



**Application of Protection Remedies For Victims of
Domestic Abuse, Human Trafficking, and Crime
Under U.S. Law
To Persons Physically Present in the U.S. Territories**

This project was supported by Grant No. 2006-MU-AX-K029, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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**A white paper prepared by Sally Kinoshita¹ and Evangeline Abriel²
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Introduction

During the past twenty years, the United States has introduced and expanded immigration relief for victims of domestic abuse, crime, and trafficking in persons. Those forms of relief now include self-petitions for permanent residence under the Violence against Women Act (VAWA) for spouses and children of abusive U.S. citizens and permanent residents,³ U nonimmigrant visas for victims of serious crime,⁴ and T

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³ INA § 204(a)(1)(A)(iii) [spouses of abusive U.S. citizens], (iv) [children of abusive U.S. citizens]; (vi) [parents of abusive U.S. citizen sons and daughters]; (a)(1)(B)(ii) [spouses of abusive permanent residents] and (iii) [children of abusive permanent residents]. *See generally*, The VAWA Manual: Immigration Relief for Abused Immigrants (ILRC & CLINIC 2006).

⁴ INA § 101(a)(15)(U). *See generally*, Sally Kinoshita, The U Interim Relief Manual (ILRC 2006).

visas for victims of human trafficking.⁵ This is in addition, of course, to relief provided under U.S. law to refugees, asylees, victims of torture, and nationals of countries undergoing civil war or natural disasters.

An issue of concern is how these important types of protection might apply to immigrants in United States territories. This paper will give an overview of the current status of applicability of those forms of protection in the Commonwealth of the Northern Mariana Islands, American Samoa, the U.S. Virgin Islands, Guam, and Puerto Rico, and make proposals regarding the implementation of the listed forms of protected relief in those regions.

Commonwealth of the Northern Mariana Islands

A brief history of the Commonwealth of the Northern Mariana Islands

The Commonwealth of the Northern Mariana Islands is a three-hundred-mile archipelago consisting of fourteen islands, stretching north of Guam.⁶ The largest inhabited islands are Saipan, Rota, and Tinian.⁷ The native-born population falls mostly into two groups of people – the Chamorro and the Carolinians.

Following Magellan's arrival in the islands in 1521,⁸ Spain controlled the area until the end of the Spanish-American War. Spain sold the Islands to Germany in 1899, and, after World War I, the Japanese gained control of the Islands under a League of Nations mandate.⁹ The Northern Mariana Islands were the scene of heavy fighting between the Japanese and the Allies during World War II.¹⁰

After World War II, the United Nations Trusteeship Agreement for the Former Japanese Mandated Islands created the Trust Territory of the Pacific Islands, which included the Northern Mariana Islands, Pohgpei, Truk, Yap, the Marshall Islands, and Palau, known collectively as the Micronesian Islands.¹¹ The United States acted as a trustee under the TTPI, with full powers of administration, legislation, and jurisdiction over the territories.¹²

⁵ INA § 101(a)(15)(T). *See generally*, *A Guide for Legal Advocates Providing Services to Victims of Human Trafficking* (CLINIC/MRS/LAFLA 2004 and 2006).

⁶ Senate Report 106-204, Northern Mariana Islands Covenant Implementation Act, at 11.

⁷ *Id.*

⁸ *See* Marybeth Herald, the Northern Mariana Islands: a Change in Course under its Covenant with the United States, 71 *Or. L. Rev.* 127, 130 (1992); Gretchen Kirschenhelter, Comment: Resolving the Hostility: Which Laws Apply to the Commonwealth of the Northern Mariana Islands When Federal and Local Laws Conflict, 21 *Hawaii L. Rev.* 237, 240 and accompanying footnotes.

⁹ *Id.*

¹⁰ Senate Report, *supra* n. 5, at 11.

¹¹ Trusteeship Agreement for the Former Japanese Mandated Islands, July 18, 1947, U.S. – N. Mar. I, rt. 3, 61 Stat. 3301, 3302.

¹² Kirschenhelter, *supra* n. 5, at 240 and n. 21; *see Gale v. Andrus*, 643 F.2d 826, 828-30 (D.C. Cir. 1980), for a discussion of the Trust Territory History; *see generally*, Roger S. Clark, Self-Determination and Free Association – should the United States Terminate the Pacific Islands Trust?, 21 *Harv. Int'l L. J.* 1

In 1972, the United States negotiated separately with the Marianas about their political status.¹³ The Northern Mariana Islands voters approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America in June 1975, and President Ford signed it into law on March 24, 1976.¹⁴ Thus, it has been noted that U.S. authority in the CNMI derives its legitimacy from the consent of the Northern Marianas people.¹⁵

At the time the Covenant was signed, the population of the CNMI was about 15,000. Shortly after the Covenant went into effect, the CNMI began to experience a growth in tourism and a need for workers in the tourist and construction industries. Textile industries also began to grow in the commonwealth. By 1999, the population of Saipan, where most of the CNMI population resides, had increased dramatically to an estimated 71,790. Of those, 30,154 were estimated to be U.S. citizens, 24,710 of whom were CNMI born. There were 41,636 aliens, of whom about 4,000 were from the freely associated states of Micronesia, the Marshall Islands, and Palau.¹⁶

The Covenant to Establish a Commonwealth of the Northern Mariana Islands and immigration provisions under the Covenant

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States recognizes United States sovereignty but limits the applicability of certain U.S. federal laws, including U.S. immigration laws.¹⁷ This limitation of the U.S. immigration laws was a response to the CNMI's concern that their small population would be overwhelmed if its territory were opened to U.S. immigration immediately.¹⁸

Under section 105 of the Covenant, the United States may enact legislation in accordance with its constitutional processes that will be applicable to the Northern Mariana Islands, but if such legislation cannot also be made applicable to the several States, the Northern Mariana Islands must be specifically named therein in order for the legislation to be effective. Section 105 goes on to provide that, in order to respect the right of self-government guaranteed by the Covenant, the United States agrees to limit the enactment of federal legislation applicable to the CNMI so that the fundamental

(1980); Naomi Hirayasu, Comment, The Process of Self-Determination and Micronesia's Future Political Status under International Law, 9 *U. Haw. L. Rev.* 487 (1987).

¹³ Kirshenheiter, *supra* n. 5, at 240.

