

National Judicial Network
Forum on Human Trafficking and
Immigration in State Courts
Peer-to-Peer Session

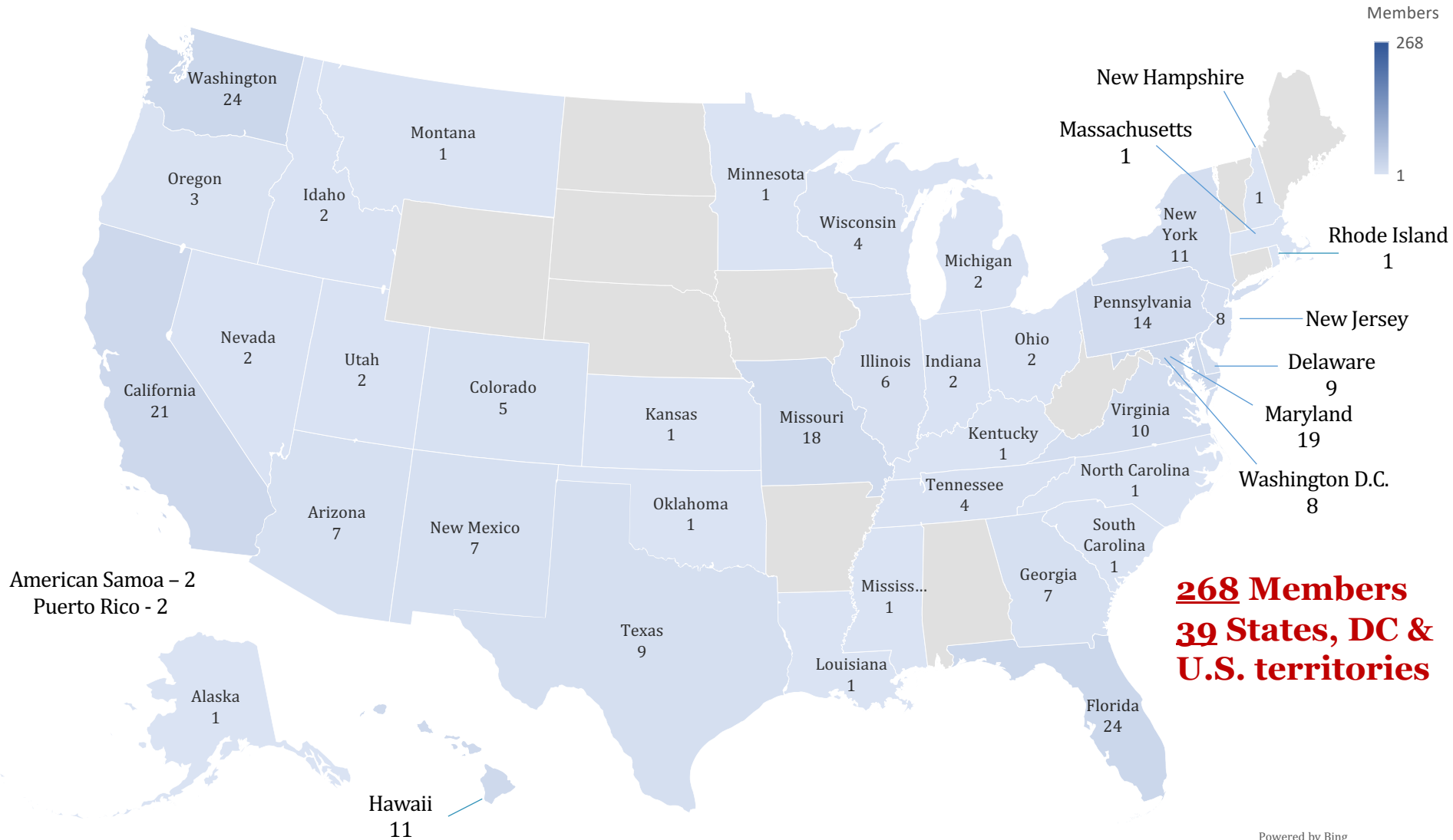
**Encountering Immigrant Child Trafficking
Victims in Court: The Court's Role & Tips,
Tools, and Steps Courts Can Take**

November 7, 2023

Thank You to SJI

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State Representation in The National Judicial Network as of November 1, 2023



268 Members
39 States, DC & U.S. territories

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Reminders About Today's Presentation

- Please note that today's session will be recorded.
- You can find useful materials like the PowerPoint presentation and recording from this presentation at the following webpage:

<https://niwaplibrary.wcl.american.edu/njn-encountering-child-trafficking-victims-in-court-nov-7-2023>

Upcoming Peer-to-Peer Sessions & Webinars

December 8, 2023 (Webinar) - *Lets Put Science First: Assessing Predatory Helpfulness and Coercive Control to More Accurately Understand Domestic Abuse and Sex Trafficking*

January 2024 – Date TBD

February 6, 2024

March 5, 2024

April 2, 2024

May 7, 2024

June 4, 2024

Today's Faculty



Judge Melissa Hemstreet

Superior Court of Washington, Kitsap County, Girls Court



Judge John J. Romero Jr. (Ret.)

