

Identifying and Protecting Immigrant Victims of Human Trafficking

Presenters:

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What is Human Trafficking?

“... Maintaining or obtaining the services of another through intimidation and violence. . . .”

-Therese Roberson, Department of Civil Rights,
Federal Bureau of Investigations (FBI)

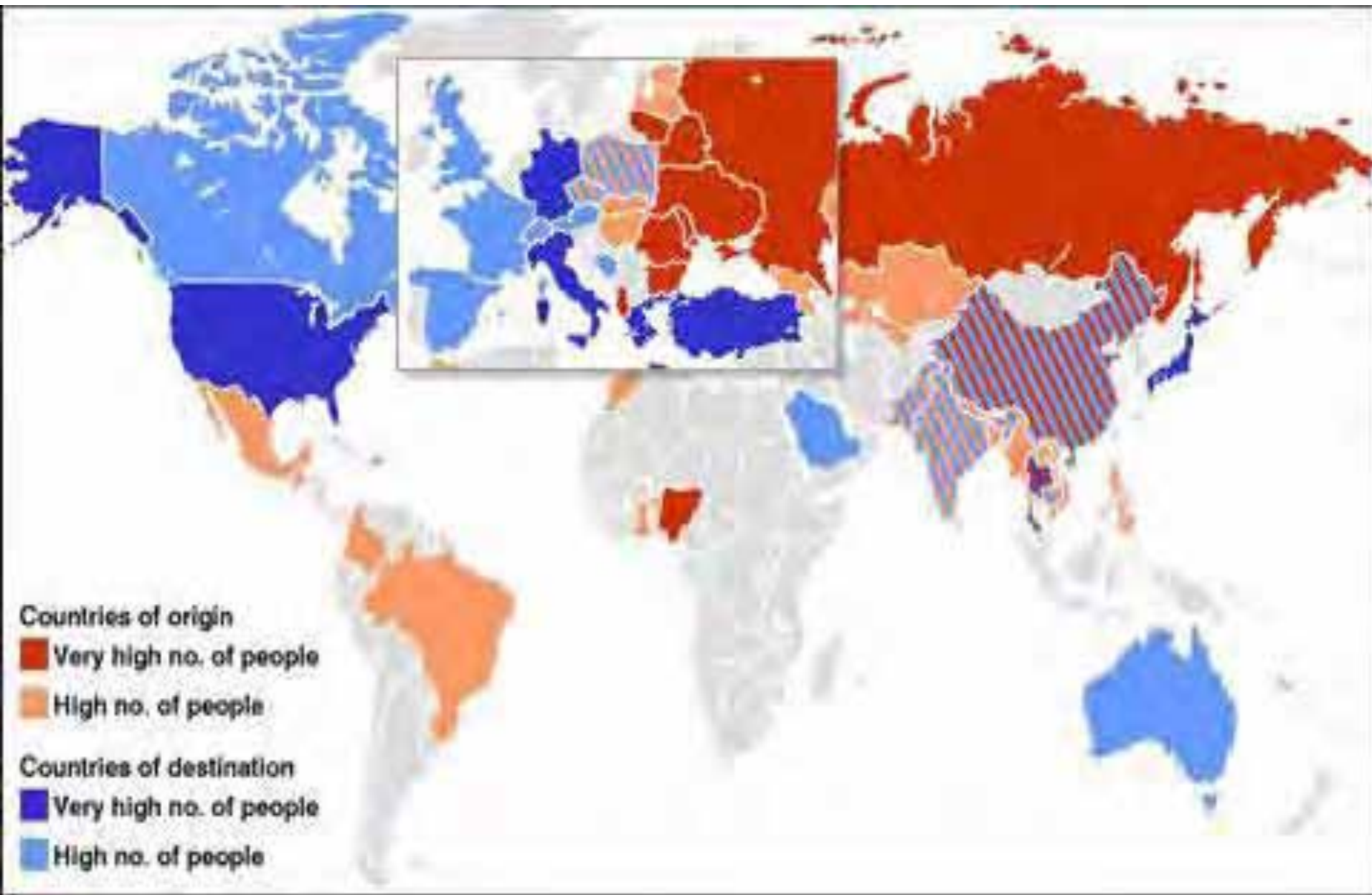
**HUMAN TRAFFICKING IS
MODERN-DAY SLAVERY**



After drug trafficking, human trafficking is the second largest criminal industry that currently exists in the world . . .

and it is the fastest growing.





