

## Appendix III – States with Slave Trade Statutes

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Undocumented individuals who are victims of criminal activities covered by the U visa may be eligible to obtain legal status through the U visa program. As part of the U visa application process, an individual must obtain certification from a government agency confirming that the applicant was helpful, is being helpful, or was likely to be helpful to law enforcement, prosecutors, judges, or other government agency officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity. Government agencies authorized to sign U visa certifications include the U.S. Department of Labor (“DOL”), the U.S. Equal Employment Opportunity Commission (“EEOC”), state labor enforcement agencies, police, prosecutors, child and adult protective services, and other government agencies with civil, criminal, or administrative investigative authority. According to the Department of Homeland Security (“DHS”), agencies can certify U visa applications based on an enumerated list of Qualifying Criminal Activity (“QCA”), and “any similar activity,” including “criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.”<sup>1</sup>

Slave trade laws vary from state to state. This chart catalogues state statutes on slave trade<sup>2</sup> and identifies potential U visa qualifying criminal activity that can fall within the elements of the state’s slave trade statute. The definitions used for the qualifying criminal activity comparisons are taken from federal law, model state codes, United States sentencing guidelines, and federal treaties. The applicable state statutory language on slave trade is included below any other potentially applicable qualified criminal activities on the U visa list that DOL, EEOC, state labor departments, and any other certifiers may detect in the context of a slave trade investigation. This chart will also assist DHS adjudicators by providing a state-by-state tool that will facilitate understanding of the types of qualified criminal activities or similar activities present in cases involving state criminal statutes on slave trade. This chart will also assist attorneys and advocates working with slave trade victims in identifying a more complete list of U visa qualifying criminal activities that slave trade victims may also have suffered.

<sup>1</sup> 8 C.F.R. 214.14(a)(9).

<sup>2</sup> Slave Trade – ““Slave trade” means and includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means of conveyance.” 1956 U.S.T. 3201 § 1, Art. 7(c).

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State	Statute	Potentially applicable QCAs contained within the state statutory definition of slave trade	Other potentially applicable QCAs for which the facts of the case would support certification based upon a U visa listed activity
Nevada	<p>N.R.S. 200.465 – <u>Assuming rights of ownership over another person; purchase or sale of person; penalty</u></p> <p>A person who:</p> <ol style="list-style-type: none"> <li>(1) Assumes or attempts to assume rights of ownership over another person;</li> <li>(2) Sells or attempts to sell a person to another;</li> <li>(3) Receives money or anything of value in consideration of placing a person in the custody or under the control of another;</li> <li>(4) Buys or attempts to buy a person;</li> <li>(5) Except as otherwise provided in chapter 127 of NRS, pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or</li> <li>(6) Knowingly aids or assists in any manner a person who violates any provision of this section, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.</li> </ol>	<p><u>False imprisonment</u><sup>3</sup></p> <p>“Receives money or anything of value in consideration of placing a person in the custody or under the control of another...”</p> <p><u>Unlawful criminal restraint</u></p> <p>“Receives money or anything of value in consideration of placing a person in the custody or under the control of another...”</p>	

<sup>3</sup> False Imprisonment – “...[K]nowingly restrain[ing] another unlawfully so as to interfere substantially with his liberty.” Model Penal Code § 212.3 (2001).

