



Collaborating to Help Trafficking Survivors:

Emerging Issues and Practice Pointers

Produced by



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WHAT is this manual and WHO is it for?¹

This manual is for those committed to assisting trafficking survivors, especially sexual assault and domestic violence advocates and their allies in the criminal and legal systems² who have basic knowledge of the trafficking assistance process. It is the product of a special pilot project of the Futures Without Violence, previously Family Violence Prevention Fund, sponsored by the United States Department of Justice, focusing intensive resources on two promising models in Atlanta, Georgia and Washington state. An advisory board of national experts worked with local sexual assault, domestic violence, and immigrants' rights leaders to develop an innovative approach to building effective collaborations necessary to reach, help and empower trafficking survivors.

Instead of recreating materials created by others working on trafficking issues, this manual examines issues and promising practices that have emerged during the six years since the federal government decided in 2000 to devote significant attention to trafficking and its victims. Where appropriate, the manual provides links to websites and resources that provide more in-depth background on particular issues. Background documents created by model programs that assisted in this project are available.³

We hope this manual will encourage you to think creatively about your role in helping trafficking survivors, spur you to build new collaborations to do this work, and give you concrete tools to accomplish these goals. We have found that there is no one perfect solution, no single best model, and that developing useful approaches is an evolutionary process. We do believe, however, that whatever approach you use must be “victim-centered.”⁴

Significant gaps remain in creating an adequate service and support alliance for trafficking survivors. You may find new ways to meet the multiple needs of this unusually isolated and vulnerable population as your work progresses over time. Please share your experiences with us through networks noted in the resource section.

1 Gail Pendleton wrote this manual with extensive and invaluable assistance from the following experts on various aspects of trafficking: Kay Buck, Florrie Burke, Marissa Dagdagan, Maria Jose Fletcher, Grace Huang, Leni Marin, Sonia Parras, Olga Trujillo and Sujata Warrior. These experts contributed most of the ideas and suggestions contained in this manual; the author and the Family Violence Prevention Fund gratefully thank them for their commitment to helping survivors of human trafficking.

2 Trafficking may occur within the United States (both between states and within a state), and US citizens may be part of such trafficking. This manual, however, focuses on non-citizen trafficking victims.

3 Visit www.futureswithoutviolence.org for additional resources.

4 This manual uses both the word “victim” and “survivor” to refer to those who have suffered trafficking. “Victim” generally applies to those early in the process of escaping and recovering from trafficking. Many victims become “survivors” as they gain security, confidence and skills; eventually, they may thrive. “Client” is used to apply to all victims and survivors, and when necessary to individualize, clients are female. In reality, however, many clients may be men or boys.



Trafficking and Its Victims⁶

- The United Nations says 4 million people are trafficked across borders internationally every year.⁶
- The United States Department of State says around 14,500–17,500 people a year are trafficked into the United States.⁷
- The new U.S. law on trafficking says “severe forms of trafficking” include recruiting, harboring, transporting, providing or obtaining people for commercial sex or labor. If victims are 18 or over, they must have been forced, coerced, or induced by fraud to engage in commercial sex or slavery-like labor.⁸

Poverty, oppression and civil unrest often contribute to conditions that foster trafficking.

Norms devaluing women and girls or that condone mistreatment of women and children foster trafficking.

This is a problem not just in the home country, but also in countries in which trafficking victims are brought as well as countries where they travel or which they travel through to reach another country.

Traffickers may be:

- Neighbors
- Friends
- Acquaintances
- Family members (immediate and distant relatives)
- Village chiefs
- Owners of small or medium-sized businesses
- Organized crime
- Respected members of the community

5 The report by Caliber Associates on contains background on trafficking and its victims. *Human Trafficking Into and Within United States: A Review of the Literature*. For an electronic version of this paper, please go to <https://aspe.hhs.gov/system/files/pdf/75891/index.pdf>

6 Report of the Special Rapporteur on Violence Against Women, submitted to the 56th session of the UN Commission on Human Rights, E/CN.4/2000/68, para. 7. Available at <http://www.un.org>

7 Department of State (2004). Trafficking in Persons Report, June 2004. Found at <http://www.state.gov/g/tip/rls/tiprpt/2004/>.

8 The full definition of trafficking is as follows: “(a) the recruitment, harboring, transportation, provision or obtaining of a person for purpose of a commercial sex act in which the sex act is induced by fraud, force, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” 22 U.S.C. § 7102.

They recruit through:

- Acquaintances
- Family
- Newspaper ads
- Fake Employment Agencies
- Front Businesses
- Word of Mouth
- Abduction

Victims may include:

- People brought in large groups, over the border or on boats, for prostitution rings or forced labor, such as sweatshops or farms
- Individuals lured in for legitimate work or promised citizenship that turns out to be forced sex or labor
- Individuals brought in as spouses but treated as indentured servants or prostitutes or both
- Individuals and groups brought in on fraudulent papers, or on short-term visas that have expired and are no longer valid
- People whose legal immigration status depends on the trafficker's cooperation and support (employers and family members may be traffickers)

Key Points

- Trafficking does not always involve organized crime; many individuals from different backgrounds and professions may be trafficking one or two individuals for sexual or labor exploitation.
- Entering “voluntarily” doesn’t mean you aren’t trafficked.
Some examples:
 - ▶ Some people who think they are being smuggled into the United States to work actually are being trafficked in for forced labor or sex.⁹
 - ▶ Traffickers may use legal immigration routes to bring in their victims.

For instance, some employers may use employment visas to bring in a workers who they exploit through unfair compensation and unsafe work environments in order to cut costs. U.S. citizens may use fiancée visas to bring in spouses they wish to use as indentured servants or sex workers.

⁹ Smuggling is defined as transportation of migrants through illegal channels.



Identifying Trafficking Victims: An Exercise

Here are three stories that illustrate a variety of issues in trafficking cases. These stories will appear throughout the manual, with questions we hope will encourage you to think about trafficking in ways you may not have considered before.

Questions for You

As you read the examples, ask yourself:

Is this trafficking?

