

EXECUTIVE SUMMARY

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I. Background

Human trafficking is recognized as an ongoing concern domestically and abroad (U.S. Department of State, 2020). Within the United States, human trafficking occurs when traffickers use force, fraud, or coercion to compel individuals to provide labor or services—broadly known as labor or sex trafficking. Traffickers often take advantage of individuals who are perceived as vulnerable, including those lacking immigration status. Furthermore, foreign nationals may be less likely to report their victimization due to concerns over retaliation, lack of knowledge about the legal system, language barriers, or other hardships (Davis & Erez, 1998). In light of these findings, the United States Congress created a T nonimmigrant status (also referred to as a T visa) in October 2000 (Victims of Trafficking and Violence Protection Act of 2000). This visa offers protection to foreign national victims of trafficking and strengthens the ability of law enforcement to investigate and even prosecute these crimes (U.S. Citizenship and Immigration Services, 2018).

Although research suggests that foreign nationals are at an increased risk of trafficking victimization, little is known about the process of filing for a T visa or the outcomes of individuals after they apply. This line of inquiry is important as a first step to assess the unique experiences of foreign national victims and whether the T visa process is conducive to victims obtaining the needed resources and assistance. In this context, the current study sought to build off of past research examining the trafficking experiences of foreign national victims from Latin America specifically by interviewing legal representatives who assist these individuals in Nebraska (Lee, 2007; Novak, 2012).

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II. Purpose of the Study

Although the purpose of this project was to examine the T visa process and outcomes, it is also important to contextualize these experiences based on the experiences of victims and the interactions between the legal representatives and those they collaborate with on these cases. Given these overarching goals, the current study had five objectives: (1) Provide an overview of legal representatives and how they come into contact with human trafficking victims from Latin America, (2) Describe the trafficking experiences of victims from Latin America, (3) Explore the process and challenges of filing for a T visa, the outcomes of these efforts, and how these applications affected the lives of trafficking victims, (4) Examine the role of service providers and the potential for collaborations on trafficking cases from Latin America, and (5) Review legal representatives' perceptions of barriers to trafficking cases and how to improve responses

III. Methods and Analysis

The current study was conducted through qualitative interviews of legal representatives who have intimate knowledge of the T visa process and are subject matter experts. Legal representatives are in a unique position to identify human trafficking victims during legal consultations for immigration benefits, including the T visa. The study employed a combination of purposive and snowball sampling methods. Six individuals ultimately agreed to be interviewed, providing rich insights into 22 cases involving victims of human trafficking from Latin America. The semi-structured interview protocol was developed to address the five objectives of the project noted above.

The interviews were conducted via Zoom between August and October 2020 using the semi-structured interview protocol (see Appendix). All participants signed consent forms virtually. All interviewees agreed to be recorded to ensure their comments were captured verbatim for subsequent transcription and data analysis. All participants received a nominal Visa gift card as compensation for their time. The final transcription files from the interviews were uploaded to MaxQDA 2020 for data analysis (VERBI Software, 2019).

IV. Overview of Findings

The six legal representatives provided details on 22 victims of human trafficking that they have personally worked with regarding T visa filing. The findings are divided into five parts:

1. The legal representative's backgrounds and the agencies they work for

- All legal representatives are immigration attorneys or Department of Justice Representatives who speak English and varying degrees of Spanish (some, proficient, fluent, bilingual).
- Legal representatives were approximately 35 years old, a majority were female, and half self-identified as White and the other half as Hispanic/Latino.
- Legal representatives have an average of six years of experience with human trafficking victims from Latin America.

