

T VISA / I-914

DATE

VIA CERTIFIED MAIL

Department of Homeland Security
United States Citizenship and Immigration Services
Vermont Service Center- Crime Victims Unit
75 Lower Walden Street
St. Albans, VT 05479-0001

Re: CLIENT
Application for T Nonimmigrant Status

Dear Sir/Madam:

Ms. CLIENT, through undersigned counsel, hereby submits the enclosed Application for T Nonimmigrant Status (USCIS Form I-914) and accompanying Application for T Nonimmigrant Derivative Status (Form I-918A) for her two children. CLIENT, as a victim of a severe form of human trafficking, meets the statutory requirements for T nonimmigrant classification pursuant to the Victims of Trafficking & Violence Protection Act of 2000, 114 Stat. 1464, Pub. L. No. 106-386 (Oct. 28, 2000) (“VTVPA”). In support of her application, CLIENT submits the attached Exhibits 1-15. Please see an annotated Table of Contents at Tab A.

I. Legal Requirements for T Nonimmigrant Status

The VTVPA, as implemented by the regulations at 8 C.F.R. § 214.11-12, defines a severe form of trafficking 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 subjections to involuntary servitude, peonage, debt bondage, or slavery.” To establish eligibility for the T nonimmigrant visa, the applicant must establish that she: (i) is physically present in the United States on account of the trafficking; (ii) is a victim of a severe form of trafficking, as defined above; (iii) has complied with any reasonable request for assistance in the investigation or prosecution of trafficking; and (iv) would suffer extreme hardship if removed. CLIENT is eligible for T-nonimmigrant status, as discussed below.

II. CLIENT Is Eligible for T Nonimmigrant Status

A. Overview of CLIENT's Eligibility for a T-visa

CLIENT is eligible for a T-visa and is providing evidence to establish that she meets each of the four elements of eligibility for the T visa. CLIENT was born in COUNTRY and suffered a difficult and unstable childhood. Declaration of CLIENT at ¶¶6-10 [hereinafter "Dec"].¹ Her family fled the war between COUNTRIES, where CLIENT spent much of her childhood as a refugee. *Id.* at ¶¶ 6-10. She later married and then returned to COUNTRY with her family, which grew to include two children back in COUNTRY. *Id.* at ¶¶ 10-13.

Struggling to survive as a single, divorced mother in a country where divorce carries great stigma, CLIENT resorted to working as a domestic worker beginning in about XXX in the COUNTRY and other Middle Eastern countries in order to provide for her children. *Id.* at ¶¶ 15-22.

After returning to COUNTRY and finding life there impossible as a single mother, CLIENT again went to COUNTRY in search of livelihood. *Id.* at ¶¶ 27-29. In this position of vulnerability, CLIENT again sought employment as a domestic worker in the Middle East – this time falling into the hands of her traffickers, TRAFFICKERS. *Id.* at ¶¶ 31-35. For about eighteen months, CLIENT worked for the TRAFFICKER family in CITY for about sixteen hours a day. *Id.* at ¶¶ 38. The traffickers, consistent with the practice in CITY, maintained possession of CLIENT's passport at all times. *Id.* at ¶¶ 42. CLIENT was not permitted to have a key to the house or even to leave the grounds of the house. *Id.* at ¶¶ 43. CLIENT was at least, at that time, paid on schedule. *Id.* at ¶ 44.

In late 2010, CLIENT **was forced** to come to the United States with the family or face deportation to COUNTRY, where she feared being imprisoned or tortured for leaving the country contrary to repressive local law. *Id.* at ¶ 47. CLIENT had to **sign a contract** which did not state precisely what she would be paid, it merely listed minimum wage in various states. CLIENT **believed that she had an oral agreement with TRAFFICKER specifying that she would earn \$400 per month for her work.** *Id.* at ¶¶ 48-49. CLIENT was also promised a **raise in the future and her own room in the United States.** *Id.* at ¶¶ 50.

