

# Cast

COALITION TO  
ABOLISH SLAVERY  
& TRAFFICKING

## Intro to Human Trafficking

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1 Hour Training

May 19, 2020

# Overview of Training

- Intro
- Overview of Trafficking in the US
- Legal Definition of Trafficking and Legal Remedies
- Domestic Violence and Human Trafficking

# Meet Your Presenters

- Nagwa Ibrahim, Director of Legal Services



# Who is CAST?

- *“To assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations.”*



**Cast**

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# Overview of Trafficking in the United States

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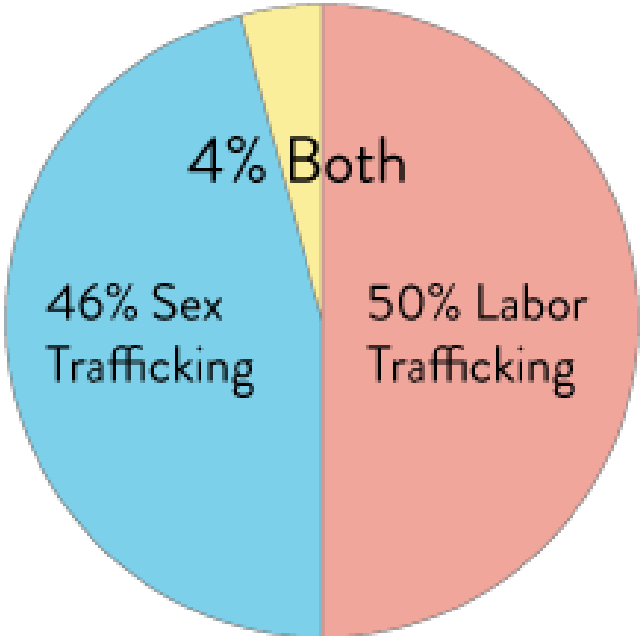
What kind of industries does trafficking exist in?

Magazine crews  
Domestic Service  
Scientologists  
Restaurant Work  
Cleaning business  
Forced peddling  
Elder care  
Au Pairs  
Construction  
Housekeeping  
Hospitality  
Sex Work  
Daycare teacher  
Marriage  
Home care  
Fishing  
Agricultural work  
Hair Braiding Salons

