

**The Under-subscription of T-1 Visas:
A Study on America's Conceptualization of Human Trafficking Victims**

Undergraduate Honors Thesis

Sanford School of Public Policy

Duke University

December 7, 2012, Durham, NC

Bethany Horstmann

Advisor: Dr. Gunther Peck

Acknowledgements

First and foremost I would like to thank my advisor, Dr. Gunther Peck. This thesis could not have been possible without the extensive guidance and feedback from Dr. Peck. Without his advice and suggestions, there is no doubt in my mind that I would still be stumbling through my literature review. Dr. Peck's work and research in human trafficking and immigration policy remains an inspiration for all in the field.

Next, I must thank Dr. Kenneth Rogerson for his assistance and wisdom over the past year. Dr. Rogerson proved invaluable during this process, particularly his willingness to answer emails at any hour of the day, provide constant feedback, and generally deal with a cadre full of over-eager undergraduates. I would also like to thank my classmates in Dr. Rogerson's seminar who were willing to read and critique my work as well as support and empathize during this process.

I also owe a great deal of thanks to my contacts within the State Department, the Coalition for the Abolition of Slavery and Trafficking, and the Polaris Project who lent me their valuable time and resources.

Finally, I would like to thank my friends and family for bearing with my constant need for validation, editing, and motivation. Particularly, thanks to my parents, Jim and Laurie Horstmann, for supporting me in all regards (mentally, emotionally, financially...) and continuing to motivate me to pursue this project for the past year.

Abstract:

This thesis examines the framing of the Victims in Trafficking in Persons nonimmigrant Visa (T Visa), established in 2000 within the Trafficking Victims Protection Act (TVPA)—part of the domestic effort within the United States to combat trafficking following the Palermo Protocol. Since its inception, the T Visa has been severely undersubscribed, in both the number of applicants and those who are ultimately approved for the T Visa. Each year Congress is authorized to approve up to 5,000 T Visas, yet between 2002-2010 Congress approved less than 4,000 of 6,000 total applications for the T Visa. This study explores why the T Visa is undersubscribed by examining the frames and branding of the T Visa both in terms of the State Department's presentation to non governmental organizations (NGOs) and NGO's presentation to victims of trafficking. Based off an analysis of three organizations (the State Department, the Coalition for the Abolition of Slavery and Trafficking, and the Polaris Project), this study finds the presence of a prosecutorial framework, an anti-slavery framing that goes against certain feminist presentations of trafficking, and a palpable tension between immigration and humanitarian law are all possible contributing factors to the T Visa's under-subscription. In the conclusion, recommendations are made in order to curb this under-subscription and make the T Visa a more effective tool. Specifically, the author recommends all three organizations, as well as policymakers in the United States at large, rethink their framing of trafficking and consider revamping or changing their focus on antislavery framing.

Table of Contents

Background: An Introduction to Human Trafficking.....	5
Evolution of Human Trafficking Policy.....	5
Critiques of the T Visa Program.....	7
T Visa Mechanisms and Subscription Rate.....	12
Branding, Messaging, and the T Visa.....	15
Hypothesis and Possible Implications of Findings.....	16
Methods: Analyzing Three Organizations’ Framings of the T Visa.....	16
Justification for Selected Organizations.....	17
Analysis of Organizations’ Framing.....	18
Findings.....	20
State Department.....	20
Coalition for the Abolition of Slavery (CAST)	23
Polaris Project.....	30
Summary of Analysis.....	34
Conclusions and Discussion	35
References.....	39
Appendices.....	44
Appendix 1: Select State Department Materials.....	44
Appendix 2: Select CAST Materials.....	50
Appendix 2A: T Visa Checklist.....	50
Appendix 2B: T Visa Interview Guide.....	53
Appendix 3: Select Polaris Project Materials.....	57
Appendix 3A: Hotline Vignette.....	57
Appendix 3B: NHTRC Newsletter.....	58

Background: An Introduction to Human Trafficking

Human trafficking is the fastest growing criminal industry in the world, second only to the drug trade in terms of profitability (United Nations Office on Drugs and Crime, 2009). The international community has struggled to handle the estimated 2.5 million victims of human trafficking transported to 137 different countries (United Nations Office on Drugs and Crime, 2009). Recently, efforts have focused on suppressing the spread of sex trafficking, igniting a newfound international discourse framed around freeing women from “forced prostitution” and modern day slavery (UNODC, Palermo Protocol I). According to the United Nations, an estimated 80% of all trafficking victims are trafficked for sex work and of that group, 98% of victims are women and children (UNODC, 2010). Notably, others have put the number of sex trafficked victims at a much lower percentage¹, nonetheless both labor and sex trafficking are clearly international issues. The Justice Department estimates 50,000 people are illegally trafficked into the United States annually, and each year the government allots 5,000 T Visas for victims of trafficking. Despite this, the T Visa is vastly undersubscribed with less than 4,000 total victims having received the T Visa as of 2010 (Syskin and Wyler, 2012).

Evolution of Human Trafficking Policy

The crux of the international effort to combat sex trafficking emerged as one of three distinct protocols the United Nations passed following the Palermo Convention in 2000. Most relevant to this work is the first protocol passed by the international community: the United Nations Protocol to Prevent, Suppress and Punish the Trafficking of Persons, especially Women

¹ For a significantly different estimate of the type of work trafficked victims do, see Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery*. Kara estimates victims of sex trafficking are around 1.2 million out of 28.4 million “slaves” worldwide. Regardless of the number, most international attention in the past decade has been focused on sex trafficking, as the Palermo Protocol and TVPA indicate.

and Children. The Protocol entered into force in December of 2003 and 117 countries had approved the comprehensive document by March 2012 (UNODC, 2012).

In conjunction with Palermo, the United States passed the Trafficking Victims Protection Act (TVPA) in 2000. As part of the TVPA, the Justice Department oversaw the creation of the Victims in Trafficking in Persons nonimmigrant Visa (T Visa). Since its conception, however, T Visas have consistently been under-subscribed. Among the 31 Visas available for temporary visitors to apply to, T Visas are the only ones undersubscribed (Lorz, 2011). Understanding the root causes for under-subscription is key to understanding America's conception of human trafficking and effective policy implementation. There are many reasons why the T Visa might be under-utilized: ineffective branding, framing, an inability to locate or reach out to the trafficked victims, a lack of applicants, or strict visa requirements are only a few of these reasons. However, much of the discourse surrounding the T Visa and human trafficking in America focuses on the idea of women as choice-less victims to sex trafficking (Doezema, 2010). This interpretation of the trafficking problem often conflicts with certain feminist arguments regarding the understanding and conceptualization of sex work. Based on this and the perceived branding of the T Visa by both the State Department to non-governmental organizations (NGOs), as well as the branding by NGOs to victims, frameworks and branding are the primary means by which this study will explore the under utilization of the visa.

This study will attempt to analyze the shortcomings of the T Visa by examining the framing and discourse of not only the T Visa itself, but also the language the state, NGOs, and even victims themselves use in describing the problems with trafficking. The types of T Visa frames being utilized are determined by examining how three different organizations work to combat human trafficking. Specifically, this study is examining how three different organizations

(the State Department, the Polaris Project, and the Coalition for Anti-Slavery and Trafficking) framed the T Visa's under-subscription, and what might account for differences in the organizations' approaches to framing?

Many organizations work to confront human trafficking. This thesis aims to look at the intersection of governmental and nongovernmental organizations. Thus, it will focus on three organizations: the State Department, the Coalition for Anti-Slavery and Trafficking (CAST), and the Polaris Project. Each organization plays a significant role in preventing trafficking. The State Department is the primary government agency responsible for both immigration policy and prevention of humanitarian crises such as trafficking of persons. Both Polaris and CAST are NGOs that work in tandem with the State Department to brand and message the T Visa as a solution for both victims of trafficking and prosecuting traffickers. However, each organization also holds different attitudes and views about the appropriate framing for the T Visa and its impact on trafficked persons.

Critiques of the T Visa Program

Before looking at the branding and marketing of the T Visa, it is necessary to examine the theoretical critiques leveled at the T Visa. Three main frameworks for interpreting the T Visa are present in literature: 1) a feminist critique, highlighted by the works of Jo Doezema; 2) a prosecutorial framework, using the T Visa as a prosecutorial tool versus a humanitarian tool; and, 3) a humanitarian/emancipatory framework, centered on the idea of trafficking as slavery and the ability of the T Visa to free people from their bondage. Notably, these three frames are not the only interpretations of how the T Visa relates to human trafficking, and there are several other pertinent ideas regarding the T Visa's framing within relevant bodies of literature.

Importantly, the literature does not clearly distinguish between critiques of the T Visa that focus on implementation (the visa process, how it is branded to victims, how courts determine severe trafficking versus other trafficking, etc) and those focused on critiquing T Visa framing. Arguably, the emancipatory critique is the only easily distinguishable critique that falls strictly into one of these categories, as it directly critiques framing trafficking solely as slavery. Otherwise, all three of the preceding critiques used for this study's analysis (feminist, prosecutorial, and humanitarian/emancipatory) as well as additional frames overviewed below discuss both implementation and framing of the T Visa. Although this paper's conclusion will discuss both implementation and framing, the bulk of analysis will focus on how critiques of the T Visa can be applied to the selected organizations' framing of the T Visa rather than their methods of implementation. This is logical, as Polaris and CAST have no practical ability to change the implementation of the T Visa.

Within the literature critiquing the T Visa there is a notable divide, largely rooted in feminist debates, between those who view human trafficking solely as slavery, and henceforth its victims as slaves, and those who take a more nuanced stance toward the issue. Doezema and those in her camp advocate against framing trafficking as modern day slavery, which is how official organizations like the State Department label trafficking (Doezema, 2005) (State Department, 2012). For the purposes of this study, the feminist critique of the T Visa, lead by authors such as Doezema, will be among the most relevant. Specifically, the argument Doezema articulates to critique the discourse surrounding the T Visa. Doezema argues, "the current concern with trafficking among women is a modern manifestation of the white slavery myth" (Doezema, 2010). Essentially, Doezema is addressing two current "myths" about modern human trafficking promulgated by international agreements like the Palermo Protocol as well as

domestic action by the United States, like the TVPA. First, Doezema summarily rejects the feminist narrative that women are victims of prostitution as a myth used to suppress female sexuality and limit choice. Rather than frame prostitution as forced sex work that is “despicable” and should be eliminated at all costs, Doezema demands a new frame to understand sex work (Doezema, 2000) (Doezema, 2010). Doezema insists sex work is not always immoral and can be a legitimate business and occupation for women. Rather than pushing sex work further underground, Doezema believes a true feminist advocates for the legalization and regulation of sex work. The ramifications of legalization could include standardized wage rights for sex workers, basic healthcare coverage, regulation of clientele, and a general shift in attitudes both economically and culturally.

The feminist critique Doezema’s work highlights also rejects the idea of sex work as an immoral, terrible evil—the idea that human trafficking is a modern day form of “white slavery” (Doezema, 2010). In other words, by framing the human trafficking problem as a slavery problem, legislators are ignoring root causes of trafficking, including women’s choice to enter illicit sex markets which can often lead to coercion or entrapment. The policymakers’ framing of trafficking as a slavery problem is evidenced in hearings, legislation and public discourse. For example, John Kerry held in a hearing in July of 2012 called “The Next Ten Years in the Fight Against Human Trafficking: Attacking the Problem with the Right Tools” in which he stated, “In the end, none of us can escape our moral obligation to be a leader in the fight against this modern-day slavery” (Kerry, 2012).

