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U.S. Citizenship
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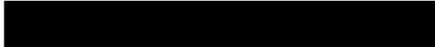


Office: VERMONT SERVICE CENTER

Date: APR 24 2007

IN RE:

Applicant:



APPLICATION:

Application for T Nonimmigrant Status under section 101(a)(15)(T)(i) and 214(n) of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(T)(i) and 1214(n).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for T nonimmigrant status was denied by the Center Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of the Philippines who last entered the United States on August 1, 2003 pursuant to an H-1B visa in order to be placed in a teaching position. The applicant borrowed funds to pay a large fee to an organization in exchange for employment placement in the United States. However, she was not given a position as agreed, and she stated she was compelled to remain with her alleged traffickers against her will due to the large debt she incurred to pay their fees. The applicant seeks T nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (the Act) in order to remain in the United States.

The applicant filed a Form I-914, Application for T Nonimmigrant Status, on November 4, 2005. On April 20, 2006, the center director issued a Form I-797, Notice of Action, requesting that the applicant provide additional evidence to support her application. The applicant provided additional documentation, yet the center director found that the applicant failed to overcome each of the issues addressed in the Notice of Action and denied the application accordingly. *Decision of the Center Director*, dated May 5, 2006. Specifically, the director found that the applicant failed to show that: (1) she is a victim of a severe form of trafficking in persons, and; (2) her physical presence in the United States is on account of a severe form of trafficking in persons.

On appeal, counsel for the applicant contends that the record shows that the applicant was subjected to involuntary servitude and peonage, and thus she was a victim of human trafficking. *Statement from Counsel on Form I-290B*, dated September 19, 2006. Counsel notes that the district director referenced an individual not mentioned in the applicant's application, which calls into question whether the application and supporting evidence were carefully reviewed. *Id.*

The record contains: a brief from counsel; statements from the applicant; articles on customs and conditions in the Philippines, including information on the debt system in the Philippines; articles regarding the scheme of conduct of the applicant's alleged traffickers; documentation in connection with the applicant's skills testing and recruitment in the Philippines; a record from the Philippines National Bureau of Investigation reporting that the applicant does not have a criminal record in the country; documentation in connection with the applicant's H-1B visa and application process; a copy of the applicant's elementary school teacher certification from the Philippines; a copy of the applicant's application for Texas State Board Educator Certification; an amortization schedule for a loan taken by the applicant; documentation on the applicant's travel to the United States; a copy of the applicant's social security card; a copy of the applicant's Form I-94 Departure Record; a letter to the applicant's creditor requesting deferment of her loan payments, dated August 29, 2003; a promissory note in connection with a loan the applicant received from [REDACTED] dated August 30, 2003; a letter from the Department of Health and Human Services (HHS) certifying the applicant as eligible for benefits under the Trafficking Victims Protection Act of 2000; a notice from a bank in the Philippines informing the applicant that she violated the "BP 22 or Anti-Bouncing Check Law" due to overdrafts against her account; two letters from a psychologist, Dr. [REDACTED], stating that she and her staff provided counseling services to the applicant; a Form I-914, Supplement B - Declaration of Law Enforcement Officer for Victim of Trafficking in Persons; affidavits from two other teachers recruited by the applicant's alleged traffickers, and; a statement from a licensed psychologist, Dr. [REDACTED] regarding the applicant. The record further contains copies of documents in connection with the applicant's

participation in the prosecution of her alleged traffickers, including: subpoenas of the applicant by the United States District Court for the Western District of Texas; instructions to the applicant regarding testifying on behalf of the United States government; an email confirming the applicant's travel arrangements to testify; two indictments against the applicant's alleged traffickers, and; letters from the U.S. Federal Bureau of Investigation and the U.S. Department of Justice informing the applicant of the progress of the prosecution of her alleged traffickers. The entire record was reviewed and considered in rendering a decision on the appeal.

