Immigration lawyers publish book on immigration options for labor and sex trafficking: a hot topic in 2018

Attorneys Alexandra Lozano and Helen Tarokic publish
Ignite Your Practice with the T Visa: Guide for Immigration Lawyers

Wilmington, NORTH CAROLINA, and Seattle, Washington, November 26, 2018--

In a ground-breaking new book on the underutilized T Visa, national award-winning immigration attorneys Alexandra Lozano and Helen Tarokic shed light on the misunderstood parameters of human trafficking. Through greater understanding of T Visa criteria, immigration attorneys can better pinpoint qualifying cases and maximize this already available means to legal immigration.

“There is a visa known as the “T visa” for survivors of labor and commercialized sex trafficking. It provides for the ability for a victim to remain in the US for 4 years, and to legalize his or her status. Why? “Because human trafficking is so horrible that we need a way to encourage individuals to report it to the FBI, police, DOL and other agencies that are working to fight the cartels.” she explains. “The government has provided special benefits for those victimized in this way, to protect their immigration status while encouraging cooperation with law enforcement.”

In Ignite Your Practice with the T Visa: A Guide for Immigration Attorneys, the no-nonsense message is that to identify these T visa cases, an attorney needs to work hard to unveil facts that have been buried for a long time. And, the lawyer must have a consultation system designed to ask the right questions with a client-centered, trauma-informed representation approach, to minimize some of the damage that can be done by discovering what horrors an immigrant has experienced.

Because labor and sex trafficking are so common and so mentally damaging, she asserts, many victims don’t self-identify as being victimized. “They don’t even think of exploitation, unpaid wages, and sexual abuse for financial gain as “trafficking,” explains Tarokic. “They think that’s the price everyone has to pay to be in America, even if they
never even wanted to come to the US in the first place. I’ve had clients say, ‘Don’t you know that everyone goes through this?’”

Unearthing trauma that’s been held in for 1, 5 or 20 years, says Tarokic, can be like opening Pandora’s Box. “Often a lawyer will only find the T-Visa case by, in some way, unearthing information that could re-traumatize the potential client,” she says, of the questioning process that triggers the memories. It will require helping the survivor access trafficking related services, such as therapy, access to safe housing, medication, and community assistance.

“Every lawyer’s client list already includes survivors of trafficking on it! But they haven’t told you, because you haven’t asked the questions, so you might not even realize your clients qualify for a T visa. You’ve got to be willing to listen, and dig,” says Tarokic. “You’re not going to catch a T Visa scenario with a 20-30 minute consultation. You’ll never find these cases that way.”

The book addresses real world trafficking scenarios, such as dry cleaner businesses that fail to pay overtime and coerce immigrants to work without pay for months or years at a time; construction businesses that make false promises to pay; and households that “keep” nannies from departing through involuntary servitude and peonage schemes.

*Ignite Your Practice with the T Visa: A Guide for Immigration Attorneys* weaves in some engaging examples with a little levity as well, in dealing with the weighty topic. Using a Hansel and Gretel analogy (Gretel suffered involuntary domestic servitude through coercion and fraud; the witch in the fairy tale used Hansel as a hostage, as part of her coercion conspiracy), Tarokic and Lozano explain the difference between domestic and international labor trafficking. They remind lawyers that there are 5000 T visas available each year, yet so few people file for them that the cap has never been reached.

Their book also dispels many myths about human trafficking, and differentiates between human smuggling versus human trafficking, to make it clear which crimes qualify a victim for a T visa. The authors hone in on certain prerequisites to establish trafficking victimization, explaining that the traffickers must be obtaining, harboring, transporting people (or attempting or conspiring to do so), through force, fraud, and coercion, for some type of involuntary servitude, slavery, debt bondage, peonage or commercial sex trafficking. In writing this book, and through mentoring programs, the authors wish to help lawyers better understand and pursue T Visas for their already eligible clients.

“I want lawyers to recognize the depth of these cases,” says Tarokic. “I want to teach them how to do this, how to make things work.”

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