

Domestic &
Sexual Violence
Advocate

HANDBOOK ON
HUMAN

TRAFFICKING

Collaborating to
END
Modern-Day Slavery

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ABOUT THIS HANDBOOK

This handbook is designed for domestic violence and sexual violence advocates. It provides basic information on human trafficking and how to identify and assist a person who is trafficked. Domestic violence and sexual violence programs are working with victims of trafficking and it is important for advocates to have key information on what to do and where to get help.

Domestic violence, sexual violence and human trafficking are different types of victimizations and require different responses from providers — but, there are also some important similarities. This handbook will help advocates understand someone who is trafficked and that he or she may have multiple victimizations and likely will require help from many people and organizations.

Resource information, including programs in Florida, is listed at the end of this handbook.

“There was a raid of brothels in rural south Florida where Mexican girls, some as young as 13, were forced to have sex with dozens of men a day. The evidence of beatings, drug addiction, and forced abortions prompted one federal judge to call this trafficking case ‘one of the most base, most vile, most despicable, most reprehensible crimes’ he had ever encountered.”

“Of Human Bondage”
Kate O’Beirne
National Review
February, 1998.

DOMESTIC VIOLENCE, SEXUAL VIOLENCE & HUMAN TRAFFICKING

BASIC INFORMATION & DEFINITIONS

What is Human Trafficking?

General definition: Trafficking is the recruitment, harboring, transporting, providing or obtaining, by any means, any person for labor or services involving forced labor, slavery or servitude in any industry, such as forced or coerced participation in agriculture, prostitution, manufacturing, or other industries or in domestic service or marriage.¹

The Trafficking Victims Protection Act of 2000 is a federal law that defines human trafficking, or a “severe form of trafficking in persons,” as:

- 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 is under 18; or
- 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 subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery.

¹ Definition used by the Freedom Network, based on the federal criminal law definition of trafficking.





Who is trafficked?

Men, women and children are trafficked, although most agree that women and children are more often victims of trafficking. Generally, traffickers prey on those most vulnerable: people who are very poor, who have disabilities, the very young or old, people who have low literacy skills and educational levels, or people who cannot speak English.

- The federal government estimates that between 18,000 and 50,000 persons are trafficked in the U.S.
- Within the U.S., traffickers also target people who are vulnerable because they are homeless, are juvenile runaways or have substance abuse problems.
- People from other countries, as well as from the U.S., can be trafficked.
- People can be trafficked within the U.S. as well as into and out of the country.

Who is likely to see or discover a victim of trafficking?

Trafficking is a clandestine operation. Traffickers guard and control their victims. Victims can be hidden from public eye or may be right in front of us working in places like restaurants, bars, hotels, factories and fields. Social service providers and law enforcement are often among the first professionals to encounter victims of trafficking.

Traffickers prey on those **MOST**
VULNERABLE

**Trafficking victims can be found
in virtually any situation:**

- The sex trade
- Domestic servitude
- Restaurants, bars, the food industry
- The drug trade
- Mail order or foreign bride schemes
- Begging
- Computers
- Construction
- Factories
- Migrant farm work
- Service industries such as nursing homes
- Cleaning services



TRAFFICKING IS NOT
VOLUNTARY

Trafficking is not Smuggling

SMUGGLING generally is voluntary: a person agrees to be transported, usually across a border. The relationship between the smuggler and the person being smuggled usually ends when the border is crossed. Smuggling fees are paid up front or perhaps upon arrival. On the other hand, **TRAFFICKING** is not voluntary: trafficked persons are lied to, tricked and may be forced into crossing a border. The relationship between the transporter and the victim continues well after they reach the destination. The trafficker holds the victims' documents, threatens them or their family if they do not obey the trafficker and often physically harms them. Traffickers impose large debts on victims of trafficking for "transportation" and force victims to work off these debts. Smuggling can turn into trafficking when the smuggler uses threats of harm or coercion against the person smuggled or "sells" the person and transport debt to a trafficker.

The HHS
certification
letter
**opens
the
door**
to a
wide range
of benefits
and help.

CERTIFICATION: What is it? Why is it important?

Certification is a term used to describe a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is "victim of a severe form of trafficking." The HHS certification letter opens the door to a wide range of benefits and help. To become certified, an adult (but not a child) has to be willing to assist "in every reasonable way" in the investigation and prosecution of the traffickers. (Children under 15 do not need to meet this criterion.) Applicants also must either apply for a T visa or be someone whose "continued presence" is needed to prosecute the traffickers. HHS needs a statement from law enforcement that says the victim is cooperating with them (a law enforcement statement is not needed to deem a child "eligible" for benefits). As of August 2003, HHS has certified over 400 persons.

