



Underutilization of the T Visa Program for Human Trafficking Victims: Learning From and Creating Partnerships With Advocacy Organizations

Citation

Zeppi, Tracy Leah. 2020. Underutilization of the T Visa Program for Human Trafficking Victims: Learning From and Creating Partnerships With Advocacy Organizations. Master's thesis, Harvard Extension School.

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Underutilization of the T Visa Program for Human Trafficking Victims:
Learning From and Creating Partnerships with Advocacy Organizations

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A Thesis in the Field of International Relations
for the Degree of Master of Liberal Arts in Extension Studies

Harvard University

May 2020

Abstract

Human Trafficking is a growing global issue, and it has been recognized as an area in need of focus by the United States government. In an effort to encourage victims who have immigration status concerns to come forward to both receive assistance and help in bringing their traffickers to justice, the T visa was created. To date, the program has failed to meet expected participation rates and therefore has not reached its full potential as a tool to combat trafficking.

In an effort to understand the factors preventing victims from choosing to pursue a T visa, I reached out to individuals within the advocacy community who work most closely with victims as they consider viable paths to recovery and moving forward with their lives. I spoke with both mental health and legal service providers and identified several common issues cited by multiple respondents.

Some of the roadblocks to participation in the program would take congressional action to change, which may not be possible with the priorities identified under the current administration. However, an equally urgent and more accessible issue was also identified, as many respondents felt that there is a need for greater education and understanding across the community, for both victims and service providers. While efforts have improved in recent years, organizations have identified an ongoing need that could be addressed through increased communication and partnership.

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Chapter I.

Introduction

In the United States, as in many areas of the world, human trafficking has become an increasingly complex and concerning problem over the past several decades. It has become a worldwide humanitarian crisis, and there is a sense of urgency within segments of the United States government, particularly those devoted to humanitarian concerns, to ensure we are doing our part as a world power to combat the issue. The United States has taken steps to create programs to assist victims who end up in our jurisdiction and to identify traffickers and hold them accountable. To date, the largest government program has been significantly less effective than originally hoped, as victims have not come forward to participate in the anticipated numbers. Why has United States immigration policy designed to assist in combatting human trafficking been largely ineffective in meeting its goals? What can be done to encourage increased participation? While some research has focused on the perceived shortcomings of this government program, the problem has not been thoroughly examined from the perspective of those who are in the best position to help the population of potential applicants fully understand and trust the system. I will examine these questions from the point of view of the advocates who work with the community of trafficking victims. I will determine their knowledge levels and perceptions of the program and explore the potential for utilizing their understanding of the needs of the community to better reach those who can benefit from the program.

On October 28, 2000, the United States Congress passed the Victims of Trafficking and Violence Protection Act (TVPA). The stated purpose of the act was “to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes” (Victims of Trafficking and Violence Protection Act, 2000). The enactment of TVPA created a new category of nonimmigrant visa, the T classification. This visa is available to victims of trafficking who meet certain eligibility criteria. The T visa program, according to the website for United States Citizenship and Immigration Services (USCIS), “protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking.”

The goals of the program are two-fold: it will assist victims, and from a law enforcement perspective these victims will assist in identifying traffickers and allowing them to be held accountable. The hope is that this will prevent the same people from victimizing more individuals, while at the same time sending a message that will act as a deterrent to others who see intending United States immigrants as targets. In anticipation of a large number of filings, when creating the TVPA congress capped the number of T Visas that could be issued by at a maximum of 5,000 per year. The number of filings received through the duration of the program thus far has been significantly lower (USCIS, 2019).

Scholarly research that examines the problem of human trafficking and delves into the lack of effectiveness of United States efforts overall sets the groundwork for the problem, giving us an understanding of where improvements must be made (Chacon,

2006). Since the inception of the T visa program, rates have risen very slowly or remained constant (USCIS, 2019). Given the low participation rates for the T visa program specifically, I will examine what other programs and advocacy organizations are doing generally to work with victims that might open avenues to encourage increased utilization, leading to better chances for achieving the stated goals of the program.

I hypothesize that the program is underutilized because victims are unaware of the program and its benefits, and even when introduced to the benefits that they are fearful of participation in a government program. Keeping in mind current scholarship that discusses the complexities involved in working with victims of trauma such as human trafficking, I will work with advocates to understand their perception of victim awareness, fears and concerns, and look at methods for reaching victims in light of the sensitivities surrounding their histories and making them feel more at ease utilizing the resource.

I will gauge current outreach efforts through the advocacy perspective, examining whether proper and effective information is reaching the intended audience on behalf of the administering government agency, United States Citizenship and Immigration Services (USCIS). I will endeavor to understand how the option of filing for a T visa is presented to victims and what the perceived positives and negatives are from the advocacy perspective. Ultimately, it will be important to examine whether there are more effective ways to increase program utilization, and particularly whether advocacy groups might have knowledge or suggestions regarding how better to work with victims and encourage cooperation. A high utilization rate is an important piece of reaching the T visa program's ultimate goal: putting an end to human trafficking.

Chapter II.

Definitions of Terms

Human Trafficking: “The United Nations defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons by improper means (such as force, abduction, fraud, or coercion) for an improper purpose including forced labor or sexual exploitation” (National Institute of Justice, 2019).

Human Smuggling: “Human smuggling is the importation of people into a country via the deliberate evasion of immigration laws. This includes bringing illegal aliens into a country, as well as the unlawful transportation and harboring of aliens already in a country illegally. Some smuggling situations may involve murder, rape and assault” (ICE, 2019).

T Visa: A nonimmigrant visa category available to victims of severe forms of human trafficking, allowing them to gain access to services and remain in the United States legally. In exchange, they must meet certain requirements, including showing that they are in the United States on account of the trafficking. They must also demonstrate a willingness to assist law enforcement in the investigation of their trafficker (USCIS, 2019).

Victims of Trafficking and Violence Protection Act (TVPA): A law enacted by congress in 2000, intended to protect victims of human trafficking and allow them to provide assistance to law enforcement in the investigation and prosecution of such crimes (Victims of Trafficking and Violence Protection Act, 2000).

Chapter III.

Background of the Problem

Human trafficking is one of the greatest human rights issues facing our nation and the world in the present day. It preys upon vulnerable members of society, exploiting their weaknesses and further victimizing them. In the United States of America, as in many other parts of the world, human trafficking has become a humanitarian crisis. When combined with the challenges faced by those attempting to immigrate to the United States, it becomes an even more complex problem.

As the twentieth century came to an end, issues of trafficking became part of the international spotlight and conversation in a way that they had not been addressed before that. Beginning with an awareness of sex trafficking, and moving into an additional focus on labor trafficking, members of the United Nations began to recognize a need to focus on the problem as a worldwide community. Throughout the 1990s, member states were examining how to define the problem on their own and within regional groups. Member states were gradually recognizing that this was an overarching problem faced not only by multiple members, but that there was a relationship between migration and trafficking as well, resulting in an international concern (Gallagher, 2010). In 2000, as part of the United Nations Convention against Transnational Organized Crime, members created the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children (United Nations Human Rights Office of the High Commissioner, 2019). The end result was a definition of trafficking that covered the elements all

members could agree upon. “The final definition contains three separate elements. The first element relates to an *action*: ‘recruitment, transportation, transfer, harbouring or receipt of persons.’ The second element relates to the *means* used to secure that action: threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person. The third element is related to the *purpose* of the action for which the means were used: Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The recognition that trafficking is often tied to migration was an important part of the analysis, on the parts of the United States and the United Nations. While there is a problem on a domestic level, immigrants tend to be particularly vulnerable to victimization due to their circumstances. Traffickers count on the ability to enforce power and control over their victims. Immigrants are often on their own, separated from family and cultural networks, so they are lacking a support system that they trust to turn to for help. Individuals who migrate to the United States are usually doing so in search of the opportunity to better their lives, and to assist their families. Many come on the premises of a promise of employment, and when they arrive they find that they were misled. At that point, they feel stuck in the situation, as they are alone in a foreign country without many options. They may also be convinced that they just did not fully understand what they had agreed to, but that they are now beholden to their traffickers. Commonly, these individuals do not understand what trafficking is, or that they fit the

definition of someone who could be eligible for help. Particularly when they have entered the country illegally, they are fearful of deportation and feel that their traffickers are their best chance of protection against being found out and removed (Wood, 2018). Individuals living in difficult situations in their countries of origin, struggling and fearful every day due to high rates of poverty and crime, are willing to go to great lengths to get themselves and their families to the United States, where they believe a better life awaits. This desperation makes them vulnerable targets for traffickers, who promise to help them attain the American dream, but at a cost. Once the trafficker gets them to the United States, they often turn the tables and tell the victim that they owe them a debt or are beholden to them in some way. Common scenarios involve the promise of an employment situation that turns out to be a trafficking arrangement, or the trafficker gaining control through the insistence that the victim owes them for getting them to the United States, so they must work off their debt. The power the trafficker asserts is very effective in making immigrants fearful, as they are led to believe the trafficker has the power to have them deported if they do not cooperate (Shelley, 2010).


In response to the problem of immigrants being vulnerable to trafficking, the United States Congress, as part of the Victims of Trafficking and Violence Protection Act (TVPA), created the T visa, which would grant temporary status to eligible victims of human trafficking. Serving multiple purposes, according to the USCIS website, “T visas offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking.” The visa provides victims who meet the eligibility requirements with protected status, removing their dependence on their traffickers. Generally, eligibility requirements include having been a victim of a severe

form of trafficking; being present in the United States on account of that trafficking; willingness to comply with any reasonable request from law enforcement to assist in the investigation and prosecution of the trafficker; explanation of extreme hardship that would be experienced if forced to return to the home country; and meeting of the guidelines for admissibility to the United States (USCIS, 2019). As part of the program, victims are given temporary protection from deportation, and work authorization. After maintaining this status for three years, they are eligible to adjust to lawful permanent resident status. Ultimately, they may become United States citizens. In exchange, the victims agree to assist law enforcement with investigation into and prosecution of their traffickers. This is an important piece of the program, as it brings to light the overall goal: to stop traffickers from committing their crimes (Victims of Trafficking and Violence Protection Act, 2000).

Utilization Rates

If the T visa program is to be a viable tool for fighting human trafficking, the number of participants must increase. It is clear that the potential beneficiaries of the program are living in the United States. Because it is such a secretive practice, estimates of how many victims are trafficked into the United States each year are difficult. However, according to a report created for the United States Department of Justice in 2006, estimates range in the tens of thousands (Clawson, Layne & Small, 2006). In enacting the TVPA, Congress set a cap of 5,000 T visas that could be issued each fiscal year. A cap on a program such as this implies that they were anticipating a large number of filings, greater than the United States economy and governmental infrastructure could accommodate all at once. The T visa program has not produced the number of

participants originally anticipated. According to statistics posted on the United States Citizenship and Immigration Services (USCIS) website, the number of applications filed has grown each year, but only in 2015 (15 years after the implementation of the program) did the number of filings even reach over 1,000 (USCIS, 2019).

