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## Policy Alert

SUBJECT: T Nonimmigrant Status for Victims of Severe Forms of Trafficking in Persons

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) regarding the adjudication of applications for T nonimmigrant status for victims of severe forms of trafficking in persons.

### Background

Congress enacted the Trafficking Victims Protection Act (TVPA), part of the Victims of Trafficking and Violence Protection Act of 2000,<sup>1</sup> to protect victims of trafficking. T nonimmigrant status (commonly referred to as the “T visa”) serves the dual purpose of protecting noncitizen victims of trafficking and strengthening the ability of law enforcement to investigate and prosecute acts of trafficking.

T nonimmigrant status is available to noncitizen victims of a severe form of trafficking in persons who are physically present in the United States or at a port of entry on account of trafficking, have complied with reasonable requests for assistance from law enforcement (unless they are under the age of 18 or unable to cooperate due to trauma suffered), would suffer extreme hardship involving unusual and severe harm upon removal from the United States, and are admissible to the United States or qualify for a waiver.<sup>2</sup>

This guidance, contained in Volumes 3 and 9 of the Policy Manual, is effective immediately and replaces Chapter 39.2 of the Adjudicator’s Field Manual and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### Policy Highlights

- Provides comprehensive guidance on eligibility requirements, evidentiary standards, burdens of proof, admissibility determinations, travel considerations, and confidentiality protections for T nonimmigrant status applicants.

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<sup>1</sup> See [Pub. L. 106-386](#), 114 Stat. 1464, 1470 (October 28, 2000), codified at [22 U.S.C. 7101](#).

<sup>2</sup> See [INA 101\(a\)\(15\)\(T\)](#). See [8 CFR 214.11](#).

- Clarifies that the age-based exemption to the requirement to comply with reasonable requests for assistance from law enforcement applies based on the victim's age at the time of victimization.
- Explains how USCIS evaluates the connection between the original victimization and the applicant's continuing presence in the United States when evaluating the physical presence eligibility requirement.<sup>3</sup>
- Clarifies how USCIS evaluates involuntary servitude claims, including conditions of servitude induced by domestic violence, as well as victimization that may occur during a voluntary smuggling arrangement.
- Clarifies how USCIS defines the term "harboring," an enumerated action under the federal definition<sup>4</sup> of severe form of trafficking in persons.
- Explains that USCIS is adopting the decision issued by the Ninth Circuit in *Medina Tovar v. Zuchowski*, a case involving adjudication of petitions for U nonimmigrant status, for nationwide application in the adjudication of applications for T nonimmigrant status.<sup>5</sup> Therefore, when evaluating a spousal or stepparent and stepchild relationship between the principal T nonimmigrant applicant and a qualifying family member, USCIS evaluates whether the relationship existed at the time the principal application was favorably adjudicated, rather than when the principal application was filed.
- Clarifies that principal T nonimmigrants seeking to adjust status may present their Arrival/Departure Record (Form I-94) reflecting their most recent validity period of T nonimmigrant status along with their receipt notice for the Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) as evidence of employment authorization for 24 months, starting from the expiration date on the Form I-94, unless the Form I-485 is denied or withdrawn.

## Citation

Volume 3: Humanitarian Protection and Parole, Part B, Victims of Trafficking [[3 USCIS-PM B](#)]; and Volume 9: Waivers and Other Forms of Relief, Part O, Victims of Trafficking [[9 USCIS-PM O](#)].

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<sup>3</sup> Under [8 CFR 214.11\(g\)](#).

<sup>4</sup> See Trafficking and Violence Protection Act (TVPA) of 2000, [Pub. L. 106-386](#), 114 Stat. 1464, 1470 (October 28, 2000), codified at [22 U.S.C. 7101](#).

<sup>5</sup> See *Medina Tovar v. Zuchowski*, 982 F.3d 631 (9th Cir. 2020).