

Human Trafficking and the T Visa Process: Insights from Legal Representatives Working with Victims from Latin America

Office of Latino/Latin American Studies (OLLAS)
University of Nebraska at Omaha
OLLAS Report #15

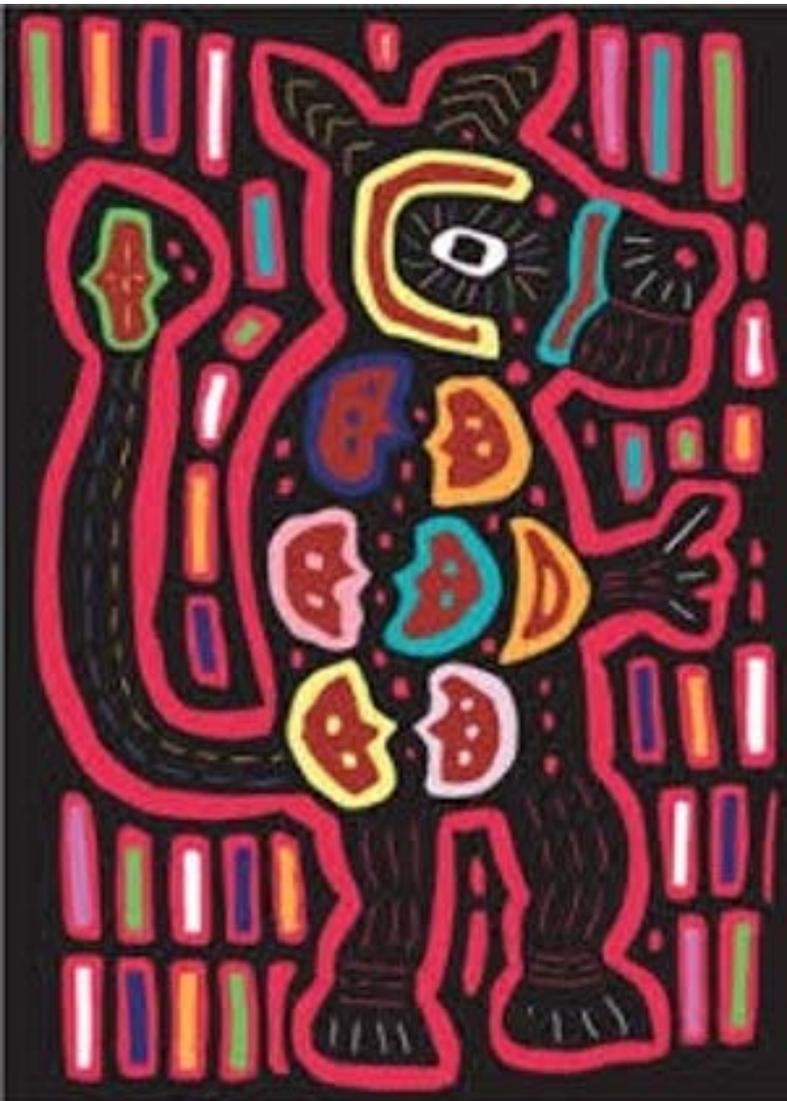
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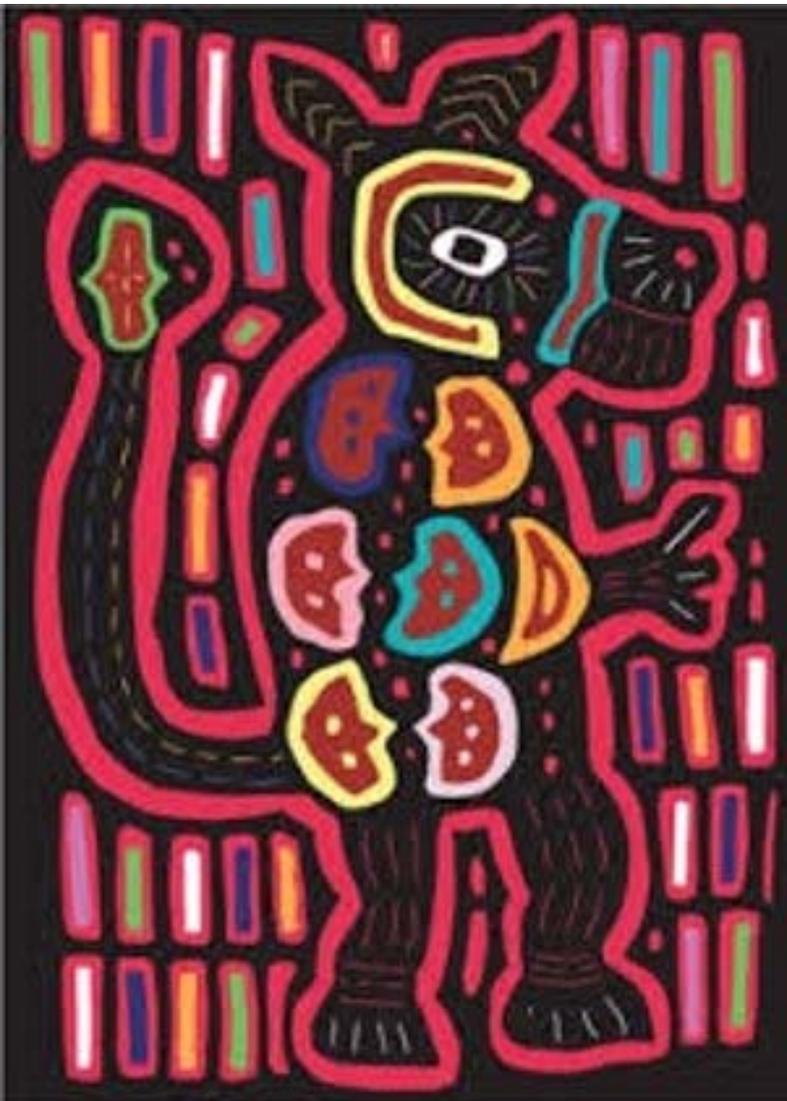