|  U.S. Citizenship and Immigration Services Number of Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status 2008-2019 | | | | | | | | | | | | | |
|---|-------------------------------------|-----------------------|---------------------|----------------------|------------------------------------|-----------------------|---------------------|----------------------|------------------------------------|-----------------------|---------------------|----------------------|--|
| Period | Applications by Case Status | | | | | | | | | | | | |
| | Victims of Trafficking ¹ | | | | Family Members ¹ | | | | Fiscal Year Total | | | | |
| | Applications Received ² | Approved ³ | Denied ⁴ | Pending ⁵ | Applications Received ² | Approved ³ | Denied ⁴ | Pending ⁵ | Applications Received ² | Approved ³ | Denied ⁴ | Pending ⁵ | |
| Fiscal Year - Total | | | | | | | | | | | | | |
| 2008 | 408 | 243 | 78 | 203 | 118 | 228 | 40 | - | 526 | 471 | 118 | 203 | |
| 2009 | 475 | 313 | 77 | 318 | 235 | 273 | 54 | 247 | 710 | 586 | 131 | 565 | |
| 2010 | 574 | 447 | 138 | 304 | 463 | 349 | 105 | 448 | 1,037 | 796 | 243 | 752 | |
| 2011 | 967 | 557 | 223 | 494 | 795 | 722 | 137 | 500 | 1,762 | 1,279 | 360 | 994 | |
| 2012 | 885 | 674 | 194 | 560 | 795 | 758 | 117 | 586 | 1,680 | 1,432 | 311 | 1,146 | |
| 2013 | 799 | 848 | 104 | 421 | 1,021 | 975 | 91 | 546 | 1,820 | 1,823 | 195 | 967 | |
| 2014 | 944 | 613 | 153 | 613 | 925 | 788 | 105 | 583 | 1,869 | 1,401 | 258 | 1,196 | |
| 2015 | 1,062 | 610 | 294 | 808 | 1,162 | 694 | 192 | 858 | 2,224 | 1,304 | 486 | 1,666 | |
| 2016 | 953 | 750 | 194 | 866 | 895 | 986 | 163 | 715 | 1,848 | 1,736 | 357 | 1,581 | |
| 2017 | 1,141 | 672 | 226 | 1,175 | 1,118 | 690 | 122 | 1,101 | 2,259 | 1,362 | 348 | 2,276 | |
| 2018 | 1,666 | 580 | 310 | 1,930 | 1,313 | 698 | 261 | 1,490 | 2,979 | 1,278 | 571 | 3,420 | |
| Fiscal Year 2019 by Quarter | | | | | | | | | | | | | |
| Q1. October - December | 314 | 97 | 82 | 2,085 | 273 | 89 | 60 | 1,621 | 587 | 186 | 142 | 3,706 | |
| Q2. January - March | | | | | | | | | | | | | |
| Q3. April - June | | | | | | | | | | | | | |
| Q4. July - September | | | | | | | | | | | | | |
| Total | 314 | 97 | 82 | 2,085 | 273 | 89 | 60 | 1,621 | 587 | 186 | 142 | 3,706 | |

- Represents zero.
¹ Refers to victims of severe forms of trafficking (T-1) and family members of victims (T-2, 3, 4, 5, 6).
² The number of new applications received and entered into a case-tracking system during the reporting period.
³ The number of applications approved during the reporting period.
⁴ The number of applications that were denied, terminated, or withdrawn during the reporting period.
⁵ The number of applications awaiting a decision as of the end of the reporting period.

Notes:
 1) Some applications approved or denied may have been received in previous reporting periods.
 2) The report reflects the most up-to-date estimate available at the time the report is queried.
 3) Counts may differ from those reported in previous quarters due to system updates and post-adjudicative outcomes.

Sources:
 1) Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), Performance Reporting Tool, queried January 2019.

Figure 1. USCIS I-914 Filing Rates

Source: *uscis.gov*.

Roadblocks to Participation

The 2006 study completed by Clawson, Layne and Small helps to lay a foundation of the magnitude of the problem and identifies multiple areas that should be addressed in examining factors that discourage victims from coming forward. The authors worked on behalf of Caliber, a private company commissioned by the Department of Justice to conduct the study. The research examines human trafficking from eight different countries of origin, breaking down the statistics in terms of type of trafficking (sex trafficking vs. forced labor) and gender of the victims from each country. It examines each of these subsets and gives a thorough overview of the enormity of the problem in each area. It should be noted that the report submitted by Clawson, Layne and Small (2006) does note a decrease in the number of identified cases of human trafficking over the course of the past several years. It is possible that this decrease can be attributed in part to the T visa program.

In order to increase the efficacy of the program, it is important to understand what is discouraging victims from applying for the T visa program in the first place. As a result of scholarly examinations such as those completed by Chacon (2006), some potential roadblocks have been identified. On a fundamental level, victims of trafficking often do not identify themselves as victims, so the program needs to be supported within the community in a way that will help those providing services to help them understand their situation, and get them to the correct people who can assist them in examining the options for relief and where they could benefit. This starts with education so that service providers know how to identify human trafficking, and must include an understanding of which

social service or legal advocates can assist with gaining access to resources within the mental health, social welfare, and legal realms.

The Department of State's Trafficking in Persons Report (2019) cites several examples of victims who do not identify themselves as such. The stories collected in *To Plead our own Cause: Personal Stories by Today's Slaves* (Trodd & Bales, 2008) highlight examples of the circumstances surrounding victimization, and identify patterns as well. As we see repeatedly in these accounts, victims have typically gained something through their interactions with their trafficker. Often it was a means to enter the United States. This will usually also include a place to live and work upon arrival. Once present in the country, they are told that they must pay off a debt to the trafficker. That debt is usually an unknown sum, and the trafficker tells them that they will keep track of their finances and such until the debt is paid. The debt may include fees owed to a smuggler, who may then become the trafficker or may turn the victim over to another individual who "takes control" of the victim and engages in trafficking practices. Personal accounts retold in the Trodd & Bales book indicate that trafficking victims are routinely not given control over their own finances. They may know that they owe a debt to the smuggler, and that they owe money to their new employer for living expenses, but they are often charged interest on these debts as well, at rates set to ensure they will never be set free. While they are ensconced in the trafficking situation, victims are deprived of the right to maintain their own finances, so they are left unaware of what their debt looks like, and that the "balance sheet" is growing in debt faster than they are being paid for any services they are providing. Identity documents were typically handed over to the trafficker for the journey into the country, and they are not returned. There are also threats of deportation if the victim does not

comply with the trafficker's demands. Victims find themselves in a foreign land, with no identity documents and no legal status, living and working completely at the discretion of their trafficker. However, they believe that they have a debt to pay because they gained entry to the United States, and therefore they do not see themselves as innocent victims but rather as willing participants. Convincing them that they are victims is a task in itself, as they believe that their own decision-making resulted in their current situation and they are therefore responsible for the consequences of their actions. Even if those consequences seem unpleasant or unfair, they feel that they made choices that resulted in their circumstances, rather than accepting that they have been manipulated and victimized and that their situation is beyond their personal control (Trodd & Bales, 2008).

Additionally, as an employee of United States Citizenship and Immigration Services, working with the program that adjudicates applications for the T visa and makes eligibility determinations, I have observed that the program faces additional challenges because in many cases, the victim has committed some sort of crime, often just through the nature of their trafficking. Already fearful of deportation due to their lack of legal status in the United States (the fact that they would be eligible for the program implies that they do not have legal immigration status by some other means), they fear also that they will be prosecuted for crimes committed while they have been present in the country. Often, they will have engaged in prostitution, distribution of drugs, or other various behaviors that might be construed as crimes during the course of their trafficking. They have been taught to fear consequences from law enforcement and the United States government. An effective legal representative will be able to explain that there are waivers available even when there may have been a criminal conviction, if they can show that the crime was

committed as part of their victimization. However, getting to the stage where someone is helping them to understand the intricacies of these things is difficult when the fear of the unknown creates a barrier.

Several scholars have looked into the legal hurdles that make the program difficult for victims to navigate but have not examined the perspective of victims' advocates. In her article discussing the program, Jennifer Wetmore (2003) discusses the specific requirement that applicants for a T visa demonstrate they would experience extreme hardship if they were to return to their home country. Assessing the legal aspects of the program, Wetmore argues that the bar is unreasonably high for victims, and should be reexamined. Similarly, Pollock and Hollier (2010) detail process-driven shortcomings they have identified within the T visa program and make suggestions focused on improving processing times in the adjudications process through increased staffing levels, and allowing certain interim benefits to make the waiting period more palatable. Their research focuses on the legal options and potential process improvements. My research will expand on these ideas through the examination of what victims' advocates see as the challenges, determining whether these identified hurdles and proposed solutions would be helpful from the perspective of those who help victims move forward.

Marisa Cianciarulo (2007) makes suggestions about ways to refine and enhance the ways the law enforcement community works with trafficking victims, but has not explored whether these suggestions may also be relevant and helpful to advocates. Her research focuses on areas that she feels are often handled inappropriately, particularly focusing on common practices used by law enforcement and the role they play in working with victims and encouraging them to utilize the program. She recommends further education on

victims' issues for the law enforcement community, leading to more effective work with that community. I will explore Cianciarulo's suggestions in terms of the advocacy community, and ask the subjects of my interviews whether they feel they can use such suggestions in their own work, and in partnership with law enforcement.

Reaching and Working with Victims

The identified legal challenges become more complex when combined with the social and emotional needs of victims. Overcoming the challenges requires a means of reaching the intended beneficiaries, and helping them to overcome their misunderstandings and fears regarding the complexities of the program. My research will look at effective ways of working through trauma with victims, and revisit these challenges in the light of that information. Understanding the emotional fragility of victims is an important piece of pulling that information together. Sadruddin, Walter, and Hidalgo (2005) examine the psychological challenges faced by victims, further illuminating issues with the mandatory requirement to assist law enforcement in particular. They used their first-hand experience working with victims to explore natural reactions to stress, and explain that victimized individuals may be ineffective in assisting law enforcement due to Post Traumatic Stress Disorder and memory lapses or inaccuracies.

Studies that examine effective ways for reaching and working with victims are essential building blocks for understanding methods that may be used to promote program participation in this population. In his study of the social and emotional challenges in assisting human trafficking victims, David Hodge (2014) discusses methods

of carefully working with individuals to help them through the process of coming to terms with their situation, and moving forward toward rehabilitation. Hodge summarizes research that delineates the mental health challenges brought about by trafficking, and discusses considerations social workers need to keep in mind when working with this population. In looking for effective ways to reach these individuals, Hodge lays a groundwork for communication that may be useful in creating awareness of the benefits of the T visa program. Hodge does not specifically address human trafficking as a topic, but his cautions create important guidelines for advocates to keep in mind when determining how to talk effectively with victims about available options.

Much research has been done on the mental health needs of trafficking victims and the requirements for successfully helping them through their trauma, and the next step is to use the knowledge gained to assist in building effective strategies to explain the benefits of the T visa program and build confidence that will lead to increased participation. Nguyen, Coverdale, & Gordon (2017), in an effort to educate psychiatric nurses in identifying and assisting victim, note that most nurses do not have a comprehensive understanding of trafficking or the complications involved in dealing with victims. They encourage further education for healthcare workers and advocates. In furtherance of the conversation regarding effective ways to help victims move forward, Nnawulezi, Sullivan & HacsKaylo (2019) examine the effects of the environment in which victims are offered assistance on the effectiveness of recovery, finding that those living independently in the community find a sense of autonomy and move toward recovery more quickly than those living in a shelter.

My contribution builds upon these types of suggestions by looking at the problem from the angle of the advocates who work with victims. Little has been done to examine how these advocates interact with victims and might be able to assist in making the program more effective. Through investigation of the practices and experiences of experts who work with potential beneficiaries of the program, I will identify potential road blocks and make suggestions for effective ways to successfully bring more participants to the program. I will explore learning opportunities, as well as potential partnerships that could be built and utilized.

In an effort to communicate the benefits of the program to victims, and to the advocate groups who support them, the Department of Homeland Security (DHS) created the Blue Campaign. This initiative focuses on public outreach, victim support, and effective law enforcement strategies (DHS, 2019). It appears to be building a solid foundation for learning partnerships, and I will explore whether this program is successfully being utilized to create opportunities for increasing the number of successful program applicants. Part of my ultimate contribution will be looking at how this program is working toward effective strategies to communicate with the victim population, and determine whether the advocates working with victims are receptive to their efforts.

My research seeks to summarize and expand upon the knowledge gained through learning the successful methods advocates have cultivated in working with victims, and to find examples of areas where similar methods have found success. My aim is to identify areas that advocates feel could be improved, and areas where methods of communication can be used to better market and encourage participation in the T visa program, leading to more success in combatting human trafficking. Ultimately, I will

attempt to combine the knowledge I gain about successful resources available in our community with knowledge about the identified roadblocks to success in the T visa program, looking for ways these two pieces of knowledge can be combined to promote increased understanding and utilization of the T-visa program by victims of trafficking, resulting in a more effective and successful program.

Chapter IV.

Research Methods

The building of a knowledge base around the challenges in the T visa program from the perspective of advocates assisting human trafficking victims began with identifying organizations where these experiences may be taking place, and reaching out to ask for conversation. I first utilized my connections through employment with USCIS, asking coworkers who had possible contacts in the advocacy community if they could make any introductions. An internet search for human trafficking assistance yielded a number of options and led me to the National Human Trafficking hotline website, which contained a large list of advocacy organizations. Using this list, I reached out via email to approximately 220 organizations, focusing on groups whose websites indicated that they worked with trafficking victims. Additional referrals resulted in approximately 20 follow-up inquiries. In choosing my initial contacts, I did not make a distinction between those who indicated they worked with immigration issues and those who did not. My intention was to discuss these issues with a variety of advocates who may find themselves faced with assisting a victim who appeared to have questionable immigration status. My initial email outlined the following questions I was interested in discussing:

I am currently working on a Master's thesis at Harvard University, entitled "Underutilization of the T Visa Program for Human Trafficking Victims: Learning From and Creating Partnerships with Advocacy Organizations." I am hoping to talk with a number of advocates who work with victims of human trafficking, and I'm wondering if you or someone within your organization might be willing and available to meet with me, through skype, over the phone, or by whatever other means might work for you.

