



HUMAN TRAFFICKING AND THE T VISA PROCESS

INSIGHTS FROM LEGAL REPRESENTATIVES
WORKING WITH VICTIMS FROM LATIN AMERICA



May 2021

OLLAS

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**HUMAN TRAFFICKING AND
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INSIGHTS FROM LEGAL REPRESENTATIVES
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Elisha A. Novak

University of Nebraska at Omaha

Teresa C. Kulig

University of Nebraska at Omaha

Cristián Doña-Reveco

University of Nebraska at Omaha

Office of Latino/Latin American Studies (OLLAS)

University of Nebraska at Omaha

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ABSTRACT

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. In response, the United States Congress created a T nonimmigrant status (also referred to as a T visa) in October 2000 to protect immigrant victims and to strengthen law enforcement’s ability to investigate these crimes. The current study sought to examine the trafficking experiences of foreign national victims from Latin America specifically by interviewing legal representatives who assist these individuals in Nebraska. These representatives were selected due to their intimate knowledge of the T visa process and their unique position to identify human trafficking victims during legal consultations. Interviews were conducted via Zoom with six individuals who provided rich insights into 22 cases involving victims of human trafficking from Latin America. The findings include an overview of the legal representatives who encountered these cases, describes the trafficking experience of victims from Latin America, explores the challenges of filing for a T visa, examines the role of service providers in addressing clients’ needs, and reviews the legal representatives’ perceptions of barriers to trafficking cases. The report concludes with policy implications that are useful to individuals or institutions (e.g., agencies, legal representatives, law enforcement) in anti-trafficking initiatives.

Keywords: Sex trafficking; Labor trafficking; Foreign-born Latinos; T visa; Nebraska.

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CONTACT

Elisha A. Novak, enovak@unomaha.edu, Office of Latino Latin American Studies, University of Nebraska at Omaha, 6001 Dodge St., Omaha, NE 68182, USA.

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Introduction

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. Notably, trafficking can affect domestic citizens or foreign nationals (Banks & Kyckelhahn, 2011; Carr, 2012). But an overarching theme is that traffickers often take advantage of individuals who are perceived to be vulnerable. Vulnerability could encompass a variety of factors, including a history of abuse or victimization, little or no healthy relationships with social support systems, poverty, justice-system involvement, limited levels of education, and residing in a high-crime area (e.g., Chohaney, 2016; Clawson & Dutch, 2008; Halter, 2010; Reid, 2012; Reid et al., 2017).

One particularly susceptible group of individuals are undocumented immigrants. Research suggests that immigrants are at risk for victimization more generally (e.g., Zatz & Smith, 2012), but they can also be targeted for trafficking due to their unique circumstances (e.g., lack of immigration status, language barriers) (Brennan, 2008; Clawson & Dutch, 2008; Clawson et al., 2003; Seelke, 2016; Ugarte et al., 2004; U.S. Department of State, 2020; Zhang et al., 2014). In response to these concerns, 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 [USCIS], 2018).

Although the legislative responses are in place to protect undocumented immigrants who have been harmed, little is known about the process of filing for a T visa or the outcomes of individuals after they apply (cf. Brennan, 2008; Lee, 2007). 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. Thus, the current study sought to build off past research examining the trafficking experiences of foreign national victims from Latin America by interviewing legal representatives who assist these individuals (Novak, 2012). As such, the following sections will provide an overview of the importance of examining trafficking experiences of immigrants and a more detailed explanation of the T visa process.

The Vulnerability of Undocumented Immigrants

As noted above, undocumented immigrants can be perceived as attractive targets for would-be offenders. Individuals who do not have permission to be in the United States may be particularly vulnerable if they have few social support systems in place to be protective against traffickers' tactics. These issues can be exacerbated if the individuals fleeing to the United States are escaping dangerous or violent home countries, have few resources to provide for themselves, are unfamiliar with the laws in this country, have limited education, or do not speak the language (e.g., Logan et al., 2009). Traffickers can use these

vulnerabilities to coerce or force individuals to engage in commercial sex or labor. Compelling individuals to engage in these actions can be carried out by threatening to harm the victim or people they know (e.g., children, family), keeping them physically restrained in a particular setting (e.g., factory, house), engaging in emotional or psychological abuse, isolating the victim from seeking help, confiscating their documents, physically assaulting the victim (e.g., punch, kick, burn), or promising some benefit to the victim that is never delivered or not fully delivered (e.g., money) (Brennan, 2008; Carr, 2012; Lee, 2007; Logan et al., 2009; Rieger, 2007).

Despite the traumas that undocumented immigrants might experience at the hands of their traffickers, they may still be challenging to identify. Notably, trafficking victims in general oftentimes do not self-identify as victims, which can make it difficult to detect those in need (Brennan, 2008). Undocumented immigrants, however, may be even more hidden. For example, individuals in the United States without current legal status may be told lies about law enforcement or other legal actors by traffickers to remove trust in the legal system and inhibit reaching out for help (Logan et al., 2009). Other traffickers may isolate individuals so they do not even have the opportunity to ask for assistance (Logan et al., 2009). Undocumented immigrants may also have added fears that traffickers may harm their family members—sometimes back in their home countries—if they try to escape. This threat can be particularly effective if the trafficker is also from the same home country and knows the family personally (Altan & Cediell, 2018). Individuals who would like to seek help and have the opportunity to do so may have difficulty conveying their plea for help if they do not speak the language (Lee, 2007; Logan et al., 2009). Furthermore, opportunities for identification can be missed if law enforcement personnel or other service providers are not properly trained on the signs of trafficking and response protocols to offer assistance (Carr, 2012; Farrell et al., 2019).

The broader point here is that victims of trafficking tend to be vulnerable to traffickers for a variety of reasons, but undocumented immigrants have an additional layer of risk factors due to their lack of legal 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 (Brennan, 2008; Davis & Erez, 1998). In this context, the legal recourses in this country can have an impact on protecting individuals from subsequent harms after they have been identified.

The Purpose of the T Visa

In response to the vulnerabilities of undocumented immigrants, the U.S. Congress created the T nonimmigrant status—also referred to as a T visa—as part of the Victims of Trafficking and Violence Protection Act in October 2000. This visa offers protection to victims and strengthens the ability of law enforcement to respond to trafficking offenses (USCIS, 2018). More specifically, the T visa allows immigrants to remain in the United States for up to four years if they assist law enforcement personnel in the investigation and prosecution of their perpetrators. Victims with a T visa are also granted authorization to obtain employment, as well as benefits and services to help them adjust to life in the United States. Depending on the age of the victim, some family members (e.g., children, parents) can also qualify for the

T visa protection and services. Individuals who are approved for T visa status may also be eligible to apply for lawful permanent residence after three years or once the investigation and prosecution is complete.

Of course, victims have to meet certain criteria to be eligible for the T visa. These requirements include the following (USCIS, 2018):

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

Victims who meet all criteria would apply for the T visa by filling out several forms so government officials can assess whether the aforementioned criteria are met for approval (e.g., Form I-914, and if applicable I-914, Supplement A, Application for Family Member of T-1 Recipient, and I-914, Supplement B, Declaration of Law Enforcement Office for Victim of Human Trafficking in Persons). Because there are many steps in filing the appropriate forms, victims are likely to seek assistance from legal representatives to ensure the documents are prepared properly. Victims may also require some preparation by legal representatives if they are interviewed or asked to testify (Kagan, 2015). Of course, not everyone who could qualify for a T visa will apply. Victims may choose not to apply if they are afraid or unwilling to participate in the investigation of the trafficker, be misclassified or overlooked as a victim and never provided the opportunity to submit an application, or lack supporting documentary evidence to fill out the paperwork (Smith, 2013). Additionally, not everyone who files for a T visa is granted approval.

In 2019, the U.S. Department of Homeland Security received 1,242 T visa applications to review (USCIS, 2020). Of those applications, only 500 victims were granted T visa status, a slight decrease from the 576 visas granted in 2018 (U.S. Department of State, 2020). Another 365 applications were denied in 2019, thus illustrating that more than one-quarter (29%) of adjudicated applications were not approved. Notably, denials could be due to incomplete application status, past criminal history convictions, lack of supporting evidence, or other issue with the submission (U.S. Department of State, n.d.). Limited information, however, is known about this process of applying for a T visa and the outcomes for those individuals who would benefit from their implementation. This gap in the literature is the purpose of the current study.

Current Study

Although immigrants can come from any country, undocumented immigrants in the United States are estimated to be primarily from Latin America (Baker, 2018; Passel, 2019). Yet, relatively little research has focused on this potentially at-risk population (cf. Lee, 2007; Novak, 2012). Thus, the current study seeks to examine the experiences of this population specifically, including 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 by interviewing legal representatives who assist these individuals (Brennan, 2009; Novak, 2012). As noted above, legal representatives have unique opportunities to explore the detailed nature of these offenses when victims are trying to obtain government assistance and protection through the T visa application. Therefore, these individuals can provide rich insights into the nature of these offenses and how the T visa process unfolds, including its impact on victims' prospects and outcomes.

Objectives

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 has 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
5. Review legal representatives' perceptions of barriers to trafficking cases and how to improve responses

Method

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. In addition, legal representatives can verify that an individual statutorily qualifies as a trafficking victim eligible for T visa relief. For this study, legal representatives included attorneys who specialize in immigration law and Department of Justice (DOJ) Representatives who are qualified to practice immigration law. Federal regulations allow non-attorney “Accredited Representatives” to represent individuals before the U.S. Department of Homeland Security and the Executive Office for Immigration Review. The purpose of this accreditation is to increase the availability of competent immigration legal representation for low-income persons to ensure the administration of justice (U.S. Department of Justice, 2020).

