



The Coalition to Abolish Slavery & Trafficking (CAST)

- CAST is a multi-ethnic, multi-lingual human rights organization located in Los Angeles that has been nationally and internationally recognized for its dedication to the identification of trafficking survivors, the mobilization of all sectors of the community to identify and advocate against trafficking, and the provision of direct services for victims.
- CAST serves all survivors of human trafficking (from 59 countries including the US), whether foreign national or U.S. citizen, regardless of gender or sexual orientation and both adults and minors. We provide comprehensive long-term services through a three-pronged empowerment approach which includes Social Services, Legal Services, and Outreach and Training. We place the survivor at the center and infuse all of our services with a trauma-informed, survivor-empowerment model.

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Legal Services

- Victim Witness Advocacy
 - Asserting Victim's Rights under Marsy's Law (Victims' Bill of Rights)
 - Entering an appearance to make restitution requests
 - California Victim Compensation Program (CalVCP)
- Criminal Re-entry
 - Warrants
 - Expungements
 - Advocating for prostitution dismissals under Evidence Code 1161
- Immigration
 - Continued Presence
 - T-Visa + Benefits (eligible for benefits such as cash and medical assistance to the same extent as refugees if certified by HHS)
 - U-Visa
 - VAWA
 - SIJS
- Civil Remedies
 - Tort/Labor violations
- Family/Dependency Law
 - Divorce/custody disputes
 - Restraining Orders
 - Child/Victim in DCFS custody

Snap Shot of Human Trafficking Clients

- All genders: male, female, transgender, etc.
- All ages: 7 to 75
- Foreign nationals, US Citizens, Legal Permanent Residents, documented & undocumented ...
- Countries of origin span the world
- Forced labor, sex trafficking, combination of both
- Representation sometimes 5 years or more

OVERVIEW OF TRAINING

PART 1: Scope of Human Trafficking in the U.S.

PART 2: The Legal Framework & Landscape of Human Trafficking

PART 3: Screening & Identifying Trafficked Persons & Legal Issues

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Part 1:

Scope of Human Trafficking in the U.S.

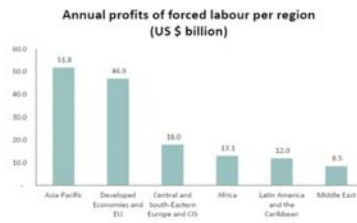
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Human Trafficking is an Under Identified Crime

- Many people think of human trafficking as only an international problem or most recently US citizen sex trafficking problem
- Victims tend not to self-identify as trafficking victims- especially children
- Often victims are arrested and jailed and /or deported before their full story is known-for both labor and sex trafficked children

Global Estimates of Forced Labor*

- **21 million victims**
- **11.4 million women/ girls**
- **9.5 million men/boys**



Source: International Labor Organization, *Profits and Poverty: The Economics of Forced Labor* (2014). Chart on right is from the same report, on p. 14

*ILO definition of "forced labor" covers all forms of human trafficking, including sex trafficking

TOTAL illegal profits = \$150.2 billion/yr.

See also, Department of State Trafficking in Persons Report, 2014

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National Estimates

- United States - #1 destination for human trafficking
- **14,500 - 17,500** women, men and children are trafficked into the US annually. Not updated since 2006.
- No annual count ever provided by US government to estimate the number of victims of trafficking within the US or in modern day slavery during any year within the US.
- Unreliable estimates of the number of children involved in sex trafficking or labor trafficking cases in the United States
- CAST / APILO has handled cases of both sex and labor trafficking foreign national and US citizens. This is consistent with experience of service providers nationally who serve all victims

Department of Justice, California Attorney General, Human Trafficking Report 2012

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Data on Labor & Sex Trafficking

- Most information on Child Sex trafficking
 - Example: West Coast Children's Clinic study
 - 113 sex trafficked children, average age 16
 - Age Range 11-20
 - 63% run away often or at every opportunity
 - 66 %Made concerted efforts to hide and resist return if they are found
- No good numbers on labor trafficking
 - Example Ohio Prevalence Report on Human Trafficking
 - 2879 US Citizen children at risk of sex trafficking and 1078 US citizen child trafficking victims
 - 3437 Foreign born at risk of sex or labor trafficking and 783 in sex or labor trafficking
- No numbers at all on US Adult Labor or Sex trafficking

