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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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) -** *Let's 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

**2022 Annual Trafficking Report**

**Delaware Juvenile Trafficking Report**

**Report of Victims of Suspected Trafficking**

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

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

**Demographic Breakdown: 43 Victims**

- **Victim Age Range:** 6 - 17.7 Years Old
- **Victim Average Age:** 14.7 Years Old

- **Females:** 36
- **Males:** 7

- **31 Total Non-Hispanic Victims**
  - Black/African American (18)
  - White/Caucasian (13)

- **12 Total Hispanic Victims**
  - White/Caucasian (11)

**Screened In Cases: 52**

**Extra-Familial Cases:**
- **Victims:** 30
- **Suspects:** 14

**Intra-Familial Cases:**
- **Victims:** 22
- **Suspects:** 22

**Traffic Geographic Breakdown:**

- New Castle County: 24
- Kent County: 11
- Sussex County: 11

**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

**Non-Hispanics:**
- 44
- 27 African Americans
- 17 Caucasians

**Initial Indicator:**
- 39 Suspicion of Trafficking
- 17 Risk of Trafficking
- 5 Identified Trafficking

**Suspect Breakdown: 36**

- **Males:** 17
- **Females:** 19
- **Average Age:** 29.4 Years Old
- **Age Range:** 18 - 73 Years Old

- 31 Non-Hispanics
- 20 African Americans
- 11 Caucasians

*Data Source: Office of the Child Advocate*
Child Eligibility Trends, FY22

Eligibility Letters Issued
2,226

Type of Trafficking Experienced

- Labor, 1,630, 73%
- Sex, 506, 23%
- Sex and Labor, ...

Top Ten Client Countries of Origin
1. Guatemala
2. Honduras
3. El Salvador
4. Mexico
5. Ecuador
6. Nicaragua
7. Ghana
8. Haiti
9. India
10. Venezuela

Client Gender Identity

- Female, 1,129, 51%
- Male, 1,087, 49%
- Another Gender Identity, 10, 0%

Client Age at Time of RFA Receipt

- 0 TO 6 YEARS 18
- 7 TO 12 YEARS 173
- 13 TO 17 YEARS 2,035

Top Ten Client Countries of Origin
1. Guatemala
2. Honduras
3. El Salvador
4. Mexico
5. Ecuador
6. Nicaragua
7. Ghana
8. Haiti
9. India
10. Venezuela
Adult Certification Trends, FY22

Certification Letters Issued
731

Type of Trafficking Experienced
- Labor, 535, 73%
- Sex, 83, 11%
- Unknown, 14, 2%

Certification Authority (FY22)
- Bona Fide... 1
- T visa 546
- Continue... 184

Client Gender Identity
- Male, 336, 52%
- Female, 378, 52%
- Another Gender... Not Reported, 14, 2%

Client Age at Time Request for Certification was Received
- 55+ 49
- 45-54 126
- 35-44 239
- 25-34 243
- 18-24 74

Top Ten Client Countries of Origin
1. Mexico
2. India
3. Honduras
4. Philippines
5. Guatemala
6. El Salvador
7. Bangladesh
8. Peru
9. Colombia
10. Chile
If you suspect that a person is a victim of human trafficking what steps could you take as a judge?
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
# Child Eligibility Benefits

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<thead>
<tr>
<th>Monetary Assistance</th>
<th>Nutrition</th>
<th>Medical Services</th>
<th>Education</th>
<th>Employment</th>
<th>Housing</th>
<th>Multiple Needs Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee Cash Assistance</td>
<td>Supplemental Nutritional Assistance Program</td>
<td>Children's Health Insurance Program</td>
<td>Title IV Federal Student Financial Aid</td>
<td>Job Corps</td>
<td>Public Housing Program</td>
<td>Refugee Social Services and Targeted Assistance</td>
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<tr>
<td>Supp. Security Income</td>
<td></td>
<td>Medicaid</td>
<td></td>
<td></td>
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<td>Unaccompanied Refugee Minors Foster Care Program</td>
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<tr>
<td>Temporary Assistance for Needy Families</td>
<td></td>
<td>Office of Refugee Resettlement Medical Screenings</td>
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<td>Voluntary Agency Matching Grant Program</td>
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<td>Refugee Medical Assistance</td>
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Aspire Case management services and OTIP coordination nationwide
### Adult Certification Benefits

<table>
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<td>Matching Grant</td>
<td>Tenant-Based Vouchers</td>
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** 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

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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
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.