My goal is to gain the advocate’s perspective on the benefits and challenges of the T visa program, and why victims may choose to pursue the option or not. The specific questions I would like to explore are as follows:

1. Are you aware of the T visa program as a tool for undocumented immigrants who have been victims of human trafficking?
2. Have you had experience assisting individuals in working through whether to apply for the T visa? Can you share any insights around what might make the program appealing or not, from a victim’s standpoint?
3. Do you have recommendations or refinements to the program that might make it more accessible or useful for victims?
4. Do you have recommendations or insights into the best way to communicate with victims about their potential options?

Interview Results

My contacts resulted in an opportunity to converse with individuals at fifteen organizations, as well as receiving notable email correspondence from an additional seven individuals. With the questions from my email in mind, I engaged in open-ended conversation with these organizational representatives, asking for their input and experiences. The tables below indicate the most notable area of concern identified by each of the interviewees. For full interview notes, see Appendix A.

Table 1. Primary Concerns of Legal Service Providers

| | |
|---|---|
| Sarah Diaz, Immigration and Human Rights Consultant | Specific requirements can be confusing for attorneys, leading to uncertainty about whether their clients should apply for the visa. Increased outreach and education is needed. |
|---|---|

| | |
|---|---|
| Ascentria Care Alliance | Fear of the immigration system in general (fear of ending up in deportation proceedings specifically) is a major deterrent in victims' willingness to apply for benefits. |
| Advocating Opportunity | The length of time it takes to work through the T visa process leaves victims in a state of uncertainty, without status and not knowing what the future holds, for a daunting amount of time. |
| Northwest Immigrant Rights Project | Traffickers instill fear in their victims of law enforcement and government agencies, leading to a reluctance to turn to government programs for help as they fear negative consequences such as prison or deportation. |
| Safe Horizon | Victims and social service providers often do not have the knowledge and awareness to recognize and identify the trafficking crime, and therefore do not end up under the advice of a knowledgeable legal advocate who can help them understand the available benefits. |
| Rocky Mountain Immigrant Advocacy Network | Policies seem to be making requirements harder to meet, and fear of deportation if an |

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| | application is denied creates a new barrier to deciding to apply for the T visa. |
| American Gateways | Social service providers do not have the proper knowledge to identify victims, so often the victims do not get referred to the proper resources for assistance. |

Among the legal services community, the primary themes that emerged were the challenges faced in understanding the intricacies of the legal options and the uncertainty about the future that stays with the victim while navigating a lengthy and complex process. There was also a common belief mentioned by a number of legal service providers that those who first encounter trafficking victims, such as first responders or mental health providers, do not have the proper training and education to identify trafficking and direct victims to proper resources.

Table 2. Primary Concerns of Social Services Providers

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| Five Sparrows, The Fayetteville Dream Center | Cultural boundaries create isolation and fear of unknown agencies and programs, allowing traffickers to control victims. |
| Homeland Security Investigations | The T visa process is lengthy and intimidating, leaving victims in a state of uncertainty. The need to simply survive |

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| | from day to day often eclipses any urgency to focus on long-term solutions. |
| Loyola University School of Law | Attorneys are often intimidated by the complex requirements for T visa approval, do not understand how to identify eligible cases, and often choose to pursue other routes rather than chance a denial that would lead to potential deportation. |
| Tamar's Tapestry | Victims are taught by their traffickers not to trust anyone outside of their immediate circle, and particularly that law enforcement is to be feared. Therefore, victims have a hard time trusting those who can help them and this hurdle must be overcome before moving forward. |
| Glory House of Miami | Advocates need a better understanding of the options available to victims, enhancing their ability to assess the appropriate referrals to resources and assistance. |
| YWCA Wheeling | Cultural norms create a loyalty to established practices and a resistance to "turning in" traffickers and being |

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| | responsible for disrupting the working opportunities for other members of the community. |
| Sanar Institute | Social service providers could use enhanced training to understand the options available to victims, so that they can direct them to the correct resources for assistance. |
| U.S. Institute Against Human Trafficking | Head of this organization had only a cursory familiarity of the challenges faced by immigrant victims of trafficking. Not certain he would know how to assist someone in this circumstance. |

Among social service providers, there is a common theme of mistrust of law enforcement and government entities, exacerbated by a fear placed by traffickers that these “outside” entities will move to deport them if they come forward. This is coupled with a general feeling among service providers that they would benefit from further education and understanding of the options available, and the resources they can guide victims toward to get the proper assistance.

While these were the immediate takeaways, in most of my interviews multiple issues were identified. My analysis will look at the common overarching concerns and discuss them in further detail.

Chapter V.

Analysis

Individuals who shared their thoughts came from both the legal services and mental health services community. When the interviews conducted are analyzed, some common themes readily emerge. In order to understand the concerns discussed, it is important to understand the foundational legal requirements for approval of a T visa application, and how they can be immediately daunting or problematic. The United States Citizenship and Immigration Services (USCIS) website cites the following requirements for the T visa:

“You may be eligible for T nonimmigrant status if you:

- Are or were a victim of a severe form of human trafficking as defined above;
- Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking;
- Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (unless you are under the age of 18 or you are unable to cooperate due to physical or psychological trauma. In either case, you may not need to show that you complied with reasonable requests from law enforcement);
- Demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States; and

- Are admissible to the United States (If you are not admissible, you may be eligible for a waiver of certain grounds of inadmissibility).”

Each of these requirements can be difficult to fulfill or to prove, and they set quite a high bar for approval of a petition. The victim or their representative must have a strong understanding of the intricacies of the guidelines, understanding what fits the definition of a victim of a severe form of trafficking, and what should be submitted to show eligibility. Each of these items was identified as a barrier by the individuals interviewed, and will be discussed at further length. The USCIS website is focused on the legal definitions used to assess eligibility for the T visa. The Department of Homeland Security developed the Blue Campaign to assist in outreach and education in an effort to combat trafficking (DHS, 2019). As a resource, this would be an excellent avenue to provide clarifying information about how individuals might qualify for different types of relief. However, as the Blue Campaign was not mentioned as a knowledge resource in any of my interviews with advocates, it appears that there is much work to be done in the area of outreach.

In assessing the concerns that came up in the interviews, they can be grouped into four common themes described below.

Processing Times

Concerns about processing times included the length of time required to gather the information necessary to successfully file a petition for benefits, including the emotional and draining process of obtaining a statement from the victim, as well as the increased adjudications processing times once the petition is filed with USCIS. The length of time was cited as a concern because victims are left in an uncertain status, and

are required to remain in the United States while awaiting a decision. As the interviews illustrated, the requirements for approval become more difficult as time passes.

Jessica Mora of the Sanar Institute discussed how tumultuous going through the process can be for trafficking victims. The need to retell the story of their victimization so that it can be properly represented to United States Citizenship and Immigration Services (USCIS), to the level that it proves a severe form of trafficking, can be very emotionally daunting. It can take several meetings and an extended period of time just to get through that process. Once the petition is able to be filed, the expected wait time is currently one and a half to two years. During this time, the victim is in a state of limbo, uncertain about the outcome of their future (J. Mora, personal communication, July 22, 2019).

Grace Tellez with Advocating Opportunity shed further light on the hardships this extended state of limbo produces. The requirements for approval of the visa include proof of presence in the United States on account of the trafficking, and that leaving the United States would cause them extreme hardship. To meet these requirements, the victim must remain in the United States. To leave and return home would immediately make them ineligible for the T visa, as they would no longer be in the United States due to trafficking, the initial requirement. Returning home or visiting another country would also negate the argument that removal from the United States would create hardship. If they are willing to go on their own accord, they demonstrate that they have options outside of remaining in the United States.

In order to assist with some of the difficulty faced by victims who have been pulled out of abusive situations but have limited other options, Immigration and Customs

Enforcement (ICE) was given the authority to grant a status called Continued Presence (CP). CP is a discretionary benefit that can be granted to any individual identified as a potential victim, or as a witness to a trafficking crime. When an individual holds CP status, they are allowed to remain in the United States without fear of deportation during the investigation of the crimes they are connected to, or during the pendency of applications for other long-term options for relief, such as the T visa. While they are in this status, the victim has permission to work, and is eligible for some health and welfare social service benefits. These benefits make staying in the United States a feasible option. Ms. Tellez shared that in her experience, ICE has become much less likely to grant CP status over the past couple of years. This creates a hardship caused by the lengthiness of the T visa process that is becoming more difficult to overcome, and therefore processing times are a much larger deterrent than they used to be (G. Tellez, personal communication July 12, 2019).

Arthur Correiri with Homeland Security Investigations spoke at length about the hardships he sees as victims attempt to navigate the uncertainties that come with the requirement to remain in the United States without a certain legal status, making it through each day without an idea of what the future holds, or whether tomorrow they will find out that everything has changed. His position leads him to working with victims who have been newly identified as needing help or removed from their trafficking circumstances, as Homeland Security Investigations moves in to investigate the trafficking. He refers individuals to advocates who can assist them with their legal situations, but he related many stories in which he saw the difficulties inherent in a continued state of limbo while waiting for things to be processed.

Mr. Correiri specifically discussed how difficult it is for someone who has spent their time in the United States completely dependent upon someone else (presumably their traffickers) to suddenly find themselves independent and with the need to be self-sufficient. The jobs these individuals are able to obtain with no marketable skills and a temporary work authorization often do not pay enough for them to maintain a lifestyle in the city setting they find themselves suddenly navigating. In addition to this is the lack of ability to return home, even for a visit, to gain support from their family systems. Often victims will start to move around in search of living and employment situations that will suit their needs. This creates difficulty in working with the legal services they may have begun to go through the process of obtaining a visa with, and it means they must start over with new advocates somewhere new. Mr. Correiri's observation is that the day to day survival of these individuals eclipses any urgency to navigate the system through proper channels, and they often find themselves on the outside of the legal system at the end of the process (A. Correiri, personal communication, July 18, 2019).

Anali Looper with American Gateways added that the lengthy time frames to prepare applications and wait for adjudications make it more and more difficult to fulfill the requirement that the victim is in the United States "on account of the trafficking." Once they are removed from the trafficking scenario, they can continue that they are in the country to assist law enforcement as long as the investigation or prosecution is ongoing. They may also be able to show that their entry into the United States was related to the trafficking, either that they forced to enter or that they were tricked into entering, thinking that they were hiring transport or had a legitimate job waiting, only to find themselves in a captive situation after entering. If they can combine this presence in

the United States with a convincing explanation about why they would suffer extreme hardship if they were made to depart and had to return to their home country, they may be able to make a case for being in the United States on account of the trafficking. This becomes more difficult, however, once they are removed from the trafficking situation and begin to build a life in the United States. The more settled they become outside of the trafficking scenario, the more difficult it becomes to show that they are currently present because of the trafficking, and the circumstances must exist at the time of filing of the application (A. Looper, personal communication, August 22, 2019).

The difficulty in this is that it is a unique requirement and separate from the need to show that they would suffer hardship if they were to return to the country of origin, generally an easier thing to demonstrate. To meet the presence requirement, the victim must show that they remain in the United States due to an inability to depart that is directly related to their trafficking. As many victims have been removed from their trafficking situations for some time prior to the filing of a T visa application, showing that their circumstances are such that they must remain in the United States can be complicated. They must show they are unable to remove themselves from their situation. Another way this requirement might be satisfied is through a demonstration that they must be present to assist in a law enforcement investigation, but that can be challenging as often investigations may be stalled, or the investigators may not be willing to state that they need the victim present in the United States in order to proceed with investigation or prosecution. It is also possible that a victim may be able to show that they are receiving physical or mental health services that would be difficult to continue elsewhere, and that ceasing the treatments would be detrimental. However, this is again a challenging

argument to make, as it would require showing that the particular treatment they are benefitting from is not available anywhere outside the United States.

