

Human Trafficking

Immigration
Relief

Speaker:

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Washington

Anti-Trafficking

Response

Network



Federal Definition of Trafficking

Sex trafficking by
force, fraud, or
coercion or in
which the person
induced to
perform such an
act is under 18.

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.



Trafficking Victims Protection Act
of 2000,

Trafficking Victims Protection
Reauthorization Acts of
2003 & 2005

&

Violence Against Women and
Department of Justice
Reauthorization Act of 2005



Types of Immigration Relief for Victims of Trafficking (VOT)

- ◇ Continued Presence (CP)
- ◇ T-visa
- ◇ U-visa
- ◇ U-interim Relief
- ◇ S-visa
- ◇ VAWA
- ◇ Asylum
- ◇ Special Immigrant Juvenile Status (SIJS)

Continued Presence for Victims of Severe Forms of Trafficking:

- ◊ Law Enforcement Agents may request on behalf of victims of a severe form of trafficking
- ◊ One year "certified" VOT status with work authorization, renewable at LEA request
- ◊ May be used as a basis for certification and the T visa I-914 Supplement B

T Visa

-INA § 101(a)(15)(T)

- ◇Victim of a severe form of trafficking
- ◇Comply with investigation or prosecution of traffickers (for victims over 18)
- ◇Are physically present in the U.S. on account of trafficking
- ◇Suffer extreme hardship involving unusual and severe harm if removed from the U.S.

*5,000 visas per year

T Visa I-914 Supplement B

- ◊ Completed by local or federal law enforcement
- ◊ Must state basic details of case
- ◊ Certifies that victim is, has been, or will be helpful to investigation or prosecution of trafficker

Factors Related to Extreme Hardship:

- ◇ Age and personal circumstances
- ◇ Any serious physical or mental illness and availability of treatment in home country
- ◇ Nature or extent of physical or psychological consequences of having been a trafficking victim
- ◇ Impact of losing access to the U.S. Courts and criminal justice system
- ◇ Reasonable expectation that laws, social practices or customs in the home country would penalize victim severely
- ◇ Likelihood that victim would be re-trafficked
- ◇ Likelihood that individual safety would be seriously threatened by existence of civil unrest or armed conflict

T Visas

- ◊ Derivatives: T-2, T-3, T-4, and T-5
- ◊ Four (4) Year Certified Status
- ◊ Benefits
- ◊ Adjustment to LPR Status

U Visas/Interim Relief

-INA § 101(a)(15)(U)

- ◊ Victim suffered substantial physical or mental abuse as a result of having been the victim of certain criminal activity
- ◊ Victim must possess information concerning the crime
- ◊ Petition must include a certification from a government official stating that the victim is helping, has helped, or likely to be helpful with the investigation or prosecution of the crime

*10,000 visas per year

U Visas/Interim Relief

◊ Eligible Crimes: Rape, torture, trafficking incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, FGM, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes, or any similar activity in violation of federal, state or local criminal law

U Visas/U-Interim Relief

- ◊ U-2 (spouse), U-3 (child), U-4 (parent) Visas, and U-5 (siblings)
- ◊ Work authorization
- ◊ Adjustment to LPR Status

S Visa

- ◊ Person is in possession of information concerning criminal organization or enterprise
- ◊ Is willing to provide such information to law enforcement

Asylum

- ◊ Person has been persecuted or has a fear of persecution based on race, religion, nationality, political opinion or social affiliation in country of origin
- ◊ Consider when victim of trafficking would face safety risk/stigma if forced to return to home country

Special Immigrant Juvenile Status (SIJS)

- ◊ Child under 21 (18 in Washington)
- ◊ Eligible for long-term foster care due to abuse, neglect or abandonment
- ◊ Return to home country not a viable option

Violence Against Women Act (VAWA)

- ◊ Spouses, kids, and parents of USC or LPR batterer may self-petition to obtain lawful permanent residency
- ◊ Allows for filing for immigration relief without the abuser's knowledge or assistance

REPATRIATION & REINTEGRATION

- ◊ Practical considerations:
 - ◊ ID and Documentation
 - ◊ Plane ticket
 - ◊ Belongings

- ◊ Long term considerations
 - ◊ Local NGOs
 - ◊ Re-victimization

IOM, DOS, USAID can help

Benefits

Eligibility (Definitions) – WAC 388-466-0001

- ◇ PRUCOL
 - ◇ Intend to permanently reside in US
 - ◇ USCIS knows of presence but not deporting
- ◇ Qualified Aliens
 - ◇ Certification
 - ◇ Letter of Endorsement Recipient
 - ◇ VAWA or w/ notice of prima facie approval
 - ◇ Asylees and Refugees

Benefits

Federal & State Mainstream Public Benefits

- ◇ Medicaid
- ◇ Temporary Assistance for Needy Families (TANF)
- ◇ Supplemental Security Income (SSI)
- ◇ Food Stamps

Benefits

Refugee Programs & Trafficking Victim Services:

- ◇ Refugee Cash & Medical Assistance
- ◇ Matching Grant Program
- ◇ Services for Victims of Trafficking

◊ Who Should You Contact With Questions Or Referrals?

◊ WARN

- 206.245.0782 (24 hours)

- 509.901.1189 (24 hours)

◊ Trafficking Information and Referral Hotline (HHS)

- 888.373.7888

◊ Seattle Police Department Anti-trafficking Unit (Detective Harvey Sloan)

- 206.423.6523

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