

Human Trafficking

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(OVW)

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Disclaimer

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Learning Objectives

At the end of this workshop, you will be able to:

- Begin to identify individuals who may be trafficked
- Develop interviewing and trust-building techniques to work with trafficking victims
- Take steps to expand your organization's services and/or collaboration to serve trafficking victims
- Learn effective strategies for collaboration with law enforcement and other systems to assist victims

The extent of the problem:

- 14,500-17,500 people estimated trafficked into the United States annually
- Approximately 2000 individuals have been certified as victims of trafficking since the enactment of the TVPA in 2000

Myths and Misconceptions

- All trafficking victims are women or girls
- Trafficking victims are all abducted
- Labor trafficking is not as prevalent as labor trafficking
- Victims must cross state lines or international borders

A Severe Form of Trafficking in Persons

(22 USC sec. 7102)

- the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Force, Fraud, or Coercion

- Debt servitude
- Surveillance
- Physical barriers
- Threats to safety
- Physical isolation from protections
- Psychological isolation
- Threats to deport or contact law enforcement

Human Trafficking simplified

- Process- Recruiting, Transporting, Obtaining, Moving
- Means- Force, Fraud, or Coercion
- End- Labor or Commercial Sex

Trafficking v. Smuggling

- Crime against a person
- Contains an element of coercion
- Subsequent exploitation
- Trafficked people treated as victims
- Unauthorized border crossing
- No coercion
- Facilitated entry by another person
- Smuggled people treated as criminals

Types of Trafficking

Who are the traffickers?

- Organized crime syndicates
- Informal networks
- Family members
- Friends
- Recruiters in home country
- Individuals in the U.S. with connections to home country

Vulnerabilities

- Trafficking is based on global push and pull factors
- Tendency to paint victims using objective criteria that ignores the nuances of vulnerability
- If we look at the crime as good guys v. bad guys, we lose the ability to address the issue meaningfully

Challenges in Self-Identification

- Lack of labor protections in home country
- Distrust of law enforcement
- Fear of deportation and incarceration
- Raids sometimes treating victims as criminals before they can be identified as victims

Challenges in Identification

- Misconceptions about who might be a trafficking victim
- Lack of immediate access to victim protections
- Requirement of cooperation with law enforcement as a requirement for certification

Trust and Fear

- Victims fear law enforcement because of home country perceptions and traffickers' manipulation of this distrust
- NGO service providers need to separate themselves from law enforcement in order to gain trust
- Early access to NGO services will ensure earlier treatment as a victim

Immigration Law Basics

In order to gain citizenship
you must already have:

- blue: a green card (lawful permanent residency)
- green: a visa
- yellow: either

Requirements for Naturalization

- Lawful permanent residence for 5 years (or 3 years if married to a U.S. Citizen)
- English language ability or waiver
- U.S. government and history knowledge
- Physically and Continuous presence in the U.S.
- Good moral character

The most common way to get lawful permanent residency is:

- blue: as a refugee
- green: through an employer
- yellow: through a family member

Which of the following would qualify for a nonimmigrant visa:

- blue: someone who invests a million dollars in the U.S. economy
- green: a touring artist
- yellow: a restaurant worker

One cannot become undocumented by:

- blue: being caught in a raid
- green: entering the U.S. unlawfully
- Yellow: overstaying the duration of a nonimmigrant visa

Continued Presence

- Eligible to undocumented victims who are potential witnesses
- Must be requested by federal law enforcement
- One year renewable interim protection with access to lawful employment authorization

Certification

- Issued by the Department of Health and Human Services
- Available to everyone who received continued presence or has a *bona fide* T-visa application
- Grants refugee-equivalent cash and other benefits

Choosing Immigration Relief

Review the fact pattern in your group. Identify information you would need in order to determine eligibility for each form of relief.

Katya

Katya met her husband Stan through an International Marriage Broker Agency in the Ukraine. Stan brought Katya over to the United States. Once Katya entered the United States, Stan became very abusive. Katya did not know where to go and a friend was working in a massage parlor. Katya's friend signed her up to work as a prostitute in the massage parlor. Katya joined because she had no other options. Once she was there, Katya was not happy and ultimately she left the massage parlor. Katya heard about domestic violence services and called to see if she could find a place in your shelter.

Kirana

Your neighbor teaches 11th grade and one day approaches you about a student of hers named Kirana. Kirana is from Thailand. Karina revealed to her teacher that her father's brother and his wife brought her over from Thailand when she was eight years old. Kirana came from a very poor family in Thailand and her parents thought she would have better educational opportunities in the U.S. Things were very good for several years. When Karina was fourteen years old, her uncle and aunt got a divorce and her uncle went back to Thailand. Karina was left with her uncle's ex-wife. She bought a restaurant and asked Karina to work in the restaurant. Your neighbor has noticed Karina's potential but her inability to keep up with homework assignments.

Lourdes

Lourdes is a low-wage worker. She is undocumented and it cost \$40,000 to come into the country. Since she did not have the money, she agreed to work off the debt. Lourdes makes about \$800/month after her housing costs are deducted. Lourdes sleeps in a barrack with many other workers. The conditions are deplorable. The people in charge of the orchards where she works know her sister and brother in Mexico. Lourdes is deathly scared of the people in charge but in particular, a manager names Juan. When she is asked about Juan, she says she doesn't want to talk about him.

T visa vs. U visa

- Do not require a law enforcement certification
 - Grant refugee benefits
 - Require affirmative evidence of ongoing cooperation to adjust status
 - Require good moral character to adjust
 - Must be admissible to adjust
- Mandate law enforcement certification
 - Do not provide for public benefits
 - Require ongoing helpfulness but without affirmative evidence to adjust status
 - Do not require overcoming inadmissibility to adjust status

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Technical Assistance

For additional information, please contact the
Immigrant Women Program at 202/326.0040 or
iwp@legalmomentum.org