance in the investigation and prosecution of the trafficking crime committed against her;
- 3) is physically present in the United States on account of a severe form of trafficking in persons; and
- 4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States.

CONTENTS OF APPLICATION

The following items are enclosed in support of Ms. CLIENT’s T Visa application:

Tab 1: Form G-28, Notice of Entry of Appearance of Attorney

Tab 2: Form I-914, Application for T Nonimmigrant Status

Tab 3: Copy of Ms. CLIENT’s Identity Documents: Copy of Ms. CLIENT’s Passport, Visa, and I-94

Evidence That Ms. CLIENT is the Victim of a Severe Form of Trafficking

- Tab 4: Declaration of Ms. CLIENT, the Applicant.** Ms. CLIENT’s statement explains how a from COUNTRY diplomat named TRAFFICKER induced her with false promises to come to the United States to work so that she could obtain medical treatment for a uterine myoma. Once here, Ms. CLIENT was forced to work as much as fifteen to eighteen hours per day, six to seven days per week. The only time that Ms. CLIENT was able to leave the house unescorted was to attend a nearby church on some Sundays when she was not working. Ms. TRAFFICKER repeatedly humiliated Ms. CLIENT, including forcing her to eat her meals alone on a broken tabletop, forcing her to shovel snow with no cold weather gear, and making fun of her medical condition, which caused Ms. CLIENT constant pain. She also threatened that Ms. CLIENT would get into trouble with the police if she left, which Ms. CLIENT took to mean that the police could hurt her or even make her disappear, based on her experiences in COUNTRY.
- Tab 5: Declaration of DR X, Ph.D.,** Polaris Project. Dr. C has been working with Ms. CLIENT since XXX. In her assessment of Ms. CLIENT, she noted that Ms. CLIENT expressed, “that she did not have the freedom to leave the house and that when she expressed her desire to leave the house, she was told she will be in trouble with the police. Ms. CLIENT feared that the police was going to arrest her and she will be sent to jail.”
- Tab 6: Letter from DR THERAPIST, MA, ATR,** Therapist at Multicultural Human Services.
- Tab 7: Declaration of WITNESS.** Ms. WITNESS, a member and volunteer of CHURCH, met Ms. CLIENT at church and recalls her crying during the church services and asking congregation members to pray for her. Ms. CLIENT confided in Ms. WITNESS about her problems with Ms. TRAFFICKER. Ms. WITNESS helped Ms. CLIENT to leave Ms. TRAFFICKER’s home, and she recalls Ms. CLIENT’s fear that Ms. TRAFFICKER would find her.
- Tab 8: Copy of Ms. CLIENT’s Employment Contract with Ms. TRAFFICKER.** According to the contract, Ms. CLIENT was to babysit Ms. TRAFFICKER’ two children and perform “light housekeeping.” She was also to work 40 hours per week, with a maximum of five additional hours of overtime.
- Tab 9: Copy of X-ray and medical note from COUNTRY,** with translation, diagnosing Ms. CLIENT’s (medical condition). Ms. TRAFFICKER led Ms. CLIENT to believe that the primary reason she was coming to the U.S. was to seek medical treatment for her (medical condition).

- Tab 10:** **The Mayo Clinic, Article, “Uterine Fibroids.”** Ms. CLIENT was diagnosed as having (medical condition), also known as a (medical condition), prior to coming to the U.S. Symptoms include XYZ.
- Tab 11:** **U.S. Diplomatic List for COUNTRY**, noting TRAFFICKER’s position as Counselor within the COUNTRY Embassy in CITY.
- Tab 12:** **U.S. Government Accountability Office**, Report to the Subcommittee on Human Rights and the Law, Committee on the Judiciary, U.S. Senate, *U.S. Government’s Efforts to Address Alleged Abuse of Household Workers by Foreign Diplomats With Immunity Could Be Strengthened* (July 2008).
- Tab 13:** **Information on A3 Visa Privileges** in effect at the time Ms. CLIENT was employed by Ms. TRAFFICKER.