BENEFITS

Available to Victims of Trafficking

Benefits are available to both certified and non-certified victims.

Non-certified or pre-certified victims may receive:

Legal assistance. This is available to immigrant and refugee populations in Florida through several agencies.

A range of services from emergency shelter to case management and health screening. These services are available through programs funded by a special grant from the Department of Justice, Office for Victims of Crime. The South Florida-based Florida Freedom Partnership is one of these programs.

Program services necessary for safety and life. An example of this kind of program is an emergency domestic violence shelter; assistance like this is available to crime victims regardless of immigration status or certification.

Food, shelter, crisis counseling and other services. These services are available on a case-by-case basis under federal crime victim programs, like those offered by the FBI and local United States Attorneys' offices. "Victim Specialists" within these federal offices can help with these and other needs.

In addition to the previous listed benefits, certified victims are eligible for:

Food stamps, cash assistance, medical care, and other services. Under the TVPA, certified victims of severe forms of trafficking who are not U.S. citizens can receive certain welfare benefits (TANF, Medicaid, Social Security Income, Refugee Cash and Medical Assistance, Refugee Social Services, Match Grant, Health Screening and Food Stamps) as well as assistance from the many refugee service providers located throughout Florida just as if they were refugees. These programs provide a wide range of services: job skills training and placement, English as a Second Language classes, life skills, counseling, housing and transportation assistance.

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Always be realistic: even if a person is a victim of trafficking, there are no guarantees that she or he will receive benefits or supporting documents and assistance from law enforcement.

“ The four men told an almost unbelievable story of abuse. They picked buckets of fruit from sunup to sundown. A seven-day week in the citrus groves might bring in \$15. Hired hands on tractors drove up and down the rows of orange trees, watching their every move. Escape, they were told, would bring a beating or a bullet. ”

“Fear and Knowing in Immokalee,”
Candace Rondeaux.
St. Petersburg Times,
Dec. 1, 2002.

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Anyone who is not a
U.S. citizen is at risk of
deportation.

Immigration Relief – This is a complex area of law and it is very important for advocates to develop relationships with immigration attorneys so they can properly refer clients. Available immigration relief includes:

- **Continued Presence** – may be granted when a federal law enforcement agency petitions to allow potential witnesses to remain in the U.S. Continued presence is granted through “parole,” “stay of removal,” and “deferred action.”
- **T Visa** – is available for a victim of “a severe form of trafficking” who, among other things, complies with “reasonable requests” from law enforcement (if under 15 years of age, the person does not have to meet this requirement).
- **U Visa** – is available to persons who are victims of certain violent crimes, who have suffered serious and substantial abuse, and who are helping in the investigation and prosecution of the crimes committed against them. (Although regulations for this visa have not been issued since the law passed in 2000, the federal government has set up an interim process for the U visa.)
- **Employment Authorization** – is available to persons who receive T or U visas.
- **Other Remedies including Asylum, Special Immigrant Juvenile Status, S Visa, and VAWA** – may be available under immigration law. It is very important to consult with an immigration attorney to determine which remedy would best suit the client.

Relevant Law

Federal Responses: Trafficking Victims Protection Act of 2000

This law made major changes in the criminal penalties, benefits, immigration relief, and the US responses to trafficking worldwide, including:

- Federal felony criminal offenses that may apply to trafficking include slavery and peonage, sex trafficking in children and adults, and the unlawful confiscation of a victim's documents.
- Federal government coordination among the Departments of State, Labor, Health and Human Services, and Justice.
- Annual "Trafficking in Persons Report" where U.S. ranks nations within three tiers and can impose sanctions (withhold aid) to lowest ranked countries for failure to make significant effort to address trafficking.

Other Trafficking Laws

In addition to the TVPA, there are other laws that may apply in trafficking cases:

- These include federal laws against human smuggling, kidnapping, transportation for prostitution or any criminal sexual activity, importation of aliens for unlawful activities, including prostitution, organized crime and racketeering, fraud and false statements, money laundering and visa fraud.
- In addition, Florida has laws against kidnapping, battering, organized crime and racketeering, fraud and other crimes that are committed by traffickers.