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Example of Industries People are Trafficked Into:

- | | |
|--|-------------------------|
| □ Sex Work (commercial and non-commercial) | □ Manufacturing work |
| □ Domestic Service/ Au Pairs | □ Home care/ Elder care |
| □ Restaurant Work | □ Construction |
| □ Hair Braiding Salons | □ Hospitality |
| □ Scientologists | □ Housekeeping |
| □ Magazine crews | □ Daycare teacher |
| □ Forced to sell or cultivate drugs | □ Forced peddling |
| □ Fishing | □ Agricultural work |
| | □ Cleaning business |
| | □ Marriage |

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Recruitment

- Acquaintances, friends, family members, intimate partners
- Newspaper ads
- Fake or legitimate employment agencies/ labor brokers/ U.S. Guestworker Program
- Fake travel agents or agents of other businesses
- Word of mouth
- Marriage bureaus
- Internet advertising

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Slavery, Labor Brokers and the US Guestworker Program

- As global demand for labor increases, labor brokers act as the middlemen, facilitating a connection between potential workers and their eventual employers.
- System of labor brokerage is not transparent, often corrupt and lacks in accountability.
- Labor brokers range from substantial well-organized companies to smaller, informal operations.
- In all cases, use of labor brokers increases vulnerability of migrant workers to various forms of forced labor once on the job.

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Barriers for Survivors

- | | |
|--|--|
| □ Cultural | □ Physical Abuse |
| □ Isolation | □ Distrusting |
| □ Continuous surveillance by traffickers | □ Self-Definition |
| □ “Coached” cover story | □ Esteem |
| □ Fear | □ Loyal or sympathetic |
| □ Violence against them or their family | □ Attachment to Trafficker |
| □ Debt | □ Personal commitment to paying off debt |
| □ Deportation | □ Overwhelming sense of helplessness |
| □ Fear of authorities | |

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Example Labor Trafficking Cases

- **Tara**, an 19 year old, freed herself by running away from her labor traffickers after she was forced to work for no pay selling magazine subscriptions. When she asked to leave, they smashed her cell phone. She ran away and arrived a local police station. She was transported from Tennessee to California.
- **Arnold** was 32 years old and from the Philippines. He was promised a good job in the US and secured a lawful visa to come to the US through a recruitment agency. He went into about 5000 debt to come to the United States. Once in the United States he lived in a house with 20 other workers, slept on the floor and often worked 18-20 hours a day at various hotels. He and the other workers in the house were told if they left the employer they could be arrested by the police. When one worker left, the employer posted a wanted sign in the house of this person.
- **Maggie**, a deaf woman from Mexico was promised a good job in a florist shop when she agreed to come to the United States. Once in the United States she was forced to peddle trinkets on the street, sexually assaulted and threatened by who trafficker if she did not make her daily quota.
- **Jax** and **Lari** (22 and 23) were on the run after coming out to their families in Florida. They answered an ad in California for a nanny service, but was not paid and groped. One time, their drinks were drugged, and they luckily locked their bedroom door. They escaped when a third young woman, **Cara**, (32) also answered the same nanny service ad, who had a car, help them run away and contact local police.

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Example Sex Trafficking Cases

- **Angela**, a 15 year old from Los Angeles, starting running away from home at the age of 13 because of sexual abuse at home. She had contact with the Child Dependency system at least 11 separate times. At the age of 13 she was introduced by a friend to a Pimp and he forced her to engage in prostitution through beatings and other abuse. Angela was arrested by the police for prostitution two separate times at the age of 14 and 15. She has currently disappeared from the system.
- **Jasmine** was promised a good job as a masseuse when she came to the United States from Korea. Instead when she arrived she was told she owed 20,000 debt and that she had to pay this off working as a prostitute. She was forced to see up to 20 customers a day and knew her traffickers had connections to criminal gangs.

