

1-2021

## Visa Fraud in the Commercial Sex Market in the United States: An Overview

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### Recommended Citation

Dale, Youngbee (2021) "Visa Fraud in the Commercial Sex Market in the United States: An Overview," *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 6: Iss. 1, Article 1.

DOI: 10.23860/dignity.2021.06.01.01

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## Abstract

This paper describes various fraudulent visas used by criminals operating in the U.S. sex market. Studies show that many foreign women exploited through commercial sex rely on visa brokers to enter the U.S. However, scholars have not investigated various visa brokers and the techniques they use to bring foreign women into U.S. prostitution as a whole. Therefore, this paper aims to provide an overview of the different types of fraudulent visas and criminal techniques used in the U.S. sex market. In doing so, this paper relies on both primary and secondary sources, such as interviews with both survivors and U.S. government officials, scholarly articles, NGO reports, U.S. legal cases, press releases, online forums, news reports, and blogs written in English, Russian, Korean, and Chinese. This paper then discusses the current issues with combating visa fraud in the U.S. sex market and provides recommendations to fight the problem more effectively.

## Keywords

Commercial sex acts, sex trafficking, visa fraud, immigration fraud, document fraud, migration, foreign victims, debt bondage, broker, facilitator, criminology

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## Acknowledgements

First and foremost, I give glory to my Savior, Jesus Christ, who gave me a vision for this paper in 2016. Second, I want to thank my husband, Jonathan, for his support and Dr. Donna Hughes and her editorial staff for their partnership to fight for sex trafficking victims. I also thank the reviewers for your invaluable time and attention to this work. Dignity thanks the following people for their time and expertise to review this article: Marisa S. Cianciarulo, Professor, Doy and Dee Henley Chair in Law, and Associate Dean of Academic Affairs, Dale E. Fowler School of Law, Chapman University, USA; and Louise I. Shelley, Professor, Omer L. and Nancy Hirst Professor of Public Policy, and Director of Terrorism, Transnational Crime and Corruption, George Mason University, USA. Dignity also thanks Deborah Hornstra, <https://orcid.org/0000-0002-4186-6295>, M.A. Health Advocacy, Sarah Lawrence College, USA, for copy-editing this article.

## VISA FRAUD IN THE COMMERCIAL SEX MARKET IN THE UNITED STATES: AN OVERVIEW

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### ABSTRACT

This paper describes various fraudulent visas used by criminals operating in the U.S. sex market. Studies show that many foreign women exploited through commercial sex rely on visa brokers to enter the U.S. However, scholars have not investigated various visa brokers and the techniques they use to bring foreign women into U.S. prostitution as a whole. Therefore, this paper aims to provide an overview of the different types of fraudulent visas and criminal techniques used in the U.S. sex market. In doing so, this paper relies on both primary and secondary sources, such as interviews with both survivors and U.S. government officials, scholarly articles, NGO reports, U.S. legal cases, press releases, online forums, news reports, and blogs written in English, Russian, Korean, and Chinese. This paper then discusses the current issues with combating visa fraud in the U.S. sex market and provides recommendations to fight the problem more effectively.

### KEYWORDS

commercial sex acts, sex trafficking, visa fraud, immigration fraud, document fraud, migration, foreign victims, debt bondage, broker, facilitator, criminology

THE U.S. SEX MARKET CONSISTS OF DIVERSE BUSINESSES and their facilitators exploiting many foreign victims from different countries (Dale, 2019). Many criminals use fraudulent visas to bring foreign women to the U.S. sex market (Lim & Yoon, 2008; Dale, 2019). Visa brokers or facilitators often charge exorbitant fees for their fraudulent visa services (*U.S. v. Yi et al.*, 2010; Jang, Choo, & Choi, 2009; *U.S. v. Roberts et al.*, 2012; Min, 2012). In many cases, the brokerage fees drive many women in prostitution into deeper debt (Lim & Yoon, 2008, p.28; Chen, 2020). This paper explores the visa fraud techniques used by criminal organizations operating in the U.S. sex market. This paper relies on primary and secondary sources to describe various visa fraud methods used by criminals in the U.S. sex market. The primary sources include interviews with survivors, a service provider, and U.S. government officials. The secondary sources include NGO reports, news releases and articles, and U.S. federal cases. This paper then explores current shortcomings in the combatting of visa fraud in the U.S. sex market and provides recommendations to fight the problem more effectively.

Criminals from different ethnic backgrounds use diverse illegal methods to import women into the U.S. sex market (Dale, 2019; Jang, Choo, & Choi, 2009). Fraudulent visas are used by many criminals to exploit foreign women through prostitution in the U.S. (Finckenauer & Waring, 1998; Shelley & Bain, 2019; Lim & Yoon, 2008, p 45; Jang *et al.*,

2009, p 91). Some scholars have investigated visa fraud techniques used in the U.S. sex market to a varying degree (Shelley, 2010; Rho-Ng, 2000; Rieger, 2007).

Some studies have demonstrated that fraudulent visas are used by sex traffickers in the U.S. but did not provide the various tactics used in the sex market as a whole. In 2009, Jang, Choo, & Choi reported that many Korean sex trafficking victims relied on fraudulent visas to enter the U.S. (Jang et al., 2009, p. 91-93). They found that criminal organizations overseas were responsible for creating fraudulent documents that allowed Korean sex trafficking victims to enter the U.S. (Jang et al., 2009, p. 91). In a 2008 survey, Korean women prostituted in the U.S. stated that they entered the U.S. through various temporary visas. Out of 14 respondents, one stated that she entered the U.S. for the first time without a visa and a second time with a tourist visa. Also, three other women stated that they entered the U.S. with a tourist or short-term visa. Only one woman stated that she entered the U.S. multiple times with a student visa (Lim & Yoon, 2008, p. 45).

