



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

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

MATTER OF N-R-R-

DATE: AUG. 17, 2016

APPEAL OF VERMONT SERVICE CENTER DECISION

APPLICATION: FORM I-914, APPLICATION FOR T NONIMMIGRANT STATUS

The Applicant seeks “T-1” nonimmigrant classification as a victim of human trafficking. *See* Immigration and Nationality Act (the Act) sections 101(a)(15)(T) and 214(o), 8 U.S.C. §§ 1101(a)(15)(T) and 1184(o). The T-1 classification affords nonimmigrant status to victims who assist authorities investigating or prosecuting the acts or perpetrators of trafficking.

The Director, Vermont Service Center, denied the Form I-914, Application for T Nonimmigrant Status (T application). The Director concluded that the Applicant had not established that she was a victim of a severe form of trafficking in persons, and consequently, also had not demonstrated that she was physically present in the United States on account of such trafficking and that she had complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking. The Director further found that the Applicant had not established that she would suffer extreme hardship if she were removed from the United States.

The matter is now before us on appeal. On appeal, the Applicant submits a brief and additional evidence. The Applicant claims that the record establishes that she was a victim of a severe form of trafficking in persons and satisfied the remaining statutory eligibility requirements under section 101(a)(15)(T)(i) of the Act.

Upon *de novo* review, we will dismiss the appeal.

I. APPLICABLE LAW

Section 101(a)(15)(T)(i) of the Act provides, in pertinent part, that an applicant may be classified as a T-1 nonimmigrant if he or she, subject to section 214(o) of the Act:

- (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 . . . on account of such trafficking, including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking;

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- (III) (aa) has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime . . . ; and
- (IV) . . . would suffer extreme hardship involving unusual and severe harm upon removal

The term “severe forms of trafficking in persons” is defined, in pertinent 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.¹

The burden of proof is on an applicant to demonstrate eligibility by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010); 8 C.F.R. § 214.11(l)(2). An applicant may submit any evidence for us to consider in our *de novo* review; however, we determine, in our sole discretion, the credibility of and the weight to give that evidence. 8 C.F.R. § 214.11(l)(1).

II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Applicant is a citizen of the Philippines who entered the United States on December 29, 2007, as a H-2B temporary worker to be employed as a housekeeper with [REDACTED]. She was recruited for the position by [REDACTED] in the Philippines. The Applicant alleged that [REDACTED] lied to her and made false promises during the recruitment process about the position in the United States and that [REDACTED] subjected her to involuntary servitude.

In her written statements, the Applicant stated that while residing in the Philippines, she and a couple of her colleagues responded to an advertisement in July 2007 by [REDACTED] recruiting for various hotel worker positions located in Florida. She recounted making an initial payment of approximately \$500 to \$600 to begin the application process for a cashier position. The Applicant recalled that in the months following, she had to take loans from her office, her social security, and several of her credit cards to make additional payments to [REDACTED] while awaiting further news on her application. By November 2007, the Applicant, concerned about the lack of progress and the high interest rates on her loans, considered withdrawing her application. However, she asserted that unlike what she had previously understood from [REDACTED] she learned that she would only receive a partial refund. The Applicant also recalled that at some point, she learned that the cashier position she sought was no

¹ This definition comes from section 103(8) of the Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. No. 106-386 (Oct. 28, 2000), which has been codified at 22 U.S.C. § 7102(8) and incorporated into the T nonimmigrant regulation at 8 C.F.R. § 214.11(a).

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longer available and the remaining positions were for housekeeping. She stated that she ultimately continued with the application, because she was already halfway through the process and would not receive a full refund of her payments if she withdrew.

The Applicant recalled that in November 2007, [REDACTED] received a request from a U.S. agency for workers that required filling immediately and that [REDACTED] scheduled her for an interview with the U.S. consulate in December 2007. She stated that [REDACTED] briefed her and the other applicants to tell the consulate that they had paid [REDACTED] only \$500 when in fact [REDACTED] total fee was about \$5,000 to \$6,500. She indicated she was also told not to disclose the fact that she was a college graduate and overqualified for a housekeeping position. The Applicant stated that as it was too late in the process for her to argue, she went to her consulate interview, and shortly thereafter, was granted a visa. The Applicant described completing her orientation with Overseas Workers' Welfare Administration and the Philippine Overseas Employment Agency (POEA), and giving the POEA her employment contract from [REDACTED]. The Applicant stated that her contract indicated that she would receive an hourly wage of \$7.25 with overtime and that her housing and transportation would be free.