If so, what is it for (sex or labor or both)?

Here are some trafficking “red flag” questions to ask about potential trafficking victims:

How did they get here?

What happened once they got here?

Was there fraud or coercion?

What were their real or perceived choices?

Who is in control?

Can they leave?

Are they or their families threatened (real or perceived)?

Who has their documents or other things that matter to them?

Are Joyce, Nadia and Carlos trafficking victims?

Joyce, a woman from the Philippines, attended a dance school that is sponsored by the Philippine government for overseas workers. She has received her “certification” and signed up with a broker to be an entertainer in Seattle. Upon her arrival, she learned that her debt for “school and transport into the United States” is \$4,000. To ensure that she pays off the broker, she is required to stay at a home that the broker owns. She owes \$500 per month in rent to live there and is not allowed to leave alone. She is also required to dance at the broker’s club, where she is paid \$100 a week – her rent and food is deducted from this amount. Her debt keeps mounting and she feels she will never be able to pay it back. She is told that she could earn more money at the club by performing sexual acts with customers.

She does not have any immigration documents. She agrees to work performing sexual acts at the club to “pay back her debt” to her employer, and to send money home to her family.

Nadia was interested in coming to the U.S. and thought she could go to school, as well as work and make money there to support her family back home. She was approached by a prominent businessman in her community and told that he could get her into the U.S. to work. The prominent businessman ran a mail order bride business. He placed Nadia’s picture in his catalog and explained to Nadia that she could come to the United States, marry an American and have all her dreams come true. Tom has picked Nadia out of a catalog to possibly be his wife. Tom gets a fiancée visa for Nadia and brings her into the United States. After she gets here, Nadia is too busy taking care of the house and Tom’s children from a previous marriage to go to school. Nadia works 16 hours a day to keep the house clean and keep Tom and the kids fed. Tom has Nadia’s visa in his safety deposit box. Nadia is afraid of Tom.

Carlos lived in Mexico and wanted to come to the United States to work. He paid a *coyote* (smuggler) to be brought into the country. Once he crossed the border, he was taken to a safe house where a contractor picked him up with others staying there and transported him to an apple farm where he was to work in Washington State. Carlos was told that the cost of being smuggled into the U.S. and transported to the farm was \$2,500. Once at the farm, Carlos understood that he could not leave and that he would be beaten if he attempted to do so. Carlos was paid for his work but rent and food costs were subtracted. Carlos was moved to other farms throughout the west coast depending on the season. He never felt he could leave the farms where he lived.



II. Working with Trafficking Survivors

This section focuses on what you must know and think about to work effectively with trafficking survivors. While trying to understand their reality, you also must be aware of how your reality affects your work with them. We provide some suggestions based on a decade of experience working with immigrant survivors of crime.

Trafficking victims may come to you in a number of ways:

- They may walk through your doors because they are sexual assault or domestic violence victims, providing no obvious cues that they are in trafficking situations.
- They may be sent to you by law enforcement agencies who rounded them up as part of a prostitution or sweatshop bust.
- They may want you to help them get immigration status, without revealing the details of their work or home environments.
- They may be seeking back pay or compensation for inequitable work situations.

Building trust is essential to working with all violence survivors, especially those who lack secure immigration status. Be aware of the barriers they experience in trying to access your help. Spend time working to overcome those barriers and building trust.

- ▶ Non-citizens in general may be unfamiliar with the systems and resources available to crime survivors in this country.
- ▶ They may think you work for the government and may fear that talking to you will get them or their family members deported.
- ▶ They may come from countries or situations where there they had few or no rights (especially if they are women or children), and they may not realize that our criminal and civil justice systems must protect them, regardless of their immigration status.
- ▶ They may not understand the services and resources you are offering if you are not communicating in the same language. As with other survivors of violence, they may be focused on needs that seem relatively unimportant to you, but which make sense in their own realities.

Understanding Their Reality

The best way for you to learn how to work with trafficking survivors is to adapt and expand what you know from your current work and experience. Consider these questions in the context of your work with domestic violence and sexual assault survivors:

Why might they not tell you the details of their experience?

Have they experienced violence throughout their lives¹⁰ and, if so, how does this affect their actions now?

If you ask them whether they have been “sexually assaulted” or “subjected to domestic violence,” will they know what you’re talking about?

Why might they need time to make decisions or seem paralyzed about making decisions?

Why might they want to go back to their home country?

Why might they fear accessing or using the U.S. criminal system?

Why might they not disclose relevant information?

What can you do to make sure survivors are making decisions because they think they are the best for them, not because they fear the traffickers?

If their fears are legitimate, what can you do to help eliminate the reasons for their fears?

What additional issues may prevent immigrant survivors from talking to you?

Why won’t they be willing to identify their traffickers?

- ▶ No information or misinformation about our legal system (*who controls their access to this information?*)
- ▶ Fear that the criminal system will harm them (*who instills this?*)
- ▶ Fear of deportation if they access services (*could this happen to them?*)
- ▶ Fear of retaliation against them or their families if they tell the truth.
- ▶ They can’t work legally and are economically dependent on the traffickers.
- ▶ Their communities, here or abroad, may ostracize or punish them for challenging the traffickers.

In addition to the answers you came up with to the questions above, here are some observations from those who work with trafficking survivors:

- They may have difficulty identifying their own individual needs if they are used to thinking of their needs as irrelevant or secondary to others’ needs.

¹⁰ Many trafficking victims were abused or sexually assaulted in the past, have been treated like property all their lives, or have experienced the violence of war, natural disaster, or political unrest.



- If they've been in the trafficking situation for a long time, or if they have been subjected to power, control and violence most of their lives, they not be used to making choices and decisions for themselves.
- Like other trauma survivors, they may minimize their problems.
- They may not have the vocabulary to communicate what they've experienced, and they may use nonverbal cues differently from you (e.g., to them, eye contact may be a sign of disrespect, not truthfulness).
- They may be coerced into staying in the trafficking situation even if they are not physically restrained. Traffickers, like abusers, use psychological and other forms of coercion to keep their victims from leaving.
- They may not understand our mental health services or, like other crime survivors, may resist because they think there is stigma attached to them. They may be suffering, however, from various mental health problems, including Post Traumatic Stress Disorder, dissociative disorders, depression and suicidal impulses or desires.