In 2018, The Polaris Project, a nonprofit based in Washington D.C., reported in *Human Trafficking on Temporary Work Visas*, identifying short-term visas misused by criminals to exploit trafficking victims in the U.S. Their report analyzed the number of national hotline calls received between 2015 and 2017. The types of visas identified in the hotline cases included work visas, tourist visas, J-1 visas, and student visas, all of which were used to exploit victims for labor and sexual exploitation. Most of the identified victims were labor trafficking subjects, and only a handful of cases involved sex trafficking (The Polaris Project, 2018). Out of 797 cases, only 16 (2%) were identified as strictly sex trafficking cases, and seven cases involved both sex and labor (The Polaris Project, 2018, p. 9).

Other scholars shed light on fraudulent visa use by sex traffickers to demonstrate the shortcomings of U.S. immigration law. Their studies focused on a legal analysis of the use of U.S. immigration law to protect victims more effectively, rather than an overview of criminal techniques used to bring victims to the U.S. sex market.

In 2000, Rho-Ng advocated for expanding U.S. asylum law to protect Thai sex trafficking victims. She described the U.S. military presence in Thailand as a key factor behind military prostitution and institutionalized sex tourism in Thailand. She argued that the U.S. therefore has a moral obligation to protect sex trafficking victims from Thailand. She pointed out that the gender bias of U.S. asylum law does not protect Thai sex trafficking victims who are exploited through gender-based persecution like rape. When a U.S. agency provided a procedural guideline to consider rape or sexual violence as potential grounds for granting asylum, Rho-Ng argued that the guideline had not been consistently applied. Hence, she called for a broader definition of persecution for certain groups like sex trafficking victims from Thailand.

In another study, Rieger (2007) argued the shortcomings of TVPA with respect to protecting international sex trafficking victims in the U.S. Rieger claimed that regardless of the law's intention, only "288 trafficking victims" were granted legal status under TVPA in 2005 (Rieger, 2007, p. 233). Rieger elaborated on the shortcomings of TVPA to combat sex trafficking appropriately. She mentioned fraudulent visas used by sex traffickers as part of her description of the mechanics and conditions of sex trafficking that are not fully understood by those involved in U.S.-based anti-trafficking efforts. For instance, some traffickers used advances in technology such as mail order bride websites to recruit victims through the false promise of marriage to a U.S. citizen. They used the Internet as an inexpensive way to display women's and girls' pictures and personal information for sale. In other cases, traffickers used consensual

migration as a mechanism to bring women to the U.S. sex market. Though women may initially agree to migrate to the U.S. for prostitution, many found themselves in slave-like conditions that they never agreed to. Rieger also argued that the most common way for criminals to traffic victims is for women to enter the U.S. legally and overstay their visas. Traffickers also used long term visas such as student visas or fiancé visas. In these cases, traffickers offered the women and girls assistance in preparing for visa interviews, and gave them false supporting documents with which to obtain visa approvals. This study then provides solutions to improve victim identification based on a better understanding of the mechanisms used by sex traffickers in the U.S.

Kusel (2014) investigated the problem with the mail order bride business and offered recommendations to protect women. The article cited the industry's estimation by a U.S. nonprofit, which amounted to approximately four hundred marriage broker businesses registered in the U.S. in 2010 (Kusel, 2014). While the article acknowledged that sex traffickers had exploited the mail order bride market, it does not cite specific criminal tactics or procedures used by brokers or traffickers to exploit women in the U.S. sex market. Instead, the article focused solely on the general overview of the mail order bride market used to exploit many migrant women. It also called for better ways to safeguard migrant brides through better legal protection.

These studies provide some evidence of the use of fraudulent visas in the U.S. sex market. However, they are insufficient to provide a general overview of visa fraud techniques used in the U.S. sex market. Therefore, this study aims to provide a holistic picture of visa fraud methods used in the U.S. sex market.

## METHODS

This study relies on qualitative analysis to examine visa fraud methods used in the U.S. sex market. This study follows the definition of visa fraud found in federal statute 18 U.S. Code § 1546 (Fraud and Misuse of Visas, 1947). The law states that a person commits visa fraud if he or she knowingly forges, counterfeits, alters or falsely makes nonimmigrant visa, permit, border cross card, and other documents prescribed by statute or regulation for entry. It also criminalizes those documents used as evidence of authorized stay or employment in the U.S. when they were knowingly forged, counterfeited, altered, falsely made, or have been procured using any false claim or statement or to have been otherwise procured by fraud or unlawfully obtained. (Fraud and Misuse of Visas, 1947).

This study also relies on the Trafficking Victims Protection Act of 2000 to define commercial sex acts. It defines commercial sex acts as "any sex act on account of which anything of value is given to or received by any person." The term prostitution is also used interchangeably to refer to the "commercial sex act" (Victims of Trafficking and Violence Protection Act of 2000, 2019).

Before this study, no scholars exclusively investigated visa fraud methods used in the U.S. sex market. There had been some reports on visa fraud in the past; but their focus was not proving an overview of visa fraud methods used in the U.S. sex market (Polaris Project, 2018; Costa, 2011). Because of the lack of available research, this study relies on interviews with survivors, media reports, NGO reports, legal cases, and Internet sources in English, Chinese, Russian, and Korean to describe visa fraud methods used in the U.S. sex market.