The study employed a combination of purposive and snowball sampling methods. To ensure the sample was able to provide details on the population of interest, a list of Nebraska legal representatives with the potential of working with trafficking victims from Latin America was compiled based on publicly available records. Once the list was developed, each individual was contacted to assess whether they have consulted with or filed T visa applications for trafficking victims from Latin America and whether they would be interested in participating in interviews about their experiences. Each individual was screened to confirm they met the legal representative threshold of being an attorney or current DOJ Representative. A total of 16 individuals were contacted, with some respondents declining to participate due to (1) never having worked on a T visa case, (2) not having proper accreditation, (3) sensitivity of a particular case, or (4) lack of time or access to records. Three individuals never responded to the initial or follow up inquiry. Other individuals provided suggestions on other legal representatives who work with trafficking victims from Latin America. After the eligibility screening, a formal letter of invitation with study details was sent to participants that agreed to participate. Six individuals ultimately agreed to be interviewed, which represents discussions on a total of 22 victims of human trafficking.

The semi-structured interview protocol was developed to address the five objectives of the project noted above. Given these objectives, the aim of this project was not to count the number of people who have been trafficked in Nebraska, but rather to provide an in-depth description of their experiences based on the perceptions of legal representatives who have worked on their cases. The interview protocol items were adapted from past research and questions newly added for the current study (Baldwin et al., 2011; Barrick et al., 2013; Clawson et al., 2006; de Vries, 2018; de Vries & Farrell, 2018; Farrell et al., 2008; Hopper & Gonazelz, 2018; Meyer et al., 2014; Owens et al., 2014; Zhang, 2012). The full protocol was divided into seven sections and is presented in the Appendix:

1. Introduction, Study Overview, and Consent to Participate
2. Legal Representative’s Background
3. Agency Overview and Work with Victims

4. Trafficking Experiences of Clients
 - a. Context and Characteristics of Trafficking Experiences
 - b. T Visa Process
 - c. Post-Trafficking Details
5. Integration of Service Providers in Nebraska
6. Barriers and Improving Responses
7. Closing Comments

Because of physical restrictions in this time of the COVID-19 pandemic, the interviews were conducted via Zoom between August and October 2020 using the semi-structured interview protocol (see Appendix). On average, the interviews lasted one hour-and-forty-eight minutes, with one interview being split into three separate sessions due to its length (overall length was approximately six hours). All participants signed consent forms virtually using DocuSign. The respondents were also informed that their responses would be confidential and that they did not have to answer any questions they did not want to provide feedback on. Furthermore, no identifying information was requested or provided about any individual victim—only anonymized details on victims were discussed that would illuminate their trafficking experiences and events related to the T visa process. In this way, these cases are not meant to provide a prevalence or baseline estimate of these experiences but to examine these cases in depth.

All interviewees agreed to be recorded to ensure their comments were captured verbatim for subsequent transcription and data analysis. All data were stored on an encrypted, password protected drive. Notably, identifying information was removed from the final transcription files to protect the confidentiality of the interviewees. To confirm that clients' identities were protected, participants were provided with the opportunity to review their transcription file and remove any sensitive details. Two participants reviewed their transcriptions and provided edits, with the remaining participants declining the offer to review the files. Finally, all participants were given the final draft of the report to review and modify as needed. This review further ensured that confidentiality of clients was maintained. All participants indicated that they reviewed and approved of the final report, with only one participant proposing changes to verbiage for clarification. The recommended changes were integrated into the report and did not alter the substantive conclusions of the study. All participants received a nominal Visa gift card as compensation for their time in the amount of \$50.00. The Institutional Review Board approval was obtained from the University of Nebraska Medical Center (IRB Protocol #: 436-20-EP).

Analytic Strategy

The final transcription files were uploaded to MaxQDA 2020 for data analysis (VERBI Software, 2019). Cases were organized based on the T visa status of the victims discussed (i.e., consultation only, pending, approved, denied) and the trafficking type (i.e., sex, labor, sex and labor). Then, the coding categories were developed to mirror the sections of the interview protocol to inform the nature of these

experiences and outcomes (Patton, 2002). New sub-coding categories were added as applicable when sub-themes were identified. Two of the authors then reviewed the coding categories independently to ensure no details were missed or miscoded.

Findings

The current findings are drawn from interviews with six legal representatives in Nebraska who have first-hand experience working with human trafficking victims from Latin America. 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 that provide details on (1) the legal representative’s backgrounds and the agencies they work for, (2) the experiences of trafficking victims they have assisted, (3) the T visa process and outcomes, (4) collaborations and perceptions of service providers in Nebraska, and (5) noted barriers and recommendations to improve responses to victims. Each section is reviewed below, with some details being removed to protect the confidentiality of the participants and victims discussed (e.g., specific trafficking details, country of origin).

Legal Representatives

Background and Demographics. The legal representatives interviewed in the current study were primarily attorneys, with some U.S. Department of Justice representatives included as well. All participants spoke at least English and varying degrees of Spanish (some, proficient, fluent, bilingual). In addition, some participants were also fluent or had some level of proficiency with other languages (e.g., Portuguese, French). On average, these legal representatives were approximately 35 years old (standard deviation [SD] = 5.19), and had been working in their current agency for about five years (see Table 1). Overall, these individuals had an average of six years of experience working with trafficking victims from Latin America specifically. A majority of legal representatives interviewed were females (83%). Half of the participants self-identified as White and the other half self-identified as Hispanic/Latino. Each participant provided details on approximately four cases, on average.

Table 1. Characteristics of Legal Representatives Interviewed (n = 6)

	Mean (SD)/ Frequency (Percent)
Average Age	34.67 (5.19)
Average Years in Current Agency	5.25 (2.45)
Average Years Working with Trafficking Victims	6.33 (4.42)
Gender	
Female	5 (83%)
Male	1 (17%)
Race/Ethnicity	
White	3 (50%)
Hispanic/Latino	3 (50%)

Note: SD = standard deviation.

Overview of Agency. When asked about how their agencies came to work with trafficking victims, many legal representatives noted that the agency had always responded to these victims. For example, one legal representative noted that their organization “*always had a mission [that] included helping victims of human trafficking*” (Legal Representative #4). Other legal representatives highlighted their agencies’ involvement in response to a larger community need, possibly having to support victims on short notice based on cases that arise. In these instances, the agency may rely heavily on the community to provide referrals and let them know when legal services are required (e.g., trafficking hotlines, service providers, school counselors). Few representatives expressed that assisting trafficking victims was not a planned endeavor for their agencies. Rather, the agencies may have started to recognize the signs of trafficking over time based on more detailed questions and screening procedures. As an example, a legal representative stated:

So, you know, it wasn’t that we were specifically seeking out, or like, you know, advertising that we’re available for human trafficking victims, but we just see potential clients. So, anyone who was had questions or was looking to apply for legal status or find a pathway for legal status. So, we’re just screening anyone in the community who would come through our door. (Legal Representative #5)

The legal representatives’ agencies thus become a primary source of victim identification through the use of screening procedures for all individuals who seek assistance.

Trafficking Victims

Background and Demographics. As noted previously, there were 22 victims from Latin America discussed by the six legal representatives. A majority of these victims were from Mexico or Guatemala, with several victims from El Salvador and Honduras. As noted in Table 2, a majority of the cases discussed involved labor trafficking (59%), followed by sex trafficking (36%) and both types of trafficking (5%). On average, these victims were trafficked for 22.73 months (SD = 74.93)—or just short of two years. A majority of victims discussed were trafficked within the last 10 years (73%), with relatively equal numbers of females (55%) and males (45%) being exploited (see Table 2). 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%) when that information was known by the legal representative. 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%).

Table 2. Characteristics of Human Trafficking Victims (n= 22)	
	Frequency (Percent)
Type of Trafficking	
Labor	13 (59%)
Sex	8 (36%)
Labor and Sex	1 (5%)
Year Trafficked	
Prior to 2010	5 (23%)
After 2010	16 (73%)
Unknown	1 (4%)
Gender	
Female	12 (55%)
Male	10 (45%)
Status at Time of Trafficking	
Adult	14 (64%)
Minor	5 (23%)
Unknown	3 (13%)
Location of Trafficking	
Urban	9 (39%)
Rural	9 (39%)
Other State	5 (22%)
Status of T Visa with USCIS	
Filed and Pending	9 (41%)
Approved	6 (27%)
Consultation Only (Not Filed)	5 (23%)
Denied	2 (10%)

Note: USCIS = United States Citizenship and Immigration Services.

Description of Human Trafficking. Victims trafficked for labor were exploited in agriculture, restaurants, domestic work, and factories; sex trafficking victims were primarily exploited in residential settings. Table 3 provides a description of several T visa cases. The quotes from legal representatives about the T visa case highlight the type of exploitation (e.g., labor or sex) and how victims met the TVPA legal definition of trafficking to qualify for a T visa. One legal representative explains how they apply the law to identify victims:

There's...three main requirements...there is a process of recruiting, harboring, or transporting... or getting the person for...labor or sex trafficking. But there also has to be a means of which you're doing that...So whether you're using force, fraud, or coercion to convince the person that they... want to be transported or harbored or recruited or kept in that situation...And then there has to be an end that the trafficker's working towards...whether that's involuntary servitude...slavery, or... debt bondage. That would be another end of the trafficking. (Legal Representative #1)

One legal representative elaborates to explain the difference between labor exploitation and trafficking, “*And so, in labor exploitation, that is not trafficking, there usually is not that end, that end of involuntary servitude, debt bondage, peonage, or slavery*”. (Legal Representative #2). For example, the first T visa case under Labor Trafficking highlights the action (recruiting by a false promise of a great job/misrepresentation of material facts), the mean (threats of deportation), and the end (involuntary servitude). Do note that some details are redacted to protect confidentiality.