Evidence of Cooperation with Law Enforcement

- Tab 14:** **Declaration of XXX**, former attorney for Ms. CLIENT, about Ms. CLIENT’ efforts to report the trafficking crime to the U.S. Department of Justice. Ms. CLIENT participated fully cooperated with law enforcement by participating in an interview with XXX of the DOJ’s Civil Rights Division, Criminal Section and by making herself available for further interviews as needed.
- Tab 15:** **Report of Human Trafficking and Email** Correspondence, including
- **Report of Human Trafficking**, dated DATE
 - **Email from XXX** Director of the Human Trafficking Prosecution at the Department of Justice, acknowledging receipt of the report, DATE
 - **Emails from XXX**, U.S. Department of Justice, Civil Rights Division, coordinating an interview with Ms. CLIENT in DATE
- Tab 16:** **Letter from XXX**, Director, Human Trafficking Prosecution, U.S. Department of Justice, dated DATE, concluding that Ms. CLIENT’ criminal case was closed due to insufficient evidence to support a prosecutable violation of the criminal civil rights statutes.

Evidence That Ms. CLIENT is Physically Present in the U.S. on Account of a Severe Form of Trafficking in Persons

See Tab 4, Declaration of Ms. CLIENT, the Applicant ¶¶ 62-65.

See also Tab 5, Declaration of DR X, Ph.D ¶ 5.

See also Tab 6, Letter from DR THERAPIST, MA, ATR.

Evidence that Ms. CLIENT Would Suffer Extreme Hardship Involving Unusual and Severe Harm Upon Removal from the United States

- Tab 17:** **U.S. State Department DATE Trafficking in Persons Report- COUNTRY Excerpt.** This report explains that COUNTRY law enforcement will not intervene to protect Ms. CLIENT from Ms. TRAFFICKER and that legal services in COUNTRY for trafficking victims are essentially nonexistent.
- Tab 18:** **Excerpts from USAID COUNTRY Health System Assessment, DATE,** which documents the poor state of the health care system in COUNTRY. The full report is available at XXXX.
- Tab 19:** **Africa Confidential, Article, XXXX.** This analysis of COUNTRY notes that it is dominated by one party rule headed by XXXX. The article specifically references the power of the XXX family in the private sector as well, noting that XXXX, the President’s daughter, was a key figure in acquiring a public television station that should “come in handy at election time.” Ms. CLIENT first became acquainted with Ms. TRAFFICKER through XXXX, who is Ms. TRAFFICKER’s daughter and Ms. CLIENT’s former employer.
- Tab 20:** **Letter from PASTOR**

See Tab 4, Declaration of Ms. CLIENT, the Applicant ¶¶ 66-69. Ms. CLIENT describes the hardship she would suffer if forced to return to COUNTRY—she would be unable to obtain medical treatment for her (medical condition); the counseling services that have helped her recover would be unavailable to her; and she is afraid that Ms. TRAFFICKER could use her power and influence to seek retribution against Ms. CLIENT and cause great harm to her.

See also Tab 5, Declaration of Dr C, Ph.D ¶ 5.

See also Tab 6, Letter from Dr Therapist, MA, ATR.

CLIENT IS THE VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS

CLIENT meets the definition of a victim of a severe form of trafficking in persons as defined by 22 U.S.C. § 7102(8), which defines the crimes as “the recruiting, 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.” In this case, TRAFFICKER, a COUNTRY diplomat, recruited and transported Ms. CLIENT to the U.S. for labor through fraud and used multiple forms of coercion to subject her to involuntary domestic servitude, as described below.

A. Fraud in Recruitment

Fraud consists of “anything calculated to deceive, including all acts, omissions, and concealments involving a breach of legal or equitable duty, trust, or confidence justly reposed, resulting in damage to another.”¹ **In this case, Ms. TRAFFICKER committed fraud against Ms. CLIENT.** She induced Ms. CLIENT to come to the U.S. with false promises of obtaining medical care and of a dignified job.