Second Judicial District Court, Children's Court Division, Albuquerque, New Mexico



Leslye E. Orloff

Adjunct Professor, Director, NIWAP, American University, Washington College of Law

Learning Objectives:

At the end of this Peer-to-Peer Session, you will be better able to:

- Safely identify and connect human trafficking victims with supportive services and attorneys in your state
- Ensure compliance with Trafficking Victim Protection Act (TVPA) requirements for reporting suspected foreign born child trafficking victims to OTIP
- Identify co-occurring labor and sex trafficking
- Make findings to document trafficking (actions, means, purposes)

Reminder Two Sessions with OTIP Available for Viewing & Reviewing

- HHS' Office on Trafficking in Persons (OTIP) Answers Questions on Identifying and Reporting Child Trafficking Victims

<https://niwaplibrary.wcl.american.edu/njn-otip-may-2-2023>

- Identifying Human Trafficking in Domestic Violence Relationships: How OTIP Letters and Certifications Can Enhance Access to Public Benefits and Services for Survivors and Their Children

<https://niwaplibrary.wcl.american.edu/dv-trafficking-otip-webinar>

Useful Data on Human Trafficking

See Handout:

NJN, Data on Human Trafficking in the United States and Checklists That Support Identification and Findings in Human Trafficking Victim's Cases

Human Trafficking Hotline Reporting Data 2019 on Trafficking Victims

- Female 82%, Male 12%, Gender Minorities 6%
- Adults 73%; Minors 27%
- Citizens/lawful permanent residents 43%
- Immigrants 57%
- Type of trafficking
 - Sex trafficking 71.7%
 - Labor or sex and labor trafficking 16%

Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
 - Parent, grandparent, aunt, uncle, cousin, sibling
 - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
 - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner
- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. *Child Abuse & Neglect* (2014), <http://dx.doi.org/10.1016/j.chiabu.2014.07.015>

2022 ANNUAL TRAFFICKING REPORT

Delaware Juvenile Trafficking Report

REPORT OF VICTIMS OF SUSPECTED TRAFFICKING

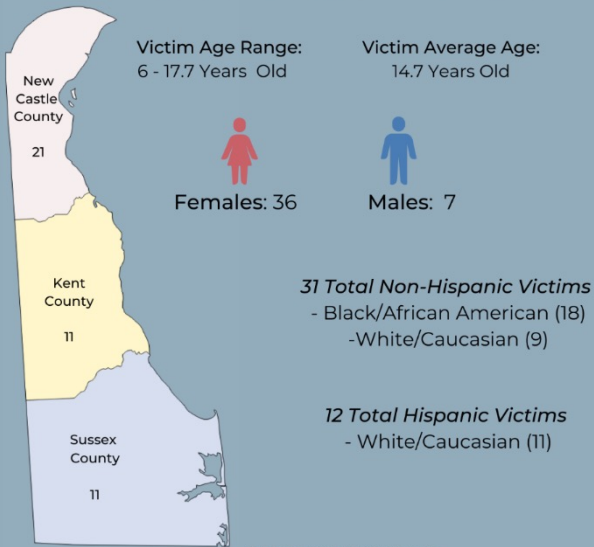
Screened In: Case meets the purview of the Office of the Investigation Coordinator (IC) and has been accepted to be monitored through the civil and criminal investigation of the allegations.

Intra-familial case: The alleged perpetrator is a caregiver or member of the child's household.

Extra-familial case: The alleged perpetrator is not a caregiver or member of child's household.

Screened-In Victims: 43 Intra-Familial Victims: 16 Extra-Familial Victims: 27

Demographic Breakdown: 43 Victims



JANUARY - JUNE 2023 SEMI-ANNUAL TRAFFICKING REPORT

Delaware Juvenile Trafficking Report

REPORT OF VICTIMS OF SUSPECTED SEX AND LABOR TRAFFICKING

Screened In: Case meets the purview of the Office of the Investigation Coordinator (IC) and has been accepted to be monitored through the civil and criminal investigation of the allegations.

Extra-Familial Case: The alleged perpetrator is not a caregiver or member of child's household.

Intra-Familial Case: The alleged perpetrator is a caregiver or member of the child's household.