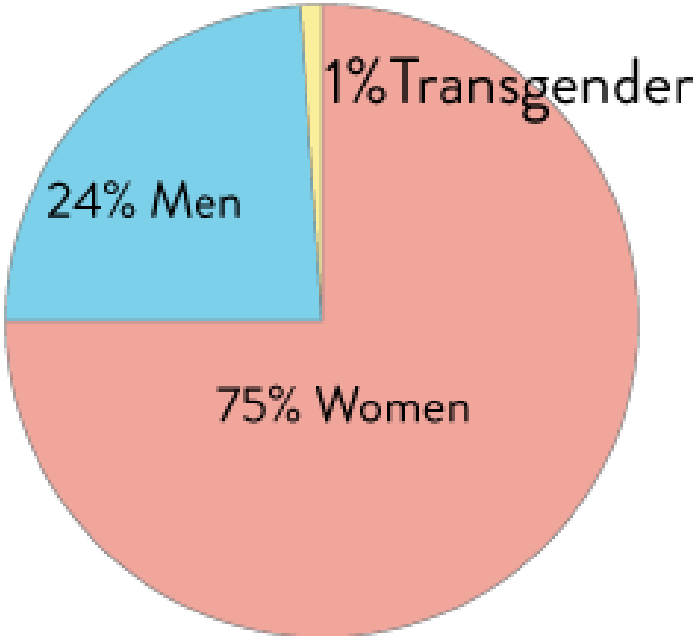
Manufacturing work

# Our Client Profile

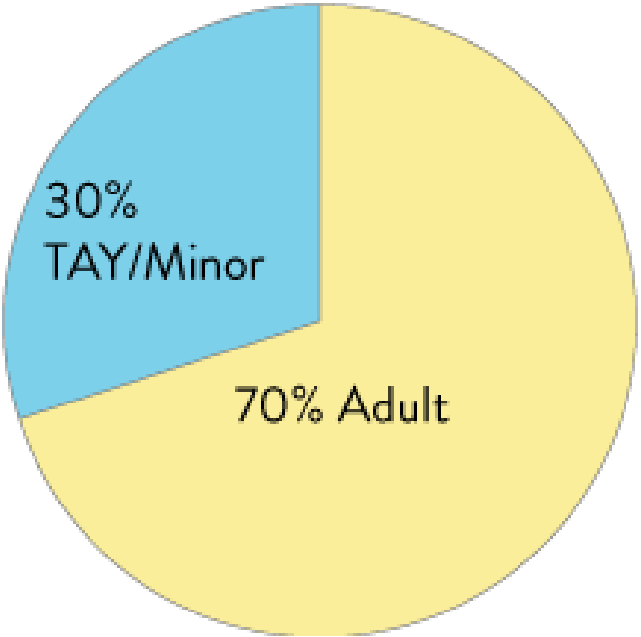
TYPE OF TRAFFICKING



GENDER



AGE



**60+ Countries (Top countries: U.S., Mexico, Philippines)**

# Legal Needs of Trafficking Survivors

- Child-Specific
- Civil Litigation
- Criminal Justice Advocacy
- Class Actions
- Employment
- Family Law
- Housing
- Immigration
- Public Benefits
- Tax-Related



Adapted from Polaris Project 2012





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# T Visas and Continued Presence

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OPTIONS FOR UNDOCUMENTED VICTIMS OF TRAFFICKING

# ELEMENTS FOR T ELEGIBILITY

1. Victim of Severe form of trafficking in persons

2. Present in US on account of trafficking

“Any Credible Evidence” Standard

3. Complied with reasonable requests for assistance in investigation or prosecution

- OR Trauma exception OR < 18 years old

4. Would suffer extreme hardship involving unusual and severe harm upon removal

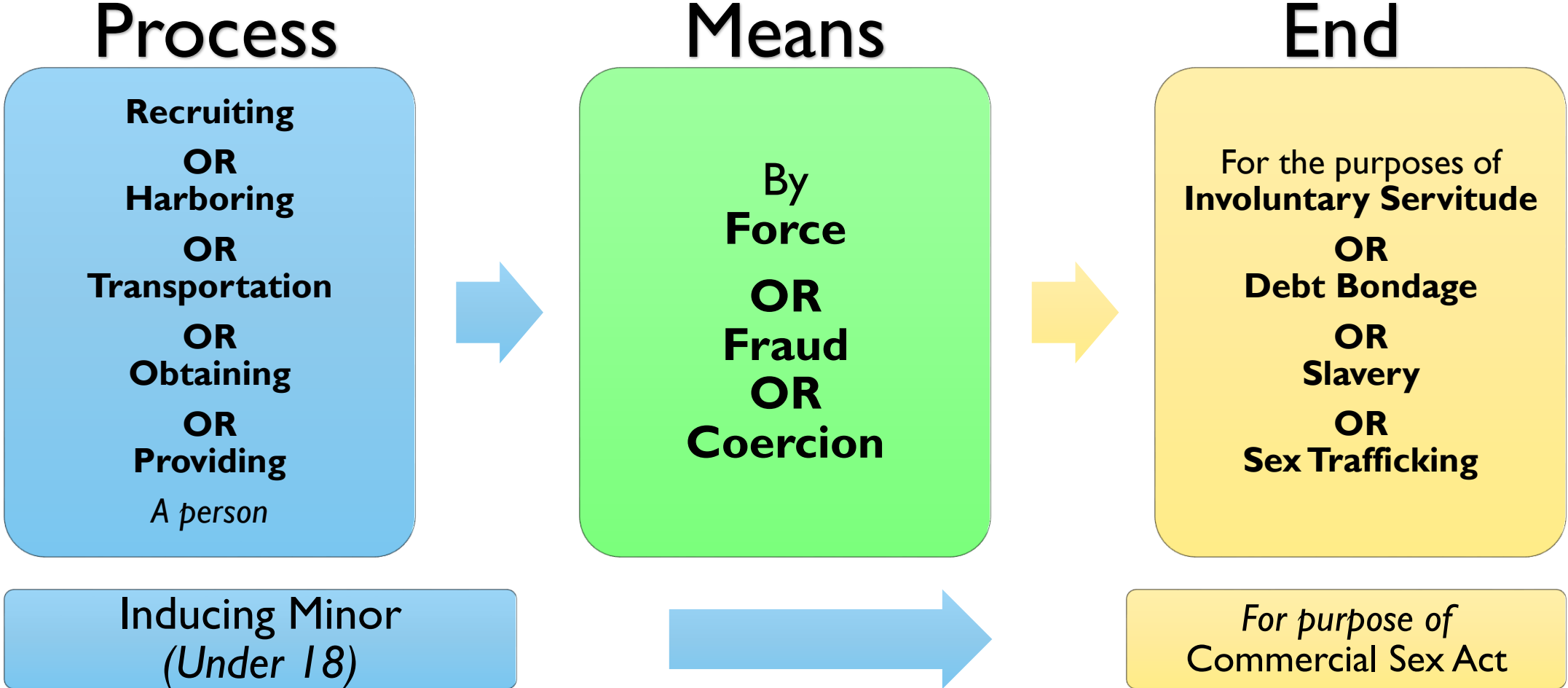
# Element 1: Victim of “Severe Form of Trafficking in Persons.”