Section 101(a)(15)(T) of the Act provides, in pertinent part, that an applicant may be classified as a T-1 nonimmigrant if he or she is:

- (i) [S]ubject to section 214(o), an alien who the Attorney General [now Secretary of Homeland Security (Secretary)] determines --
 - (I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,
 - (II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,
 - (III) (aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, [and] . . .
 -
 - (IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal . . .

A successful section 101(a)(15)(T) application is dependent first upon a showing that the applicant is a victim of a severe form of trafficking in persons. According to the Trafficking Victims Protection Act, 22 U.S.C. § 7102(8), the term "severe forms of trafficking in persons" means:

- A. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- B. 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.

The regulations at 8 C.F.R. § 214.11(f) provide specific guidelines on evidence that may be provided to support an applicant's contention that she is a victim of a severe form of trafficking. The regulations state:

(f) *Evidence demonstrating that the applicant is a victim of a severe form of trafficking in persons.* The applicant must submit evidence that fully establishes eligibility for each element of the T nonimmigrant status to the satisfaction of the Attorney General. First, an alien must demonstrate that he or she is a victim of a severe form of trafficking in persons. The applicant

may satisfy this requirement either by submitting an LEA endorsement, by demonstrating that the Service previously has arranged for the alien's continued presence under 28 [C.F.R. §] 1100.35, or by submitting sufficient credible secondary evidence, describing the nature and scope of any force, fraud, or coercion used against the victim (this showing is not necessary if the person induced to perform a commercial sex act is under the age of 18). An application must contain a statement by the applicant describing the facts of his or her victimization. In determining whether an applicant is a victim of a severe form of trafficking in persons, the Service will consider all credible and relevant evidence.

(1) *Law Enforcement Agency endorsement.* An LEA endorsement is not required. However, if provided, it must be submitted by an appropriate law enforcement official on Supplement B, *Declaration of Law Enforcement Officer for Victim of Trafficking in Persons*, of Form I-914. The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based (including the dates the severe forms of trafficking in persons and victimization occurred), and be signed by a supervising official responsible for the investigation or prosecution of severe forms of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act. The traffickers must have used force, fraud, or coercion to make the victim engage in the intended labor or services, or (for those 18 or older) the intended commercial sex act. The situations involving labor or services must rise to the level of involuntary servitude, peonage, debt bondage, or slavery. The decision of whether or not to complete an LEA endorsement for an applicant shall be at the discretion of the LEA.

(2) *Primary evidence of victim status.* The Service will consider an LEA endorsement as primary evidence that the applicant has been the victim of a severe form of trafficking in persons provided that the details contained in the endorsement meet the definition of a severe form of trafficking in persons under this section. In the alternative, documentation from the Service [CIS] granting the applicant continued presence in accordance with 28 [C.F.R. §] 1100.35 will be considered as primary evidence that the applicant has been the victim of a severe form of trafficking in persons, unless the Service has revoked the continued presence based on a determination that the applicant is not a victim of a severe form of trafficking in persons.

(3) *Secondary evidence of victim status; Affidavits.* Credible secondary evidence and affidavits may be submitted to explain the nonexistence or unavailability of the primary evidence and to otherwise establish the requirement that the applicant be a victim of a severe form of trafficking in persons. The secondary evidence must include an original statement by the

applicant indicating that he or she is a victim of a severe form of trafficking in persons; credible evidence of victimization and cooperation, describing what the alien has done to report the crime to an LEA; and a statement indicating whether similar records for the time and place of the crime are available. The statement or evidence should demonstrate that good faith attempts were made to obtain the LEA endorsement, including what efforts the applicant undertook to accomplish these attempts. Applicants are encouraged to provide and document all credible evidence, because there is no guarantee that a particular piece of evidence will result in a finding that the applicant was a victim of a severe form of trafficking in persons. If the applicant does not submit an LEA endorsement, the Service will proceed with the adjudication based on the secondary evidence and affidavits submitted. A non-exhaustive list of secondary evidence includes trial transcripts, court documents, police reports, news articles, and copies of reimbursement forms for travel to and from court. In addition, applicants may also submit their own affidavit and the affidavits of other witnesses. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Service.