Once she arrived in the United States, CLIENT **was forced to live in a very small room with all five of the traffickers' children.** She was even **forced to share a mattress with the traffickers' toddler twins.** *Id.* at ¶¶ 53. She did **not have a key to the house**, and she was **not allowed any contact with the neighbors.** *Id.* at ¶¶ 54. Her trafficker **held onto her valid passport**, allowing CLIENT only to maintain her expired passport in her own possession. *Id.* at ¶¶ 55.

¹ Exhibit 4.

CLIENT worked about **17 hours a day, cleaning the house top to bottom and caring for the children.** *Id.* at ¶¶ 57-58. She was **verbally harassed** by the traffickers' daughter, with the trafficker's knowledge, for taking "too many" bathroom breaks. *Id.* at ¶¶ 59. **She was not permitted to leave the house without the children.** *Id.*

CLIENT injured her back and wrist while taking out the trash in about February 2011, and **she was denied necessary medical care for her injuries** and told by the trafficker's eldest daughter, with the traffickers' knowledge, **to get out of bed and take care of the children.** *Id.* at ¶ 64. CLIENT continues to suffer **wrist pain to this day** due to her untreated injury. *Id.* at ¶ 65.

TRAFFICKERS extracted labor from CLIENT by capitalizing on her fears of deportation and persecution in COUNTRY in order to coerce her into remaining in the situation. *Id.* at ¶ 56. By the third month, **the TRAFFICKERS stopped paying CLIENT her salary.** In March, the third month of work, CLIENT was given a "gift" by TRAFFICKER in the amount of her salary, but in April and May of 2011 she was not paid at all. *Id.* at ¶¶ 66-69.

CLIENT finally overcame her fears of deportation and persecution at home when TRAFFICKER began behaving inappropriately, **causing CLIENT to fear that he would sexually assault her if she remained in the home.** *Id.* at ¶¶ 70-73.

In DATE, CLIENT managed to escape from the abusive situation through the assistance of various African community members willing to help her travel to the east coast. *Id.* at ¶¶ 74-79. These individuals are not willing to provide evidence in support of her application because they are afraid to become more involved in the situation and get into "trouble." *Id.* at ¶ 79.

B. CLIENT is a Victim of a Severe Form of Trafficking, in the Form of Involuntary Servitude and Mistreatment at the Hands of TRAFFICKERS

CLIENT was subjected to a severe form of trafficking because she was fraudulently induced to come to the United States for the purposes of being subjected to involuntary servitude. Under 8 C.F.R. § 214.11(a), involuntary servitude means "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 the abuse or threatened abuse of legal process." *See also United States v. Kozminski*, 487 U.S. 931, 952 (1988)). After the TRAFFICKERS coerced CLIENT to come to the United States to work for them or face torture in COUNTRY and made her false promises of steady wages and a raise in the future, the TRAFFICKERS created a climate of fear, where CLIENT was afraid to speak up about her lack of pay or long working hours because she was afraid she would be deported to COUNTRY where she would face torture. In addition, she was unable to obtain necessary medical care for an on-the-job injury and continues to suffer physical harm as a result.

1. Forced and Uncompensated Labor and Economic Exploitation

As detailed above, CLIENT was not paid her regular salary for DATE and **received no compensation whatsoever** for the months of DATE, and ten days in DATE when she worked for the TRAFFICKERS. In addition, CLIENT was never compensated at anything close to minimum wage for her work, **receiving only \$400 per month** for DATE **when she worked close to 336 hours per month** (based on a conservative estimate of 12 hours per day, 7 days per week, for 4 weeks per month – in reality, she worked even longer than 12 hours per day). *See* Ex. 4, Declaration of CLIENT, at ¶¶ 47-50, 56-59; *see also* Ex. 5 (CLIENT’s contract specifying that she was to receive the standard US wage, two-day weekends, and 150 percent compensation for overtime work in excess of 40 hours per week); Ex. 6 (Email from CLIENT’s brother, corroborating CLIENT’s claim that she did not receive her salary for the months of DATE, when she was working full-time for the TRAFFICKERS).

