**US Department of Homeland Security**

**US Citizenship and Immigration Service**

**Vermont Service Center**

**Affidavit of \_\_\_\_**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_, being first duly sworn, state and affirm the following is true and correct to the best of my knowledge.

**Background**

1. Provide basic details about the person. Where and when they were born, simple info on family as relevant. A paragraph or two will suffice. If their background relates to their trafficking experience, such as causing vulnerabilities to trafficking, relates to hardship upon removal prong, or is particularly compelling, add more.

**Trafficking Experience (can separate into other headings, such as “recruitment” and then “for the purposes of”, for example)**

1. Ensure you are focusing on how the client meets the trafficking definition: 1) recruitment, harboring, transportation or obtaining; 2) through force, fraud or coercion (unless under 18 for sex trafficking); and 3) for the purpose of involuntary servitude, debt bondage, commercial sex, slavery or peonage.
2. Provide information about recruitment, harboring, transportation, or obtaining.
3. Focus on details, such as where, when, who and how. If memory issues are involved due to trauma, work with AHR to address those.
4. Work with your client by asking questions that delve into *how they felt* and what they understood or believed about certain situations and things in the story. Work with them to help you paint a picture of the circumstances. If they say they worked hard, get them to detail their day-to-day and week-to-week from start to finish, including hours but also breaks, heavy lifting, threats, inability to go to the bathroom or drink water, etc.
	1. The affidavit should paint a picture of what it was like to be this victim and help the officer understand what the person experienced, how it impacted them, and why that meets the trafficking definitions.
5. Ask follow-up questions as you work with your client on details of the story.
6. Be sure you are focusing on the legal definition of trafficking. Your client may find certain aspects of their situation the most powerful for their focus, and we need to honor and listen to that, but we also need to make sure we are focusing their affidavit on what the USCIS officer will be looking for. Many clients focus on the impact on their family, for example, but we need to show USCIS what happened to the individual as relates to trafficking law and policy.
7. Why chronological timelines can be helpful and powerful, be sure you are considering the time the officer will spend with your affidavit and how to best get them the info they need to make a decision on your case. Focusing the drafting on the elements rather than the chronology can be helpful way to make a compelling case in a shorter time.

**In the U.S. on account of trafficking**

1. Your client isn’t required to have *come to* the US through trafficking or be trafficked into the US, but they are required to show that their trafficking occurred in the US or is tied to their presence in the US.
2. Detail the ties to the US. Consult the USCIS Policy Manual for clarification of unique situations or talk to the AHR staff attorney.

**Escape / Rescue**

1. This section should provide details that paint a picture for the USCIS officer if relevant. Did the escape reinforce the culture of fear, such as requiring client to sneak out in cover of night or trick the trafficker to give them their passport?
2. This section is not required.

**Assistance with law enforcement (or, inability to report due to age and trauma)**

1. Detail how the client has reported, to whom, when, and any follow-up. If the agency didn’t ask for follow-up, note that and that client told agency they are still available if needed. If client provided any evidence such as photos or taking the agency to the location, note that.
2. If requesting an exemption due to age, simply note that they are not required to report due to age and that they did not because of this or any other relevant info.
3. If client is requesting an exemption due to trauma, detail as much of that as you can. Provide details if they are working with a mental health professional, etc.

**Hardship upon removal**

1. Many clients focus their fears on the financial harms they would suffer, but that is insufficient for USCIS, so delve into why those financial harms are greater such as how it makes them vulnerable to violence or re-victimization, as well as really pulling out likely retaliation or similar harms.
2. If the client comes from a conflict-impacted or dangerous country, they can share fears of harm beyond trafficking or retaliation. Note that this standard is not the same as an asylum claim. One CAN show hardship based on generalized violence or harms that don’t amount to persecution, whereas those may not be sufficient for asylum.
	1. If your client is pursuing asylum or hoping to preserve such claim, be sure to consult AHR or their asylum attorney.
3. Include relevant/applicable factors outlined in the Policy Manual: <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

**Inadmissibility**

1. If your client is inadmissible, detail those grounds and any explanation. This is usually due to entering without inspection to the US, remaining beyond their visa status, having removal orders, committing certain crimes (note if forced to do so because of the trafficker, if did so due to trauma of trafficking, etc.), prostitution, harming others as forced by trafficker, etc.
2. No need to note anything regarding public charge—T applications are exempt!
3. Section 212 of the INA is the section detailing inadmissibility grounds. These also relate to the long list of “yes and no” answers on the 914 form.
4. Add equities, such as going to school, church or community support.

(IF CLIENT DOESN’T SPEAK ENGLISH) This affidavit was read to me in \*\*\*\*, a language in which I am fluent, and I understood its contents to be true and correct to the best of my knowledge before signing it. *Consider including a signed certification by interpreter indicating they are fluent in the language and English and read the entire affidavit in such language before client signed.*

AFFIANT SAYETH FURTHER NAUGHT.

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Signature Date