¹⁴ Joint Resolution of Congress of March 24, 1976, Pub. L. No. 94-241, 90 Stat. 263 (1976), reprinted in 48 U.S.C. § 1801 note. *See*, CNMI Commonwealth Law Revision Commission, <http://www.cnmilaw.org/covenant.htm>

¹⁵ *Saipan Stevedore Co. v. Director, Office of Workers' Compensation Programs*, 133 F.3d 717, 721 (9th Cir. 1998).

¹⁶ Senate Report, *supra* n. 5, at 13.

¹⁷ *Id.*

¹⁸ Statement of Bo Cooper, General Counsel, Immigration and Naturalization Service, before the United States Senate Committee on Energy and Natural Resources on a hearing regarding S. 1052, Sept. 14, 1999, at 5.

provisions of the Covenant namely Articles I, II, and III and sections 501 and 805, may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.¹⁹

Article V of the Covenant specifies certain U.S. laws that apply to the CNMI and certain U.S. laws that do not apply. Under Section 502, laws of the United States in existence on the effective date of the Covenant and applicable to Guam and the several states are applicable to the CNMI, except as otherwise provided in the Covenant.²⁰ Section 503 of the Covenant then lists certain laws of the United States that do not apply to the CNMI “except in the manner and to the extent made applicable to them by the Congress by law after termination of the Trusteeship Agreement.” The list of non-applicable U.S. laws includes the immigration and naturalization laws of the United States, “except as otherwise provided in Section 506.”²¹

One of the exceptions provided in Section 506 concerns U.S. citizenship. The Covenant granted U.S. citizenship to most persons living in the CNMI on the effective date of the Covenant.²² In addition, the CNMI is deemed to be “part of the United States” for purposes of sections 301 and 308 of the U.S. Immigration and Nationality Act, so that persons born in the CNMI or abroad to U.S. citizens from the CNMI are U.S. citizens.²³

A second exception set out in section 506 of the Covenant provides that all of the provisions of U.S. immigration law apply to “immediate relatives” of U.S. citizens, as defined in section 201(b) of the Immigration and Nationality Act. That provision defines “immediate relatives” as the spouses and unmarried children under 21 of U.S. citizens, as well as the parents of U.S. citizens who are 21 or older.²⁴ In addition, a person who is certified by the Government of the Northern Mariana Islands both to have been a lawful permanent resident of the Northern Mariana Islands and to have had the “immediate relative” relationship denoted herein on the effective date of this Section will be presumed to have been admitted to the United States for lawful permanent residence as of that date without the requirement of any of the usual procedures required in the INA.²⁵ For purpose of judicial naturalization, residence in the Northern Mariana Islands is deemed to be residence within the United States.²⁶

Thus, “section 103 ensures the CNMI’s right to self-government, but section 105 tempers its effect by reestablishing Congress’ broad legislative authority. Section 503 recognizes and considers circumstances particular to the CNMI while simultaneously

¹⁹ Covenant, sec. 105.

²⁰ Covenant, sec. 502(a)(3).

²¹ Covenant, section 503(a).

²² Covenant, sec. 301.

²³ Covenant sec. 506(b).

²⁴ INA § 201(b). The term “child” is further defined to include, inter alia, adopted children and stepchildren, under section 101(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(b).

²⁵ Covenant sec. 506(b).

²⁶ *Id.*

ensuring that the U.S. will have the ability to impose federal regulation whenever it desires.”²⁷

CNMI Immigration Law²⁸

The CNMI has its own system for (1) pre-approving CNMI employers’ petitions for alien workers, (2) pre-approving the entry of élans from high-risk countries, (3) inspecting passengers upon arrival and departure, (4) investigating compliance with immigration laws, (5) excluding unauthorized aliens from entering the CNMI, and (6) deporting aliens who are in the CNMI illegally.²⁹

CNMI immigration law is tightly connected to its economic base in the tourism and textile industries. To support those industries, the CNMI has created a guest worker program, under which it issues permits for alien workers and for alien business owners and their families.³⁰ The permits are valid for one year and are renewable in yearly increments. They do not lead to either CNMI or U.S. citizenship. Some foreign employees have been in the CNMI for many years, many raising U.S. citizen children in the CNMI.³¹ And there is a concern that this could lead to an abuse of the non resident program.

The CNMI also allows nonresident spouses of U.S. citizens to reside in the CNMI under the CNMI immigration category of immediate relatives of non-alien.³² Immediate relatives are issued 706(D) entry permits, valid for one year and renewable.³³ They do not lead to CNMI nationality or to U.S. permanent residence, but the U.S. citizen spouse, parent, son, or daughter may apply for U.S. permanent residence on behalf of the immediate relative. The CNMI also allows immediate relatives of certain aliens to enter and remain temporarily in the CNMI.³⁴

²⁷ Jennifer C. Davis, *Beneath the American Flag: United States Law and International Principles Governing the Covenant Between the United States and Commonwealth of the Northern Mariana Islands*, 13 *Transnat’l Law* 135, 146 (2000) [footnotes omitted].

²⁸ The authors gratefully acknowledge the information and assistance provided by Lauri Ogumoro, of Guma Esperansa, Karidat, Saipan, CNMI, Jim Benedetto, Federal Ombudsman, Saipan, CNMI, Omar Calimbas, Attorney, Micronesian Legal Services, Saipan, CNMI, and Kevin Lynch, Assistant Attorney General, CNMI, in this and the following subsection of this paper.

²⁹ *Id.* at 9-20; Commonwealth Entry and Deportation Act of 1983, 3 C.M.C. 3401, as amended by Public Law No. 13-61 of 2003 to add a provision preventing removal of persons whose life or liberty would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group.

³⁰ *Sagana v. Tenorio*, 384 F.3d 711, 741 (9th Cir. 2004).

³¹ Statement of David B. Cohen, Deputy Assistant Secretary of the Interior for Insular Affairs, before the Senate Committee on Energy and Natural Resources regarding Labor, Immigration, Law Enforcement, and Economic Conditions in the Commonwealth of the Northern Mariana Islands, February 8, 2007, at 5.

³² CNMI Immigration Regulation 706(D).

³³ CNMI Immigration Regulation 706(D)(v).

³⁴ CNMI Immigration Regulation 706(E); *see, Syed v. Aloat*, 1996 WL 173394 (D.N. Mar. I. 1996).