2. Restriction on Freedom of Movement and Isolation

Once she arrived in the United States, CLIENT was **forced to live in a very small room with all five of the traffickers’ children**. She was even **forced to share a mattress with the traffickers’ toddler twins**. Ex. 4, Declaration of CLIENT, at ¶¶ 53. She did **not have a key to the house**, and she was **not allowed any contact with the neighbors**. *Id.* at ¶¶ 54. Her trafficker **held onto her valid passport**, allowing CLIENT only to maintain her expired passport in her own possession. *Id.* at ¶¶ 55.

3. Deprivation of Medical Care

As detailed above, CLIENT was not permitted to receive medical care for injuries to her back and wrist after she fell **on the job** while taking out the trash. She needed to reduce her activities for two weeks, despite beratement by the traffickers’ eldest daughter to get back to work caring for the other children. CLIENT suffers **physical pain in her wrist to this day** as a result of her injury and the denial of medical care. *See* Ex. 4, Declaration of CLIENT, at ¶¶ 64-65.

4. Coercion, Threats, and Psychological Manipulation

The traffickers manipulated and coerced CLIENT by using their knowledge of the dangers to her in COUNTRY as well as her understanding of workers’ (lack of) rights in CITY and her lack of understanding of workers’ rights in the United States. CLIENT feared deportation due to her past experiences and the traffickers’ allusions to having prior maids deported, and she knew that if forced to return to COUNTRY, she would face imprisonment and torture for violating the country’s restrictive and repressive residency law. The traffickers’ maintained possession (and still maintain possession to the best of our knowledge) of CLIENT’s valid passport. *See* Ex. 4, Declaration of CLIENT, at ¶¶ 47-80. *See also* Ex. 6 (Email from CLIENT’s brother, describing how TRAFFICKER has insisted that CLIENT may only receive her valid passport if she returns to their home, a demand that appears to be a trap). In addition, just prior to her escape, the male trafficker, TRAFFICKER, behaved inappropriately twice and gave CLIENT a reasonable fear of future sexual assault or rape. *Id.* at ¶¶ 70-73.

C. CLIENT is Physically Present in the United States on Account of Being Trafficked into the United States by the TRAFFICKERS

As detailed above and in CLIENT's declaration, the TRAFFICKERS coerced CLIENT to come to the United States or face torture in her home county, COUNTRY. Ex. 4, Declaration of CLIENT, at ¶¶ 47-50. *See also* Ex. 9 (showing CLIENT is a member of the political opposition party in COUNTRY), Ex. 10-11 (documenting extraordinary repression, including torture, of political dissidents and individuals, like CLIENT, who have left COUNTRY unlawfully and/or not paid the required tax on foreign wages).

CLIENT arrived in the United States on DATE on a work visa (type unknown, because CLIENT has not had possession of her passport since her arrival). CLIENT was not permitted a key to the house, nor was she permitted to leave the home when she desired or to communicate with the neighbors. **CLIENT was only paid for two months through wire transfers to her brother, so she had no financial means available to her to escape and flee the United States.** *Id.* at ¶¶ 51-56, 74-79, 85-93.

CLIENT has had no opportunity to depart the United States since escaping her traffickers and is therefore in the United States on account of the trafficking.

D. CLIENT Complied with Law Enforcement's Requests for Assistance

On DATE, CLIENT, with the assistance of undersigned counsel, **reported the crime of trafficking** to XXX, Director of the Human Trafficking Prosecution Unit, and a special counsel and investigator in that division. *See* Ex. 7 (detailed email and letter reporting the trafficking and subsequent email expressing continued willingness to cooperate in the investigation), Ex. 8 (declaration of counsel, corroborating the same), and Ex. 4 at ¶¶ 80-84.