Moreover, this conception of trafficking makes the ultimate goal of human trafficking prevention the elimination of all sex work, rather than its regulation. Doezema is highly critical of this emancipatory model of combating trafficking that treats sex work as a crime because she

claims victims of human trafficking can often end up prosecuted under the “guise of human rights” (Doezema, 2010, 15). Understanding the need to recognize the legitimacy of sex work, argue scholars in Doezema’s camp, would help fundamentally shift the framing of trafficking as slavery, as women could choose to become legal sex workers in their own countries, lowering demand for pimps to run international trafficking circles. Significantly, Doezema and those who advocate for legalization of sex work are still all calling for the abolition of sex trafficking, or the coercion of women and children into sex work (Doezema, 2005; Shrage, 1996; Nussbaum, 1999; Ditmore, 2005; Leigh, 2004). Not all feminists, however, concur with Doezema’s assessment, just as not all officials at the State Department would concur with the view of trafficking as slavery. There is, in fact, an entire literature by feminist authors that does support the idea of sex work as suppressing women, regardless of its legality (Jeffreys, 1998; Barry, 1996; Stark and Whisnant, 2004). Gloria Steinem, a prolific feminist activist, speaks out against legalizing sex work and labels sex trafficking, and all forms of trafficking as slavery (Steinem, et al, 2008). This feminist debate coincides with a larger debate on the question of legalizing or regulating prostitution, which although rich in literature and peripherally related to the outcomes of sex trafficking, is not entirely relevant. Amongst feminist authors, Doezema, along with Martha Nussbaum, is one of the most prolific writers on the specific issue of whether or not trafficking should be framed as slavery.

However, not all authors focus on this feminist issue with the T Visa and the framing of trafficking. Many authors criticize the TVPA and the T Visa for failing to uphold humanitarian ideals by treating victims more as tools for prosecution than as entities unto themselves (Pollock, 2010). In other words, the T Visa may not be as effective when framed as a prosecutorial tool used for the benefit of the government’s case against traffickers, rather than as a humanitarian

frame. One of the difficulties associated with the TVPA is that the legislation deals with both domestic and international law. The TVPA attempts to hold other nations, particularly nations with developing markets (such as India and China), accountable for trafficking; yet some believe it overlooks problems at the root of trafficking (Hendrix, 2005). In countries where sex work is illegal, and even when it is legal, this demand creates an increase in both domestic prostitution and international trafficking, as women and children (primarily) are trafficked from bordering nations (Tritaki, 2003). There is a moderate amount of literature devoted to the effects of NGOs and peacekeepers on human trafficking demand (Nelson, 2004) (Tritaki, 2003) (Amnesty International, 2004) (Skjelsbaek, 2003). All of the above-mentioned frames are of note when discussing the under-subscription of T Visas, however it is infeasible to examine all possible causes of under-subscription. For that reason, the case studies in this analysis will revolve around frames and messaging that can be most easily identified in the rhetoric, mission statement, and documents that the State Department, Polaris, and CAST produce: feminist issues, T Visa as a prosecutorial tool, and the T Visa as a humanitarian tool/within the antislavery framing.

The aforementioned literature critiquing the T Visa, as previously stated, deals with both the implementation and the framing of the T Visa. In order to fully understand where implementation critiques are coming from, and the larger issues with the T Visa's structure, it is necessary to examine the mechanisms in place for applying and receiving a T Visa as a victim of human trafficking.

T Visa Mechanisms and Subscription Rate

Receiving a T Visa from the United States government is somewhat similar to the asylum-seeking process undergone by political dissidents or refugees. Applicants must provide extensive testimony to prove they are in fact victims of trafficking. The important departure T Visas make from asylum procedure is in the use of T Visas as a method to prosecute traffickers (Pollock, 2010). As previously discussed, one of the critiques of the T Visa comes from the prosecutorial framework, which claims that the T Visa fails to take into account the emotional and mental implications of trafficking for victims (Hartsough, 2002) (Pollock, 2010) (Chacon, 2005). Some have suggested incorporating more victim-centered therapy and remediation as a part of the T Visa application (Chacon, 2005) (Saduriddin, 2005). Many victims of trafficking also fear authority, as trafficking is often exacerbated by corrupt government officials in developing (and developed) nations, contributing to a fear of applying through the visa program (Saduriddin, 2005). Additionally, one of the tensions unique to the T Visa is its position on the border between immigration and humanitarian policy. If a T Visa applicant is rejected or fails to comply with the requirements of the T Visa (including cooperating with the government and police), the applicants risks deportation.

The TVPA created the T Visa program, allocating up to 5,000 Visas to be filled per year. Not only is the T Visa the only visa program in the portfolio of American immigration policy that is under-subscribed, but it is also one of the few in which there is a dearth of sufficient applicants (Pendleton, 2006). In other words, it is not just that the government gives out only about 10% of the possible allocation of T Visas (see Table 1), but there are also fewer people than predicted applying to receive a T Visa. The table below illustrates the vast under-subscription of the T Visa from 2002-2010.

Table 1: Breakdown of T Visa Applicant Status, 2002-2010

Fiscal Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
			<i>Principal</i>	<i>Aliens</i>	<i>(Victims)</i>					
Applied	115	557	278	229	345	230	394	475	345	2,968
Approved	4	285	136	112	182	279	247	313	304	1,862
Denied	0	28	292	210	52	70	64	77	87	880
			<i>Dependent</i>	<i>Aliens</i>	<i>(Family)</i>					
Applied	122	331	118	114	324	149	290	235	208	1,891
Approved	0	207	216	114	99	261	171	273	225	1,556
Denied	0	13	26	18	43	52	19	54	69	294

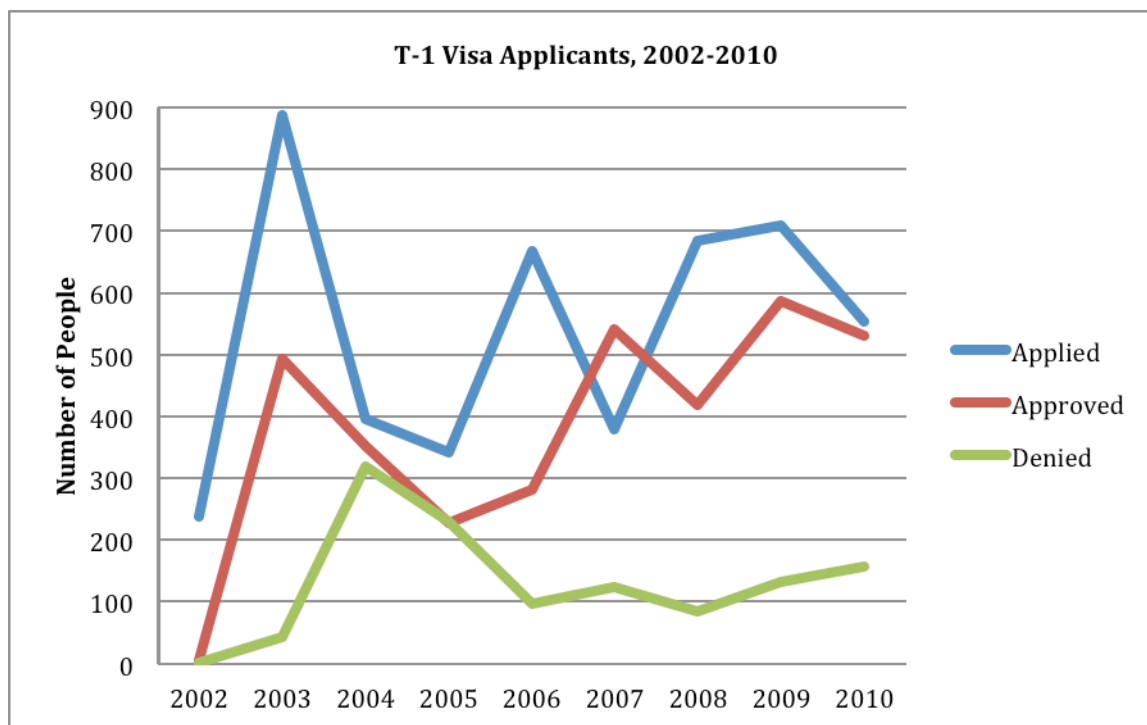
Source: Siskin and Wyler, Congressional Research Service, 2010

As Table 1 indicates, there is a dearth of applicants for the T Visa, and not just during the program’s early years when it may have remained unknown to its applicant pool. The under-subscription is also not accounted for simply by overly strict requirements, as the number of people applying is far lower than anticipated (up to 5,000 applicants can be approved), as are the number approved. This table divides principal aliens, who are the direct victims of trafficking, from dependent aliens, family members of victims also eligible to apply for the T Visa.

To be eligible for the T Visa victims must meet three basic requirements: 1) a victim must be a victim of a “severe form of trafficking”; 2) a victim must be in the United States because of trafficking; and, 3) a trafficked victim must have “cooperated with reasonable requests for assistance by law enforcement” (State Department, 2010). If applicants are unable to prove they were, in fact, trafficked into the United States (whether through oral testimony, documents, or written validation), the government could deny them the visa and deport them.

Table 1 illustrates the number of applicants for the T Visa program from 2002-2010, and despite the vast under utilization of the T Visa, there are no trends apparent year to year. Graph 1 combines the principal and dependent victims into one trend line, those who applied, were approved, and denied the visa. The one noticeable peak in denials and applications in 2004 and 2005 is primarily attributed to a joint filing of hundreds of labor workers in California who claimed to have been trafficked into the United States (Siskin and Wyler, 2010). When their case went to immigration court, they were found to have insufficient evidence of severe trafficking and the entire group was denied the T Visa. Other than this incident, there are no apparent trends in the number of applicants or approvals for any year.

Graph 1: T Visa Applicants Trends, 2002-2010



Source: Siskin and Wyler, Congressional Research Service, 2010

Trafficking visas, like visas given to asylum seekers, lie at the intersection of refugee and immigration policy—combining humanitarianism with pragmatism. The TVPA was created in

2000 in order to help combat the “epidemic proportions of human trafficking worldwide” (Hendrix, 2010, 177). Passed in coordination with a larger push by the United Nations to combat trafficking the TVPA aimed to both provide assistance for victims of trafficking as well as prosecute traffickers.

Branding, Messaging, and the T Visa

Although frameworks operating behind the T Visa are important to understand, a large part of the following study will also examine the messaging and branding behind the T Visa, and how that may account for its under-subscription. Visas are not thought of as products that need to be advertised like other goods private sector companies produce. However, literature has connected non-profit branding and messaging with successful implementation of policies or change. Two scholars have found that without adopting commercial branding and marketing techniques to their “product” (services, policy advice, or tangible goods), non-profits cannot remain functional (Stride and Lee, 2007, 108). One study found that successful interventions in the public health sphere in Europe occurred most often when there was a significant brand associated with the public health initiative (Evans and Hastings, 2008). It stands to reason, then, that commercial practices in regards to framing, branding, and messaging are relevant and important in ‘selling’ products in the non-profit or policy sector. Such logic can be applied to the T Visa by viewing it as a product sold to victims of trafficking. How victims are accessed, what message is sent to them, and what they view the purpose of the T Visa are all critical questions. Moreover, it is relevant to ask about government and non-profits’ intentions in ‘selling’ the T Visa, as these groups may not view the T Visa the same way victims of trafficking do.