UNIVERSITY OF NEBRASKA AT OMAHA
OFFICE OF LATINO/LATIN
AMERICAN STUDIES (OLLAS)



Background

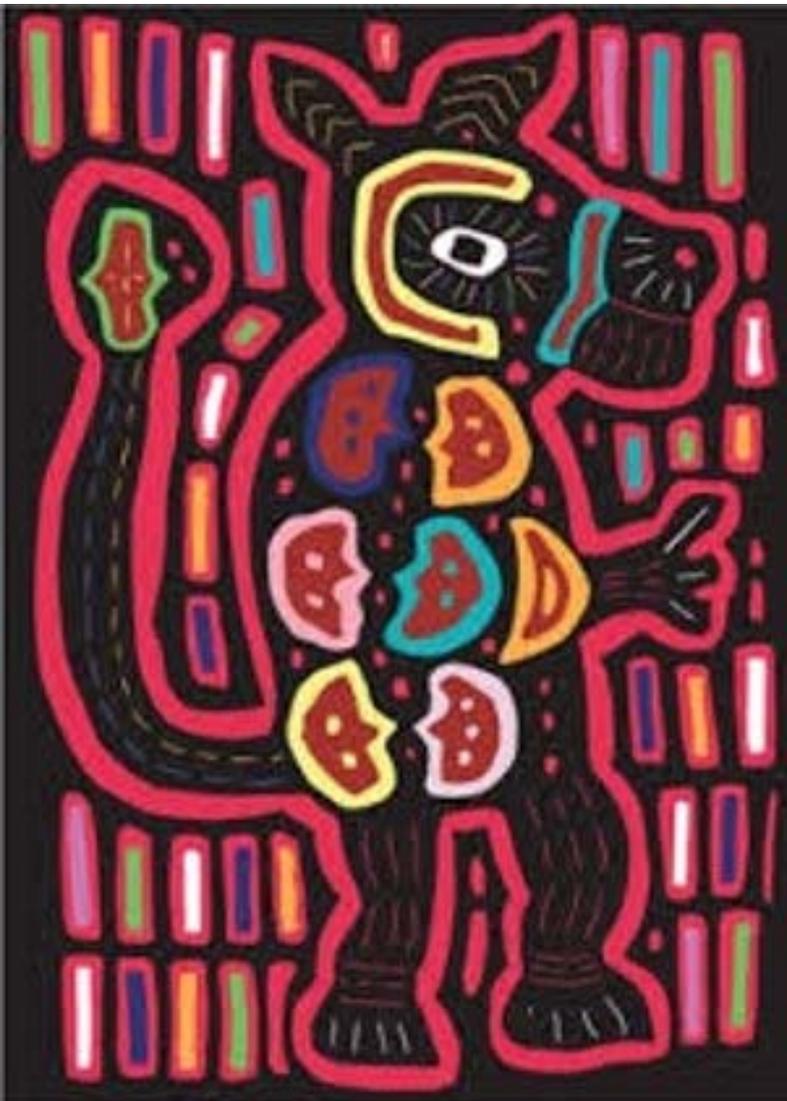
- Force, fraud, or coercion to compel individuals to provide labor or services = labor or sex trafficking.
- Vulnerability
- T visa



Methods and Analysis

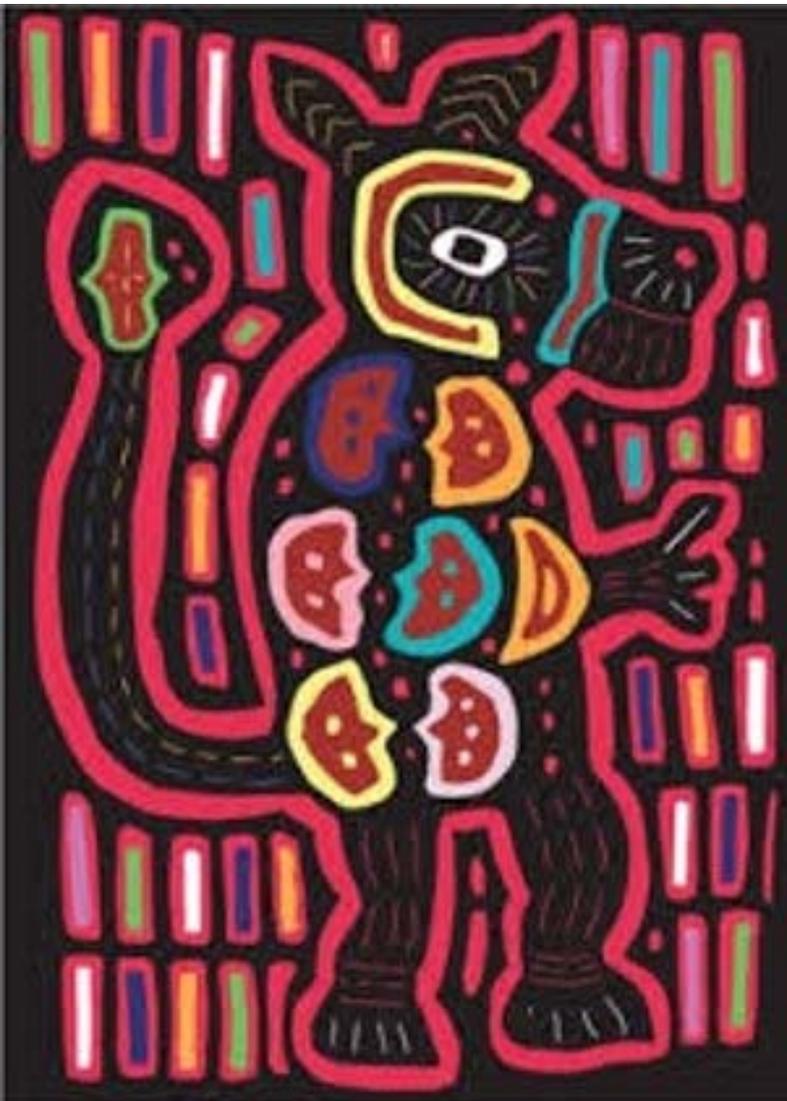
Qualitative interviews of legal representatives who have intimate knowledge of the T visa process

