

Testimony of  
**The Honorable Patrick Leahy**

July 25, 2003

Statement of Senator Patrick Leahy  
Ranking Member, Senate Judiciary Committee  
Subcommittee on Crime, Corrections, and Victims' Rights  
Hearing on "Alien Smuggling/Human Trafficking:  
Sending a Meaningful Message of Deterrence"  
July 25, 2003

This hearing addresses important topics that have become an increased focus of public attention in recent years - alien smuggling and human trafficking.

I am proud to have served on the conference committee that produced the Victims of Trafficking and Violence Protection Act ("VTVPA") of 2000. On the Senate side, this bill was the handiwork of Senators Brownback and Wellstone, and it typifies Senator Wellstone's commitment to protecting the downtrodden. In addition to providing services for trafficking victims and providing for a system of incentives and sanctions designed to reduce trafficking worldwide, the law increased criminal penalties for existing offenses and created new offenses, including forced labor, trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, and sex trafficking of children. I look forward to hearing whether the law is aiding prosecutors, and whether further legislation is needed in this area.

The VTVPA created the T and U visas to aid immigrants who were victimized. The T visa is available to severe victims of trafficking. The U visa is available to immigrants who were the victims of certain listed crimes, most of which are gender-related. To receive a U visa, aliens must show that they have been helpful, are being helpful, or are likely to be helpful to law enforcement. Unfortunately, the processing of the U visas has been disorderly at best. First, although the visa took effect upon enactment of the law, implementing regulations have still not been issued. Second, adjudications of U visa petitions have not been centralized, unlike petitions for T visas or immigration relief under the Violence Against Women Act, which are processed at the Violence Against Women unit ("VAWA unit") at the Vermont Service Center. As a result, the adjudication of U visa petitions has been inconsistent and seemingly deserving applicants have been denied relief. I am very proud of the work the VAWA unit has done with gender-related immigration petitions, and I filed an amendment to the DHS appropriations bill that would have given the unit responsibility for adjudicating U visas as well. I am pleased that after I filed the amendment, the Department of Homeland Security ("DHS") informed my office that the adjudication of U visa petitions will be centralized at the VAWA unit. This would be a great victory for immigrant victims of crime.

Alien smugglers, like human traffickers, exploit the intense desire of many around the world to come to the United States. We have seen in recent years a series of tragic deaths of aliens who

were piled into airless compartments. Most recently, 19 aliens - from Mexico, El Salvador, Guatemala, Nicaragua and Honduras - died in May in Victoria, Texas. The Washington Post has reported that more than 2,000 aliens have died in the last five years in attempts to cross our border. A substantial portion of them undoubtedly had cast their lot with smugglers. I am pleased that significant law enforcement resources were devoted to the Victoria deaths, with an indictment returned the next month. I hope also to hear what resources are being devoted to less-publicized smuggling cases, and of ongoing efforts to reduce the incidence of smuggling in the first place.