One misconception about Human Trafficking

Smuggling

Trafficking

Movement is required.

No movement required.

Starts with movement
of person.

Starts with exploitation
of person.

Crime against the state.

Crime against a person.



Traffickers use force, fraud and/or coercion to suppress victims into lives of servitude and abuse.



- **Force:** Rape, beatings, constraint, confinement
- **Fraud:** Includes false and deceptive offers of employment, marriage, better life
- **Coercion:** Threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would result in restraint against them; or the abuse or threatened abuse of the legal process.



Sex Trafficking

Commercial sex induced by force, fraud or coercion, or in which the person performing the act is under the age of 18.



Where are sex trafficking victims found?

- Pornography
- Street and brothel prostitution
- Massage parlors
- Truck stops
- Strip clubs



Labor Trafficking

The use of force, fraud or coercion in order to recruit, shelter, transport, obtain or employ a person for work or services in involuntary servitude, labor exploitation, debt bondage or slavery.



Where are labor trafficking victims found?

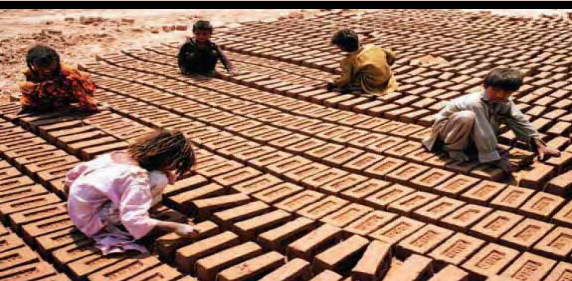
- Construction, roofing
- Lawn care
- Restaurants, Hotels
- Domestic work (nannies, servants)
- Factories
- Agriculture
- Nail salons



How Prevalent is Human Trafficking?



- Estimated 27 million people enslaved world wide today
- Approximately 800,000 to 1,000,000 victims annually are trafficked across international borders.
- Between 18,000 and 20,000 victims are trafficked into United States annually.



- More than half of victims trafficked into United States are children.
- Over 100,000 U.S. born adolescents thought to be at risk.
- Average age of entry into pornography and prostitution in United States is **12**.



How Can We Identify Victims of Human Trafficking?



Look Beneath the Surface

- Is potential victim accompanied by another person who seems controlling?
- Does person accompanying potential victim insist on giving information to you?
- Can you see or detect any physical abuse?
- Does potential victim seem submissive or fearful?
- Does potential victim have difficulty communicating because of language or cultural barriers?
- Does potential victim have any identification?



Indicators of Human Trafficking

- Poor Living conditions
- Physical abuse of victims
- Deplorable Working conditions
- Restriction of movement
- Indicators of severe dependency
- Possession of false or fraudulent documentation



- Workers who are transported in large groups to and from their work sites.
- Employees who sleep or live at the worksite.
- Employees restricted from leaving premises or moving about freely.
- Design of workplace physical security, i.e. employees “locked in” during work hours.



- Typically watched, escorted or guarded by traffickers.
- Traffickers may “coach” victims to answer questions.
- Victims comply and don’t seek help because of fear.
- Deportation fears affect victims in all countries.
- Fear and distrust of health providers, government, and police.



