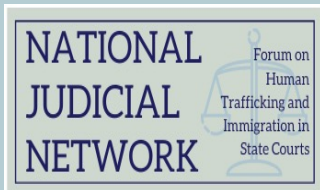


# National Judicial Network Forum on Human Trafficking and Immigration in State Courts

Diversity, Equity, Inclusion & Implicit Bias in Courts' Work with  
Immigrant and Human Trafficking Survivors

September 14<sup>th</sup>, 2021

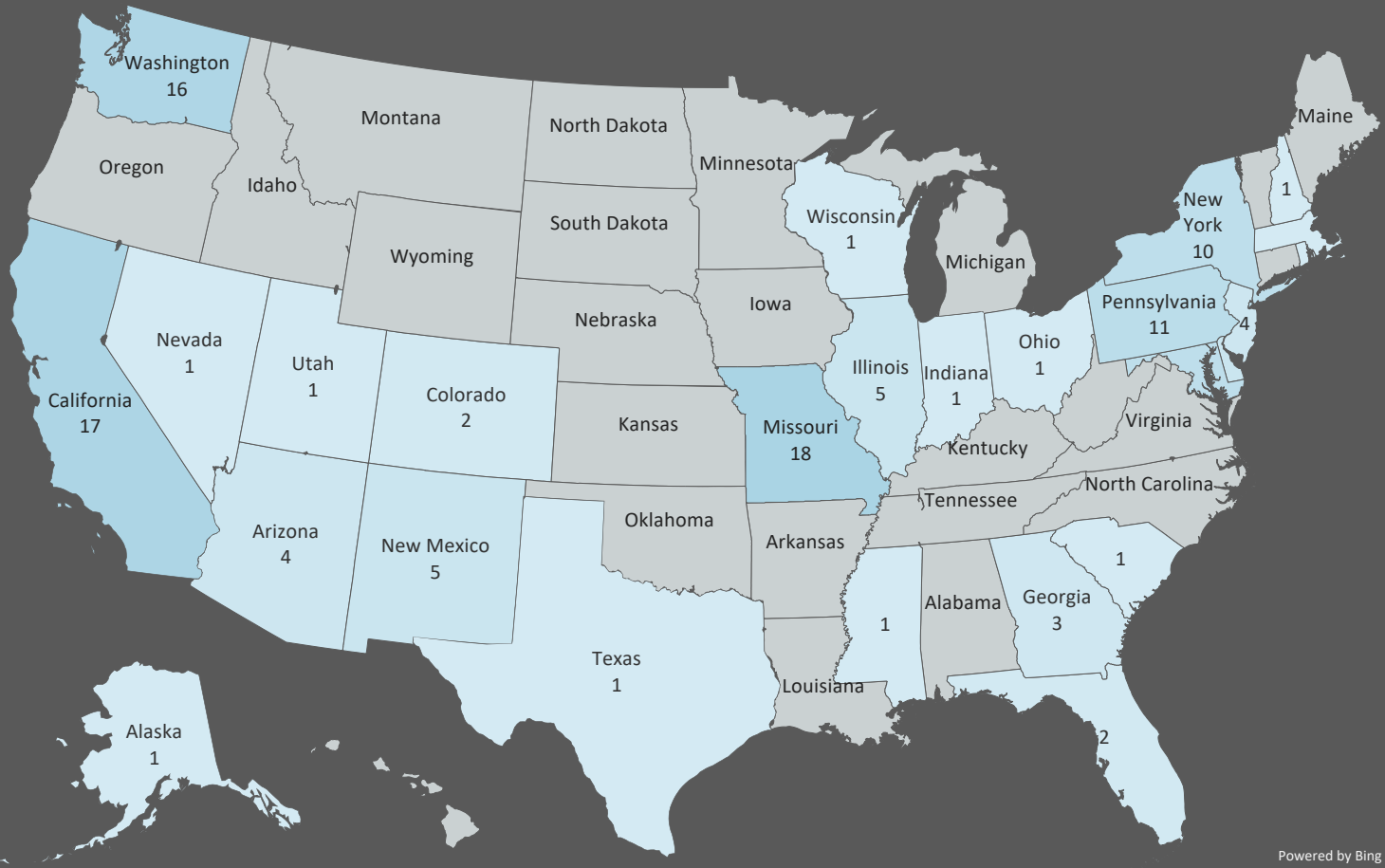
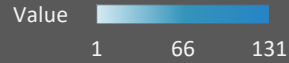
This publication was developed under grant number SJI-20-E-005 from the State Justice Institute.  
The points of view expressed are those of the authors and do not necessarily represent the official  
position or policies of the State Justice Institute.



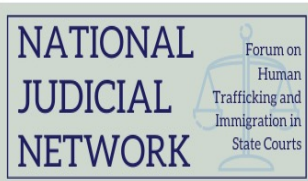
# Reminders

- We will be creating a Listserv (electronic mailing list) and adding members in the upcoming weeks.
  - Not moving forward with Slack
- Send in screening tools to be shared with members of the network.
- Please don't forget to complete the evaluation at the end of the session! We will also send the link in a separate email after the session.
  - <https://www.surveymonkey.com/r/9GHTYVB>

# State Representation in The National Judicial Network as of September 14th, 2021



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# Upcoming Peer-to-Peer Session Dates & Topics

**October 5<sup>th</sup>** – Online Trafficking and Recruitment Trends for Child Sex Trafficking

**November 2<sup>nd</sup>** – U.S. Citizenship and Immigration Services Answers Judges  
Questions on SIJS, U Visas, and T Visas

**November 4<sup>th</sup>** (Webinar) – Immigration Options for Survivors (U Visa, T Visa,  
SIJS, VAWA Self-Petition)

**December 7<sup>th</sup>** – STAR Assessment Tool Training: Helping Courts Identify Child  
Trafficking Victims

# Today's Facilitators



**Hon. Susan F. Maven**  
New Jersey Superior Court -  
Family Division,  
Juvenile Human Trafficking  
Diversion Program  
Atlantic City, New Jersey



**Hon. Ramona A. Gonzalez**  
Presiding Judge  
La Crosse County Circuit Court,  
La Crosse, Wisconsin,  
Court of General Jurisdiction  
2019-2020 NCJFCJ President

# Learning Objectives

1. You will gain a working understanding of cultural competence.
2. You will know what it is and what you should consider when addressing persons with backgrounds different than your own.
3. We will explore why being culturally competent is relevant and vitally important in immigration and human trafficking cases.
4. We will provide resources for you to review following today's session, so you can study these concepts in more depth.