Ms. CLIENT, who was content with her life in COUNTRY and unsure as to whether she wanted to travel all the way to the U.S., decided to accept the job with Ms. TRAFFICKER due to the opportunity to receive medical care for her uterine myoma. Tab 4, Declaration of CLIENTa CLIENT ¶ 16; *see also* Tab 9, Medical Note. Prior to departing for the U.S., Ms. CLIENT and Ms. TRAFFICKER entered into a written agreement which promised Ms. CLIENT \$240 per week for 40 hours per week of work, and Ms. TRAFFICKER explained to Ms. CLIENT that her only job would be caring for her twin teenage sons. *See* Tab 4, Declaration of CLIENT ¶ 20.

Unfortunately, the contract between Ms. TRAFFICKER and Ms. CLIENT turned out to be nothing more than a series of false promises. When Ms. CLIENT arrived in the U.S., she immediately saw that things were not as she expected. Ms. TRAFFICKER made Ms. CLIENT a virtual prisoner in the home, in which she worked six to seven days per week, 15 to 18 hours per day, and earned only \$850 per month. Ms. CLIENT explains that she was “never given time to rest” during that period, nor was she allowed to leave the house unescorted for the first eight months that she lived in Ms. TRAFFICKER’ house. Moreover, the medical care that she had been promised was non-existent. Through these actions, Ms. TRAFFICKER committed fraud against Ms. CLIENT by deceiving her with false promises, breaching her legal duties to Ms. CLIENT, and causing her enormous harm.

Additionally, by sponsoring Ms. CLIENT for an A3 visa and then ignoring the terms of the visa privilege, Ms. TRAFFICKER committed a fraud against the U.S. government. Diplomats may apply to bring servants with them to the U.S., but they must provide a written contract that complies with state and federal labor laws. *See* Tab 13: Information on A3 Visa Privileges. Ms. CLIENT’ contract promised her a reasonable 40 hour workweek plus overtime, vacation, and sick days. Tab 8, Employment Contract. However, Ms. TRAFFICKER violated both the contract and state and federal minimum wage laws in violations of her assurances to the U.S. Government. In doing so, she committed fraud against the U.S. Government.

B. Involuntary Servitude

Ms. CLIENT was a victim of involuntary servitude during the time that she worked for Ms. TRAFFICKER. Involuntary servitude “includes a condition of servitude induced by means of (A) 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 (B) the abuse or threatened abuse of the legal process.” 22 U.S.C. § 7102(5). Ms. CLIENT was a victim of involuntary servitude because Ms. TRAFFICKER

¹ 37 Am Jur 2d FRAUD AND DECEIT § 1.

forced her to work extraordinary hours for only a fraction of the wages she earned, threatened that the police would come after her if she left, and isolated her from the outside world.

a. Ms. TRAFFICKER Emotionally Abused Ms. CLIENT and Kept her Isolated from the Outside World

Ms. TRAFFICKER kept Ms. CLIENT in a state of involuntary servitude through emotional abuse and isolation. When Ms. TRAFFICKER was home, she followed Ms. CLIENT around and criticized her work constantly. *Id.* ¶ 32. Ms. CLIENT states that she “felt constantly humiliated by [Ms. TRAFFICKER]. Nothing I ever did was good enough.” *Id.* Her humiliation was furthered by the fact that Ms. TRAFFICKER forced her to eat alone on a broken glass tabletop in the kitchen—which Ms. CLIENT had accidentally broken when she placed a hot pot on it. *Id.* ¶ 34. These practices gradually caused Ms. CLIENT’s self-esteem to deteriorate.

While Ms. TRAFFICKER did not physically beat Ms. CLIENT, she kept her in an uncomfortable, even painful physical state. During her first months with Ms. TRAFFICKER, Ms. CLIENT was so cold that she “lay in bed crying because I was freezing.” *Id.* ¶ 27. Ms. TRAFFICKER had told Ms. CLIENT to leave her clothing in COUNTRY because she would provide new clothing for her in the U.S., but then failed to do so. When winter came, Ms. CLIENT was forced to shovel snow without proper clothing. She writes, “I cried as my feet froze while I shoveled snow in my only shoes—open backed black summer shows—because I had never felt anything that cold before.” *Id.* ¶ 35.