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Child Labor Trafficking

- Domestic Servitude/ Au Pairs
- Restaurant Work
- Hair Braiding Salons
- Scientologists
- Magazine crews
- Forced to sell or cultivate drugs
- Forced peddling
- Agricultural work
- Drug Mules

Stats on Child Labor Trafficking from the NHTRC

- Most common type of child labor trafficking case calls from hotline
 - sales crews/peddling rings (196 cases)
 - Domestic Work (25 Cases)
 - Restaurant Work (25 Cases)
 - Small Business (17 Cases)
 - Agriculture (7 Cases)

Media Reports on Child Labor

- ❑ **Pot Farmer Confessed To Kidnapping Teen Girl, Keeping Her In A Box**
http://www.huffingtonpost.com/2013/08/02/pot-farmer-kidnapped-teen-girl_n_3695793.html
- ❑ Child runs away from foster home in California, kidnapped and kept in metal box, sexually assaulted and forced to pick marijuana in northern California.
- ❑ **Two men arrested in case of Orlando kids selling items door-to-door**
<http://www.floridatoday.com/article/20131029/NEWS01/310290024/children-human-trafficking>
- ❑ October 2013, an agent with Florida Department of Children and Families reported to Palm Bay police observations that uncovered a child labor trafficking scheme in which 24 US citizen children were forced to sell items door-to-door for ten hours per day. Police arrested two men in connection with this operation for labor trafficking.
- ❑ **Magazine Crew - Human trafficking may have knocked at your door.**
<http://www.denvervoice.org/featuresnews/2009/11/11/feature-magazine-crew-human-trafficking-may-have-knocked-at.html>
- ❑ An organization in Colorado has helped a number of children who were trapped in magazine crews. In one case a boy who refused to leave an elementary school, ran away from a magazine crew and had no idea what state he was in

Survivor Stories

- ❑ **Brandon, 17, from a Central American country was forced to sell drugs in the United States. He was eventually charged with drug trafficking in juvenile court. The Juvenile Justice System eventually found Brandon guilty of selling drugs.**

- ❑ In New York City multiple children have been identified as being recruited to sell drugs by gangs. They are told they have a debt, and know what happens to people who argue with the gang. They think they can pay back the debt in a couple of weeks, but the debt never reduces and they are afraid what will happen if they try to stop.

Criminal Prosecutions

- In *US v. Callahan* a federal jury convicted an Ashland Ohio couple of engaging in a labor trafficking conspiracy and other crimes related to holding a U.S. Citizen child and her mother against their will and forcing them to perform manual labor. One of the many threats used against the mother and child by the traffickers included having Ashland County Job and Family Services take the child away. Other tactics included beatings, threats of beatings, taunting and threatening the victims with pit bulls and snakes. Callahan also forced the mother to hit her child while they recorded a video, and threatened to inflict much greater physical harm on them if they did not comply. He then repeatedly threatened to have the child taken away by showing the videos to authorities.

Unaccompanied Alien Children

- Fleeing violence, gang recruitment and trafficking
- May be trafficked:
 - ▣ In home country
 - ▣ En-route to the United States
 - ▣ At the US border
 - ▣ Once in the United States
- Need for increased protections

RHY & Child Dependency Attorneys

- Both report serving child sex and labor trafficking victims
- Both report asking more identification questions on sex trafficking than labor
- Nationally legislation is asking Child Welfare systems to pay more attention to child sex trafficking but the same attention is not being paid to child labor trafficking

Child Trafficking

- **Child trafficking at its core is about child exploitation for commercial purposes. The dynamics of why and how children are recruited into sex or labor trafficking is therefore strikingly similar as are the trauma bonds to the traffickers that many children experience.**

Need for Data & Training

- **Better data collection is needed for all forms of child trafficking. If data is only collected and training is only provided by child welfare and juvenile justice systems about child sex trafficking and not child labor trafficking, we will never understand the dynamics of this issue in our child welfare and juvenile justice systems and the resources needed to effectively deal with this issue.**

Cost Effective

- **It's far more cost effective to include all child trafficking victims, both sex and labor, in any reforms made to the child welfare system to deal with child commercial exploitation issues.**
 - *Many of the changes needed in the child welfare system start with data collection and training. Development of these materials and resources is a one-time cost and including all forms of child trafficking will not make it more costly. It will be more costly if these materials need to be developed again in the future.*
 - *Child sex and labor trafficking victims need very similar specialized services that understand the dynamics of human trafficking- including access to shelter, basic necessities, mental health and medical care, case management, and legal services.*