## At-Risk Youth Caught in the Vortex:

### The Intersection Between Human Trafficking, Immigration Policies, And Trauma-Informed Services For Commercially Sexually Exploited Children.

**SCENARIO:** Maria, a girl from Central America, had been trafficked for labor and sex in her country. Her father physically abused her. He also accepted money from a Guatemalan gang for Maria, which took her to a home and held her captive. The gang members beat and raped Maria on an almost daily basis and eventually forced her into prostitution. When she became pregnant at age 16, Maria fled to New Mexico with the assistance of a handler who charged her the equivalent of \$500. In New Mexico, Maria lived with Anna Gonzalez, the handler's friend. While living with Ms. Gonzalez, Maria gave birth to a baby girl. Anna made Maria help her clean houses in exchange for room and board, and Anna gave Maria's pay to the handler.

Maria ran away from Anna and found her way to the County Building to apply for public assistance for herself and her child, but benefits were denied when she could not produce proper documentation. After several months of living on the streets, the baby took ill. When Maria went to a medical clinic for care, the nurse called CPS. CPS completed the intake process and placed Maria and her child in a resource home and filed a complaint for care and custody with the Court. Maria and the child were assigned attorneys and the case was scheduled for proceedings.

# What is Cultural Competence?

- Essentially, cultural competence is a set of skills and knowledge that can help you learn, reason, solve problems, and interact comfortably when you're working with people from different cultures.
- “A lifelong learning process that results in knowledge, skills, behaviours and attitudes that allow us to work effectively with others from different cultural backgrounds.”
- Cultural competence can be improved through training, education, and experience.



# Cultural Competence Has 4 Major Components

**Awareness** - of one's own cultural worldview

**Attitude** - toward cultural differences

**Knowledge** - about one's own culture

**Skill** - increased through a culturally competent training, workshop, or seminar

# Know Your Community

- Understand the demographics of the jurisdiction in which you serve
- Is there an immigrant community? What does this immigrant community look like, what are their customs, etc.?
- It could be helpful to bring in an expert with knowledge on these cultures in order to better understand their behavior, customs, and motivations.

# Caution: Do Not Make Assumptions!

- It is positive to educate court folks about these cultures, but it can be a negative thing if there are generalizations and assumptions made about these folks.

# Being Intentional

- Put in the effort to ask the pronunciation of surnames
- Ask if individuals would feel comfortable with an interpreter even if they understand English “a little bit”
- Sometimes victims won’t ask for interpreters out of fear of coming to a country that puts an emphasis on “speaking English”
- Asking if immigrants want an interpreter could be a loaded question because they don’t want to “bother” or “inconvenience” the court

# The Importance of Using Plain Language & Being Direct

- Avoid use of legalese
- Individuals who are potentially traumatized or victimized do not need to be confused by using complicated language, as it only makes the situation more difficult for them
- Could lead to avoidant, non-answers in response
- Especially important when talking with children
- Connected with language access

# Consent

- Access to Justice more than just words
  - Victims should understand their right not to disclose information.
- Judicial obligation to explain in clear and direct terms
- Allow time and space for informed consent

# Practical Tips to Prepare for Cases

1. Take a pause when you receive your docket and see that there are individuals who need interpreters or are immigrants.
  1. It could be helpful to ask for advanced notice of these cases, so you can prepare and familiarize yourself with the immigrant community the victim(s) is a part of in order to be prepared.
2. If there is an interpreter, check to make sure they speak the same dialect of the victim's language.
  1. This means knowing exactly where the victim is from.
3. Caution your court staff or other judges against making assumptions.

# What to Take Away & Bring Back to Our Communities

- Take an objective look at your colleagues and court staff...
- Do they say or do things that after this session give you pause...
- Would increasing awareness and understanding of cultural competence improve access to justice...
- Am I ready to be a catalyst for change?



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# Helpful Resources

- Toolkit: Cultural Considerations in Assisting Survivors of Human Trafficking
  - [https://humantraffickingsearch.org/e-course/index.html#/lessons/9I5J5eMOFsJChX20\\_um1S8DPxZ6AsQf](https://humantraffickingsearch.org/e-course/index.html#/lessons/9I5J5eMOFsJChX20_um1S8DPxZ6AsQf)
- Ottawa University: Why is Cultural Competence Important?
  - <https://www.ottawa.edu/online-and-evening/blog/august-2020/the-importance-of-cultural-competence>
- Assisting Survivors of Human Trafficking: Multicultural Case Studies
  - <https://humantraffickingsearch.org/wp-content/uploads/2017/09/HTS-Assisting-Survivors-1.pdf>
- Child Welfare Information Gateway: Working with Immigrant Families
  - <https://www.childwelfare.gov/topics/systemwide/diverse-populations/immigration/working/>

# Q & A

Please put your questions in the chat

# Session Evaluation

- Link to the poll
  - <https://www.surveymonkey.com/r/9GHTYVB>
- We will also send the link in a follow-up email.