



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

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

In Re: 28105849

Date: OCT. 12, 2023

Motion on Administrative Appeals Office 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. §§ 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 Applicant did not establish that she is physically present in the United States on account of a severe form of trafficking in persons. We dismissed a subsequent appeal and two motions to reopen and reconsider, concluding that the Applicant did not establish that she is the victim of a severe form of trafficking in persons or that she is physically present in the United States on account of such trafficking.

The matter is now before us on a third combined motion to reopen and reconsider. The Applicant submits a brief and additional documentation and reasserts her eligibility for the benefit sought. 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). Upon review, we will dismiss the motion.

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). We cannot grant a motion that does not meet applicable requirements. *See* 8 C.F.R. § 103.5(a)(4).

The issue before us is whether the Applicant has submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal or established that our decision to dismiss the appeal was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy. Upon review, the Applicant has not submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal or established that our decision to dismiss the appeal was based on an incorrect application of law or USCIS policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision.

In our prior decisions, incorporated here by reference, we concluded that the record did not establish that the Applicant was the victim of trafficking and therefore, she did not demonstrate that she is physically present in the United States on account of such trafficking. We also explained that while the Applicant indicated that she was threatened with deportation, her statements were general in nature and lacked probative detail, and therefore, were insufficient to establish, by a preponderance of the evidence, that she was placed into a condition of servitude induced by the abuse or threatened abuse of the legal process.

On motion, counsel for the Applicant asserts that this office “erroneously heightened the evidentiary requirements, and failed to give due consideration to the additional evidence and arguments that were presented.” Counsel also contends that there is sufficient evidence on record that shows that the Applicant is eligible for T nonimmigrant status. We note that counsel’s brief submitted with the instant motion presents similar contentions to counsel’s 2022 brief; said contentions were reviewed and considered by this office in rendering our January 2023 decision to dismiss the Applicant’s second combined motion to reopen and reconsider.

With the instant motion, the Applicant has not submitted new facts supported by documentary evidence sufficient to warrant reopening her appeal or established that our decision to dismiss the appeal was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy, as required under 8 C.F.R. § 103.5(a)(2) and (3). Accordingly, the Applicant has not overcome our previous determinations that she has not shown that she is the victim of a severe form of trafficking in persons or 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.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.