PART 2

Understanding the Legal Framework and Landscape of Human Trafficking

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Human Trafficking is a Modern Day Form of Slavery

- Victims trafficked for:
 - **Forced labor:**
Examples: restaurant work, agricultural work, domestic work, factory work, or illegal enterprises such as selling drugs and serving as decoys in smuggling cases.
 - **Sexual exploitation:**
Examples: prostitution, use in pornography

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US Federal Response:
Trafficking Victims Protection Act (TVPA)

The four “P”s:

- **Prosecution**
 - New crimes of trafficking and forced labor defined
- **Protection**
 - Provided to trafficked persons through immigration relief and other benefits
- **Prevention**
 - Funding for international efforts focused on prevention
- **Partnership**

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Federal Definition of Victims Eligible for Services

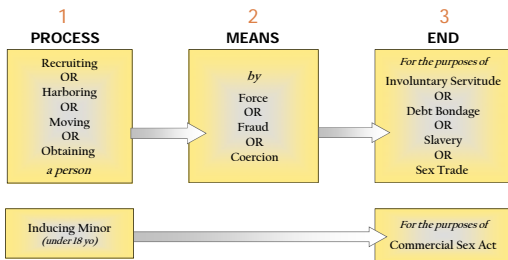
The term "severe forms of trafficking in persons" means:

- (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**.

(Victims of Trafficking and Violence Prevention Act of 2000)

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Elements of Trafficking



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Common Misconceptions

- Trafficking requires the crossing of national or international borders
- Trafficking only involves foreign nationals, not US citizens
- You can consent to being trafficked
- Individuals cannot be paid for work

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Trafficking vs. Smuggling

TRAFFICKING:

- Contains the element of coercion (cannot consent to enslavement)
- Subsequent exploitation and/or forced labor
- Those trafficked are seen as victims by the law

SMUGGLING:

- No coercion
- Unauthorized crossing of borders
- Those smuggled are seen as criminals by the law

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Human Trafficking vs. Smuggling vs. Prostitution



Credit: Andy Huang, of N. Cal. AUSA's office

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Labor Exploitation

Actions taken in the work place that violate labor law

For example sweatshops involve:

- Extreme exploitation, including the absence of a living wage or long work hours,
- Poor working conditions, such as health and safety hazards,
- Arbitrary discipline, such as verbal or physical abuse, or
- Fear and intimidation when they speak out, organize, or attempt to form a union.

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What Constitutes Coercion?

22 U.S.C. § 7102 Coercion. The term "coercion" means--

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of the legal process.

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Abuse Defined

TVPPA of 2008 Section 221

- The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

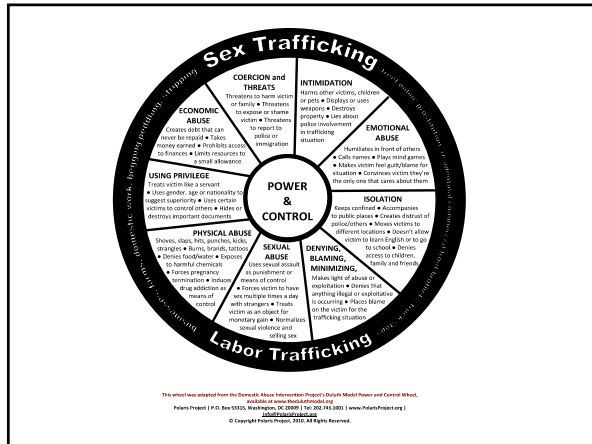
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Serious Harm Defined

TVPPA of 2008 Section 221

- The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services/commercial sexual activity in order to avoid incurring that harm.