Textbox 1. Description of Human Trafficking from Interviews with Legal Representatives

Labor Trafficking

Agriculture

The trafficking really started with a false promise of a great job...The trafficker said this will be just a Monday through Friday thing, you'll work about eight to nine hours a day and make \$11 an hour. When [the] client got to where he was going to be working [he] discovered that it was really seven hours a day, almost 12 hours every day...in horrific conditions. [The place] where he worked got very hot a lot of the time, it was very physical labor...the safety equipment that they needed was not always provided...the working conditions...were just horrible...But on top of that, this client...was threatened with deportation, or being reported to the police if he ever tried to leave. (Legal Representative #1)

[Victim] worked all seven days a week and...the days...would range from like morning [until] night... They [victim] were not paid the full amount of hours. They [victim] would be working say 50 hours a week, they'd only get paid 25 or 30 hours. [Their] passport...was being withheld...[The trafficker] was very charismatic...the trafficker made it seem like they were friends...it was really hard at first to... identify the trafficking, because they're like “he's [trafficker] such a good person. He comes and talks to us when it's a hot day, he'll bring us some water, a pop.” (Legal Representative #3)

Restaurants

He was told [by the traffickers] that...he had been sold to this restaurant for \$500 and so that he would then have to stay there and work...to pay off his debt...They [victim] stayed at the owner's house. They [victim] weren't allowed to leave. They were just driven to the restaurant and driven home...He [victim] and a few other guys they all slept in one room...he [victim] said there was about 15 or 16 of them [working] rotating shifts at this restaurant...He [victim] said that they were told they couldn't leave or that the owners would call immigration. (Legal Representative #5)

The trafficker...drove her to work every day and picked her up...On pay days when there was a check, he [trafficker] would take her check and he would deposit into his account and then give her \$10 to send to her daughters...Throughout all [of] this, he was very physically and sexually abusive...They [trafficker and family] made sure she didn't leave...and even though she was able to physically speak at the workplace...this [trafficker] would do drive-byes [and] visit[s] so [there was] intimidation factors at play that maintained her silence...He [trafficker] [also] took her passport...and he [trafficker] pointed out that...law enforcement wouldn't care about [victim]. (Legal Representative #2).

He was working these terrible hours...the fee that he [victim] was supposed to be earning from his work at the restaurant was going back to the [trafficker] under the disguise of “you’re paying off your debt”. The victim was actually sleeping at the restaurant because he would open at three in the morning, but still be there at midnight, and would sleep in the kitchen...They [law enforcement] found his bedding in the kitchen of the restaurant. (Legal Representative #6).

Domestic Work

This client was approached by an acquaintance...and was recruited for a childcare position what she understood to be a childcare position in someone’s home and she was told...she would have a place to live, clothes, food, at no cost to her. She would care for several children in this home during the workday and she would be paid...But when she arrived...these were not the terms of the working arrangement in reality. She was required to care for the kids...was responsible for the children’s care around the clock, was also expected to do all the cooking, cleaning, laundry, chores for the entire household. She also... didn’t have adequate clothing, was not provided with sufficient food. She was only allowed to eat like leftover food from the family. She was...never directly herself compensated for the labor she performed... She was not allowed to leave the house without her trafficker’s permission. She was not allowed to communicate with neighbors or speak on the phone with her family without her trafficker’s observation... When she told her traffickers that she would no longer work for them if they did not pay her, they told her that if she ever left, they would call the police and have her deported. (Legal Representative #4).

Sex Trafficking

The man kept the client and the other women in a house...he kept them physically locked in the house and then accompanied them whenever they left the house. He bought clothing and make up for them and then began to prostitute the client against her will...she was forced to provide sex for up to 40 men a day and exchange for money that they would pay to this man...she often had health problems...and would not be allowed to go to the doctor...she resisted doing this work, and he would threaten to turn her over to immigration or harm her son...if she ever tried to escape or reported what was happening. (Legal Representative #4).

Mom started contacting friends who she could allow her kids to go to, with the intent of them having sex. She was trafficking the children. (Legal Representative #6).

When you put this all together, it was a ring. What he [trafficker] was doing was he [trafficker] was bringing young girls...under the promise of, “I’m going to take care of you. I’m going to love you. I’m going to be...your everything.” But what he [trafficker] was doing, is he [trafficker] was prostituting them here in the U.S. (Legal Representative #6)

He [trafficker] said she [victim] had to pay the rent some way or another. So he [trafficker] would bring men over for her to sleep with in order for him [trafficker] to pay the rent and pay for their living expense. (Legal Representative #6)

Context and Characteristics of Trafficking Experiences. Beyond basic backgrounds of the victims, the legal representatives were able to provide additional details to these cases and the harms that were caused to their clients. Although each case has unique features, the context provided some additional key themes across these experiences. Other trends across these cases are discussed below, including how clients came into contact with the legal representatives, the lure that originally drew victims to the opportunities that traffickers offered, the means through which victims were exploited, and how they exited the trafficking.

Trafficker Characteristics and Relationship to Victim. A majority of victims were of the same nationality as their trafficker (64%), which could help facilitate trust and be used as a mechanism for exploitation (Preble, 2019). The majority (61%) of individuals became a victim of human trafficking by means of an unknown person. The unknown person relationship varied from being the victim's original smuggler, a stalker, social media post, a person offering a ride, a friend of a friend, and someone who offered them a job. Notably, 43% of the unknown person relationships began by word of mouth or an acquaintance who informed them of a job opportunity that then led to the trafficking. For example:

It was through word of mouth, through a family friend that had mentioned it to him about that job opportunity and just due to the struggles back home of not really having much money decided to... pursue this. (Legal Representative #3)

The other victim trafficker relationships consisted of the trafficker being a parent (13%), intimate partner (13%), and acquaintance (13%).

Victims Trafficked Multiple Times. Furthermore, seven victims had been trafficked prior to the exploitation that resulted in the T visa application inquiry. Many of these victims were trafficked by a different trafficker, highlighting the vulnerabilities of these individuals that likely resulted in ongoing susceptibility to traffickers' tactics. Although most victims were trafficked in the same way (e.g., sex trafficking previously and sex trafficking currently), there were also instances of different exploitive tactics by trafficker. For example:

So this individual experienced trafficking multiple times over her life and her first experience with trafficking with sex trafficking...where her eventual abusive partner had sold her...into prostitution, but it, it was sex trafficking...she didn't earn any money, she was just kept in the house and it was a brothel that sold alcohol. She eventually escaped and then another supposed romantic partner, I'm saying this because these are not romantic situations, but brought her to the United States because he had some family here and he is a lawful permanent resident...And he, he labor trafficked her. (Legal Representative #2)

Connection to the Agency. Clients first came into contact with these legal representatives in a number of ways, but referrals were one of the most discussed methods. For example, clients were referred by law enforcement personnel, hospitals, U.S. Immigration and Customs Enforcement (ICE), family members, and even existing clients. However, there were some cases where victims sought assistance on their own and usually for issues that may not be directly related to trafficking (e.g., domestic violence, custody, unpaid wages). These examples highlight the many ways in which victims can be identified and assisted, but also illustrate the variation in connections where trafficking cases might not be expected (e.g., domestic violence).

Lures to the United States. As part of the T visa process, victims have to be in the United States due to their exploitation as part of the legal requirements (Victims of Trafficking and Violence Protection Act of 2000). Yet, the lures or enticements to get an individual into the United States can vary. A consistent theme, however, is the exploitation of vulnerabilities and needs of individuals that are not being met. For example, some individuals noted that civil unrest, government corruption, or gang activity in home countries acted as a motivating factor to leave and seek new opportunities. Lack of healthcare was also an issue that prompted at least one individual to cross into the United States. In other cases, victims were escaping violent or abusive home lives alone or with their children. Or, traffickers were transporting existing victims to the United States to continue their trafficking enterprise in a new setting.

In light of the lures, almost all victims were recruited with promises of a better life, relationships, or stable employment that may have been too enticing to turn down. Some of these victims also had children or dependents who relied on them for survival, which made the journey to the United States a calculated risk to provide for the family back home or to facilitate border crossing. As one legal representative noted about a case where the victim had suffered multiple traumas and threats prior to her current exploitation:

And, you can see it clearly, what his intent was, but if you're in her situation, you know, she has been in this terrible, horrific situation since childhood. And now all of a sudden she has new perpetrators who are trying to kill her to take her child, I could see why she would jump at the chance of somebody saying, "Yes I will take care of you just come," even if that means crossing so many borders or putting yourself in harm's way to come. (Legal Representative #6)

Education was another effective strategy to recruit victims—sometimes with families' unknowing assistance:

The trafficker is an older man...also from their same hometown, but brought him to the United States telling mom and dad that his intention was putting him into school so that he would be able to go to school, he said he would adopt him, immigrate him to the United States, and eventually once he'd received his status, he would be able to petition for mom and dad. And so mom and dad were encouraged by this and they allowed him to come to the United States. But once he was here with this completely something different. (Legal Representative #6)

The broader point is that these are individuals who were in search for the opportunity to build a better life for themselves and their families. In other words, these were individuals who sought to come to the United States as a way to start anew and were taken advantage of because of their oftentimes desperate situations.