Screened-In Victims: 52 Extra-Familial Victims: 30 Intra-Familial Victims: 22
 Screened-In Suspects: 36 Extra-Familial Suspects: 14 Intra-Familial Suspects: 22

Trafficking Cases: 51

Majority Cases are Sex Trafficking

Victim Breakdown: 52

Majority of Victims are Female

Average Age: 14.3 Years Old

Age Range: 2 - 17 Years Old

44 Non-Hispanics
27 African Americans
17 Caucasians

Initial Indicator

30 Suspicion of Trafficking
17 Risk of Trafficking
5 Identified Trafficking

Suspect Breakdown: 36

Males: 17 Females: 19

Average Age: 39.4 Years Old

Age Range: 18 - 73 Years Old

31 Non-Hispanics
20 African Americans
11 Caucasians



Data Source: Office of the Child Advocate. Office of the Child Advocate Suppression Policy: If a number is less than six it will not be shown to keep the identities confidential. Data reflects known victims/suspects.

Child Eligibility Trends, FY22

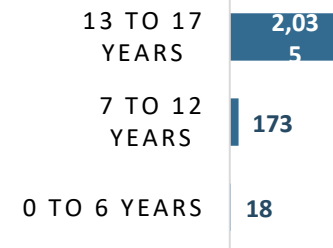
Eligibility Letters Issued

2,226

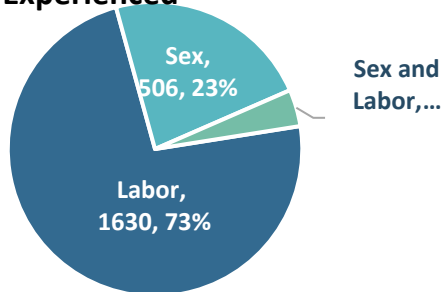
Top Ten Client Countries of Origin

- | | |
|----------------|---------------|
| 1. Guatemala | 6. Nicaragua |
| 2. Honduras | 7. Ghana |
| 3. El Salvador | 8. Haiti |
| 4. Mexico | 9. India |
| 5. Ecuador | 10. Venezuela |

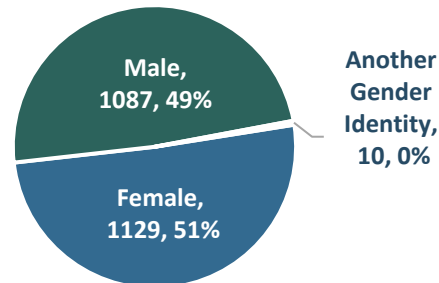
Client Age at Time of RFA Receipt



Type of Trafficking Experienced



Client Gender Identity

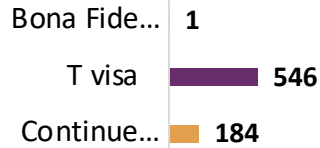


Adult Certification Trends, FY22

Certification Letters Issued

731

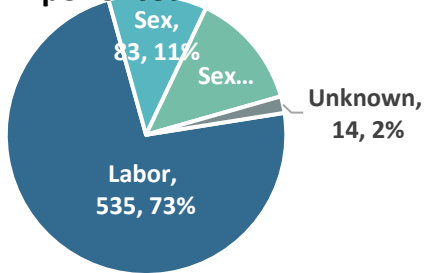
Certification Authority (FY22)



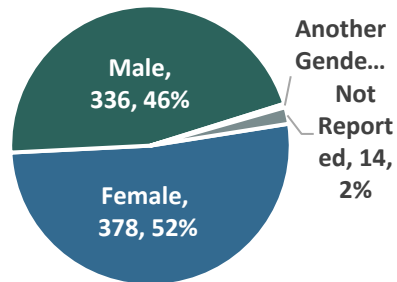
Top Ten Client Countries of Origin

- | | |
|----------------|----------------|
| 1. Mexico | 6. El Salvador |
| 2. India | 7. Bangladesh |
| 3. Honduras | 8. Peru |
| 4. Philippines | 9. Colombia |
| 5. Guatemala | 10. Chile |

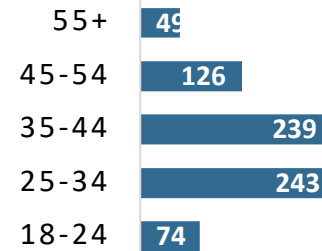
Type of Trafficking Experienced



Client Gender Identity



Client Age at Time Request for Certification was Received



Large Group Discussion



If you suspect that a person is a victim of human trafficking what steps could you take as a judge?

Large Group Discussion



The TVPA requires reporting to OTIP when a government agency (including judges) suspect a foreign born child is a victim of human trafficking.

How can judges promote victim safety and ensure this reporting happens?

Connecting Victims

- Who could you task to help a potential human trafficking victim?
- How would you go about doing this?
- Would your approach be different if the potential victim was
 - A child or an adult
 - A noncitizen or a citizen
- How would you identify supportive programs?