The CNMI immigration process for immediate relatives appears to be instituted by the U.S. citizen spouse, and there does not appear to be any formal provision under CNMI immigration law to protect non-residents married to abusive U.S. citizens. In other words, there does not seem to be a CNMI equivalent to VAWA self-petitions. However, Lauri Ogumoro of Karidat explained that sometimes it is possible for advocates and attorneys to work with the CNMI Immigration authorities on a case-by-case basis to obtain immigration relief for abused immediate relatives. Currently, for renewals of one-year immediate relative, non-alien permits, the U.S. Citizen spouse must sign the renewal request.³⁵

In 2003, the CNMI government signed a Memorandum of Agreement with the Department of the Interior's Office of Insular Affairs to establish a refugee protection system.³⁶ The CNMI did so in Public Law 13-61 of 2003, which required the Attorney General to promulgate rules and regulations implementing U.S. non-refoulement obligations under Article 33 of the 1967 United Nations Protocol Relating to the Status of Refugees and under Article 3 of the 1984 United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.³⁷

In the same Memorandum of Agreement, the CNMI agreed to cooperate with the United States to combat human trafficking.³⁸ In furtherance of that goal, the CNMI enacted a comprehensive anti-trafficking statute, the Anti-Trafficking Act of 2005.³⁹ Under that Act, the Attorney General may defer any action to remove or deport an individual who may be the subject of human trafficking, or his or her dependent children, pending final resolution of the criminal case or investigation.⁴⁰ The statute also adds additional criminal charges for acts relating to human trafficking and a right of civil action for victims of those acts. Moreover, the statute requires the Attorney General, no later than one year following the effective date of the statute, to issue a report outlining how existing victim/witness laws and regulations respond to the needs of trafficking victims, and how existing social service programs respond or fail to respond to those needs, and suggesting areas for improvement and modification.⁴¹

Persons granted refugee protection and persons who are victims of crimes, including victims of human trafficking, may remain in the CNMI for a temporary period under Temporary Work Authorization Permits.⁴² These permits are granted to individuals

³⁵ Testimony of Lauri B. Ogumoro, Karidat, before the Senate Committee on Energy and Natural Resources regarding Labor, Immigration, Law Enforcement, and Economic Conditions in the Commonwealth of the Northern Mariana Islands, Feb. 8, 2007, at 5.
<http://energy.senate.gov/public/files/ogumoro.pdf>.

³⁶ Statement of David B. Cohen, *supra* n. 27, at 3. The refugee provisions were enacted in CNMI Public Law 13-135, amending 4 CMC § 4344(d) of the Commonwealth Entry and Deportation Act of 1983.

³⁷ Section 2, CNMI P.L. 13-61.

³⁸ *Id.*

³⁹ CNMI P.L. 14-88 (2005). Gov. Juan N. Babauta signed the bill into law on September 23, 2005.

⁴⁰ CNMI P.L. 14-88, section 3, adding 6 C.M.C. § 1508.

⁴¹ *Id.*, adding 6 C.M.C. § 1512.

⁴² CNMI Immigration Regulations 706(P).

who have received Special Circumstances Temporary Work Authorization (TWA).⁴³ TWAs are granted upon the request of federal or CNMI law enforcement agencies or an attorney identifying the worker as a party in a pending lawsuit.⁴⁴ They are valid for 90 days, renewable upon certification by the requesting agency or attorney that the need continues to exist for the person to remain in the CNMI. There is no limit on the number of times they may be renewed so long as the person renewing remains eligible for a TWA.⁴⁵

In April, 2006, government and non-government organizations established a CNMI Human Trafficking Intervention Coalition. The participating organizations are the CNMI Department of Labor, the CNMI Department of Public Safety, the CNMI office of the Attorney General's Criminal Division and Division of Immigration, Guma Esperansa (a shelter operated by Karidat, a Catholic agency), the U.S. Attorney's Office for the District of the Northern Marian islands, and the Federal Bureau of Investigation.⁴⁶

Current status of VAWA self-petitions, T visas, and U interim relief from applicants physically present in the CNMI⁴⁷

As described above, the CNMI's immigration law does not provide as great a protection to abused spouses of U.S. citizens, victims of human trafficking, and victims of crime as does federal immigration law. For this reason, an increasing number of victims, under the leadership of Karidat, and Micronesian Legal Services, are filing VAWA self-petitions and applying for T visas and U interim relief. This paper will first analyze the applicability of these forms of relief under the Covenant and CNMI law and will then describe the current practice on the CNMI, according to anecdotal information.

In regard to abused spouses, children, and parents of U.S. citizens living in the CNMI, section 506 of the Covenant provides that all provisions of U.S. immigration law apply. Thus, immediate relatives of U.S. citizens should be able to self-petition under VAWA as if they were residing on the U.S. mainland.

As to self-petitioning spouses and children of lawful permanent residents living in the CNMI and as to applicants for T visas and U visas, however, the applicability of U.S. immigration relief on the CNMI is less clear. There is no provision under the Covenant for the applicability of these forms of U.S. immigration relief, and Section 503 of the Covenant would appear to preclude their applicability within the CNMI, because that section provides that U.S. immigration laws do not apply to the CNMI "except to the extent made applicable to them by Congress by law."

⁴³ *Id.*

⁴⁴ CNMI Alien Labor Rules and Regulations § XVII(E)(B).

⁴⁵ *Id.*

⁴⁶ Memorandum of Understanding for the Establishment of the CNMI Human Trafficking Intervention Coalition (HTIC) (copy on file with authors).

⁴⁷ As of this paper's writing (September 2007), regulations implementing the U visa have been published but not yet implemented. Therefore, advocates have not yet begun to file applications for U visas.

