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Chapter 5 - Documentation and Evidence for Family Members

Guidance

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A principal T nonimmigrant (T-1) may submit an application to USCIS to obtain derivative T nonimmigrant status for eligible family members who are inside or outside the United States.^[1] The T-1 principal must complete a separate Application for Derivative T Nonimmigrant Status ([Form I-914](#), [Supplement A](#)) for each eligible family member.

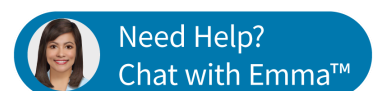
A. Evidence

The applicant must submit the following with the Form I-914, Supplement A:

- Evidence demonstrating the family relationship that makes the derivative eligible for T nonimmigrant status;^[2]
- Evidence demonstrating the danger of retaliation if relevant to the basis for seeking derivative status;^[3] and
- If the family member is seeking a waiver of inadmissibility, an Application for Advance Permission to Enter as a Nonimmigrant ([Form I-192](#)), with supporting evidence.^[4]

The family member must also submit biometrics.^[5] If the family member is inside the United States, USCIS schedules a biometrics appointment at a local Application Support Center. Family members outside the United States must submit fingerprints through a completed fingerprint card (FD-258) for scanning or by electronic means as instructed by the U.S. embassy or consulate. USCIS mails fingerprint cards to the applicant, along with instructions, after the applicant files the application for the eligible family member.^[6]

1. Establishing Family Relationship



USCIS must consider any credible evidence submitted to establish proof of the claimed family relationship. The instructions for the Application for T Nonimmigrant Status ([Form I-914](#)) include a list of documents the applicant may submit to establish the claimed relationship.

2. Establishing Danger of Retaliation

A family member seeking derivative T nonimmigrant status based on a present danger of retaliation must demonstrate the basis of this danger.

An applicant may satisfy this requirement by submitting the following types of evidence:

- Documentation of a previous grant of parole to an eligible family member;^{[\[7\]](#)}
- A signed statement from a law enforcement official describing the danger of retaliation;^{[\[8\]](#)}
- A personal statement from the principal or derivative applicant describing the danger the family member faces and how the danger is linked to the principal applicant's escape or cooperation with law enforcement (although a personal statement may be insufficient on its own to prove present danger);^{[\[9\]](#)}
or
- Any other credible evidence, including trial transcripts, court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and affidavits from other witnesses.^{[\[10\]](#)}

USCIS may contact a law enforcement agency involved in the detection, investigation, or prosecution of the trafficking, if appropriate.^{[\[11\]](#)}

B. Timeframe for Filing the Application for Derivative Status

The T-1 principal may file the Application for Derivative T Nonimmigrant Status ([Form I-914, Supplement A](#)) at the following times:

- Concurrently with the principal's Application for T Nonimmigrant Status ([Form I-914](#));
- While the principal's application is pending; or
- At any time after the principal's application is approved, so long as the principal continues to hold T-1 nonimmigrant status.^{[\[12\]](#)}

If the principal no longer holds T-1 nonimmigrant status because the validity period has expired and has not been extended, USCIS denies the application for the eligible family member.

Footnotes

^{[\[1\]](#)} See [INA 214\(o\)](#).

^{[\[2\]](#)} See [8 CFR 214.211\(c\)\(2\)](#).

^{[\[3\]](#)} See [8 CFR 214.211\(c\)\(3\)](#).

^{[\[4\]](#)} See [8 CFR 214.211\(c\)\(4\)](#). For information regarding filing fees, see Fee Schedule ([Form G-1055](#)).

[^5] See [8 CFR 103.16](#).

[^6] See [8 CFR 103.16](#).

[^7] See [8 CFR 214.211\(f\)\(1\)](#).

[^8] See [8 CFR 214.211\(f\)\(2\)](#).

[^9] See [8 CFR 214.211\(f\)\(3\)](#).

[^10] See [8 CFR 214.211\(f\)\(4\)](#).

[^11] See [8 CFR 214.211\(f\)](#).

[^12] See [8 CFR 214.211\(b\)\(1\)](#).

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