2. The experiences of trafficking victims they have assisted

- A majority of these victims were from Mexico or Guatemala, with several victims from El Salvador and Honduras.
- A majority of the cases discussed involved labor trafficking (59%), followed by sex trafficking (36%) and both types of trafficking (5%). Victims trafficked for labor were exploited in agriculture, restaurants, domestic work, and factories; sex trafficking victims were primarily exploited in residential settings.
- On average, these victims were trafficked for just short of two years. A majority of victims discussed were trafficked within the last 10 years (73%).
- Relatively equal numbers of females (55%) and males (45%) being exploited. When gender of victims across trafficking type is considered, females were most often sex trafficking victims while males and females were similarly trafficked for labor.
- Most of the victims were adults when they were victimized (64%) and when that information was known.
- Of those individuals discussed, equal numbers of victims were trafficked in urban (39%) and rural (39%) contexts—several victims were trafficked in another state (22%) even though they were seeking legal assistance from a Nebraska legal representative.
- With regard to the T visa process, many of the victims discussed had filed their application and were waiting on the results (41%). The remaining victims had already received approval (27%), were only seeking consultation and had not filed yet (23%), or were denied (10%).
- No victims recognized their experience to be “human trafficking” even if they knew what happened to them was wrong.

3. The T visa process and outcomes
 - Challenge: Lack of support from law enforcement. Although certification from Law Enforcement is not required, it does strengthen the case.
 - In the current cases where the application had been filed (n=17) only one-third (35%) included law enforcement certification.
 - In addition, getting law enforcement to investigate a potential trafficking case posed special challenges in some situations.

4. Collaborations and perceptions of service providers in Nebraska
 - Provider issues included: confidentiality and protecting sensitive personal information of the victim, while still sharing information across agencies that could be useful to the T visa application.
 - A lack of response from service providers when victims are in need.
 - Inadequate funding to support services for victims across agencies.
 - Not enough culturally sensitive providers, a lack of providers who speak Spanish or other languages in counseling.
 - Limited education of providers about human trafficking, and Issues integrating services between private and non-profit sectors.

5. Noted barriers and recommendations to improve responses to victims
 - Increase collaborative investigations with partner agencies (e.g., law enforcement, service providers).
 - Missed identification of victims due to lack of training.
 - Improve referrals and follow through so victims receive the services they require and do not “fall through the cracks”.
 - Need for additional screening and identification protocols for human trafficking at legal agencies and for other providers (e.g., law enforcement).
 - Additional training on T visa required for any individuals who could come into contact with trafficking victims to ensure these applications are started as soon as possible (e.g., law enforcement, service providers).
 - Victims are still vulnerable after filing for the T visa due to processing times and lack of employment authorization.
 - Discrepancy between legislative response policies and practices result in inconsistent practices between what should happen (e.g., provide assistance and services) and what actually happens with these cases (e.g., deportation).

V. Policy Implications

The legal representatives in this study provided rich insights into the experiences and outcomes of trafficking victims from Latin America. Still, these findings are based on interviews with six legal representatives in Nebraska, who discussed 22 victims of trafficking. The findings and conclusions could change if a larger sample were to be interviewed and/or in a different context. Although these findings are tentative, they do offer some preliminary insights into these cases and the policy implications that should be considered moving forward. The policy implications are for Latin American immigrants without prior legal status but could be applicable to other vulnerable groups. The first four policy implications are useful to individuals or institutions (i.e., agencies, legal representatives, law enforcement, first responders, educators, public servants) in Nebraska that are interested in anti-human trafficking work. The last policy implication is helpful at the federal level. The five policy implications include:

1. Increased screening across multiple agencies, including legal contexts to facilitate identification of victims.
2. Provide law enforcement and immigration authorities the tools, training, and resources needed to actively stay up-to-date on these cases so they can intervene as needed.
3. Train first responders, legal representatives, and any providers who might come into contact with victims on the basics of the T visa so the application process can be initiated as soon as possible, and so victims can gain access to the necessary benefits and services.
4. Ensure multiple follow-ups from referral sources and from public servants to ensure victims are connected to the appropriate agencies so they may address their needs for recovery.
5. United States Citizenship and Immigration Services (USCIS) should ensure prompt adjudication of T visa cases, grant employment authorization while applications are pending, and use increased discretion for what cooperation with law enforcement consists of during investigations.