However, because of the unusual wording of the T and U visa provisions, it could be argued that those forms of relief have been “made applicable [to the CNMI].” Section 101(a)(15)(T), providing for the T visa, requires that the applicant be physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands. This specific inclusion of the Northern Mariana Islands arguably brings the T visa provisions under the exception clause of section 503 of the Covenant. Similarly, the U visa is available to victims of serious crimes that violate U.S. law or occur in the U.S. or its possessions or territories. The CNMI is treated for other purposes as a U.S. territory,⁴⁸ and current interim U visa regulations clearly include the CNMI,⁴⁹ indicating that crimes in violation of either U.S. or CNMI law would support a U visa and that, extrapolating, victims of those crimes physically present in the CNMI should be eligible for U interim relief and eventually U visas.⁵⁰

Turning to current practice in the CNMI, the three forms of relief discussed in this paper – VAWA self-petitions, T nonimmigrant visas, and U interim relief status – have been applied for and obtained by persons living in the CNMI.⁵¹ At least one CNMI resident, the spouse of a U.S. citizen, has successfully adjusted status following approval of her VAWA self-petition. The individual filed her self-petition with the US CIS Vermont Service Center from the CNMI. After approval of the self-petition, CIS notified her of a biometrics appointment and adjustment interview on Guam and issued her a “boarding letter” to allow her to board an airplane and enter Guam for this purpose. This grant of a VAWA self-petition to the spouse of a U.S. citizen would seem to fit squarely under section 506 of the Covenant, extending all provisions of the Immigration and Nationality Act to immediate relatives of U.S. citizens.

In addition, however, several victims of human trafficking have successfully applied to the Vermont Service Center for T nonimmigrant visas and have received approval notices and employment authorization while living in the CNMI. Like the VAWA self-petitioner mentioned in the previous paragraph, T nonimmigrant applicants

⁴⁸ See, *Micronesian Telecommunications Corporation v. National Labor Relations Bd.*, 820 F.2d 1097, 1100 (9th Cir. 1987); *Misch v. Lee Enterprises, Inc.*, 879 F.2d 628, 630-31 (9th Cir. 1989).

⁴⁹ Federal Register, Vol. 72, No. 179 (September 17, 2007); creating new 8 CFR § 212.14(a)(11).

⁵⁰ In at least one case, the U.S. District Court for the Northern Mariana Islands has interpreted section 503 of the Covenant to require compliance in an immigration case with a U.S. law enacted after the effective date of the Covenant. There, petitioner husbands of wives who were nationals of Micronesia and the Republic of Palau claimed that they should be treated as “immediate relatives of non-alien” instead of as “immediate relatives of aliens,” because, under the Compacts of Free Association between the United States and the Federated States of Micronesia and the Republic of Palau, citizens of those states may enter into, lawfully engage in occupations, and establish residence in the United States and its territories. The Court treated the CNMI as a “territory” for this purpose. The Court found that Covenant section 503 gives the CNMI control over immigration “except in the manner and to the extent made applicable to them by the Congress after termination of the Trusteeship Agreement” and found the Compacts of Free Association to be federal laws applicable to the CNMI. The court concluded that the CNMI’s classification of the plaintiffs was invalid under federal law, the Covenant, and CNMI law.⁵⁰ In a later case, however, the same Court found that the United States’ obligations under the U.N. Protocol Relating to the Status of Refugees was not a law made applicable to the CNMI under section 503, because the implementing legislation of the Protocol (the INA) excluded the CNMI from the definition of United States, under INA § 101(a)(38).⁵⁰

were required to travel to Guam for biometrics appointments. They were able to return to the CNMI on 706(P) special circumstances entry permits, issued by the CNMI Department of Labor and Immigration. Moreover, at least one individual living in the CNMI has applied for and received U interim relief and employment authorization. The T and U interim relief applications were supported by law enforcement certificates from the CNMI Attorney General's office.

It is unclear, however, what benefits the T visas, U interim relief, and future U visas would actually provide under CNMI law. If these visas are not found to be applicable to the CNMI under the reasoning set out above, then they would at least provide a way for the beneficiary to live in one of the fifty U.S. states or in a U.S. territory in which U.S. immigration laws apply.

The above-mentioned beneficiaries of T visas and U interim relief had earlier been issued 706(P) temporary work authorization permits by the CNMI Department of Labor and Immigration. Thus, it is not clear that any of the above-mentioned applicants have actually been hired in the CNMI on the basis of their US CIS-issued employment authorization documents as opposed to their 706(P) permits.

One procedural problem that has arisen should be mentioned here. In April, 2007, two T visa beneficiaries, assisted by Karidat, traveled from the CNMI, one to the mainland United States and the other to Guam. Both transited through Japan, the common route for travel from the CNMI to the United States. Both were initially refused entry into the United States because of the transit through another country. After intervention from DHS in Washington, the T visa beneficiary traveling to the mainland was admitted in T status. The beneficiary who traveled to Guam, however, was paroled into Guam under humanitarian parole and has still not been admitted in T status. The problem appeared to be that, under the T regulations, an individual cannot establish the requirement of physical presence on account of trafficking if the person has left the United States, unless the re-entry is the result of continued victimization or a new trafficking incident.⁵² Yet the individual had not actually entered another country and had instead passed through that country in transit. In addition, the individual transited through Japan only after the approval of the T visa.

Thus, although T visas and U interim relief have been granted to persons living in the CNMI, there are several unresolved issues concerning those grants. First, would the grant of the relief alone, without a contemporaneous 706(P) CNMI permit, actually allow the beneficiary to remain and work in the CNMI? Second, would employment authorization issued by the Vermont Service Center be effective in the CNMI? Third, could some less cumbersome process for biometrics and interviews be arrived at, to avoid beneficiaries having to travel to Guam for these purposes? And, fourth, could some clarification be given for approved T beneficiaries who must transit through another country in order to reach the United States?

⁵² 8 C.F.R. § 214.11(a)(3).

The Unique Status of Those From the Federated States of Micronesia and the Republic of the Marshall Islands

Because of their proximity and history of migration to CNMI and Guam, individuals from the Federated States of Micronesia and the Republic of the Marshall Islands live in the CNMI with the unique ability to reside and work in the United States – including CNMI – without restrictions.⁵³

The Federated States of Micronesia (FSM) is a sovereign island nation comprised of over 600 islands extending over a large area of the north central Pacific Ocean. The FSM is composed of four states – Pohnpei (formerly known as Poanpe), Kosrae (formerly known as Kusaie), Chuuk (formerly known as Truk), and Yap – that represent the main islands. The Republic of the Marshall Islands (RMI) is a sovereign island nation comprised of 29 atolls and five isolated islands in the western Pacific Ocean, east of the FSM. A number of Compacts, including the Compact of Free Association Act of 1985⁵⁴ and the Compact of Free Association Amendments Act of 2003⁵⁵ set forth joint resolution between the United States, FSM and RMI establishing a special relationship between these nations.