The Applicant recalled that upon arriving in the United States, she and some of the other recruited workers were sent to [REDACTED] Florida and eventually met with [REDACTED] general manager and owner, [REDACTED] the administrative manager, [REDACTED] and others including [REDACTED] wife and adult daughter. She claimed that although she and the others told [REDACTED] how much they had paid [REDACTED] he still required them to pay a \$250 administrative and housing fee, the exact amount of extra cash [REDACTED] had told them to have on them for emergencies. Contrary to their contract, the Applicant stated that she and five other workers were required to pay \$75 for housing and \$7 for utilities on a weekly basis for the apartment they shared in [REDACTED] as well as \$15 per week for transportation costs. In addition, she indicated they were not given regular employment as promised and were instead given work based on availability. The Applicant noted that one week, after all the fees were deducted, she earned only \$20. She calculated that the total rent [REDACTED] collected from them exceeded the total monthly rent [REDACTED] paid for the various residences in which she stayed during her employment with the agency. Further, she alleged that she and other workers would be given only a couple hours of advance notice when they had to move to another hotel several hours away. The Applicant stated that the first time, she and others were temporarily transferred to [REDACTED] Florida where she was paid by a different agency, [REDACTED]. She claims that when she complained about the lack of notice, she was told that [REDACTED] had the right to move or transfer them and that she had no choice in the matter. In her second statement below, the Applicant added that the [REDACTED] manager, [REDACTED] threatened them that he would call the police on them if they ran away and told them they were required to stay in the housing provided to them.

The Applicant stated that sometime later, after three workers "ran away," [REDACTED] daughter and other [REDACTED] employees started making surprise visits to the Applicant's and other workers' rooms. The Applicant recounted how they were told that if they too ran away, [REDACTED] would report them to United States Citizenship and Immigration Services (USCIS) and that they would be deported if USCIS agents located them. She stated that while residing in [REDACTED] they

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had to be accompanied if they went to a government agency, were not supposed to go about on their own, and had to have all their mail go through [REDACTED] office address.

The Applicant stated that when her visa was about to expire in June 2008, she was required to pay another \$250 renewal fee, but she decided not to renew her visa because she was not getting enough hours of work. During this time, she indicated that the petitioner on her H-2B visa petition changed to [REDACTED]. The Applicant claimed she left [REDACTED] employment on September 25, 2008, because of the poor working conditions and unfair treatment she received. She indicated that she moved to join her sister-in-law in Alaska who had been encouraging her for months to do so. The Applicant stated that she had not wanted to be in breach of contract or jeopardize her stay in the United States.

III. ANALYSIS

A. Victim of a Severe Form of Trafficking in Persons

The Applicant claims she was a victim of labor trafficking by [REDACTED] and [REDACTED]. She asserts that she was recruited through fraud and coercion for the purpose of involuntary servitude. An applicant seeking to demonstrate that he or she was a victim of a severe form of trafficking, as required under section 101(a)(15)(T)(i)(I) of the Act, must show: (1) that he or she was recruited, harbored, transported, provided or obtained for his or her labor or services, (2) through the use of force, fraud, or coercion, (3) for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. *See* 22 U.S.C. § 7102(8); 8 C.F.R. § 214.11(a) (defining the term “severe forms of trafficking in persons”). Upon review, the Applicant has not demonstrated by a preponderance of the evidence that she was recruited, harbored, transported, provided, or obtained through force, fraud, or coercion for the purpose of subjecting her to involuntary servitude.

As used in section 101(a)(15)(T)(i) of the Act, the term “coercion” is defined as: “threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.” 8 C.F.R. § 214.11(a). “Involuntary servitude” is defined, in pertinent part, 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 . . . would suffer . . . the abuse or threatened abuse of legal process.” *Id.*

² For purposes of this decision, our references to [REDACTED] also include [REDACTED]. The record indicates that [REDACTED] was owned by [REDACTED] wife, [REDACTED]. Although the Applicant indicated that [REDACTED] was the petitioner of the visa petition that was approved on her behalf, the record only contains the coversheet for an approved U.S. Department of Labor (DOL) labor certification, an approval notice for a H-2B petition, and an offer of employment letter by [REDACTED].