Interviewed six individuals who provided rich insights into 22 cases involving victims of human trafficking from Latin America.



Purpose of the Study: T visa process

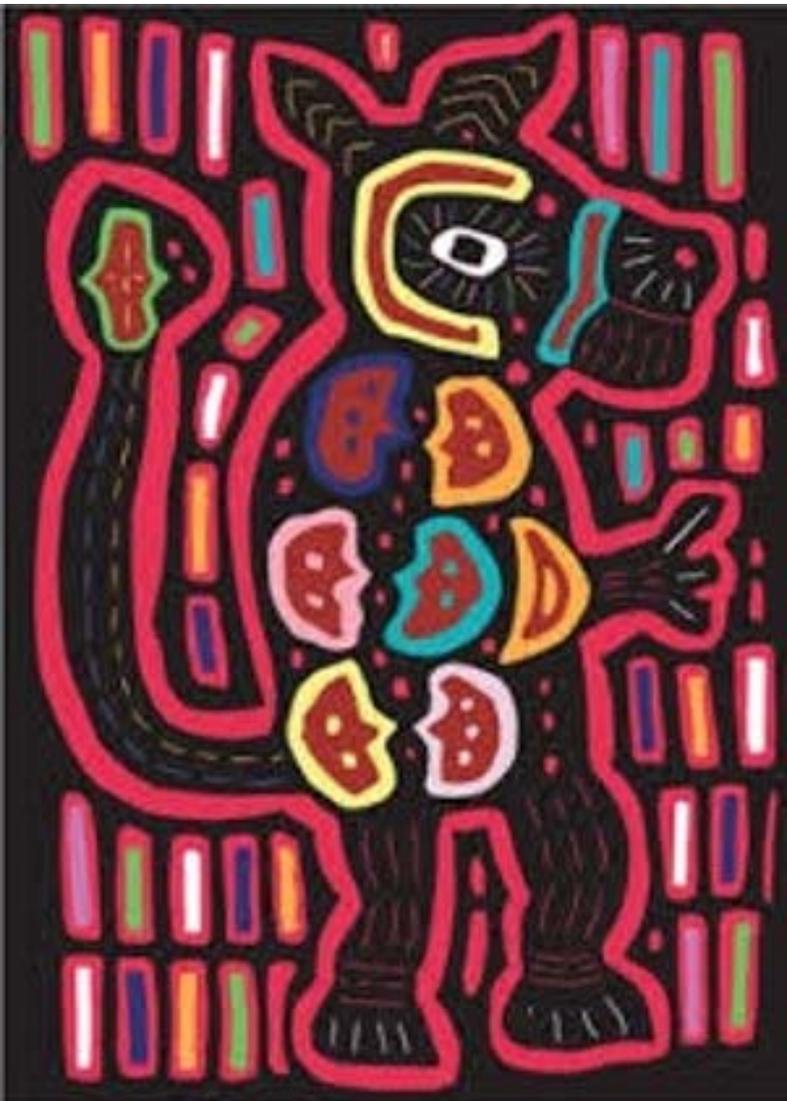
- (1) Provide an overview of legal representatives and how they come into contact with human trafficking victims from Latin America,
- (2) Describe the trafficking experiences of victims from Latin America,
- (3) Explore the process and challenges of filing for a T visa
- (4) Examine the role of service providers and the potential for collaborations
- (5) Review legal representatives' perceptions of barriers to trafficking cases and how to improve responses



Overview of Findings

1) The legal representative's backgrounds

- Immigration attorneys or Department of Justice Representatives
- Spanish speaking, 35 years old, a majority were female, and half self-identified as White and the other half as Hispanic/Latino
- Six years of experience with human trafficking victims from Latin America