As demonstrated by the secondary evidence listed above and attached to this letter, as well as CLIENT's declaration, **CLIENT remains willing to assist in the investigation of the crimes committed against her.**

E. CLIENT Faces Extreme Hardship if Removed to COUNTRY

As discussed in CLIENT's declaration and documented in Exhibits 10 through 12, CLIENT faces extreme hardship in the form of **torture** if she is forced to return to COUNTRY. COUNTRY has a notoriously repressive legal regime that results in imprisonment and usually torture for individuals who violate the country's strict restriction on outside travel or avoid compulsory "national service." Because CLIENT left COUNTRY illegally in DATE, before meeting her traffickers, she would be face imprisonment and torture if forced to return. CLIENT has been unable to pay the required taxes for expatriates because she was at first dramatically underpaid, and later not paid at all, for her work with the TRAFFICKER family in the United States. *See* Ex. 4 at 5-30, 85-93; Ex. 10 (showing her opposition party membership); Ex. 11-12 (documenting prevalence of torture and risks to those who have fled COUNTRY and returned).

Although CLIENT has left COUNTRY and returned there at various points over the years, as she explains in her declaration, she was always exempt from the repressive COUNTRY

law due to specific circumstances, such as her prior status as refugee in COUNTRY and her previous ability to pay special taxes from her wages earned in the Middle East. No such special circumstances will protect CLIENT if she is now forced to return.

IV. Conclusion

For the foregoing reasons, CLIENT respectfully requests that her application be granted. She has demonstrated her eligibility for T nonimmigrant status through her own testimony and the attached documentary evidence. Granting T nonimmigrant status to CLIENT will serve the statutory purposes of the VTVPA, while offering protection to Ms. Client in keeping with the humanitarian interests of the United States.

On behalf of CLIENT, thank you very much for your thoughtful consideration of this application. Please do not hesitate to contact me at XXXX if you have any questions regarding CLIENT's application.

Sincerely,

NAME
Attorney

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Cover Letter detailing *CLIENT's* eligibility for T Nonimmigrant Status, including her status as a victim of a severe form of human trafficking, her cooperation with law enforcement, and the extreme hardship that she would face if forced to return to her home country, *COUNTRY*.

BASIC DOCUMENTS IN SUPPORT OF CLIENT'S APPLICATION

- G-28, Notice of Entry of Appearance as Attorney
- Form I-914, Application for "T" Nonimmigrant Status
including three (3) passport style photographs of CLIENT
- CLIENT's expired COUNTRY passport

EVIDENCE THAT CLIENT IS A SURVIVOR OF A SEVERE FORM OF HUMAN TRAFFICKING

- CLIENT's Declaration, with certificate of translation, ¶¶ 47-93

CLIENT describes coming to the United States under coercion in the form of a threat to be returned to COUNTRY and face torture if she did not come to the United States and fraud in signing a contract that promised her minimum wage, which she barely understood and did not receive. Once in the United States, CLIENT was kept in the situation by coercion in the form of being denied possession of her valid passport, denied a key to the home where she lived and worked (or even knowledge of its address), being instructed not to speak with neighbors, and living under imminent and implicit threat of deportation based on her prior experiences with this family in COUNTRY as a domestic worker. CLIENT was also denied medical care for an on-the-job injury, from which she still suffers physical pain, emotional abuse by the couple's eldest daughter, and a bizarre incident with TRAFFICKER which gave CLIENT a reasonable fear of future sexual assault. Finally, CLIENT was denied pay for the final three months of her work, even at the paltry wage of \$400 per month she had previously received for the many hours worked. The elements of force, fraud, and coercion are all present in CLIENT's case, and she is a survivor of human trafficking who continues to suffer physical harm as a result of the trafficking and fear torture upon return to her home country as a result of her failure to pay the required tax. As such, she is a survivor of a severe form of human trafficking (domestic servitude).

- CLIENT's contract with her employer, with certified translation

Specifying that CLIENT would receive the standard wage in the United States, including overtime paid at 150 percent and work 8 hours per day, 40 hours per week, with a two-day weekend break and providing that CLIENT should have freedom of movement, and maintain possession of her passport.