Caleb Stewart with Rocky Mountain Immigrant Advocacy Network, added to the discussion by way of explaining that for many of the individuals he comes in contact with, the wait and what it means in terms of lack of ability to move on or maintain contact with family just becomes too long. Even if individuals are not in detention, the lack of ability to travel home even for a visit can become too high a price to pay for the length of time it takes to get an application through the process. He indicated that he also sees a number of clients without legal status who find themselves detained and awaiting deportation proceedings. They have the option to push back, and to fight deportation given that they have a pending application for status under the T visa program, but for many the stress of remaining in detention becomes too high a price, and they choose to allow themselves to be deported, knowing that it means they are giving up eligibility for the T visa (C. Stewart, personal communication, July 20, 2019).

The ongoing viability of the T visa program is tied to the ability of victims to work through the process while working through their trauma and moving forward with their lives. The lengthy processing times presently experienced to obtain approval require a concurrent plan for giving victims the means to live life from day to day in the meantime. While Continued Presence status can be granted providing work authorization and protection from deportation, the status is granted at the discretion of Immigration and Customs Enforcement (ICE), and from their point of view is intended to keep individuals present who may be helpful while they conduct investigations into traffickers. They are less focused on providing a resource that gives benefits for the purpose of helping victims

to maintain a standard of living while a T visa application is pending. A shift in focus could go a long way in bringing forth additional applicants, as it would ensure some peace of mind. While the Department of Health and Human Services (HHS) is responsible for administering social welfare benefits, victims need to be able to show that they hold some sort of legal status in order to be eligible for those benefits. The Continued Presence status granted at the discretion of ICE makes them eligible to pursue public benefits, and allows HHS to step in and assist them in their day to day living while awaiting a more permanent solution.

This proposed shift in focus might be an opportunity for victim advocacy organizations and mental health providers to establish connections with ICE and work in tandem with them. While ICE is currently focused on enforcement activities, an enhanced understanding that Continued Presence status can assist victim in obtaining social services and maintaining a day to day existence, and give a greater sense of security, could encourage a more liberal granting of the benefit as they understand that more victims might be moved to come forward. As additional victims are granted Continued Presence to help them as they move through the process of applying for the more permanent solution the T visa can offer, advocacy organizations must be poised to ensure that victims are able to identify and take advantage of the benefits available, including opportunities to work and receive welfare benefits such as health insurance and day to day living assistance. If these organizations can work together, a more supportive and transparent environment may lead to additional victims coming forward with information which will ultimately assist in the goal of fighting human trafficking.

Additionally, there is an overwhelming opinion that wait times are a large deterrent to beginning the T visa application process. Acknowledgement that this is an issue, combined with a recognition that the only way for the T visa program to accomplish its goals for combatting trafficking is to bring in large numbers of victims with information, may result in a focus on improving processing times on the part of United States Citizenship and Immigration Services (USCIS). The primary means for improving processing times would come through shifting resources to the processing of these applications. This would require additional hiring or movement of resources from other priorities, so the understanding that the decision to do so would result in positive gains in a program that should be considered priority is important.

Changes in Policy

There is a belief among many of the advocates I spoke to that the current administration has shifted the priorities in government away from victim-based services, and that the focus is so centered on enforcement that humanitarian programs are changing to become much less helpful and accessible to victims. This belief is not supported by actual data points, but rather by observation and anecdotal evidence based on what advocates think the goals of the current administration will mean for victim-based programs that may be in conflict with stated enforcement priorities.

Several recent policy changes, actual and perceived, were cited as deterrents to individuals who consider applying for a T visa. Perceived changes included heightened standards of evidence for approval, as legal service providers cited an increase in requests for evidence and denials of cases they believe would have been approved in previous years. The largest policy change of concern was a recent policy memo requiring USCIS

to refer any denied applicant to ICE to be placed into deportation proceedings. This new policy places a level of risk in applying for a T visa that is giving many second thoughts about utilizing the program. The interviews demonstrated concerns in all of these areas.

Grace Tellez spoke at length about her perceptions of the new policies and direction within the government. She discussed the increase in adjudicative processing times for the T visa by United States Citizenship and Immigration Services (USCIS), indicating that in the past couple of years wait times from filing an application to receiving a final decision have increased from approximately six months to an average of a year and a half to two years. Having heard that there is a new focus on enforcement within the Department of Homeland Security, she believes that there has been a shift of resources, moving people from adjudicating humanitarian-based applications for benefits to focus more on enforcement-based activities. While the numbers of officers adjudicating specific types of applications is not data available to the public, as a manager working for United States Citizenship and Immigration Services in the division responsible for adjudications of T visa applications, I can confirm that this notion is incorrect and the number of officers has not decreased.

Ms. Tellez also shared from observation that she believes she has seen an increase in requests for additional evidence, looking for information she doesn't believe would have been requested in the past. She also believes that she has seen denials on cases that she thinks would have been approved in the past, and this leads her to believe that there have been shifts in policy direction within the agency.

Finally, Ms. Tellez discussed the USCIS policy memo published in June 2018, which requires USCIS to issue a Notice to Appear (NTA) to any denied applicant who is

then left without status. The NTA requires the individual to appear in immigration court for deportation proceedings. Prior to the release of this memo, it was common knowledge in the advocacy community that alleged victims of crime would not face adverse consequences for coming forward and applying for relief, even if the relief was not granted. Therefore, the memo was a drastic and significant shift in policy. The result, according to Ms. Tellez, is that there is a much greater risk in applying for help. The ability to predict that a case is approvable seems to be more difficult, and the consequences of a failed plea for a visa are vastly more severe. This makes the “NTA policy memo” a large deterrent to applicants considering participation in the program (G. Tellez, personal communication, July 12, 2019).

Stephanie Martinez of the Northwest Immigrant Rights Project has also noticed the increase in adjudicative processing times at USCIS, and has deduced that the increase in wait times is very likely a result of a shift in resources, focusing on enforcement rather than victim assistance programs.

Ms. Martinez duplicated the feeling that the “NTA policy memo” makes the risk of consequences if a case is denied perhaps too high, and she believes that victims who may have been willing to come forward previously will now choose to stay hidden in the shadows rather than take that risk (S. Martinez, personal communication, July 18, 2019).

Anita Tekah of Safe Horizon shared similar concerns about the increase in the number of requests for additional evidence and the belief that she has seen cases denied recently that she believes would have been approved in the past. She stated that particularly in light of the new “NTA policy memo,” the increasingly questionable outcomes for a victim willing to work through the immigration process make it more of a

burden and less of a positive risk to put themselves and their situations under a microscope (A. Tekah, personal communication, August 20, 2019).

As a program manager within USCIS who has managed T visa adjudications over the past four years, I can lend clarity to some of the perceptions. The perception that resources have been shifted to focus on the priorities of the new administration is understandable, particularly given the focus on enforcement priorities in the news media, but it is incorrect. The resources used to adjudicate applications for the T visa are not the same resources used for enforcement activities, and there has been no shift in resources between these two priorities. Increased processing times are best explained by the increase in number of applications filed (See Figure 1), coupled with the fact that while resources have not been redirected, additional resources have not been added to the case load. The chart referenced in the beginning of the paper shows a gradual increase in the numbers of filings almost every year since the inception of the program. Moreover, in the ten years between 2008 and 2018, the number of yearly filings quadrupled (USCIS, 2019). In addition, the initial cases that were filed may have been more clear-cut, whereas additional individuals who identify the T visa as an option may have more complex cases that will require additional review time. This can be explained by the fact that as more individuals learn about the program as an option, the knowledge of the option is spread to those who may not be so obviously eligible for the program, but see it as an option. This leads to additional individuals who file as a potential option, perhaps in addition to pursuing other avenues at the same time. The increased awareness may also lead to an increase in individuals attempting to filing fraudulent claims, though public

data about percentages of fraud found is unavailable. Over time, these factors combined explain the increasing backlog.

This explanation about more complex cases coming forward may account for some of the explanation around an increase in requests for evidence and ultimately cases being denied. While there has been no formal policy redirection, officers adjudicating trafficking cases have been required to dig further into the definitions and intent behind the requirements for the visa, as many of the cases coming forward as this option becomes more well-known may meet the requirements, but some individuals who may barely meet or not meet the standards are encouraged to attempt an application. Cases that do not clearly meet the legal definitions require additional examination to ensure that the law is interpreted correctly, leading officers to often need to research similar case law or analyze the implicit meanings of the law and regulatory interpretations of such. This isn't necessarily a more rigorous inquiry because of changes in policy direction, but rather a need to ensure that the cases increasingly filed with questionable information or that may only minimally reach the standards for approval are decided appropriately. Within that increased scrutiny comes increased knowledge on the part of the adjudications officers, which may result in additional questions that may not have come to light previously.

By far the issue most often discussed by individuals who understood the changes in policy came from the policy memo requiring an NTA to be issued upon denial of humanitarian cases. Samantha Howland at Ascentria Care Alliance indicated that she sees the new "NTA policy memo" as a strong deterrent to increased participation in the T visa program. With the news focused on the current administration's emphasis on

deportation and removal, the prospect of navigating immigration court and deportation proceedings is daunting and feels to many like too heavy a risk to outweigh the potential benefit (S. Howland, personal communication, July 11, 2019).

Caleb Stewart concurs with that sentiment. As he was focused primarily on the difficulties inherent in the length of time it takes to obtain a benefit, he mentioned that with what he also sees as a higher bar for approval lately, coupled with the higher stakes involved in being denied, he believes more victims will decide that the benefit is not worth the risk (C. Stewart, personal communication, July 20, 2019).

Anali Looper also expressed this belief. Pointing to the “NTA policy memo” specifically, she stated that many victims may be deterred from participation in the program due to the higher stakes if their case ends up denied (A. Looper, personal communication, August 22, 2019).

As presidential and congressional leadership shifts over time, different priorities emerge. The “NTA policy memo” is a clear demonstration of a shift from a government interested in victim protections as a priority, to one interested in finding and deporting any and all aliens without a legal immigration status. The balance to that comes in the ability for victims to access humanitarian programs, such as the T visa, the U visa program for victims of violent crimes, or asylum, in order to obtain permission to stay in the United States.

Fear of Outside Entities

The topic of fear was an overarching theme within the interviews. This category includes fear of retribution by traffickers after coming forward; fear of law enforcement officials due both to fear placed by traffickers and fear of deportation or legal

consequences as a result of actions performed during the trafficking; and a general fear of anyone outside of the victim's immediate cultural circle. The advocates I spoke with described these different types of fear specifically and at length as perhaps their biggest challenges and what they see as deterrents to victims coming forward and placing their trust in the government as a means of getting help.

Pete Twedell of Five Sparrows discussed at length the importance of the cultural community for the clients he has worked with. He stated that most often he sees victims pulled into association or business with those from similar cultural background. This serves to create a natural isolation from the rest of the community, and an additional reliance on those with familiar backgrounds, including the traffickers. Mr. Twedell spoke about several victims he has encountered within the Chinese community. Business owners bring workers in from similar backgrounds, and keep them within the confines of their cultural communities. Mr. Twedell has observed that even in severely abuse situations, there is a sense of honor and duty toward the cultural community, and victims are reluctant to be the one to "bring the business down." Capitalizing on the sense of honor already inherent in victims in this situation, traffickers create a fear of retribution, not only from themselves but others in the community. The person who betrays the community can expect to be dishonored and ostracized.

Mr. Twedell also shared what he found was an especially illustrative story portraying the challenges. He described an African client he encountered who had been severely victimized by someone within her culture. He worked hard to get her the needed social services, but when it came to working with law enforcement to begin the process that would assist her in gaining legal immigration status, she adamantly refused to turn in

her trafficker. After working with her at length, he learned that the trafficker had told her he had connections to people who would perform voodoo on her if she betrayed him. As an outsider, Mr. Twedell found he had no basis to argue and discount her beliefs, and it taught him the importance of understanding the cultural community and meeting victims there to address their fears. He learned that he needed to listen and be open to the idea that things he might dismiss as unrealistic, such as a threat of voodoo, may hold a lot of weight to individuals from other cultures and influence their ability to overcome their fears (P. Twedell, personal communication, July 8, 2018).

Stephanie Martinez shared similar observations about how victims are kept isolated within their cultural communities and taught to fear outsiders. When victims are kept isolated from the larger community and not allowed to learn the cultural norms around them and particularly the language, those who may be equipped to help them remain foreign and scary. Traffickers then capitalize on being the only ones with access to their victims, telling them what they want them to think about those in the community, especially law enforcement and the United States government. They are able to convince their victims that any encounter with law enforcement is to be feared, because they do not have proper status and will be deported immediately if that is discovered. This fear keeps them quiet, and makes it less likely that they will cooperate with law enforcement even if they find themselves in contact (S. Martinez, personal communication, July 18, 2019).

