

Domestic Violence and Involuntary Servitude as Human Trafficking  
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The U.S. Department of Homeland Security’s U.S. Citizenship and Immigration Services recognizes that human trafficking can occur in intimate partner relationships and in families and that involuntary servitude and domestic violence may coexist in relationships.<sup>1</sup> Involuntary servitude is a form of labor trafficking.

Labor Trafficking Defined<sup>2</sup>

Type of Action	Action	End	Means
Labor Trafficking	<ul style="list-style-type: none"> <li>• Recruiting</li> <li>• Harboring</li> <li>• Transporting</li> <li>• Provision</li> <li>• Obtaining (of a person)</li> </ul>	For the purpose of subjecting the victim to: <ul style="list-style-type: none"> <li>• Involuntary servitude</li> <li>• Peonage</li> <li>• Debt bondage</li> <li>• Slavery</li> </ul>	Through use of force, fraud, or coercion.

Involuntary Servitude Definition:

Involuntary servitude is a –

“condition of servitude induced by:

- Means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
- Abuse or threatened abuse of legal process”<sup>3</sup>

“Involuntary servitude may occur when the victim is forced to work for the perpetrator by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through the law or the legal process.”<sup>4</sup> This includes cases where the perpetrators holds the victim in servitude by placing the victim in fear of being physically restrained or injured. Involuntary servitude can also be established through the perpetrator’s use of psychological abuse to establish coercion or through being subjected to legal coercion.<sup>5</sup>

Involuntary Servitude in Domestic Violence Relationships

Involuntary servitude may occur in cases where the trafficker and the victim have a preexisting relationship. It can occur in the context of a domestic relationship including intimate partner, parent-child, stepparent-stepchild, and roommate relationships, and can include, but is not limited to, domestic servitude and sexual exploitation.<sup>6</sup>

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“Trafficking can occur alongside intimate partner abuse, and involuntary servitude and domestic violence may coexist in some situations.”<sup>7</sup> Whether the range of actions taken by the perpetrator against the victim including threats of abuse, physical violence, mental abuse, emotional abuse, sexual violence, intimidation, and controlling behavior in the home create a condition of involuntary servitude that constitutes a severe form of trafficking in persons, depends on whether the situation involves compelled or coerced labor or services or forced sexual activity and is induced by force, fraud, or coercion.<sup>8</sup>

USCIS explains that “While domestic violence and trafficking often intersect, not all work that occurs as the result of domestic abuse constitutes a condition of servitude. For example, in certain contexts, the unequal assignment of household tasks among household members may signal an abusive relationship, but it does not automatically constitute the creation of a condition of servitude.”<sup>9</sup>

Labor trafficking often referred to as forced labor compelled by domestic violence occurs where the aim of the domestic violence is to force the victim to engage in labor which creates a condition of servitude. “To distinguish between domestic violence and labor trafficking resulting from domestic violence, applicants must demonstrate that the motivation of the perpetrator is or was to subject the applicant to a condition of servitude.”<sup>10</sup>

To establish that a victim’s forced labor compelled by a domestic violence victim constitutes labor trafficking for the purpose of involuntary servitude, the victim will need to present any credible evidence<sup>11</sup> on the actions the trafficker has taken to “maintain the applicant in a condition of servitude, including recruitment, harboring, transportation, provision, obtaining, patronization, or solicitation, to further understand the goal of the perpetrator. Where trafficking is accompanied and enforced by abuse, victims may act upon the trafficker’s demands for labor and services due to fear or coercion and may feel that they do not have their own liberty or self-determination.”<sup>12</sup>

USCIS provides a non-exhaustive list of circumstances that illustrate where the trafficker may control the victim’s liberty to create a condition of servitude:

- “An expectation that the victim’s life fulfills the orders of the trafficker (such as a demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and constant availability to labor regardless of health or energy);
- Lack of control over the victim’s own wages despite laboring under the trafficker’s demands; or
- The imposition of unequal living arrangements as part of the campaign of force, fraud, and coercion (for example, unequal sleeping arrangements, living arrangements, or access to nourishment).”<sup>13</sup>

### Domestic Violence Victims Subjected to Involuntary Servitude – T Visa Eligibility

Victims of domestic violence who have been subjected to labor trafficking in the form of involuntary servitude to be granted a T visa must demonstrate that they:<sup>14</sup>

- Have been a victim of a severe form of trafficking in persons;
- Are physically present in the United States, American Samoa, or at a U.S. port of entry on account of such trafficking;
- Have complied with any reasonable request for assistance in a federal, state, or local investigation or prosecution into acts of trafficking or the investigation of a crime where acts of trafficking are at least one central reason for the commission of that crime, except when the applicant was under 18 years of age at the time of victimization or is unable to cooperate with a request due to physical or psychological trauma;
- 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 of any applicable grounds of inadmissibility.

<sup>1</sup> USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION B – VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS; 4. LABOR TRAFFICKING CONCEPTS [3 USCSIS-PM B.2(B)(4)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

<sup>2</sup> USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION B – VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS; 1. GENERAL DEFINITION [3 USCSIS-PM B.2(B)(1)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

<sup>3</sup> 8 C.F.R. 214.11(a)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*; USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION B – VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS; 4. LABOR TRAFFICKING CONCEPTS [3 USCSIS-PM B.2(B)(4)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

<sup>6</sup> USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION B – VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS; 4. LABOR TRAFFICKING CONCEPTS [3 USCSIS-PM B.2(B)(4)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> 8 C.F.R. 214.11(d)(5); USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 3 – DOCUMENTATION AND EVIDENCE FOR PRINCIPAL APPLICANTS, SECTION C – EVIDENCE; 1. ANY CREDIBLE EVIDENCE PROVISION [3 USCSIS-PM B.3(C)(1)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-3>

<sup>12</sup> USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION B – VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS; 4. LABOR TRAFFICKING CONCEPTS [3 USCSIS-PM B.2(B)(4)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

<sup>13</sup> *Id.*

<sup>14</sup> USCIS, POLICY MANUAL: VOL. 3, PART B VICTIMS OF HUMAN TRAFFICKING, CHAPTER 2 – ELIGIBILITY REQUIREMENTS, SECTION A – OVERVIEW OF ELIGIBILITY REQUIREMENTS [3 USCSIS-PM B.2(A)] (Last updated August 16, 2023) <https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>