## 22 USC § 7102(9)

The term “severe form of trafficking in persons” means:

- (A) **sex trafficking** 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
- (B) 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**.

# 3 Elements of Trafficking - 22 USC § 7102(9)



# PROCESS

Recruiting  
OR  
Harboring  
OR  
Moving  
OR  
Obtaining  
OR  
Providing  
*A person*



**Fact: No  
Movement is  
required.**

Trafficking **DOES NOT** require transportation across borders

# Harboring:

- **Maya** (15, USA) was kidnapped by two men who kept her in a locked box. They sexually assaulted her and physically harmed her. When she was not forced inside the locked box, the men forced her to cultivate marijuana without pay.



# MEANS

Not necessary for  
minors (under 18)  
engaging in  
commercial sex act

By  
Force  
OR  
Fraud  
OR  
Coercion



You **CAN NOT** consent to Human Trafficking

- **Arnold** (32, Philippines) was promised a good job in the US by a recruitment agency and secured a lawful visa to come to the US. He went into about \$5000 of debt to pay the placement fee. He and the other workers were told they would be arrested by the police and deported if they left. When one worker ran away, the employer posted a Wanted Sign in the house that said the runaway was wanted by the police.

# What is coercion?

Coercion legal defined in [22 U.S.C. § 7102\(3\)](#)

**Threat** of serious harm to or physical restraint against a person

Any **scheme, plan, or pattern** intended to cause a person to believe that failure to act would result in serious harm or physical restraint

Abuse or threatened **abuse of legal process**

# Arguing “Scheme, plan or pattern”

Long hours

Isolation from  
friends/family

Withholding  
documents

Constant surveillance

No cash of their own

Trafficker bought  
food/clothing

Inhumane living  
conditions

Having to work when  
sick

Not able to refuse  
customer requests

# Serious Harm (TVPA 2008)

18 USC § 1589(c)(2) Forced Labor, 18 USC § 1591(e)(4) Sex Trafficking

- Any harm whether:
  - Physical
  - Psychological
  - Financial
  - Reputational harm



That is sufficiently serious under all surrounding circumstances to compel a **reasonable person of the same background and same circumstances** to perform labor or commercial sex act to avoid harm.

# END

For the purposes of  
Involuntary Servitude

OR

Debt Bondage

OR

Slavery

OR

Sex Trafficking

Some victims are paid.

Payment  $\neq$  consent

- **Johnny** (14, USA) knew he was gay at an early age. After suffering constant bullying at school and the pressure to conform at home, he ran away. He was raped on the street, and pretty soon he was selling his body to make money.

# Common Misconceptions

Requires crossing borders

Can't be paid for work

Involves only US citizen children or only immigrants

Same as smuggling, prostitution or labor exploitation



## TRAFFICKING

- **Crime against a person**
- Contains the element of coercion (cannot consent to enslavement)
- Subsequent forced labor and/or forced commercial sex act
- Those trafficked are seen as victims by the law



## SMUGGLING

- **Crime against a border**
  - No coercion
- Unauthorized crossing of borders
- Those smuggled are seen as criminals by the law

**Labor  
Exploitation**

- “I don’t feel like I could find another job.”

**Human  
Trafficking**

- “My employer said that if I tried to didn’t do what I was told she would deport/blacklist/hurt me.”

# Domestic Violence and Human Trafficking

- Domestic violence advocates are in a unique position to identify human trafficking
- Survivors of human trafficking can be fleeing from DV
- Survivors are more likely to identify as survivor of domestic violence than human trafficking

[Freedom Network – “Human Trafficking and Domestic Violence” Policy Paper \(April 2015\)](#)

# Key Questions

- Was the person recruited? What were they promised?
- Were passports or other identity documents taken?
- **Was the person paid? How much? How many hours a day did the person work?**
- What were the working conditions in the U.S.?
- Was the person coerced?
  - Physical Threats, Legal threats, Plan to control
- Did the person try to leave? Could they stop working if they wanted to?
- Is the person afraid of his/her employer? Why?



# Individual Technical Assistance Support

Free support to attorneys and social service providers assisting trafficking survivors with legal needs in the following areas of law:

- Immigration
- Criminal Re-Entry
- Reporting to Law Enforcement
- Ethics
- Criminal Victim Witness Advocacy
- Program Support
- Referrals
- Civil
- ...and More.

For Assistance Complete  
TA Request Form:

<http://bit.ly/CASTTaForm>

Thank you for attending  
this seminar!