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1. The Petitioner Did Not Establish Recruitment Through Fraud or Coercion

The record does not establish that [REDACTED] and [REDACTED] recruited the Applicant through fraud and coercion. According to the Applicant's initial statement, she first pursued a hotel cashier position through [REDACTED] but she did not indicate that [REDACTED] ever promised her a specific position, employer, salary, or benefits. Although the Applicant did not proffer her employment contract to demonstrate [REDACTED] and [REDACTED] false recruitment of her, in her statements she indicated that when an employment opportunity from [REDACTED] presented itself through [REDACTED] she voluntarily entered into a contract for a housekeeping position at the proffered salary of \$7.25 per hour for 40 hours a week plus overtime. While she maintained that [REDACTED] did not provide the exact employment compensation package promised, a paystub she provided from [REDACTED] indicated that she was actually compensated at the rate of \$7.50 per hour, above the contractual rate. Significantly, the paystub also indicated that the Applicant worked 40 hours plus overtime at a much higher hourly pay during at least one week of her employment. In addition, on appeal, the Applicant submits a statement from another worker, [REDACTED] who stated that she and the Applicant both executed their H-2B employment contracts in the United States. This is inconsistent with the Applicant's statement in which she stated that she signed a contract in the Philippines and had made no reference to executing a H-2B contract in the United States. The record does include evidence that the POEA in the Philippines cited [REDACTED] for recruitment violations for not providing appropriate receipts for fees collected and that [REDACTED] was suspended and its license later cancelled. However, this does not show that [REDACTED] specifically committed fraud or coerced the Applicant in their recruitment of her.

The Applicant asserted in her second written statement below that [REDACTED] recruited her through fraud and coercion by lying to her that she would receive a full refund if she decided to withdraw her H-2B application before her consulate interview was scheduled. She maintained that she was coerced into continuing with her application because she had already incurred significant personal debt to pay half the application fees. However, the record does not establish that the Applicant was ever personally indebted to [REDACTED] such that [REDACTED] utilized such debt to recruit her through financial coercion. Further, in her initial statement, the Applicant stated that she had second thoughts about her application in November 2007 and it was at that point that she specifically inquired about what would happen if she withdrew her H-2B application. Upon learning that she would only receive a partial refund, she indicated that she told [REDACTED] employees that she had previously "understood" from them that she would get a full refund if she withdrew before her consulate interview. These statements indicate that the Applicant only directly raised the refund issue with [REDACTED] when she first considered withdrawing her application, contradicting her later claim that [REDACTED] had lied to her about their refund policy in order to induce her to apply for the program. Moreover, even if the Applicant felt pressured to continue with the H-2B process because of her personal debt, the record does not establish that [REDACTED] knew about the Applicant's personal loans or intentionally pressured or forced her into indebtedness in order to coerce her into continuing with her H-2B application as she claims.

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2. Not for Purpose of Involuntary Servitude

The Applicant has also not shown that [REDACTED] recruited or obtained her for the purpose of subjecting her to involuntary servitude by [REDACTED]. She contends that [REDACTED] made fraudulent statements about its refund policy on which she reasonably relied in placing herself into significant debt and that [REDACTED] intentionally did so, knowing that her indebtedness would leave her with no choice but to remain in [REDACTED] employ. As noted, the record does not establish that [REDACTED] had any knowledge of the Applicant's financial status or that she would need to take personal loans in order to pay the H-2B application fees. Consequently, the record does not establish that [REDACTED] intentionally caused the Applicant to incur debt so that she would be coerced into remaining in [REDACTED] employ in the future. In fact, even if the [REDACTED] engaged in fraudulent recruitment activities in recruiting the Applicant, the record before us still not does not demonstrate that [REDACTED] intended the Applicant to incur debt so that she would be financially vulnerable and coerced into involuntary servitude, as she maintains.

