

Trafficking in Persons

What is trafficking in persons?

Trafficking in persons – also known as “human trafficking” – is a form of modern-day slavery. Traffickers often prey on individuals who are poor, frequently unemployed or underemployed, and who may lack access to social safety nets, predominantly women and children in certain countries. Victims are often lured with false promises of good jobs and better lives, and then forced to work under brutal and inhuman conditions.

Under federal law, the technical term for modern-day slavery or coerced labor is “severe forms of trafficking in persons.” A severe form of trafficking in persons is defined as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act is under 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person

to involuntary servitude, peonage, debt bondage, or slavery.

Trafficking can also take place in labor situations such as domestic servitude, labor in a prison-like factory,



or migrant agricultural work. Whether or not an activity falls under the definition of trafficking depends not only on the type of work victims are made to do, but also on the use of force, fraud, or coercion to obtain or maintain that work. There is one exception

– trafficking covers the use of minors for commercial sexual activity even if there is no force, fraud, or coercion.

Trafficking also covers people who are held against their will to pay off a debt; this is known as peonage. A victim's initial agreement to travel or perform the labor does not allow an employer to later restrict that person's freedom or to use force or threats to obtain repayment.

What federal laws prohibit trafficking in persons?

The Thirteenth Amendment to the U.S. Constitution outlaws slavery and involuntary servitude. The Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) supplements existing laws that apply to



human trafficking including those passed to enforce the Thirteenth Amendment. It also establishes tools and resources to combat trafficking in persons, and requires an array of services and protections for victims of severe forms of trafficking.

Is there any immigration relief available for victims of severe forms of trafficking who lack immigration status in the United States?

Yes. The availability of relief will be determined by the individual circumstances surrounding the victimization and the specific eligibility requirements of the type of relief sought. The victim (or someone acting on the victim's behalf) may be eligible to apply for a T or U nonimmigrant visa.



What is a T nonimmigrant visa and who can apply for one?

A T nonimmigrant visa allows eligible victims of a severe form of trafficking in persons to remain in the United States for up to 4 years. T visas may be available

to victims of a severe form of trafficking in persons who have complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Minors under the age of 18 do not have to comply with such requests in order to be eligible for a T visa. In addition, a victim must be physically present in the United States or a port of entry thereto on account of trafficking, and must demonstrate he or she would suffer extreme hardship involving unusual and severe harm upon removal.

What is a U nonimmigrant visa and who can apply for one?

U visas may be available to aliens who have suffered substantial physical or mental abuse as a result of having been the victim of certain criminal activity, including trafficking. To be eligible for a U visa, victims must demonstrate that the crime occurred in the United States or violated U.S. law, and that they possess information about the crime. They must also include a certification from a law enforcement official stating that the victim has assisted, is assisting or will assist in the investigation or prosecution of the criminal activity.

Can a T or U visa holder apply for family members to join him/her in the United States?

Yes. A victim of trafficking or of certain criminal activity who is granted a T or U visa may apply for certain family members. T or U visa holders who are under 21 years old may also apply for their parent(s) and/or sibling(s) under the age of 18 years.

Can T or U visa holders legally work in the United States?

Recipients of both the T and U visas are eligible for employment authorization and may be eligible to adjust their status to that of lawful permanent resident.

How does one apply for a T or U nonimmigrant visa?

Victims of a severe form of trafficking who wish to apply for a T nonimmigrant visa should complete Form I-914, Application for T Nonimmigrant Status. Victims of certain criminal activity who wish to apply for a U visa should complete Form I-918, Petition for U Nonimmigrant Status. You can obtain these forms at <http://www.uscis.gov>.

Both forms should be mailed to:
USCIS Vermont Service Center
75 Lower Welden St.
St. Albans, VT 05479-0001

FOR MORE INFORMATION

USCIS General Information

In the United States, telephone toll free to **1-800-375-5283 (TTY 1-800-767-1833)** or Visit our internet website at <http://www.uscis.gov>

Trafficking in Persons and Worker Exploitation Task Force Complaint Line

1-888-428-7581



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Immigration Remedies for Trafficking Victims