

## T Visa Document Checklist<sup>1</sup>

### T visa application (in general)

- A Cover Letter: The letter should explain how the applicant meets the requirements for the T-visa. The letter should be a roadmap to the exhibits filed in support of the requirements.
- Signed statement from the applicant: A detailed declaration should describe the crime victimization and how the applicant meets each T-visa requirement.
- Form I-914 *Application for T Nonimmigrant status* (For the latest form and instructions, always refer to <https://www.uscis.gov/i-914>)
- Form I-914 Supplement A *Application for Immediate Family Member of T-1 Recipient* for any family members included (may be added later)
- Form I-765 *Application for Work Authorization* is not required for principal applicant but is required for all family members present in the U.S. who desire work authorization
- Form I-192 *Application for Advance Permission to Enter as a Non-Immigrant if the applicant is inadmissible*
- A copy of the applicant's passport or Form I-193 Applicant for Waiver for Passport and/or Visa with accompanying fee
- Fees: Form I-914, *Application for T Nonimmigrant Status* has no filing fees associated with it. Biometrics (fingerprinting) may be required but at no cost to the applicant. However, applicants seeking a waiver of inadmissibility must submit Form I-192, *Application for Advance Permission to Enter as a Nonimmigrant* (Pursuant to Section 212(d)(3) of the Immigration and Nationality Act). A separate fee or request for fee waiver must be filed with Form I-192.
- Any additional evidence to support the applicant's eligibility

### **Victim of a Severe Form of Trafficking in Persons**

#### Primary Evidence:

- Form I-914B *Declaration of Law Enforcement Officer for Victim of Trafficking in Persons*
- Evidence the applicant was authorized Continued Presence as a trafficking victim

#### Secondary Evidence:

- Statement by applicant describing the victimization, what has been done to report the crime to law enforcement, and what records for the time and place of the crime are available. This statement is a required piece of evidence if the applicant does not submit primary evidence of victimization.
- Civil and Criminal Trial transcripts
- Civil and Criminal Court documents

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- Police Reports
- News articles
- Reimbursement forms for travel to and from court
- Witness Affidavits
- Photographs
- Statements from trafficking caseworkers regarding the trauma, fear, or other experiences faced as a result of the trafficking

**Evidence of Physical Presence on Account of the Trafficking**

- Applicant statement
- Form I-914B *Declaration of Law Enforcement Officer for Victim of Trafficking in Persons*
- Evidence applicant was authorized for Continued Presence as a trafficking victim
- Records from a health care provider documenting physical or psychological trauma making them unable to leave the country
- Affidavits from victim advocates, shelter workers, counselors, or mental health professionals detailing any physical or psychological trauma and the effect it had on the applicant's ability to leave the country
- Affidavits from friends, neighbors, social service providers, etc, about the applicant's financial inability to travel.
- Information showing that the applicant's travel documents were seized by the traffickers, such as affidavits from the victim, other victims, or other witnesses
- Affidavits documenting safety concerns preventing a victim from leaving the U.S.

**Evidence of Cooperation for Applicants Age 18 and Older:**

Primary Evidence:

- Form I-914B *Declaration of Law Enforcement Officer for Victim of Trafficking in Persons*

Secondary Evidence:

- Statement by applicant explaining why the LEA endorsement is not available and outlining good faith efforts to obtain it.
- Trial transcripts
- Court documents
- Police Reports
- News articles
- Reimbursement forms for travel to and from court
- Affidavits from individuals with knowledge of the cooperation
- Documentation setting up meetings and interviews with law enforcement

**Evidence of Extreme Hardship**

- Affidavit from the victim detailing the victimization, including the nature of the emotional, physical and sexual abuse and the consequences to her physical and psychological well-being if she's removed from the United States
- Affidavits from experts, such as social workers, shelter workers, counselors, or psychologists about the impact of the trafficking on the victim and her children

- Documentation on the impact of the loss of access to the U.S. courts, both the civil and criminal systems (including, but not limited to, the ability to secure criminal investigations and prosecutions, bring civil suits, obtain restitution, and secure protection)
- Court records
- Police records (including police reports and copies of all call tapes)
- “Victim impact statements” provided by the victim for sentencing in a criminal case<sup>2</sup>
- Evidence of the applicant’s needs for social, medical, mental health, victim, or other supportive services that would not be available or reasonably accessible in the home country
- Records of counseling programs in which the applicant participated and affidavits from the counselors describing the program and the benefit of the program to the applicant;
- Copies of medical and mental health records that document the trafficking;
- Affidavits from anti-trafficking advocates
- Affidavits from advocates, experts, university professors, or women’s groups and other documentation confirming that services parallel to those she is receiving in the United States are lacking in her home country.
- Documentation on the existence of laws, social practices, or customs in her home country that would penalize or ostracize the applicant for having been the victim of trafficking, including the following:
  - Documentation of any serious illness of the victim or and, if appropriate, description of how the illness was caused by or exacerbated by the trafficking;
  - Description of whether similar medical treatment is available to the victim in the victim’s home country or why alternative healthcare services there are likely to be less effective,
  - Documentation of the victim’s inability to obtain adequate employment in the foreign country
  - if the victim’s inability to obtain any employment or to obtain adequate employment was a result of or connected to the trafficking. Examples might include (1) the victim’s status as a survivor of sexual assault precludes employment; (2) the trafficker’s level of power and influence in the home country prevent employers from hiring the immigrant victim; or (3) adequate employment sufficient to support the victim is not open to women in her home country.

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<sup>2</sup> Victim impact statements, which are used in criminal cases, provide the crime victim with an opportunity to address the sentencing judge about the effect the crime has had on the victim’s life and the victim’s opinion about the sentence.