PROSECUTING HUMAN TRAFFICKERS IS SOMETIMES AT ODDS WITH PROTECTING THE VICTIMS OF HUMAN TRAFFICKING.

RECOGNIZING THE COMPLEXITY OF HUMAN TRAFFICKING AND THE NEEDS OF ITS VICTIMS IS ESSENTIAL.
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Adequate protection for as many victims as it could, and should. One part of the solution to this problem is fundamentally changing immigration policy in the United States. In particular, reforms should focus on visa regulation, procedures for deportation, and how the United States deals with humanitarian issues within immigration. More important is the need to recognize the unique and complex needs of victims of trafficking and find ways to meet those needs while also prosecuting traffickers and shutting down the human trafficking trade.

Bethany Horstmann

Trinity ‘13, B.A. in public policy with an Ethics Certificate

Horstmann grew up in a self-described “bubbly of privilege” in affluent Fairfax County, VA, where she was class salutatorian and active in her school’s Model United Nations program. She’s always been keenly interested in community service and, after that experience she started to think deeply about the failings of traditional models of humanitarianism with pragmatism. In the end, however, the mindset of critical thinking and engagement, working and learning at Kenan is how I approach problems. The experience of completing the certificate, including course work on human rights law and the history of immigrants and refugees to Ireland, which Horstmann was exposed to the stories and deportations as too dangerous of a risk to participate in the visa program. Many non-profits that work with victims of trafficking are trying in the world, second only to the drug trade reflecting a growing international problem. Human trafficking trade.

The Justice Department estimates that 50,000 people are illegally trafficked into the United States legally. Of those 5,000 slots available under-subscribed with less than 5,000 applicants applying over a 10 year period. One part of the solution to this problem is fundamentally changing immigration policy in the United States. In particular, reforms should focus on visa regulation, procedures for deportation, and how the United States deals with humanitarian issues within immigration. More important is the need to recognize the unique and complex needs of victims of trafficking and find ways to meet those needs while also prosecuting traffickers and shutting down the human trafficking trade. To qualify for the T-Visa, the victim must meet three primary conditions: proof that he/she was trafficked into the United States, proof of experiencing a form of “severe trafficking,” and cooperation with “reasonable requests for assistance by law enforcement.” If applicants are unable to meet these conditions the government can deny the visa and almost immediately begin the process of deporting them.

These criteria frame the T-Visa as more of a prosecutorial tool rather than a way to help the victims of trafficking. Participating in the program poses several risks to victims of trafficking, many of whom may be fearful of testifying against their trafficker and distrustful of officials because of experiences with deportation corruption at home and abroad. They may also feel unsafe in their country of origin and perceivably deport as too dangerous of a risk to participate in the visa program. Many non-profits that work with victims of trafficking are trying in the world, second only to the drug trade reflecting a growing international problem. Human trafficking trade.

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The Kenan Institute for Ethics is an interdisciplinary "think and do" tank committed to understanding and addressing the unique and complex needs of victims of trafficking. Participating in the program poses several risks to victims of trafficking, many of whom feel unsafe in their country of origin and perceive distrustful of officials because of experienced governmental corruption at home and abroad. They may also feel unsafe in their country of origin and perceive deportation as too dangerous of a risk to participate in the visa program. Many non-profits that work with victims of trafficking are trying to incorporate a more victim-centered framing as a part of the T-Visa application.

Between her sophomore and junior years, she participated in Kenan’s Duke Engage program in Dublin, working with New Communities Partnership, a coalition of 165 different immigrant-led groups in Ireland. During this experience, Horstmann was exposed to the stories of immigrants and refugees to Ireland, which led to readings on immigration and the scourge of human trafficking. Her junior year, she joined her advisor Gunther Peck in the Sanford School of Public Policy on a senior thesis examining human trafficking in the United States, and her certificate project on "T-Visas: A Study on America's Conceptualization of Human Trafficking Victims". This work has been a good compliment to Horstmann's public policy major, religion minor, and engagement and service.

Horstmann is a public policy major, religion minor, and co-ordinator of the Kenan Ethics Certificate Program. She says that the experience of completing the certificate, through coursework and work with the Center for Corporate Executive Board in Washington, DC. "I think one of the greatest takeaways I've gotten from working and learning at Kenan is how I approach problems. The mindset of critical thinking and engagement, working and learning at Kenan is how I approach problems— it doesn't take into account how great a solution may be if it doesn't matter how it will bring with me to any job or project I undertake. Perhaps most importantly, the work with the Kenan Institute has taught me the importance of relationships in how we solve problems—it doesn't matter how great a solution may be if it doesn't consider the people who will be affected by it."
QUESTION
Can we balance obligations to prosecute human traffickers and at the same time protect those who have been trafficked?

ANSWER
The answer to this question is complex and reflects a growing international problem. Human trafficking is the fastest growing criminal industry in the world, second only to the drug trade, in terms of profitability. In 2009, to address this problem in the United States, Congress passed the Trafficking Victims Protection Act (TVPA), which created the “T-Visa”—a Justice Department tool to prosecute human traffickers and offer temporary visas to victims of trafficking. Since its creation, this program has been chronically under-subscribed with less than 5,000 applicants applying over a 10-year period. The Justice Department estimates that 50,000 people are illegally trafficked into the United States each year, only a small fraction of victims of trafficking feel adequately prosecuted as many traffickers as it could or help as many victims as it could, and should.

One part of the solution to this problem is fundamentally changing immigration policy in the United States. In particular, reforms should focus on visa regulation, procedures for deportation, and how the United States deals with humanitarian issues within immigration. More important is the need to recognize the unique and complex needs of victims of trafficking and find ways to meet those needs while also prosecuting traffickers and shutting down the human trafficking trade.

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Non-profits that work with victims of trafficking are trying to incorporate a more victim-centered framing as a part of the T-Visa applicant, but a larger issue at play is that, like visas given to asylum seekers, these tools are at the intersection of refugee and immigration policy—combining humanitarianism with pragmatism. In the end, however, the under-subscription of this program fails to either

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Horstmann is a public policy major, religion minor, and is completing Kenan’s Ethics Certificate Program. She says that the experience of completing the certificate, including course work on human rights and law and the war on terrorism, has been a good complement to her other coursework and has helped her connect with deeper questions about ethics and public policy. Next year, Horstmann will be working as a research analyst at Corporate Executive Board in Washington, DC.

I think one of the greatest takeaways I’ve gotten from working and learning at Kenan is how to approach problems. The mindset of critical thinking and engagement, working and learning at Kenan is how I approach problems—it doesn’t matter how great a solution may be if it doesn’t take into account the people who will be affected by it.

The Kenan Institute for Ethics is an interdisciplinary “think and do” tank committed to understanding and addressing real-world ethical challenges facing individuals, organizations, and societies worldwide. Learn more at dukeethics.org.
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