Understanding the Mindset of Human Trafficking Victims:

- Might not speak English & are unfamiliar with U.S. laws or culture.
- Fear, distrust health providers, government, police:
 - *Fear of being deported*
- Unaware what is being done to them is a crime:
 - *Do not consider themselves victims*



- May develop loyalties, positive feelings toward trafficker:
 - *May try to protect trafficker from authorities*
- Does not know where they are.
- Fear for safety of family in home country



Communicating with a Victim of Human Trafficking

- Before talking to potential trafficking victim, isolate individual from person accompanying her/him without raising suspicions.
- Enlist trusted translator/interpreter who also understands victim's cultural needs.
- Ask indirect and sensitive questions to determine if person is a trafficking victim.



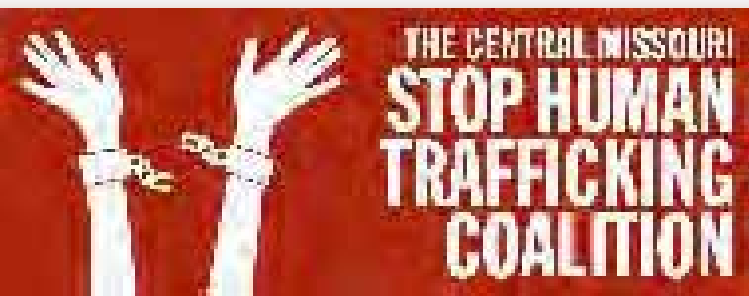
- Where do you live, eat and sleep?
- Is someone keeping your documents?
- Were you threatened if you tried to leave?
- Were you ever physically abused?
- What type of work do you do? For how long?
- Have you been paid?
- Are you allowed leave you work place freely?
- Have you or your family been threatened?



Does Human Trafficking Occur in Missouri?

Since November of 2006:

- The Western Judicial District Task Force has investigated over 70 complaints of Human Trafficking.
- Opened over 30 federal and state human trafficking cases.
- Rescued over 100 victims of human trafficking.



To schedule a training, presentation, or for more information contact:

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Carole L. Tylek
(Spanish/English)
873-829-4989
carolytylek@justice.com

To report Human Trafficking:

National Hotline
1-888-373-7888

Columbia Police Department
"Crime Stoppers"
873-876-7100 (6477)

311
873-436-8814

Identification,
Intervention and
Service Provision for
Victims of Human
Trafficking in Central
Missouri
Project

2009 - 2010



March 10, 2009

Naval recruiter among four men indicted for sex trafficking of a child; Undercover sting leads to first-ever human trafficking charges for attempting to pay for sex with children

KANSAS CITY - Four men – including an active duty Naval recruiter, an insurance manager at a Plaza-area office, an out-of-state car dealership's finance manager and a truck driver – were indicted by a federal grand jury today, in four separate cases, on charges related to the sex trafficking of children. Today's indictments are the result of Operation Guardian Angel, a unique undercover law enforcement investigation targeting the demand for child prostitutes in the Kansas City area. As a result of this investigation, a total of seven defendants have been charged within the past month in the nation's first-ever federal prosecution of the alleged customers of child prostitution under the Trafficking Victims Protection Act.

May 27, 2009

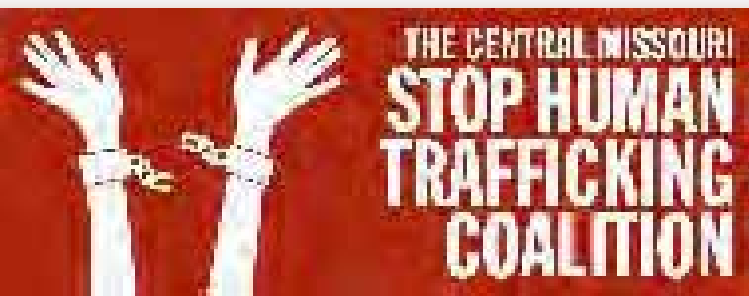
Eight Uzbekistan nationals among 12 charged with racketeering, human trafficking, immigration violations; \$6 million scheme to employ illegal aliens at hotels, other sites in 14 states

KANSAS CITY, Mo. - Eight Uzbekistan nationals were among 12 defendants indicted by a federal grand jury on RICO (Racketeer Influenced and Corrupt Organizations Act) charges related to labor racketeering, forced labor trafficking and immigration and other violations in 14 states.