This study also identified U.S. federal cases concerning visa fraud techniques used in the U.S. sex market. The cases included sex trafficking, strip dancing, child pornography, sex tourism, and prostitution. Indictments and complaints were retrieved from US federal

district courts. Also, press releases from the U.S. attorney's office were collected. Online newspapers, blogs, advertisements, and forums are used to supplement the information from legal cases. When indictments were sealed, media sources were used to place the legal documents available to the public. Evidence shows that corruption abroad and among U.S. embassy staff can contribute to the use of visa fraud for the sex trafficking of foreign women in the U.S. (Shelley, 2010, p. 104; UNODC, 2011). However, this study is limited to secondary sources available with respect to problems in the U.S. embassies abroad.

## FINDINGS

This study found various visa fraud methods used by diverse criminals operating in the U.S. sex market. They include asylum status, student visa (F-1), cultural exchange program (J-1), fraudulent marriage visa (K-1), visitor or tourist visa (B1/B2), and work permit visa (H1B). In this study, criminals used temporary visas to travel and bring foreign women to the U.S. for prostitution. They also used fraudulent visas to extend the legal status of women exploited through commercial sex acts in the U.S. (Acharya, 2006). This study found that visa fraud methods differ depending on the women's home countries or types of visas exploited by criminals. This study also found that while some visas like visitor's visas and student visas, are exploited by all criminals operating in the sex market, other types of visas such as J-1 visas or asylum status, were primarily exploited by criminals from China or Eastern European countries and countries of the former Soviet Union. Lastly, whereas criminals have exploited some visa types like student or fiancé visas for a long time, others like work permits for healthcare professionals or Visa Waiver Programs seem to be newer tactics (Shelley, 2010, p. 104- p.106; Jang et al, 2009). The following describes various visa fraud methods used by criminals operating in the U.S. sex market.

### Visitor and Tourist Visas (B-1/B2)

The U.S. immigration authority offers foreigners different options for visas for tourism or short-term visits. The B-1 visa is used for business travel. B-1 allows the foreign traveler to consult with business associates, settle an estate, negotiate a contract, or attend a business-related event (Visitor Visa, n.d.). The B-2 visa is used for tourism, vacationing, visits with friends or relatives, medical treatment, social or entertainment event participation. An applicant is required to submit an online application with photo identification. Upon submission of the application, the consular officer determines whether to grant a visitor visa to the foreign applicant (U.S. Visas, 2015). The applicants are responsible for demonstrating to the U.S. government an intent to stay in the U.S. for tourism purposes and to leave the U.S. before the visa expires (U.S. Visas, 2015). Also, the U.S. authority allows foreigners from certain countries to travel to the U.S. for up to 90 days without a visa if they meet the requirements for the visa waiver program (U.S. Visas, 2015).

#### *U.S. Consular Officers*

Evidence raises a concern over whether consular officers are accurately identifying fraudulent documents used by criminals during the visa interview process. This study found that B-1/B-2 visas are continuously exploited by foreign criminals from all backgrounds in the U.S. sex market (Kulish, Robles, Mazzei, 2019; *U.S. v. Won*, 2011; Nonimmigrant Visa Statistics, n.d.). For instance, one retired federal agent stated that many traffickers use tourist visas to bring Thai women to the United States for commercial sex (Kulish *et al.*, 2019). In *U.S. v. Rodriguez et al.* (2017), Luis de Jesus Rodriguez and his accomplice were indicted after sex trafficking several victims from His-

panic countries. Rodriguez and his accomplice created fictitious backgrounds and occupations for each of their victims to increase the likelihood of their obtaining visas. They also coached victims on what to say during interviews with consular officers.

In 2018, a couple from Chicago operated high-end prostitution networks between India and the U.S. The couple recruited famous female celebrities from India and brought them to the U.S. using tourist visas. Police later found that at least one victim presented fraudulent invitation letters from two Indian American cultural associations during the visa interview process at the U.S. consular office in India (Wise, 2018).

In 2020, one Chinese woman told a journalist that she entered the U.S. with a B-1 visa; she received the help of a broker agency employing visa fraud in Beijing (Chen, 2020). The brokers created fake documents for the woman's visa application and dressed her as a successful businesswoman for her interview with a consular officer. The woman had to pay \$17,000 to the visa broker agency in Beijing (Chen, 2020). Other articles reported that many Chinese women entered the U.S. with tourist visas and are prostituted at illicit massage parlors in the U.S. (7 Days A Week, 2018; Hayward, 2018).

According to the U.S. Department of State, visa status is highly dependent on the discretion of the consular officer interviewing the applicant (U.S. Visas, 2015). In some cases, corruption of foreign nationals working in U.S. embassies was part of the problem (UNODC, 2011, p. 28; Shelley, 2010, p. 102-103). These incidents shed light on the importance of consular officers' roles in combatting visa fraud tactics used by criminals operating in the U.S. sex market.

#### *High Influx of Tourist Visa Holders*

The evidence suggests that B-1/B-2 visas are susceptible to easy exploitation by criminals operating in the U.S. sex market (Chen, 2020; Wise, 2018; *U.S. v. Rodriguez et al.*, 2017; Lampen, 2019; Glavin, 2019). This study found that a high number of tourist visa holders came from the same countries as foreign women identified in the sex market in 2019. For instance, in 2019, 1,019,907 (40%) of Asian applicants came from China, and 595,262 (24%) came from India (Nonimmigrant Visa Statistics, n.d.).

Lastly, in North America, over 87,327 (19%) the 454,436 total Latin American applicants came from the Dominican Republic (Nonimmigrant Visa Statistics, n.d.). Evidence shows that women from these countries have been identified by law enforcement in prostitution or sex trafficking-related cases in the U.S. (Lampen, 2019; Glavin, 2019; Wise, 2018; Alanez, 2018; Carson, 2020). These figures do not mean that all applicants are potential trafficking victims; but they raise the question of whether tourist visas are exploited more often than other types by criminals from these countries operating in the U.S. sex market. Further research is vital to combat criminals using tourist visas to exploit sex trafficking victims from these countries.