(4) *Obtaining an LEA endorsement.* A victim of a severe form of trafficking in persons who does not have an LEA endorsement should contact the LEA to which the alien has provided assistance to request an endorsement. If the applicant has not had contact with an LEA regarding the acts of severe forms of trafficking in persons, the applicant should promptly contact the nearest Service or Federal Bureau of Investigation (FBI) field office or U.S. Attorneys' Office to file a complaint, assist in the investigation or prosecution of acts of severe forms of trafficking in persons, and request an LEA endorsement. If the applicant was recently liberated from the trafficking in persons situation, the applicant should ask the LEA for an endorsement. Alternatively, the applicant may contact the Department of Justice, Civil Rights Division, Trafficking in Persons and Worker Exploitation Task Force complaint hotline at 1-888-428-7581 to file a complaint and be referred to an LEA.

Debt bondage is defined at 8 C.F.R. § 214.11(a) as:

[T]he status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control 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.

Involuntary servitude is defined at 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. Accordingly, 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 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.

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

Slavery is defined as:

1 the owning or keeping of slaves as a practice or institution; slaveholding 2 the condition of being a slave; bondage; servitude 3 a condition of submission to or domination by some influence, habit, etc. 4 hard work or toil like that done by slaves; drudgery

Webster’s New World College Dictionary 1347 (4th ed., IDG Books Worldwide, Inc. 2001).

The applicant submitted a Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, Form I-914 Supplement B, (Law Enforcement Agency [LEA] Endorsement.) This document was approved by a law enforcement officer on June 15, 2005. The document explains that the applicant was defrauded of \$10,000 to \$12,000 pursuant to an offer to place her in a teaching position in the United States. The LEA Endorsement states that the applicant borrowed the funds to pay the fees from Blue Pacific Holding Corporation in the Philippines, and the loan was arranged by her alleged traffickers. The document states that the applicant had no choice but to take the loan, as her alleged traffickers refused to release her passport and visa unless she paid their fees. The LEA Endorsement provides that the applicant was transported around the United States in search of “mostly non-existent jobs.” The document states that the loan from Blue Pacific Holding Corporation held the applicant in debt bondage because she believed the only way to repay the loan was to remain with her alleged traffickers and perform the labor they arranged. The LEA Endorsement indicates that the applicant’s alleged traffickers used the threat of deportation and the perceived control over the applicant’s access to employment to hold her in debt bondage.

The LEA Endorsement states that the applicant fears retaliation if she returns to the Philippines because she disobeyed the instructions of the alleged traffickers to not seek assistance from law enforcement. The document provides that the applicant’s debt has grown in the Philippines, and she and any co-makers of the loan face legal action. The LEA Endorsement confirms that charges have been brought against the alleged traffickers, yet that they have not been charged specifically with trafficking “because the United States Department of Justice, Civil Rights Division did not concur with those charges.”

The applicant further provided documentation from U.S. Immigration and Customs Enforcement (“ICE”) granting her continued presence in accordance with 28 C.F.R. § 1100.35. Thus, the applicant has presented primary evidence that she has been the victim of a severe form of trafficking in persons, and such documentation is given careful consideration.

As secondary evidence, the applicant submitted statements in which she explains the facts of her case. The applicant provided that she is a registered professional elementary school teacher in the Philippines.

Statement from Applicant, dated October 24, 2005. She explained that she was recruited to teach in Texas by Ms. [REDACTED], through a subcontractor, JS Contractor, Inc. *Id.* at 1. The applicant stated that Ms. [REDACTED] is the proprietor of OMNI Consortium, Inc. in Houston, Texas. *Id.* The applicant provided that she paid approximately \$12,000 in fees to Ms. [REDACTED] in exchange for her recruitment, skills testing, transportation, and housing in the United States. *Id.* The applicant indicated that she paid some of the initial fees with her own money, but that she obtained a loan of \$10,500 from a financing agency, Blue Pacific Holding Corporation (Blue Pacific), with her husband serving as a co-signor. *Id.* at 4. She noted that Ms. [REDACTED] “endorsed” Blue Pacific. *Id.* She explained that Blue Pacific released the majority of the funds directly to agents of Ms. Tolentino to pay fees, yet the applicant received approximately \$600 directly. *Id.* at 4-5.