Understanding *Your* Reality

Try to be sensitive to the things you bring to the table that might inhibit communication with survivors:

Your professional role

Ethnic/racial differences

Class (within immigrant groups, as well as between different groups)

Language

Gender

Educational Level

Language Proficiency or Diction

Any or all of these factors may make communicating difficult, unless you take steps to identify and overcome them. Assumptions and stereotypes about specific ethnic groups, about immigrants, or about trafficking victims generally may cloud your ability to see your client's reality. The next section on Cultural Competence provides more background on these issues. Here are a few rules that are particularly relevant here:

Be aware of your biases, prejudices and knowledge about a victim.

- ▶ Do not make assumptions based on appearance.
- ▶ Use appropriate language.
 - ▷ Are you judging your client, consciously or unconsciously?

- ▷ What assumptions do you have about prostitutes? Do you think you know why your client is a prostitute?
- ▷ What about undocumented workers? Do you think that people can't be exploited if they are making more money than they would in the home country?

Discard your assumptions and judgments. They are probably wrong and certainly unhelpful.

Recognize your professional power and avoid imposing those values.

- ▶ Use non-judgmental questions.

Listen to the victims.

- ▶ Let them tell their stories.
- ▶ Do not assume what they know and don't know.
- ▶ Pay attention to verbal and nonverbal cues.

Gather information about the victim's interpretation of their culture.

- ▶ "What would it be like for you to talk about this problem with your family or in your community?"

Validate the victim's strengths.

- ▶ Thank them for sharing. Also, acknowledge their efforts to access existing support systems and stay safe.

Whose Life Is This?

Be aware that your clients have been living as slaves. They have adapted and survived by allowing themselves to be dominated and manipulated. It may be hard for them to avoid replicating these roles. It is your job, therefore, to guard against this occurring.

- Don't assume they understand what you're telling them, just because they say they do.
- Ask her to explain what you told her in her own words so you know she understands and is not just trying to appease you.
- Avoid imposing your goals and your ideas about the right outcomes.

Making decisions for your clients may backfire in many ways: it can undermine trust, it may result in choices that are not what your clients want, and it may further endanger or



traumatize them. To be good at this work, you must leave at home the notion that you “know what’s best”.

For instance, you may feel pressure from funding sources to encourage your clients to participate with the criminal justice system. Many of your clients may need time before they are ready to cooperate, some may never be willing to participate in a way that satisfies the criminal justice system, and some may not be sufficiently “good” victims or witnesses to get help from the criminal justice system.

Some clients may need other things first, before you can help them. Their top priority may be housing, food and clothing, or dental care so they can eat the food they are given. They may be preoccupied with what’s happening to their family in the homeland because the money they have been sending to them to survive is now gone, or because they think the traffickers will harm them. They may be so traumatized that they require mental health intervention. Most clients will need physical health care and tests sooner rather than later.

If you can’t meet your client’s immediate needs right now, get them to others who can help them with their top priorities. However, maintain your relationship with them, because you can help them navigate the other people and systems they need, and you will be there when they are ready for your help.

If the problem is lack of funding to provide the help your client needs, work with your collaboration partners (*see section IV*) to secure money from other sources that will fill the gaps. Helping trafficking victims requires long-term commitment and a broad range of resources. Given space, time and patience, most trafficking victims will rebound from their experience and not only learn to survive, but will thrive. You can help them do this.

Some Basic Rules

Here are some suggestions for communicating with non-citizen survivors. These are particularly important if you are the first person seeing the victim after a law enforcement arrest.

Do NOT say:

- What is your immigration status? (Do you have a green card? Are you a citizen?)
- Are you “residing” in this county? (“Lawful permanent residence” is the immigration status those with “green cards” have, so the words “residing” or “resident” may be confusing).

Do say:

- I do not work for the government, the immigration system, or the police (if this is true). *My main job is to help you find services.*
- Everything you tell me is confidential and I will not share it with anyone else without permission (ensure that this is true for your professional role).
- I provide services regardless of your immigration status.
- You do not have to talk about your immigration status if you do not feel comfortable. Some victims of crimes qualify for immigration status, however, so I may tell you about some options for applying for status that could apply to you, if you are not a U.S. citizen.
- You also have rights if you are picked up by the police or by immigration. These include the right to speak to an attorney, to not sign anything or say anything without an attorney present, and to have a hearing before a judge if you are charged with a crime or with being deportable.

The National Human Trafficking Resource Center developed the Human Trafficking Assessment for Domestic Violence and Sexual Assault Programs to help identify trafficking victims. Please visit www.humantraffickinghotline.org to download tool.

INTERPRETATION GUIDELINES¹¹

- When you are serving a small or marginalized group, beware of using people from the same community. Use someone from out of town; if necessary, use the AT&T line.
- Conduct a confidentiality screening to see if the interpreter knows the client or trafficker or has any friends/relatives who may know the client or trafficker.
- Create or use the Informed Consent Letter to make sure that the client knows the role of the interpreter and understands the interpreter's vow of confidentiality.

¹¹ Developed and reprinted with permission by the Coalition to Abolish Slavery and Trafficking (CAST), 2002.



Confidentiality

When communicating with trafficking survivors, confidentiality is of utmost importance. This is not only a question of security for your client, your organization, and yourself, but also enables you to develop trust between you and your client. Furthermore, the level of confidentiality to which you are bound depends upon the laws in your state and your professional role. Here are a few things to consider with regards to confidentiality:

- Resist pressure to share all your information.
- Examine what those pressuring you really need to do their jobs; what they want may be a lot more than what they need.
- What information do you really need in your official files? Sometimes less is better.
- Depending on the complexity, extent of the case, or stage of the investigation, the threat to your client's safety may increase.
- Understand the rules of confidentiality you are bound to by your profession or locality.