The Applicant further asserts that [REDACTED] and [REDACTED] subjected her to involuntary servitude by constantly monitoring her; limiting her movement; and subjecting her to intermittent working hours, poor living conditions, and mandatory deductions that they must have known would cause serious psychological and financial harm to the Applicant, thereby compelling her to remain in their employ regardless of the mistreatment and conditions. However, this is contradicted by the Applicant's own actions in leaving [REDACTED] employ after approximately nine months. In her statement below, submitted in response to the Director's request for evidence (RFE), the Applicant generally asserted that she did not feel free to leave [REDACTED]. Yet, in her initial statement, the Applicant specifically indicated that she left of her own accord and at her sister-in-law's constant urging in September 2008 because of the poor working conditions that she endured there. Significantly, in explaining why she had not left earlier, she did not assert that [REDACTED] threatened or used coercive measures to retain her employment, but rather, indicated only that she had not wanted to be in breach of her employment contract or jeopardize her stay in the United States. Moreover, although the Applicant asserted in her initial statement that she and the other workers had to be accompanied whenever they went to a government office after they first arrived in the United States, she also indicated that she had access to public buses for transportation and was free to go out with friends and to the mall on her days off. The Applicant did not otherwise describe how her movements were monitored or otherwise restricted.

The Applicant also contends that [REDACTED] and [REDACTED] subjected her to "abuse of law" or legal process³ for the purpose of involuntary servitude, when: (1) [REDACTED] improperly informed her of the fee requirements for the H2B program and used fraudulent promises to induce her to apply; and (2) [REDACTED] caused her to violate her status by placing her at a place of employment that was not approved on her H-2B visa and by loaning her out to another agency. We disagree with the Applicant's assertion that actions by [REDACTED] and [REDACTED] that were contrary to the requirements of H-2B program and may have caused her to be in violation of immigration laws are

³ 8 C.F.R. § 214.11(a) (defining coercion).

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by themselves sufficient to meet the definition of coercion as “abuse or threatened abuse of legal process.” The Applicant has not shown that [REDACTED] and [REDACTED] engaged in the cited “abuse of law” conduct as a means of forcing or inducing her to pursue her H-2B application for the purpose of subjecting her to involuntary servitude. For instance, the H-2B requirements require the employer to pay the program fees but the Applicant was falsely told that she had to pay the fees, which was a violation of the H-2B program requirements. However, she has not shown the violation of H-2B requirements, requiring her to pay larger fees, was intended to subject her to involuntary servitude by [REDACTED]. Likewise, although the Applicant asserts that [REDACTED] actions in “loaning” her out to another agency was a violation of her status, she again does not show how such conduct induced or coerced her to remain at her employment with the agency.

The Applicant also contends that [REDACTED] and [REDACTED] subjected or intended to subject her to involuntary servitude through the use or threatened use of the legal process, specifically through threats of deportation and arrest. In her RFE statement, the Applicant asserts that [REDACTED] and [REDACTED] specifically threatened to have her deported or arrested if she ran away from their employ and that she felt that they would do so even if she tried to return to the Philippines. However, her initial statement below did not indicate that [REDACTED] or [REDACTED] employees ever threatened her. On appeal, the Applicant, through her counsel, contends that her written statements are substantially the same and excuses the discrepancies in them on the basis that it is not reasonable to expect her to recall all the abuse she suffered as a trafficking victim. However, although the Applicant is not expected to detail every instance of abuse, her accounts of the claimed abuse and threats should be consistent. Further, as her claim is that she was coerced to remain in the employ of [REDACTED] and [REDACTED] through an atmosphere of fear, resulting primarily through continuous threats of deportation and arrest, it is not reasonable that she did not specifically reference such threats and the ensuing fear she felt, in her first statement.