Means of Exploitation. Inherent in each of these cases are the challenges that victims faced when traffickers would compel them to initially and subsequently engage in forced labor or commercial sex. The victims in these cases were subjected to physical and sexual violence, burns, assault with weapons (e.g., baseball bat), psychological abuse (e.g., withholding food), threats of retaliation, threats of deportation, and attempts on their lives or their families' lives. There were also instances of videos or photographs of victims in compromising situations (e.g., nude) being used to keep victims under traffickers' control. Even among the labor trafficking cases, for example, approximately one-third (31%) of victims were also abused sexually—highlighting the violent nature of these experiences.

Legal representatives often expressed how difficult these situations were to exit from due to the underlying vulnerabilities of these individuals. In several cases, the victims were offered a well-paying job, but upon arrival were abused and exploited. For example, in one labor trafficking case, the legal representative discussed the means by which the trafficker was able to maintain control over a victim who was fleeing a violent country:

But on top of that this client one was threatened with deportation, or being reported to the police if he ever tried to leave...there weren't many other options for work and having even a little bit of a livelihood. So those threats help held a lot more weight. (Legal Representative #1)

In general, the victims were guaranteed compensation for hard work, but they were rarely given what they were promised. Even if victims were given some money, it was not what they had been told they would receive and may not have been enough for subsistence. For example, one legal representative recalls trafficking experiences of a victim and their work-pay schedule:

He was paid, but not really for the amount of time that he worked. So he would be working on average probably around 55 to 60 hours a week and really [his] paycheck only reflected between 25 to 35 hours of work. (Legal Representative #3)

Contacts During Exploitation. Even if victims wanted to reach out for assistance, they may not have been allowed to access others outside of the trafficking enterprise to ask for help. Legal representatives discussed victims feeling like they were being watched constantly to prevent them from talking to any outsiders, or lack of communication with those around them even if they were close by (e.g., neighbors). Other victims had more stringent “rules” that guided their behavior while being exploited. As recounted by one legal representative:

They have these rules...in regards to who they could speak, what they wore. The children that they have that these women had with them were to not be seen or heard, so the children were always locked in rooms. They do not have access to buying their own food. There were times that the electricity or the gas had been turned off. And so, they'd go days of being in the dark or it being very cold. (Legal Representative #6)

There were also cases of victims being locked in basements until their exploitation began (e.g., commercial sex) or working hours that prohibited contact with most people (e.g., working early morning until late at night). Meals were also brought to victims in some situations or transportation provided to prevent interactions with others. Although there were cases with very rigid rules and protocols, other cases seemed to permit more flexibility with access to the outside world. For example, some victims who required medical attention were denied visits to the doctor without the trafficker present, whereas others were permitted to be in the hospital for some time without direct supervision. However, traffickers were usually in communication with victims by phoning their room and inquiring about their return. Thus, traffickers were usually close by even if they were not physically present when victims were interacting with others. It was rare in these cases for victims to be able to contact family or friends while they were exploited.

Removal. Although all of these victims were subjected to various exploitive situations, they all were removed from the situation prior to receiving assistance from the legal representatives interviewed. Victims were able to exit their situations in different ways, including asking for help from someone outside of the trafficking enterprise when there was an opportunity (e.g., someone from work), law enforcement stings or raids, reporting by others who knew about the exploitation or suspected something was wrong (e.g., family members), assistance from a trafficker/smuggler to escape, and immigration officials following up on cases. In at least one case, immigration authorities took an active role in tracking and verifying case details of an undocumented minor who was supposed to be in school. When the immigration official found out that the child was not in school, they started doing surveillance on the caregiver and found out that the child was not able to leave the business where he was being exploited.

Post-Trafficking Details. Each individual discussed by the legal representatives had disclosed their exploitation, but an important caveat is that no victims perceived their experience as “trafficking.”

Didn't Recognize the Trafficking. Many victims recognized that what happened to them was wrong or immoral, but not to the threshold of human trafficking. For example, one legal representative stated the following about their client's perception of the situation:

I don't know that [the]client would have had the terminology to call it human trafficking...Talking about it...would lead to feelings of “it was just something really bad that happened to me.” Or even, and this is the most unfortunate, “I think, it was my fault that I ended up there.” So, he knew that what was happening wasn't right, but couldn't express it in terminology that would be defining human trafficking. (Legal Representative #1)

In another case, the legal representative mentioned that the client thought she was just born to suffer:

Unfortunately, you know, I've talked to her about this quite a bit. Because she says that there's some people that are just born to suffer. And I always tell her that, that that's not true. But she says that she's a person who was born to suffer. On the flip side of that, she always says that I will not allow this to happen to my children. So, she doesn't, she knows it's wrong morally, but I don't think that she really sees what's wrong with it lawfully. (Legal Representative #6)

Other victims believed their trafficker treated them relatively well compared to where they came from and what they had previously. For example, the following client believed that the debt he had to pay off was acceptable given that the traffickers were “nice” and provided basic necessities for him:

But what was interesting was, he was like, I think, in his mind, the reason he didn't see this as problematic, was he said they were very nice to him. He had a place to stay, that he was fed, he was like, I had to work and I was told that after I worked off this debt they would pay me. And so he was like I was I was fine with it. So he, you know, in his mind, it was not problematic. (Legal Representatives #5)

Beyond the victims' perceptions of their own exploitation after they exited their situation, there were very real consequences from these experiences. The legal representatives offered insights into how the trafficking affected their clients.

Consequences of Trafficking. Although the legal representatives were quick to note that their clients were “amazing” and “total fighters,” there were still real concerns that victims had to deal with post-trafficking. The issues and harms discussed by the legal representatives mirror the consequences of trafficking in the literature more broadly (e.g., Dell et al., 2019; Ottisova et al., 2018). More specifically, the victims in the current cases had to address ongoing issues with sexually transmitted diseases, post-traumatic stress disorder (PTSD), fear of revictimization or retaliation by traffickers, medical issues developed during trafficking (e.g., forced abortion, physical injuries), anxiety, and hyper-vigilance to keep themselves safe. Victims also conveyed their feelings of shame to the legal representatives they worked with and the victim blaming sentiments they received from family or friends around them (e.g., asking why they did not seek help sooner). One legal representative had this to say:

She did not recognize [her situation] to be trafficking and honestly, it was kind of like an afterthought for her. She's just somebody who's suffered a huge amount of hardship and abuse in a variety of different forms throughout her life. And so, what she said to us, is that she blamed herself... [She] felt she was responsible and felt shame. She recognized it as one more way in which she was violated. I think she very much expected that of the world. (Legal Representative #4)

T Visa Process

After the victims exited their exploitation and connected with the agency, legal representatives then provided consultations and/or assistance with filing for T visa applications. As previously noted, many of the victims had filed their application and were waiting on the results (41%), with the remaining individuals having already received approval (27%), only seeking consultation and not having filed yet (23%), or were denied (10%) (see Table 2). However, the challenges in filing these applications were diverse.

Law Enforcement Certification. An important consideration for T visa applications is whether or not law enforcement personnel provide certifications that designate the victim as assisting law enforcement when applicable on the investigation and prosecution of the case. Although the certification is not required, it does strengthen the case for the application. In the current cases where an application had been filed (n = 17), only one-third (35%) of the submissions included law enforcement certifications.

Because law enforcement agencies also have quite a bit of discretion when providing certification, some agencies were more or less willing to participate and provide a signature. The legal representatives discussed a lack of support from law enforcement officials where certification would not be discussed, would be ignored entirely, or would not be signed until after the prosecution was completed. Even getting law enforcement to investigate a potential trafficking case posed special challenges in some situations. For example, one legal representative recounted their personal efforts after law enforcement offered limited assistance to investigate whether trafficking was happening:

The most I was able to get is when the police were able to interview her after the fact and use her medical records to show that because of the beating this is why she had premature labor, they were able to charge him with domestic violence. But even then, when he was charged, he was able to bond out right away. And so, I took it a step further and I contacted ICE and I literally, I feel I always say this, I literally did their work for them. I took a list of all of his criminal charges that I could find. I also went backwards and I called, I asked 911 for list of all the phone calls that I've ever seen come into the address that he had listed on previous charges, and so I was able to like put this together for them to say he is a threat to society. But we need him to be put into proceedings, we need him to be gone. And I feel like...had I not been so zealously advocating for this client, I don't think those things would have happened. (Legal Representative #6)

Although this case is not representative of all interactions between victims, law enforcement personnel, and legal representatives, it does illustrate how difficult these cases can be to acquire supporting information—particularly if police departments are unwilling or unable to investigate these allegations thoroughly.

There were other setbacks in cases where requests for victim cooperation were sent to the wrong addresses and so it appeared that victims were not willing to assist law enforcement. The law enforcement

agency then took this lack of a response as being uncooperative and refused to sign the certification. However, not all victims felt that law enforcement personnel were helpful to them, which halted their willingness to assist in the investigations.

Challenges and Considerations in Filing. Beyond the law enforcement certification, there were a number of other considerations when filing these applications. The legal representatives discussed issues proving that cases met the legal definition of trafficking according to the Victims of Trafficking and Violence Protection Act of 2000. More specifically, proving the means of exploitation (i.e., force, fraud, coercion) can be challenging especially when victims have difficulty recounting traumatic experiences or providing evidence of their exploitation. Labor trafficking cases seemed to pose particular issues where the USCIS would fail to recognize certain situations as meeting the legal criteria and supporting the applications (e.g., smuggling turned trafficking).