Cecily Powell-Spangler of YWCA Wheeling shared a similar observation about loyalty. She primarily deals with individuals who have been victims of labor trafficking, and shared that within those communities, there are often multiple generations of family members working for a single trafficking organization. Through creating a family bond

over time, the traffickers ensure a sense of loyalty, and there is an understanding that the person who turns in the trafficker endangers the whole business and therefore leaves family members without the security of work. Through this fear, traffickers ensure that victims put up with abuse and unfair labor practices, as no one wants to be the person who leaves everyone else without their means to survive (C. Powell-Spangler, personal communication, July 23, 2018).

Samantha Howland also discussed the tactic traffickers use of making victims fearful of law enforcement and the United States government. She stated that it is a fundamental fear placed in victims. They do not hold legal immigration status, and if they are found out they will be immediately deported (S. Howland, personal communication, July 11, 2019).

The founder of Tamar's Tapestry, Tracy Hughes, reiterated the fear that she sees in victims as they have been isolated from the community around them and taught that everything unknown is potentially dangerous and should be feared. She shared further that the victims she has worked with, primarily coming from the sex trade, are usually also isolated from each other. They are truly kept in situations where the only person they have to rely on for their daily survival is the trafficker.

Ms. Hughes spoke at length about the challenges this creates for those who try to help victims get out of the situations and move down the road to recovery. Consistent with the other interviewees, she described the mistrust victims are taught to have particularly of authority figures. They are taught that law enforcement and government agents are to be especially feared, as the negative consequences of contact with them would be jail because the services they perform are illegal, and ultimately deportation as

their lack of legal status would be discovered. Ms. Hughes shared that victims often do not look at her as an authority figure strong enough to take on and overcome their trafficker. Her primary mission when she begins to work with a victim is to convince that victim that she is stronger and braver than their trafficker, and that she can take care of things for them. This means that she must convince them that she has the resources to protect them from their traffickers, and that she can assist with moving to bring the traffickers to justice. Up to the point that Ms. Hughes comes into the picture, victims have believed that no one has more power than their traffickers, and even if someone tries to help, as soon as they leave the scene the victims will be at the mercy of the traffickers once again. Gaining their trust and confidence has been key if she is to be successful in assisting victims. Once she is able to gain that level of confidence, she shared that they are usually willing to trust her recommendations about ways forward toward potential relief (T. Hughes, personal communication, July 22, 2019).

Anita Tekah shared similar concerns about victims being led to believe that they are responsible for their own circumstances, and the trafficker is the only one who can protect them from law enforcement. She shared that victims often feel responsible for their own circumstances, as they think decisions they made resulted in their current situation. They are then led to believe they are complicit in the crimes they commit, sometimes prostitution or dealing drugs, for example. The traffickers convince them that discovery will result in their being held responsible, and would never be given legal status in the United States because they have broken the law (A. Tekah, personal communication, August 20, 2019).

It is important to note that while admissibility is a requirement for approval of a T visa, and being convicted of a crime is often a factor that would make one inadmissible, the T visa program allows for the possibility of a waiver of inadmissibility. In my experience as a program manager for United States Citizenship and Immigration Services, the most commonly waived scenarios are illegal entry, and criminal convictions when they can show that the criminality was directly related to their victimization. Immigration attorneys who work with victims appear to be aware of this, but convincing victims that their crimes may be waived is another factor in gaining their trust and encouraging them to come forward.

Fear of their abuser is another poignant issue inherent in the daily lives of trafficking victims. They are afraid of retribution if they try to turn their traffickers in. As they have been taught by these abusers that law enforcement and generally anyone with an “official” title or a uniform is to be feared, the lack of trust that they will be taken care of translates to a lack of confidence that they will not face retribution from the trafficker, ultimately remaining in their situation but being punished as well. Those who have the opportunity to reach out to victims must first overcome the fear that encompasses their every day. Gaining the trust of those who have been taught not to have confidence trust them is a large hurdle. The challenge in this is finding a way to gain enough trust to earn some significant gains, so that the program will be increasingly well-known and potential beneficiaries may hear success stories from those in their own social circles. This is really an individual effort by those working with victims, but networking can be useful in helping to find suitable methods to break through.

Need for Improved Outreach

A need for outreach among the advocacy community was cited as a need so that professionals can better understand the options for victims and assist them in understanding their individual circumstances and what can be done. Additionally, outreach to potential victims was identified as a need, as victims often do not even understand that they are potentially victims of trafficking.

Sarah Diaz, an Immigration and Human Rights Consultant, began her interview with a strong statement that she believes the greatest need in helping the T visa program to flourish is additional outreach and understanding on the part of those working with victims. She has worked with many advocates and attorneys who may be aware of the program as a potential avenue for a client, but are uncertain about whether their client is a good candidate who would likely be approved. She explained that the requirements for the program seem open to interpretation, and often advocates do not fully understand what circumstances may qualify.

Ms. Diaz spoke specifically about the need to show that the victim is “present in the United States on account of the trafficking.” The requirement to show that the victim is currently remaining in the country because of the trafficking is a different and more complex guideline than the ability to show that they entered the country “on account of the trafficking.” In fact, they may have entered the country through some other means before falling into the hands of their trafficker. As long as they have not departed the country because the trafficking scenario has made them unable to do so, they are eligible. They can show that they remain in order to assist law enforcement with investigation and prosecution, or that their current circumstances, brought about by the trafficking scenario,

make it unfeasible to leave. While there are several ways to meet this requirement, it seems very open to interpretation and therefore is often daunting to legal service providers faced with proving that the victim meets the bar. If a victim is no longer under the control of their trafficker, it is often difficult to show that their current presence in the United States is not a personal choice (S. Diaz, personal communication, July 3, 2019).

Samantha Howland is responsible in her daily job for assisting victims in determining the best legal path to meet their individual needs. However, she shared that she has no knowledge of the mental health needs of her clients, and sees partnership between legal and mental health services as extremely important. She believes that each side of that coin has something to offer to victims, and to enhancing the knowledge of each in the challenges faced and the options available to the victim (S. Howland, personal communication, July 11, 2019).

Suzette Valdez at Glory House of Miami shared that all of the clients she has worked with thus far have been United States Citizens so she has not needed to develop a knowledge of options available to an individual with immigration concerns. However, she recognizes that it is very possible someone with those issues could come into her care at any time, and she feels uncertain about the resources that are available to help them. She feels that there could be more outreach and information to assist people like her who might find themselves with a need to assist a victim (S. Valdez, personal communication, July 23, 2019).

Cecily Powell-Spangler opined that the most urgent need is in getting information to victims, through whatever means possible, so that they can understand they are not being treated properly and that there is a means for relief. It is her belief that this

information can get to victims through the efforts of organizations engaged in outreach through public awareness such as publicly displayed literature and social media campaigns, but that it is even more urgent to train law enforcement officials and social service providers to recognize the signs and be able to recognize trafficking so that they can explain it to those who may not realize their situation is out of the ordinary (C. Powell-Spangler, personal communication, July 23, 2019).

Anita Tekah discussed that victims who are not willing to self-identify may not realize they are in a situation that merits relief, but they could just as likely be unwilling to speak up because of the fear previously discussed. Therefore, Ms. Tekah stated that it is extremely important to provide training to law enforcement, social service providers, and first responders, all people who may come in contact with victims. The training should encompass how to spot red flags and identify trafficking, and how to explain such to the victims in such a way that will encourage them to self-identify (A. Tekah, personal communication, August 20, 2019).

Caleb Stewart shared that while he is fully versed in the requirements of the T visa, he has had contact with fellow attorneys who have not worked with victims on this type of application and do not understand the intricacies. He recognizes that for a legal services provider suddenly faced with a victim who might be eligible for a T visa, the application process may seem complex and difficult to navigate. He shared that there are resources available in writing, but one would need to know what to look for and where to find the information. He believes that the legal community could benefit from more general training on this issue (C. Stewart, personal communication, July 20, 2019).

In her social work role, Jessica Mora is responsible for helping clients to find the resources to best fit their unique needs. She shared that while she has a basic knowledge of the options available for trafficking victims with immigration concerns, she would refer such individuals to an immigration attorney. Knowing that attorneys are not suited to handle the mental health side of services that she provides, she feels it would be beneficial to have additional knowledge of the T visa process, so she could work with victims to help them understand the process and be prepared for what may be required (J. Mora, personal communication, July 22, 2019).

Anali Looper shared some unique perspectives on where she thinks additional information could be helpful. Ms. Looper believes that human trafficking is greatly under-identified, primarily due to a lack of training and understanding of law enforcement and first responders. They are not trained in how to spot the subtle signs of human trafficking and to work with a potential victim who needs help. They are only trained to think “human trafficking” when they see obvious, egregious cases, usually involving large numbers of individuals.

Another misunderstanding in first responder and law enforcement assessment of whether a situation is trafficking comes in the perspective from which they approach the issue. From a law enforcement standpoint, she has often heard assessment based upon whether the case is clear-cut enough that they think they could get a conviction in court against the trafficker. They are not aware of the much lower standards needed to pull the victim out of the situation and find legal remedies, and therefore assess there is nothing to be done for the victim. Ms. Looper believes that increased education for law enforcement and first responders will help them to realize that they can assist a victim,

even when they do not have enough information to indict the trafficker (A. Looper, personal communication, August 22).

Katherine Walts at Loyola University School of Law has observed that the complex requirements and lengthy processing times are sometimes a deterrent, particularly for legal service providers who are not altogether familiar with the program and find the areas for interpretation daunting. She has seen attorneys default to other options they are more familiar with, such as applying for asylum or refugee status, rather than trying to navigate the T visa process, even though in the end it would be the most beneficial for their client. She thinks increased public education could result in more attorneys feeling comfortable enough to make the assessment that their client has a viable case for approval.

Additionally, Ms. Walts spoke at length about the need for increased knowledge among both legal providers and service providers, and increased means for the two to work in tandem to fill the needs of a victim completely. Crisis intake professionals need to be able to identify the signs of human trafficking and make assessments accordingly, then refer cases to the proper legal service providers. Mental health providers need to understand the application process so that they can continue to provide proper services to the victim to help them successfully navigate that long road, and they need to be able to work more closely with the legal advocates to ensure they understand the victim's mindset and challenges.

While Ms. Walts feels that there is a long way to go in creating this type of wrap-around service for victims, she has seen a large growth in interest and initiative in the

past couple of years, and is encouraged and optimistic about the future (K. Walts, personal communication, July 19, 2019).

The figure below shows the number of times a concern that fell into one of the above categories was mentioned in my interviews.

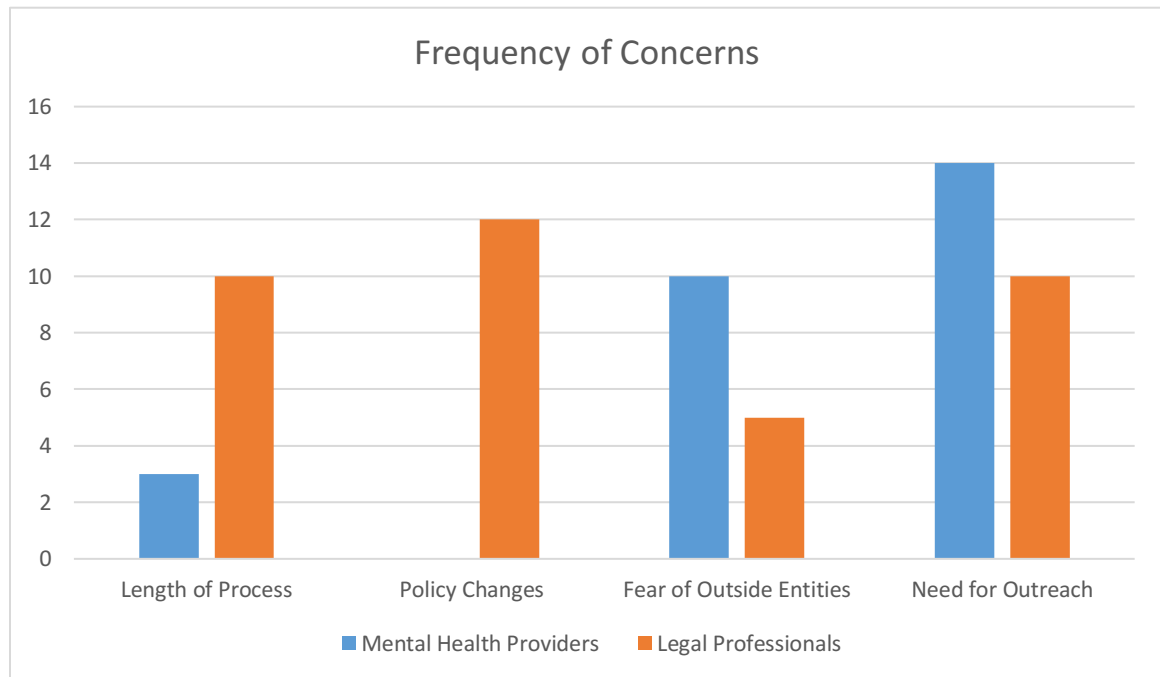


Figure 2. Frequency of Identified Concerns

Source: see appendix.