Hypothesis and Possible Implications of Findings

This thesis presents a hypothesis which states that an anti-slavery framing of human trafficking has pre-empted criticism and analysis of the T Visa program, contributing to its under-subscription. Examining relevant documents and undergoing interviews of employees of these organizations will show how each organization conceptualizes the T Visa as part of its work. Analysis may show organizations use framing which Doezema categorizes as emancipatory and fit into her feminist critique or that they rely on the T Visa as a primarily prosecutorial tool. By showing this framing may exist in America's conception of trafficking and its problems, Doezema's argument could be extended and applied to at least some of the causes for under-subscription of the T Visa. If the analysis shows an anti-slavery framing, focusing on this framing draws attention away from the root cause of trafficking because it creates a false binary: either rid the world of all sex work or live in a world of trafficked women and children. If the analysis of selected organizations' materials shows a discourse dominated by an emancipatory framework, the finding may indicate a view of the T Visa that prevents a deeper analysis of trafficking. Such alternative analysis could potentially assist victims with their application processes.

Methods: Analyzing Three Organizations' Framings of the T Visa

The methodology is a comparative case study, evaluating the discourse regarding T Visas from three different organizations: the State Department, the Polaris Project, and the Coalition to Abolish Slavery and Trafficking (CAST). Each organization is evaluated on four criteria: mission framing, practical framing, application of frames from the literature, and audience and branding. Mission framing is how the T Visa fits into each organizations mission

and how it they frame it is part of their mission. Practical framing takes a closer look at discrepancies from how an organization may say the T Visa is framed or functions versus what the documents, memos, and other information the organization produces indicate the T Visa is framed. Based off the mission and practical framing, the next step in the methodology is examining how each organization's framing of the T Visa may or may not fit into frames from the literature. Finally, given the previously mentioned importance of audience and branding, the last section of the methodology focuses on each organization's audience and branding for the T Visa.

Justification for Selected Organizations

The State Department is perhaps the most obvious choice for this case study as it is the governmental department directly in charge of running the T Visa program. Each year, the State Department publishes the Trafficking in Persons (TIP) Report, which is the primary material used to examine the government's discourse surrounding the T Visa. Additionally, the State Department provides the most proscriptive approach, as they make and implement policies regarding the T Visa whereas the two NGOs respond to State's policy and have liberties to criticize it. The Polaris Project and CAST are both non-governmental organizations (NGOs) chosen for their reputation, size and differences in approach. NGOs do a bulk of the work in contacting, recruiting and getting potential candidates to understand the mechanisms behind the T Visa. The annual TIP report is released only after the State Department has made thorough consultation with expert NGOs, such as Polaris and CAST, about trafficking and its victims. CAST and Polaris were both chosen as the two NGO's discourses to analyze because despite their similar goals (to help victims of human trafficking), they are still different in how they approach trafficking. CAST subscribes to the view, as its name suggests, that any and all

trafficking is slavery and believes it should all be abolished to help women and prevent trafficking. Polaris, on the other hand, still wishes to prevent human trafficking but has shown it is more open to engaging in debates regarding the value and possible legalization of sex work. As a result, Polaris and CAST provide a snapshot of how trafficking could be viewed across the board. Admittedly, choosing only three organizations leaves gaps in possible T Visa framing.²

Analysis of Organizations' Framing

Analysis is based on the discourse and framing surrounding the aforementioned organizations about the T Visa. For each organization, this entails evaluating a particular facet of its written work—such as evaluating victim testimony from Polaris, examining the client service handouts of CAST, and analyzing the TIP reports by State. Also analyzed are position papers, memos, and guidance CAST and Polaris provides the State Department while they are compiling the TIP report. This cross section of documents will show both how the individual organizations view the issue of trafficking as well as how they synthesize these ideas in one conglomerate report. Additionally, officials in all three organizations participated in background interviews to convey a sense of how each organization conceptualizes its work with the T Visa. Analysis is divided into four components: mission framing, practical framing, frames present within the literature, and audience and branding for each organization.

When examining these documents, the researcher made careful attempts to identify indicators that matched the three most prolific frames surrounding the T Visa from the literature (feminist, prosecutorial, and humanitarian/emancipatory). Indicators for matching frames included key phrases from selected documents about feminism, the role of women in sex trafficking, mentioning or noting prosecution as a function of the T Visa, and discussing

² Other prominent organizations were considered in the case study, such as the International Justice Mission (IJM), Urban Light, and the Empower Foundation. But due to either feasibility issues or a lack of work with the T Visa, these organizations were not chosen.

trafficking as slavery. The State Department, CAST, and Polaris all seem to categorize trafficking as a slavery issue or the use of the T Visa as a prosecutorial tool. Again, if this link is proven throughout all three organizations, it may underscore the importance of framing as a reason for under-subscription. Since framing is also important within the context of branding, each organization is analyzed for who their respective audiences are and what branding they do with the T Visa given their audience. For example, the State Department's main audience is not victims themselves but rather the NGOs it works with and the rest of the international community, which affects how they brand and frame the T Visa. A closer discussion and analysis of each organization's audience and framing occurs in the findings section. The researcher chose not to use specific codes for these selected documents (a decision further justified within each organization's analysis) because of the varying formats, styles, and audiences for each organization. Since the T Visa has only been in existence since 2000, the number of documents available will be considerably fewer than many comparable government programs and visas.

The methodology allows examination of the discourse surrounding the T Visa as well as a critical look at the cultural and ideological work the T Visa is doing for CAST, Polaris, and the State Department. In other words, the T Visa is meant to accomplish something for the victims (provide them safety) and the government (reduce the number of traffickers and prosecute those caught). However, the TVPA does other ideological work for these three organizations, work not necessarily in line with the work the T Visa is meant to do for victims of trafficking. Only by examining and assessing the discourse surrounding the T Visa can the possible effects of the visa's framing on its under-subscription begin to be understood.

Findings: Differing Approaches to Framing the T Visa Across Three Organizations

CAST, the State Department, and the Polaris Project will all be analyzed as to how they frame the T Visa. Each case study will entail four parts: 1) mission framing, or how does the organization present itself as framing the T Visa as part of its mission; 2) practical framing, or how do documents and other primary sources from the organization frame the T Visa and how, if at all, does this differ from their stated purpose in part one; 3) applying three frames from the literature (feminist critique, prosecutorial, and humanitarian/emancipatory) to part one and two; and, finally 4) what are each organization's audience and branding, and how, if at all, do those fit into their framing. The first question of the case study relies on each organizations stated mission as well as interviews with members of the organization. Question two of the case study relies primarily on documents or reports the organization produces (e.g., the TIP Report, Client Services Manual, Hotline Transcripts). Questions three and four derive from the literature. Following the case studies, there will be a brief section summarizing and comparing approaches to framing the T Visa across organizations.

Case Study 1: The State Department

States' Mission Framing

The State Department is responsible for the administration of the T Visa. In its description of the T Visa, its states the visa “allows victims of human trafficking to remain in the United States to assist in investigations or prosecutions of human trafficking violators” (State Department, 2006). In this way, the State Department frames the T Visa as a tool to help victims of trafficking but firmly within the context of prosecuting traffickers. Within its limited literature about the T Visa, State describes it as a tool for “those who are or have been victims of human

trafficking, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking” (State Department, 2006). The mission of the State Department is to “Create a more secure, democratic, and prosperous world for the benefit of the American people and the international community” (State Department, 2012). The T Visa then fits into the area of creating a more secure world by functioning less as a victim assistance resource and more as a tool to prosecute traffickers.

States’ Practical Framing

Unlike the NGOs, the State Department is a federal agency, and is therefore far less likely to frame the T Visa in a negative light. As such, no document or report calls attention to the under-subscription of the T Visa. The most relevant State Department document is the annual Trafficking in Persons Report (TIP), which has been compiled since the passage of the TVPA. The TIP Report assigns every nation to a “tier” based on its rate of trafficking, and breaks down types of trafficking occur within each tier. The stated goal of the TIP is “Freeing victims, preventing trafficking, and bringing traffickers to justice” (State Department, TIP, 2012). Nowhere in TIP is the T Visa explicitly mentioned. This is significant because it points to the fact that the T Visa is not necessarily a State Department priority in dealing with trafficking on an international scale.

One of the difficulties associated with analyzing State Department documents is unlike NGOs, the State Department is a branch of the government and therefore has a strong vested interest in maintaining and promoting its own policies. But, an examination of memos coauthored by NGOs, like CAST and Polaris, indicates that for the State Department, the primary work they do to combat trafficking is not centered around the T Visa. Moreover, the

State Department does not track number of T Visa applicants, this falls to the Justice Department, and it does not mention under-subscription as a problem associated with the T Visa.

Applying Frames From the Literature

Based off the mission framing, the State Department would fall rather squarely into the humanitarian/antislavery framing within the literature. However, its practical framing seems to indicate the T Visa is primarily a tool for prosecution rather than fitting within a humanitarian context. State counters this by claiming the mere existence of a T Visa, a visa uniquely for victims of trafficking that almost no other nation has, is a humanitarian effort. Moreover, at a macro level, the T Visa helps rid the world of trafficking by prosecuting traffickers, so although it may be a short-term fix for current victims, it theoretically could help future victims of trafficking. The benefits for current victims are not negligible either, as they are able to apply for a green card after their case ends or after four years. The Doezema-driven feminist critique of the T Visa is not present at all in either the mission or practical framing. Nowhere in States' literature is there explicit mention of feminist issues, besides mentioning the issue of sex trafficking, generally speaking. Although there may be those working within the State Department who do subscribe to the feminist critique of the T Visa, by and large the State Department claims to be serving feminist and women's issues by attempting to rid the world of sex trafficking and slavery.

States' Audience and Branding

Unlike the NGOs, States' primary audience with the TIP report and their other government documents describing the T Visa are not victims, themselves. Instead, State aims the TIP reports at the communities of NGOs and government organizations, such as United States Custom and Immigration Services, the Justice Department (which works in conjunction with

State to prosecute traffickers), as well as diplomatic staff. Additionally, the State Department is also looking to model an international system for reducing trafficking, so some of its audience is the international community at large. This audience may explain why State brands the T Visa so strongly as a humanitarian tool and one to prosecute traffickers, rather than as direct victim assistance. It could also explain why States' anti-trafficking measures do not particularly emphasize the T Visa. Since State is appealing to other organizations, and not victims, this could account for this dearth of documents about the T Visa, itself. Nonetheless, there does seem to be a gap between how State understands the T Visa to function and how victims may perceive its functions, as indicated by its under-subscription.

Case Study 2: Coalition for Abolition of Slavery and Trafficking (CAST)

CAST's Mission Framing

CAST mission is “to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations” (CAST, 2011). CAST's activities revolve around “client-centered approaches” that advance the human rights of trafficked persons. Unlike the State Department, CAST claims its primary clients to be the survivors of trafficking, and attempt to build coalitions around them. Within CAST's name, the words slavery appears, indicating the organization subscribes to the idea of trafficking as “modern day slavery”, like many other modern day scholars and organizations (Picarelli, 2007; Schaeffer-Grabel, 2010). Contrasting with Doezema's viewpoint, CAST conceptualizes its mission as not just assisting victims of trafficking, but also eliminating and abolishing trafficking as a form of modern day slavery.