Additional considerations include any application fees for other forms that need to be submitted (e.g., waiver of inadmissibility application), health issues that could affect memory of the events, court date delays during the processing of investigations, lack of support by agencies to assist in labor trafficking cases, lack of victims' access to technology to discuss the application, language and cultural barriers that could affect information gathered (e.g., not wanting to share personal things that happened to them, disrupting trafficker-victim relationship, retraumatizing victims to relive experiences), and the deportation of undocumented perpetrators before or during the trafficking investigation. Whether the victim has family that could count as derivatives for the T visa also affects the application process—most often children and parents were considered in these instances depending on the age of the victim. The legal representatives also discussed how they argued that their client's children could be impacted if the T visa were to be denied in cases where retaliation or vulnerability to exploitation were of concern. Of course, other cases were discussed as proceeding more smoothly, with equal cooperation between the legal system, investigation team, and the victim that facilitated the collection of evidence for the application submission.

Hardships If T Visa Not Granted. Because so many victims were still waiting on the processing of their T visa application, the legal representatives were asked about what hardships victims would have if these applications were not granted (or hardships if they had been denied). The primary concern for all legal representatives revolved around the potential for victims' deportation back to their home countries if the T visas were not approved. Although deportation in and of itself may not seem particularly damaging, the danger of being deported was oftentimes rooted in the vulnerabilities that made the victims susceptible to being trafficked in the first place.

The legal representatives discussed several concerns from deportation, but one of the most pressing was regarding retaliation by the traffickers. As one legal representative noted, the victim was in serious danger because it was known by the traffickers that she was responsible for the investigation into their exploitation:

No, just the potential of being put in removal proceedings if it were denied...she actually feared this and like suspected that at one point the potential of retaliation from the employers...they did come to know that that they were being investigated based on the report she made. (Legal Representative #4)

Thus, victims are encouraged to assist in investigations against their traffickers, but could also suffer from harms if and when the traffickers find out that they participated in their demise. Yet, victims are not guaranteed that they can remain in the country when this investigation is under way and could affect their willingness to support such investigation attempts.

Similar concerns were voiced by representatives particularly if the trafficker had already been deported back to the victim's home country—giving them easier access to retaliate or revictimize the victim. Relatedly, victims might be subjected to community violence in their home countries and gang recruitment. Some victims came from violent or neglectful families, which could create ongoing needs to escape if they are returned to those settings. Other concerns include loss of employment authorization to work in the United States to build a better life and lack of adequate healthcare in their home country to address pressing medical concerns.

Children who had been trafficked or who were affected by their parent's exploitation may also suffer from safety issues or neglect in their home country if they are deported. Again, these underlying issues that could contribute to their vulnerability would not randomly disappear once they return, creating issues for potential re-trafficking victimization by the same or different perpetrator. For this reason, some victims informed their legal representative that they would find someone in the United States to take care of their children before taking them to their home country. This is the case for one victim and her daughter in the following case:

It would also be an indirect hardship to her daughter. Because the [daughter] is a derivative and if mom is denied, mom has said on several occasions, that she trusts a stranger in the U.S., more than she would trust bringing that child back to [home country]. And she has talked about if she were, if she had to leave the United States, she would find a family to take her child. And you have to think about the effect that would take that would be on both of them on both mom and daughter. You know, the daughter's only known mom, she doesn't know who the father is, she's only been raised by mom. You know, the trauma, what the client has gone through to protect this child as soon as she was born to where we're at now. (Legal Representative #6)

Moving Forward. Despite the harms caused to these victims, they still had to find a way forward to rebuild their lives. The ability to start living their new life, however, depended on whether their T visa application was approved or not. The victims who were still waiting on an answer on their T visa had expressed hopefulness to their legal representatives that they might be approved and be able to be reunited with their families in the United States. These individuals who were awaiting their visa status update were looking to start a family and work permanently—some were also excited about the prospect of beginning or continuing their education.

The victims who had received approval were able to start turning their plans into action by actually reuniting with their children or families, obtaining employment, and/or enrolling in school. Employment was a particularly important aspect of their T visa approval because it provided the security and satisfaction of being able to provide for their family. The ability to be self-sustaining was important for self-esteem but also to reduce future vulnerability to exploitation. As one legal representative noted, the T visa granted their client the ability to work, which was crucial for personal development and reducing fear of authorities:

Yeah, I mean I think she was we got these two requests for evidence and I didn't think it was looking good. And so I tried to prepare her for it possibly being denied and maybe as a result of that she was just so shocked and thrilled that it was approved and you know I think she really as much as any of our clients, is like kind of... we've worked with her when she's out this major life juncture right where she's like leaving an abusive relationship or has recently left an abusive relationship. And reckoning with this past victimization, you know, dealing with the psychological impact of that and now, for now, for the first time is not living in fear of contact with authorities, right, and has employment authorization. So she'll have better job opportunities and be less vulnerable to, you know, workplace exploitation...potentially have access to health insurance and you know labor and employment protections. As a result of being employment authorized and yeah, just not having to live with in fear of contact with authorities. (Legal Representative #4)

Other important aspects of getting the T visa approved included obtaining a state identification to avoid showing immigration status with work permits, increased trust in the legal system and actors, and feeling “protected” in the United States. The victims who were able to acquire a T visa were noted as being able to take better care of themselves and focus on their families, which was the primary concern of most clients.

Service Providers

Given the consequences and harms that victims can experience when they are exploited, the legal representatives oftentimes try to make connections with service providers to assist in their recovery. Although the legal representatives highlighted the importance of other service providers assisting their clients, they also discussed the barriers that inhibited a seamless integration of services. One of the more pressing issues that arises when trying to incorporate various services is confidentiality and protecting sensitive personal information of the victim, while still sharing information across agencies that could be useful to the T visa application. This could mean that victims end up not receiving services they need or having to duplicate efforts across service providers (e.g., retelling experience to different providers). If the services become too overwhelming, it could also mean that victims may not continue.

Other provider issues that were noted include 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. The legal representatives also noted that language barriers and physical distance (which has been worsened during the coronavirus pandemic) also inhibit making connections with victims to connect them to the necessary services. The broader point here is that, even though services are considered a top priority for legal representatives, there are a number of barriers that could limit their ability to assist their clients outside of legal services.

Barriers and Improving Responses

The legal representatives were also asked about their perceptions on barriers and ways that responses could be improved when working with human trafficking victims in Nebraska. A lot of responses and recommendations were provided, but seven core themes emerged across legal representatives.

First, an *increase in collaborative investigations* was discussed as a primary need, particularly when law enforcement officials are not motivated to investigate a case. As noted by one representative: *“Most often there’s not enough interest on behalf of law enforcement to even have the crime investigated, let alone the victim recognized as a victim and, supported that way by our community and specifically our law enforcement”* (Legal Representative #2). The legal representatives discussed that these concerns can be compounded when a trafficking case is identified but law enforcement officials do not acknowledge it as such or when there are no open lines of communication with legal representatives to assist on potential trafficking cases (e.g., determine if case meets legal criteria). Another issue in these collaborations is the perception that some law enforcement officers are “adverse to immigrants” when they provide them with information about the T visa process by showing limited interest in ensuring that they are connected to the appropriate resources.

Second, *missed identifications due to lack of training or awareness* were noted as being problematic when trying to respond to these cases. In particular, neglecting certain types of cases because they do not fit a specific perception of human trafficking can result in victims being overlooked entirely (e.g., labor trafficking in a local restaurant) or being treated as a perpetrator (e.g., arresting and charging a sex trafficking victim with prostitution). Additional concerns about identifying victims in everyday settings (e.g., schools) were discussed as problems where individuals could be identified and given appropriate resources prior to or early in their exploitation if individuals and law enforcement knew the signs of trafficking to intervene. In this way, education and trainings may provide more widespread education to reduce the burden off any one institution (e.g., law enforcement) and create multiple bystanders who could possibly notice these cases. One legal representative gave this example: *“The neighbors suspected something was going on, but they didn’t know what. And chose to not to get involved”* (Legal Representative #6). Another legal representative mentioned:

It [the trafficking] was so seeming the public...This was a very common...place. Anyone who’s here in [this city] probably has been to it... It’s a situation...that I think demonstrates the many different forms, the insidious nature of human trafficking, and it’s almost chameleon like [state]...Usually

people think...with trafficking, there's also assumption that the employer knows that someone [is] being trafficked and...this case exemplifies that. (Legal Representative #2)

Third, by *improving referrals and follow-through* from agencies, victims could be connected to services that might facilitate their recovery. Although law enforcement personnel or other service providers might provide victims with pamphlets or information to help guide them, it might be confusing or overwhelming for them to reach out to the various services they may need. The legal representatives thus suggested that referrals should be more guided to assist victims and answer any questions they may have. This recommendation also goes for agencies where the victim is being referred to—lack of follow-up on the agency's part can be damaging to victims' ability to trust in U.S. institutions that are supposed to assist them. But law enforcement personnel or other providers who helped facilitate these connections were praised for their ongoing efforts to put victims in contact with the individuals and agencies who could best support them. When asked what was unique about a particular trafficking case, one legal representative recalled the experience working with engaged law enforcement officials:

The law enforcement response...the law enforcement... being really heads up about this situation and...removing her from the house so that she could speak more freely and confide in them about what was going on and then being really proactive about connecting her with services....and then being really helpful in helping her pursue an immigration remedy by completing the T visa certification... It was a really positive interaction with law enforcement...(Legal Representative #4)

Fourth, by *screening individuals for human trafficking* regardless of whether they are considered at-risk, agencies can help improve identification efforts. As noted previously, some of these agencies would screen any individual who sought their services, which increased their ability to assist individuals who had been exploited. The legal representatives discussed the need for community response teams that could work with various business owners and law enforcement agencies to help identify victims across settings. Otherwise, it might be years before victims are acknowledged, which can have serious implications for their ability to file for and receive T visa status. Two legal representatives shared their experience:

I wish I would have met him when [this] first happened because I think I would have had better answers for him. And I didn't meet him until later on because there were several people who were just so fearful of coming forward...and he has such a strong case (Legal Representative #6)

I think one of the issues [with the] T visas that I always struggle with...is that you're finding this information out so late because this person has no idea they're a victim of trafficking. They never reported it...So, they've missed a window to report...so if there was some good cooperation...that could strengthen how we can help clients report things...so that they have a better chance of showing that they were cooperative...or would be cooperative and reporting the crime...That's such a barrier for people who are discovering really late in the game that they were a trafficking victim (Legal Representative #5)

Fifth, in addition to needed training on human trafficking, the legal representatives cited a need for *training on the T visa*. As discussed earlier, victims rarely self-identify or recognize their experience as “human trafficking.”¹ For this reason, one legal representative noted that no victim has ever approached them to say they have heard of the T visa and believe they might qualify. Therefore, it becomes the responsibility of legal representatives and other providers to educate themselves on the T visa and the criteria to qualify—and who to call or refer victims to with questions. Although some attorneys or legal representatives are less likely to encounter these cases (e.g., private practice), it is still possible that victims would require their services who might be an applicant for T visa status. Educational seminars could help alleviate these issues by ensuring that practitioners have basic understanding of immigration policies and the intersection with human trafficking.