Overview of Findings

2) The experiences of trafficking victims they have assisted

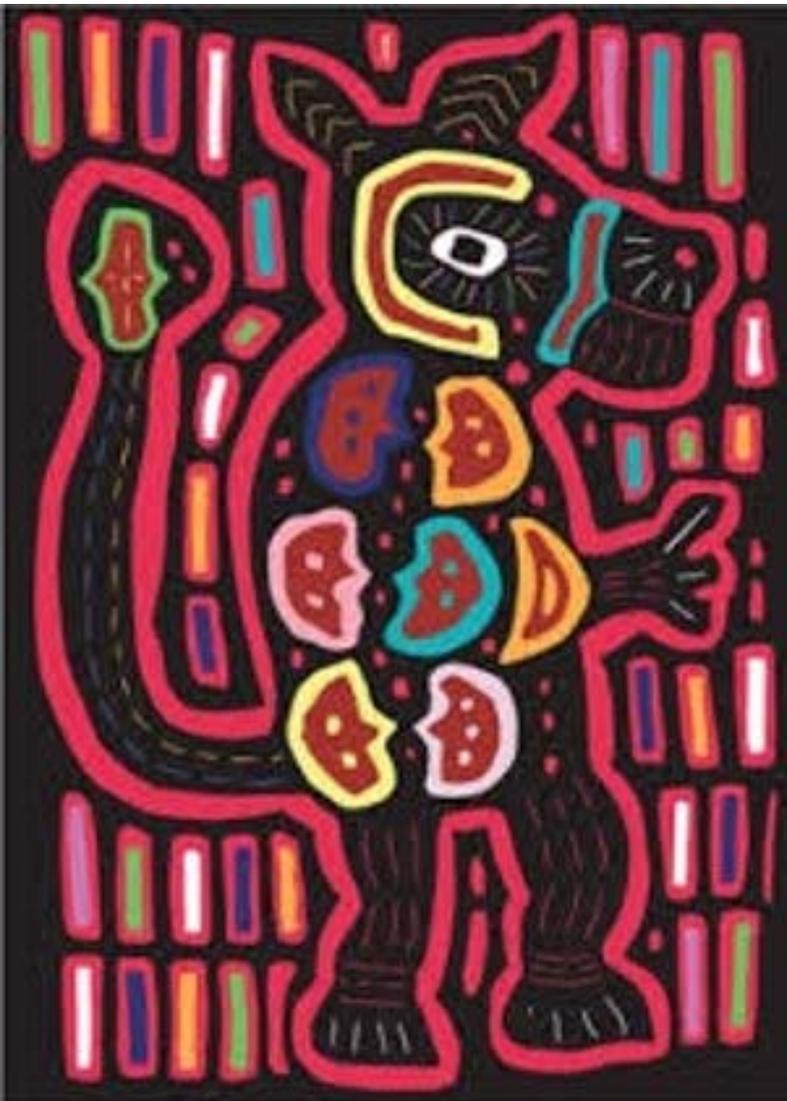
- A majority of these victims were from Mexico or Guatemala
- Labor trafficking (59%), followed by sex trafficking (36%)
- Industries: agriculture, restaurants, domestic work, and factories; sex trafficking victims were primarily exploited in residential settings

Labor Trafficking Restaurant

He was working these terrible hours...the fee that he [victim] was supposed to be earning from his work at the restaurant was going back to the [trafficker] under the disguise of “you're paying off your debt”. The victim was actually sleeping at the restaurant because he would open at three in the morning, but still be there at midnight, and would sleep in the kitchen....They [law enforcement] found his bedding in the kitchen of the restaurant. (Legal Representative #6)

Sex Trafficking

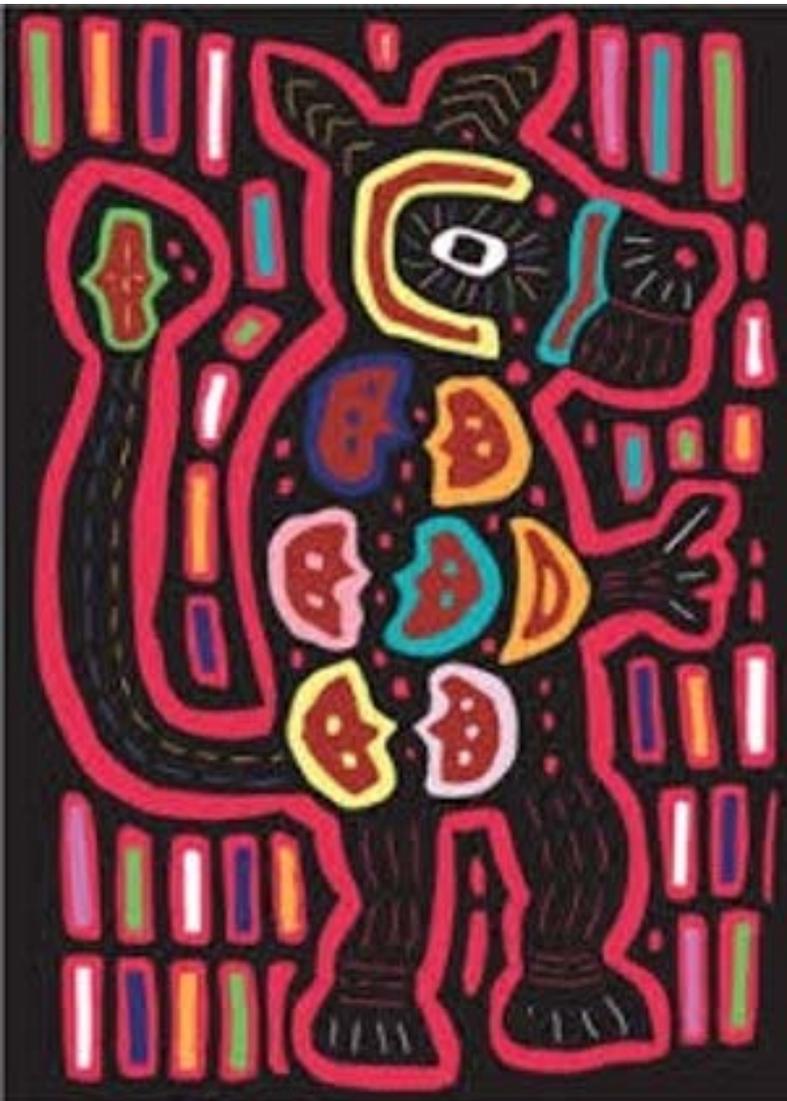
He [trafficker] said she [victim] had to pay the rent some way or another. So he [trafficker] would bring men over for her to sleep with in order for him [trafficker] to pay the rent and pay for their living expense. (Legal Representative #6)