The Coalition to Abolish Slavery and Trafficking (CAST), has developed some tips on ensuring confidentiality:

- DON'T:**
- Share information in a way that violates or undermines confidentiality, or that undermines trust
 - Use client's name in public
 - Give out address/phone number without consent
 - Show pictures of client to anyone
 - Discuss case details in initial contacts with service providers
 - Avoid "identity disclosure by association"¹²
 - Disclose medical or mental health information without consent
 - Discuss specifics of a case with non-service providers who are members of the survivor's community

¹² Identity disclosure by association occurs when your client's identity is revealed through her relationship with other members of the community

Key Points

- You may not know someone is a trafficking victim until you discover or uncover information that raises trafficking “red flags.”
- Trafficking victims may have experienced a continuum of violence throughout their lifetimes. If they are women, in particular, they may have suffered rape and domestic violence, as well as kidnapping, labor exploitation, and the violence of slavery.
- Try to understand their realities, not impose expectations based on “culture” or your own frameworks and assumptions.
- Your goal is to get your trafficked clients stabilized so they can then make appropriate choices.
- It takes some people a long time to relate their trafficking story.
- Do not press them to cooperate with law enforcement unless and until they are ready.
- Provide as much information as possible at every step of the way: Identify key players and what will happen with services and systems, including the criminal system.

Identifying trafficking victims: the exercise

Now go back to Joyce, Nadia and Carlos, and ask yourself:

- ▶ Why might they not tell you about their experience?
- ▶ What aspects of their reality might affect their ability to talk to you?
- ▶ What barriers might you bring to the table, even if unintentionally?
- ▶ What assumptions are you making about them?
- ▶ How would you ask questions without shutting them down?



III. Improving Your Approach

At the end of the last section we brought to your attention the barriers you may bring to working with trafficking survivors. In this section, we focus on what you can do to improve your program and your individual work. We share some lessons we have learned about working with immigrant survivors of violence.

Becoming Culturally Competent

The Culture Handbook (available at www.endabuse.org) provides detail on culture and working to become culturally “competent.”

A few key points:

Culture shapes

- An individual’s experience of violence
- Whether services are equally accessible to all
- Your responses within the culture of the systems and institutions in which you work

Culture

- Is not fixed, and assuming it is fixed leads to stereotyping and unhelpful generalizations
- Includes but is not limited to class, sexual orientation, disability, immigration status, gender, ethnicity, race, location, time, and other variables arising from the particular experience of the group or individual

All these variables intersect differently in individuals and groups. They also change over time, because both society and individuals are constantly evolving.

Developing Competence

- Is not a one-time thing; it is a lifelong process
- Requires learning from multiple sources over time
- Requires recognizing historical oppression and how people experience it

- Includes frequently examining and understanding your own cultural biases (both individual and institutional)

Here are some suggestions on applying these principles to how you work with trafficking victims:

- Recognize and be aware of your preexisting beliefs about your client's culture
- Listen to and build on the survivors' strengths
- Be aware of the power you have as an advocate or professional
- Gather information on the survivors' interpretation of their own culture

Institutional Changes to Enhance Competency

Work to make your agency more culturally competent:

- Examine protocols and policies for cultural appropriateness; do the same with institutional values and principles. Are they excluding or discouraging access or participation, whether intentionally or not?
- Train and develop the skills of ALL staff, not just those assigned to work with particular populations.
- Hire staff that represents the populations you serve or wish to serve.
- Develop linkages with relevant communities. Be aware of the differences between cooperation, coordination and collaboration.

Cooperation refers only to working together

Coordination accounts for power differentials

Collaboration refers to power sharing

Improving Your Program

Although providing adequate services will always be a challenge, there are several steps you can take to improve how your program provides services.



Train Staff Regularly

Staff must be trained on all the issues facing trafficking survivors, so they understand their reality and can identify their options. These include all the issues identified in this manual.

Cultural competency

Human rights

Trauma

Immigration options

Crime victims

Public benefits

Working with immigrant communities

Provide Staff Support

You must provide staff support because this is difficult work. The issues are difficult, the experiences your clients have had are difficult, and juggling all your clients' needs and priorities is difficult. Below are some suggestions as to how to provide your staff with support.

- Provide a place for staff to talk about their cases and how they feel about them.
- Encourage staff not to take casework home with them. This is harmful for their own mental health and can lead to burnout.
- Prohibit staff from discussing cases outside the organization. This is harmful to the clients.
- Examine caseloads and look for burnout by staff that may experience “vicarious” trauma from working with trafficking survivors.
- Have an outside expert, such as a licensed clinical social worker, come in regularly to review boundary issues with staff, check in with them to identify burnout or vicarious trauma, and answer ethical questions that may have arisen in their work.

One issue staff may need help with is maintaining boundaries between themselves and clients. Trafficking survivors may volunteer to help, cook for staff, or otherwise replicate their roles in the trafficking situation. Discourage this behavior by defining appropriate boundaries between staff and clients.

Recruit New Staff

One of the best ways to improve your services is to hire people from affected communities, or who at least come from the same culture. Speaking the same language is a good start, but

it does not mean they are from the same culture. Consult with other agencies about how they've recruited; use their outreach and resource lists, if possible.

Explore Multiple Funding Sources

The federal government now funds agencies serving survivors at different parts of the process. By combining these monies, you may be able to cover many of the services trafficking survivors need. They are not the only sources of funding, however. Other providers are receiving money from diverse sources, including state domestic violence and sexual assault coalitions and private funders. Explore private funding sources, too. Trafficking is a “hot” topic, and funders favor collaborative approaches.

Develop Safety Protocols

Working with trafficking survivors raises safety and security issues beyond those you may have encountered in the domestic violence and sexual assault arenas. Some traffickers are affiliated with organized crime. You must take your safety very seriously. A sample of some things to consider:

Security systems

Car service for case managers working with high profile clients

Space for meeting with clients away from the organization and the traffickers

Using locations undisclosed to the general public

Using post office boxes for confidential mailing addresses

Getting Ready for Outreach

Before you start doing outreach you must be prepared.