Sixth, *USCIS should ensure prompt adjudication of T visa cases or grant employment authorization while applications are pending*. Currently, T visa applications are taking 18.5-29 months to process. Legal representatives noted the lack of employment authorization while the application is pending as being problematic and increases vulnerability. Legal representatives proposed several solutions, such as finding alternative ways to grant work authorization:

Given how complicated applying for a T visa is, I think there should be some sort of Deferred Action or employment authorization allowed while their T visa is pending. (Legal Representative #1)

The T visa needs to allow for an employment authorization card as soon as it's [the T visa] filed... An employment authorization card makes the difference... There's also really no excuse for why a T visa takes this long to approve.... Some of these [T visa cases] come back rather quickly when I know that they have pressure from the ICE agents, when there's an outside source. But some of these other ones take years to adjudicate and there's just... no excuse for it. We're talking about somebody who's been victimized... Somebody who needs the support. (Legal Representative #6)

Finally, another theme that came up in the interviews was that of *discrepancies between legislative response policies and practice*. The current political and social climate about negative attitudes towards immigrants from the Southern U.S. border has affected some legal representatives and the cases that they have worked on (e.g., Davis & Shear, 2019; Dwyer & Limbong, 2019; Kulig et al., 2020). In particular, the deleterious effects of anti-immigrant policies could hinder investigations, inhibit law enforcement certifications, or reduce the facilitation and funding of other service provisions. Although not all providers or personnel buy into these notions, the effect can still be substantial if agencies or institutions are not actively willing to assist immigrants who are undocumented:

¹ There is evidence that at least some trafficking victims enter the country with a visa obtained in the United States Consulate in the country of origin. In the case of our sample at least one victim entered the country with a tourist visa. It is unclear if entering the country with a visa might be a reason why victims have difficulty recognizing that what happened to them is or was a crime. In this case, the legal representative did state that the victim possessing a valid tourist visa facilitated the entry and subsequent trafficking to the United States. Education about trafficking in home countries or at United States Consulates for tourist or other nonimmigrant visas might be an additional consideration.

As extremely upset as I am with most of what I've experienced and experienced with clients, there are some deeply passionate and devoted public servants and police officers that are doing their damndest but you can't do very much if the institution that you're a part of isn't behind you and isn't behind the victims in the community. It just, it's just total, total slap in the face of their work that the system we're in isn't allowing them to...to act. (Legal Representative #2)

Concerns about supporting undocumented immigrants can be exacerbated when primary funding sources are provided by individuals with anti-immigrant sentiments. Yet, undocumented immigrants are vulnerable to victimization due to their status (e.g., Zatz & Smith, 2012). Without adequate protections and responses in place to address their underlying vulnerabilities, traffickers can go unabated in communities and profit from the harms they inflict.

Policy Implications

The legal representatives in this study provided rich insights into the experiences and outcomes of trafficking victims from Latin America. Still, it is important to reiterate that these findings are based on interviews with six legal representatives in Nebraska, who represented 22 victims of human 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. Five policy implications are reviewed in the Box below.

Conclusion

As an ongoing social concern, human trafficking has resulted in multidisciplinary efforts to understand, inform, and respond to these harms. This project sought to continue this line of inquiry by interviewing legal representatives who have consulted with human trafficking victims from Latin America who were exploring the T visa process. These interviews were able to provide key insights into the agencies that work with victims, in what ways these victims were exploited, how they perceived their trafficking, the process and outcomes of the T visa process, the collaborations with service providers, the barriers and recommendations for improvement when working with these victims. The findings from these interviews further informed several policy implications that should be considered based on the context of the sample. In sum, these findings inform the need for future research to continue to examine the various roles and processes that trafficking victims experience during and after their exploitation.

Textbox 2: Summary of Policy Implications

1. Increased screening across multiple agencies could have implications for identification efforts. Much of the current research focuses on screening procedures in medical settings or with at-risk populations (e.g., homeless), but limited research exists on the role of legal representatives facilitating identification (e.g., Armstrong, 2017; Dank et al., 2017).
2. A lack of support on cases by law enforcement agencies can create backlogs and delays in processing of cases and investigating perpetrators. It is thus important that law enforcement and immigration authorities have the tools and resources needed to actively stay up-to-date on these cases so they can intervene as needed. As part of these resources, law enforcement personnel should have adequate training to recognize the signs of sex and labor trafficking, with the support of their agencies to make inquiries regardless of whether the victims are U.S. citizens or foreign nationals.
3. Victims do not always perceive their experiences to be “human trafficking,” even if they recognize that their treatment was wrong and inappropriate. Screenings and training are thus imperative for first responders, legal representatives, and any providers who might come into contact with victims. A basic understanding of the T visa for foreign nationals could also initiate the application process, which can have wide-ranging effects on victims’ outcomes (e.g., employment, reuniting with family, education).
4. Victims often require extensive services to address their medical, mental health, and subsistence needs. But victims also require services to address the underlying vulnerabilities that made them susceptible to trafficking in the first place (e.g., poverty, family abuse). These services may require multiple follow-ups from referral sources and from public servants to ensure victims are connected to the appropriate agencies. Agencies and institutions can facilitate these connections by creating supportive environments or incentives for employees to ensure these follow-ups are completed.
5. United States Citizenship and Immigration Services (USCIS) should ensure prompt adjudication of T visa cases, grant employment authorization while applications are pending. Currently, T visa applications are taking 18.5-29 months to process. In addition, given that victims do not recognize their experience to be trafficking, USCIS should use increased discretion for what cooperation with law enforcement consists of for trafficking cases that are not currently ongoing.

References

- Altan, D., & Cediell, A. (Producers) (2018). *Trafficked in America* [Documentary]. Arlington County, VA: PBS Frontline.
- Armstrong, S. (2017). Instruments to identify commercially sexually exploited children: Feasibility of use in an emergency department setting. *Pediatric Emergency Care, 33*(12), 794-799.
- Baker, B. (2018). *Population estimates: Illegal alien population residing in the United States: January 2015*. Washington, DC: U.S. Department of Homeland Security.
- Baldwin, S. B., Eisenman, D. P., Sayles, J. N., Ryan, G., & Chuang, K. S. (2011). Identification of human trafficking victims in health care settings. *Health and Human Rights, 13*, 36-49.
- Banks, D., & Kyckelhahn, T. (2011). *Characteristics of suspected human trafficking incidents, 2008-2010*. Washington, DC: Bureau of Justice Statistics.
- Barrick, K., Lattimore, S. K., Pitts, W., & Zhang, S. X. (2013). *Indicators of labor trafficking among North Carolina migrant farmworkers: Final report*. Research Triangle Park, NC: RTI International.
- Brennan, D. (2008). Competing claims of victimhood? Foreign and domestic victims of trafficking in the United States. *Sexuality Research & Social Policy, 5*(4), 45-61.
- Carr, B. (2012). When federal and state systems converge: Foreign national human trafficking victims within juvenile and family courts. *Juvenile & Family Court Journal, 63*(1), 77-90.
- Chohaney, M. L. (2016). Minor and adult domestic sex trafficking risk factors in Ohio. *Journal of the Society for Social Work & Research, 7*, 117-141.
- Clawson, H. J., & Dutch, N. (2008). *Identifying victims of human trafficking: Inherent challenges and promising strategies from the field*. Washington, DC: U.S. Department of Health and Human Services.
- Clawson, H. J., Dutch, N., & Cummings, M. (2006). *Law enforcement responses to human trafficking and the implications for victims: Current practices and lessons learned*. Fairfax, VA: Caliber.
- Clawson, H. J., Small, K. M., Go, E. S., & Myles, B. W. (2003). *Needs assessment for service providers and trafficking victims*. Fairfax, VA: Caliber Associates, Inc.