Overview of Findings

2) The experiences of trafficking victims they have assisted

- Duration: Two years
- Gender: females (55%) and males (45%) being exploited
- Location: urban (39%) and rural (39%) contexts

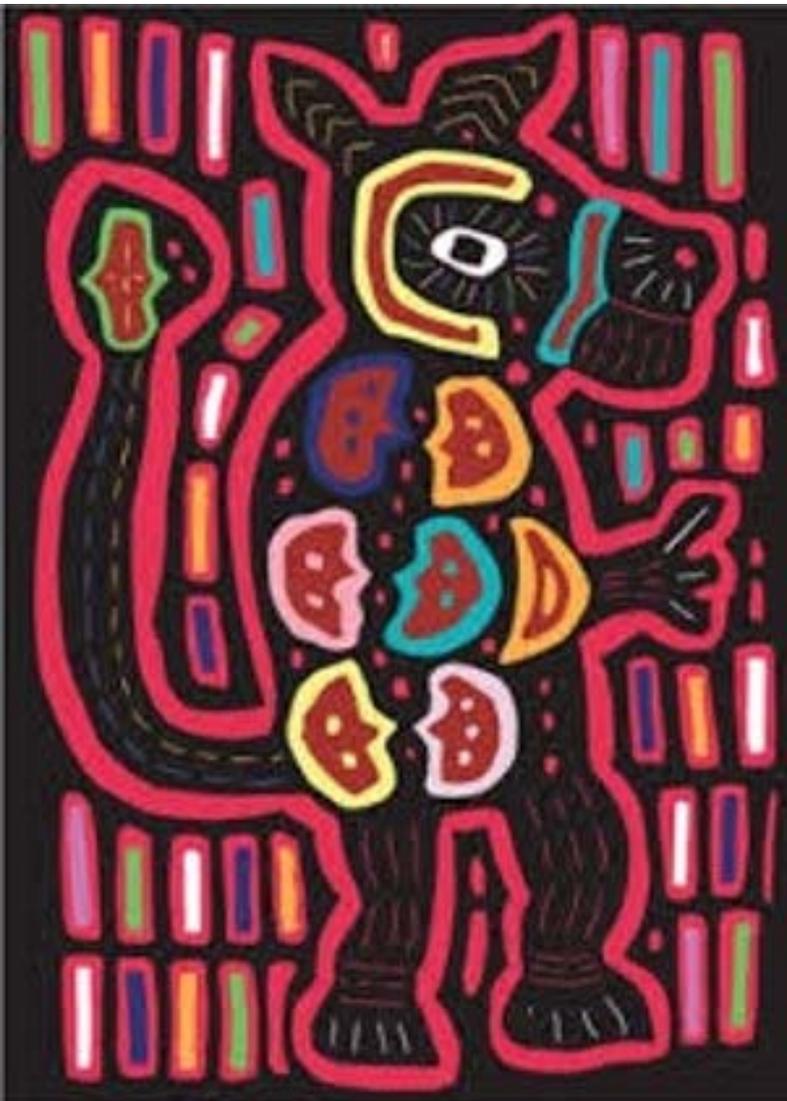


Overview of Findings

2) The experiences of trafficking victims they have assisted

- Multiple victims were trafficked more than once prior to filing their T Visa
- No victims recognized their experience to be “human trafficking” even if they knew what happened to them was wrong

I don't know that [the]client would have had the terminology to call it human trafficking...Talking about it...would lead to feelings of “it was just something really bad that happened to me.” Or even, and this is the most unfortunate, “I think, it was my fault that I ended up there.” So, he knew that what was happening wasn't right, but couldn't express it in terminology that would be defining human trafficking. (Legal Representative #1)

