

CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP HUMAN TRAFFICKING VICTIMS

THE NEED

Over 20 million men, women, and children around the world, including in the United States, are victimized by forced labor and sex trafficking. Human trafficking is modern day slavery and considered to be one of the fastest growing criminal industries in the world. Many victims are lured with false promises of well-paying jobs or manipulated by people they trust. They are forced or coerced into prostitution or domestic servitude and other types of forced labor in places like sweatshops, massage parlors, farms, restaurants, and hotels. These victims – both U.S. citizens and foreign nationals – typically require a multitude of emergency and long-term services including housing, food, healthcare, mental health and substance abuse treatment, and legal assistance such as immigration, child custody and tax debts.

EXAMPLES OF THE FEDERAL RESPONSE

In response to this crisis, the Administration has undertaken a number of actions to combat human trafficking and support its victims. In January 2014, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons published the five-year Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States (the Plan). The Plan lays out a five-year path for increased coordination, collaboration, and capacity across the federal government and in partnership with other governmental and nongovernmental entities. Among the Plan's key objectives is to improve access to victim services, in part through the provision of legal services.

In June 2015, the Department of Health and Human Services (HHS) established the Office on Trafficking in Persons (OTIP). OTIP is charged with coordinating HHS's anti-trafficking services and programs, including creating a cohesive national human trafficking victim service delivery system. Among the important victim services provided by HHS are comprehensive case management for trafficking victims and grants for victim-centered services, including legal services. HHS grants awarded in 2015 supported 183 agencies with specialized capacity to serve victims of trafficking in 320 locations. The HHS-funded National Human Trafficking Resource Center provides referrals for legal services and other resources for victims of trafficking across the country. HHS also established the HHS Task Force to Prevent and End Human Trafficking to further strengthen anti-trafficking initiatives, data collection, and policies.

The Department of Justice (DOJ) – through the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime (OVC), and the National Institute for Justice – funds efforts across the country to investigate human trafficking, provide services to victims, and conducts research and evaluation on both sex and labor trafficking. Grants announced in September 2015 support 16 anti-human trafficking task forces of multidisciplinary teams of federal, state and local law enforcement agencies and victim service providers, 24 victim service organizations to provide either comprehensive or specialized services including legal services, national training and technical assistance on legal services for trafficking victims, and multiple research studies.

At the Department of Homeland Security (DHS), Citizenship and Immigration Services and Immigration and Customs Enforcement provide immigration relief to encourage trafficking victims to come forward and allow them to remain in the United States to assist law enforcement. In addition, the Blue Campaign is DHS's unified voice to combat human trafficking.

Lastly, DOJ and DHS investigate and prosecute traffickers throughout the nation, while other agencies like the Equal Employment Opportunity Commission and the Department of Labor identify trafficking victims, support law enforcement and enforce civil remedies within their respective authorities.



“For immigrant victims, immigration relief is one of their most imminent and essential needs. Between 2002 and 2015, WITH LEGAL ASSISTANCE from the Coalition to Abolish Slavery and Trafficking, 99% of our clients successfully obtained T-visas.”

**~ Kay Buck, Executive Director, Coalition to Abolish Slavery and Trafficking
– DOJ and HHS grantee**





In our nation's fight against human trafficking, it is not enough to bring perpetrators to justice; we must also ensure that survivors can access the resources they need to rebuild their lives and reclaim their futures:

LEGAL AID IS VITAL TO THAT EFFORT.

Attorney General Loretta Lynch, U.S. Department of Justice

Legal Aid Helps

- **Access resources** needed to regain control of their lives and avoid re-trafficking, such as housing, food stamps, medical assistance, public benefits, education, employment authorization, tax assistance, and name changes.
- **Assist immigrant victims to obtain immigration relief** such as T-visas, Continued Presence, U-visas, Special Immigrant Juvenile Status, or Asylum.
- **Remove trafficking-related convictions and other criminal records** such as prostitution charges under state law.
- **File civil lawsuits against traffickers** to recover unpaid wages and receive compensation for physical and psychological damages, fraud, contract violation, and tort claims.
- **Assist with orders of protection and family law matters**, such as divorce, child custody and guardianship of victims' children and of child victims.
- **Serve as a liaison between victims and law enforcement**, represent victims who testify in court or are contacted by defense counsel, and assist with preparing victim impact statements and collecting restitution ordered in a criminal case.
- **Obtain proper legal documentation**, such as proof of age and name at birth.
- **Resolve identity theft and other forms of financial exploitation** perpetrated by traffickers.
- **Identify and advocate for victims of trafficking** caught in the criminal justice system.
- **Conduct outreach** at community and faith-based organizations and labor camps to raise awareness about human trafficking and identify victims.

Legal aid helps restaurant workers in federal prosecution of traffickers and public benefits

“Narawit” was enticed to Colorado from Southeast Asia with a work visa and good wages as a chef. However, the restaurant owner forced him to work twelve-hour shifts without breaks, and the pay was far less than promised with numerous illegal deductions and fees. When the owner didn’t renew his visa, Narawit feared he had no options. Fortunately, DOJ prosecuted the owner, and Colorado Legal Services (CLS) helped Narawit and 8 other workers in the federal prosecution. CLS helped them meet with federal prosecutors and investigators, calculate unpaid wages, and prepare victim impact statements. CLS also helped recover restitution for nearly 60 workers. Later, when Narawit became seriously ill, CLS, with funding from OVC’s Specialized Services for Victims of Human Trafficking grant, helped him successfully appeal the denial of Medicaid and food stamps by establishing his eligibility as a human trafficking victim.

Trafficking victim gains a financial fresh start with help of legal aid

At risk of homelessness, 18-year old “Becky” moved in with her boyfriend “Jimmy.” Though he initially treated her nicely, Jimmy soon asked Becky to have sex with other men for money. He then took her to a warehouse forcing her to have sex with multiple men a day, guarded by Jimmy’s cohorts. He also made her work at legal brothels in Nevada and strip clubs in Houston. Eventually Becky escaped, and Jimmy was arrested for his part in a domestic sex trafficking ring. Although finally freed, Becky soon began receiving letters from the IRS for unpaid federal taxes on nearly \$300,000 in the earnings from the legal brothels and strip clubs. Becky turned to Lone Star Legal Aid’s Low Income Taxpayer Clinic, a program funded in part with a grant from the Internal Revenue Service, and its lawyer helped Becky document her experience as a trafficking victim who did not receive the funds. This legal assistance helped eliminate Becky’s tax debt and enabled a financial fresh start to help her recover from years of trafficking.