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Options for Relief and Recovery

- Criminal Prosecution
- Civil Law Remedies
- Repatriation or Immigration

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Repatriation & Reintegration Assistance

- Obtain identification and travel documentation
- Link up with NGO in country of repatriation to assess family situation, safety, available services, accompany client through immigration, etc.
- Arrange for safe travel and re-entry
- Follow-up with client as appropriate
- For assistance arranging travel, purchasing air tickets, and linking client to local resources contact
 - International Office of Migration "IOM"
 Emmanuel Martinez, emartinez@iom.int, 202- 862-1826, ext. 242

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Immigration

- Provided by the TVPA
- Must assist with criminal investigation and/ or prosecution
- Forms of Relief specific for Human Trafficking Victims:
 - Temporary relief through Continued Presence
 - Possibility to adjust status to become a legal permanent resident through T-Visa

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Criminal Victim Advocacy & Defense

- Victim may need to talk about acts that expose her to criminal liability, i.e. prostitution, drugs, document fraud etc.
 - Screen for criminal liability
- Inform and advocate for client during the criminal process

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Civil Litigation

- May be the only means by which victims of trafficking may be “made whole”
 - Life-changing
 - Law enforcement declines to prosecute
 - Discourages would-be-traffickers and employers exploiting trafficked labor

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Federal Criminal Prosecution: A Stair Step Approach

Forced labor
 Trafficking into servitude
 Involuntary servitude
 Sex trafficking
 Kidnapping
 Hostage Taking
 Extortion
 Mann Act
 Document Fraud
 Alien Smuggling
 Harboring
 Criminal Labor Violations

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Federal Crimes

- 18 U.S.C. § 1581 Peonage (Debt Bondage)
- 18 U.S.C. § 1583 Enticement into slavery
- 18 U.S.C. § 1584 Sale into Involuntary Servitude
- 8 U.S.C. § 1589 Forced Labor
- 18 U.S.C. § 1590 Trafficking Into Servitude
- 18 U.S.C. § 1591 Sex Trafficking
- 18 U.S.C. § 1593A Benefiting Financially from Peonage, Slavery, and Trafficking in Persons
- 18 U.S.C. § 1351 Fraud in Foreign Labor Contracting
- 18 U.S.C. § 1592 Document Servitude

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State Responses to Human Trafficking

- To date, all 50 states have passed Criminal Anti-Trafficking Laws, the last state being Wyoming – February 2012.
- Most state laws do not offer comprehensive protections like the TVPA

*U.S. Policy Alert, Polaris Project available at: www.polarisproject.org

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State Prostitution Laws

- Child sex trafficking is still criminalized in most states where children cannot legally consent to sex until the age of 16 years or older.
 - ▣ See: Age of Consent by Age, available at: <http://www.age-of-consent.info/> (Last Viewed Jan. 3, 2013); See *State v. Hazelton*, 915, A.2d 224, 233-34 (Vt. 2006); *Payne v. Commonwealth*, 623 S.W.2d 867, 875 (Ky. 1981); *May v. State*, 9191, S.W.2d 422, 424 (Tex. Crim. App. 1997), holding that a child under the age of fourteen cannot legally consent to sex.

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In the Matter of B.W. 313 S.W.3d 818, 822 (Tex. 2010)

- Recent Texas Supreme Court Case
 - ▣ the Court concluded that “Because a thirteen-year-old-child cannot consent to sex as a matter of law, we conclude that B.W. cannot be prosecuted as a prostitute...”

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Understanding the Dynamics of CSEC, Trafficking & Abuse

- ABUSE
- Assault
 - Kidnapping
 - DV
 - Rape



- TRAFFICKING
- Labor
 - Sex

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Overview of Criminal Advocacy

- Criminal – Victim Advocacy
 - Screening for criminal liability: criminal background
 - Reporting to Law Enforcement
 - Information and advocacy for client in criminal process
 - Asserting Crime Victims Rights for Victim/Witnesses
 - Help receiving crime victims benefits

- Criminal – Defense Advocacy
 - Bench Warrants
 - Expungements
 - Sealing of Records

PART 3

Screening & Identifying Human Trafficking Survivors and Legal issues

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Intake

- Follow the narrative:
 - Clients may have experienced more than one instance of trauma/violence in their life
- Consider WHERE and WHAT laws the persecution and/or criminal activity is taking place
- Compare legal remedies

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Topics to Cover When Conducting a Comprehensive Legal Assessment

- ID as HT
- History/liability
- Safety Assessment
- Reporting to law enforcement
- Bench Warrants
- Expungements/
- Sealing of Records
- Identity Documents
- Civil Harassment RO/TRO/DV
- Custody/Child Support
- Educational Advocacy
- Civil Litigation
- Immigration Relief