Ms. CLIENT’s physical state also languished as time passed without medical treatment for the myoma. Although she had promised Ms. CLIENT medical treatment in the U.S., once in the U.S., Ms. TRAFFICKER denied Ms. CLIENT access to medical care. Ms. CLIENT was forced to pay a portion of her paycheck each month to Ms. CLIENT for medical care, but it was never clear to Ms. CLIENT whether she actually had insurance and she was unable to receive treatment. When Ms. CLIENT complained about the pain she felt, Ms. TRAFFICKER made fun of her, describing it as “women’s pain” that all women feel. *Id.* ¶ 52.

b. Ms. TRAFFICKER Coerced Ms. CLIENT Into Staying With Threats of Harm Upon Leaving

Ms. TRAFFICKER also kept Ms. CLIENT in a condition of involuntary servitude through threats of what would happen to her if she escaped. Ms. TRAFFICKER threatened that if Ms. CLIENT ever left, the police would chase after her. *Id.* ¶ 39. This threat particularly scared Ms. CLIENT because of her experiences in COUNTRY, where her mother was jailed for three years with no trial when Ms. CLIENT was a child, for selling dried fish without a permit. *Id.* ¶ 5. Ms. CLIENT states that, “In COUNTRY, the President has all the power, so I believed, and still believe, that a diplomat like Ms. TRAFFICKER, who is also his mistress, could really hurt me, even make me disappear if she wanted to.” *Id.* ¶ 39.

Ms. CLIENT got extremely worried during the time that she lived at Ms. TRAFFICKER’s house and often lost her appetite. *Id.* ¶ 38. As she spent more time at Ms.

TRAFFICKER’s house and became increasingly depressed, she often thought about killing herself. *Id.*

In DATE, Ms. CLIENT began to attend church on the Sundays that she was not working. WITNESS, an acquaintance of Ms. CLIENT through the church, recalls that Ms. CLIENT often took a turn standing during the church service and asked the congregation to pray for her and all of her problems, and that she often cried. *See* Tab 7, Declaration of WITNESS ¶ 4.

In DATE, after approximately one year after she arrived in the U.S., Ms. CLIENT had “come to the end of [her] rope” and decided that what she feared most was remaining in Ms. TRAFFICKER’s home. With the help of Ms. WITNESS, Ms. CLIENT escaped from Ms. WITNESS’s house and went to the church. Ms. CLIENT “did not want to stay there for a long time because [she] thought Ms. TRAFFICKER might find [her.]” *Id.* ¶

C. Ms. CLIENT is Physically Present in the U.S. on Account of Trafficking

Ms. CLIENT arrived in the U.S. in DATE on an A3 visa to work for Ms. TRAFFICKER, and escaped from Ms. TRAFFICKER’s house in DATE. Since that time, Ms. CLIENT has struggled to get back on her feet. Her first temporary housing arrangement ended when she ran out of money. After living with another friend, she was accepted for housing and social services by the Polaris Project, a Washington, DC-based anti-trafficking organization. Dr. Dr X, who is currently assisting Ms. CLIENT, notes that “as a result of the experiences [Ms. CLIENT] had to endure at her employer’s house, she was constantly feeling sad, experienced suicidal thoughts and had a hard time trusting people for two years after [escaping] her trafficking situation.” *See* Tab 5, Declaration of Dr X ¶ 5. Even now, Ms. CLIENT continues to receive case management services from the Polaris Project. *Id.* ¶ 7.

Ms. CLIENT is still present in the U.S. as a result of the initial trafficking that brought her here. She has been dealing with effects of being traumatized by Ms. TRAFFICKER since that time, and is still afraid to return to COUNTRY. Accordingly, she is present in the U.S. as a result of the initial act of trafficking that brought her here.