The applicant provided that, prior to her departure from the Philippines, the school that extended her job offer canceled it due to the poor performance of previously hired Filipino teachers. *Id.* at 6. The applicant was assured that a job would be arranged for her, and she was informed that she would not receive a refund of the security deposit she paid. *Id.* at 6-7.

The applicant stated that she arrived in McAllen, Texas on August 1, 2003 with 15 other Filipino teachers, yet she was not provided a job as agreed. *Id.* at 1. Ms. [REDACTED] returned \$800 of the applicant’s loan money to pay for meals and expenses. *Id.* at 7. She explained that Ms. [REDACTED] transported her to different locations in Texas to interview for alternate positions, and she resided in a two-bedroom apartment with eight other teachers. *Id.* at 1, 6. The applicant stated that she was not permitted to leave without Ms. [REDACTED] permission, and that Ms. [REDACTED] made all decisions for her such as where to stay, where to apply for a teaching position, and what day to go shopping. *Id.* The applicant indicated that Ms. [REDACTED] instructed her to apply for a job using another individual’s social security number. *Id.* The applicant explained that she was afraid of being deported because she had a large debt to pay to Blue Pacific, as well as personal loans. *Id.* at 9.

The applicant stated that Ms. [REDACTED] made her attend parties at Ms. [REDACTED] residence, where she and other teachers were encouraged to pretend that they were fine and enjoying themselves. *Id.* at 8. The applicant provided that she was made to wash dishes, cook, and clean for the parties. *Id.*

The applicant stated that ICE agents began to interview teachers, and that Ms. [REDACTED] gave her and other teachers instructions on how she wanted them to interact with government authorities. *Id.* at 11. The applicant indicated that Ms. [REDACTED] threatened to have her deported if she ran away. *Id.* The applicant stated that she left Ms. [REDACTED]’s control in September 2003, and she collaborated with ICE and FBI agents, and the U.S. Attorney’s Office in El Paso, Texas in an effort to prosecute Ms. [REDACTED] and her collaborators. *Id.*

The applicant comments that Ms. [REDACTED] arranged her loan with Blue Pacific, and that it was unusual that the loan was extended without collateral. *Statement from Applicant*, dated October 16, 2006. The applicant states that she felt a “debt of gratitude” to Ms. [REDACTED] for assisting her. *Id.* at 4. The applicant explains that in Filipino culture, this “silent agreement,” or “utang na loob,” was considered a “character loan” and has substantial value. *Id.* The applicant indicates that, had she received a job from Ms. [REDACTED], a large portion of her salary would have been allotted to pay Ms. [REDACTED] for an indefinite period of time. *Id.* The applicant notes that Ms. [REDACTED] instructed her of “what amount of money was needed to be added to [the applicant’s] indebtedness to her” *Id.* The applicant states that Ms. [REDACTED] “made it clear that [the

applicant] was here in the United States because of her, that [the applicant] owed her a huge amount of money, and that she was [the applicant's] only means to have a legal status in the country." *Id.*

On appeal, counsel for the applicant contends that the record shows that the applicant was subjected to involuntary servitude and peonage, and thus she was a victim of human trafficking. *Statement from Counsel on Form I-290B*, dated September 19, 2006. Counsel discusses the elements that Ms. ██████ used to control the applicant, including the threat of deportation, the fact that the applicant was compelled to reside in a remote area of an unfamiliar country, the fact that the applicant was without significant financial resources, the applicant's lack of knowledge of the U.S. immigration and legal systems, the applicant's cultural tendency to be loyal to Ms. ██████ and the fact that the applicant believed she required employment from Ms. ██████ to repay her debt to Blue Pacific. *Brief from Counsel* at 6, dated October 18, 2006.