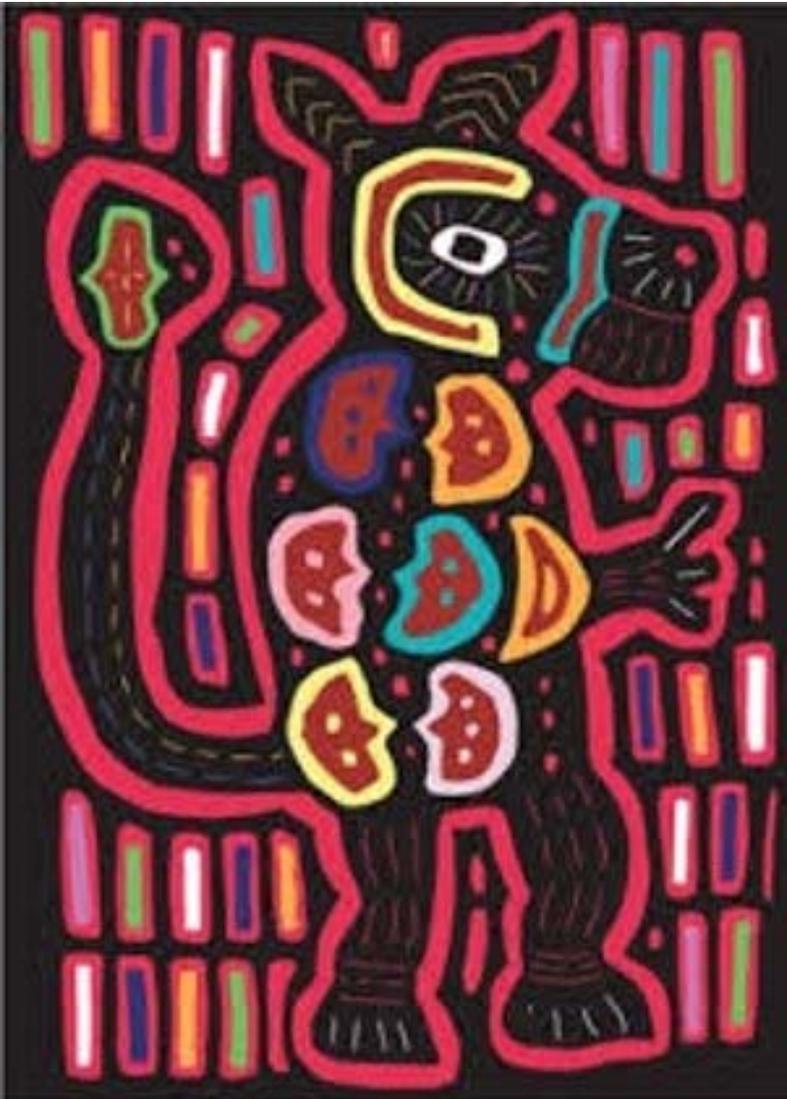


Overview of Findings

3) The T visa process and outcomes

Challenge: Lack of support from law enforcement.

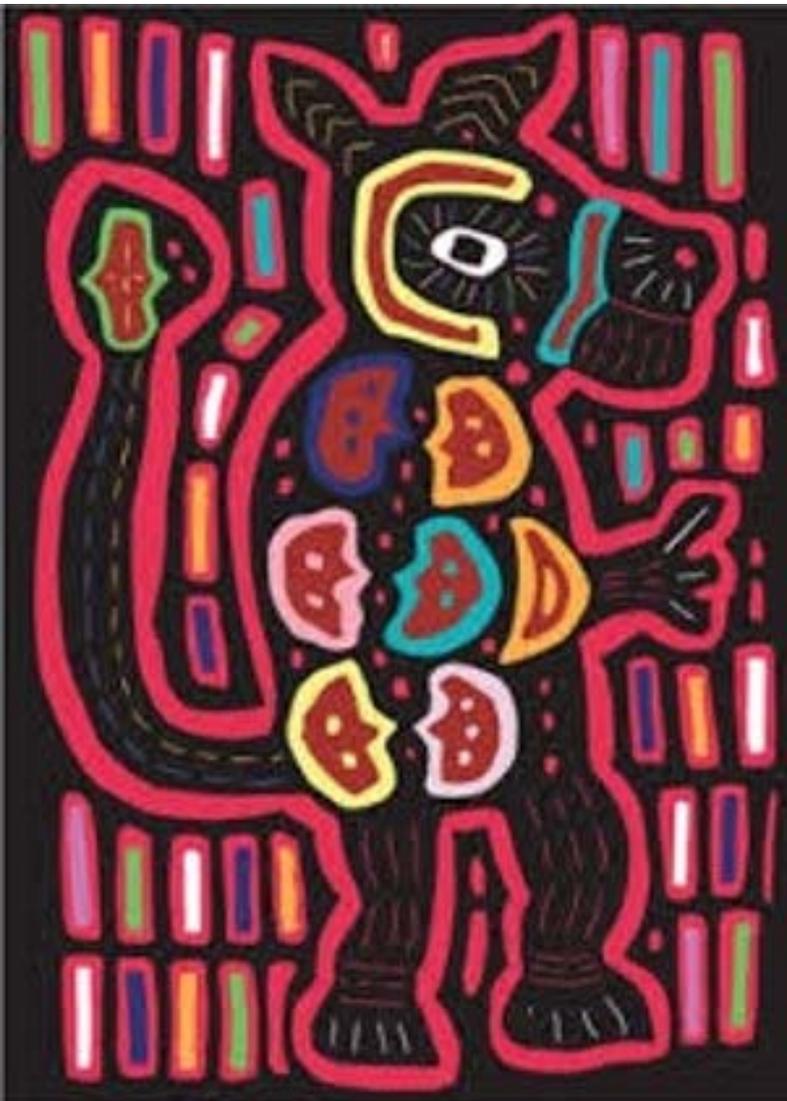
- Certification
- Investigate



Overview of Findings

4) Collaborations and perceptions of service providers in Nebraska

- Inadequate funding to support services
- Not enough culturally sensitive providers
- Limited education of providers about human trafficking



Overview of Findings

5) Noted barriers and recommendations to improve responses to victims

- Increase collaborative investigations with partner agencies
- Additional training on T visa required for any individuals who could come into contact with trafficking victims
- Vulnerability due to lack of employment authorization
- Discrepancy between legislative response policies and practices