D. Ms. CLIENT Fully Cooperated with Law Enforcement

Ms. CLIENT cooperated with law enforcement in the investigation of her case. She reported the crime of trafficking to law enforcement and participated in an interview with Myesha Braden of the U.S. Department of Justice. *See* Tabs 14-15. Ms. CLIENT also made herself available to participate in additional interviews as needed. Unfortunately, the DOJ concluded that there was insufficient evidence to support a criminal prosecution. *See* Tab 16, Letter from XXX.

The DOJ’s response is consistent with reports of the difficulties of prosecuting diplomats, who enjoy full immunity from criminal prosecutions. *See* GAO Report, Tab 12, p. 1-2 (noting that even in high-profile trafficking cases, the diplomats could not be prosecuted

due to immunity); Tab 11, Diplomatic List for COUNTRY (noting that Ms. TRAFFICKER is currently a diplomat who would enjoy full immunity from criminal prosecution).

E. Ms. CLIENT Would Suffer Extreme And Unusual Harm if Forced to Return to COUNTRY

There is little doubt that Ms. CLIENT would suffer extreme hardship if forced to return to COUNTRY. Ms. TRAFFICKER, a diplomat and mistress of the President of COUNTRY, enjoys substantial influence there. XXX continues to serve as the President of COUNTRY, where his family exercises control over both the government and the private sector. *See* Tab 19, Article, One Party Rule.

Ms. CLIENT fears that if forced to return to COUNTRY, she would suffer the same plight as Ms. TRAFFICKER's former driver, DRIVER, who left Ms. TRAFFICKER due to the abuse and refused to return to work for her. DRIVER told Ms. CLIENT that as a result of his actions, he cannot return to COUNTRY because his picture is all over the airport in Luanda and if he returns, "he will be detained and tortured or killed by the police." Tab 14 ¶ 47.

In addition, Ms. CLIENT has been severely traumatized by the acts of trafficking that were committed against her. As previously discussed, Ms. CLIENT was so distraught with the events that took place at Ms. TRAFFICKER's house that she contemplated suicide. Since escaping from Ms. TRAFFICKER, she has benefited substantially from counseling and case management services through the Polaris Project and ABC Family Service. *See* Tabs 5-6. She has also developed a supporting community through her church, where she actively participates in a women's group. *See* Tab 20, Letter from PASTOR; Tab 4 ¶ 71.

If Ms. CLIENT were forced to return to COUNTRY, this support network and these counseling services would no longer be available to her. As the DATE Department of State Trafficking in Persons Report notes, COUNTRY does not comply with the minimum standards for the elimination of trafficking, has not made adequate efforts to address the problem of human trafficking, and does not even have a comprehensive law that specifically prohibits trafficking in persons. *See* Tab 17, p. 62. Thus, there is little to no likelihood that Ms. CLIENT could continue to receive the psychological and emotional support that has been so critical to her recovery.

Furthermore, Ms. CLIENT still aspires to receive treatment for her myoma, which would not be possible if she were forced to return to COUNTRY. Although she does not currently have health insurance, the Polaris Project is assisting her to access medical services. *See* Tab 5 ¶ 6. Ms. CLIENT states that she continues "to suffer extreme abdominal pain, headaches, and heavy menstruation because of the myoma and [has] only recently been able to see a doctor again." Tab 4 ¶ 66. In COUNTRY, Ms. CLIENT would not be able to obtain this surgery. Health care in COUNTRY is in a poor state—even worse than other parts of Sub-Saharan Africa—and private healthcare is only available "at an extraordinary cost." Tab 4 ¶ 67; *see also* COUNTRY Health System Assessment, Tab 18 (noting that COUNTRY's health indicators are among the worst in the region and confirming that resources are allocated regressively to an elite minority,

at the expense of the larger population. Ms. CLIENT's best hope for obtaining medical treatment is to remain in the U.S.

CONCLUSION

For the foregoing reasons, Ms. CLIENT respectfully requests that her application for a "T" Nonimmigrant visa be approved. Please do not hesitate to contact me if there is any additional information that I can provide, at XXX.

Yours very truly,

NAME