



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 27945735

Date: OCT. 3, 2023

Appeal of Vermont Service Center Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification under sections 101(a)(15)(T) and 214(o) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(T) and 1184(o), as a victim of human trafficking. The Director of the Vermont Service Center denied the application, concluding that the record did not establish that he was a victim of a severe form of trafficking in persons. The Director also determined that the Applicant had not established that he is physically present in the United States on account of trafficking and has complied with any reasonable requests for assistance in the investigation or prosecution of trafficking. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Section 101(a)(15)(T)(i) of the Act provides that applicants may be classified as a T-1 nonimmigrant if they: are or have been a victim of a trafficking; 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) (reiterating the statutory eligibility criteria). The term “severe form of trafficking in persons” is defined in 22 U.S.C. § 7102(11) and 8 C.F.R. § 214.11(a) in relevant 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.”

As used in section 101(a)(15)(T)(i) of the Act, involuntary servitude is defined as:

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).

Peonage is defined as “a status or condition of involuntary servitude based upon real or alleged indebtedness.” 8 C.F.R. § 214.11(a).

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, a native and citizen of India, filed his T application in March 2021. In summary, the Applicant contends that he was tricked, coerced, and manipulated by his ex-spouse and her family members into coming to the United States by abducting his child and taking him to the United States. The Applicant also asserts that legal ownership documents pertaining to his home in India were stolen by his ex-spouse and her family, the alleged traffickers, by deceit and fraud, in that he was coerced to sign the property rights away through a Power of Attorney document. The Applicant further maintains that after arriving in the United States, he was coerced into performing servitude and providing for his ex-spouse and her family for a long period of time.

In denying the T application, the Director determined the Applicant did not establish he was a victim of trafficking. The Director reviewed the Applicant’s trafficking claim and acknowledged the evidence submitted by the Applicant with his T application and in response to a request for evidence. We incorporate that list of evidence into our decision.

The Director determined the events described by the Applicant were a form of coercion by his family members, but the Applicant had not established that the coercion was perpetrated for the purpose of trafficking. Rather the evidence indicated that the Applicant came to the United State to be with his son and provide a good life for him. Further, while the Applicant resided with his wife’s family for certain periods of time, the record did not establish that he was harbored for trafficking as the Director determined that the Applicant resided with them while he sought employment in the United States and pursued immigration status. The Director also stated that while U.S. Citizenship and Immigration Services (USCIS) acknowledged that the Applicant had a debt to his wife’s extended family, he had not established that he was subjected to debt bondage. As for the Applicant’s involuntary servitude claims, the Director determined that the Applicant did not establish that his wife or her family used a scheme, plan, or pattern, causing him to believe that if he did not continue to work, he would suffer serious harm or physical restraint, or the abuse or threatened abuse of legal process. The Director acknowledged that, while the conditions of the employment may not have been ideal, the evidence established that the Applicant was paid for working and in turn, the Applicant was able to support his family financially and repay a debt related to his apartment in India. As such, the Director concluded that the totality of the evidence did not establish the Applicant was recruited, harbored, transported, or

obtained through the use of force, fraud, or coercion for the purpose of involuntary servitude, peonage, or debt bondage.

On appeal, the Applicant again contends that he was a victim of trafficking and submits a statement in support. He states that his trafficking and arrival in the United States was coerced and forced by abducting his child and forcing his compliance by effectively putting the safety of his child in danger. He further states that his arrival and continuous presence in the United States is solely due to the actions of his alleged human traffickers by keeping physical custody of his minor child and “fraudulently embroiling [the Applicant] in multiple criminal cases.” The Applicant also contends that his compliance in peonage and involuntary servitude was acquired by making him fearful of the safety and well-being of his minor child, and the legal ownership property for which he paid the debt was stolen from him in the end.

We adopt and affirm the Director’s decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been “universally accepted by every other circuit that has squarely confronted the issue”); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give “individualized consideration” to the case). The Director’s decision provided a thorough analysis of the Applicant’s trafficking claim and supporting evidence, as described above, and the Applicant’s submission on appeal does not include any new evidence or arguments which would overcome the Director’s findings. The Director correctly determined that the Applicant was not a victim of trafficking.

As noted by the Director, the Applicant was not subjected to involuntary servitude; rather he voluntarily worked at different hotels and was paid for his work. The record also does not show that the Applicant’s claimed traffickers actually subjected, or intended to subject, the Applicant to peonage through involuntary servitude based on real or alleged indebtedness. The Applicant’s statements indicate that he voluntarily incurred a loan on an apartment in India to be able to travel to the United States to be with his son. The record does not show that his spouse or her family members forced or tricked him into incurring debt and that they used or intended to use his debt and financial obligations to coerce him into peonage. Lastly, the record also does not show that the claimed traffickers recruited and obtained the Applicant for the purpose of subjecting him, or that they subjected him, to debt bondage. The record here does not show that the Applicant was indebted to his spouse or her family members. As discussed, the Applicant worked in the United States to provide for his family and helped support them with his earnings.

As the Applicant has not established that he was a victim of trafficking, he cannot establish that he is physically present in the United States on account of such trafficking or has complied with reasonable requests for assistance in the investigation or prosecution of trafficking. Accordingly, the Applicant is not eligible for T nonimmigrant classification.

ORDER: The appeal is dismissed.