



U.S. Citizenship
and Immigration
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date: MAR 29 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:

SELF-REPRESENTED

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 summarily 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 from her mother to pay approximately \$12,000 to an individual, [REDACTED] who agreed to employ her in the United States. Upon her arrival, [REDACTED] did not provide the applicant with a teaching position. The applicant stated that [REDACTED] compelled her to apply for alternate teaching positions, and she felt she had no choice but to remain with [REDACTED] due to the large debt she incurred in order to pay the placement 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 October 24, 2005. On July 13, 2006, the center director denied the application, finding that the applicant failed to show that: (1) the applicant is a victim of a severe form of trafficking in persons; (2) the applicant's physical presence in the United States is on account of a severe form of human trafficking in persons, and; (3) the applicant would suffer extreme hardship involving unusual and severe harm upon removal. *Decision of the Center Director*, dated July 13, 2006.

On appeal, the applicant stated the following on Form I-290B:

I wish to appeal my case to your office because I feel that there are important aspects that still need further clarification/s. Some of these pertain to events that happened and that I personally experienced before my departure from the Philippines, my arrival in the U.S., and my continued cooperation in the federal investigations. I believe that some of the information might have been overlooked, misunderstood, or misinterpreted.

Statement from Applicant on Form I-290B, dated August 11, 2006. In a separate letter, the applicant stated the following:

I would like to request you office to grant me 60 to 90 days to submit a brief and/or evidence for my case. I need the said time to meet and speak with another lawyer who will be representing me for the reason that my previous lawyers, [REDACTED] and [REDACTED] will not be doing so.

Letter from Applicant dated August 10, 2006. The appeal was filed on August 14, 2006. However, as of March 1, 2007, the AAO had received no further documentation or correspondence from the applicant or a representative on her behalf. On March 1, 2007, the AAO sent a letter to the applicant with notice that a brief or additional evidence had not been received, and affording five days in which to provide a copy of any missing filing. As of the date of this decision, the AAO has not received a response to the letter, and the record is deemed complete.

The laws and regulations relating to T nonimmigrant classification are found in sections 101(a)(15)(T) and 214(n) of the Act; the Trafficking Victims Protection Act, 22 U.S.C. § 7102(8), and; the regulations at 8

C.F.R. §§ 214.11(a) and (f). Upon review of the evidence of record, the AAO concurs with the center director's decision and affirms the denial of the application.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant stated her opinion that aspects of her case require clarification, including “events that happened and that [she] personally experienced before [her] departure from the Philippines, [her] arrival in the U.S., and [her] continued cooperation in the federal investigations.” *Statement from Applicant on Form I-290B*. However, the applicant provided no additional information regarding the facts she previously stated, and she failed to submit any new evidence. The applicant stated that “some of the information might have been overlooked, misunderstood, or misinterpreted.” *Statement from Applicant on Form I-290B*. However, the applicant did not specifically identify any information or documentation that the center director allegedly overlooked, misunderstood, or misinterpreted. It is noted that the applicant does not contend that the center director’s decision was based on an erroneous conclusion of law.

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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 summarily dismissed.

ORDER: The appeal is summarily dismissed.