The T Visa, then, presents itself as another tool within CAST's arsenal to combat trafficking and assist victims. Importantly, CAST, unlike the State Department, does not advocate the T Visa as its organizations' primary tool in assisting victims. Given its mission to abolish slavery as trafficking, the T Visa may be a useful tool to help victims, but is not the primary means through which CAST acts against trafficking. CAST does not explicitly frame the T Visa as a tool to prosecute traffickers within its mission. In fact, the word "prosecute" is not found once on its website or select client materials (CAST, 2011).³ CAST's mission statement and services appear to frame the T Visa as one of many possible tools available to victims of trafficking in order to better their lives. Significantly, nowhere on CAST's materials was there mention of the T Visa being undersubscribed.

Of the three organizations examined, CAST spends the most time dealing directly with the T Visa. Although the State Department is primarily responsible for the policy behind the T Visa, non-governmental organizations such as CAST are tasked with working with victims to go through the necessary procedures for the visa. CAST has legal task forces as well as the direct victim assistance Polaris also engages with.

CAST's Practical Framing

CAST spends the greatest amount of time within its organization administering direct client services, including training community partners to assist clients. Given the centrality of client services to CAST's mission, the following five documents will be examined for how CAST frames the T Visa: 1) CAST New Client Legal Orientation Handbook, 2) T Visa Interview Guide, 3) T Visa Checklist, 4) A Guide to Immigration Status, and 5) Lawyer's Guide to Outline for T Visa Interview. These five documents were chosen for two reasons. First, the

³ Additional outside materials and client materials were provided by Director of Client Services through email exchange to the author

documents all directly apply to the T Visa. Although seemingly obvious, this is an important criterion because within non-profit organizations like CAST, there are many possible resources at the staff's disposal to help them deal with trafficking. The T Visa is just one tool, but it is the focus of the study and so choosing documents that speak directly about the T Visa, instead of just the general mission or services of CAST, was important. Second, the five aforementioned documents are all intended for third parties rather than people within the organization themselves—either the trafficked victims (clients) or community partners assisting victims (in this case, lawyers). Understanding how CAST frames the T Visa demands an examination of how they present the T Visa to those outside CAST.

1) CAST New Client Legal Orientation Handbook

Given to all new clients of CAST, this handbook intends to present options for victims of human trafficking who come to CAST for assistance. It covers five areas of importance: lawyers' duties, privileges, immigration, civil legal system, and criminal legal system. For the CAST study, the immigration section is the most relevant and informative aspect of this 44-page handbook.

The handbook presents three different options for trafficking victims who want to stay in the United States: continued presence, the T Visa, and the U Visa. The handout does not mention prosecution of traffickers within the purpose of the T Visa. Rather, it includes it in the list of means to stay within the United States. The only mention of prosecution is embedded within a listed benefit of the visa as eligibility to “apply for a green card after the criminal case against your trafficker is finished OR after 3 years, whichever is sooner”(CAST New Client Handbook, 2011).

The new client handbook also outlines eligibility requirements for the T Visa. Besides being a victim of a “severe form of trafficking” and “being in the US because of trafficking”, the other eligibility listed is that trafficked victim must have “cooperated with reasonable requests for assistance by law enforcement” (CAST New Client Handbook, 2011). The book does not define what “reasonable requests” entails but it indicates an aspect of the T Visa is dealing with local and federal United States law enforcement.

2) T Visa Interview Guide

Created by CAST for victims of trafficking, this five-page interview guide goes through extensive questions about how the victim ended up in the United States in order to see if they are eligible for the T Visa. Presumably, this would be completed by either the client themselves or with assistance from their lawyer. As stated previously, the T Visa is given for those subject to “severe” forms of human trafficking and so within the interview guide there are as many questions as to the nature of conditions or trafficking the victim dealt with. The interview guide is divided into the following parts: background information, recruitment and agreed conditions before migration, migration, identity of employer, working conditions, coercion strategies, physical presence of the victim, travel status of the victim, evidence of extreme hardship, compliance with law enforcement agencies, and admissibility or waiver issues for victim.

The longest section of the guide covers the victim’s coercion into trafficking. Questions about coercion are divided into physical and psychological coercion (‘Was the victim subject to hitting?’ ‘Was the victim subject to torture?’ ‘Was the victim

subject to sexual assault?’ ‘Was the victim placed into debt bondage?’ ‘Was the victim afraid to leave?’) The victim also must describe what kind of extreme hardship she would face if she returned to her home country and how, if at all, she would be in contact with law enforcement (although CAST’s handbook uses the female pronoun, victims are both male and female in CAST’s interviews).

3) Lawyer’s Guide to Outline for T Visa Interview

The previous interview guide for the T Visa is intended primarily for the trafficking victim, whereas this document is used in CAST’s monthly T Visa working group for lawyers. The criteria listed above were repeated, but with an emphasis on *coercion* being a key factor for severe trafficking. The guide also emphasizes that the lawyer should “explain that in the declaration, we are telling his/her story from his/her point of view.” In other words, the goal of the declaration on the T Visa application is to tell a story about the victim’s plight. To this point, the guide outlines extensive questions about the victim’s experience both before and after arriving in the United States. CAST staff are instructed to ask several questions about how often the client speaks to the police or government and what clients say to police. The questionnaire also has several questions about the social stigma, especially for victims of sex trafficking. In the last section, inadmissibility issues are covered and one of the questions indicating inadmissibility is whether or not the victim has had contact with immigration authorities in the past.

4) T Visa Application Checklist

Prepared by CAST in order for the victim and his or her lawyer to complete before attempting to apply for the T Visa, this checklist details actions that must be

taken for successful application. In addition to personal information and forms to fill out, the checklist includes details on “country condition reports and other objective evidence supporting the T Visa claim” as well as “a supporting letter, brief, or memorandum of law establishing criteria for T status”(CAST T Visa Checklist, 2010).

The latter points the client to using either the State Department’s TIP Report, Human Rights Watch report on trafficking, the International Human Rights Law Group Report, or a Database of law against trafficking in Asia-Pacific. The former outlines that the client must be a victim of “severe form” of trafficking, be present in the United States and provide the most detail on proving “extreme hardship...if removed from the United States.” Importantly, this section includes the impact on the “applicant losing access to the US courts and criminal justice system.”

5) A Guide to Immigration Status

CAST created this short table to simplify immigration options for trafficking victims. The table is divided into CP, T Visa, U Visa and undocumented, and explains what each option is, how it is obtained and what benefits the victim gets from it. Under the T Visa section there is an important disclaimer to clients: “The government can deny this visa and you could be deported.” They also explain that in order to get the T Visa the client must “help with the investigation of the people who held you” and “report what happened to the police, ICE, or FBI.” The benefits of the T Visa are described as: social services, staying legally in United States for up to four years with an application to stay longer and “**punish** the people who hurt you (emphasis included).”

These five documents emphasize the prosecutorial nature of the T Visa more than CAST's mission statement and other descriptions of its client services would indicate. A few times, the documents also bring to light the tension between immigration services and clients—as contact with immigration in the past could make clients inadmissible for the T Visa. The documents also mention deportation multiple times.

Analyzing Frames From the Literature

CAST, as its name suggests, very much reflects the humanitarian/emancipatory frame of the T Visa, particularly with regards to framing trafficking as slavery in all cases. This brings a marked tension between CAST's framing and the feminist critique Doezema launches against the T Visa, particularly by creating a false binary in framing sex trafficking solely as slavery. However, CAST, much like the State Department, would defend against this with logic that Steinem and feminist in her camp propose: all forms of sex work are a form of suppression and by ending trafficking, and all prostitution, women's wellbeing will improve. Despite the emancipatory nature of CAST's framing of the T Visa in their mission, CAST's practical framing is quite prosecutorial as the above document analysis shows. CAST recognizes the practical way in which State has framed the T Visa as a tool for prosecution so they seem to respond by realizing they need to advise T Visa applicants on the best way to successfully obtain the visa. Notably, CAST is the only organization that really begins to hint at the tension between immigration issues and the humanitarian framework by mentioning the importance of working with law enforcement in their documents and bringing up the possibility of deportation—but highlighting these tensions does not seem to be CAST's priority.

CAST's Audience and Branding

Unlike the State Department, CAST is not lobbying other international governments or organizations about human trafficking. CAST's primary audience is victims and those within the community who are serving victims directly, such as lawyers and local law enforcement. Although CAST does not as actively lobby the United States government like Polaris does, it still produces some documents directed at the government in order to lobby for certain changes in how trafficked victims are treated. Research conducted, however, did not reveal any documents addressed to the government specifically about T Visas, nor did any of the contacts the researcher spoke with at CAST discuss such lobbying efforts. Although CAST is purportedly the most victim-centered in its audience identification, it appears to value testimonials from victims primarily as tools for T Visa applications, in order to allow victims to prove hardship and willingness to cooperate with investigators. This is a very different method than the one Polaris uses for victim testimony, and the difference seems to reinforce the prosecutorial frame within CAST's practical framing. Moreover, it might seem that having an audience of victims could compel CAST to mention under-subscription, unlike the State Department, but they never do.

Case Study 3: The Polaris Project

Polaris' Mission Framing

Founded in 2002, Polaris states its mission as, "combating human trafficking and modern-day slavery and strengthening the anti-trafficking movement through a comprehensive approach" (Polaris, 2012). Like CAST and the State Department, Polaris includes the notion of modern day slavery as a key component of trafficking. Notably, however, the Director of Polaris, Brad Myles, went on the record calling into question the notion of getting rid of all sex work as

an integral part of getting rid of trafficking. This is a major distinction CAST and State do not make (Myles, CNN, June 2009). Polaris, like CAST, is very victim-centered and one of the major projects they undertook to help victims of trafficking was the creation of a national hotline for victims to report trafficking. They use victim testimony not only as a tool for applications to the T Visa and other government recourse, but also as a powerful tool to fundraise, lobby, and otherwise bring awareness to human trafficking issues.

Polaris' Practical Framing

Polaris frames most of its resources for law enforcement by using the T Visa as a resource for those in law enforcement and judicial systems as a way to punish traffickers. But, there is also a good deal of emphasis on the protection of trafficked victims. Importantly, like CAST and State, Polaris never mentions the T Visa being undersubscribed as a problem. Moreover, none of Polaris's documents directly addresses the interplay between immigration law and the T Visa.

Polaris provides the following documents that are useful in analyzing their practical framing of the T Visa:

1. Resource tools for law enforcement

- a. These resources are focused primarily on how to interact with victims of trafficking, and the psychological and physical signs of trauma that may indicate someone was severely trafficked. The bulk of Polaris's work in regards to law enforcement is focused on getting local police and law enforcement to recognize behavior in individuals in order to see possible cases of human trafficking. Pamphlets, handouts, and other resources are provided by Polaris to be distributed to local authorities to recognize signs of abuse,

coercion, or other indicators of trafficking. Beyond recognition, Polaris also advises how law enforcement should follow up with victims in terms of immigration and legal issues.

2. National Human Trafficking Resource Center newsletter

- a. This monthly newsletter is sent out to organizations that combat human trafficking as well as law enforcement. Notably, in an examination of 12 different Polaris NHTRC newsletters, the T Visa was only mentioned briefly, once, in an immigration options newsletter.

3. Polaris memos on Policy Advocacy

- a. Although Polaris does a lot of direct victim assistance like CAST, the organization is more involved with policy recommendations and memos than CAST. To this degree, Polaris has authored several memos to Congress and relevant parties about possible trafficking solutions. In these memos, Polaris rarely, if at all, mentions the T Visa. When it does mention the T Visa, it is portrayed as a temporary step for victims rather than a comprehensive, sustainable solution.