Importance of Language

- | | |
|------------------|---|
| Child Prostitute | Human trafficking victim |
| Illegal Alien | CSEC Commercial sexual exploitation of children |
| Teen Prostitute | DMST Domestic minor sex trafficking |
| Prostitute/Ho | Undocumented immigrant |
| Criminals | Child labor trafficking |
| Drug Dealer | Missing person |
| Thief | victim |
| Runaways | Slavery/slave |
| Poor | Vulnerable migrant |
| Delinquents | |
| Throwaways | |
| Homeless | |
| Addict | |
| Gang Member | |
| Thief | |

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Modern-Day Slavery: A Prison Without Walls

Along with:
physical/psychological/ sexual abuse/ physical threats

- Look for:**
- Long hours
 - Little/No pay
 - Withholding documents
 - Threats of deportation
 - Threats to family members in home country
 - Isolation
 - Inhumane Living Conditions
 - Having to work when sick
 - Not able to refuse customer requests

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Modern-Day Slavery: A Prison Without Walls
Key Indicators of Labor Trafficking

- Living and sleeping at place of work
 - Documents not in individuals control
 - Someone else speaking for a worker
 - Worker always accompanied by another
 - Changing story or "coached story" /reluctance to speak
 - Expressing fear of police or immigration as reason not wanting to speak
 - Locks or barriers keeping people inside the house
 - Limited accessibility to computers or phones
 - Armed guards/weapons
 - Signs of physical abuse
 - Inhumane living conditions
- Do not rule out a potential trafficking case
- Bank accounts/paystubs
 - Cell phones
 - Cars
 - Day off/some freedom movement
 - Return to work for same employer

Modern-Day Slavery: A Prison Without Walls
Key Indicators of Sex Trafficking

- Inappropriate dress for climate/occasion
 - Tattoos/branding
 - money or materials goods that are incongruent with his/her life circumstances.
 - Working hours are at night into early morning
 - Use of lingo from the "life"
 - History running away from home/ unstable housing
 - Instructed to lie about age/ Multiple ids
 - Multiple arrests for prostitution related crimes
 - Possession of multiple cell phones
 - communication/contact with family or friends controlled by someone else to the point of social isolation
 - Indicates they give the money they earn to someone else.
- Do not rule out a potential trafficking case
- Get to keep some money from the trafficking experience
 - Expresses that he or she is doing this for her family or a loved one
 - Expresses that no one is making him or her do this
 - If they are under 18 and do not have trafficker/pimp
 - If they are rude/aggressive with LEA

Basic Intake Question-Labor Trafficking

- Did you ever work or do an illegal act, and someone else received money for your work/act?**
 - Yes
 - No
 - If yes, how many days/months did you do this?**
 - If yes, what type of work/illegal act did you have to do?**
- Tip: Labor trafficking cases can be complex to identify. However, if question #1 is answered in the affirmative, it provides sufficient information to raise red flags to know that a more detailed screening is needed and that this child could be a potential labor trafficking case. It's a good idea after more trust is built to conduct full legal screening on this topic.*

Basic Intake Questions-Sex Trafficking

- ❑ Have you had sex for money or a place to stay, food, or anything of value?
 - ❑ Yes
 - ❑ No
- ❑ If yes, what age did you first start having sex for money or in exchange for help?
- ❑ Did someone else receive money or anything of value when you had sex?
 - ❑ Yes
 - ❑ No
- ❑ *Tip: Many youth may be hesitant to disclose engaging in commercial sex. Asking question #1 in a nonjudgmental way and also showing that this happens to others can help youth truthfully answer this question. For example, you can say "it is common that many people have to do things to survive. We hear from many youth that they have had to have sex for money, did you ever have to do this? Did you ever have sex for a bed or food?"*
- ❑ *Tip: Many trafficked youth feel like they are bonded to their trafficker and may often not see them as an abuser or pimp but as a boyfriend or family. Ask question three in a neutral way.*
- ❑ *Tip: If youth answer affirmatively to questions 1 and/or 3: After additional trust is built ask additional information about the trafficking including: length of time, number of traffickers, states where trafficking took place, and types*

Key Questions To Keep in Mind

- Was the person recruited? What were they promised?
- Did the person do any form of work?
- Were passports or other 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
 - Force, 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?