- Do you know what populations of trafficking victims are in your community?
- Do you know where they originally come from, what they have experienced while here?
- Are there organizations in your area that work with sweatshop workers or domestic workers?
- You must connect with those individuals or organizations who already work with immigrant communities.
- In rural areas, link with organizations that help migrant workers, such as those who provide health services.



Don't assume that immigrant and ethnic communities will not be interested or will refuse to acknowledge that trafficking occurs.

- Ask to do a presentation for community-based organizations, or the people in them who may care most about this issue, such as their board of directors.
- Ask them if they know about trafficking, tell them what you do and why you would like to work with them to reach survivors.
- Offer to serve as a buffer against backlash.
- You or another organization should be the listed contact, so the local organization does not get flack for challenging traffickers, who may be powerful members of the community.

Working together on outreach is one way to build effective partnerships with key allies. Once community contacts know how to identify trafficking, they may become an important first point of entry into services and safety, particularly for victims of labor trafficking. You should not take them for granted, however.

Build community contacts into future grant applications, and help key allies build capacity to work with you and with trafficking survivors. Help get their ideas for doing outreach funded, and get them resources to follow through on these ideas.

What other systems might unwittingly encounter trafficking victims? Contact the part of the court system that deals with prostitution. This includes probation officers and mandatory health programs for those convicted of prostitution. Educate them about trafficking and the signs that a person has been trafficked. These systems might also be in need of cultural competency training.

Are you ready for victims of trafficking if they come? Can you provide or get victims what they need? Have you connected already with others who can help trafficking victims with their key needs? Have you thought through what all those needs are? If you do premature outreach, you will be scrambling to help people in crisis. You may even end up harming them unwittingly. *Do your homework first.*

Outreach When You're Ready

Once you've got your systems in place, think about where the most isolated people might go or how they might receive information.

Put posters¹³ in:

- laundromats they may use,
- supermarkets they may shop in,
- beauty and massage parlors where they may work,
- restrooms at restaurants they may work at or go to,
- religious institutions where they may attend services, and
- parks and schools where they may take their traffickers' children.

Remember that many trafficking victims may not be able to read English or even their native language, so use pictures and cartoons to communicate, not just words.

Work with your allies from local immigrant organizations and organizations that work with immigrant populations. They can identify trafficking victims, visit places survivors may frequent (such as parks where nannies take children), scan job ads in local papers, and follow up on possible leads they've discovered. They will have the best ideas on how to find victims.

Use the media. Do public service announcements in newspapers, magazines, on radio and television stations. Specifically, present your public service announcements in ethnic publications and on radio and television programs that are targeted toward immigrant populations. Make sure to include a contact phone number in your media outreach. Encourage local newspapers to cover the array of services available for trafficking survivors. Even the most isolated victims may have access to these media. Furthermore, neighbors and acquaintances may hear the public service announcements or read a story about trafficking and realize they can help someone who lives near them.

Be creative. If you know trafficking is occurring in particular places or areas, distribute information in ways traffickers are unlikely to notice but that workers might find in their daily life. Day laborer sites may be a good place for information about labor trafficking. Some trafficking agencies have put their contact information on matchbooks distributed in bars, restaurants and churches, free lipstick containers given out on corners, calendars posted in nail parlors, and prayer cards given to those attending religious services.

Repeat your message. Those of you who've worked with domestic violence survivors know that it often takes time for your message to get through. Keep it up; once is not enough.

13 The Department of Health and Human Services has developed a public education campaign to reach trafficking victims. Their materials are free and available at <https://www.acf.hhs.gov/otip/resource-library/search>. DHSBLUECampaign-Resources <https://www.dhs.gov/blue-campaign/library>.



IV. Meeting the Needs of Survivors

This section looks at the challenges you face in finding the resources trafficking survivors need. How will you help trafficking survivors? One way to prioritize is to focus on stabilizing your client's well-being. What do you need NOW to do this? Can you do what's needed now, or is there someone else who can help? **Probably, you will quickly realize you must network with others to effectively help trafficking survivors.**

You may be the first person to really communicate with a victim. Your job is to focus on her needs. Explain to others who want to talk to her that she will not be very useful to them until you've helped her address her most urgent needs. Once she's stabilized, she will be in a better position to evaluate and assess her other needs and options. Until then, she should not be subjected to long interviews. These may feel like interrogations and add to her trauma.

Think of yourself as a buffer as well as an advocate.

Help create a safe space for her, which includes warding off demands that will undermine her progress.

If you already work with survivors of domestic violence or sexual assault, doing this should not be completely foreign to you.

A. Maintain Role Integrity

As you work within this area, you may feel pressure to go beyond your normal role. Some of this pressure may be indirect: Funders want to "see the numbers." Some pressure may come from other systems and individuals who want you to "get your client" to do what they think needs to be done. You may also feel internal pressure to fill service and reporting gaps.

Be conscious of these pressures. Doing this work correctly requires creativity, but you should not do another system's work. For instance,

- You can always improve your efforts to reach survivors BUT it's not your job to patrol brothels and workplaces.
- You should learn the signs of severe trauma BUT it's not your job to provide mental or physical health services.

- You can help clients make choices about their legal options and play an important role in helping clients document and put together cases BUT you cannot practice law if you are not an attorney (or an “accredited representative” if you are in the immigration system).¹⁴

Crossing the boundary into the work of others jeopardizes your safety and the integrity of your role as an advocate. Instead, focus on making your services more accessible and building collaborations to meet the wide range of challenges facing trafficking survivors.