4. Victim Testimony from the National Trafficking Hotline

- a. Excerpts from hotline conversations between Polaris officials and victims or those calling in reporting possible trafficking were provided by a contact within Polaris.⁴ These excerpts reveal perhaps the only indication of Doezema's feminist critique of the T Visa. Women who call into Polaris sometimes bring up the issues Doezema alludes to in her arguments,

⁴ All excerpts were provided in full confidentiality via phone with names omitted (nothing was transmitted by email so excerpts are not provided in the appendix), but the author of this thesis was also requested to leave out any direct quotations from excerpts to ensure privacy.

particularly the economic implications of sex work and the situation of despair in their native countries. This is discussed in a far less academic context than Doezenia does, but is still indicative of some of the feminist critiques of the T Visa.

Analyzing Frames From the Literature

Polaris' mission framing, much like CAST and State, is found to be humanitarian/emancipatory in its nature. The main difference between Polaris and the other two organizations is that Polaris is more open to the feminist critique of the T Visa than either CAST or State indicates they would be in both mission and practical framing. Such indications occur through interviews with Polaris Director Brad Myles, as well as through their practical framing—particularly when examining the hotline excerpts. The practical framing Polaris employs, however, is far more prosecutorial than their mission framing indicates. Polaris takes on much more policy advocacy work than CAST does, so this emphasis of the prosecutorial framework, which State has already established, may be a result of those efforts.

Polaris' Audience and Branding

Polaris has a slightly different audience than CAST, and certainly a different one than State serves. Like CAST, Polaris is branding the T Visa partially for victims, as a tool for taking recourse in the United States. However, Polaris is also appealing to the United States government in order to lobby for change to various trafficking policies. Their documents break down differently depending on these two audiences. When addressing other government agencies, law enforcement, or judicial officials, Polaris utilizes a more prosecutorial framework or humanitarian. Working directly with victims, such as the hotline or guidance materials, Polaris

employs both the prosecutorial framework as well as allusion to the feminist critique Doezema argues.

Summary of Analysis

Within each organization there are similarities and differences that run through the framing and messaging behind the T Visa. All three organizations recognize the function of the T Visa as a tool for prosecution, indicating a prosecutorial frame, whether for the benefit of NGOs (from States' perspective) or victims (from CAST or Polaris' perspective). However, this may not be a compelling branding of the T Visa for victims. State seems to emphasize prosecution for reasons associated with its mission of reducing, rather than reacting, to trafficking by prosecuting traffickers. Polaris and CAST seem to be emphasizing the prosecutorial nature of the T Visa in order to convey to victims that to successfully receive the T Visa they must be willing and able to cooperate with authorities to prosecute their traffickers.

Of the three organizations, CAST does the most direct work with victims trying to obtain T Visas. Within its work, CAST does not ever mention the T Visa as being undersubscribed or problematic. In fact, none of the three organizations examined questioned the T Visa's efficacy in their literature. A few things may explain this: State would leave this out because of its role in crafting policy. However, by not recognizing the problem of under-subscription of the T Visa, the NGOs and State are failing to recognize the pool of victims available for the visa. Such lack of recognition indicates one of two things could be happening. The first is that each organization truly believes the T Visa is currently working as good policy already, and hence, less than 1,000 people each year need the T Visa. However, this seems very unlikely, as both State and the two NGOs are well aware of the epidemic of human trafficking and the Justice Department's figure

of over 50,000 people who are trafficked into the United States each year. The second option is that under-subscription is a serious flaw with the T Visa's implementation and design, and such under-subscription is not being addressed for a number of serious reasons related to framing.

Conclusion and Discussion: Reframing American Policymakers Conception of the T Visa

President Barack Obama outlined human trafficking as a major issue in his speech to the Clinton Global Initiative in September of 2012 (Obama, 2012). In this speech, Obama explicitly refers to the “outrage of human trafficking, which must be called by its true name—modern slavery” (Obama, 2012). Obama does not differentiate between sex trafficking and non-sex trafficking, but rather labels both as modern day slavery, and frames the United States as the freer of these modern day slaves through programs like the T Visa. Yet, issues examined in this study showcase larger issues with T Visa's under-subscription, bringing to light many unaddressed issues in our current conceptualization of human trafficking and its victims. These are the issues President Obama did not address in his speech, and that are missing from nearly all policymakers conception of trafficking, particularly sex trafficking.

As the above findings show, there is a discrepancy in the State Department, CAST, and Polaris between their mission framing versus practical framing, particularly in regards to how they employ the framing of the T Visa as either a tool for humanitarianism or one for prosecution. Such discrepancies could be part of the reason why the T Visa is so undersubscribed. Each organization has a different audience it is appealing to and when State crafts its recommendations and brandings surrounding the T Visa, it is doing so more for NGOs and other agencies than for the victims themselves. NGOs, in turn, use the guidance which State provides in order to directly assist victims, leading to a feedback cycle that results in a branding

within the antislavery and prosecutorial framework both for NGOs and victims that may not resonate with the true causes of trafficking.

Another clear issue the findings brought out was that not a single organization explicitly mentions the T Visa as being undersubscribed. As discussed in the summary of analysis, this raises major issues for the framing of the T Visa. Perhaps the most troublesome answer may be that the State Department and NGOs do not necessarily view the vast under-subscription of the T Visa as an issue, due to a humanitarian framing. If organizations combatting trafficking subscribe to the belief that all trafficking is a form of modern day slavery that must be abolished, it is possible to then frame themselves as the freer of slaves. One result of this framing is that it does not matter to these organizations how many victims are freed from bondage, just the noble effort of freeing even 400 a year in the United States through the T Visa program is adequate. The State Department has no incentive to give up this emancipatory framing, which runs counter to Doezema's feminist critique, because the anti-slavery trafficking frame has broad bipartisan appeal as proven by the easy passage of the TVPA. Moreover, the anti-slavery framing positions the State Department as the savior of victims. Certainly, there is no doubting the good intentions of these organizations and their true desire to help better the lives of victims of human trafficking. There are also those within both the feminist literature and at the State Department who advocate that the anti-slavery position is, in fact, a feminist one. Current Secretary of State Hillary Clinton is perhaps the best example of this, as she has made women's issues a priority within her tenure but still chooses to adopt a humanitarian and anti-slavery framing to issues of trafficking, including the T Visa. For NGOs, the reasons to support an anti-slavery framing and ignore under-subscription seem more rooted in each organization's ideology or conception of trafficking rather than the political advantages it affords State. However, NGOs may also be

embracing the Department of State's framing because the organizations could gain political leverage by adopting the State's viewpoint. It may not that only framing through an emancipatory/humanitarian lens is at fault, but there is a problem when hero worship for the organizations working against trafficking is touted over effective actions.

There are several possible solutions for this framing issue that may improve the under-subscription problem. The ultimate solution is entirely out of reach of any of these organizations: comprehensive immigration reform. From speaking to employees at each of these organizations, perhaps the greatest fear victims of trafficking encounter are being forced to leave the country if they apply for the T Visa unsuccessfully.⁵ Although those who successfully obtain the visa can remain in the country for the short-term and are then eligible to apply for a green card, those who are denied are more often than not deported (Siskin and Wyler, 2010). The only way to change this problem is to fundamentally change immigration in this country. Particularly, reforms should focus on visa regulation, procedures for deportation, and how the United States deals with humanitarian issues within immigration. Such reforms seem unlikely given the current political atmosphere in Washington, DC as well as the serious fiscal constraints the government faces. Short of comprehensive reform, there are several key actions the actors in this study could take in order to rethink the way they conceptualize human trafficking and the T Visa.

Given the findings of this study, all three organizations, and the community of NGOs working to fight human trafficking, should rethink their framing and at least potentially consider revamping their focus on the antislavery, emancipatory framing of trafficking. By rebranding the T Visa as a tool for victims, rather than one to prosecute traffickers or as means for NGOs or the government to heroically free victims from bondage, victims may be more likely to understand

⁵ The researcher conducted background interviews from one employee at CAST, Polaris, and at the State Department. All three, however, asked to be kept from being quoted directly or for their names to be included so they could speak more freely about the T Visa program.

the implications of the visa. Upon understanding the program, victims may be more likely to apply for visas. Moving away from the anti-slavery frame could help make the T Visa a valuable policy tool for victims, the government, and NGO communities, rather than maintaining the T Visa's status as an under-utilized tool due to severe under-subscription.

References

- Amnesty International. "So Does That Mean I Have Rights? Protecting the Human Rights of Women and Girls Trafficked for Forced Prostitution in Kosovo." 2004.
- Barry, K., 1996, *The Prostitution of Sexuality*, New York: New York University Press.
- Bishop, Claire. "The Trafficking Victims Protection Act of 2000: Three Years Later." *International Migration* 41, no. 5 (2004): 219-31.
- Burkhardt, Ferne. "Us Visa Denials Explained." *Canadian Mennonite* 10, no. 12 (June 12, 2006 2006): 37-47.
- Chacon, Jennifer M. "Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking." *Fordham Law Review* 74 (2005): 2977-3040.
- Chip, William, and M Scaperlanda. "The Ethics of Immigration: An Exchange." *First Things* 183, no. 1 (2008): 40-46.
- Coalition to Abolish Slavery and Trafficking. "Handouts and Resources for the T Visa Working Group." Los Angeles: 2011, <http://www.castla.org/>.
- DeStefano, Anthony M. *The War on Human Trafficking : U.S. Policy Assessed*. New Brunswick, N.J.: Rutgers University Press, 2007.
- Ditmore, M.H., 2011, *Prostitution and Sex Work*, Santa Barbara: Greenwood.
- Doezema, Jo. "Sex Slaves and Discourse Matters: The Construction of Trafficking," Zed Books, 2010.
- Doezema, Jo (2000). Loose women or lost women? the re-emergence of the myth of white slavery in contemporary discourses of trafficking in women. *Gender Issues*, 18(1), 23-50. doi:10.1007/s12147-999-0021-9

- Doezema, Jo. "Labelling the Victims of Sex Trafficking: Exploring the Borderland between Rhetoric and Reality," *Social & Legal Studies* September 1, 2011 20: 313-329
- Doezema, Jo. (2001). Ouch! western feminists wounded attachment to the third world prostitute. *Feminist Review*, (67), 16-38.
<http://search.proquest.com/docview/212107262?accountid=10598>
- Doezema, Jo. (2005, Sex worker rights, abolitionism, and the possibilities for a rights-based approach to trafficking. *Women in Action*, (1), 20-26.
<http://search.proquest.com/docview/233382517?accountid=10598>
- Donahue, David T. "Understanding the Us Visa System." *Chemical and Engineering News* 89, no. 1 (2011): 21-22.
- Donahue, David T. "Understanding the Us Visa System." *Chemical and Engineering News* 89, no. 1 (2011): 21-22.
- Evans, W. Douglas, and Gerard Hastings, eds. *Public health branding: Applying marketing for social change*. Oxford University Press, USA, 2008.
- Hartsough, Tala. "Asylum for Trafficked Women: Escape Strategies Beyond the T Visa." *Hasting's Women's Law Journal* 13 (2002): 77-116.
- Hendrix, Mary Catherine. "Enforcing the U.S. Trafficking Victims Protection Act in Emerging Markets: The Challenge of Affecting Change in India and China." *Cornell International Law Journal* 43 (2010): 173-205.
- Hsu, Kevin Shawn. "Masters and Servants in America: The Ineffectiveness of Current United States Anti-Trafficking Policy in Protecting Victims of Trafficking for the Purposes of Domestic Servitude." *Georgetown Journal on Poverty Law & Politics* 14, no. 3 (2007): 489-511.