Although citizens of the FSM and RMI are not citizens or nationals of the United States, they are entitled to travel and apply for admission to the United States without a visa. Their admission is not guaranteed and most of the grounds of inadmissibility under U.S. immigration laws are applicable. However, once admitted to the United States, an FSM or RMI citizen may live, study and work in the United States with an unlimited length of stay. They do not need an Employment Authorization Document to work legally in the United States. An unexpired FSM or RMI passport with unexpired evidence of lawful admission should suffice. However, although an Employment Authorization Document is not needed for employment, it is available to FSM and RMI citizens and some choose to obtain as a useful second form of identification for other services.

⁵³ “Status of the Citizens of the Freely Associated States of the Federated States of Micronesia and the Republic of the Marshall Islands,” USCIS Fact Sheet, February 11, 2005.

⁵⁴ Public Law 99-239.

⁵⁵ Public Law 108-188.

American Samoa

A Brief Overview of Immigration Law in American Samoa

The issue of immigration and the applicability of forms of immigration relief under the Violence Against Women Act in American Samoa are complicated by the fact that American Samoa is specifically excluded from the scope of federal immigration laws.⁵⁶ What this means is that American Samoa has, pursuant to congressionally-delegated authority, enacted its own immigration laws.⁵⁷ These laws have been enacted and construed for the protection of the people of American Samoa and are meant to limit entry into American Samoa to persons of American Samoa ancestry, their spouses, and their children.⁵⁸ As a result, there are strict numerical limitations on the number of foreigners who may enter American Samoa each year.

Foreigners who intend to remain in American Samoa longer than 30 days may enter with an “alien registration receipt card.” No more than 100 foreign persons annually may enter American Samoa this way and no single country can send more than 5 per year.⁵⁹ The only exceptions to these numerical limitations are Western Samoans, immediate relatives of American Samoans⁶⁰ and citizens of the United States.⁶¹ Alien registration receipt cards are required of every foreigner who is 14 years of age or older and who remains in American Samoa for 30 days or longer.⁶² Once granted, the alien registration receipt card may only be granted for up to a year and therefore must be renewed annually.⁶³ A “permanent” resident status is available to allow foreigners to receive an alien registration receipt card for up to three years. However, it is not a truly permanent status as there permanent residents are not granted the possibility of residence beyond the three-year renewable period or the possibility of becoming a U.S. national.⁶⁴ Willful failure or refusal to apply for registration and failure to carry an issued alien registration receipt card are both misdemeanors and can also result in deportation or a monetary fine.⁶⁵ Failure to provide a written change of address is also a misdemeanor and can result in deportation and a monetary fine.⁶⁶

⁵⁶ 8 USC § 1101(13), (29), (36), (38); ASCA, Title 41.

⁵⁷ American Samoa Government v. Falefatu, 17 ASR 2d 114 (1990).

⁵⁸ ASCA, Title 41 § 41.0201.

⁵⁹ ASCA, Title 41 § 41.0301(a).

⁶⁰ The term “immediate relatives of Americans Samoans” refers to the children and spouses of American Samoans as well as the parents of American Samoans who are over the age of 21. ASCA, Title 41 § 41.0301 (b).

⁶¹ ASCA, Title 41 § 41.0301(a).

⁶² ASCA, Title 41 § 41.0304(a).

⁶³ ASCA, Title 41 § 41.0309(a).

⁶⁴ ASCA, Title 41 § 41.0309(b).

⁶⁵ ASCA, Title 41 § 41.0311(a).

⁶⁶ ASCA, Title 41 § 41.0312. Rakhshan v. Immigration Board, 15 ASR 2d. 29 (1990).

All American Samoans are entitled to permanent residence in American Samoa.⁶⁷ Under the laws of American Samoa, “American Samoan ancestry” refers to the lineal descendants of the inhabitants of Tutuila and Swains Islands whose permanent residence was American Samoa on April 17 1900 and the inhabitants of Manu’a Islands whose permanent residence was American Samoa on July 16, 1904. American Samoans are defined as those persons born of American Samoan ancestry in American Samoa or the United States of those who were born outside of American Samoa but one of whose parents was born in American Samoa of Samoan ancestry and who has registered with the Immigration Board of American Samoa within 3 years of his eighteenth birthday.⁶⁸

The definition of children under American Samoan immigration law includes legitimate and legitimated children as well as stepchildren.⁶⁹ Adopted children only meet the definition if they are adopted while under the age of 12 years and illegitimate children in relation to their mother only meet the definition if they are residing with their parents or stepparents.

The wait to obtain “permanent” resident status in American Samoa for persons who are not American Samoans can be a lengthy one. Those who are legally adopted by an American Samoan before turning 21 years old may apply for permanent residence right away.⁷⁰ However, a legal spouse, son or daughter of an American Samoan or U.S. citizen must have 10 years of residence in American Samoa before he or she can apply for permanent residence.⁷¹ Those who do not have a family relationship to an American Samoan or a U.S. citizen must have an alien registration receipt card, good moral character and at least 20 years of physical and legal presence in American Samoa before they may apply for permanent residence.⁷² The number of people who may be granted permanent residence status in this last category is limited to 50 per year.⁷³

Every person who applies for permission to remain in American Samoa must have a sponsor.⁷⁴ American Samoans and nationals of the United States may serve as sponsors as well as any partnership or corporation authorized to do business in American Samoa.⁷⁵ A sponsor may revoke sponsorship at any time by giving written notice to the Board and to the person sponsored.⁷⁶ The sponsor does not need to provide a reason for revoking sponsorship. Upon revocation of sponsorship the immigrant may only remain in American Samoa for 20 days.⁷⁷

⁶⁷ ASCA, Title 41 § 41.0402(a).

⁶⁸ ASCA, Title 41 § 41.0202(1)(c)(ii).

⁶⁹ ASCA, Title 41 § 41.0202(1)(f).

⁷⁰ ASCA, Title 41 § 41.0403(a)(3).

⁷¹ ASCA, Title 41 § 41.0403(a)(3), (4).

⁷² ASCA, Title 41 § 41.0403(a)(1).

⁷³ ASCA, Title 41 § 41.0403(b).

⁷⁴ ASCA, Title 41 § 41.0408(a).

⁷⁵ ASCA, Title 41 § 41.0408(b).

⁷⁶ ASCA, Title 41 § 41.0408(g).

⁷⁷ ASCA, Title 41 § 41.0408(i).