#### *Visa Waiver Program*

Some criminals use the Visa Waiver Program (VWP) to exploit migrant women through prostitution in the U.S. The Visa Waiver program allows foreigners from some countries to travel to the U.S. without a visa. In these countries, the Electronic System for Travel Authorization (ESTA) application determines whether a person is admissible to the U.S. and the U.S. authority determines admissibility upon a traveler's arrival (Visa Waiver Program, n.d.; U.S. Embassy in Latvia, n.d.). In *U.S. v. Kim et al.* (2016), one material witness told the investigator that since being implemented in 2008, ESTA

has allowed many Korean women to enter the U.S. sex market without a visa (*U.S. v. Kim et al.*, 2016).

In 2012, Mher Hakopyan, his wife, and his former spouse sex trafficked victims from Eastern European countries using the Visa Waiver Program. They allegedly coached the victims on how to enter the U.S. through an ESTA, which allows victims to enter the U.S. without a visa for a short-term trip (Palmer, 2012). During an interview with this researcher, one former senior official at the U.S. State Department said that the visa waiver program was aimed at reducing commercial sexual exploitation of foreign women in the U.S. (Anonymous, Personal Interview, May 23, 2017). These cases suggest that the Visa Waiver Program may have had little effect in fighting the commercial sexual exploitation of foreign women in the U.S.

### Marriage and Fiancé Visas (K-1)

A K-1 visa allows a U.S. citizen to bring his or her foreign fiancé to the United States to be married and start a family. A U.S. citizen petitioner must show several documents to successfully obtain a K-1 visa for his or her potential spouse. These documents include proof of the fiancé's U.S. citizenship, statement of an intent to marry his or her fiancé within 90 days of admission on the K-1 visa, proof of meeting each other in person at least once within the two years before filing the K-1 application, and legal eligibility to marry one another (Visas for Fiancé(e)s of U.S., n.d.). The following describes the findings of marriage fraud as used in the commercial sex market.

#### *U.S. Citizens as Facilitators*

Unlike with tourist visas, the K-1 visa process requires the recruitment of a U.S. citizen. For instance, in 2010, four individuals were arrested after prostituting Chinese women at residential brothels in the Los Angeles area (Ni, 2010). In *U.S. v. Lotto et al* (2010), Lotto recruited a U.S. citizen to gain fraudulent K-1 visas for her brothel operation in the U.S. During the investigation, police found notarized letters by the Chinese government regarding a marriage between a U.S. citizen, David Martinez, and another Chinese female citizen named Yang. The Department of Homeland Security database also revealed that while Martinez had traveled to China on two occasions, Yang had not traveled to the U.S. Police found that defendant Lotto controlled Yang's identification documents. Yang used the documents to retain women in prostitution at her massage parlor (*U.S. v. Lotto et al.*, 2010).

In 2013, Miyoung Roberts recruited U.S. citizens to exploit fiancée visas to transfer Korean women to the U.S. for prostitution. Roberts initially obtained legal status using a fraudulent marriage to a U.S. citizen. Once her own legal status was secured, Roberts recruited several U.S. citizens for her marriage fraud schemes; some of them acted as witnesses for the fraudulent marriage ceremonies. Roberts also brought multiple Korean women to the United States for prostitution using fraudulent fiancé visas. These women were then prostituted in room salons in multiple states. Roberts eventually worked as a visa broker for multiple Korean brothels operating nationwide in the U.S. (*U.S. v. Roberts et al.*, 2012).

These cases show that U.S. citizens facilitate the commercial sexual exploitation of foreign women in the U.S.

### Student Visas (F-1 Visa)

A student visa provides a foreigner with legal status in the U.S. while studying at an academic institution. However, a student visa does not grant the student holder the right to work (Student Visa, n.d.; *U.S. v. Won*, 2011). The U.S. government requires all

students to register with the Student and Exchange Program Information System (SEVIS) upon admission to an academic institution. Once a school enters their foreign students into SEVIS, the school sends the students an I-20 form. The I-20 is a certification to grant the students eligibility to apply for a student visa (Student Form, n.d.). The student then must submit the I-20 form along with other documents to obtain the student visa from the U.S. embassy in their home countries. The U.S. authority requires the schools to be certified by Student and Exchange Visitor Program (SEVP), a federal agency under Homeland Security that manages non-immigrant students and their dependents, as eligible to admit international students (Schools and Program, 2020).

#### *Language Schools*

Many criminals have used English language schools to bring foreign women to the U.S. for prostitution (Shelley, 2010, p. 105). This study also found that language schools are continuously exploited by such criminals. For instance, in *U.S. v. Yi et al.* (2013), Dong Seok Yi operated English language institutions in Atlanta, Georgia. Yi was the president of the Korea Times, a reputable media company in Korean American communities. Yi assisted Korean brothels in Georgia in obtaining student visas for Korean women in prostitution. Yi worked with a visa broker based in Los Angeles who had a criminal history in South Korea and was illegally residing in the U.S. (*U.S. v. Yi et al.*, 2013). In 2008, Behzad Ben Zaman, a naturalized U.S. citizen from Iran, was indicted after offering fraudulent student visas to women from different countries, including Thailand, Latvia, and Uzbekistan. One Russian woman stated that she was required pay \$2,000 a year to Zaman's school to maintain her immigration status, though she never attended a class (Associated Press, 2008). According to the indictment, Zaman received several payments for the women's visa brokerage fees from a Latvian shell business account named Lancaster Technologies, LLC. The payments were labeled as tuition for different women registered as students at Zaman's language schools (*U.S. v. Zaman*, 2008). Zaman also transferred his criminal proceeds to his family members' bank accounts and purchased real estate properties in California (*U.S. v. Zaman*, 2008). These examples suggest that a high number of young female students may be an indicator of a language school used to facilitate the introduction of foreign women into the U.S. commercial sex market.