- Email from CLIENT's brother, with certified translation

This email corroborates CLIENT's claim that she did not receive her promised salary of \$400 per month during the months of March, April, and May of 2011, months during which CLIENT was working for TRAFFICKER. The email also describes that TRAFFICKER has demanded that CLIENT appear in person at his residence to obtain her valid passport and her salary, and threatening to report CLIENT to the police if she does not return to the trafficker.

EVIDENCE THAT CLIENT HAS COOPERATED WITH LAW ENFORCEMENT

- CLIENT's Report of her Trafficking to the U.S. Department of Justice, through counsel, and efforts to assist in the investigation

Documentation that CLIENT reported her traffickers to the United States Department of Justice Human Trafficking Prosecution Division, on DATE via email and certified mail. CLIENT provided a detailed account of her trafficking to federal officials in this initial report. She again indicated her ongoing willingness to cooperate in the investigation on DATE, and on DATE the Department of Justice indicated that they would reach out to CLIENT in the future.

- Declaration of ATTORNEY, CLIENT's counsel

Describing CLIENT's efforts through counsel to cooperate with law enforcement, indicating that CLIENT has not received any additional requests for cooperation from law enforcement, and verifying that law enforcement remains able to contact CLIENT through counsel, with information on file as to how to reach her.

See also Tab 4, CLIENT's declaration, at ¶¶ 80-84, indicating that CLIENT remains ready and willing to cooperate with law enforcement in the investigation and prosecution of her traffickers.

EVIDENCE THAT CLIENT FACES EXTREME HARDSHIP IF FORCED TO RETURN TO COUNTRY

- CLIENT's COUNTRY identification card
(original in both English and Arabic)

Showing that CLIENT is a member of the opposition party.

- United States Department of State Human Rights Report: COUNTRY (2011), available at: www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper

Describing COUNTRY's repressive conscription law and regulations of exit visas, including arbitrary killings, "continued authorization of the use of lethal force against

individuals resisting or attempting to flee military service” or “attempting to leave the country without an exit visa,” imprisonment, disappearances and torture (including of individuals who have attempted to flee the country without travel documents and of political dissidents), and rape of female conscripts into national service by their supervisors, horrendous conditions in detention centers. Also noting that COUNTRY’s “exit visa policies were frequently adjusted in nontransparent ways.”

- Human Rights Watch, “Service for Life: State Repression and Indefinite Conscription in COUNTRY,” (excerpts) (DATE) available at: XXX

Detailing COUNTRY’s status as “one of the most closed and repressive states in the world,”

and providing detailed and gruesome descriptions of torture, imprisonment, and disappearances/arbitrary executions as a result of the restrictive exit visa regime. The report notes that those who have left COUNTRY risk torture if returned and recommends that “all refoulement of COUNTRY refugees should end.” The report further notes that a number of sources report a “shoot to kill” policy at the border directed toward those seeking to flee COUNTRY. Finally, the report notes that “once a person leaves COUNTRY, they are, in effect, treated as fugitives by the government and if returned are treated as criminal who will face detention, torture, and sometimes death.”

See also Tab 4, CLIENT’s declaration, at ¶¶ 85-93, detailing CLIENT’s fear of torture, imprisonment, rape, and other harms if she is forced to return to COUNTRY on account of her political opinion (and political party membership) and because she has violated the terms of COUNTRY’s repressive exit visa laws by not paying the required 2% tax. CLIENT believes she has escaped this harm on prior returns to COUNTRY because of her ability to fit into narrow loopholes of the law, but she does not believe she would similarly escape if forced to return now.

APPLICATIONS FOR CLIENT’S DERIVATIVE CHILDREN AND PROOF OF RELATIONSHIP

- Form I-914A, Application for T Nonimmigrant Status for CLIENT’s son
CHILD
- Copy of birth certificate for CLIENT’s son CHILD
(original in both English and Arabic)
- Form I-914 A, Application for T Nonimmigrant Status for CLIENT’s daughter,
CHILD
- Copy of birth certificate for CLIENT’s daughter CHILD
(original in both English and Arabic)