

Understanding Human Trafficking

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Goals

- Provide information about trafficking
- Explore why it is important to understand the issue
- Examine Responses

Human Trafficking: A Growing Problem

Each year:

- 18,000 to 20,000 men, women and children are trafficked into the U.S.*
- 2 million people are trafficked worldwide
- 27 million people are enslaved around the world
- \$9 billion dollar business

*Figures are according to the U.S. Department of State. However, their sources are unknown.

What Makes People Vulnerable to Traffickers?

- Conditions of their country
 - Economic conditions - poverty
 - Political conditions – civil unrest
 - Lack of value and treatment of women and children
 - Gender roles in their country
 - Conditions in the transit country
 - Conditions in the destination country

What Makes People Vulnerable?

(continued)

- What they have experienced as a result of these conditions
 - Trauma
 - Poverty
 - Disability
- Who they are
 - Gender
 - Class
 - Ethnicity
- Who the traffickers are & how they work

Traffickers are:

- Powerful & influential
- Neighbors
- Friends
- Family members
- Village Chiefs
- Owners of small or medium-sized businesses
- Organized crime

They recruit through:

- Acquaintances
- Family
- Fake employment agencies
- Newspaper ads
- Front businesses
- Word of mouth
- Abduction

Types of Exploitation

- Domestic Service
- Sex Work
- Marriage/Servile Marriage
- Criminal Activity
- Begging

Labor:

- Factory
- Construction
- Restaurant Work
- Agriculture

Trafficking Victims Protection Act of 2000

Federal law enacted in 2000 to facilitate prosecution of trafficking crimes and provide protection to victims. Congress reauthorized and clarified the statute in December 2003 with the Trafficking Victims Protections Reauthorization Act of 2003

Trafficking Victims Protection Act

3 purposes of the law:

- **Prosecution** of traffickers - by Federal Prosecutors
- **Protection** for trafficking victims - with services and programs to assist
- **Prevention** of trafficking- through grants from federal agencies & minimum standards for countries outside the U.S.

Prosecution:

Established New Crimes

Enhanced Penalties for existing Crimes

Addresses Issues such as:

- Forced labor
- Forced servitude
- Sex trafficking of children
- Sex trafficking by force, fraud or coercion

Protection:

- Immigration relief
- Access to refugee benefits- including work permit
- Adequate shelter, care, protection in federal custody (no detention)
- Legal assistance, information, translation services
- Mandatory restitution

Immigration Relief

■ Short Term

- Continued Presence
- One Year
- Renewable
- No Cap on Numbers

■ Long Term

- T Visa & U Visa
- 3 Year
- Nonrenewable
- Can Adjust Status
- 5000/10,000 per year

Continued Presence

- Temporary form of relief that allows persons who are victims and potential witnesses of a severe form of trafficking to remain in the U.S. in order to assist in the prosecution of traffickers.

Note: Can only be applied for by a law enforcement officer

T Visa Eligibility Requirements

- Is or has been a victim of **severe form of trafficking**
- Is present in the U.S., American Samoa, Northern Marianas on account of trafficking
- Has complied with reasonable request for assistance in investigation or prosecution of acts of trafficking
 - Children under 18 do not need to meet this criterion
- Would suffer extreme hardship involving unusual and severe harm upon removal

“Severe Form of Trafficking”

- Sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced is not 18 years of age
- 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 involuntary servitude, peonage, debt bondage, or slavery

Benefits

- **Benefits for Victims of Trafficking**

TVPA allows adults and children who are victims of severe forms of trafficking to receive benefits and services to the same extent as refugees receive in your state.

These may include: Refugee Cash and Medical Assistance, Temporary Assistance for Needy Families (TANF), Medicaid, Supplemental Security Income (SSI), and Food Stamps.

Certification

- To be eligible for benefits a victim of a “severe form of trafficking” must be certified by HHS
- Must be a victim of a “severe form of trafficking”
- Is willing to assist in the investigation and prosecution of a trafficking case, and
- Has a T visa determination letter or has been granted Continued Presence

U Visa Requirement

- Provides immigration relief to victims of certain criminal activity who suffered substantial physical or mental abuse as a result and who have been or are likely to be helpful to law enforcement

U Visa Crime Include, but is not limited to:

- Rape
- Torture
- Trafficking
- Incest
- Domestic Violence
- Sexual Assault
- Sexual exploitation
- Being held hostage
- Involuntary-Servitude
- Slave trade
- Kidnapping, abduction
- Murder, Manslaughter
- Female Genital Mutilation

Who is Eligible for a U Visa

- Has information about the crime
- Is willing to cooperate with investigation or prosecution
- Has suffered physical or psychological trauma

NC State Laws

In addition to Federal Laws, there are some State laws that could be used to prosecute traffickers those include:

State Constitutional Provision

- Art. I, § 17. Slavery and involuntary servitude.
“Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.”

NC State Laws

- § 14-39. Kidnapping
- § 14-40. Enticing minors out of the State for the purpose of employment
- § 14-41. Abduction of children
- § 14-43.2. Involuntary servitude
- § 14-43.3. Felonious restraint
- § 14-190.16. First degree sexual exploitation of a minor
- § 14-190.17. Second degree sexual exploitation of a minor
- § 14-190.17A. Third degree sexual exploitation of a minor
- § 14-190.18. Promoting prostitution of a minor
- 14-190.19. Participating in prostitution of a minor
- 14-202.1. Taking indecent liberties with children
- § 14-202.3. Solicitation of child by computer to commit an unlawful sex act
- § 14-204. Prostitution and various acts abetting prostitution unlawful

How does this impact your work?

- You may already have clients that are survivors of Trafficking
- You may be asked to help in a case
- Survivors need advocacy help