Counsel suggests that the applicant's relationship with Ms. ██████ met the definition of peonage, as she "obeyed every command of Mrs. ██████ such as where to be housed, when to shop for food, when to go out, what to say to people, what information to share and what information to withhold, whom to associate with, and when to use another's social security number." *Id.* at 8.

Counsel contends that Ms. ██████ subjected the applicant to debt bondage. *Id.* at 9. Counsel asserts that, although the applicant's debt was not owed to Ms. ██████, it was arranged by her with Blue Pacific, and Ms. ██████ used the debt to exercise control over the applicant. *Id.* Counsel states that the applicant's labor as a teacher in the United States was "clearly given as security for the debt that she owed Blue Pacific . . ." *Id.* Counsel contends that Ms. ██████ "essentially forced [the applicant] to obtain a loan from Blue Pacific . . ." *Id.* Counsel states that the applicant "was coerced to provide services to the Tolentinos including paying excessive fees for non-existent job placement services, and eventually would have included working at a job they required." *Id.* at 9-10. Counsel explains that the alleged traffickers charged the applicant five dollars a day for housing, thus increasing the applicant's debt. *Id.* at 10.

Counsel further notes that the district director referenced an individual not mentioned in the applicant's application, which calls into question whether the application and supporting evidence were carefully reviewed. *Id.* at 1-3.

Upon review, the applicant has not established that she has been the victim of a severe form of trafficking in persons. The record shows that Ms. ██████ and her associates collected a substantial fee from the applicant in exchange for a teaching position that did not materialize. The applicant traveled to the United States in order to obtain an alternate teaching position, and she was compelled to reside in unfavorable conditions while she awaited placement. The applicant was not given alternate employment, and the record does not reflect that her funds were returned to her. However, the applicant has not established that she was brought to the United States "for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." Trafficking Victims Protection Act, 22 U.S.C. § 7102(8)(B)(emphasis added).

The applicant has not shown that Ms. ██████ subjected her to debt bondage. The applicant submitted documentation to show that she borrowed a substantial sum of money from an institution in the Philippines, Blue Pacific, in order to pay fees to Ms. ██████ and her associates. However, the applicant has not established that Blue Pacific was a division of, or conspirator with, Ms. ██████'s organization, such that the debt to it was in fact owed to Ms. ██████. Counsel asserts that Ms. Tolentino forced the applicant to take a loan with Blue Pacific. However, the applicant explained that she ran out of sufficient funds to pay

Ms. [REDACTED]'s fees, and she took the loan with Blue Pacific as her only option to continue job placement with Ms. T [REDACTED] organization. Based on the statements in the record, the only apparent detriment the applicant would have incurred should she have declined to take a loan with Blue Pacific would have been the discontinuance of employment services from Ms. [REDACTED]. The record does not support that Ms. [REDACTED] forced the applicant to take a loan with Blue Pacific. Nor does the record reflect that the applicant was not free to obtain funds from another source to pay the fees to Ms. [REDACTED].

The applicant comments that Ms. [REDACTED] arranged her loan with Blue Pacific, and that it was unusual that the loan was extended without collateral. Thus, the applicant implies that Ms. [REDACTED] was connected to the lender. However, the applicant has not established a clear relationship between Ms. [REDACTED] and Blue Pacific. It is evident that Ms. [REDACTED] had an interest in the applicant obtaining funds to pay her fees, as Ms. [REDACTED] was selling employment services as a considerable cost. However, the record does not support that Ms. [REDACTED] had an interest in the source of the funds to pay the fees, or a particular stake in the loan extended by Blue Pacific. As the applicant stated, the applicant initially paid Ms. [REDACTED] fees from her own resources. The record does not reflect that Ms. [REDACTED] preferred the applicant to incur debt with Blue Pacific to pay her fees. Rather, the statements in the record suggest that Ms. [REDACTED] merely wished to collect the fees from the applicant, regardless of the source.

