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When Immigrants are Safe, We are All Safe

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When Immigrants are Safe, We are All Safe

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For at least two decades, Congress has been attempting to deal with the rising number of undocumented immigrants in the American population. One important consideration has been crime. Undocumented persons are especially vulnerable to crimes and violence because they are less likely to report to police for fear of deportation. In response, Congress created the Trafficking Victims Protection Act (TVPA) of 2000.[2] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn2)

The TVPA created the T and U Visas, which aid in the protection of victims of crime.[3] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn3) The T Visa is available only to victims of human trafficking,[4] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn4) while the U Visa, also available for trafficking, covers at least twenty-seven additional crimes, including domestic violence, kidnapping, and extortion.[5] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn5) The immigration benefits of these visas include legal status, a pathway to citizenship, and work authorization.[6] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn6) Of course, victims do need to meet several requirements to be eligible for a visa.[7] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn7)

The major drawback of these programs is that the T Visa is severely underutilized and the U Visa severely overutilized. The government has never issued more than 900 of 5,000 available T Visas in a year,[8] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn8) whereas all 10,000 U Visas have been extended every year since 2010.[9] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn9) In addition, there were 141,803 pending U Visa petitions by the end of March 2019.[10] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftn10) This amounts to an estimated ten-year waiting period between when USCIS receives the application and when the immigrant receives their visa. These numbers make it clear that while Congress had good intentions in creating TVPA, the program needs to be restructured in order to better serve the immigrant population, and the overall American population. When immigrants feel safe enough to report crimes, everyone benefits.

[1] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref1)University of Kentucky College of Law (JD expected May 2020); BA Smith College, 2017.

[2] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref2)Key Legislation, Human Trafficking, The U.S. Dept. of Justice , <https://www.justice.gov/humantrafficking/key-legislation> (last visited July 11, 2019).

[3] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref3)Id.

[4] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref4)Victims of Criminal Activity: T Nonimmigrant Status, U.S. Citizenship and Immigr. Servs., <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>, (last visited July 11, 2019).

[5] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref5)Victims of Criminal Activity: U Nonimmigrant Status, U.S. Citizenship and

Immigr. Servs., <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>, (last visited July 11, 2019).

[6] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref6) *T Nonimmigrant Status*, *supra* note 4; *U Nonimmigrant Status*, *supra* note 5.

[7] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref7) *T Nonimmigrant Status*, *supra* note 4; *U Nonimmigrant Status*, *supra* note 5.


[8] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref8) *Number of Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status Fiscal Years 2008-2019 (Fiscal Year 2019, Quarter 2)*, U.S. Citizenship and Immigr. Servs., https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914t_visastatistics_fy2019_qtr2.pdf.

[9] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref9) *Number of Form I-918, Application for U Nonimmigrant Status by Fiscal Year, Quarter, and Case Status Fiscal Years 2009-2019 (Fiscal Year 2019, Quarter 2)*, U.S. Citizenship and Immigr. Servs., https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2019_qtr2.pdf. Although the U Visa was created in 2000, the original TVPA did not create the same protections. *Key Legislation*, *supra* note 2. In 2009 the current U Visa program was implemented through a TVPA reauthorization. *Id.*

[10] (applewebdata://2B2C8048-A642-4A05-BF12-FB1DE0A7F830#_ftnref10) *Id.*

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