



November 21, 2024

PA-2024-30

## Policy Alert

**SUBJECT:** Adjustment of 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](#) to address adjustment of status for victims of severe forms of trafficking in persons (T nonimmigrants).

### Background

T nonimmigrant status is a temporary immigration benefit available to certain victims of a severe form of trafficking in persons.<sup>1</sup> T nonimmigrants who were lawfully admitted in T nonimmigrant status may apply to adjust their status to a lawful permanent resident (LPR) if they continue to hold T nonimmigrant status at the time of filing their application and are admissible to the United States or their inadmissibility has been waived.<sup>2</sup>

To adjust status, T-1 principal nonimmigrants must also establish that they have maintained continuous physical presence, demonstrated good moral character, and have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking (or can establish an exception to or exemption from this requirement, or establish they would suffer extreme hardship if removed).<sup>3</sup>

USCIS is issuing policy guidance to consolidate, update, and expand upon existing guidance on adjustment of status for T nonimmigrants. This guidance includes changes from the Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status Final Rule (T Final Rule), including updated citations, new definitions, and clarifications.<sup>4</sup>

This guidance, contained in Volume 7 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. This policy update supersedes the guidance found in Chapter 23.5(n) of the Adjudicator’s Field Manual (AFM), related AFM appendices, and

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<sup>1</sup> See [INA 101\(a\)\(15\)\(T\)](#).

<sup>2</sup> See [INA 245\(l\)](#). See Application to Register Permanent Residence or Adjust Status ([Form I-485](#)).

<sup>3</sup> See [INA 245\(l\)](#). See [8 CFR 245.23\(a\)](#). Generally, a derivative family member of a T-1 nonimmigrant may also adjust status to that of an LPR after the T-1 nonimmigrant adjusts status, though eligibility requirements vary. See [8 CFR 245.23\(b\)](#).

<sup>4</sup> See [89 FR 34864](#) (Apr. 30, 2024).

related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### **Policy Highlights**

- Describes the adjustment of status process for T nonimmigrants, including eligibility requirements, required documentation and evidence, and requirements for employment authorization and travel while the adjustment of status application is pending.
- Explains that T nonimmigrant applicants for adjustment of status are not required to submit documentation issued by the Attorney General certifying the applicant's compliance with any reasonable request for assistance.
- Clarifies that T-1 nonimmigrants who break their continuous physical presence after their first admission as a T-1 nonimmigrant may again begin accruing physical presence after returning with advance parole.
- Explains that the age exemption and trauma exception to the requirement to comply with reasonable requests from law enforcement also apply at the adjustment of status stage.

### **Summary of Changes**

Affected Section: Volume 7, Adjustment of Status

- Adds new Part J (Trafficking Victim-Based Adjustment).

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

### **Citation**

Volume 7: Adjustment of Status, Part J, Trafficking Victim-Based Adjustment [[7 USCIS-PM J](#)] (Chapters 1-5).