“ These ‘body brokers,’ as they are known in the trade, collect fees of up to \$5,500 from employers such as nursing homes and Florida amusement parks for delivering each worker who signs a one- or two-year contract to do menial, low-paying jobs that Americans seldom will. Brokers or employers sometimes deduct fees for housing, transportation and unexplained service charges from workers’ pay. A recent U.S. Immigration and Naturalization Service memorandum states that such contracts may violate a federal law banning ‘human trafficking....’ ”

“Trapped in Servitude Far from their Homes”
Walter Roche and Willoughby Mariano,
Baltimore Sun and Orlando Sentinel,
Sept. 15, 2002.

Trafficking and Domestic and Sexual Violence: Building on Our Knowledge

Advocates are working with victims of trafficking now and need to know how to identify and help them.

**Violence against women and oppression
are integral to sexual violence,
domestic violence and trafficking.**

Victims of trafficking usually suffer **multiple victimizations** that include sexual assault and other forms of intimate partner violence, and so will present to local domestic violence centers (particularly dual programs) and sexual violence programs.

Advocates are accustomed to **working with multiple systems**, and recognize that domestic and sexual violence, like human trafficking, are complex, requiring patience and many types of assistance.

Advocates understand the **importance of victim-centered** advocacy and how important it is to meet the needs of each individual victim.

Advocates also understand other key concepts that are critical to victims of trafficking including the importance of **confidentiality and crisis responses**.

Safety and safety planning are foremost to advocates and critical to working with both domestic and sexual violence victims and victims of trafficking.



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THE ROLE OF LAW ENFORCEMENT

- Federal officials, particularly United States Attorneys offices, are very important to local and regional anti-trafficking responses and victim assistance. The TVPA mandates that in order for an adult victim to receive benefits, federal law enforcement has to verify that the person is complying with reasonable law enforcement requests. Local law enforcement also plays an important role in a U visa application.
- It is very important that advocates know and form working relationships with law enforcement at both the federal and local levels **BEFORE** there is an emergency.
- As with domestic violence, it is important for your client to understand all of the available options, including the impact and consequences of working with law enforcement and seeking benefits.
- Be realistic with your clients. Victims who come forward are not guaranteed that law enforcement will need their cooperation and offer the endorsement your client needs to be certified.

“ The Collier County Sheriff’s Department in Naples, Florida, responded to a domestic abuse call at the home of Jose Tecum and his wife, only to discover teenager Maria cowering in the corner. Maria tearfully related that Tecum made her work in the tomato fields by day and would come to her room by night.”

“Working to Together to End Modern Day Slavery,” Lou de Baca, *The Police Chief*, August 2002.

Talking about Trafficking with Your Client

- Why would you ask a client about trafficking?
 - Your “radar” or intuition tells you she or he may be a victim.
 - If found eligible, this client could benefit greatly from the resources, social services benefits and immigration relief that is available to victims of trafficking and you can help her directly and/or refer her.
 - You can help to protect her and others who are trafficked by assisting in the prosecution of the traffickers.
- How to identify a victim of trafficking.
 - It will be rare that someone will self-identify as a victim of trafficking. More likely, a person will come to your attention for some other reason. Therefore, it is vitally important for you to have a heightened awareness of the possibility that a person may be trafficked.
 - Don’t interrogate — gently interview.
 - Questions must be asked with great sensitivity — asking about a person’s immigration status can be intimidating and discourage that person from seeking your help.
 - Remember: the checklist on the next two pages is not foolproof and you should tailor these questions to your client.

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SAFETY PLANNING AND TRAFFICKING

- **Domestic violence and human trafficking both pose significant risks to victims. For both, confidentiality is crucial to a victim’s safety.**
- **Trafficked persons face danger from organized crime – a threat that can be greater than that posed by one batterer.**
- **The levels of danger depend on a host of factors including how much a victim’s testimony can harm the traffickers and how violent and extensive a trafficking organization may be.**
- **Victims face additional risks on account of their increased isolation: they may be from a foreign nation, unable to speak English, distrustful of police and unfamiliar with ways to seek help and safety.**

Questions to ask to determine if a person is a victim of trafficking:¹

ORIGINS

- Did you come to the U.S. for a specific job or purpose?
- When you got here, did you have to do different work than you expected?
- Were you kidnapped or sold?
- Who was in control of your travel arrangements and documents?

MIGRATION STATUS

- What is your immigration status? Do you have authorization to work in the U.S.?
- Do you have personal documents such as identification papers, passports, birth certificates, etc.?
- Were you told what to say to immigration when you arrived?

EMPLOYMENT ISSUES

- Who is your employer?
- Does your employer provide you with housing, food, clothes or uniforms?
- Did you sign a contract? What did it say?
- Do you owe money to your employer?
- Did your employer/boss tell you what to say if the police came? (e.g., told you to lie about your age, relationship, or your work?)
- Are you forced to have sex as part of your job?
- Can you freely leave the employment/situation?
- What happens if you make a mistake at work?
- What are the conditions of employment (including pay and hours of work)?