The figure shows clearly that those dealing with the legal implications of the program had concerns that spanned across all categories, while social service providers were less focused on the process or outcomes of filing. In fact, the social service providers I spoke with did not even mention the significant policy changes cited by legal specialists. This lends support to the legitimate concerns in both groups about the lack of

understanding of the benefits, and the need for further outreach. It also demonstrates the gap in knowledge, awareness, and priorities between groups that should be working in tandem to assist victims, as they each bring unique knowledge to the problem.

The data shows some large concerns in the legal community about recent as well as long term policy changes. However, in assessing areas for focus to help with program participation, addressing these challenges would not only require cooperation and a desire to change policy on the part of USCIS, the changes may also not be realistic given the interests of the current administration.

The more accessible area of consideration is in education and outreach. While individuals understood the details of their specific area of focus, there was an overall trend showing that there is a recognized need for additional communication and education about the specifics of what defines an eligible victim and what resources are available. The largest concerns were in the areas of education for victims and service providers. Victims often do not self-identify as being trafficked, and therefore do not recognize that they may be eligible for assistance. Service providers are in need of knowledge of the victimization so that they have the tools to recognize victims, and understanding of options so they are able to help those victims understand.

While the T visa provides one avenue toward obtaining legal status for victims of trafficking, it is not the ideal solution for everyone. The program is intended as much as a law enforcement tool as it is a means to assist victims, and therefore the focus on assisting victims is less a part of the program than what would be ideal. For individuals who do not meet the specific qualifications for T visa approval, knowledge of other options available to help victims is important for both mental health/social service

providers and legal professionals. Even for those eligible for the T visa benefits, the process is lengthy and complicated, and the legal scope of the visa program does not include the social service and welfare benefits that may also be necessary for individuals who need to continue to survive day to day. Even upon approval of the T visa, individuals are simply advised to contact the Department of Health and Human Services to determine what benefits may be available. This is where an overall knowledge of the options becomes crucially important, so that social service and legal providers may help individuals identify all of their options. For some who are here without legal status and who do not qualify for any of the immigration-based relief programs that exist, departure from the United States may be the only option.

The United Nations Office on Drugs and Crime periodically publishes comprehensive reports entitled Global Report on Trafficking in Persons. The most recent report, published in 2018, gives a summary by region about current trafficking and efforts to combat (UNODC, 2018). The previous report, however, published in 2014, is an even more specific resource, as that report details what each individual country is doing to provide resources to trafficking victims. In most cases, there is some sort of temporary stay permit available (UNODC, 2014). This would be comparable to the Continued Presence option that can be granted to victims by Immigration and Customs Enforcement. Each country, including ours, makes an individual decision about what types of relief they offer. While it would be helpful to explore the different options chosen by countries facing challenges similar to ours, the current political climate also shapes the decisions made in which way our government programs are implemented. As

the people making our laws and regulations shift, so may the legal options. In the meantime, advocates must work within the restrictions of the current laws.

There has been some movement in the direction of education. According to Katherine Walts, the community addressing this issue is growing, and she has seen enhanced outreach efforts (K. Walts, personal communication, July 19, 2019). However, the general feeling is that there is still much to be done. The clear lack of awareness of the legal challenges faced by victims is illustrative of a lack of knowledge that may include a lack of an ability to explain the program to victims. As I embarked upon trying to gain access to those working with victims, it became clear that mental health services and legal services were routinely performed by different individuals, as the two needs require specialized knowledge possessed by different communities. A knowledge of the legal options, the requirements of those options, and the possible outcomes would help service providers to better guide victims to the correct resources. Increased cooperation between the legal services and mental health communities in this area will be beneficial.

In summary, the need for increased community outreach and education is key in increasing participation in the T visa program. Victims need to understand that they are eligible for assistance and what their options are in order to come forward and look for help. Additionally, the service providers who are on the front lines of working with individuals with immediate need must know what to look for and how best to assist. Increased communication between all aspects of the community, and enhanced understanding of the options, will bring the right beneficiaries to the program, resulting in a step toward successful achievement of all goals of the T visa effort.

The Department of Homeland Security's Blue Campaign explains its primary purpose as follows on its website: "Blue Campaign is a national public awareness campaign, designed to educate the public, law enforcement and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases. Blue Campaign works closely with DHS Components to create general awareness training and materials for law enforcement and others to increase detection of human trafficking, and to identify victims" (Blue Campaign, 2019). However, in the numerous interviews I conducted with those who work closely with victims, there was not a single mention of the Blue Campaign's efforts, even when the conversation focused on the need for increased outreach and education. This leads me to conclude that the efforts of the Blue Campaign are not as effective as they could be, and could be refined or increased to reach a larger or more appropriate audience.

A centralized organization, such as the Blue Campaign, that would coordinate efforts in the area of information and resource-sharing could be an important part of the success of the overall efforts to combat human trafficking in the United States. As this communication has been identified as a great need by much of the community, it is imperative to improve the efforts. The Blue Campaign may be the ideal place to begin, as it is an already established office with the ideal stated goals. However, outreach and coordination with those who would most benefit from the efforts must be improved so that the correct audience is identified and their needs can be met. The Blue Campaign must increase and perhaps redirect their partnerships. If they are able to do so effectively, they are well positioned to make a large difference in the fight against trafficking.

Appendix 1.

Interview Notes

Sarah Diaz, Immigration and Human Rights Consultant

The first contact I was able to make was achieved through a coworker at USCIS who had a background in the advocacy community. She connected me with Sarah Diaz, who was happy to share her thoughts. Ms. Diaz has a background as an attorney working in International Human Rights Law and Immigration Law, and presently works as an independent Immigration and Human Rights consultant. She indicated that she is very familiar with the T visa program and worked extensively with eligible individuals during her time in both advocate and immigration attorney roles.

Ms. Diaz identified the biggest problem outright that she sees in utilization of the program as the lack of education and training for immigration lawyers and advocates. She indicated that in her experience, even advocates and attorneys who were aware of the program did not truly understand what circumstances could meet the requirements for eligibility. Specifically, she cited the confusing requirement that the individual be present in the country “on account of the trafficking.” She noted that even experienced attorneys seemed to think that if an individual had been in the United States for an extended time, there was no way to meet that requirement.

A related area of concern from the perspective of Ms. Diaz is the need for education to be more widespread, reaching into communities where victims will look for assistance. She noted that in many immigrant communities, there is a reluctance to trust someone outside of the same ethnic group or cultural background. The need for reference to an immigration attorney outside of their community may result in a refusal to

follow through, as the common background and trust has not been built. Therefore, according to Ms. Diaz, providing the educational resources to those within immigrant communities who can assist victims is vitally important (S. Diaz, personal communication, July 3, 2019).

Five Sparrows, The Fayetteville Dream Center

Pete and Kelly Twedell are the co-founders of 5 Sparrows, and Pete currently serves as the organization's Executive Director. The foundation is located in Fayetteville, North Carolina. Its mission statement reads, "5 Sparrows is a nonprofit, nonpartisan corporation whose mission is to assist in countering human trafficking within the United States. Our goal is to practically demonstrate love, mercy, and justice to those scarred by human trafficking" (5 Sparrows, 2019).

In speaking about their mission, the Twedells indicated that they work with victims of human trafficking from a variety of backgrounds within their community. They provide access to counseling and services to assist victims in getting back on their feet. They are aware of the T visa program and its requirements, and believe that they understand the options and what makes a victim eligible. When they encounter a victim who may qualify for the program, they assist in initial preparation and connect them with legal aid to help with the filing.

The Twedells believe the major roadblock to applying for a T visa within the communities they work with are cultural boundaries. They explained that there is a general reluctance to talk to law enforcement among immigrant populations. They have typically been taught to think that law enforcement will deport them rather than help

them. The Twedells see this tactic often used by abusers to prevent their victims from seeking help.

5 Sparrows serves a cross-cultural community of victims, including Latin and South American, African, and Chinese. Despite the variation in backgrounds, some similarities in cultural values were cited. The largest was that while victims are willing to accept help for themselves, they will stop short of reporting their victimization to law enforcement, and that this seems to be an issue of loyalty mixed with fear. Victims are reluctant to be the ones responsible for “bringing down” their abusers. In Chinese culture particularly, the victims seem at 5 Sparrows have usually come to work in a business run by their traffickers, and they do not want the dishonor of being the one to bring down the business.

The Twedells also discussed fear as a roadblock. Fear of retribution from the trafficker and fear of being deported seem equally relevant in their estimation. Additionally, the Twedells discussed the fear of voodoo among their African clients. This cultural challenge is a poignant example of the difficulties in convincing victims that they should be brave, move ahead, and hold their abusers accountable. In the experience of the Twedells, the belief within this population that those they cross can take revenge from afar is a real and often insurmountable obstacle.

A separate and final obstacle noted by the Twedells is the presence of unscrupulous attorneys who prey upon victims who need help with their immigration status. The Twedells have observed that there seem to be a number of attorneys in their area who charge large sums of money in exchange for assistance with immigration matters, but draw out the process for months and sometimes years. When the clients look

elsewhere for assistance, these attorneys apply pressure to continue with them. From the viewpoint of the Twedells, these attorneys seem to be taking advantage of a vulnerable population to make a profit, and in the process they are denying the victims they assistance they need.

In summary, the major boundaries identified in this interview were cultural factors that deter victims from reporting their crimes, fear of the abusers, and unscrupulous attorneys standing in the way of the victims getting real assistance (P. Twedell & K. Twedell, personal communication, July 8, 2019).

Ascentria Care Alliance

Samantha Howland is the Program Manager of the Immigration Legal Services Program at Ascentria Care Alliance. Located in Worcester, Massachusetts, Ascentria's website defines their mission as follows: "Ascentria Care Alliance empowers people of all backgrounds to rise together and reach beyond life's challenges. We use an innovative client-centered care model to help vulnerable individuals and families in transition move forward and thrive - physically, intellectually, socially, spiritually, and economically" (Ascentria, 2019).

Ms. Howland's perspective comes from working with individuals to determine the most appropriate path to legal immigration status. She shared that Ascentria works in partnership with many local organizations, as they do not provide mental health counseling or services in that area. Conversely, their clients are often referred to them by organizations who do not have an understanding of the immigration options and are unable to assist victims in that way. Therefore, we see again the lack of "wrap-around" services coming from one agency that has earned the victim's trust.

In speaking about the challenges applicants face in pursuing a T visa, Ms. Howland discussed the fear that accompanies the immigration system in general. She described several recent shifts in the T visa program, including the perception that applicants are held to a higher standard under the current administration, and new guidance within USCIS requiring that applicants are referred for deportation proceedings if their application is denied. The fear of what may happen in the immigration courts can be overwhelming, and Ascentria is positioned to help victims navigate. Ms. Howland did mention that often victims do not meet the requirements of the T visa, and routes such as asylum or DACA (Deferred Action for Childhood Arrivals) fit their situations more readily.

Ms. Howland indicated that once a victim gets to the stage that they are working with Ascentria to get help with immigration matters, they are typically willing to move forward. She believes that the underutilization of the program among trafficking victims may come earlier, as many victims do not self-identify. Particularly in the area of debt-bondage, the victims see themselves as paying off a debt and have trouble understanding that the situation they are being subjected to is abnormal and unacceptable, and that there are legal remedies to help change their situations. From Ms. Howland's perspective, increased outreach and education in this area could make a difference (S. Howland, personal communication, July 11, 2019).