Response in Central Missouri

- Central Missouri Stop Human Trafficking Coalition (CMSHTC)
- Central Missouri Task Force
- (Allied with Human Trafficking Rescue Project and Western District Task Force (HTRP))



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Rescue & Restore Regional Program

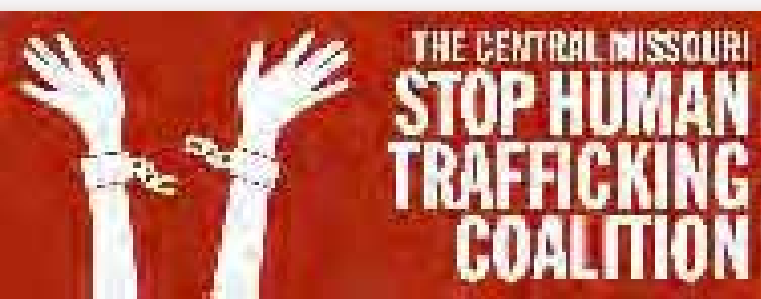


*Human Trafficking
Identification, Intervention
and Outreach Project of
Central Missouri*



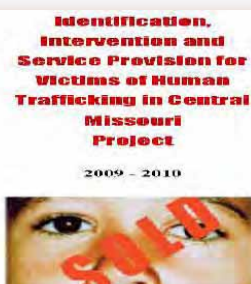
Outreach and training in 13 counties;

funded by the Department of Health & Human Services
Office of Refugee Resettlement.



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To report Human Trafficking:
National Hotline
1-888-373-7898
Columbia Police Department
"Crime Stoppers"
573-876-7110 (8477)
3411
573-636-8814



Partners

University of Missouri Master of Public Health Program,
Centro Latino de Salud, Educación y Cultura,
Columbia Police Department,
Comprehensive Human Services "The Shelter"
and Central Missouri Stop Human Trafficking Coalition



For Victims of Domestic Violence & Sexual Assault
1-800-548-2480 or 573-875-1379



To Report Human Trafficking

National Hotline

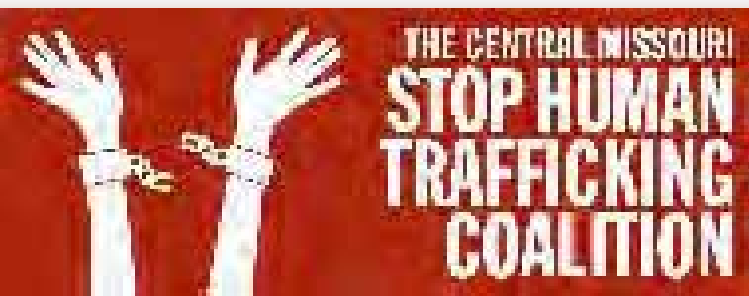
(Bilingual)
1-888-373-7888

FBI

573-636-8814

Columbia Police "Crime Stoppers"

573-875-TIPS(8477)



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Is this Human Trafficking?



Yesenia

Your name is Yesenia and you are a 15-year old girl from El Salvador. Your town is a poor one, and your family struggles to support itself. One day a group of well-dressed men come into the town and talk to many parents about their daughters working for families in the United States in exchange for an education. This is an attractive offer for you and your parents, so you decide to be brave and go with them.



To enter the United States, you are given a passport with your photo on it that says “Vivian Baker”. You arrive in Overland Park, Kansas and are anxious to meet the family that has extended such a generous offer to you.



Once at the family's house, you immediately realize this is not what you thought it would be. The passport you used to enter the United States is taken away. Mr. and Mrs. Baker give you a room the size of a closet with no windows. However, your room at home was similar and you shared with your brothers. You are forced to perform domestic tasks from dawn until dusk. You ask when you will be attending school, but the Bakers only laugh. You are not even allowed to leave the house without Mr. or Mrs. Baker.



Enrique

You are a 34-year-old man born in Oaxaca, Mexico. You want to come to the United States to work and so you pay a *coyote* (smuggler) \$3,000 to bring you into the country.



