

Advocacy for Immigrant Victims of Domestic and Sexual Violence Trafficking Victims¹

By Carolyn Seugling²

Approximately fifty-thousand women and children are trafficked into the United States each year.³ Human sex trafficking victims may be lured to the United States with the promise of good jobs or a better future. However, once they arrive, they are forced, coerced, or defrauded into the sex trade or other types of enslavement. Many victims suffer forms of extreme physical and mental abuse, including rape, sexual exploitation, torture, beating, starvation, death threats, and threats to family members. Victims of trafficking are typically isolated and prevented from revealing abuse by their captors. Understandably, victims will not know whom to trust and how to reach out for help.

Advocates should be aware of victims. They may be homeless or physically injured. Advocates should ask “Are you OK right now?” and immediately assess their needs and call 911 if necessary. Assisting trafficking victims means protecting them from the trafficker by connecting them with social services such as a shelter, crisis counseling, and cash assistance. Trafficking victims may also need help to remain lawfully in the United States, if they so choose.

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AMICUS presents new or emerging issues of domestic and sexual violence law or clarifications of existing law where it is not well understood, as well as practice guidelines in domestic and sexual violence law for attorneys, advocates, courts, law enforcement, and others. It is published monthly by the Tennessee Coalition Against Domestic and Sexual Violence (TCADSV) and is free. This newsletter is not intended as legal advice. For application of the law to your individual case, please consult an attorney.



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P.O. BOX 120972,
NASHVILLE, TENNESSEE 37212

Trafficking Victims

continued

PROTECTION

- If you are a victim of trafficking, Call: **Trafficking in Persons and Worker Exploitation Task Force Toll Free at (888) 428-7581.**
- The Task Force helps coordinate services to the trafficking victim and begins an investigation and prosecution of traffickers.
- The Task Force does not assist victims to lawfully remain in the United States, although they should offer some pro-bono referrals. It is important to continue assisting them with immigration relief.

SERVICES AVAILABLE TO VICTIMS

- Even if the victim has no lawful status in the United States, trafficking victims are eligible for the same benefits that refugees are.
- Adult victims must be certified by the Office of Refugee Resettlement to qualify for benefits. To reach ORR call (202) 401-9246.
- To receive a certification letter by ORR, victims must:
 - Be willing to reasonably cooperate with authorities to investigate and prosecute;
 - Apply for a T-visa or as a person whose continued presence the Attorney General is ensuring to effectuate a prosecution of traffickers.
- Benefit granting agencies should follow the normal procedures for refugees, accept the certification letter, and call the trafficking

verification line at (202) 401-5510 to confirm the validity of the certification letter.

IMMIGRATION RELIEF

- Trafficking Victims are eligible for T and U visas to remain lawfully in the United States. Although both T and U visas are self-petitioning, which means a victim can apply for either visa herself, **it is recommended that the victim contact an immigration attorney for visa application assistance.**

- U Visa – Crime Victim Visa – A victim of crime, including rape, torture, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, and being held hostage, who is helpful in the investigation and prosecution of the crime and has suffered substantial physical and/or emotional injury as a result of such crime.

- T Visa – Trafficking Visa – Victims of severe trafficking can obtain a visa as long as the reason for their presence in the U.S. is trafficking, they have complied with requests for assistance, and removal from the United States would cause extreme hardship involving unusual and severe harm.

- Recipients of T and U Visas are eligible for employment authorization.
- After three years in the U.S., T and U visa recipients may change their status to lawful permanent residents.

DISTINGUISHING BETWEEN IMMIGRANT VICTIMS AND VICTIMS OF TRAFFICKING

• It is important to be able to distinguish between victims of trafficking and other forms of domestic and sexual violence against immigrant women because taking the steps above may call unnecessary attention to a victim. Furthermore, Victims of Trafficking are eligible for immigration relief and social services that other victims of domestic and sexual violence are not.

• The following questions may help you identify trafficked persons:

- Did the person come to the U.S. for a specific job?
- What was the promised job?
- Was she forced to do different work? What?
- How was she recruited?
- Who organized the travel?
- Does she have identification papers?
- Where did she originally get the papers?
- Does the employer have the documents?
- Did she sign a work contract?
- Does the person owe money to the employer?
- Has the person been threatened with harm if she tries to leave?
- Have family members been threatened?
- Does she live in the same place?
- How many hours a day/week does she work?
- Does she get paid?
- Is freedom restricted in any way?

Be sure to read the other articles in this series,

Advocacy for Immigrant Victims of Domestic and Sexual Violence.

The articles include: *Introduction, Do's and Don'ts, Safety Planning for Battered Immigrant Women, Order of Protection Provisions, Trafficking Victims, Violence Against Women Act Petitions, and Additional Resources.*

Copies of the entire series are available from:

Tennessee Coalition Against Domestic and Sexual Violence
 P.O. Box 120972, Nashville, TN 37212
 (800) 289-9018 (615) 386-9406 Fax: (615) 383-2967
www.tcadsv.org

¹ The information in this article is a compilation of multiple sources primarily: "Trafficking in Persons, A Guide for Non-Governmental Organizations." (2002), U.S. Department of Labor, U.S. Department of Justice, Health & Human Services and State; Catholic Charities, Archdiocese of New York, "Protocol for Assisting Victims of Trafficking"; "Frequently Asked Questions, Benefits for Victims of Trafficking Under the Trafficking Victims Protection Act of 2000," U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee and Resettlement, May 2001. The Trafficking Victims Protection Act of 2000 defines severe form of trafficking in persons as: (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 services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

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³ "Trafficking in Persons, A Guide for Non-Governmental Organizations," (2002), U.S. Department of Labor, U.S. Department of Justice, Health & Human Services and State. Internationally, at least 700,000 persons are trafficked annually. Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386 Division A § 102.



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The Tennessee Coalition Against Domestic and Sexual Violence (TCADSV) is a non-profit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans through public policy advocacy, education and activities which increase the capacity of programs and communities to address violence. As a statewide coalition, we serve: Domestic and Sexual Violence Programs, Community Groups and Organizations, Criminal Justice Agencies, Allied Professionals (Medical, Legal, Mental Health, etc.) and Individuals Seeking Information and Resources. For more information, please contact TCADSV at 615.386.9406.

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