



Immigration options for Trafficking Victims

Definition of a Severe form of Trafficking

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

T visa

- Victim of severe form of trafficking in persons
- Physically present in U.S., American Samoa, Northern Marianas *on account of trafficking*
- Complied with reasonable request for assistance in investigation or prosecution of acts of trafficking (Children under 18 do not need to meet this criterion)
- Would suffer extreme hardship if to return to home country

U visa

- Substantial physical or emotional abuse from criminal activity
- Possesses information about criminal activity
- Criminal activity must have occurred in U.S. or otherwise violate U.S. Law
- Victim has been, is likely to be or is being helpful to an investigation or prosecution of criminal activity

U Visa Qualifying Crimes: Rape; Torture; Trafficking; Incest; Domestic Violence; Sexual Assault; Prostitution; Female Genital Mutilation; Involuntary Servitude; Slave Trade; Being Held Hostage; Kidnapping, Abduction; Peonage, False Imprisonment; Blackmail; Extortion; Manslaughter; Murder; Felonious Assault; Witness Tampering; Obstruction of Justice; Perjury, Attempt, Solicitation, or Conspiracy to Commit any of these Crimes

Continued Presence

- Individual must be determined to be a victim of a severe form of trafficking by a federal law enforcement agency
- Individual is willing to assist in the investigation or prosecution of a trafficking and/or slavery case or be under the age of 18
- Only federal law enforcement may request continued presence on behalf of a victim.



Fact Patterns:

Katya:

Katya met her husband Stan through an International Marriage Broker Agency in the Ukraine. Stan brought Katya over to the United States. Once Katya entered the United States, Stan became very abusive. Katya did not know where to go and a friend was working in a massage parlor. Katya's friend signed her up to work as a prostitute in the massage parlor. Katya joined because she had no other options. Once she was there, Katya was not happy and ultimately she left the massage parlor. Katya heard about domestic violence services and called to see if she could find a place in your shelter.

Kirana

Your neighbor teaches 11th grade and one day approaches you about a student of hers named Kirana. Kirana is from Thailand. Kirana revealed to her teacher that her father's brother and his wife brought her over from Thailand when she was eight years old. Kirana came from a very poor family in Thailand and her parents thought she would have better educational opportunities in the U.S. Things were very good for several years. When Kirana was fourteen years old, her uncle and aunt got a divorce and her uncle went back to Thailand. Kirana was left with her uncle's ex-wife. She bought a restaurant and asked Kirana to work in the restaurant. Your neighbor has noticed Kirana's potential but her inability to keep up with homework assignments.

Lourdes

Lourdes is a low-wage worker. She is undocumented and it cost \$40,000 to come into the country. Since she did not have the money, she agreed to work off the debt. Lourdes makes about \$800/month after her housing costs are deducted. Lourdes sleeps in a barrack with many other workers. The conditions are deplorable. The people in charge of the orchards where she works know her sister and brother in Mexico. Lourdes is deathly scared of the people in charge.