Further, as a petitioning employer for an H-2B nonimmigrant worker, [REDACTED] was obligated to report a change in the employment status of an H-2B nonimmigrant worker, to the Department of Homeland Security. See 8 C.F.R §§ 214.2(h)(6)(i)(F), (h)(11)(i). Although an employer may not use threats of deportation to coerce workers into involuntary servitude, courts have recognized that an employer does not abuse the legal process simply by acknowledging the adverse immigration consequences that may befall an employee; the employer’s statements or actions must be “viewed in the light of all the surrounding circumstances.” See *Elat v. Ngoubene*, 993 F. Supp. 2d 497, 524 (D. Md. 2014) (internal citations omitted). Here, although the Applicant initially indicated that [REDACTED] employees told her they would report her to USCIS if she left and that she would be deported if she were located, she did not assert that they were threatening her or that they notified her of the immigration consequence of leaving her H-2B employment with the specific intention of subjecting her to involuntary servitude. In addition, as noted, the Applicant explained in her initial statement that she remained with [REDACTED] because she did not want to be in breach of her employment contract or jeopardize her status in the United States. She did not contend that she remained because she felt threatened or coerced by [REDACTED] to do so. Accordingly, our review of the record does not establish that [REDACTED] or [REDACTED] employees

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engaged in a scheme, plan, or pattern intended to cause her to feel threatened or believe that she would suffer deportation or arrest if she left their employ.

The record also does not show that [REDACTED] or [REDACTED] engaged in coercion through threats of serious harm to or physical restraint against the Applicant or any scheme, plan, or pattern intended to cause her to believe that failure to perform an act would result in serious harm to or physical restraint against her; or the abuse or threatened abuse of the legal process. The Applicant does not claim that anyone threatened to restrain her. She also did not establish that the agencies restricted her movement to prevent her from seeking employment elsewhere. The record indicates that the Applicant decided not to pursue a visa renewal through [REDACTED] and in September 2008, departed the agency because of poor working conditions.

On appeal, the Applicant submits additional statements from two individuals, [REDACTED] and [REDACTED] who also claim to have been recruited through [REDACTED] and worked at various times with the Applicant as an H-2B worker. They describe accounts similar to the Applicant's experiences, including the financial pressure of the personal debts they incurred to pay the H-2B application fees and the employment conditions they experienced, including salary deductions for housing and transportation and fewer hours of work than promised. However, [REDACTED] statement does not claim that [REDACTED] or [REDACTED] ever threatened them with arrest and deportation and instead, indicates that she was fearful of deportation primarily because of rumors circulating amongst workers and because of her lack of knowledge of U.S. laws. Additionally, while [REDACTED] indicated that [REDACTED] "threatened all the time" to have them deported, this appears inconsistent with [REDACTED] statement and the Applicant's first statement and she provides no probative information about any specific incident where such threats were made. Also, although the Applicant and a few other workers did leave [REDACTED] while [REDACTED] was still working with the agency, she does not address what, if any, retaliatory or coercive measures the agency took against the Applicant or the other workers who remained.

We do not minimize the hardships the Applicant experienced during her H-2B recruitment and employment. We recognize that [REDACTED] and [REDACTED] appear to not have complied with the exact terms of the initial offer of employment to the Applicant in that they did not provide her with consistent, full time hours of work and they charged her for housing and transportation. However, ultimately, the Applicant voluntarily paid the recruiter fees by [REDACTED] and incurred personal debt to do so. Likewise, her colleague's statement on appeal indicates that the Applicant entered into an employment contract with [REDACTED] in the United States even though it did not conform to the initial employment offer she received in the Philippines. Although the Applicant asserts she had no choice but to pursue employment with [REDACTED] because of her significant debt, she was neither indebted to [REDACTED] nor [REDACTED]. Additionally, as discussed, the record also does not show that the agencies used the Applicant's personal debt with the intention of subjecting her to involuntary servitude. Moreover, contradicting her contention that she was coerced and threatened into involuntary servitude by [REDACTED] she initially stated in these proceedings that she left the agency of her own accord. In fact, the record indicates that although her sister in law repeatedly pressed her to leave and offered to pay for her trip, she chose affirmatively to remain.

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Accordingly, the relevant evidence does not show that [REDACTED] or [REDACTED] recruited, harbored, transported, provided, or obtained the Applicant's labor through force, fraud, or coercion for the purpose of subjecting her to involuntary servitude, peonage, debt bondage, or slavery. Consequently, the Applicant has not demonstrated that she was the victim of a severe form of trafficking in persons, as required by section 101(a)(15)(T)(i)(I) of the Act and as defined in the regulation at 8 C.F.R. § 214.11(a).