- Dank, M., Yahner, J., Yu, L., Vasquez-Noriega, C., Gelatt, J., & Pergamit, M. (2017b). *Pretesting a human trafficking screening tool in the child welfare and runaway and homeless youth systems*. Washington, DC: Urban Institute.
- Davis, J. H., & Shear, M. D. (2019). *Border wars: Inside Trump's assault on immigration*. Simon & Schuster.
- Davis, R. C., & Erez, D. (1998). *Immigrant populations as victims: Toward a multicultural criminal justice system*. Washington, DC: National Institute of Justice.
- Dell, N. A., Maynard, B. R., Born, K. R., Wagner, E., Atkins, B., & House, W. (2019). Helping survivors of human trafficking: A systematic review of exit and postexit interventions. *Trauma, Violence, & Abuse, 20*(2), 183-196.
- de Vries, I. (2019). Connected to crime: An exploration of the nesting of labour trafficking and exploitation in legitimate markets. *British Journal of Criminology, 59*, 209-230.
- de Vries, I., & Farrell, A. (2018). Labor trafficking victimizations: Repeat victimization and polyvictimization. *Psychology of Violence, 8*, 630-638.
- Dwyer, C., & Limbong, A. (2019, July 15). "Go back where you came from": The long rhetorical roots of Trump's racist tweets. *NPR*. <https://www.npr.org/2019/07/15/741827580/go-back-where-you-came-from-the-long-rhetorical-roots-of-trump-s-racist-tweets>
- Farrell, A., Dank, M., Kafafian, M., Lockwood, S., Pfeffer, R., Hughes, A., & Vincent, K. (2019). *Capturing human trafficking victimization through crime reporting*. Washington, DC: U.S. Department of Justice
- Farrell, A., McDevitt, J., & Fahy, S. (2008). *Understanding and improving law enforcement responses to human trafficking: Final report*. Washington, DC: National Institute of Justice.
- Hallgren, K. A. (2012). Computing inter-rater reliability for observational data: An overview and tutorial. *Tutorials in Quantitative Methods for Psychology, 8*(1), 23-34.
- Halter, S. (2010). Factors that influence police conceptualizations of girls involved in prostitution in six U.S. cities: Child sexual exploitation victims or delinquents? *Child Maltreatment, 15*, 152-160.
- Hopper, E. K., & Gonzalez, L. D. (2018). A comparison of psychological symptoms in survivors of sex and labor trafficking. *Behavioral Medicine, 44*, 177-188.
- Kagan, M. (2015). Immigrant victims, immigrant accusers. *University of Michigan Journal of Law Reform, 48*(4), 915-966.

- Kulig, T. C., Graham, A., Cullen, F. T., Piquero, A. R., & Haner, M. (2020). "Bad hombres" at the Southern U.S. border? White nationalism and the perceived dangerousness of immigrants. *Australian & New Zealand Journal of Criminology*. Advance online publication. doi: 10.1177/0004865820969760
- Lee, I. (2007). An appeal of t visa denial. *Georgetown Journal on Poverty Law and Policy*, 14(3), 455-488.
- Logan, T. K., Walker, R., & Hunt, G. (2009). Understanding human trafficking in the United States. *Trauma, Violence, & Abuse*, 10(1), 3-30.
- Meyer, S. R., Robinson, W. C., Chhim, S., & Bass, J. K. (2014). Labor migration and mental health in Cambodia: A qualitative study. *The Journal of Nervous and Mental Disease*, 202, 200-208.
- Novak, E. A. (2012). *From Latin America to Nebraska: Transnational forces behind human trafficking* [Master's thesis, University of Nebraska at Omaha]. UMI Dissertation Publishing.
- Ottisova, L., Smith, P., & Oram, S. (2018). Psychological consequences of human trafficking: Complex posttraumatic stress disorder in trafficked children. *Behavioral Medicine*, 44(3), 234-241.
- Owens, C. Dank, M., Breaux, J., Bañuelos, I., Farrell, A., Pfeffer, R., Bright, K., Heitsmith, R., & McDevitt, J. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Washington, DC: Urban Institute.
- Passel, J. S. (2019). Measruing illegal immigration: How Pew research center counts unauthorized immigrants in the U.S. *Pew Research Center*. Retrieved from <https://www.pewresearch.org/fact-tank/2019/07/12/how-pew-research-center-counts-unauthorized-immigrants-in-us/>
- Patton, M. Q. (2002). *Qualitative research & evaluation methods* (3rd ed.). Sage.
- Preble, K. M. (2019). Under their "control": Perceptions of traffickers' power and coercion among international female trafficking survivors during exploitation. *Victims & Offenders*, 14(2), 199-221.
- Reid, J. A. (2012). Exploratory review of route-specific, gendered, and age-graded dynamics of exploitation: Applying life course theory to victimization in sex trafficking in North America. *Aggression and Violent Behavior*, 17, 257-271.
- Reid, J. A., Baglivio, M. T., Piquero, A. R., Greenwald, M. A., & Epps, N. (2017). Human trafficking of minors and childhood adversity in Florida. *American Journal of Public Health*, 107, 306-311.
- Rieger, A. (2007). Missing the mark: Why the trafficking victims protection act fails to protect sex trafficking victims in the united states. *Harvard Journal of Law & Gender*, 30(1), 231-256.

- Seelke, C. R. (2016). *Trafficking in persons in Latin America and the Caribbean*. Washington, DC: Congressional Research Service.
- Smith, S. R. (2013). Underutilization of the t-visa: Comparing the t-visa to similar temporary residence programs around the world. *Georgetown Journal of Gender and the Law*, 14(3), 719-148.
- Ugarte, M. B., Zarate, L., & Farley, M. (2004). Prostitution and trafficking of women and children from Mexico to the United States. *Journal of Trauma Practice*, 2(3-4), 147-165.
- U.S. Citizenship and Immigration Services. (2018). Victims of human trafficking: T nonimmigrant status. Retrieved from <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>
- U.S. Citizenship and Immigration Services. (2020, February 14). *Annual report on immigration applications and petitions made by victims of abuse—fiscal year 2019: Report to Congress*. Washington, DC: U.S. Department of Homeland Security.
- U.S. Department of Justice. (2020). *Recognition & accreditation (r & a) program*. Retrieved from <https://www.justice.gov/eoir/recognition-and-accreditation-program>
- U.S. Department of State. (n.d.). *Visa denials*. Retrieved from <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-denials.html>
- U.S. Department of State. (2020). *Trafficking in persons report* (20th ed.). Washington, DC: U.S. Department of State.
- VERBI Software. (2019). MAXQDA 2020 [computer software]. Berlin, Germany: VERBI Software. Available from maxqda.com.
- Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464, codified as amended at 22 U.S.C. §§ 7101-7110 (2000).
- Zatz, M. S., & Smith, H. (2012). Immigration, crime, and victimization: Rhetoric and reality. *Annual Review of Law and Social Science*, 8, 141–159.
- Zhang, S. X. (2012). *Looking for a hidden population: Trafficking of migrant laborers in San Diego County*. San Diego, CA: San Diego State University.
- Zhang, S. X., Spiller, M. W., Finch, B. K., & Qin, Y. (2014). Estimating labor trafficking among unauthorized migrant workers in San Diego. *The American Academy of Political and Social Science*, 653, 65-86.

Appendix

Interview Guide for Legal Representatives

Section 1: Introduction, Study Overview, and Consent

Thank you for agreeing to be a part of the study. Before we get started, I wanted to go over the purpose of this interview. I am interested in getting a better understanding of attorney's experiences working with clients from Latin America who have been the victim of labor and/or sex trafficking. In particular, I am interested in understanding your experiences with the T-Visa process to inform responses for this population.

The interview today will be completely confidential and anything you say will not be connected to your name in any way. If there are any questions you do not want to answer just let me know and we can skip it or come back to it later if you would like. With your consent, I would like to audio record the interview so I do not miss anything that you say. Myself, the principal investigator of this project, and the research team (e.g., a trained student) will be the only people who have access to the audio recording. Once transcribed and de-identified, the recording will be saved on a secure drive. *Review and sign informed consent form with participant.* Do you have any questions for me?

Section 2: Legal Representative General Background

1. I would like to start the interview by just learning more about you. [*Probes: Tell me about your position, how you've been working in your current position, previous professional positions, education, etc. What got you into your career?*]
2. Demographic information not covered (e.g., age, gender, race/ethnicity, educational background). Are there other important things about you that we haven't discussed?
3. What language(s), other than English, do you speak fluently?
4. How many years of experience do you have working with victims of human trafficking in general?
5. How many years of experience do you have working with labor and/or sex trafficking victims from Latin America more specifically?
6. How many survivors have you personally worked with over your career? How many are juveniles or adults? How many are from Latin America? [*Probe: Estimating or best guess*]

Section 3: Agency Overview and Work with Victims

1. When and why did your agency start working with survivors of human trafficking?
2. How does your agency define human trafficking?

3. How do you define/distinguish labor trafficking from labor exploitation or a wage and hour violation or other labor violations? Does this vary by industry?
 - a. At what point would a labor code violation turn into labor trafficking?
 - b. Is this a personal distinction or is there a standard way of drawing a distinction among staff in your agency?
4. How do survivors typically become involved with your organization? Are there multiple ways that your agency learns about trafficking cases (e.g., self-referral, law enforcement)
5. Do you have formal protocols for identifying and responding to human trafficking cases?
6. What is the process implemented by your agency once a suspected or known case of trafficking is identified? What specific steps does your agency take?
7. Is there a reporting mechanism in place within your agency to track trafficking cases?
8. Does your agency collect data on victims?
 - a. If yes, what information is collected and how does your agency use the data to inform decisions?
 - b. If no, why is data not retained?
9. Does your agency currently work with a local human trafficking task force or service providers?