Once you cross the border, you are taken to a safe house where a contractor picks you up with others staying there and transports you to an apple farm in Waverly, Missouri where you are to work. You are told that the cost of being transported to the farm is \$2,000.



Once at the farm you understand that you can not leave and that you would be beaten if you attempted to do so.

You are paid for your work but rent and food costs are subtracted.

You are constantly moved to other farms throughout the Midwest depending on the season and you have never felt as if you could leave the farms where you lived.



TRAFFICKING VICTIMS PROTECTION ACT (TVPA)

- Signed into law October 2000.
- Reauthorized 2003, 2005 and 2008.
- Prior to 2000, no comprehensive law to protect victims of trafficking or to prosecute traffickers.
- Made human trafficking a federal crime.

114 STAT. 1466

PUBLIC LAW 106-386—OCT. 28, 2000

Trafficking
Victims
Protection Act of
2000.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

22 USC 7101
note.

SEC. 101. SHORT TITLE.

This division may be cited as the “Trafficking Victims Protection Act of 2000”.

22 USC 7101.

SEC. 102. PURPOSES AND FINDINGS.

(a) **PURPOSES.**—The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

The TVPA addresses three key areas:

- **Prevention**
 - Public awareness and education
- **Protection**
 - T visa, certification, benefits and services to help victims rebuild their lives
- **Prosecution**
 - New law enforcement tools and efforts
 - Increased sentencing for HT offenders

114 STAT. 1466

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T Visa Eligibility

- Victim of “severe form of trafficking” as defined by the TVPA.
- Comply with any “reasonable request” for assistance in the investigation or prosecution of trafficking (or under 18).
- Physically present due to trafficking in the U.S.
- Extreme hardship involving unusual and severe hardship if deported.

114 STAT. 1466

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Victims of Human Trafficking May Qualify for other Forms of Immigration Relief

114 STAT. 1466

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U Visa & VAWA

Other options for immigrants who
might be victims of violence



The Law Offices of Fehlig & Fehlig
Tatum

U Visa, Victim of a Violent Crime

Who can file for a U Visa?

- Victim of a statutorily listed crime (may be indirect in certain instances i.e. murder of a family member)
- Derivative Family Members (i.e. spouses and children)
- May apply for U visa with an unrelated criminal record (but may need obtain waiver)

Filing Requirements

- Police report
- Ongoing willingness of victim to assist in a criminal investigation



INA § 101(a)(15)(U)(iii) Statutorily listed crimes:

- Attempt, conspiracy, or solicitation to commit any of the following crimes:

Rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual conduct, prostitution, sexual exploitation, FGM, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury...



INA § 21(d)(14) All grounds of inadmissibility may be waived except:

- Nazi persecution, genocide, torture, extrajudicial killing

Benefits of U Visa:

- In cases of domestic violence no need to be married to abuser or parent of child being abused by US parent (however unlike VAWA, there is the police report requirement).
- Most grounds of inadmissibility are waived (i.e. EWI, prior crimes)



Violence Against Women Act (VAWA)

Enacted in 1994 and reauthorized in 2000 & 2005

Created for immigrants subject to domestic violence

Who can file for VAWA?

- Abused spouses or former spouses of US citizens or Legal Permanent Residents (LPR)
- Abused children whose parent is a US citizen or LPR
- Non US citizen parents of a child abused by a US citizen or LPR parent



What VAWA petitioner must prove:

- Abuser's immigration status
- Marriage (or parent/child relationship)
- Abuse
- Residence with abuser in the US
- Good Moral Character (GMC)

Abuse:

- 1 incident of physical violence is sufficient
- “Any credible evidence” standard applies (no need for police report or divorce decree with report of abuse)



Benefits of VAWA:

- INA § 245(a) allows VAWA petitioners to adjust after entry without inspection (EWI)
- Working without authorization is not a bar
- Overstaying or violating terms of visa is not a bar



Protection from Deportation & Removal

