Immigration Remedies for Human Trafficking Victims

What is the federal definition of human trafficking?

- **Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- **Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.

**Action + Means + Purpose = Human Trafficking**

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<th>Action</th>
<th>Means*</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Induce</td>
<td>Force</td>
<td>Commercial Sex (Sex Trafficking)</td>
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<td>Recruits</td>
<td>Fraud</td>
<td>or</td>
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<td>Harbors</td>
<td>or Coercion</td>
<td>Labor/Services (Labor Trafficking)</td>
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<td>Transports</td>
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*Minors induced into commercial sex are human trafficking victims—regardless if force, fraud, or coercion is present.

Source: Polaris Project, NHTRC

What immigration remedies are available to human trafficking victims?

- **T visas** are for victims of human trafficking
  - No law enforcement certification is required but victims over 18 must cooperate with law enforcement.
- **U visas** are for victims of various types of crimes (including human trafficking)
  - Law enforcement certification is required.
- U.S. Citizenship and Immigration Services (USCIS) adjudicates the applications.
What are the benefits of the T visa?

- Lawful immigration status
- Employment authorization
- Lawful permanent resident status in the future
- Certain family members can obtain lawful immigration status
- Social services

What is Continued Presence?

- A temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking
- Only federal law enforcement agencies can request this certification

What can service providers do to help victims of human trafficking obtain legal assistance?

- Refer clients to immigration attorney
- Help compile documentation:
  - Take pictures of threatening text messages or injuries
  - Make record of meetings with law enforcement
- Write letters of support for clients in their visa applications
- For immigration purposes, service providers do not need to report crime to law enforcement agencies. Immigration attorneys will do this.

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