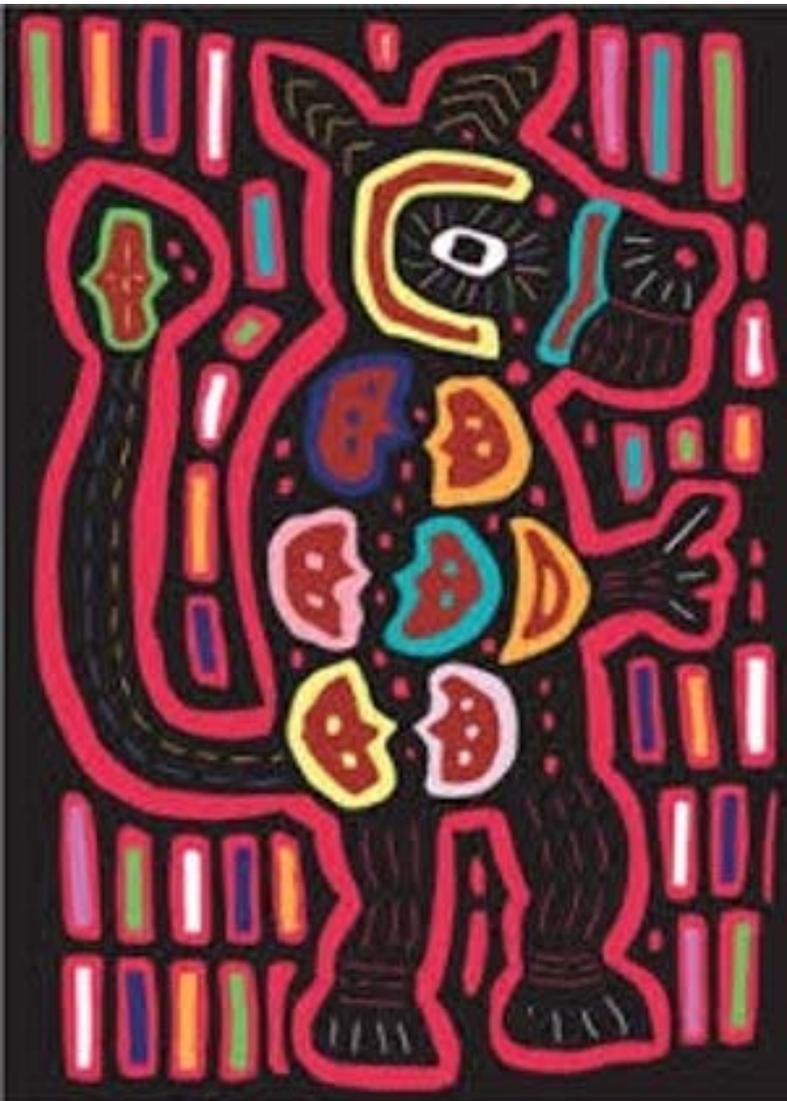
Missed Identification

It [the trafficking] was so seeming the public...This was a very common...place. Anyone who's here in [this city] probably has been to it... It's a situation...that I think demonstrates the many different forms, the insidious nature of human trafficking, and it's almost chameleon like [state]... Usually people think...with trafficking, there's also assumption that the employer knows that someone [is] being trafficked and...this case exemplifies that. (Legal Representative #2)

Improving Referrals

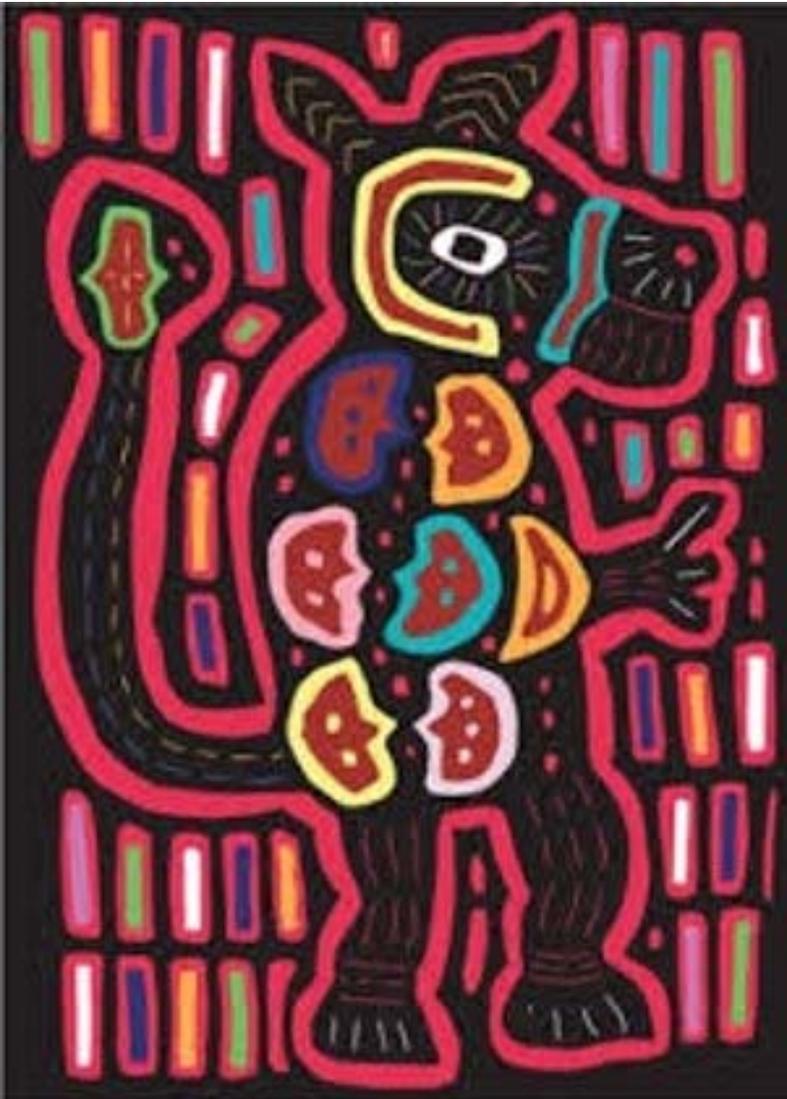
When asked what was unique about a particular trafficking case, one legal representative recalled the experience working with engaged law enforcement officials:

The law enforcement response...the law enforcement... being really heads up about this situation and...removing her from the house so that she could speak more freely and confide in them about what was going on and then being really proactive about connecting her with services....and then being really helpful in helping her pursue an immigration remedy by completing the T visa certification... It was a really positive interaction with law enforcement...(Legal Representative #4)



Policy Implications

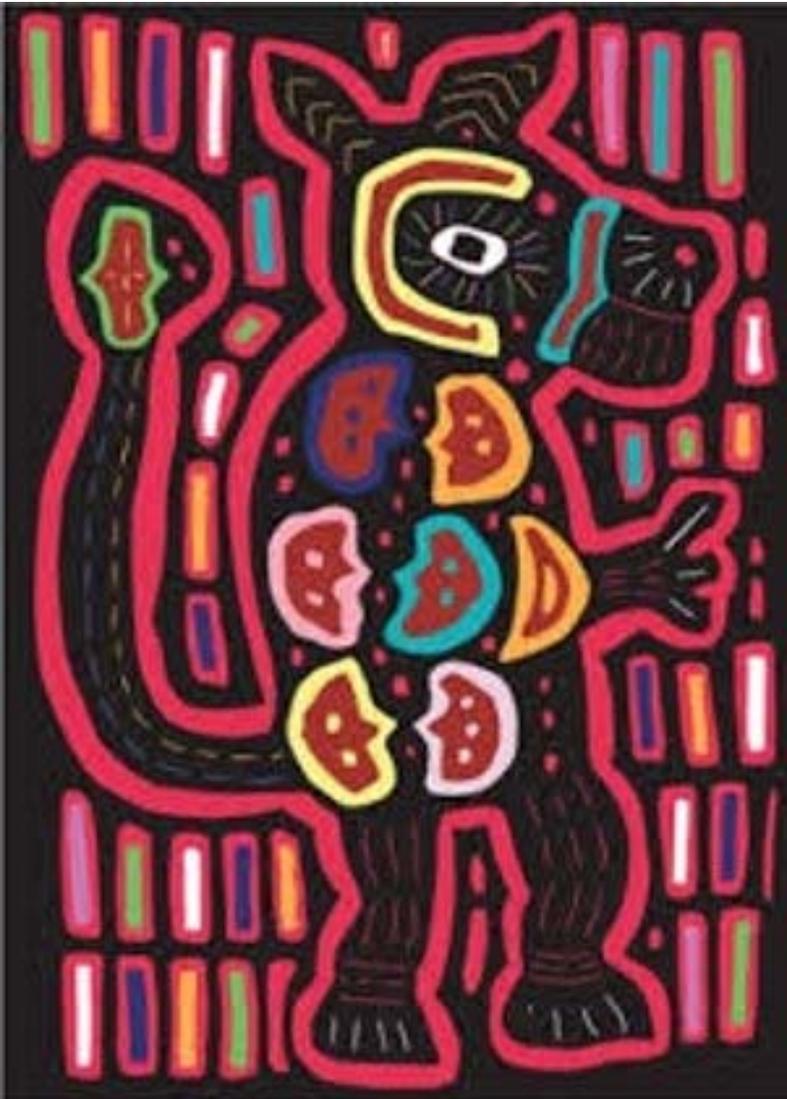
1. Increased screening across multiple agencies to facilitate identification of victims
2. Provide law enforcement and immigration authorities the tools, training, and resources needed to actively stay up-to-date
3. Train first responders, legal representatives, and any providers who might come into contact with these populations on the basics of the T visa so the application process
4. Ensure multiple follow-ups from referral sources and from public servants
5. Grant employment authorization while applications are pending and use increased discretion for what cooperation consists of



Conclusions

Practical applications for individuals or institutions who are interested in anti-trafficking initiatives.

- Confirms the presence of labor and sex trafficking in Nebraska and describes the experience of human of foreign-born Latin Americans.
- Re-think screening and education if victims do not self-identify.
- Recognize that trafficking is occurring in both urban and rural areas.
- Evaluate our current policies including how we investigate and treat victims.
- Support the difficult work legal representatives are already doing by addressing the aforementioned barriers and challenges.



References

Davis, R. C., & Erez, D. (1998). *Immigrant populations as victims: Toward a multicultural criminal justice system*. Washington, DC: National Institute of Justice.

U.S. Citizenship and Immigration Services. (2018). Victims of human trafficking: T nonimmigrant status. Retrieved from <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>

Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464, codified as amended at 22 U.S.C. §§ 7101-7110 (2000).