B. Physical Presence in the United States on Account of Trafficking

The Applicant has not overcome the Director's determination that she is not physically present in the United States on account of the claimed trafficking. As discussed above, the record does not show that the Applicant was the victim of a severe form of human trafficking, and she consequently cannot show 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.

C. Assistance in the Investigation or Prosecution of Acts of Trafficking

The Applicant has also not overcome the Director's determination that she has not complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking or the investigation of associated crime, as required by section 101(a)(15)(T)(i)(III) of the Act. Primary evidence of this compliance is an endorsement from a Law Enforcement Agency (LEA), although USCIS will consider credible secondary evidence where the Applicant demonstrates his or her good-faith, but unsuccessful attempts to obtain an LEA endorsement. 8 C.F.R. § 214.11(h).

The Applicant submitted copies of emails and an unsigned letter from her attorney sent to the U.S. Department of Labor, Office of Inspector General, Office of Labor Racketeering and Fraud Investigations (DOL), on her behalf requesting a law enforcement certification for the Applicant as victim of trafficking. These communications evidence the Applicant's notification to the DOL of the claimed trafficking. The Applicant also asserted that she met with an agent from the DOL and an individual from the U.S. Department of State (DOS). The record does not disclose that either DOL or the DOS ever pursued the Applicant's assistance in the investigation of the claimed trafficking. Regardless, as the record otherwise does not establish any severe form of human trafficking in connection with the Applicant's recruitment, the Applicant has not met the assistance requirement of subsection 101(a)(15)(T)(i)(III) of the Act.

D. Extreme Hardship Involving Unusual and Severe Harm upon Removal

The Applicant also has not demonstrated that she would suffer extreme hardship involving unusual and severe harm upon removal. In her initial statement, the Applicant claimed she would suffer extreme hardship if forced to return to the Philippines because she would not be able to find employment due to age discrimination there and consequently, would be unable to support herself or her family. She contends that she would suffer socially as she would be subjected to social stigma, humiliation, and ridicule because of what happened to her and her lack of success in the

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United States. In her subsequent RFE statement, the Applicant adds that she was referred for counseling and is on medication for hypertension. She notes that she would not have access to such treatment in the Philippines where her medication would cost her half a day's wages. On appeal, she submits letters from a senior case manager with [REDACTED] confirming that the Applicant was hospitalized for hypertension in 2015 and is receiving treatment, which she could not afford in the Philippines. She also proffers a letter from a clinical intern with the same agency indicating that the Applicant was diagnosed with Adjustment Disorder with Anxiety and has been receiving psychotherapy through which she has made substantial progress that would be adversely affected by any interruption in the mental health services.

Extreme hardship involving unusual and severe harm may not be based on current or future economic detriment, or the lack of, or disruption to social or economic opportunities. 8 C.F.R. § 214.11(i)(1). In addition, five of the eight factors considered in the hardship determination relate to an Applicant having been a victim of a severe form of human trafficking. 8 C.F.R. § 214.11(i)(1)(iii)-(vii). The Applicant did not demonstrate that she was the victim of a severe form of human trafficking. The record contains insufficient evidence to support her claims that difficulty in obtaining employment would cause her extreme hardship involving unusual and severe harm. In addition, the record does not establish that she would suffer such hardship under the remaining factors, such as her age, personal circumstances, or having a serious physical or mental illness that necessitates medical or psychological attention not reasonably available in the Philippines. 8 C.F.R. § 214.11(i)(1)(i)-(ii). The record also lacks evidence that the crime rate or other conditions in the Philippines are equivalent to civil unrest or armed conflict resulting in the designation of Temporary Protected Status or other relevant protections under U.S. immigration law, as described at 8 C.F.R. § 214.11(i)(1)(viii). Accordingly, the relevant evidence does not establish that she would suffer extreme hardship involving unusual and severe harm upon removal from the United States under the standard and factors prescribed at 8 C.F.R. § 214.11(i)(1) and as required by section 101(a)(15)(T)(i)(IV) of the Act.

IV. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision. In these proceedings, it is the Applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of N-R-R-*, ID# 17556 (AAO Aug. 17, 2016)