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Key Questions to Ask

Sex Trafficking

- ❑ How do you pay for things?
- ❑ Do you have any tattoos? Tell me about them?
- ❑ Have you runaway from home?
- ❑ Do you have other names?
- ❑ Tell me about your day? Do you go to work?
- ❑ Do you have a boyfriend? Does he pay for things?
- ❑ Was your ID taken away?
- ❑ Have you ever had sex for money or other support?
- ❑ Did you have to share the money with anyone?
- ❑ Did anyone ever tell you that if you loved them you would have sex for money?
- ❑ Did anyone ever tell you what to say if you were arrested by the police?
- ❑ Did anyone every hurt you or tell you things that made you afraid and feel like you had to have sex for money?

Labor Trafficking

- ❑ How did you make money? How did your employer make money?
- ❑ How did you hear about the job?
- ❑ Tell me about your day? How many hours a day did you work?
- ❑ Did you have debt? Do you owe money to anyone? How much?
- ❑ Do you have your identity documents?
- ❑ Did you ever have to work when you were sick?
- ❑ Did anyone ever tell you things that made you afraid not to work?
- ❑ Did you try to leave?
- ❑ Were you able to talk with your friends and family?
- ❑ Did anyone ever tell you what to say if you saw the police?
- ❑ Are you afraid of your employer?

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Additional Questions to Ask Child Victims?

- How many placements?
- How many times have you runaway?
- Do you go to school? How many schools have you gone to?
- Did someone else give you a cell phone
- Who pays for your nails, hair, clothes?
- Did someone make you an identity document/false id?
- Did someone say you should work instead of going to school?
- Do you clean? Do you get paid?
- Why are you so tired?
- What other DOB's did you have to use or other names?

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Street Terminology for Sex Trafficking

- The Life or the Game:** the csec/sex industry
- Daddy:** pimp
- Stable:** group of people under pimps control
- P.I.:** in reference to another pimp
- Track/Blade/Stroll:** street location for commercial sex
- Bottom Bitch/Bottom Girl:** head girl
- Choosin':** to choose another pimp
- Folks/Family:** pimp/person you work for
- Gorilla Pimping:** pimp who uses force on a person
- Square:** those never in the life
- Pimps Up, Hos Down:** reference to power/status or the rules around standing in the street and not allowed walking on sidewalk where pimp is walking
- Squad:** cops

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Initial Contact With Potentially Trafficked Persons

- Victims might often lie about their present circumstances and be defensive
- Establish that you:
 - Do not work for the government or police
 - Have no power to order the person deported
 - Will not take any action without the client's consent
 - Represent their interests and no one else's
- Always use an interpreter even if some English is spoken
 - Ask if there is a gender preference
- Be careful not to impose values or ideas
- Be knowledgeable and aware of position of power in society
- Find out if other victims are being held
- Be suspicious of private attorneys paid for by trafficker

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What does the survivor want?

Pursue Legal Remedies

1. Contact law enforcement agencies
2. Refer for social services, including shelter
3. Seek available immigration/legal relief for Foreign Nationals
4. Civil litigation
5. Advise client about criminal justice system and his/her role as a victim/witness
6. Safety planning

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Why Victims May Not Appear to Want Help/ Behavior Ramifications

- Captivity, confinement and isolation
- Use and threat of violence
- Fear, shame, self-blame
- Dependency
- Distrust of law enforcement
- Debt bondage
- Misinformation/false promises
- Lack of knowledge of social systems
- Non-identification as a victim
- Stockholm Syndrome
- Combative or manipulative attitude
- Self-hatred: cutting, suicidal tendencies
- Difficulty concentrating
- Childish or dependent behaviors
- Over-sexualized demeanor/behaviors
- Personality disorder
- Lack of life skills
- Refusal to act or participate due to apathy and hopelessness

Barbara Mitchell, "Let's Talk: Developing effective communication with child victims of abuse and human trafficking, Practical handbook for social workers, police and other professionals," UNMIK, Government of Kosovo, Ministry of Labour and Social Welfare, UNICEF (September 2004)

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A Trauma-Informed Approach

- Be aware of how questions can create judgment and shame especially around Stockholm Syndrome/trauma-bonding and the generally sensitive nature of the type of information you will be eliciting.
- Be aware of your own biases.
- Be knowledgeable and aware of position of power in society relative to client and other forms of structural racism, sexism, and poverty.
- Work with client to seek solutions to difficulties and address societal and institutional problems that hinder progress
- Be careful not to impose values or ideas on client – forcing services on client.