General Applicability of U.S. Immigration Laws to American Samoans

Although the United States takes the position that American Samoa was acquired in 1900, the territory of American Samoa has never been incorporated into the United States. American Samoans are therefore not U.S. citizens and instead are noncitizen nationals of the United States.⁷⁸ Noncitizen nationals can confer immigration benefits in the same manner as U.S. lawful permanent residents even if they have never lived in the United States.⁷⁹ The spouses and unmarried children of noncitizen nationals will be placed in the same preference category as the spouses and unmarried children of U.S. lawful permanent residents.⁸⁰ Noncitizen nationals can travel on a U.S. passport even though they are not U.S. citizens. They may also travel to, reside in and work in the United States without restriction. Otherwise, federal immigration laws do not apply in American Samoa.

Immigration Options for Immigrant Victims of Domestic Abuse or Other Crimes under American Samoan Law

Immigrant victims of domestic abuse, human trafficking or other crimes may have some immigration options under the laws of American Samoa – but they are extremely limited. American Samoa does not have the functional equivalent to the VAWA self-petitioning process, nor does it have a visa process for victims of human trafficking or other crimes.

Many immigrant victims of domestic abuse in American Samoa are abused by a spouse who is also their sponsor for immigration purposes. As was mentioned, upon revocation of sponsorship, the immigrant spouse will be required to leave American Samoa, and the sponsor does not need to provide a reason for revoking sponsorship. This places all of the power in the hands of an abusive spouse to control the immigrant spouse's immigration status. Upon revocation of sponsorship, the immigrant spouse must depart from American Samoa within 20 days. There is a small exception to this rule for victims of domestic violence. Persons who are in American Samoa and subjected to domestic or family violence by his or her sponsor or the sponsor's household or family members shall have the right to remain in American Samoa for up to 45 days following revocation of sponsorship.⁸¹ To qualify as a person "subjected to domestic or family violence" a court must make a specific finding as such.⁸² Also, immigrant spouses who have a case pending against an abusive spouse may remain in American Samoa until a judgment has been reached in the case.⁸³ While both of these exceptions allow immigrant victims of domestic abuse additional time in American Samoa to get their

⁷⁸ Sec. 101(e), Nationality Act of 1940.

⁷⁹ Matter of Ah San, 15 I&N Dec. 315, 1975 WL 31508 (BIA 1975).

⁸⁰ *Id.*

⁸¹ ASCA, Title 41 § 41.0408(j).

⁸² *Id.*

⁸³ ASCA, Title 41 § 41.0408(k).

affairs in order to depart, neither options provides the abused immigrant option with an opportunity to remain in American Samoa.

Unlike CNMI and approximately half of the states in the United States, American Samoa does not currently have a criminal anti-trafficking statute. Likewise, there are no specific immigration provisions for immigrant victims of human trafficking or other crimes to remain in American Samoa.

Current status of VAWA self-petitions, T visas, and U interim relief from applicants physically present in American Samoa

Because federal immigration law does not apply in American Samoa, the benefits of an approved VAWA self-petition, T visa, U interim relief or U visa are unclear.

There are a couple of issues unique to American Samoa that may make the VAWA self-petitioning process more complicated. First, a VAWA self-petitioner must show that the abuser is or was a U.S. citizen or U.S. lawful permanent resident. Second, accessing any actual benefit from self-petitioning may require the abused spouse or family member to leave American Samoa.

Most abused immigrant spouses in American Samoa who are trapped in abusive relationships due to their immigration status will be abused by spouses who are neither U.S. citizens nor U.S. lawful permanent residents (as defined in federal immigration law). Instead, their abusers may be U.S. nationals or other temporary or “permanent” residents in American Samoa. Nevertheless, those who are abused by a U.S. national spouse or parent should be able to qualify for VAWA self-petitioning if the other self-petitioning requirements are met. American Samoans – as U.S. nationals – are considered to be U.S. lawful permanent residents for family-based immigration petitioning.⁸⁴ Therefore, the abused spouses and children of U.S. nationals may qualify for VAWA as would the abused spouse or child of a U.S. lawful permanent resident.

The best way for a VAWA self-petitioner to prove a U.S. national’s status is with a U.S. passport. If that is not available, a U.S. national’s birth certificate or other secondary evidence may be used.

Upon prima facie determination of VAWA eligibility, VAWA self-petitioners may be eligible for some public benefits; however, these benefits either do not exist or are not available to VAWA self-petitioners in American Samoa. An employment authorization document (work permit) may be issued to a VAWA self-petitioner upon approval of the self-petition. However, because American Samoa has its own immigration and labor laws, an approved VAWA self-petitioner would not be allowed to work legally in American Samoa with a CIS-issued work permit. Instead, an approved VAWA self-petitioner may consider relocating to the United States or Guam where

⁸⁴ Matter of Ah San, 15 I&N Dec. 315, 1975 WL 31508 (BIA 1975); INA § 203(a)(2); 8 USCA § 1153(a)(2).

federal immigration law applies. However, the abused spouses and children of U.S. nationals who self-petition under VAWA will have to wait many years before they may apply to go to the United States or Guam for a green card. Currently the wait is about 5 years. Merely having an approved VAWA self-petition is not sufficient to enter the United States.

For similar reasons, immigrant victims of human trafficking and other crimes in American Samoa may have difficulty accessing immigration benefits under the T visa or U visa while they remain in American Samoa. Although the U visa statute was written clearly to include eligibility for victims of crime in American Samoa,⁸⁵ and the new U visa interim regulations also support this interpretation,⁸⁶ again it is unclear what the immediate benefit would be. The U visa includes criminal activity that occurred in American Samoa. Therefore a crime victim who can obtain certification from a Federal, State or local law enforcement official, Federal, State or local prosecutor, Federal, State or local judge, or other Federal, State or local authorities in the criminal investigation or prosecution that he or she “has been helpful, is being helpful or is likely to be helpful” in the criminal investigation or prosecution may be eligible for the U visa.⁸⁷ However, prior to the implementation of for the U visa, USCIS had in place an interim form of relief to grant deferred action and work permits to those who appear to be eligible for the U visa.⁸⁸ However, it is unlikely that deferred action granted by USCIS would prevent the deportation of an immigrant from American Samoa and a USCIS-issued work permit would not grant a person the ability to work legally in American Samoa. Therefore, while USCIS has been able to grant the approval of a U interim relief application originating in American Samoa, federal immigration law does not apply in American Samoa and the benefits of the U interim relief do not apply. Hopefully, once regulations on the U nonimmigrant status are implemented and the actual U visas are granted, victims of crime in American Samoa will be able to apply for the U visa which will enable them to enter the United States legally to live and work. However, this is only a benefit to those are willing and able to leave American Samoa.