B. A Range of Needs, An Alliance of Services

If you already are working with trafficking survivors, you know that it’s virtually impossible for one agency to do everything for a trafficking victim. Here is a list of some things trafficking survivors need:

- ✓ Literacy
- ✓ Interpretation
- ✓ Housing
- ✓ Food and clothing
- ✓ Medical care and health education
- ✓ Mental health care
- ✓ Dental care (for lost teeth and serious infections)
- ✓ Transportation
- ✓ Legal and immigration services
- ✓ Protection by the criminal system
- ✓ Help taking care of family in the homeland
 - ▶ economic support lost by the survivor leaving trafficking
 - ▶ safety
- ✓ ESL training
- ✓ Independent living skills
- ✓ Safety planning
- ✓ Job placement
- ✓ Employment skills training
- ✓ Human rights education
- ✓ Repatriation and reunification (some survivors may wish to return home or be reunited with their families)

¹⁴ For more on what “accredited representatives” are and how you might become one, see section V.



Who will take the lead in finding all these resources? How will the different “players” in your client’s case interact? Will they work together or at odds? What role can you play in making a collaboration work? The only way to build this alliance of services is to work together.

Trafficked Children

Congress has ensured that trafficked children access services swiftly by eliminating some of the requirements for gaining government certification. This means, however, that proving their age is essential. The section on the immigration options for survivors contains some suggestions for helping with this.

The Office on Trafficking in Persons (OTIP) within the Administration for Children and Families (ACF) provides overall leadership of anti-trafficking programs and services including issuing Eligibility Letters, in accordance with the TVPA.

A foreign national child victim of human trafficking, under the age of 18, is eligible for Federal and State benefits and services to the same extent as a refugee upon the determination by HHS to issue an Interim Assistance Letter or Eligibility Letter. For information and resources please consult the fact sheet: Assistance for Child Victims of Human Trafficking <https://www.acf.hhs.gov/otip/resource/eligibilityfs>.

Your Role in the Alliance

How you initially help trafficking victims may depend on where they are in the alliance of services. If you are the first person they’ve spoken to, you must help stabilize them by identifying and meeting their immediate needs. Doing a safety assessment for trafficking survivors is not comparable to safety planning for domestic violence victims.

If they’ve come to you after encountering law enforcement, the health care system, or another social service provider, you not only may need to help stabilize them, you must help them process what they’ve experienced in these systems and identify how and whether their immediate needs have been met. In either situation, you should help them do some safety planning and chart the full course for achieving self-sufficiency.

One thing you must be clear about from the beginning is what you can and can’t do. You may not, for instance, be able to find housing, which might be a top priority for

stabilizing your client. You may not be available 24 hours a day. Be clear about when victims and other agencies will be able to reach your services. *Only promise what you can deliver.*

Your clients need an advocate or case manager who is willing to help them navigate everything in their new lives. Find out what's happened in other systems they've encountered and collect any documents from those encounters. Help them get transportation or show them how to use public transportation. Show them how to use a phone and how to leave a message on a phone machine. Help them find English-as-a Second Language classes, if they want to learn English. Help them open bank accounts and learn how to manage money. Your agency or a partner in your collaboration should provide training in such life skills, but your clients still need an individual guide until they can find their way on their own.

In addition to finding adequate interpretation, cross-training on the core issues noted below will help you work more effectively with trafficking survivors, as well as help you develop the collaborations you need. For instance, you need to know when someone walking in your door should get to a clinic or hospital immediately, or is so traumatized they need immediate counseling or mental health intervention. Although you cannot provide these services yourself, cross-training will help you identify and respond to emergencies appropriately.

Medical Services

Medical care is critical. You should expect clients to have dental, mental and physical health care needs. Services that are essential to the life and safety of your clients should be available to them regardless of their immigration status. You must involve local medical clinics and county hospitals, since they are most likely to help impoverished clients who lack immigration status. Identify your emergency service contacts before you get cases.

Best case scenario: Identify and train your team of responders as soon as possible. Continue building your team over time, modifying your service protocols based on experience. Get cross-training sooner rather than later, so you are not surprised by what dealing with trafficking survivors entails.

Many trafficking victims have serious dental problems that interfere with their basic functioning, such as speaking and eating. Finding dental care can be particularly challenging, but some domestic violence organizations have found networks to provide dental services to their clients. Domestic violence case managers and advocates may know what exists.



Victims of sex trafficking may need gynecological services, testing for sexually transmitted diseases and HIV, and health care for the consequences of forced abortions. Those subjected to forced labor may have been sexually assaulted, as well as exposed to the full panoply of health problems associated with working in industries that routinely violate environmental and workplace safety laws.

Be aware that medical examinations may be intrusive and ensure that your clients understand what is happening. Forensic exams, moreover, are not designed to improve the health of your clients, but to help with criminal prosecutions. Their results may be used against your clients in the legal system, so they should understand the potential consequences as well as benefits for prosecuting or suing the traffickers.

Doing your own frontline medical assessment may be a good idea.

Overcoming Trauma

Many of your clients have suffered trauma. Unfortunately, many mental health services are not currently culturally competent or offered in your client's first language. If health care workers ask the typical "who are you, where are you, who is the President" questions to determine if someone is "with it," they may get answers arising from fear and ignorance of our system, not from mental disorientation.

Although providing mental health services is not your job, **you should get trained on trauma and how it manifests itself.** For instance, if your client is not making sense (in her own language), or if she doesn't seem connected to reality, she may need immediate mental health intervention.

What would someone in the home country do if they were experiencing the same symptoms as your client, such as insomnia, nightmares, flashbacks, or lost appetite? Ask your clients. You will probably discover that what would happen in the home country is not like the mental health system in this country.

You may also discover that the trafficking was just a part of a **continuum of trauma and violence** suffered by your client. This may be the first time they have been in a situation where someone else was not making all their decisions for them.

Your client may not need mental health intervention now, but this may change as she works through other issues. If your client has regular problems in the following areas, it may be a sign that she needs more help:

She can't make appointments on time

She can't wake up

She has no appetite

She is emotionally withdrawn

She has suicidal thoughts

When your client needs help, you must explain how our system works. You also may be able to help make it as responsive as possible to her needs and her cultural context.

Legal Options

- Trafficking victims and those who work with them often feel pressure to immediately help the criminal system or pursue immigration status. Don't encourage your clients to do this before their most urgent needs are met.
- Forcing them to cooperate or file papers may re-traumatize them if they have not had counseling that addresses the trauma they've experienced.
- They may "cooperate" in ways that undermine their cases: They may wish to please authority figures, on the one hand, or avoid remembering what they've suffered, on the other.