It is further noted that the record contains a letter from the applicant and other teachers to Blue Pacific requesting a forbearance of their loan payments. *Letter to Blue Pacific*, dated August 29, 2003. The letter indicates that the applicant borrowed money from Blue Pacific to "pay fees collected by [the applicant's] Philippine agencies and [her] U.S. agency." *Id.* Thus, the letter supports that Blue Pacific and Ms. Tolentino's organization are separate entities.

Accordingly, the applicant's debt to Blue Pacific does not serve as a basis for a finding that the applicant pledged her personal services to Ms. Tolentino and her associates as security for a debt she owed to them, as contemplated by 8 C.F.R. § 214.11(a).

The applicant states that she felt a "debt of gratitude" to Ms. [REDACTED] for assisting her, and she explains the Filipino concept of "utang na loob." Thus, the applicant suggests that she in fact owed a debt to Ms. [REDACTED] independent of the funds she owed to Blue Pacific. However, the applicant states that, had she received a job from Ms. [REDACTED], a large portion of her salary would have been allotted to pay Ms. [REDACTED] for an indefinite period of time. *Statement from Applicant* at 4, dated October 16, 2006. Accordingly, the applicant's explanation implies that she did not incur a customary financial debt to Ms. Tolentino, as Ms. [REDACTED] never provided the applicant with employment as agreed.

The applicant indicates that Ms. [REDACTED] instructed her of "what amount of money was needed to be added to [the applicant's] indebtedness to her . . ." *Id.* The applicant states that Ms. [REDACTED] "made it clear that [she] was here in the United States because of her, that [the applicant] owed her a huge amount of money, and that she was [the applicant's] only means to have a legal status in the country." *Id.* However, the applicant has not clearly explained to what sum of money she or Ms. [REDACTED] referred. Counsel noted that Ms. [REDACTED] charged the applicant five dollars a day for lodging, thus it is possible that the added indebtedness to which the applicant refers is related to such expenses.

The record contains a promissory note, dated August 30, 2003, that reflects that the applicant agreed to pay OMNI Consortium, Inc. (Ms. [REDACTED]'s organization) \$150 "for credentialing at [REDACTED] [illegible] and [REDACTED]."

Associates, Inc. Education Consultants.” The applicant has not discussed this document. As such, the AAO is unable to determine whether it represents an outstanding debt, whether the debt was incurred willingly for services that the applicant received, whether the amount of funds were reasonable in light of the services provided, or whether Ms. ██████ used the debt as a means to coerce the applicant. It is noted that the applicant traveled to the United States with the knowledge that she did not have definite employment arranged, and that she would undergo some process to obtain a teaching position in the United States. The debt appears to be a moderate sum related to the process of obtaining a teaching position in the United States.

Further, the promissory note does not reflect that the applicant pledged her personal services or labor as a security for the debt, nor did the applicant state that such an informal agreement was made. 8 C.F.R. § 214.11(a). The note suggests that the debt could be satisfied by the applicant repaying the \$150.

Accordingly, the record lacks sufficient explanation or documentation to establish that the applicant owed Ms. ██████ funds, either due to Filipino custom or by direct agreement. Thus, the applicant has not shown that Ms. ██████ placed her in a “status or condition . . . arising from a pledge by [her of] . . . her personal services . . . as a security for debt” she owed to Ms. ██████ 8 C.F.R. § 214.11(a). Nor has the applicant shown that her debt to Blue Pacific could only be satisfied by her personal services, as the documentation in the record suggests that Blue Pacific would be satisfied to receive monetary payments under the terms of the loan, irrespective of the source of the funds. *See id.* Based on the foregoing, the applicant has not established that she has been subjected to debt bondage, as contemplated by 8 C.F.R. § 214.11(a).

