

United States Department of Labor

Secretary of Labor Thomas E. Perez

The Department of Labor Expands Its Support of Victims of Human Trafficking and Other Crimes

On April 2, 2015, the Department of Labor will fulfill a commitment made in November 2014 as part of the Administration's announcement of Executive Actions to fix our broken immigration system. Specifically, the Wage and Hour Division (WHD) will begin exercising its authority to certify applications for trafficking victims seeking T visas. In addition, WHD will add three additional qualifying criminal activities — extortion, forced labor, and fraud in foreign labor contracting — for U visa certification, which may be detected in the course of its workplace investigations.

These efforts build on work the Department began in 2011, when it first began to complete U visa certifications, when appropriate, for victims of five qualifying crimes detected in connection with its workplace investigations (involuntary servitude, peonage, trafficking, obstruction of justice and witness tampering). By expanding its U visa certifications to include these additional crimes and by completing T visa certifications, the Department is providing additional support to workers it believes are victims of the relevant crimes and are willing to cooperate with law enforcement. These actions will protect workers and help law enforcement protect our communities and public safety.

WHD enforces several critical federal workplace laws — including the federal minimum wage and overtime laws. Because many wage and hour investigations take place in industries that employ vulnerable workers, WHD is often the first federal agency to make contact with these workers and detect exploitation in the workplace. Such activities may then be referred to the appropriate authorities.

These efforts will significantly assist qualifying victims of these crimes who are seeking to receive immigration relief from the Department of Homeland Security (DHS) and access the range of victim services needed to recover and rebuild their lives.

WHD's protocols and procedures, along with frequently asked questions and answers can be found at www.dol.gov/whd/immigration/UTCert.htm. To request a certification, contact your local WHD regional office. Contact information can be found at: <http://www.dol.gov/whd/immigration/utvisacoordinators.htm>.

U and T visas were created by the Victims of Trafficking and Violence Protection Act of 2000 for certain victims of crimes. U nonimmigrant visas provide legal status to victims of an enumerated list of "qualifying criminal activities" who have suffered substantial physical or mental abuse, and possess information concerning that crime, and who have been, are being, or are likely to be helpful to law enforcement or government officials. T nonimmigrant visas provide legal status to certain victims of human trafficking who assist law enforcement authorities in the investigation or prosecution of trafficking crimes.

DHS's U.S. Citizenship and Immigration Services decides whether to grant a request for a U or T visa. Applicants for U visas are required to submit a law enforcement agency's certification that they are victims of a qualifying crime who meet the requirements for helpfulness in the detection, investigation or prosecution of that crime. A law enforcement agency certification for a T visa is not required, but when available, is given significant weight as evidence that the applicant complied with reasonable requests for assistance from a law enforcement agency. For more information about U and T visas, please visit: <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes>.