¹ Compiled from: Safe Horizon, Christa Stewart, Stop Trafficking of People; An Introductory Resource, Migration and Refugee Services, USCCB; and FSU Human Trafficking Working Group members.

EMPLOYMENT ISSUES (continued)

- Does your employer hold your wages (or charge for room, board, food, transportation)?
- Are there guards where you work, or video cameras there to monitor and make sure no one leaves?

SAFETY ISSUES

- Have you or your family been threatened with harm if you try to leave?
- What is your understanding of what would happen if you left your job?
- What would happen if you went home/ returned to your home country?
- Have you been threatened with deportation or reporting to immigration if you try to leave?
- Have you been physically harmed? Deprived of food, water, sleep, medical care or other life necessities? Forced to ask permission for things like food, water, or medical care?
- Has anyone threatened your family?

SOCIAL NETWORKS

- Are you allowed to buy clothes and food on your own?
- Can you come and go as you please? Are there rules about this?
- Can you freely contact (phone, write) your friends and family?
- Are you free to have a relationship with someone?
- Are you isolated from your community (people of the same national or cultural background)?
- Can you bring friends to your house?



A Community Response to Human Trafficking: The Role of Domestic Violence Centers

A multidisciplinary coordinated community response (CCR) is one of the best ways for communities to respond to help victims of trafficking. Just as with domestic violence survivors, trafficked persons have a variety of needs. Developing a community response to human trafficking will require the collaboration of many persons, agencies and organizations. Remember, it is possible that traffickers can infiltrate many legitimate community organizations, so be vigilant.

In Florida, the six community-based Refugee Task Forces located in Northeast Florida, Tampa/St. Pete, Orlando, Palm Beach County, Broward County and Miami-Dade County are excellent resources and are good places to begin work to form local coordination efforts around trafficking. A local anti-trafficking CCR could include:

FEDERAL GOVERNMENT

- Department of Justice/ United States Attorney
- Victim Witness coordinators
- FBI
- Department of Homeland Security: BICE/BCIS/Border Patrol
- Department of Labor

STATE GOVERNMENT

- Department of Children and Families (refugee services, child protection)
- State Attorney
- Public Defender
- Department of Labor
- Department of Agriculture (inspections)

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INTERPRETATION

- **Don't assume the interpreter understands trafficking.**
- **Make sure the interpreter is not allied with the trafficker.**
- **Understand how to work with interpreters, e.g., that it is a slow process, that you should ask for word-for-word translations.**
- **Just because they speak the language does not mean they will understand your client, e.g., there are many differences among Spanish-speakers based on country or region of origin and educated vs. non-literate populations.**

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COMMUNITY INVOLVEMENT & TRAFFICKERS

While it is important for victims to receive help from and be restored to their community, be aware that traffickers are also present in these places. Know that a trafficker can be anyone: an international bank executive, a local real estate broker, or a pharmacist – as well as a member of a criminal gang or other criminal enterprise.

NON GOVERNMENTAL ORGANIZATIONS – NON-PROFIT AGENCIES

- Ethnic community-based groups
- Certified domestic violence programs
- Sexual violence programs
- Immigrant legal services
- Refugee assistance
- Children’s services organizations
- Child Protection Team
- Local legal services/ legal aid
- Faith-based organizations
- Interpreter services
- Crime victim assistance organizations
- Crisis counseling programs
- Homeless shelters
- Labor (migrant, farmworker) organizations
- Adoption agencies

LOCAL/REGIONAL GROUPS

- Refugee Task Forces
- County Health Departments
- Law enforcement
- County government
- Education community: school board, teachers
- Local domestic violence councils and task forces
- Guardian ad litem
- Adult, juvenile and dependency courts

OTHER

- Survivor(s) of trafficking
- Corporate, business community
- Health care providers (clinics, mental health, hospital, immigrant/refugee health care providers)
- Civic organizations

Service Provider Protocol Checklist¹

There are several main points to effectively providing services to victims of trafficking. Here is a checklist of what organizations working with victims should do:

- Identify and Screen for Trafficking (if appropriate)
- Determine Service Needs for Trafficked Persons
- Provide or Refer Victims to Needed Services
- Assess and Provide for Safety to Clients
- Keep Client Communications Confidential
- Understand Special Issues Facing Children
- Conduct Training and Be Informed about Human Trafficking
- Network with Other Service Providers and Law Enforcement
- Provide Interpretation Services
- Understand Cultural Contexts and Client Realities
- Provide Safety for Staff

Contacts for assistance on these points and other questions you have regarding human trafficking resources can be found on pages 18 and 19 of this handbook.