The condition of involuntary servitude requires that “the victim is forced to work for the defendant.” 8 C.F.R. § 214.11(a). The condition of peonage also requires that the victim is compelled to work for the perpetrator, as it is “[a] status or condition of involuntary servitude.” *Id.*

The applicant has not established that Ms. ██████ subjected her to involuntary servitude or peonage. In fact, the applicant agreed to accept employment through Ms. ██████ and was denied the opportunity to perform work. To establish that she was subjected to involuntary servitude or peonage, the applicant does not have to show that she in fact performed work for Ms. ██████. Yet, she must show that Ms. ██████ brought her to the United States *for the purpose of* subjection to involuntary servitude or peonage. Trafficking Victims Protection Act, 22 U.S.C. § 7102(8)(B).

The applicant explained that Ms. ██████ controlled her activities in the United States, such as where she lived, where she shopped, and with whom associated. The applicant further stated that Ms. ██████ compelled her to follow instructions related to the process of securing a teaching position in the United States. The applicant described her desire to work and reside in the United States, which prompted her to engage the services of Ms. ██████ organization. The activities the applicant described relating to relocating to the United States and securing an alternate teaching position were in connection with the applicant’s own intention with coming to the United States, that is, to secure employment. Such activities do not constitute involuntary labor performed for Ms. ██████, as contemplated by 8 C.F.R. § 214.11(a). The fact that the applicant was compelled to reside in overcrowded conditions with limited control over her activities does not constitute “a condition of servitude in which the [applicant was] forced to work for [Ms. ██████] 8 C.F.R. § 214.11(a).

The applicant stated that Ms. ██████ made her attend parties at Ms. ██████ residence, where she and other teachers were encouraged to pretend that they were fine and enjoying themselves. *Statement from*

Applicant at 8, dated October 24, 2005. The applicant provided that she was made to wash dishes, cook, and clean for the parties. *Id.* These statements represent the only indication in the record that the applicant actually performed labor for Ms. [REDACTED] or that Ms. [REDACTED] intended for the applicant to work for her. However, the applicant has not provided sufficient explanation such that the AAO can assess whether such instances in fact constituted involuntary servitude or peonage. For example, the applicant has not stated how many such parties occurred, how many people were in attendance, and whether she was a guest or made to act as wait staff. Based on the applicant's statements, one possible scenario consists of the applicant and/or other teachers participating in preparing food and assisting in cleaning dishes for a small gathering that they attended. Another scenario consists of the applicant, due to her debt and fear or retribution from Ms. [REDACTED] acting as a cook, waitress, and dishwasher for a party that she was not invited to attend as a guest. The second scenario described above would call for serious scrutiny to determine if such an occurrence constitutes involuntary servitude or peonage. However, the applicant has not submitted sufficient explanation to allow the AAO to fully understand or analyze that tasks she performed at Ms. [REDACTED] residence, or the conditions or circumstances under which she acted.

Counsel asserts that the applicant's relationship with Ms. [REDACTED] constituted slavery. *Brief from Counsel* at 10. However, as discussed above, the applicant has not established that she was made to perform tasks for Ms. [REDACTED] against her will. Counsel references the fact that Ms. [REDACTED] encouraged the applicant to apply for a position using the social security number of another individual. *Id.* Counsel suggests that the applicant was thus forced to put aside her moral principles because she regarded Ms. [REDACTED] as her "master." *Id.* However, the AAO is not persuaded that the applicant was subjected to slavery as contemplated by the Trafficking Victims Protection Act, 22 U.S.C. § 7102(8).

The AAO acknowledges that the placement fees charged by Ms. [REDACTED] organization were significant. It is further acknowledged that the applicant borrowed funds at a high rate of interest to pay the fees. Yet, the record suggests that Ms. [REDACTED] did intend to arrange employment for the applicant. The applicant stated that other Filipino teachers who were brought to the United States by Ms. [REDACTED] were in fact given teaching positions, which suggests that Ms. [REDACTED] would have placed the applicant in a position had one been available. The applicant has not shown that Ms. [REDACTED] compelled her, or intended to compel her, to perform work against her will.