- Jeffreys, S., 1998, *The Idea of Prostitution*, North Melbourne, AU: Spinifex Press.
- Kara, Siddarth. *Sex Trafficking: Inside the Business of Modern Slavery*. New York City: Columbia University Press, 2010.
- Lee, Ivy. "An Appeal of a T Visa Denial: Appellate Brief." *Georgetown Journal on Poverty Law & Politics* 14, no. 3 (2007).
- Leigh, C., 1997, "Inventing Sex Work," in *Whores and Other Feminists*, J. Nagle (ed.), New York: Routledge.
- Lorz, Oliver, and Karen Schaefer. "Temporary Immigration Visas." *International Tax and Public Finance* 18, no. 3 (2011): 291-303.
- National Human Trafficking Resource Center, Polaris Project. NHTRC Newsletters. December 2011-November 2012.
- National Human Trafficking Resource Center, Polaris Project. Hotline Vignettes. Various Dates.
- Nelson, Sue, Jeannine Guthrie, and Pamela Sumner Coffey. "Literature Review and Analysis Related to Human Trafficking in Post-Conflict Situations." United States Agency for International Development, 2004.
- Nguyen, Jennifer. "The Three Ps of the Trafficking Victims Protection Act." *Washington & Lee, Civil Rights and Social Justice* 17 (2010): 187-222.
- Nussbaum, Martha. 1999, *Sex and Social Justice*, Oxford: Oxford University Press, 1999.
- Obama, Barack. Speech to the Clinton Global Initiative. September 25, 2012.
<http://www.politico.com/news/stories/0912/81655.html>
- Pendelton, Gail, and et al Lauren Polk. "Human Trafficking and the T-Visa." U.S. Department of Justice, 2006.
- Picarelli, John T. "Historical Approaches to the Trade in Human Beings." In *Human*

- Trafficking. Edited by M. Lee. Portland: Willan Publishing, 2007.
- Pollock, Joycelyn M., and Valerie Hollier. "T Visas: Prosecution Tool or Humanitarian Response?". *Women & Criminal Issues* 20, no. 1-2 (2010): 127-46.
- Ramage, Michael. "Chief's Counsel: New Visa Option May Fit Your Human Trafficking Witnesses and Victims to a T." *The Police Chief*, 74, no. 1 (2007).
- Richard, Amy O. "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime." edited by BUREAU OF INTELLIGENCE AND RESEARCH (STATE) WASHINGTON DC, 87. Washington, DC, 1999.
- Sadrudin, Hussein, Natalia Walter, and Jose Hidalgo. "Human Trafficking in the United States: Expanding Victim Protection Beyond Prosecution Witnesses." *Stanford Law and Policy Review* 16, no. 2 (2005): 379-415.
- Schaeffer-Gabriel, Felicity. "Sex Trafficking as the 'New Slave Trade'?", *Sexualities* vol. 13 (2). Sage Publishing: 2007.
- Shrage, L., 1989, "Should Feminists Oppose Prostitution?" *Ethics* 99: 347-61.
- Siskin, Alison and Wyler, Liana. "Trafficking in Persons: US Policy and Issues for Congress." Congressional Research Service. December 23, 2010.
- Skjelsbæk, Inger, Elise Fredrikke Barth, and Karen Hostens. "Gender Aspects of Conflict Interventions: Intended and Unintended Consequences." (2003).
- Stark, C., and Whisnant, R., (eds.), 2004, *Not For Sale: Feminists Resisting Prostitution and Pornography*, North Melbourne: Spinifex Press.
- Steinem, Gloria; Jese, Sage; and Kasten, Liora (eds). *Enslaved: True Stories of Modern Day Slavery*. New York: Palgrave Macmillian, 2008. pp i-xx.

- Stride, H., & Lee, S. (2007). No Logo? No Way. Branding in the Non-Profit Sector. *Journal of Marketing Management*, 23, 1/2, 107-122. <http://dx.doi.org/10.1362/026725707X178585>
- Soderlund, Gretchen. "The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women by Stephanie A. Limoncelli." *American Journal of Sociology* 116, no. 6 (2011): 2047-49.
- Teitelbaum, Michael S. "Right Versus Right: Immigration and Refugee Policy in the United States." *Foreign Affairs* 59, no. 1 (1980): 21-60.
- Thrall, T. H. "Inbox. Visas Nearing Cap: Congress Considers Letting More Foreign Nurses Enter the United States." *H&HN: Hospitals & Health Networks* 80, no. 9 (2006): 18.
- Tritaki, Panagiota. *Peacekeepers and Sex Trafficking: Supply and Demand in the Aftermath of the Kosovo Conflict*. 2003.
- United Nations Office on Drugs and Crime. "Global Report on Trafficking Persons." United Nations, 2009.
- United Nations Office on Drugs and Crime. " Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime." New York, 2000.
- United States Department of State, 2012 Trafficking in Persons Report.

Appendices

Appendix 1: Select State Department Materials

State Department overview of the T Visa on their website is below. The TIP Report was excluded as only two mentions of the T Visa were made and they are quite lengthy.

Visas for Victims of Human Trafficking

- [Overview](#)
- [T-1 Nonimmigrant Status](#)
- [T Visas for Immediate Family Members – File an Application with USCIS](#)
- [T Visas for Immediate Family Members – How to Apply for a Visa](#)
- [Required Documents for Family Members](#)
- [What are the Required Visa Fees?](#)
- [Additional Documents and Next Steps](#)
- [Visa Interviews for T-3 Child Applicants](#)
- [Visa Ineligibility](#)
- [Misrepresentation of Material Facts or Fraud](#)
- [Entering the U.S. - Port of Entry](#)
- [Working in the United States](#)
- [Adjustment of Status](#)
- [How Do I Extend My Stay?](#)
- [How Do I Change My Status?](#)
- [Revocation of T Status](#)
- [Further Inquiries](#)
- [Reference – U.S. Law](#)

Overview

Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers typically lure individuals with false promises of employment and a better life. Victims of severe forms of human trafficking are provided relief under U.S. immigration law by the Victims of Trafficking in Persons (T) nonimmigrant visa. This status allows victims of human trafficking to remain in the United States to assist in investigations or prosecutions of human trafficking violators. Information about this law is available below under [Reference - U.S. Law](#).

Foreign citizens seeking T-1 nonimmigrant status must be physically present in the United States already, due to human trafficking. Therefore, U.S. embassies and consulates abroad do not issue T-1 visas, but may issue derivative T visas to family members. **The purpose of this webpage is to explain the visa application process at U.S. embassies and consulates abroad for family members of trafficking victims.**

T-1 Nonimmigrant Status

In order to receive T-1 nonimmigrant status, you must be eligible and you must comply with the application requirements set forth by U.S. Citizenship and Immigration Services (USCIS). To be eligible, applicants must be in the United States, American Samoa, the Commonwealth of the

Northern Mariana Islands, or at a U.S. port of entry due to trafficking, or they must have been allowed entry into the United States for participation in investigative or judicial processes associated with an act or perpetrator of trafficking. You may apply for T-1 nonimmigrant status by filing a [Form I-914, Application for T Nonimmigrant Status](#), with USCIS. Applications for T-1 nonimmigrant status **must** be filed with the USCIS Vermont Service Center and will not be accepted at U.S. embassies or consulates overseas. For important detailed information on eligibility and how to apply for T-1 nonimmigrant status, visit the [USCIS Victims of Human Trafficking](#) webpage.

USCIS provides applicant approval via Form I -797, Notice of Action.

T Visas for Immediate Family Members – File an Application with USCIS

As a T-1 nonimmigrant status applicant, you may apply for certain family members in conjunction with your own application, or at a later date, with USCIS. Depending on your age, you may apply for the following family members:

If you are:	Then you may file for your:
under age 21,	<ul style="list-style-type: none"> • Spouse (T-2) • Children (T-3) • Parents (T-4) • Unmarried siblings under age 18 (T-5)
age 21 or older,	<ul style="list-style-type: none"> • Spouse (T-2) • Children (T-3)
Any age, if your family member faces a present danger of retaliation as a result of your escape from trafficking or your cooperation with law enforcement,	<ul style="list-style-type: none"> • Parents (T-4) • Unmarried siblings under age 18 (T-5)

If you are a qualifying family member of a T-1 principal applicant or T-1 nonimmigrant status holder, he or she may file for derivative T nonimmigrant status for you. The T-1 principal applicant or T-1 nonimmigrant status holder must file [Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient](#), directly with the USCIS Vermont Service Center, regardless of where you are currently located. Before USCIS approves Form I-914, Supplement A, qualifying family members aged 14-79 will receive a Notice of Action instructing them to go to the nearest USCIS office for fingerprinting. If you are outside the United States, you must submit fingerprints at the nearest USCIS office. If there is no USCIS office in your country, you must go to a U.S. embassy or consulate to have your fingerprints taken. Check the [embassy or consulate website](#) for instructions

on requesting a fingerprinting appointment for a Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient. Contact the Nonimmigrant Visa section if you have questions, and be sure to specify that you need fingerprints collected as part of a Form I-914, Supplement A. There is no fee for this fingerprinting service. **Do not wait for the U.S. embassy or consulate to contact you.** USCIS will inform you in writing when your Form I-914, Supplement A, is approved or denied. If approved, you will receive a notice of approval on Form I-797, Notice of Action, from USCIS stating your Form I-914, Supplement A, has been approved.

T Visas for Immediate Family Members – How to Apply for a Visa

There are several steps to apply for a visa. The order of these steps and how you complete them may vary at the U.S. embassy or consulate where you apply. Please consult the instructions available on the [embassy or consulate website](#) where you will apply.

If your Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient, is approved by USCIS and you are outside of the United States, you must apply for a T visa at a U.S. embassy or consulate, generally in your country of permanent residence. You may schedule your visa appointment immediately upon receiving the Form I-797 from USCIS stating your Form I-914, Supplement A, has been approved. **Do not wait for the U.S. embassy or consulate to contact you.**

As part of the visa application process, an interview with a consular officer at a U.S. embassy or consulate is required for visa applicants from age 14 through 79, with few exceptions. Applicants who are age 13 and younger, and age 80 and older, generally do not require interviews, unless requested by the U.S. embassy or consulate. The waiting times for interview appointments can vary, so you are encouraged to apply early for your visa. Wait times for interview appointments and visa processing time information for each U.S. embassy or consulate worldwide is available on our website at [Visa Wait Times](#) and on most embassy and consulate websites.

During the visa application process, usually at the interview, ink-free, digital fingerprint scans will be taken. Some visa applications require further [administrative processing](#), which takes additional time after the visa applicant's interview with a Consular Officer. For information on how to schedule an interview at the U.S. embassy or consulate where you will apply for your visa, please visit their specific [U.S. embassy or consulate website](#).

Required Documents for Family Members

Each applicant for a T-2, T-3, T-4, or T-5 nonimmigrant visa must submit these forms and documentation as explained below:

- **Online Nonimmigrant Visa Electronic Application, Form DS-160.** Learn about completing the [DS-160](#). You must: 1) complete the online visa application; and 2) print the application form confirmation page to bring to your interview.
- **Photo.** You will upload your photo while completing the online Form DS-160. Your photo must be in the format explained in the [Photograph Requirements](#).
- **Passport valid for travel to the United States** and with a validity date of at least six months

beyond your intended period of stay in the United States (unless [country-specific agreements](#) provide exemptions). If more than one person is included in the passport, each person who needs a visa must submit a separate application.