#### **Summer Work Travel Programs (J-1 Visa)**

A J-1 visa grants a foreign citizen the opportunity to experience American culture while working in the U.S. (J-1 Basic, n.d.). The U.S. government offers several programs under the J-1 visa including ones aimed at camp counselors, research scholars, government visitors, and physicians, among others. In particular, many college students from abroad apply for the Summer Work Travel (SWT) program. SWT was aimed to offer foreign college students an experience of American culture while working for U.S. companies (Programs, n.d.). However, evidence shows that the SWT program has often been exploited by criminals operating in the U.S. sex market (*U.S. v. Gonikman et al.*, 2006; North, 2011; J-1 visa holders await, 2018).

#### *Eastern Europeans*

In the past, criminals often used J-1 visas to bring Eastern European women to the U.S. for prostitution (North, 2011; DOJ Press Release, 2017; *U.S. v. Gonikman et al.*, 2006; J-1 visa holders await, 2018). For instance, in 2016, Jaffrey Cooper was convicted of sex trafficking college women from Eastern European countries. Cooper sent job offers to an international exchange company in Chicago. He claimed that he owned a yoga studio and recruited young women to answer phones and book appointments

(Saul, 2016). He also told the company that the students would work 48 hours a week, earning \$12 an hour. Upon arrival, however, the two Kazakh students were forced into prostitution at Cooper's apartment. Cooper also advertised students for prostitution on Backpage.com (DOJ Press Release, 2017). In 2011, more than 20 people were arrested for recruiting young women from Russia and Eastern European countries to work as exotic dancers in New York strip clubs (Ferre, 2011; J-1 visa holders await, 2018). Through their illicit enterprises, the criminals recruited young Eastern European women to enter into the U.S. on J-1 visas to perform as strippers. Some women were forced into commercial sexual exploitation by their employers (Ferre, 2011). Therefore, these cases shed light on the criminal enterprises exploiting Eastern European women using J-1 visas.

#### *Organized Crime Members*

Some cases suggest that many organized criminals profit from visa fraud schemes used in the commercial sex market (Sobolev, n.d.; *U.S. v. Gonikman et al.*, 2006; *U.S. v. Trucchio et al.*, 2011). In *U.S. v. Gonikman et al.* (2006), Gonikman illicitly facilitated the fraudulent visa process to harbor Ukrainian women. Some women were stripping at clubs that Gonikman managed in Ukraine (*U.S. v. Gonikman et al.*, 2006). On other occasions, Gonikman brought young women into the U.S. through fraudulent marriage visas (*U.S. v. Gonikman et al.*, 2006). In *U.S. v. Trucchio et al.* (2011), more than 20 individuals were indicted after harboring Russian and Eastern European women. The organized criminal groups, Gambino and Bonnano families, offered false job opportunities to assist the foreign women in entering the U.S. through the J-1 visa program. These women were then forced to work at multiple strip clubs in New York City. These cases show that some organized criminals have used J-1 visas to exploit Eastern European women in the U.S.

#### **Asylum Status**

Asylum status is legal protection for foreign citizens who are in the U.S. or seeking admission at a port of entry to U.S. territory (Obtaining asylum status, n.d.). A person must be physically present to file for asylum status within one year from the date of his or her arrival. The applicant must also demonstrate that he or she was persecuted or that he or she fears persecution due to race, religion, nationality, political opinion, or membership in a particular social group (How to apply, n.d.; I-589, Application for Asylum, n.d.). Upon initial rejection, an applicant's eligibility can also be reconsidered at the discretion of an immigration judge.

#### *Chinese Brothels*

This study found that asylum status may be more frequently used by Chinese criminals, rather than others operating in the U.S. sex market. Out of 12 articles on asylum cases, 11 mentioned the asylum status of Chinese women prostituted in room parlors, whereas only two articles mentioned tourist visas and only one mentioned marriage fraud. In addition to many Chinese criminals and migrant women entering the U.S. on various visas, these individuals often use asylum status to extend their legal status in the U.S. (Usajiayuan, 2017; 7 days a week, 2018). For instance, in 2018, a Chinese woman was rescued by the police during a prostitution sting at a massage parlor in Florida. After the rescue, the woman told a reporter that she had applied for asylum status after entering the U.S. with a work visa (Associated Press, 2019). In 2010, two men and a woman were charged with promoting prostitution at massage parlors. Police also found seven women from China who were charged with prostitution, all seven of whom were refugees seeking asylum status in the U.S. (Finger, 2010). In 2009, police found that one of the brothel operators had filed an asylum application

to obtain legal residence in the U.S. (FBI News Release, 2009). These case examples show that asylum status has frequently been exploited by Chinese criminals operating in the U.S. sex market.

#### *Immigration Brokers*

This study found that immigration brokers profit from helping Chinese women in the U.S. sex market. Evidence also shows that this has been an ongoing problem for decades (Shelley, 2010, p. 106). For instance, one Chinese newspaper reported that many Chinese immigration brokerage companies assist Chinese women in obtaining asylum status in the U.S.. The report stated that these companies typically charge between \$3000 and \$5000 for their fraudulent visa services (7 days a week, 2018). In 2018, one immigration lawyer in Queens, New York, a popular destination for many Chinese migrants, was indicted after submitting over 100 applications which fabricated the applicants' personal narratives of alleged persecution, criminal histories, and travel histories (*U.S. v. Dumitru*, 2018; Shen, 2018). In 2019, another article reported that many Chinese women in parlors struggle to pay off debt to other individuals such as immigration lawyers who help them fraudulently file for asylum status (Kulish *et al.*, 2019; Ni, 2010). These show that immigration brokers may be essential players behind illicit Chinese brothel networks operating in the U.S.