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Best Practices in Communicating with Clients Who Have Been Trafficked

- ❑ **Conflicting Facts:** ask for clarification as a wish to understand further rather than why information may be conflicting
- ❑ Create an environment comfortable to disclosing highly sensitive information regarding one's own abuse and exploitation. For example, try to interview in a calm environment as possible though in open court or in the juvenile halls or in custody may be challenging at times (i.e. request some distance etc.)
- ❑ Ask to elicit narrative form, re-repeat words, ask open-ended questions such as "tell me more", leave legal jargon at the door and use plain language
- ❑ Developmentally appropriate language when speaking with minors and be aware of any learning disability cues
- ❑ Assess for emotional triggers and feel free to take breaks or to suggest it in the event the client does not request it.

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SECURITY ISSUES TO CONSIDER WITH CLIENT

- ❑ **Gang Affiliation of the Pimp/Trafficker:** green light, further violence
- ❑ **Other Vulnerable Family Members & Friends**
- ❑ **Housing/Placement**
- ❑ **Parent/Guardian**
- ❑ **Neighborhood**
- ❑ **No Criminal Relocation Program**
- ❑ **Child/Custody Issues**
- ❑ **Financial Security**
- ❑ **Emotional State**
- ❑ **Does Client wish to return to home country/home state**

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Social Services Needs of HT Victim

- | | |
|------------------------------------|--|
| ❑ Safety | ❑ Life Skills Training |
| ❑ Housing | ❑ Alcohol/Substance Abuse Treatment |
| ❑ Food | ❑ Education |
| ❑ Clothing | ❑ Job training/ Employment |
| ❑ Intensive Case Management | ❑ Family Reunification |
| ❑ Medical/ Dental Care | |
| ❑ Tattoo Removal | |
| ❑ Mental Health Counseling | |

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Outreach Materials

- Make sure your materials on this subject speak to ALL types of trafficking victims
 - ▣ Not just relevant to girls
 - ▣ Not just relevant to sex trafficking
 - ▣ Depict youth of different races, ages, and sexual orientation
 - ▣ Awareness that there are other crimes people are forced to commit in their trafficking situation

Family Law Issues: Barriers for Human Trafficking Clients

- **Trafficker is biological-father**
 - ▣ Presumption against custody for anyone convicted of rape but there is no human trafficking presumption.
 - ▣ Also need to consider whether or not trafficking issues will come up in court
- **Unknown parents**
 - ▣ May not know identify of father
- **Whereabouts unknown**
 - ▣ The other party always needs notice
 - ▣ Alternative, notice by publication, may raise safety concerns
- **Children or Parents in another country**
 - ▣ Foreign national clients seeking to bring children to the United States must get approval from both parents for their children to travel
 - ▣ Often raises international custody concerns

Barriers for Human Trafficking Victims Receiving Victims Compensation

- If reported federally barrier often of not having police report
- Barrier of not being identified as the victim in the police/crime report
- Often could be an issue if all types of HT are considered “violent crimes”
- Issue of involvement in the criminal offense- prostitution drugs, gangs
- Issue of documentation for lost wages

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Immigration

- Provided by the TVPA
- Specific for Human Trafficking Victims:
 - Continued presence (Temporary)
 - T Visa
 - leads to legal permanent residence (greencard)
 - For children-reunited with parents, siblings in US
 - **Must assist with criminal investigation and/ or prosecution**
 - Unless under 18-then no cooperation with LEA required

FOR 24-HOUR EMERGENCY ASSISTANCE :

National Human Trafficking
Resource Center

1-888-3737-888

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SB1193 Implementation Outreach Project

NCJW National Council of Jewish Women
CAST Coalition to Abolish Slavery & Trafficking
Orasis
GTruah
WVLC
GIBSON DUNN

STOP HUMAN TRAFFICKING!

1-888-539-2373

FOR 24-HOUR EMERGENCY ASSISTANCE :

National Human Trafficking Resource Center

1-888-3737-888

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