CONTENTS

Acknowledgments ........................................... xi
Acronyms .................................................... xiii
Glossary ..................................................... xv
Introduction ................................................... 1

Chapter 1: What Is Human Trafficking? ............... 9
  Defining Trafficking ....................................... 10
  The Scale of the Problem ................................. 12
  Trafficked Persons in the United States ............... 13
  The Industries Where Human Trafficking Is Found. 15
    Agriculture ............................................. 15
    Manufacturing .......................................... 15
    Domestic Servitude .................................... 16
    Prostitution ............................................ 16
    Elder Care ............................................. 16
    Country Clubs and Hotels ......................... 17
    Restaurants ............................................ 17
    Janitorial Services ................................... 18
  Root Causes ............................................. 19
  Traffickers’ Tactics ..................................... 21
    Force .................................................. 22
    Fraud .................................................. 24
    Coercion .............................................. 26
  Misconceptions About the Term Human Trafficking 30
  The Impact on Trafficked Persons ..................... 32
  Financial Consequences ................................. 32
Physical Health ................................................. 33
Mental Health ................................................. 34
Conclusion ..................................................... 34

Chapter 2: The Criminal Justice Response ............... 37
Human Trafficking Task Forces ............................ 39
Federal Laws .................................................. 40
  Trafficking Victim Protection Act ......................... 41
  Related Federal Statutes .................................. 47
State Anti-Trafficking Criminal Statutes .................. 47
  Definition of Human Trafficking ......................... 48
  Equity in Labor and Sex Trafficking Prosecutions ...... 48
A Victim-Centered Prosecution ............................. 49
  The Proactive Prosecution ................................ 50
  Trust Building .............................................. 51
  Law Enforcement Coordination ........................... 53
  Coordination with Service Providers ........................ 55
Prosecutors and Victim Services Attorneys Collaborating
  for Immigrant Victims ..................................... 56
Restitution and Asset Forfeiture ............................ 59
  Restitution .................................................. 59
  Asset Forfeiture ............................................ 60
Counterpart: Victim Services Attorneys .................. 60
  Civil Litigation ............................................. 63
The Criminalization of Victims ............................. 63
  Arresting Victims .......................................... 63
  Post-conviction Relief .................................... 66
The Role of Judges .......................................... 67
Conclusion ..................................................... 68

Chapter 3: Corporate Law .................................. 69
Risk Mitigation ................................................. 75
Damage Control ................................................. 79
Compliance and Risk Mitigation ........................... 80
  California Transparency in Supply Chains Act .......... 80
Foreign Corrupt Practices Act ............................... 84
CONTENTS

SEC Regulation on Conflict Minerals .................. 85
Federal Acquisition Regulation (FAR) ................ 88
Conclusion ............................................. 92

Chapter 4: Labor and Employment Law
Approaches to Human Trafficking ................. 93
Myths and Misconceptions in the Labor Context .... 94
The Case for Proactive Identification ............... 96
Implementing a Screening Process ................... 100
Outreach and Collaboration ........................... 101
Building Civil Litigation Cases and Practices .... 102
Civil Causes of Action ................................ 103
Fair Labor Standards Act ............................. 106
Discrimination Laws .................................. 107
Racketeer Influenced and Corrupt Organizations Act .... 109
Alien Tort Claims Act ............................... 111
State Civil Laws ..................................... 111
The Practice of Civil Anti-Trafficking Litigation .... 112
Building Trust with Trafficked Persons .............. 112
Safety Planning ...................................... 113
Coordination with a Criminal Case ................. 114
Financial Implications of a Civil Judgment ......... 115
Diplomatic Immunity ................................ 116
Immigration Exposure .............................. 116
Mitigating Against Human Trafficking
and Resulting Lawsuits .............................. 117
Beyond the Lawsuit ................................ 118
Coordination with Legal and Social Service Providers .... 118
Conclusion ............................................. 119

Chapter 5: Access to Immigration Protections .... 121
The Nexus Between Immigration and Human Trafficking .... 122
The State of Play for Trafficked Immigrants ....... 124
Identifying Trafficked Immigrants ................. 125
Immigration Relief and Protections .................. 130
Immediate Access to Continued Presence .......... 130
<table>
<thead>
<tr>
<th>Chapter 6: International Law</th>
<th>157</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Brief History</td>
<td>158</td>
</tr>
<tr>
<td>International Criminal Law</td>
<td>160</td>
</tr>
<tr>
<td>The Palermo Protocol</td>
<td>160</td>
</tr>
<tr>
<td>Today’s Lawyering</td>
<td>162</td>
</tr>
<tr>
<td>International Human Rights and Humanitarian Law</td>
<td>165</td>
</tr>
<tr>
<td>Women</td>
<td>166</td>
</tr>
<tr>
<td>Children</td>
<td>167</td>
</tr>
<tr>
<td>Business and Human Rights</td>
<td>168</td>
</tr>
<tr>
<td>Migrants</td>
<td>169</td>
</tr>
<tr>
<td>International Refugee Law</td>
<td>169</td>
</tr>
<tr>
<td>Asylum</td>
<td>170</td>
</tr>
<tr>
<td>UNHCR Role</td>
<td>173</td>
</tr>
<tr>
<td>IOs and NGOs</td>
<td>174</td>
</tr>
<tr>
<td>International Labor Law</td>
<td>175</td>
</tr>
<tr>
<td>In Practice</td>
<td>176</td>
</tr>
<tr>
<td>Conclusion</td>
<td>178</td>
</tr>
</tbody>
</table>
Chapter 7: A Call to Public Interest Advocates
and Attorneys ....................................................... 179
Understanding the Intersections with Human Trafficking .... 180
   Overcoming Misconceptions ................................... 180
Identification: The First Steps in Taking Action ................. 183
   The Benefits of Expanded Identification ...................... 183
   Leveraging the Public Interest Expertise .................... 185
   Traditional Public Interest Lawyering ....................... 186
   Domestic Violence and Sexual Assault Attorneys .......... 187
   Immigration Attorneys ......................................... 190
   Juvenile Justice Attorneys ..................................... 193
   Labor and Employment Law Attorneys ....................... 196
Designing Legal Programs ....................................... 198
   Providing Legal Representation ............................... 198
   Funding for Primary Services .................................. 199
   Ancillary Legal Services ........................................ 200
Collaboration ...................................................... 200
   The Role of the Pro Bono Attorney ............................ 200
Conclusion ......................................................... 202
Epilogue ............................................................ 203
Resources for Attorneys ......................................... 207
   U.S. Government .................................................. 207
   Local Resources ................................................. 209
   Other Resources .................................................. 209
Appendix ........................................................... 211
About the Authors ................................................. 213
Notes ............................................................... 215
Index ............................................................... 231