- **Form I-797, Notice of Action**, from USCIS indicating approval of Form I-914, Supplement A.

What are the Required Visa Fees?

- **Nonimmigrant visa application processing fee:** For current nonimmigrant visa application fees, select [Fees](#). You will need to provide a receipt showing the visa application processing fee has been paid when you come for your visa interview.
- **Visa issuance fee:** If the visa is issued, there may be an additional visa issuance reciprocity fee, if applicable. This is determined by your country of nationality. Please consult the [Visa Reciprocity Tables](#) to find out if you must pay a visa issuance reciprocity fee and the fee amount due.

Additional Documents and Next Steps

You should refer to the U.S. embassy or consulate website in your country of residence to find out about visa processing time frames and instructions, learn about interview scheduling, and find out if there are any additional documents required. Learn more by reviewing the [U.S. embassy or consulate website](#).

Visa Interviews for T-3 Child Applicants

T-1 parents do not have to be present at visa interviews for T-3 children or other derivative family members. If only one parent is present at the visa interview, a letter from the other parent expressing consent to visa issuance may be necessary.

Visa Ineligibility

Under U.S. law, many factors could make an applicant ineligible to receive a visa. In some instances, the law might allow you to apply for a waiver of the ineligibility. If you are able to apply for such a waiver, the consular office will advise you on the steps to take. See [Ineligibilities and Waivers: Laws](#).

If you are ineligible for a T visa, you must file Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, directly with the USCIS Vermont Service Center. The U.S. embassy or consulate cannot issue a visa until USCIS has made a determination on the Form I-192. If approved, USCIS will notify you and the U.S. embassy or consulate where you applied. If you receive notification that your waiver has been approved, follow the "221(g)" instructions on the embassy's or consulate's website for how to proceed with your application. Do not wait for the embassy or consulate to contact you.

Misrepresentation of Material Facts or Fraud

Attempting to obtain a visa by the willful misrepresentation of a material fact, or fraud, may result

in the permanent refusal of a visa or denial of entry into the United States.

Entering the U.S. - Port of Entry

A visa allows a foreign citizen to travel to the U.S. port of entry and request permission to enter the United States. You should be aware that a visa does not guarantee entry into the United States. The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) officials have authority to permit or deny admission to the United States. Travelers should review important information about admissions and entry requirements on the CBP website under [Travel](#).

Working in the United States

Information for T-2, T-3, T-4, and T-5 visa holders about permission to work in the U.S. is available on the USCIS website under [Work Authorization](#).

Adjustment of Status

Information about adjustment of status to a lawful permanent resident is available on the USCIS website under [Green Card for a Victim of Trafficking \(T Nonimmigrant\)](#). T nonimmigrants eligible to adjust status must file Form I-485, Application to Register Permanent Residence or Adjust Status, directly with the USCIS Vermont Service Center. See the special [Supplement E Instructions to Form I-485](#) for further details.

How Do I Extend My Stay?

T nonimmigrants are required to have approval from the USCIS to stay beyond the date indicated on their Form I-94. See [Extend Your Stay](#) and [USCIS Policy Memo PM-602-0032.1](#) on the USCIS website for more guidance.

How Do I Change My Status?

Some nonimmigrant visa holders, while present in the United States, are able to file a request with USCIS to change to another nonimmigrant status. See [Change My Nonimmigrant Status](#) on the USCIS website.

Important Note: Filing a request with USCIS for a change of status before your authorized stay expires, while you remain in the United States, does not by itself require you to obtain a new visa. However, if you cannot remain in the United States while USCIS processes your change of status request, you will need to apply for a nonimmigrant visa at a U.S. embassy or consulate abroad.

Revocation of T Status

If the Department of Homeland Security (DHS) revokes a principal applicant's T-1 nonimmigrant status, all family members deriving T nonimmigrant status from the revoked T-1 principal applicant

will have their status revoked, as well. Also, family members residing abroad awaiting decisions on T-2, T-3, T-4, or T-5 applications will be denied.

Further Inquiries

For questions about:	please refer to:	through this website:
Filing Form I-914 , Application for T Nonimmigrant Status, including Supplements A and B	USCIS	USCIS – Victims of Human Trafficking: T Nonimmigrant Status
Filing Form I-914 , Supplement A for family members		
T visa applications for family members at U.S. embassies or consulates overseas	the U.S. embassy or consulate with jurisdiction over your family member's place of residence	Websites of U.S. embassies, consulates, and diplomatic missions
The United States' global efforts against human trafficking	Department of State	Office To Monitor and Combat Trafficking in Persons (J/TIP)

Reference - U.S. Law

In October 2000, the United States Congress created the T nonimmigrant status for victims of human trafficking by passing the [Victims of Trafficking and Violence Protection Act \(VTVPA\)](#). This visa category is limited to 5,000 principals with T-1 status per year.

Appendix 2: Select CAST Materials

Appendix 2A: CAST T Visa Checklist

**COALITION TO ABOLISH
SLAVERY & TRAFFICKING**

5042 Wilshire Blvd. #586 ♦ Los Angeles, CA 90036 ♦ 213-385-5584 phone ♦ 213-385-0702 fax

T Visa Application Checklist

Client Name: _____

Attorney Name: _____ Organization: _____

Phone: _____ Fax: _____ Email: _____

For Trafficking Victim (Principal) T-1

- ___ Form I-914 completed, signed and dated by applicant or preparer and/or translator
- ___ Copy of Birth Certificate (translated) and/or Passport (Note application can be filed without)
- ___ \$80 biometric services fee for each applicant between ages of 14 and 79 (payable by check or money order to “Department of Homeland Security”) or fee waiver request
- ___ Three current passport photos of applicant
- ___ Form G-28 completed, signed and dated
- ___ Form I-914, Supplement B Law Enforcement Declaration (not required, but recommended) signed by law enforcement agent and supervisor OR Declaration from attorney documenting communications with law enforcement
- ___ Form I-192 Application for Advance Permission to Enter as a Nonimmigrant for individuals who may be inadmissible (waiver of inadmissibility)
- ___ \$545 fee for Form I-192 Note: this fee is currently not waiveable
- ___ Evidence supporting the claim
Must include :
 - ___ Personal statement/affidavit from the survivor of trafficking

Optional documentation to include with application:

- ___ Declaration of medical provider
- ___ Declaration of mental health provider
- ___ Declarations of others that can attest to severe hardship
- ___ Declaration of good Samaritan who assisted with “rescue”

- ___ Country condition reports and other objective evidence supporting the T Visa claim:
 - State Department Trafficking in Persons Report at www.state.gov/g/tip/rls/tiprpt/2005/
 - Human Rights Watch at www.hrw.org/women/trafficking.html
 - International Human Rights Law Group at www.hrlawgroup.org/resources/content/Trafficking_Biblio.pdf
 - Database of laws against trafficking in Asia-Pacific region at www.humantrafficking.org

- ___ A supporting letter, brief, or memorandum of law establishing the criteria for T status:
 - That the applicant is a victim of a severe form of trafficking in persons;
 - That the applicant is physically present in the United States on account of the trafficking; and
 - That the applicant would suffer extreme hardship involving unusual and severe harm if he or she were removed from the United States.
 - The extreme hardship-related factors USCIS should take into account include but are not limited to the following:
 - The applicant’s age and personal circumstances
 - Any serious physical or mental illness from which the applicant suffers and whether treatment for such illness is “reasonably available” in the applicant’s country of origin
 - The nature and extent of any physical or psychological consequences of the applicant’s having been the victim of a severe form of trafficking in persons.

- The impact on the applicant of losing access to the U.S. courts and criminal justice system, including access to criminal and civil redress for trafficking crimes of which the applicant was a victim.
- “The reasonable expectation that the existence of laws, social practices, or customs in the foreign country to which the applicant would be returned would penalize the applicant severely for having been the victim of a severe form of trafficking in persons.”
- The likelihood that the applicant would again become the victim of trafficking, including whether the government of the applicant’s country of origin could or would protect the applicant from being revictimized.
- The likelihood that the trafficker or the trafficker’s agents would harm the applicant once the latter was back in his or her country of origin.
- The likelihood that the applicant’s individual safety would be seriously threatened by the existence of civil unrest or armed conflict in the applicant’s country of origin.

___ A cover letter describing the evidence included (note “T VISA APPLICATION” in red marker in upper right-hand corner of the first page of the cover letter to ensure that the packet is properly routed to the USCIS mailroom).

For Family Member(s) of Trafficking Victim T-2, T-3, or T-4

Available for a spouse (T-2), child (T-3), or parent or unmarried sibling under 18 (T-4, where the principal applicant is under 21) of a T-1 principal applicant.

___ Form I-914 Supplement A completed, signed by each family member or principal, or preparer and/or translator

___ Copy of Birth Certificate (translated) and/or Passport

___ \$80 biometrics fee for each family member or fee waiver request

___ Three current passport photos of each family member over 13 years of age

___ Form I-765 completed for each family member eligible to work. Note this can not be submitted until application is approved.

- Evidence of relationship of each family member to principal applicant (e.g. birth and marriage documents translated into English and accompanied by translator's certification). Ask principal about any aliases that may have been used.

Appendix 2B: CAST Outline for Interview for T Visa Declaration

Outline for Interview for T-Visa Declaration

- I. Review what a T-Visa is. (Use the T-Visa handout as basis.)
 - a. Explain elements for a T-Visa and what the reviewers will be looking for.
 - i. Victim of a severe form of trafficking
 - 1. Brought to U.S. for commercial sex act induced by force, fraud or coercion (or under 18)
OR
 - 2. Made to work for someone through force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery
 - ii. Physical presence in US as a result of trafficking
 - iii. Complied with reasonable requests for assistance in investigation and prostitution
 - iv. Would suffer extreme hardship upon removal
- II. Talk about the goals of this interview. Explain that in the declaration, we are telling his/her story from his/her point of view.
- III. Questions
 - a. Background
 - i. When were you born?
 - ii. Where were you born?
 - iii. Family members. How many sisters, brothers, children, etc.?
 - iv. What was your life like when you were growing up?
 - v. Did you work at a young age?
 - vi. Did anyone ever abuse or hurt you?
 - vii. Did you have enough food/housing?
 - b. Migration
 - i. How did you come to the US? What happened?
 - ii. Who recruited you?
 - iii. Was it someone you knew before?
 - iv. What did they promise? What was the agreement?
 - v. Did you agree to go right away? How did they encourage you?
 - vi. Why did you decide to go?
 - vii. What happened next?
 - viii. What did you bring with you?
 - ix. How did you get to the U.S.?
 - x. Who traveled with you?