Earlier this decade, American Samoa found itself at the center of a national news story as the details of human trafficking in the territory’s Daewoosa garment factory emerged in the media. The U.S Department of Justice Civil Rights Division’s investigation and prosecution in this case resulted in the single largest operation with trafficking victims in the Department’s history.⁸⁹ In this case, Kil Soo Lee, the Korean owner of a sweatshop in American Samoa, held over 200 Vietnamese and Chinese seamstresses in the Daewoosa Samoa garment factory in involuntary servitude.⁹⁰ For that crime, he was convicted of one count of conspiracy to violate the civil rights of the worker victims, eleven counts of involuntary servitude, one count of extortion, and one

⁸⁵ INA § 101(a)(15)(U)(i)(IV).

⁸⁶ Federal Register, Vol. 72, No. 179 (September 17, 2007); creating new 8 CFR § 212.14(a)(11).

⁸⁷ INA § 101(a)(15)(U).

⁸⁸ Yates, William R., Associate Director of Operations, CIS Memo, “Centralization of Interim Relief for U Nonimmigrant Status Applicants,” (Oct. 8, 2003).

⁸⁹ “Report of Activities to Combat Human Trafficking, Fiscal Years 2001-2005,” U.S Department of Justice Civil Rights Division.

⁹⁰ *Id.*

count of money laundering and was sentenced to 40 years of incarceration.⁹¹ Two Samoan defendants who conspired with Lee pled guilty to charges of conspiracy.⁹²

Some of the trafficking victims in the Daewoosa were able to pursue the T visa; however, they did so from outside of American Samoa. Although the FBI has an office in American Samoa and can investigate federal crimes, there is no federal court in the territory. Therefore, in the Daewoosa case, some victims were transported to Hawaii for their own protection and to participate in the criminal investigation and prosecution of Kil Soo Lee.⁹³ The T visa, like the U visa, makes specific mention of eligibility for the T visa for those who are physically present in American Samoa.⁹⁴ However, as in the case of the U visa, it is unclear what benefit the T visa would bring since federal immigration laws do not apply in American Samoa. Therefore, human trafficking victims in American Samoa who wish to remain in the United States but are willing to leave American Samoa may be better served by relocating to Hawaii where the immigration options available under the T visa may be a benefit.

Proposals to extend U.S. immigration law to American Samoa

Like CNMI, there have been periodic proposals to extend the U.S. immigration laws to American Samoa.⁹⁵

Attempts to federalize immigration laws in American Samoa will face great challenges. American Samoans place great value on the sovereignty they enjoy over their land, immigration and labor laws.⁹⁶ This is reflected in both the culture and the laws. For example, Section 3 of the Revised Constitution of American Samoa states:

It shall be the policy of the Government of American Samoa to protect persons of Samoan ancestry against alienation of their lands and the destruction of the Samoan way of life and language, contrary to their best interests. Such legislation as may be necessary may be enacted to protect the lands, customs, culture, and traditional Samoan family organization of persons of Samoan ancestry, and to encourage business enterprises by such persons. No change in the law respecting the alienation or transfer of land or any interest therein shall be effective unless the same be approved by two successive legislatures by a two-thirds vote of the entire membership of each house and by the Governor.

⁹¹ *Id.*

⁹² *Id.*

⁹³ Some other victims returned to their home countries.

⁹⁴ INA § 101(a)(15)(T)(i)(II).

⁹⁵ “No Legislation Pending in Congress to Apply Federal Immigration Laws to American Samoa,” Press Release, Jul. 29, 2001.

⁹⁶ Craddick v. Territorial Registrar, ASR (1979); Rev. Const. of Am. Samoa Art. 1 § 2, Art. II § 4. Tuika Tuika v. Governor of American Samoa, 4 A.S.R.2d 85 (1987).

Guam, Puerto Rico and the U.S. Virgin Islands

Under U.S. immigration law, Guam, Puerto Rico and the U.S. Virgin Islands are all considered part of the United States⁹⁷ and are all subject to federal immigration laws. Therefore, the forms of immigration relief available under VAWA apply in those territories the same as they do in the fifty states. The Vermont Service Center – the centralized immigration office in charge of adjudicating all VAWA, T visa and U visa applications – adjudicates applications originating in these territories just as they do for the fifty states.

VAWA self-petitioning cases and U interim relief applications originating out of Guam, Puerto Rico and the U.S. Virgin Islands as well as T visa applications filed from Guam have been successfully adjudicated through the Vermont Service Center.⁹⁸ Further processing of the cases take place at a USCIS Application Support Center and USCIS Field Office which are located in the territories – Hagatna (formerly called Agana) in Guam, Guaynabo, San Juan, in Puerto Rico and Charlotte Amalie, St. Thomas or Christiansted, St. Croix in the U.S. Virgin Islands.

Each territory has some unique features that may make the eligibility or process for applying for these options confusing to advocates and service providers who are not located in Guam, Puerto Rico or the U.S. Virgin Islands.

To be eligible for VAWA, a self-petitioner must be the abused spouse, child or parent of a U.S. citizen or the abused spouse or child of a U.S. lawful permanent resident. One issue for VAWA self-petitioners that may arise in cases originating in the territories is whether or not a U.S. territory-born spouse is a U.S. citizen. All persons born in Guam subject to the jurisdiction of the U.S. after August 1, 1950 and all persons born in Guam subject to the jurisdiction of the U.S. on or after April 11, 1899 and before August 1, 1950 who have not taken affirmative steps to acquire or preserve foreign nationality are U.S. citizens.⁹⁹ Therefore, virtually everyone who was born in Guam after April 1, 1899 is a U.S. citizen. People born in Puerto Rico after January 13, 1941 are U.S. citizens at birth provided they were subject to the jurisdiction of the United States at the date of birth.¹⁰⁰ All people born in the U.S. Virgin Islands on or after February 25, 1927 under the jurisdiction of the United States became U.S. citizens at birth.¹⁰¹

To be eligible for the U visa, the criminal activity must have “violated the laws of the United States or occurred in the United States (or in Indian country and military installations) or the territories and possessions of the United States.”¹⁰² Because Guam,

⁹⁷ INA § 101(a)(38).