Your clients may need help determining their immigration options. Do not call the Department of Homeland Security (Citizenship and Immigration Services or Immigration and Customs Enforcement) to help your client or to figure out a client's status **unless and until** you have spoken with an attorney or advocate with expertise on the immigration options for trafficking survivors. Instead, identify point people or organizations that can help provide representation in the immigration system

They may need representation in the family law system if their family members are the traffickers or connected to the traffickers. They may wish to **file civil suits** to retrieve money damages, especially if your client's family resides in the home country and depends on their financial support. You **MUST** train any lawyers or firms you work with on all the issues facing trafficking survivors, or the representation they provide may do more harm than good.



They may not be ready to access the US legal system. It is unlikely that they've had good experiences with such systems in the past, either here or in their home countries. If their traffickers are family members, they may not wish them prosecuted or deported from the United States. If the traffickers are not incarcerated, your clients may not be safe.

Relocation may be essential to their well-being, whether the traffickers are members of organized crime or members of their family.

Don't minimize the challenges they will face when they work with such systems.

- Assisting the criminal system in an investigation or prosecution may be grueling and re-traumatizing.
- In most cases, pursuing immigration status is not simple, but it can be swift.
- However, getting family members from abroad into the United States is not swift or easy. Be clear that you'll try to get family members abroad any help you can, as soon as possible, but that it may take time. While your clients are in the immigration process, it will be difficult and risky for them to travel abroad to see their children or other family.

These kinds of problems may contribute to your clients' inclination to leave the United States or go back to the trafficking situation. This is another reason they need to focus on developing life skills: the legal process is unlikely to provide much more immediate satisfaction or security.

Monitor and coordinate your clients' various legal cases, as well as their access to other services and skills building.

- Don't let lawyers intimidate you or push you around; you know what's best for your client because you have the relationship of trust with her and an overview of her needs.¹⁵
- Most attorneys have no training in dealing with crime or trauma survivors, and the good ones will readily admit this.
- Contact the national networks listed in the resource section for suggestions of attorneys and agencies in your area that already know how to work with immigrant crime survivors. They are the ones most likely to treat advocates as partners, having learned the value of such partnerships in the past.

¹⁵ The author is an attorney who has spent twenty years educating and organizing other attorneys.

Prepare your clients for backlash. Attempting to gain justice in either the criminal or civil systems may mean your clients will be subjected to scathing attacks by the traffickers' defenders. These may include the local immigrant or business community, as well as the traffickers' legal representatives. Criminal cases may last several years; your client will need support throughout the case, and maybe beyond, if the trafficker gets a light sentence. Relocation until your client testifies may be the safest option. You can help her find a safe place to live by accessing networks that work on trafficking issues (*see resources*). You must commit to being there to help your client when she returns to testify at any future hearings.

Building Life Skills: Gaining Self-Sufficiency

- Once their immediate needs are met, your clients must make decisions about what to do next. **This is the time when they are most likely to return to the trafficking situation or otherwise disappear.** This occurs for a variety of reasons: fear of the unknown, emotional attachment to the trafficker, etc.
- They probably cannot work right away and may worry about what is happening with their families, here or in their homeland.
- They may become frustrated or angry with the legal system's slowness and difficulty, especially when they see others getting benefits or work authorization.
- They may find that making decisions about their new choices is overwhelming.

Some of the important questions they face:

Do they want to gain immigration status or go home?

Do they want or need to work?

Are they preoccupied with helping family in the home country?

Are they ready to make any of these decisions?

If they want to work and are able to obtain work authorization, they may need job skills training before they can successfully hold a job. They need to know their rights on the job. Even if they have the skills to work, they may end up being exploited in their new workplace, since this is how they've experienced work in the past. For those of you who work with domestic violence survivors, you are familiar with survivors replicating behavior or situations because it is what's familiar to them.



Help the families in the home country, if you can. Link with international nongovernmental organizations who may be able to help them. Contact the networks listed in the resource section for suggestions.

Your clients will need time and repeated information about their options before they can make choices. Remember that they have not been allowed to make decisions for themselves while in the trafficking situation, and some may have been under others' power and control all their lives. They have been conditioned to believe that if they make a decision, bad things will happen.

Provide support and services that keep them occupied, safe and teach them skills to cope with their new lives. This support is extremely important. Without it, trafficking victims may return to their old lives because their new environment overwhelms them, scares them or is not meeting their own and their family's financial needs.

Many trafficking survivors need to gain or regain self-confidence and self-esteem. They must learn to assert themselves and their views, needs and goals, even when they are with people who have more power than they do, which will be most of the people they encounter after they leave the trafficking situation.

Avoid being judgmental when they do make decisions for themselves. Listen, support, be there. Part of empowering others is letting them make mistakes or do things differently than you might do.

The Strength-Based Approach

Building life skills emphasizes identifying and building a survivor's strengths. Case managers who do this must accompany their clients on a long journey. They must commit to an ongoing relationship and check in regularly to see how they are doing. Questionnaires are not particularly good ways to do this, partly because they tend to be culturally biased and partly because they encourage focusing on the issues emphasized in the questionnaire. Good case managers must keep their ears open and hear what their clients are saying, not try to fit them into little boxes and precise categories.

Programs that use the strength-based approach provide educational programs for trafficking survivors after they are stabilized. These programs build life skills and keep survivors busy during the vulnerable period before they receive work authorization.

One Creative Model

The Coalition to Abolish Slavery (CAST) in Los Angeles has established a ground-breaking program that provides one-stop services for trafficking survivors. They spend a lot of time working on building life skills through the strength-based model. One way they help clients explore their strengths is through helping them keep journals. What their clients want may also come out in their dreams. Case managers help clients identify and nurture their dreams.

CAST mandates that clients attend their educational programs, which include English-as-a-Second Language (ESL), yoga, computer classes, legal clinics, organic gardening, and cooking dinner with other survivors, including staff and former clients who no longer live in the shelter. They teach them how to budget and save for the future, and how to make a plan for reaching the future they seek.

