



How Trump Is 'Destroying Protections' for Victims of Human Trafficking

The Editors | Tuesday, July 2, 2019

The State Department recently released its annual Trafficking in Persons Report (<https://www.state.gov/reports/2019-trafficking-in-persons-report/>), which it describes as “the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking.” The report assigns every country to one of three tiers based on its government’s efforts to combat human trafficking, with Tier 1 being the best and Tier 3 being the worst. Under the Obama administration, the U.S. began grading itself in the report, and since then, it has always been assigned to Tier 1. But according to Martina E. Vandenberg, the founder and director of the Human Trafficking Legal Center, the Trump administration’s own policies toward trafficking victims calls that rating into doubt. In an interview with WPR, she explains why. The following transcript was lightly edited for length and clarity.



President Donald Trump looks at his notes before speaking during an event on human trafficking in the Cabinet Room of the White House, in Washington, Feb. 1, 2019 (AP photo by Evan Vucci).

World Politics Review: The Trump administration has assessed the U.S. as a Tier 1 country in its annual Trafficking in Persons Report. Was that justified?

Martina E. Vandenberg: Many of us in the human trafficking advocacy community argued in the lead-up to the report that the U.S. should be a Tier 2 country—that it should be downgraded—because of actions the Trump administration has taken to weaken protections for trafficking victims in the U.S.

WPR: What are the most notable of those actions?

Vandenberg: First is the T visa, which is an immigration status created by Congress with the Trafficking Victims Protection Act in 2000. It provides immigration relief for foreign-born trafficking victims who are in the United States. In the past, human trafficking victims could apply for the T visa and do so without fear of deportation. The Trump administration has now changed the policy, so if you apply for a T visa and you are denied for any reason, you will receive a notice to appear [before an immigration judge], which is the initiation of deportation proceedings against you.

That is a game-changer, and it totally changes the analysis of whether or not it's worth it for any trafficking victim to cooperate with law enforcement. As a result, you see a significant decline in the number of trafficking prosecutions. In fiscal year 2017, there were a total of 282 federal prosecutions for human trafficking in the entire country. In 2018, that number fell by 29 percent, to 230 prosecutions.

The Trump administration is also slow-rolling all T visa applications. We have the largest backlog of T visa applications in history, and last year, the government only approved 580 T visas in the entire country—the lowest level since 2010. That's out of 1,600 applications. These drops are reflected in data provided by the U.S. government. So, at least there's transparency. They are transparently destroying protections for trafficking victims.

We used to be able to say to trafficking survivors, "You can get this visa in approximately 12 months." Under the Trump administration, that adjudication period has crept up, and is now approaching three years. During that time, trafficking victims are in a kind of hellish limbo. Under those circumstances, how can anyone cooperate? And frankly, why would anyone come forward?

WPR: What kind of concrete impacts does a T visa have for a trafficking victim's life? What does it do for that person?

Vandenberg: A victim who receives a T visa no longer has to fear deportation. We've had clients who, before they received their visas, have literally locked themselves in their homes, terrified that they might be deported. So, the level of stress and fear that trafficking victims feel when they're in an undocumented status, in this environment that the Trump administration has created—it's unfathomable.

When you get a T visa, you can also get very minimal benefits from the federal government, and you can bring a very limited category of family members to the U.S. to join you. If you're an adult, you can bring your spouse and your children, and the trafficking victims we work with worry tremendously about their children. Sometimes they haven't seen them for years; the children are in their home country, often in the care of a relative. There's nothing more important to our trafficking victim clients than being able to bring their children to the U.S. to be able to reunite with them after years and years of forced separation.

The other benefit you have as a T visa holder is that you have the ability to file—eventually—to get a green card and eventually to become a U.S. citizen.

WPR: Has the administration put forth any kind of official explanation for why the process has slowed, especially given the rhetorical focus the administration places on human trafficking?

Vandenberg: The rhetorical focus is hugely problematic. President Trump has recently done what no

president has ever done before, which is what I call the “Tier 3 trifecta.” In a period of two days while he was in Asia last week, he managed to meet with the leaders of three Tier 3 countries—Saudi Arabia, China and North Korea—and there’s no indication he addressed trafficking with them at all. So, if this is actually a priority of this administration, it should take steps to build that reality into policy. But I don’t see any indication that this is policy; this is pure rhetorical flourish.

WPR: So the administration has not put forth any explanation for these new delays in processing T visas, and the growing backlog?

Vandenberg: Other than the general anti-immigrant ethos that the administration has put forth, no. We do see a change in response from adjudicators for the U.S. Citizenship and Immigration Service. When you submit an application, the government can approve it or send a request for additional evidence. It used to be that they would never deny it without first sending a request for evidence. You always had an opportunity to supplement the record. Now, requests for evidence are not standard operating procedure. And the requests for evidence are much more aggressive. Cases that, in the past, might have soared through are now prompting multiple-page demands for additional evidence.

WPR: How do you see this issue affecting the ability of the U.S. to advocate for trafficking victims, and to push other countries to address this issue more forcefully?

Vandenberg: For the U.S. to have moral authority in pressing other countries to take trafficking seriously and fight it vigorously, the U.S. must have policies that match the rhetoric. The U.S. must have protection systems for trafficking victims that make it possible for them to escape and cooperate and eventually thrive. The administration’s policies have undermined the credibility of the U.S. in calling other countries onto the carpet for violating the rights of human trafficking victims.

It’s important to note that the Trump administration touts the fact that Trump attended the annual Cabinet-level meeting on trafficking this year, at the White House. It was the first time that a president had done that. But showing up at a meeting, and photo opportunities, are not policy.

WPR: Are there any other policy changes under Trump that you think are worth mentioning?

Vandenberg: In the U.S. and across the globe, trafficking victims are prosecuted for crimes that their traffickers have forced them to commit. In the past, federal grants to legal services organizations could be used to vacate and expunge convictions for trafficking victims convicted of crimes that they were forced by their traffickers to commit.

Trafficking victims with criminal records find it exponentially more difficult to recover and resume normal life, because a conviction on your record disrupts every aspect of your daily life. You can’t even be a

chaperone for your child's kindergarten class if you have a criminal record. Supporting lawyers fighting to vacate convictions for trafficking victims wrongfully convicted of crimes served a useful purpose in undoing the harm that the criminal justice system had wrought over the years. But the Trump administration cut off all federal funding for lawyers doing work to vacate convictions or expunge criminal records.

We've had the Trafficking Victims Protection Act since 2000. In those 19 years, an entire infrastructure has been constructed to support trafficking survivors. And piece by piece, the Trump administration is eroding and undermining that edifice of protection.

© 2019, World Politics Review LLC. All rights reserved.