#### **Work Permits**

A work permit grants a migrant worker the right to reside and work in the U.S. without permanent residency status. The U.S. authority offers different types of work permits depending on a migrant worker's occupation. For instance, an H-2A visa is granted to those involved in agricultural work, whereas H-1B and H-2B are given to specialized occupational and nonagricultural workers (Visa & Work Permit in the U.S., 2020). The following describes different types of work permit visas and the criminal methods used by brokers operating in the U.S. sex market.

#### *H-1B: Specialty Occupation—Chinese*

Evidence shows that criminals often use an H-1B visas to bring Chinese women into the U.S. for the purpose of prostitution. An H-1B visa is granted to foreign workers seeking specialized employment in the U.S. Examples of specialized occupations include fashion models, Department of Defense researchers and development project workers, IT professionals, nurses, doctors, lawyers, and many others (H-1B Specialty Occupations, 2020). Between 2014 and 2019, more than 133,000 Chinese citizens entered the U.S. on H-1B visas, whereas zero Chinese workers were granted other types of work visas, such as H-2A/B agricultural or H-2B nonagricultural work visas (Nonimmigrant Visa Statistics, n.d.). In 2019 alone, over 28,000 Chinese migrants were granted H-1B status, whereas only 485 Russians, 2,041 South Koreans, and 2,754 Mexican citizens entered the U.S. on this type of visa (Nonimmigrant Visa Statistics, n.d.). According to one report, a Chinese woman told a reporter that she came to the U.S. on a work permit but was applying for political asylum status in Florida (Associated Press, 2019). In another report, federal law enforcement agencies revealed that many Asian women prostituted in massage parlors entered the U.S. on work visas; some had fraudulent nursing certificates (Kulish *et al.*, 2019). These suggest that Chinese criminals may be more inclined to exploit H-1B than other types of work visas to supply women for prostitution in the U.S.

#### *Healthcare Professionals*

This study found that the high demand for healthcare professionals in the U.S. may have created an opening for criminals to exploit H-1B visas for nursing professionals

(*U.S. v. Rodriguez et al.*, 2017; Polaris Project, 2018; Wise, 2020). For instance, in 2011, one Korean woman entered the U.S. with a work permit for nursing, but she opened brothels to exploit other women for prostitution (Yonhap, 2011). Many Chinese women entered the U.S. with work permits for nursing using fraudulent diplomas or certifications from their home country. Upon arrival, they were prostituted in illicit massage parlors around the U.S. (Wise, 2020). Another report states that many Filipino nurses are at risk of sex trafficking under debt bondage (Provance, 2020). These examples show the need for vigilance in identifying fraudulent documents used to obtain healthcare professional work visas in the U.S.

## DISCUSSION

Many scholars have investigated immigration policies to fight fraudulent visas to deter criminal activities. New policy changes may have little effect in combating commercial sexual exploitation of foreign women in the U.S. (Costa, 2011; Anonymous Survivor, Personal Interview, May 28, 2017). For instance, whereas some policy changes were aimed at combatting fraudulent visas used by criminals operating in the U.S. sex market, this study found that those policy changes may have led many criminals to alter their criminal techniques, rather than deterring their criminal activities (Dale, 2017; *U.S. v Kim et al.*, 2016). The following section describes the problems created by the use of fraudulent visas in the U.S. sex market and provides recommendations to improve the current effort to fight the problem more effectively.

### Visa Brokers as Facilitators

This study found that while some visa brokers are prosecuted, many other visa brokers do not face punishment for profiting from the commercial sexual exploitation of foreign women in the U.S. During an interview with this researcher, one survivor stated that she was trafficked from South Korea to the U.S. multiple times. She said that when she was deported after a prostitution arrest, her trafficker in Korea gave her another fraudulent passport and visa to re-enter the U.S. for prostitution (Anonymous, Email, May 15, 2018). Another survivor also stated that she was smuggled into the U.S. through Mexico from China. She said that she eventually acquired asylum status and married a U.S. citizen (Anonymous, phone interview, September 2, 2019). She also stated that she met her broker in the U.S.; the broker helped her obtain asylum status in the U.S. (Anonymous, phone interview, September 2, 2019). Evidence also shows that many Chinese brokers advertise assistance to migrant workers to obtain asylum status (Political Asylum U.S.A., n.d.; Dizzy to death, 2009). In neither of the survivor's cases were her visa brokers ever arrested for profiting from the sex trafficking operation in South Korea and the U.S. These cases suggest that many visa brokers are not criminally punished as perpetrators profiting from commercial sexual exploitation of foreign women in the U.S.

### Tourist & Work Visas: Document Fraud Abroad

Case analysis shows that combatting document fraud abroad is a necessary part of combating visa fraud tactics used in the U.S. sex market. Many criminals rely on other criminals abroad to create fraudulent documents to be used in the process of obtaining women's visas. These fraudulent documents include professional certificates, income tax forms, proof of employment, financial statements, and passports (Paek, 2015; Cho, 2008; Armenian Citizen Pleads Guilty, 2019). In 2006, for instance, South Korean police arrested brokers for providing fraudulent documents to women

being prostituted in massage parlors in Los Angeles. The criminals created fraudulent income statements and other documents necessary to obtain U.S. visas for the women (Kim, 2009). In 2013, police arrested several individuals who provided fraudulent documents so their clients could obtain U.S. tourist and business visas. The criminals recruited clients who were illegally staying in the U.S. and provided fraudulent employment statements and other documents to obtain tourist or business visas. According to the report, seven of their 10 clients were women in their 20s and 30s traveling to the U.S. for commercial sexual exploitation (Kim, 2013). These reports demonstrate how important it is for the U.S. authority to combat document fraud abroad, particularly in the home countries of foreign women identified by the law enforcement in the U.S. sex market.