Section 4: Experiences of Specific Clients

*Now, I am going to ask you some questions about specific experiences with clients from Latin America who have been victims of labor and/or sex trafficking. In particular, I am interested in whether you have given a consultation to a client, filed a T-Visa for the client, and/or if the T-Visa has been granted or is pending. We will go through the entire set of questions for each client before restarting the questions on a new client. **Given the purpose of this study, I am particularly interested in individuals you assisted from Latin America.** Now, consider the T-Visa case you want to discuss. Before we get to the T-Visa, I am going to ask you some background information for context (verbally note that the responses and details as Client # indicators for transcription [e.g., Let's talk about Client #1; Now we are going to go through the same set of questions for Client #2])...*

1. How did the client originally get connected with you?
2. What city, state, country was your client born? [*Probe: Did they grow up there as well?*]
3. Does your client still have family in their home country? [*Probe: Do they have parents, children, siblings, grandparents, aunts, uncles, etc? Do they have any of those family members in the U.S.?*]
4. Where does your client currently live? [*Probe: City, state, part of town?*]
5. Currently, how old is your client? Approximately how old was your client when they experienced trafficking?

6. Does your client identify as male, female, intersex, or other?
7. Does your client have any children? [*Probe: What ages, sex, etc. Are they in the U.S. or home country?*]
8. What languages does your client speak? Do you need to use a translator?
9. Has your client ever been married? [*Probe: Legally, civilly, where, when?*]
10. Does your client have a history of engaging in criminal behavior? If yes, what types of behaviors?
11. When did your client come to the United States and what prompted their move? [*Probe: Month, year, at what port of entry, manner of entry, etc*]
 - a. Did your client experience any challenges when leaving?
12. When did your client come to Nebraska and how did they end up here?

Section 4a: Context and Characteristics of Trafficking Experience

[Continuing details on specific client here]

Now, I am going to ask you some more questions about the trafficking details of your client.

1. What did their human trafficking consist of?
 - a. How did they first get in contact with or meet their trafficker?
 - b. How did the interaction with the trafficker turn into actual exploitation (e.g., were they promised a good-paying job or some other benefit)?
 - c. What jobs did they perform, for how many hours, and how many days a week?
 - d. Where did they live at the time of exploitation?
 - e. Who were they allowed to see while they were being exploited (e.g., doctor, family, friends)?
 - f. How did they escape?
 - g. How long were they exploited?
 - h. Did the individual suffer any other victimizations during their exploitation (e.g., physical or sexual abuse, theft)?
 - i. Did the case involve criminal activity other than labor trafficking (e.g., embezzlement, theft)?
 - j. How many traffickers were ultimately identified in this case? Were they all prosecuted?
 - k. Were there other victims who were trafficked as part of this same case?
 - l. Was there anything else that you think was unique about this case?
2. How do they (victims) describe their type of trafficking and experience?
3. How did the client recognize (distinguish) their experience to be human trafficking and not another form of exploitation?
4. What type of force (e.g., physical restraint, preventing or restricting free movement, violence), fraud (e.g., deception, lies, misleading claims about job), or coercion (e.g., threats of violence, threatened family or friends, threats of the legal system being used against them) did the client experience?

5. Was there anything about this individual that you think made them particularly vulnerable to trafficking (e.g., abusive/neglectful/violent home life, poverty)?

Section 4b: T Visa Process

[Continuing details on specific client here]

The following questions are specifically about the T-Visa process for the client we have been discussing:

1. Have you given a consultation to this client, filed a T-Visa for this client and it is pending, or have you filed and the T-Visa was granted or denied?
2. How did the client meet the definition of being trafficked? *[Probe: How were they eligible to file for a T-Visa?]*
3. What challenges did the client encounter in filing for a T-Visa?
4. What was the most challenging aspect of this case to prove (or obtain evidence for) when applying for the T-Visa status?
5. Are there any legal consequences that can adversely affect victims when they consider or start this process of filing for a T-Visa (e.g., financial debt)?
6. Is there anything about the T-Visa process that you think should be changed?
 - a. Is there anything that you think is particularly useful?
7. If there anything you wish more people knew about the T-Visa process?

Section 4c: Post-Trafficking Details

[Continuing details on specific client here]

These final questions about the client are about what happened after this individual was identified and removed from their exploitive situation.

1. Has the client already or does the client plan to seek assistance (e.g., mental health, physical, financial)?
2. Does the client currently work?
3. What are this client's goals/plans for the future (e.g., employment, ability to remain in the United States)?
4. Did you notice any personal or health consequences (e.g., relationships, mental or physical well-being) to your client during your interactions? *[Probe: deteriorating or supportive relationships with family/friends, PTSD symptoms, educational concerns, substance use]*
5. Do you have any other details about this case that you want to share?

[Return to questions at the beginning of Section 4 if interviewee has additional clients to discuss. Move on to Section 5 if there are no additional clients to discuss.]

Section 5: Integration of Service Providers in Nebraska

These final questions are not about any client in particular, but are meant to get your perspective on the responses to human trafficking in Nebraska more broadly. Here, I want to ask you about your perspectives on how stakeholders work together to address human trafficking in Nebraska.

1. Who are the stakeholders that you work with to integrate services for clients that come into contact with your agency? Do you always involve these stakeholders or does it vary by circumstance?
2. What are the barriers to service delivery and developing a coordinated response in a local context?
3. How are integration efforts perceived by all groups impacted (e.g., service providers, survivors)?

Section 6: Barriers and Improving Responses

These final questions are assessing the barriers and suggestions for responding to trafficking in Nebraska more broadly.

1. What do you think are the primary barriers in confirming/identifying/responding to cases of human trafficking?
2. Are the laws conducive to prosecuting labor trafficking in Nebraska? Do they pose any challenges?
3. What do you see as promising practices or practices that work well in better confirming/identifying/responding trafficking cases (either current or practices you would like to see)?
 - a. Do these practices vary by population (e.g., adults/minors) or type of trafficking?

Section 7: Conclusion

Thank you for your time and sharing your perspectives and experiences with me. Do you have any final comments or questions for me? Or, are there questions or topics that we did not cover that we should have?

Previous OLLAS Reports

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1. Gouveia, Lourdes and Powell, Mary Ann (2005). *Educational Achievement and the Successful Integration of Latinos in Nebraska: A Statistical Profile to Inform Policies and Programs*. OLLAS Special Report No. 1. Omaha, NE: Office of Latino Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
2. Casas, J.F., Ryan, C.S., Kelly-Vance, L., Ryalls, B.O., Ferguson, A., & Nero, C.L. (2005). *Examining the impact of parental involvement in a dual language program: Implications for children and schools*. OLLAS Special Report No. 2. Omaha, NE: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
3. Benjamin-Alvarado, Jonathan (2006). *Latino Political Participation in Nebraska: The Challenge of Enhancing Voter Mobilization and Representation*. OLLAS Special Report No. 3. Omaha, NE: Office of Latino/Latin American Studies (OLLAS), University of Nebraska at Omaha.
4. Arbelaez, Maria (2007). *Religion and Community: Mexican Americans in South Omaha (1900- 1980)*. OLLAS Special Report No. 4. Omaha, NE: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
5. Decker, Christopher with Jerry Deichert and Lourdes Gouveia. (2008). *Nebraska's Immigrant Population. Economic and Fiscal Impacts*. OLLAS Special Report No. 5. Omaha, NE: Office of Latino/Latin American Studies (OLLAS), University of Nebraska at Omaha.
6. Benjamin-Alvarado, Jonathan (2009). *Project Animate: Promoting Student Civic Participation through Latino Voter Mobilization*. OLLAS Special Report No. 6. Omaha, NE: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
7. Lourdes Gouveia, Jonathan Benjamin-Alvarado, Yuriko Doku, Alejandra Toledo, and Sergio Sosa (2010). *The Omaha Site: Migrant Civil Society Under Construction, Reports on Latino Immigrant Civic Engagement, No. 8*. Washington, DC: Woodrow Wilson International Center for Scholars.
8. Decker, Christopher with Jerry Deichert and Lourdes Gouveia. (2012). *The Economic Impact of Latin American & other Immigrants in Iowa, Nebraska & the Omaha-Council Bluffs Metropolitan Area*. Omaha, NE: Office of Latino/Latin American Studies (OLLAS), University of Nebraska at Omaha.
9. Ramos, A., Rajaram, S., Gouveia, L., Doku, Y., Toure, D., Zhang, A., & Manske, S. *Health Profile of Nebraska's Latino Population*. (2013). A collaborative effort of the College of Public Health at the University of Nebraska Medical Center, the Office of Latino and Latin American Studies at the University of Nebraska at Omaha and the Office of Health Disparities and Health Equity at the Nebraska Department of Health & Human Services.
10. Gastón, María Teresa, Lourdes Gouveia, Christian Espinosa Torres, Clare Maakestad and Christopher C. Blue. (2013). *Invisible & Voiceless: Latinos in Council Bluffs, Iowa: Executive Summary*. Omaha, NE: Office of Latino/Latin American Studies (OLLAS). University of Nebraska at Omaha.
11. Aliaga Linares, Lissette. (2014). *Latino Businesses in Nebraska: A Preliminary Look*. Omaha, Nebraska: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
12. Aliaga Linares, Lissette. (2014). *A Demographic Portrait of the Mexican-Origin Population in Nebraska*. Omaha, Nebraska: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
13. Cogua-Lopez, Jasney, Lissette Aliaga-Linares and Lourdes Gouveia. (2015). *Latinos throughout the City: A Snapshot of Sociodemographic Differences in Omaha, Nebraska*. Omaha, NE: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.
14. Aliaga Linares, Lissette and Jasney Cogua-Lopez. (2016). *Latinos and the Economic Downturn in Nebraska: Demographic and Socioeconomic Trends 2005-2013/2014*. Omaha, NE: Office of Latino/Latin American Studies (OLLAS) at the University of Nebraska at Omaha.



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