

Immigration Newsletter



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April 2014
Volume 5

This month, we end our three part newsletter series on immigration options for persons who have been victims of crime or abuse with T Visas.

Next month we will start a new series on asylum: what it is, who qualifies, how to apply, and the types of applications that are being approved, so stay tuned!

WHO QUALIFIES FOR A T VISA?

To be eligible for a T Visa you:

- Must have been the victim of a severe trafficking in persons
- Be physically present in the US as a result of the trafficking
- Comply with any reasonable request from law enforcement for assistance in the investigation or prosecution of human trafficking.
- Demonstrate that you would suffer extreme hardship if removed from the US
- Be admissible to the U.S.

Immigration Options for Victims of Crime or Abuse: T Visas

In October of 2000, Congress created the "T" nonimmigrant status by passing the Victims of Trafficking and Violence Protection Act (VTVPA). The T visa strengthens the ability of law enforcement agencies to investigate and prosecute human trafficking and allows victims of human trafficking to apply to stay legally in the United States.

HOW DO I APPLY?

To apply for a T Visa, you must submit Form I-914 and accompanying evidence. This must include a personal statement from you describing what happened to you and other evidence showing you fulfill the requirements. It is strongly encouraged (but not required) to submit Form I-914 B, which is a certification from a law enforcement agency saying that you are a victim of human trafficking and are complying with the investigation.

WHAT ARE THE BENEFITS OF A T VISA?

The T Visa allows victims to:

- Receive an employment authorization card and be able to work legally
- Stay in the U.S. for four years in T Visa status
- Apply for permanent residence (Green Card) after three years

WHAT IS HUMAN TRAFFICKING EXACTLY?

Human trafficking occurs if one person recruits another for the purpose of exploiting that person. It takes many forms, but generally human trafficking involves force, threats, abduction, fraud, coercion or deception. Victims are often subject to sexual exploitation or forced labor.

WHAT ARE EXAMPLES OF HUMAN TRAFFICKING?

- When Moneka was 16, she came to the U.S. to live with her uncle. He did not allow her to go to school and forced her to do domestic work in his home all day and work at the store he owned all night, with little pay.*
- Luis paid a man in his home country to take him to the U.S. to work on a farm. After crossing the border, the man held Luis and 100

others at gunpoint in a dirty apartment and refused to let them go unless they paid a very high ransom. They made Luis cook and clean for them.*

- Sonia came to the U.S. with her boyfriend, Mario. Mario convinced Sonia to work as a prostitute. He kept the money she earned and did not let her have any of it. He told her if she did not work as a prostitute, he would take her son away.*
- Vyshna came to the U.S. to work as a nanny. But when she arrived, she was forced to work in a sweatshop. Her wages were withheld; she worked 18 hours a day, and she was not allowed to leave the factory.*

*** These are just some examples of human trafficking, and other situations may qualify. Please consult an attorney.**