### Asylum Application

In 2019, U.S. authorities placed a new policy against immigration fraud. In his presidential memoranda, President Trump attempted to fight fraudulent visas by preventing many migrants from obtaining work authorization based on a pending asylum application and terminated employment authorization when the applicant's asylum denial is final. The memoranda also declared asylum applicants who have been convicted in the U.S. of any federal or state crimes ineligible to obtain employment permit (USCIS to Deter Frivolous, 2019). While many raised concerns over his policy for failing to protect legitimate asylum seekers, interviews with one service provider and survivors further suggest that immigration brokers often exploit asylum status to profit from many women's exploitation in parlors (Anonymous, Personal Interview, November 6, 2020; Thomsen, 2020; Narea, 2020; Anonymous, Interview, September 2, 2019). During the interview, one service provider stated that almost all her Chinese clients exploited in parlors applied for asylum status in another state; and some were exploited by brokers charging exorbitant amount of fees and gave bogus work permits after filing a false asylum status (Anonymous, Personal Interview, November 6, 2020). These suggest that asylum application is vulnerable to brokers facilitating the operation of Chinese sex market in the U.S.

### Legal Visas

The Trump administration's new executive order may have few ramifications for combatting criminals profiting from the commercial sexual exploitation of Chinese women and others in the U.S. For instance, many Chinese migrant women enter the U.S. on various legal visas (Kulish et al., 2020; Chen, 2020). Brokers often use asylum applications and other methods to help Chinese migrants extend their legal status in the U.S. (Anonymous, Personal Interview, November 6, 2020). During the process, brokers profit by charging Chinese women in prostitution an excessive amount in brokerage fees to drive them deeper into debt (Los Angeles-area immigration consultants, 2011; Min, 2012). The new order focuses primarily on those entering the U.S. by illegal means. It does little to verify the legitimacy of the application process that is often exploited by immigration lawyers. Therefore, the U.S. authority requires policies that address those exploiting both legal and illegal means of acquiring asylum status, while protecting the rights of legitimate asylum seekers. One way to strengthen the fight against visa fraud and sex trafficking is to increase the criminal penalties for such crimes, instead of abolishing the provision as a whole. For instance, under current U.S. law, fraudulent visa facilitators of terrorists can be punished with up to 25 years in prison and facilitators of drug traffickers, up to 20 years (Improper Entry by Alien, 1996). However, all facilitators of other criminal activities, including human trafficking, can only be punished by imprisonment for up to 15 years (Improper Entry by

Alien, 1996). The U.S. authority can improve its efforts against the commercial sex market by imposing harsher penalties on facilitators of Chinese prostitution in the U.S.

### J-1 Visa

In 2011, the U.S. Department of State changed its regulations to counteract the potential exploitation of J-1 visa students, including the commercial sexual exploitation of young women (Moher & Weiss, 2011). Under the new regulations, the State Department requires its designated sponsors to compile reports, including background checks on overseas brokers who put students in touch with U.S. employers. Sponsors are also required to submit those reports to U.S. consulates (Exchange Visitor Program, 2014). The department intended to perform spot checks on the biggest sponsors and revoke sponsors' designations when in violation of the rules (Moher & Weiss, 2011). In 2017, the U.S. authority also placed a cap on the number of designated sponsors for the J-1 student program. In addition, they limited the number of students visiting from many Eastern European countries with a history of exploitation by partner organizations abroad (Marsh, 2017).

### Criminal Penalties

Evidence suggests that the U.S. authority needs better measures to hold spouses and their overseas partners accountable for their criminal activities. For instance, visa fraud schemes, such as those using the J-1 visa program, are often conducted by organized criminals specializing in visa document fraud (Hudson & Petho, 2018; Leman & Janssens, 2015; *U.S. v. Gonikman et al.*, 2006; O'Connor, 2000; Finckenauer & Warning, 1998, p. 136). Needless to say, visa fraud schemes in Eastern European countries are often conducted by overseas partners with histories of repeat violations (Cablegate: Ukraine: 2009 Summer, 2009; Cablegate: Ukraine: Fewer Summer, 2009). In particular, evidence shows that fraudulent service providers for transnational criminals like human traffickers can intersect with those of terrorists (Shelley, 2010, p. 106). Though the change of policies on the J-1 visa tightened the monitoring program, the repeat offenders have been pervasive (Cablegate: Ukraine: 2009 Summer, 2009; Cablegate: Ukraine: Fewer Summer, 2009). These show that the new policy has little deterrence effect to combat visa fraud by organized criminals in Eastern European countries. Therefore, penalties commensurate with their criminal culpabilities are necessary to fight the problem of fraudulent J-1 visas.

### Other Countries

U.S. government statistics suggest that a J-1 visa may also be used by criminals from outside Eastern Europe. In 2019, 37% of J-1 holders came to the U.S. from China, the highest number of applicants from the Asia region. During the same year, more than 30% of South American students came from Brazil (33%), and 36% of North American students came from Mexico (Nonimmigrant Visa Statistics, 2019). These countries have also been identified as the home countries of many foreign women exploited through commercial sex in the U.S. (Kulish *et al.*, 2019; WFTX Digital Team, 2019; Alanez, 2017; ICE arrested nearly 2000, 2017). These suggest that the J-1 visa program may be insufficiently monitored, which makes it vulnerable exploitation by criminals.