- xi. Did they tell you anything about what would happen once you reached the U.S.?
- xii. Was the trip difficult?
- xiii. Did anything happen to you on the way? Did anyone hurt or abuse you?
- xiv. How did you feel during the trip?
- xv. Did you know the people who were taking you? What were their names?
- xvi. Did you know the places you traveled to? What were their names?
- c. Documents
 - i. Did you get to keep your passport/other documents/
 - 1. when were they taken/how
- d. U.S.
 - i. When you go to the U.S., what happened?
 - ii. What did they tell you?
 - iii. What was the house like that you stayed in?
 - 1. Were the doors locked?
 - 2. Could you leave the house when you wanted?
 - iv. Who stayed in the house with you?
 - v. What did they tell you?
 - vi. How did you feel?
 - vii. What did the recruiters tell you?
 - viii. Did they yell at you often?
 - ix. Did they threaten you?
 - x. Did they ever hit you? Sexually abuse you?
 - xi. Did they threaten you by telling you the police would get you or that you would be deported?
 - xii. Were you allowed to use the phone/talk with your family? How did they stop you?
 - xiii. Did they stop you from doing things you wanted? What would they say?
 - xiv. Did they give you food to eat? Were you hungry?
 - xv. Did you have money to buy the things you needed?
- e. Work in the U.S.
 - i. What happened when you had to start working?
 - ii. How often did you work? Did you have days off?
 - iii. How many hours a day?
 - iv. Were you ever paid for this work?
 - v. Did you want to do this work?
 - vi. Did you ever refuse to do this work?
 - vii. What did they tell you if you refused or did not want to work?
 - viii. How did this work make you feel?
 - ix. What were the conditions like in the places you worked?
 - x. Why didn't you leave and go back home? When/if you escaped, what made you leave?
 - xi. How long did you work?

- f. For sex-trafficking clients
 - i. How many clients did you see in a day?
 - ii. Did you ever have to work when you were on your womanly cycle?
 - iii. Did any customer ever threaten you/hurt you?
 - iv. Did you ever speak to any of the clients?
- g. Police/ICE
 - i. Did the police ever try to find you?
 - ii. Did the traffickers ever tell you what to say if the police found you?
- h. For clients referred by law enforcement:
 - i. What happened when the police found you?
 - ii. What did you tell the police?
 - iii. How did the police treat you?
 - iv. What happened after the police found you?
- i. Current Situation
 - i. Who helped/helps you?
 - ii. Where do you live now?
 - iii. Are you working?
 - iv. Have you seen a doctor?
 - v. Have you seen a psychologist/counselor?
 - vi. How do you feel now?
 - vii. Do you have nightmares?
 - viii. Do you have family members in the U.S. who are U.S. citizens?
 - ix. Have you left the U.S. since you were brought here?
- j. Helping police, etc.
 - i. Have you spoken a lot with the government?
 - ii. How have you helped them?
- k. For clients who have testified against traffickers (traffickers convicted)
 - i. How did you feel when you had to testify?
 - ii. How do you feel knowing that your traffickers are going to jail?
- l. Back home
 - i. Do you talk to your family back home?
 - ii. How are they?
 - iii. Do you have children, spouse, you left at home?
 - 1. What are their names (full)?
 - 2. Do you want to bring them to the U.S.?
 - 3. Children
 - a. Are there people to take care of them back home?
 - b. How does it make you feel being separated from them?
 - c. If you want to bring to U.S., why do they need to be here in the U.S. with you?
 - 4. Spouse
 - a. How long have you been married?
 - b. If you want to bring to U.S., why does s/he need to be here in the U.S. with you?
 - c. How does it feel to be separated from him/her?
 - iv. Have the traffickers threatened them?

1. Who have they threatened?
 2. When did it start?
 3. How many times?
 - v. Why can't you return home?
 - vi. Are you afraid? Why?
 - vii. Are you scared of your traffickers?
 - viii. Are they powerful people where you come from? Do they have influence?
 - ix. Do they have weapons? Have they committed crimes?
 - x. Do you think the police in the country where you come from can help/protect you?
 - xi. What do you think could happen to you after the traffickers are sentenced for their crimes?
 - xii. Do they know where your family lives?
 - xiii. If you returned would they know how to find you?
 - m. Social Stigma (esp. for sex-trafficking victims)
 - i. Did your family know about the type of work you were doing?
 - ii. What do they think about the type of work you were doing?
 - iii. Do people in your town know what you were doing?
 - iv. How will they treat you if you go back?
 - v. How will your friends treat you?
 - vi. How would they treat your children? Spouse? Your other family members?
 - n. Medical Care/Assistance in U.S.
 - i. Do you think you still suffer from what happened to you?
 - ii. Will this ever go away?
 - iii. How are you being helped in the U.S.?
 - iv. Do you think you could receive this help in your home country?
 - v. What do you want to do if you stay in the U.S.?
- IV. Inadmissibility issues
- a. Ever left the United States and returned after first entered
 - b. Any contact with immigration
 - c. Use of false documents when entered the US
 - d. Ever been arrested
 - e. Ever committed any crimes not arrested
 - f. Help smuggle someone into US

Appendix 3: Select Polaris Materials

Appendix 3A: Labor Trafficking Call Vignette (from website)

Labor Trafficking | Domestic Servitude

A counselor from a rape crisis center called the National Human Trafficking Resource Center (NHTRC) because she suspected that one of her patients, a 19-year-old woman from St. Lucia, may be a victim of domestic servitude.

A counselor from a rape crisis center called the National Human Trafficking Resource Center (NHTRC) after learning about human trafficking during a training given to the staff at her organization. She explained that the presentation helped her realize that one of her patients, a 19-year-old woman from St. Lucia, may be a victim and need resources beyond those that her organization could provide.

The counselor's patient disclosed that she was recruited five years ago by a husband and wife from the US who were vacationing near her hometown. The couple promised her family that they would formally adopt her and send her to school if she helped them with some household chores. Once in the US, the young woman was not permitted to leave the couple's house and had to cook, clean, and care for their two children at all hours of the day and night. The couple threatened to have her deported if she didn't complete all her work. The husband sexually abused her, and the wife hid the phones to prevent her from making outgoing calls. One morning, the young woman escaped through an open window and sought help from a law enforcement officer she encountered on the street. The law enforcement officer brought her to the local rape crisis center.

The NHTRC Call Specialist reviewed the potential trafficking indicators with the counselor and discussed Certification, T-visas and other immigration remedies for which her patient may be eligible. The NHTRC Call Specialist also provided several referrals to shelters and local legal organizations that have helped other victims apply for T-visas and that could provide specialized services to trafficking victims.

National Human Trafficking Resource Center (NHTRC)

1-888-3737-888

www.TraffickingResourceCenter.org

POLARIS
PROJECT

November 15, 2012

IN THIS ISSUE

Total Calls to Date: 62,815
Total Calls from Previous Month: 2,121

RESOURCE FOR STUDENTS:

THE FREE PROJECT

The FREE Project (TFP) is a network of college students fighting to bring an end to slavery worldwide. TFP chapters share a common name, charter and resources. Chapter leaders at each campus determine the projects they want to undertake and the anti-slavery organizations they want to support. TFP will be accepting new chapters for the winter semester. For more information, visit:

thefreeproject.org

Events

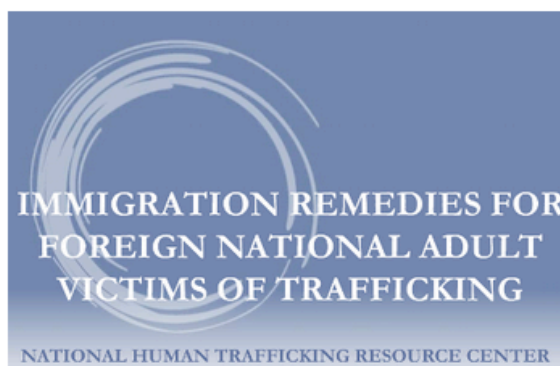
The U.S. Fund for UNICEF Presents:
Not My Life

The U.S. Fund for UNICEF will screen director Robert Bilheimer's acclaimed documentary exploring the global problem of child trafficking. The event will include a reception and panel discussion.

Boston, MA
Nov 28, 2012

Email lforbush@unicefusa.org to RSVP.

Resources for the Field



Online Training: Immigration Remedies

This [online training](#) developed by Polaris Project helps service providers identify immigration remedies and related benefits available to foreign national adult victims of human trafficking, including Continued Presence, T Visas, U Visas, Asylum, and VAWA Self-Petitions. The training also provides an introduction to the National Human Trafficking Resource Center (NHTRC) and the services available to survivors and advocates through the hotline.

[Back to top](#)

Office of Refugee Resettlement (ORR) & Legal Services

This [letter](#) from the Office of Refugee Resettlement (ORR) lays out new guidelines for the use of ORR program funds awarded under the Trafficking Victims Protection Act of 2000 (TVPA). Grantees and contractors and their sub-awardees may now use ORR trafficking program case management services funds for some legal matters,

Trust Women Conference

The Trust Women Conference is about making connections that make a difference. It places the world's most innovative leaders in women's rights in front of the best minds in law, finance, technology, media, government, and philanthropy, to help spark new collaborations and solutions.

London, United Kingdom
Dec 4 & 5, 2012

Visit the [event website](#) for more information

If you wish to disseminate or republish any portion of this newsletter, please include the following statement:

The following content was drawn from the National Human Trafficking Resource Center monthly newsletter. For more information, please call the NHTRC at 1-888-3737-888 or visit the NHTRC at traffickingresourcecenter.org.

[Something to Add?](#)

[Share the Newsletter](#)

DONATE NOW 

including coordination with law enforcement to request Continued Presence, assistance in applying for T nonimmigrant status or other immigration relief, and other legal needs of survivors of human trafficking. For more information, contact the [ORR Division of Anti-Trafficking in Persons](#).

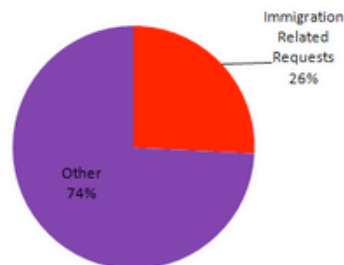
[Back to top](#)

Featured Hotline Calls: Referral Requests for Immigration Services

The NHTRC hotline regularly receives service referral requests for foreign national survivors of human trafficking. Just over one quarter of all referral requests for this population were for immigration-related legal services, including T-Visa and U-Visa applications and Continued Presence, as well as requests for other benefits specific to foreign nationals, including HHS Certification Letters (adults) or Eligibility Letters (children), which allow access to benefits and services to the same extent as refugees.

The remaining 74% of requests were for comprehensive case management, shelter, counseling, employment services, transportation, and legal assistance not related to immigration, among other requests.

Referral Requests Referencing Foreign Nationals



[Back to top](#)

Vignettes of the Month

A woman in Cameroon contacted the NHTRC about a friend who had moved to the U.S. several years ago whom the caller feared was a victim of domestic servitude. [Read More](#).

A counselor from a rape crisis center called the National Human Trafficking Resource Center (NHTRC) because she suspected that one of her patients, a 19-year-old woman from St. Lucia, may be a victim of labor trafficking. [Read more](#).

Magda told the NHTRC that her sister met her husband through an international marriage broker six years ago. Recently, he started arranging dates for her and forcing her to engage in commercial sex. [Read more](#).

Note: Vignettes are based on hotline calls received by the NHTRC. Names, locations, and other identifying information have been changed and/or omitted to preserve the confidentiality of the populations we serve. Vignettes are meant as examples of the types of calls received by the hotline and are for informational purposes only.

[Back to top](#)

Call For Response

Last month, the NHTRC newsletter highlighted a survey conducted by Polaris Project that estimated the total number of shelter beds available to human trafficking survivors in the United States. If you are aware of any incorrect numbers or any trafficking-specific shelters that we missed during the timeframe of the survey, please [email](#) or call the NHTRC by November 30th. We plan to release an amended version of the report. To read the full survey, [click here](#).

[Back to top](#)