⁹⁸ The authors wish to thank Ladd Bauman, L.A. Baumann & Associates, Hagåtña, Guam for his help and insight on the Guam portion of this paper.

⁹⁹ INA § 307(b).

¹⁰⁰ INA § 302.

¹⁰¹ INA § 306(b).

¹⁰² INA § 101(a)(15)(U).

Puerto Rico and the U.S. Virgin Islands are all considered part of the United States, crime victims in any of those territories are eligible for U interim relief and the U visa.

Although no cases of human trafficking of the scale of those in CNMI and American Samoa have emerged out of Guam, Puerto Rico and U.S. Virgin Islands, many feel there is reason to believe it will not be long before a case is exposed in one of these island territories. If it does, those victims may be eligible for the T visa for victims of human trafficking. Immigrant victims of human trafficking who are physically present in Guam, Puerto Rico or the U.S. Virgin Islands may be eligible for the T visa under the immigration statute.¹⁰³ The presence of a federal district court in each of these territories also means that a trafficking case is more likely to be prosecuted there (than say in the case of the victims in the Daewoosa case where the victims had to be transported to the nearest federal court in Hawaii) without the victim having to leave the territory. Neither Guam, Puerto Rico nor the U.S. Virgin Islands currently has its own comprehensive anti-trafficking statute.

Guam

Although there have been no reported cases of human trafficking investigated in Guam thus far, victims of human trafficking in CNMI are sometimes transferred to Guam by the FBI or the U.S. Attorney's office for security reasons.¹⁰⁴ For example, sometimes witnesses are brought to Guam for their own protection. Furthermore, over the next decade, the U.S. military will continue the transfer of marines and other military personnel from Okinawa Japan to Guam at a rate that could swell the military presence in Guam up to 20,000 troops.¹⁰⁵ Unfortunately along with an increased military presence sometimes emerges a subsequent sex industry. That – combined with its proximity to CNMI and other potential entry points – leads some to believe that Guam could become more vulnerable to human trafficking.

There are a couple of things about Guam that makes its immigration situation unique. First, its close proximity to CNMI – and the relative ease with which people can enter CNMI versus Guam – means that many migrants to Guam pass through CNMI first. Between 1995 and 2000 it was estimated that more than half of the criminal illegal entry prosecutions in Guam were for cases that originated in CNMI.¹⁰⁶ According to *Asia Times*, a popular migration route is to enter the CNMI through its visa waiver program which includes many countries such as China.¹⁰⁷ Although this entry does not allow the bearer to travel to the United States or other U.S. territories, entry to Guam from CNMI is not very difficult as it is only a couple of hours away by boat. Second, Guam has its own visa waiver program as well. This program began in 1988 as a way to encourage business and tourism in Guam. Under this program, citizens of designated countries may

¹⁰³ INA § 101(a)(15)(T)(i)(II).

¹⁰⁴ See footnote 94.

¹⁰⁵ “Bracing for next wave,” *Chicago Tribune*, June 18, 2007.

¹⁰⁶ See footnote 94.

¹⁰⁷ “A How-To Guide for Fleeing China,” *Asia Times*, April 19, 2007.

enter Guam for business or pleasure for up to 15 days without a visa.¹⁰⁸ They are not allowed to travel to the United States under this visa.

Recognizing the potential for human trafficking in their region, in February 2007, the U.S. Attorney for Guam announced the formation of the U.S. Attorney's Office's human trafficking prosecution unit focusing on the trafficking of people into Guam and the CNMI.¹⁰⁹

Puerto Rico

Very little is known about the human trafficking situation in Puerto Rico, in part because there is very little research, data, statistics or other information that has been published on the issue.¹¹⁰ Nevertheless, a report by the Organization of American States theorizes that Puerto Rico is vulnerable to human trafficking and is working to urge local officials there to work with civil society and the migrant community for more training and research to identify potential victims.¹¹¹

U.S. Virgin Islands

Like much of the United States and its territories, the U.S. Virgin Islands attracts a diversity of migrants from around the world. Between October 2006 and April 2007 alone, the U.S. Coast Guard intercepted migrants coming from Cuba, Haiti, China, Dominica, Poland and Chile.¹¹² Believing that the U.S. Virgin Islands' open borders could make it susceptible to human trafficking, the U.S. Attorney in the Virgin Islands began hosting trainings on human trafficking within the territory.¹¹³ Likewise other islands in the Caribbean have begun to take human trafficking more seriously as they see how vulnerable they are to trafficking taking place within their borders.¹¹⁴ In 2005, the International Organization of Migration completed an exploratory study of Barbados, the Bahamas, Guyana, Jamaica, St. Lucia, the Netherlands Antilles and Suriname found that human trafficking was indeed a reality within the region.

¹⁰⁸ INA § 212(l).

¹⁰⁹ "Unit to take on human trafficking in region," Pacific Daily News, Feb. 14, 2007.

¹¹⁰ "Unchartered Migration: OAS Rapid Assessment Report of Trafficking in Persons from the Dominican Republic Into Puerto Rico," Alejandro J. Salicrup, Organization of American States, April 2006.

¹¹¹ *Id.*

¹¹² "Illegal migrants eye U.S. Virgin Islands," Associated Press, Andrew Selsky, Apr. 9, 2007

¹¹³ "United States Attorney Anthony Jenkins Announces Training on Human Trafficking," U.S. Department of Justice Press Release, Aug. 1, 2006.

¹¹⁴ "Human trafficking in Barbados and six other Caribbean countries," *Caribbean Net News*, Mar. 18, 2005.

Conclusion

Shifts in migration patterns, political climates, and economic globalization have meant that immigrant victims of domestic abuse, human trafficking and crime now live in every corner of the United States and its territories – from the American Heartland to the farthest reaches of the Caribbean and the South Pacific. The intention of this paper was to provide an overview of the various important forms of immigration protection and relief – including self-petitions for permanent residence under the Violence against Women Act (VAWA) for spouses and children of abusive U.S. citizens and permanent residents, U nonimmigrant visas for victims of serious crime, and T visas for victims of human trafficking – and their application to immigrant victims in United States territories. While specific historical, political and jurisdictional differences exist in some of the territories and possessions, it appears that Congress intended to provide protections for a wide scope of victims. We hope this paper provides helpful information to those who advocate for and assist eligible victims to access the protection and help for which they are eligible.