The AAO notes that the LEA Endorsement serves as primary evidence of victim status, though it is not, by itself, conclusive evidence that the applicant has been a victim of a severe form of human trafficking. Citizenship and Immigration Services (CIS) is not required to accept the endorsement as conclusive evidence of a human trafficking incident. The AAO does not find the LEA to be conclusive evidence of trafficking in light of the other evidence in the record.

The applicant submitted a letter from HHS certifying that she has been a victim of human trafficking. However, as correctly noted by the center director, the determination of victim status by HHS is based on its own rules and process for the purpose of determining the applicant's eligibility for HHS services. HHS's determination is not conclusive evidence of victim status for the purpose of establishing eligibility for T status under section 101(a)(15)(T) of the Act, and it is not binding on CIS. It is further noted that the HHS letter does not provide any analysis of the applicant's situation to support its determination. While CIS gives the HHS letter due consideration as primary evidence of victim status, it is not conclusive evidence that the applicant has met the requirements of section 101(a)(15)(T)(i)(I) of the Act.

The record clearly shows that Ms. [REDACTED] and her associates have engaged in wrongdoing, including immigration-related violations and fraud. The AAO further acknowledges that Ms. [REDACTED] used coercion against the applicant to discourage her from leaving her control and to limit her independence. Yet, the applicant has not established that Ms. [REDACTED] or her associates subjected her to, or intended to subject her to, involuntary servitude, peonage, debt bondage, or slavery.

Based on the foregoing, the applicant has failed to submit sufficient evidence to show that she has been the victim of a severe form of trafficking in persons. Section 101(a)(15)(T)(i)(I) of the Act.

As the applicant has failed to establish that she has been the victim of a severe form of trafficking in persons, she has failed to show that she is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking. Section 101(a)(15)(T)(i)(II) of the Act. The record shows that the applicant traveled to the United States pursuant to a employment scheme that involved immigration violations and high fees, yet she has failed to show that the scheme involved a severe form of trafficking in persons, as discussed above.

Counsel notes that the district director referenced an individual not mentioned in the applicant's application. The district director included a paragraph in a Form I-797 request for evidence to the applicant in which the district director quoted language from a Form I-914, Supplement B - Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, apparently regarding an individual unrelated to the applicant's case. The applicant noted this discrepancy when responding to the request for evidence. However, the district director included the same paragraph, verbatim, in the notice of denial to the applicant. Counsel asserts that this inaccuracy in the district director's request for evidence and letter of denial calls into question whether the application and supporting evidence were carefully reviewed.

Upon review of the district director's request for evidence and notice of denial, it is observed that the reference to the unrelated individual occurred only in one paragraph in each document. The AAO lacks adequate information to explain the appearance of the erroneous paragraph in the request for evidence. However, as several paragraphs from the request for evidence appear verbatim in the letter of denial, including the paragraph referencing the unrelated individual, it appears that the district director again included the erroneous paragraph due to a word processing error.

It is significant that the district director did not refer to the erroneous paragraph in his analysis of the applicant's eligibility for T status, either in the request for evidence or letter of denial. The district director did, however, provide a lengthy description of the statements and evidence in the record and provide detailed analysis of the applicant's eligibility. The AAO acknowledges that the reference to an unrelated individual rightfully raises concern of counsel and the applicant. However, it is evident that the applicant was not prejudiced by the erroneous reference, and the district director did in fact conduct a careful analysis of the evidence of record. Likewise, in rendering this decision on appeal, the AAO has reviewed all evidence and statements provided by the applicant in order to determine whether she is eligible for T status.

Based on the foregoing, the applicant has failed to establish that she satisfies the requirements for T status as provided in 101(a)(15)(T)(i) of the Act. The AAO acknowledges that the applicant has endured hardship due to the events she has described, however, she has not shown that she is eligible for T status.

In proceedings regarding an application for T nonimmigrant status under section 101(a)(15)(T)(i) of the Act, the burden of proving eligibility remains entirely with the applicant. *See* Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.