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COMMUNITY INVOLVEMENT & TRAFFICKERS

Know that you may be asking for help from translators or others from a community where the traffickers have strong connections, and this can put the victim at great risk. Therefore, it is important to build strong local alliances with ethnic community groups, as well as with interpretation services/ translator banks so you can learn who to trust and reach out to if you need their assistance.

¹ The Florida Department of Children and Families, Office of Refugee Services and the Office of Refugee Resettlement Grant No.LK061, and the Department of Health and Human Services, funded the project under which the Florida State University Center for the Advancement of Human Rights developed this checklist.

RESOURCES

Florida Victim Assistance and Advocacy Programs

Florida Coalition Against Domestic Violence (FCADV) ■ 850/425-2749
www.fcadv.org ■ Domestic Violence hotline: 1-800/500-1119

Florida Freedom Partnership (FFP)
(for Dade, Broward, Palm Beach, St. Lucie, Collier, and Monroe Counties)
305/443-0102 ■ email: TraffickingFFP@yahoo.com

Coalition of Immokalee Workers ■ 941/657-8311
www.ciw-online.org ■ email: workers@ciw-online.org

Legal Assistance

Florida Immigrant Advocacy Center – LUCHA Project
305/573-1106 ■ www.fiacfla.org

Florida State University, Center for the Advancement of Human Rights
850/644-4550 ■ www.CAHR.fsu.edu

FCADV Legal Hotline ■ 800/500-1119 x3

Government Programs and Law Enforcement

Offices of the United States Attorney (Trafficking Points of Contact)
Tom Kirwin, First Assistant U.S. Attorney, Northern District of Florida
850/942-8430

Douglas Molloy, Chief Assistant U.S. Attorney, Middle District of Florida
239/461-2225

Marvelle McIntyre-Hall, Assistant U.S. Attorney, Southern District of Florida
305/961-9430

Dept. of Children and Families – Office of Refugee Services
(state agency responsible for providing assistance to certified victims of trafficking)
850/488-3791 ■ www5.myflorida.com/cf_web/myflorida2/healthhuman/refugee/

Florida Refugee Task Forces ■ 850/488-3791
Broward, Jacksonville, Miami-Dade, Orlando, Palm Beach, Tampa

Dept of Justice, Child Exploitation and Obscenity Section/Criminal Division
www.usdoj.gov/criminal/ceos
and Criminal Section/ Civil Rights Division
www.usdoj.gov/crt/crim/index.html

Trafficking in Persons and Worker Exploitation Task Force
www.usdoj.gov/crt/crim/tpwetf.htm ■ Toll Free Complaint line: 888/428-7581.

Dept. of State, Office to Monitor and Combat Trafficking in Persons
www.state.gov/g/tip/

Dept. of Health and Human Services, Office of Refugee Resettlement
www.acf.hhs.gov

Toll-Free ORR Trafficking Verification Line (for agencies to confirm benefits) ■ 866/401-5510

T & U Visa Applications ■ Dept. of Homeland Security Citizenship & Immigration Services
Vermont Service Center ■ Attn: VAWA Unit, Box 1000
75 Lower Welden Street, St. Albans, VT 05479-0001

Other Helpful Information

Coalition to Abolish Slavery & Trafficking (CAST) ■ 213/365-1906 ■ www.castla.org

Family Violence Prevention Fund ■ 415/252-8900 ■ www.endabuse.org

Freedom Network ■ www.freedomnetworkusa.org

National Immigration Project ■ 617/227-9727 ■ www.nationalimmigrationproject.org

Protection Project 202/663-5896 ■ www.protectionproject.org

Resources used in the production of this brochure

Florida Responds to Human Trafficking, 2003, Center for the Advancement of Human Rights, Florida State University, 850/644-4550, www.cahr.fsu.edu.

Trafficking in Persons, A Guide for Non-Governmental Organizations, 2002. US Department of Labor in collaboration with the US Departments of Justice, Health and Human Services, and State.

Trafficking Considerations and Recommendations for Domestic Violence Advocates, Asian and Pacific Islander Institute on Domestic Violence, 450 Sutter Street, Suite 600, San Francisco, CA 94108; 415/954.9988 x315. <http://www.apiahf.org/apidvinstitute/Critical%20Issues/trafficking.htm>

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