Support for Trafficking Victims

- Justice system, government agency examples
 - Probation
 - Child Protective Services
 - Others
- Judges Roles?
- Community partners from a range of expertise
 - Human trafficking
 - Child advocates
 - Victim advocates
 - Immigrant rights
 - Pro bono, low bono legal services
- Judges roles?
- Relationship building examples?

Large Group Discussion



How have you seen sex trafficking and labor trafficking overlap?

Why is it important to identify both?

Large Group Discussion



What are the benefits for courts when immigrant trafficking victims are identified?

Available at
<https://niwaplibrary.wcl.american.edu/wp-content/uploads/DHS-Interactive-Infographic-on-Protection-for-Immigrant-Victims.pdf>

U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

T VISA CONSIDERATIONS

- ▶ Must be in the U.S. on account of human trafficking
- ▶ Law enforcement declaration is encouraged but not required

VAWA CONSIDERATIONS

- ▶ Have suffered battery or extreme cruelty perpetrated by your U.S. citizen or Lawful Permanent Resident spouse or parent or your U.S. citizen adult son or daughter
- ▶ Petitioners and perpetrators may be of any sex or gender

ASYLUM CONSIDERATIONS

- ▶ Must fear persecution on account of race, religion, nationality, political opinion, or membership in a particular social group
- ▶ If in removal proceedings, may need to file Form I-589 with the immigration judge

SIJ CONSIDERATIONS

- ▶ Must be a victim of abuse, abandonment, neglect, or a similar basis under state law by one or both parents
- ▶ Must have a juvenile court order with the required determinations

U VISA CONSIDERATIONS

- ▶ Qualifying crime must have occurred in the U.S. or violated U.S. law
- ▶ May apply from the U.S. or while abroad
- ▶ Must have law enforcement certification

BLUE CAMPAIGN
One Voice. One Mission. End Human Trafficking.

Center for Countering Human Trafficking

DHS.GOV/BLUECAMPAIGN For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)

All U.S. Citizenship and Immigration Services (USCIS) forms can be found at: www.uscis.gov/forms/all-forms



Child Eligibility Benefits

Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid				Unaccompanied Refugee Minors Foster Care Program
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings				Voluntary Agency Matching Grant Program
		Refugee Medical Assistance				

Aspire Case management services and OTIP coordination nationwide



Adult Certification Benefits

Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid		Matching Grant	Tenant-Based Vouchers	
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings		Refugee Support Services		
		Refugee Medical Assistance				

Trafficking Victim Assistance Program (TVAP)
 Comprehensive case management services nationwide

U.S. Citizen Victims of Human Trafficking

Children

- Federal, state, and local public benefits
- National Trafficking Hotline triage & connect with resources locally
- DOJ & OVC grantees
- Child protective services

Adults

- Federal, state, and local public benefits
- National Trafficking Hotline triage & connect with resources locally
- DOJ& OVC grantees

Large Group Discussion



Over 90% of victims filing T and U visas, VAWA self-petitions and SIJS applications are represented by counsel, what steps might judges take to help ensure trafficking victims get immigration representation?

When Traffickers are Family Members or Custodians of Children

- How Office of Refugee Resettlement makes placements and changes over time
- When caregivers of children are also trafficked, abused, or exploited
- Steps judges can take?

Large Group Discussion



What types of findings might you make that would be helpful to a victim of human trafficking?

NJN Tool: Checklists That Support Identification and Findings in Human Trafficking Victim's Cases:

- Trafficker's actions
 - Labor and sex trafficking
 - Adults & minors
- Mean's used by traffickers
 - All labor trafficking
 - Sex trafficking of victim over age 18
- Purpose
 - Involuntary servitude
 - Debt bondage
 - Peonage
 - Slavery
 - Commercial sex act
- Trafficking vs.
 - Smuggling
 - Ransom
 - Labor exploitation
- Involuntary servitude
 - Occurring within families
- Forced criminality
 - Examples in child trafficking cases

Large Group Discussion



If you suspect a trafficker or a person working with the trafficker is in your courtroom what steps can you take?

Important Issues

- Culturally appropriate services
- Language access and use of qualified interpreters

Questions and Answers



Thank You for Joining Us!

- Materials for this peer-to-peer session and the recording of all OTIP sessions are available at:
 - <https://niwaplibrary.wcl.american.edu/njn-otip2023>
 - Please encourage judicial officers in your state and nationally to join the National Judicial Network!
 - <https://www.surveymonkey.com/r/VGY9VJM>

NIWAP Technical Assistance, Materials, and Training

- Judicial training manuals, toolkits, bench card and materials at <https://niwaplibrary.wcl.american.edu/sji-njn-materials>
 - **NIWAP Technical Assistance**
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu

Session Evaluation

- Please don't forget to complete the evaluation at the end of the session!
- Link to the survey:
 - <https://www.surveymonkey.com/r/3V2DYX2>
- We will also send the link in a separate email after the session.