Advocating Opportunity

Grace Tellez is a client advocate with Advocating Opportunity. She is a legal advocate for the organization, working solely with foreign nationals. Advocating Opportunity is located in Toledo, OH. Their mission statement reads, "Advocating

Opportunity (AO) provides holistic legal services and advocacy for trafficked and exploited persons legal and human rights-based framework. Providing access to legal advocates gives trafficked and exploited persons a voice in the judicial system, and in their community, by leveling the playing field and creating an opportunity to choose their life's course on their own terms. AO strives to end human trafficking through outreach, education, holistic legal services, and whole person advocacy on behalf of trafficked and exploited persons” (Advocating Opportunity, 2019).

Working with clients who are looking for legal remedies to their immigration status concerns, Ms. Tellez sees the issues with the T visa program as primarily political. Ms. Tellez states that when she started working with T visa applicants in 2012, an individual who came forward could anticipate that if they had a valid claim they would receive an approval within six to eight months. In the meantime, Immigration and Customs Enforcement (ICE) would almost always grant “Continued Presence” for the applicant, allowing them to stay and work in the United States during the pendency of the investigation into the crime against them, or while they have an application for victim-based relief pending.

In Ms. Tellez' experience, the processing times for T visas have increased to over two years in many cases. She attributes this to a drain on resources within United States Citizenship and Immigration Services (USCIS), and believes this is a result of resources being redirected to enforcement efforts. In support of her argument, she cited an increase in requests for additional evidence and ultimately denials for cases she believes would have been previously approvable. She also discussed a new memo that requires applicants who are denied to be placed into deportation proceedings. Ms.

Tellez stated that the decrease in benefits that allow an individual to be a functioning member of society during an increasingly lengthy wait time, combined with the increase risk associated with putting forth information that could ultimately lead to not only denial but then deportation, are very discouraging and are prompting potential beneficiaries of the T program are now examining alternative options (G. Tellez, personal communication, July 12, 2019).

Homeland Security Investigations

Arthur Correiri, PsyD, LMHC, is a Victim Assistant Specialist with Homeland Security Investigations, under the Department of Homeland Security. His job includes working with victims of trafficking organizations when the investigations group moves in to arrest the traffickers. Mr. Correiri stated that while he does direct victims to attorneys who can help them with the T visa process, his observation is that the process is so long and burdensome that victims find it difficult to maintain their participation in order to get through the entire process. He stated that the process just to pull together the paperwork, which includes an affidavit in which the victim retells the trauma they have been through, can take several months. It is a burdensome process as it can be emotionally difficult to have to go through the details, and therefore tends to be drawn out. After the initial filing, the processing of the application takes an additional several months.

The length of time required for obtaining a T visa is a large deterrent to participation, in Mr. Correiri's experience. He is located in Miami, and explained that it is expensive to live there. During the pendency of a T visa application, a victim may be able to obtain work authorization through Continued Presence status granted by ICE, but the jobs they are able to find are low-paying and for previous sex workers, the appeal of a

lifestyle in which they can earn a better living often drags them back in. Additionally, with what appears to be a shift in ICE priorities, Continued Presence is being granted less often. Without a means to work and support themselves, Mr. Correiri sees victims moving out of the area to find more affordable places to live. Upon relocation, it becomes even more difficult to help them navigate the T visa process. Attorneys may try to help remotely, or to reassign the case to an attorney in the new location, but victims are simply trying to make ends meet and their day to day survival eclipses the effort for long-term relief.

Mr. Correiri noted that an additional deterrent in pursuing the T visa process is the inability to leave the United States during the process. Victims may wish to remain in the United States permanently, but they did leave behind family at home and wish to be able to return for a visit to see family. As part of the T requirements, the victims must show that they remain in the United States “on account of the trafficking.” If they leave to see family and then return, that becomes very difficult to prove (A. Correiri, personal communication, July 18, 2019).

Northwest Immigrant Rights Project

The Northwest Immigrant Rights Project is located throughout the state of Washington, and works under the following mission statement: “Northwest Immigrant Rights Project promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education” (NWIRP, 2019). Stephanie Martinez is a staff attorney, and an Equal Justice Works Crime Victims Justice Corps Fellow.

Ms. Martinez shared that from her perspective, the greatest deterrent to apply for a T visa is fear. She cited fear imposed on victims by their traffickers, then fear of the United States government and its immigration policies. Traffickers use fear to control their victims. They work to make their victims fearful of law enforcement, afraid they will be arrested and deported if they reach out for help. Traffickers also routinely isolate their victims, restricting access to any possible services or assistance, and use language and cultural barriers to make the unknown a potential threat.

From the attorney side of the issue, Ms. Martinez feels that many of the advocates who would help to screen for T visa eligibility are unfamiliar or uncomfortable with the requirements of the program and may choose to send victims toward another avenue of relief. She acknowledged that she has seen increased awareness and education on the part of law enforcement and legal organizations, but believes there is still much to be accomplished.

A final deterrent Ms. Martinez cited is the perceived change in policies and priorities within the current political leadership. She discussed increased wait times for adjudication as a result of shifting priorities, and stated that the longer wait times result in a belief that victim assistance programs are less of a priority and that the focus has shifted to removal. Another contributor to this assessment is the new USCIS policy that results in all victims who are denied a benefit being referred for deportation proceedings. This creates a new level of risk in applying for a benefit, and victims are beginning to feel that coming forward is just too dangerous if they wish to remain in the United States (S. Martinez, personal communication, July 18, 2019).

Loyola University School of Law, Center for the Human Rights of Children

Katherine Walts is the Director of Loyola University School of Law's Center for the Human Rights of Children. She shared her experiences with the T visa from a historical perspective, as it has been a number of years since she has provided services directly to victims.

Ms. Walts indicated that she believes knowledge, or lack of it, is the biggest challenge in working with victims and helping them to navigate the immigration system. She indicated that the requirements for the T visa are burdensome and the process is lengthy, which may lead attorneys to sometimes encourage a different avenue for their clients even when the T visa might be the best option. Ms. Walts indicated that in general she believes that the relationship between law enforcement and legal services can be improved. Her experience has been that attorneys have greatly varied experience with law enforcement, often depending on the area in which they are working, as understanding of the regulations varies as well as the philosophical outlook on victim assistance vs. enforcement priorities.

Another area Ms. Walts identified as needing enhancement is the relationship between crisis service providers and legal services. She explained that there is rarely a scenario in which "wrap-around services" would be available, with all assistance coming from a single organization. The reality is that victims need ongoing mental health services to assist in the lengthy and often traumatic process of recounting their victimization to legal services and law enforcement for purposes of obtaining a visa. Additionally, crisis intake professionals need the knowledge to recognize when they are

dealing with a victim of trafficking. The more these service providers understand the overall needs of the victim, the better the services will be.

On a positive note, Ms. Walts indicated that she has seen large growth in this area of advocacy in recent years. She also indicated that training seems to be getting better, more accessible, and more widespread. With an increase in knowledge, Ms. Walts is optimistic about the T visa program continuing as a useful tool in the future (K. Walts, personal communication, July 19, 2019).

Tamar's Tapestry

Tamar's Tapestry is a shelter located in McAllen, Texas, specifically for women who have been victims of trafficking. According to their website, "Tamar's House is a safe refuge, in a loving home atmosphere, for victims rescued out of the sex industry. At Tamar's House women are saved from further trafficking. In this caring environment, they are safe and begin their journey to restoration" (Tamar's Tapestry, 2019). Tracy Hughes is the Founder and Director of the organization.

Ms. Hughes discussed at length the trauma victims experience during their trafficking and the abuse tactics traffickers use to control their victims. Traffickers abuse the victims to increase their fear, and isolate them from each other and the community. Ms. Hughes talked about the challenges involved in gaining the trust of victims so that they might let her and her organization help them. Many of the women she works with have been kept locked away in what she calls "stash houses," where multiple women are kept under the control of their trafficker. She explained that when Customs and Border Patrol (CBP) or Immigration and Customs Enforcement (ICE) agents come to the house to investigate, victims are reluctant to trust uniformed armed men. They have been told

by their traffickers that Law Enforcement in particular is to be feared. Ms. Hughes indicated that even when it is her turn to work with the women, they are very reluctant to move forward, out of fear that they will face punishment from their traffickers. She cited her biggest challenge as earning their trust, and convincing them that she is more powerful than the trafficker and can protect them.

Another difficulty Ms. Hughes cited is “the machismo and corruption in the system.” She indicated that there has been a reluctance on the part of law enforcement to take action on cases unless they are a “slam dunk.” The well-being of victims has not appeared, in her opinion, to be a top priority. She does believe that education is increasing and that some of the issues in this area seem to be improving.

Once Ms. Hughes has gained the trust of the victims she is working with, she explained that she works with them to get them moving toward healing, while assisting with creating a case that will bring the trafficker to justice. She indicated that she always has resources that will assist the victim as the end goal, but that she has learned that if the victim is aware that she may gain a benefit through telling her story, it is less credible if she testifies. Therefore, in the interest of eliminating any suspicion that the victim may have ulterior motives, she waits until after the preliminary work is done to approach the T visa option. Because of this, the majority of the victims she works with are well-poised to work within the program, as all of the big initial hurdles have already been undertaken (T. Hughes, personal communication, July 22, 2019).

Glory House of Miami

Susette Valedéz is the Director of Restored Masterpiece at Glory House of Miami. The organization’s website describes its mission as follows: “At the Glory House

of Miami, we are dedicated to serving rescued victims of the human trafficking industry. Referred to us through domestic violence shelters, law enforcement, victim advocates and other community organizations, survivors are welcomed both into our long-term facility and drop-in/community center where healing can begin. Among the services we provide are; medical care, spiritual guidance, mental health care, social services, legal support, reintegration, education, arts, vocational training, and job and life skills training – all for the purpose of igniting hope for these women. Our goal is that those who have been broken by abuse will be restored to healthy mind, body, and spirit during their time with us. Also on the forefront of our purpose is to educate citizens in our community and beyond through our outreach programs, trafficking awareness events, Hands that Heal training, networking and social media” (Glory House of Miami, 2019).

Ms. Valdez explained that Glory House is a safe home catering to four clients at a time, so the scope of their experience is somewhat limited, having had the opportunity to assist only one beneficiary through the T visa process. Most Glory House clients are United States citizens. However, they do also maintain a drop-in center that provides legal, medical, and counseling services. Through this center she has seen a small number of foreign clients, and has gained an understanding of what the challenges would be.

In Ms. Valdez’s opinion, the biggest hurdle is knowledge of resources. She does not have a long history of working with immigration attorneys, and is uncertain whether she would be truly able to identify the correct resources for someone with immigration concerns. In her limited experience working with foreign clients, she feels ill-equipped to assist them in determining their best path (S. Valdez, personal communication, July 23, 2019).

YWCA Wheeling

Cecily Powell-Spangler is the Director of the Wheeling, West Virginia YWCA's Survivors of Trafficking Empowerment Program (STEP). According to their website, "The YWCA Wheeling Human Trafficking Program provides presentations, consultations and trainings to educate professionals, individuals and organizations about human trafficking. They are designed to help agencies develop a deeper understanding of the laws, policies and practices that help human trafficking survivors escape and recover" (YWCA, 2019).

Ms. Powell-Spangler explained that in her area of West Virginia, the vast majority of human trafficking that is identified is labor trafficking. The population is primarily immigrants who entered the country illegally and look for work as day laborers. They find themselves in labor trafficking situations, but tend not to self-identify as victims. They view themselves as beholden to their traffickers, subjected to the controls and abuse as a part of their labor "contract." Additionally, the population often consists of families doing the same type of work for multiple generations. This leads to a sense of loyalty that makes them reluctant to come forward to law enforcement.

With all of these circumstances in place, trafficking is very difficult to identify. Even when it seems clear that a trafficking scheme exists, law enforcement and child protective services attempt to help but are met with resistance from those who feel that they are responsible for their own circumstances and do not wish to see themselves as victims.

Ms. Powell-Spangler explained that she also has connections in Washington DC, and she is aware of trafficking problems among day laborers in that area as well. She explained that in Washington DC, a new system requires “labor bosses” who hire day laborers to register themselves, leading to better tracking and regulation of the circumstances under which individuals are working. She sees the potential to make progress in the fight against trafficking in West Virginia if a similar idea could be enacted.