### Student Visa—Language Schools

U.S. authorities may need a better accountability system to combat the role of English language schools in the commercial sex market of foreign women in the U.S. The Department of Homeland Security has required only that a language school be accredited through a nonprofit to receive SEVP certification for many years (Form I-17- Initial Certification, 2020). The accreditation process requires proof of the existence of the academic institution's buildings, submission of documents of incorporation, license(s) for operation, a tax identification number, and state authorization or waiver (Application for Eligibility, n.d.). The criteria for school accreditation are established by the U.S. Department of Education (Application for Eligibility, n.d.). However, the eligibility criteria do not include criminal background checks for school administrators and their staff. Also, the accreditation process is reviewed by educators with no law enforcement background. Hence, it is difficult for them to discern criminals who intend to use language schools to facilitate the commercial sex market from the other who are running institutions with legitimate programs. Accreditation reviewers need to be aware of any criminal activities linked to the exploitation of foreign women in the U.S. commercial sex market.

### Marriage Fraud

In 2016, the Inspector General's office performed an internal audit to evaluate issues with fraudulent marriage visas. The report found that a fiancé visa was one of the most common type of visa used by human traffickers between 2005 and 2015 (Office of Inspector General, 2016). The report identified a problem with the data sharing system between Immigration Custom and Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS). In particular, the report recommended that the U.S. authority develop appropriate procedures to identify traffickers' names mentioned in victims' statements submitted to the USCIS system during the T and U visa procedures. It also recommended USCIS collaborate with ICE to develop a mutually acceptable procedure for transferring USCIS data on human traffickers to ICE. It further recommended that ICE develop a procedure to obtain information on alleged traffickers and make that information available in the USCIS system (Office of Inspector General, 2016, p 13).

### Brokerage Agencies

This study found that criminals may be changing their recruitment techniques from a reliance on their personal contacts to marriage broker agencies to exploit fraudulent marriage visas for illicit gain. For instance, before the Inspector General's report in 2016, traffickers personally recruited U.S. citizens and victims to bring potential trafficking victims to the U.S. sex market (*U.S. v. Roberts et al.*, 2012; *U.S. v. Lotto et al.*, 2010; Moon, 1997). As of summer 2020, however, this study found several agencies offering services for obtaining fraudulent marriage visas to gain permanent residency in the U.S.. For example, a ballroom dancing institution placed an advertisement in a Korean American newspaper. This institution was recruiting individuals looking for a partner with whom to obtain a U.S. green card (Happy Wedding Agency, 2020). Another agency placed advertisements for Korean citizens who had overstayed their visas abroad, including in the U.S. The agency's website stated that the best way for them to obtain legal status is through an international marriage with a U.S. citizen (Sunoo, 2020). Another immigration law firm, using the URL greencardischeap.com, states that individuals on a temporary visa or with no legal status in the U.S. can obtain a green card through marriage to a U.S. citizen (greencardischeap.com, n.d.). These

agencies also listed various contacts in the U.S. and abroad. While they do not explicitly advertise their participation in the commercial sex market, these examples show that broker agencies can be vital players in the fraudulent marriage visa market, facilitating the commercial sexual exploitation of foreign women in the U.S.

## CONCLUSION

Fraudulent visas are often necessary for criminals to exploit foreign women through commercial sex in the U.S. Many criminals in the U.S. sex market use diverse tactics to bring foreign women to the U.S. sex market. In the past, some scholars have explored the fraudulent visa methods to bring foreign victims to the commercial sex market in the U.S. However, many of them focused on specific visas and their shortcomings with respect to protecting potential victims or problems. Therefore, this study aimed to provide a holistic view of the visa fraud tactics used in the U.S. sex market.

This study found that the criminals' visa fraud tactics used in the U.S. sex market differ by the types of visa programs exploited, and by the women's home countries. This study elaborates on how criminals exploit various kinds of temporary visas to bring foreign victims to the U.S. sex market. This study found that some visas such as student visas have been vulnerable to exploitation by sex traffickers for a long time. However, other short-term visas such as those for healthcare professionals or via the Visa Waiver Program, are newer ways for criminals to import migrant women for prostitution in the U.S. This paper then points out the shortcomings of current policies to combat visa fraud in the commercial sex market. This paper argues for harsher penalties for criminals exploiting fraudulent visas used in the U.S. sex market, while protecting legitimate visa holders. It also advocates for a better monitoring system against fraudulent visas to more effectively combat the commercial sex market.

## ACKNOWLEDGMENTS

First and foremost, I give glory to my Savior, Jesus Christ, who gave me a vision for this paper in 2016. Second, I want to thank my husband, Jonathan, for his support and Dr. Donna Hughes and her editorial staff for their partnership to fight for sex trafficking victims. I also thank the reviewers for your invaluable time and attention to this work. *Dignity* thanks the following people for their time and expertise to review this article: Marisa S. Cianciarulo, Professor, Doy and Dee Henley Chair in Law, and Associate Dean of Academic Affairs, Dale E. Fowler School of Law, Chapman University, USA; and Louise I. Shelley, Professor, Omer L. and Nancy Hirst Professor of Public Policy, and Director of Terrorism, Transnational Crime and Corruption, George Mason University, USA. *Dignity* also thanks Deborah Hornstra,  <https://orcid.org/0000-0002-4186-6295>, M.A. Health Advocacy, Sarah Lawrence College, USA, for copy-editing this article.

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## RECOMMENDED CITATION

Dale, Youngbee. (2021). Visa fraud in the commercial sex market in the United States: An overview. *Dignity: A Journal of Sexual Exploitation and Violence*. Vol. 6, Issue 1, Article 1. <https://doi.org/10.23860/dignity.2021.06.01.01> Available at <http://digitalcommons.uri.edu/dignity/vol6/iss1/1>.

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