In summary, Ms. Powell-Spangler believes that the biggest hurdle in the fight against trafficking in West Virginia is a lack of education, particularly in the area of identifying trafficking. Law enforcement and social services need the tools to understand and identify victims, and to work with them to help them understand that they are victims and have other options (C. Powell-Spangler, personal communication, July 23, 2019).

Safe Horizon

According to its website, “Safe Horizon is the nation’s leading victim assistance organization. Our mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families and communities” (Safe Horizon, 2019). Anita Tekah is the Senior Director of the organization’s Anti-Trafficking Program. She spoke to me primarily from the perspective of leading the legal services team.

In Ms. Tekah’s opinion, the most fundamental current challenge in the fight against trafficking is education around how to identify victims. She cited the challenges

inherent in victims not self-identifying, as they do not understand that the circumstances to which they are being subjected actually fall into the description of a crime. She noted that they are often brainwashed by their traffickers, both to think that they are responsible for their own current circumstances and to fear law enforcement and service providers as contact with them could lead to negative consequences. Even more urgent than educating victims is educating the service providers who work with them. If mental health and legal professionals better understand the definitions of trafficking and are able identify victims, they can help the individuals understand the legalities around their circumstances.

Ms. Tekah also discussed the legal challenges in helping victims through the process, particularly under the current administration. She feels that the government appears to be promoting participation in humanitarian programs, while at the same enacting tougher, more restrictive policies, which create disincentives to participation. She noted that as the legal representative for her clients, she is obligated to explain to them that in her experience, the bar to meeting the requirements for approval seems to be getting higher. She sees more requests for evidence and denials than she did previously, and this creates doubt when assessing prospective beneficiaries about whether they can successfully gain a benefit through the program. Given the increasingly questionable outcomes, Ms. Tekah has seen clients become less sure about putting themselves under the microscope of USCIS, worrying that it may result in deportation rather than a benefit (A. Tekah, personal communication, August 20, 2019).

Rocky Mountain Immigrant Advocacy Network

Caleb Stewart is an attorney working for the Rocky Mountain Immigrant Advocacy Network (RMIAN), in Westminster, Colorado. According to its website, “RMIAN is a nonprofit organization that serves low-income adults and children in immigration proceedings. RMIAN promotes knowledge of legal rights, provides effective representation to ensure due process, work to improve detention conditions, and promotes a more humane immigration system, including alternatives to detention” (RMIAN, 2019).

As an attorney who regularly works with immigrants through the T visa process, Mr. Stewart is very familiar with the legal requirements of the program and feels he has sufficient resources to assist in determining whether a case would potentially be successful. He recognizes that attorneys who may not have a lot of experience in the area might find the legal requirements confusing, but feels that the resources are available if people are aware of where to find them. Mr. Stewart noted that the Law School at New York University has published a comprehensive guide, and that the Immigrant Legal Resource Center has helpful materials as well.

Within his experience working with T visa applicants over the past several years, Mr. Stewart cites recent policy shifts as the biggest factors discouraging utilization of the program at this point. He explained that particularly if a victim is not yet in deportation proceedings, there is great risk in applying as new policies call for applicants to be referred for deportation if they are denied. The risk is daunting, and many times it is more comfortable to remain in the shadows.

Even when victims are already in the process of deportation proceedings, Mr. Stewart has seen cases in which the T visa is not a preferred option due to the length of processing times for adjudication. In order to fulfill the requirements for approval, the victim must remain in the country, and if they are in proceedings, they are likely in detention. With a processing time of one and a half to three years currently, it is a hardship on applicants to remain in the system and some of them choose to forgo the process and allow themselves to be deported rather than remain detained for that length of time.

In summary, Mr. Stewart's experience has shown that more difficult standards and lengthy processing times, combined with higher stakes if a case is denied, are the main deterrents to participation in the T visa program at this time (C. Stewart, personal communication, July 20, 2019).

Sanar Institute

Jessica Mora is a Clinical Social Worker at the Sanar Institute in Newark, New Jersey. According to its website, "The Sanar Institute provides transformational healing services for survivors of gender-based violence and their communities" (Sanar, 2019). In her social work role, Ms. Mora is responsible for assisting individuals in finding the proper resources to assist with their unique needs. She feels that there is some basic knowledge of the programs that exist, but in both the mental health and legal services forum there is room for more information and enhanced understanding.

As she works with victims who may be eligible for a T visa, Ms. Mora attempts to help individuals understand the process. She feels that the social service component in this respect is crucial, as beginning the application process is a decision that means

placing themselves in limbo for a rather lengthy period of time. She recognizes that legal service providers are often able to explain the legal ramifications, but the social work piece assists in helping victims to understand and trust the process, which is just as crucial if they are to work through it. In Ms. Mora's opinion, enhanced understanding and partnership between mental health service providers and legal experts could make a big difference in helping victims to navigate the process (J. Mora, personal communication, July 22, 2019).

American Gateways

American Gateways is an organization in central Texas that describes its mission: "To champion the dignity and human rights of immigrant, refugees and survivors of persecution, torture, conflict and human trafficking through exceptional immigration legal services at no or low cost, education and advocacy" (American Gateways, 2019).

Anali Looper is an attorney and the Director for the organizations' Waco, Texas office.

Ms. Looper works with clients to provide them with legal assistance to help them find the right solutions in moving forward with their lives. She noted that her clients come to her primarily from law enforcement and other first responders, when they are identified as victims of trafficking. She stated that she believes trafficking is largely under-identified, however, because there is not sufficient training in the area for law enforcement and first responders. They recognize only the most obvious and egregious cases, and tend to miss signs of trafficking. Victims are unlikely to self-identify, so if first responders are not equipped to identify the scenario and help them to understand, it is often overlooked. As a specific example of the misunderstandings, Ms. Looper noted that law enforcement, and their attorney consultants, often measure whether an incident is

trafficking based upon whether the alleged trafficker could be successfully prosecuted in criminal court. They do not understand the requirements of the T visa, or that victims may be eligible for a benefit even if the case against the trafficker is not clear-cut enough to win prosecution.

Another hurdle in working T visa applications identified by Ms. Looper is the time it takes to work through the process, in combination particularly with the legal requirement that the victim shows they are still in the United States “on account of the trafficking.” She stated that it is often long after they have escaped the trafficking scenario that they feel comfortable coming forward, working through their application takes time, and that it becomes increasingly difficult to show that they remain the United States on account of the trafficking as processing times get longer resulting in years of waiting. Additionally, the new policy that requires denied applicants to be referred for deportation is creating an increased reluctance to participate in the program (A. Looper, personal communication, August 22, 2019).

U.S. Institute Against Human Trafficking

Geoffrey Rogers is the CEO of the U.S. Institute Against Human Trafficking in Florida. On its website, the organization describes its mission: “Our focus to end human trafficking in the United States is to educate American citizens and legislators, disrupt sex trade activities, consolidate efforts for maximum effect, and partner with other organizations in this fight. We also work in conjunction with federal, state and local government officials who sit in a position to influence policy on ending trafficking in America” (U.S. Institute Against Human Trafficking, 2019). My interview served to underline some of the separation and misunderstandings that exist even within the

trafficking community when advocates do not have specific experience. Mr. Rogers stated that while he was aware of the T visa program, he was not intimately familiar with the requirements. His organization maintains a number of safe houses for victims of sex trafficking, and Mr. Rogers does not believe he has encountered a victim within his work who was not a United States Citizen. Mr. Rogers speculated that perhaps this is because the trafficking victims who have immigration issues are primarily victims of labor trafficking, so his organization wouldn't have been involved with them. When I questioned whether perhaps victims who had immigration concerns might be sent to an organization specializing in such circumstance, he dismissed the possibility and reasserted that it is likely because they are involved in labor trafficking. The interview really accentuated the comments I had heard in other conversations that there is a lack of awareness and education in surprising pockets of the community, including advocates, attorneys, and first responders (G. Rogers, personal communication, August 23, 2019).

Additional Contacts

In some cases, I received email responses to my inquiries indicating that the respondent either didn't have time for a full interview or did not feel they had enough experience to share on the subject, but they did share some thoughts in their email responses. Those responses follow:

- Andy Gilpin is the Associate Executive Director of CAPTAIN Community Services in Clifton Park, NY. While he has not had direct experience working with individuals who have immigration concerns, he feels that there is a need for greater outreach to be sure that victims are aware of their options. As a member

of the population helping trafficking victims, he feels that there is a lack of information explaining the resources available to those dealing with immigration issues (A. Gilpin, personal communication, July 3, 2019).

- Michele Trampe is the Executive Director of the Central Virginia Justice Initiative. While she has not worked directly with victims who have immigration concerns, her background in working with trafficking victims leads her to the conclusion that the biggest hurdle for immigrants would be fear. She indicated that even with domestic victims, a fear of both law enforcement and their traffickers often makes assisting them a challenge. She believes these fears are likely even stronger in the immigrant community, and combined with a genuine fear of deportation they would serve a strong deterrent to volunteering to participate in the process (M. Trampe, personal communication, July 9, 2019).
- Elizabeth Bray is an attorney with Legal Action. She has worked with victims in assessing the viability of applying for a T visa, and shared that the biggest hurdles come from a lack of trust in the system. Victims do not trust law enforcement because of the fear of deportation, but additionally because many of them come from cultures where law enforcement is not to be trusted. Adding to the challenges from a legal perspective of gaining the trust of her clients, Ms. Bray indicated that shifting policies recently, including the new requirement that denials will be sent to deportation proceedings, make the program less predictable and reliable as a safe option (E. Bray, personal communication, July 11, 2019).

- Daniel Eastman is a representative of Free Our Girls. He shared that within his organization they have not encountered victims who meet the circumstances requiring a T visa, but he does have awareness of the program and believes that the biggest deterrent is likely the need to cooperate fully with law enforcement through a process that can be lengthy and force the victim to relive the details of their trauma. He also indicated that he believes the resources that explain the specific details and consequences of different options could be made more accessible and understandable (D. Eastman, personal communication, July 17, 2019).
- Cat Jacoby is the Program Coordinator at Fierce Freedom. She shared that her organization has not yet helped anyone through the T visa process, as all of their clients thus far have been domestic. She did some research into the program, and with her background as a victim advocate stated that she believes the outreach around the program could be improved. She believes that victims may not understand what trafficking is and therefore do not come forward because they do not realize they are eligible to get help. She added that in the immigrant community, this outreach needs to exist in several languages, and she does not see evidence of that in the community. Ms. Jacoby believes this lack of accessible and understandable outreach is likely a large factor contributing to underutilization of the program (C. Jacoby, personal communication, July 17, 2019).

- Allie Trautman is the Sexual Assault Victim Advocate at the SASA Crisis Center in Hastings, NE. She indicated that while her experience at this time has been limited to domestic victims, she is aware of the T visa program as an option for victims who may need it. She feels that the biggest barriers to participation are likely a lack of outreach and understanding regarding the available resources within the population of potential beneficiaries, and a constant fear of deportation that may lead to reluctance to willingly work with law enforcement (A. Trautman, personal communication, July 17, 2019).
- Lilian Alvarez is the Program Manager of Refugee Services at the Catholic Charities Archdiocese of New Orleans. She shared that there are several attorneys on her team that assist immigrants with their options for status. She stated that most of their clients pursue multiple options for relief, and that the T visa process for filing and adjudication wait times are so lengthy that most clients do not complete the process if there is any other alternative available (L. Alvarez, personal communication, July 24, 2019).
- Kanani Titchen, MD, FAAP, FAMWA, is the Director of Adolescent Medicine at St. Barnabas Hospital in the Bronx, NY. She indicated that she had only been in contact with one client whose circumstances made them potentially eligible for a T visa, and as a physician her job was to get them in touch with those who could help them through the legal process. She explained that Homeland Security Investigations was helpful in the situation, but also noted that they had counseled her never to speak about the T visa as potentially beneficial to a patient, as

bringing a victim to the program under that premise could weigh negatively in their testimony against their alleged trafficker (K. Titchen, personal communication, July 28, 2019).

- Andrea Champlin is the Lead Sexual Violence Counselor at the Advocacy Center of Tompkins County. She shared that while she and her colleagues have worked solely with domestic victims and do not have experience working in the T visa program, they do have awareness of the program. She feels that it is likely the biggest deterring factor to participation is the fear of coming forward to police and working with them in the prosecution (A. Champlin, personal communication, August 13, 2019).

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