Clients who have been through some of the systems mentor those who are just at the beginning of the process. They may help new clients deal with their anxiety about talking to federal law enforcement officers, for instance. They explain what to expect and how to handle it. As survivors grow stronger, they've developed their own caucus. As they've found their strengths, they've sought to learn more about leadership skills, including mentoring others in a more formal way, talking to the media and speaking in public.

A Word on the Media

The media may want to talk to your trafficking clients. Beware of facilitating or allowing this. Unless your clients are well on their way to gaining self-sufficiency, media exposure will probably traumatize them. It also can torpedo their legal claims and undermine prosecution of the traffickers. Having said this, empowered clients may be ready to talk to the media, and media coverage may help her or other trafficking survivors. Make sure you control the situation, however. Practice what will happen with your client. Talk to experts who do a lot of work with trafficking survivors to anticipate problems they've experienced.

Here's something that should not need saying but, unfortunately, does: Do not attract media attention to get publicity for you or your program. It is unethical to place you or your organization's priorities ahead of those of your clients.

Note: "Protection of victims is at the heart of all anti-trafficking measures. Journalists, photographers and media outlets must protect potential and actual victims (and third persons) by altering the image, personal story and identity." The framing of human trafficking should include both labor and sex trafficking, domestic and foreign survivors.



c. Why Collaborate?

The only way you can ensure trafficking survivors get everything they need is to build relationships with organizations and allies in key systems that encounter or help crime victims. Trafficking survivors may need counseling and help with sexual or domestic abuse they have suffered, as well as trauma from other crimes. They need help identifying their legal options for gaining immigration status and filing any civil suits to challenge their exploitation. If survivors want immigration status they must work with, or attempt to work with, the criminal justice system's investigation of the trafficking and related crimes. They likely need health care, and perhaps also mental health and dental services. They need public benefits, and safety planning, and someone to help them understand their options. They must make their own choices, however, which means they may need someone to help buffer them from conflicting agendas.

Who Must Be at the Table?

Just to meet the immediate needs noted above, survivors need help from health care providers, federal and local law enforcement, and advocates such as you. Whoever can provide housing must be involved in these discussions.

To effectively reach and help survivors, you also must build relationships with the agencies closest to them and with portions of the criminal justice system that they may encounter. You need lawyers or legal advocates to make the various legal options a real choice.

In some major regional cities and states, task forces now meet to discuss trafficking issues. These task forces include a wide variety of organizations that may enhance services and response to victims of trafficking.

Following is a list of organizations typically included on these task forces:

Federal Bureau of Investigation	Victim Witness Coordinators
Department of Labor	Department of Homeland Security
Child Protective Services	Refugee Services
Health Departments	Department of Agriculture
Immigrant Services	Legal Services
Faith-based Organizations	Sexual Assault and Domestic Violence Programs

Local Law Enforcement and Prosecutors

U.S. Attorneys Offices

Representatives from other existing task forces (e.g. domestic violence, sexual assault)

As you sit together, identify who's missing. Are all the federal agencies who are working with trafficking victims there? What about local police who may encounter rape and forced labor survivors? Should representatives of the Department of Labor be there because you're encountering significant numbers of people subjected to forced labor? Is child protective services intervening to take your clients' children away? Get these folks to the table, if only to explain their view of their role. You can explain, in turn, what you all are doing together and why they should join in your collaborative approach. It may take time, but keep at it.

Are there gaps no one can fill? If you work in areas with few resources, or where resources are far apart, you should work collaboratively to fill these gaps. Funders should be impressed that you are working together, using a holistic model, and developing creative ways to fill gaps.

Maintaining Your Integrity

Collaborating does not mean giving up your boundaries. You must maintain the integrity of your role, despite pressures to help others in their work. You should be particularly wary of sharing information and databases. Doing this may violate your clients' confidentiality. You should only share informations that (a) does not violate the confidentiality of your role and/or (b) given without your client's permission.

Those who do not work in the criminal justice system should not serve as investigators or agents. It is not your job to keep your client in custody or ensure she doesn't leave a shelter. Your primary priority is helping your client determine and pursue the options she chooses. Similarly, those in the criminal justice system should not take on responsibility as sexual assault, domestic violence or trauma counselors.

If pressures arise to cross professional lines, explain why it's a problem and offer to brainstorm ways to help them without undermining your integrity. Put your roles in writing, and modify and expand on these written "protocols" as your roles and collaborations evolve.



Building Long-Term Collaborations

Building good working relationships requires time and energy. It means developing and respecting a relationship of trust, which is often challenging when interests and priorities conflict. The payoff is a system that effectively and sympathetically helps all trafficking victims. If you are having trouble bringing people together because of inter-agency conflicts or personality disputes, bring in an outsider who can help mediate these barriers.

To ensure such improvements live beyond the individual relationships you establish, you must work with your system allies to memorialize the improvements in written policies and protocols. Bringing others into the working relationship also will help ensure your work has lasting effects. By building the community that works together on trafficking cases and issues, you create a “quality control” structure for holding all actors accountable.

Choose Natural Allies

Don't assume there are no natural allies in the criminal system (a common mistake of advocates and attorneys). As sensitivity to gender-based crimes has increased, more people concerned with curtailing such crimes have started working within the criminal system. Don't just look at the top; victim witness coordinators may be your best allies and often need little convincing. They may, in turn, be able to influence the rest of the system in which they work.

Build the Relationships

Do things together in non-confrontational settings. Invite partners to meetings, to conferences, to public events on trafficking. Work with them to design joint presentations. You will come to understand where they are coming from, their priorities, goals and pressures to perform. As you work together, identify where you agree and disagree.

Identify Common Ground and Acknowledge Disagreements

You don't have to agree on everything to work well together. You can work very effectively together on a single area of agreement, as long as you explicitly agree to disagree on everything else and take those issues off the discussion table. As you work together on common ground, you will find that ground expanding beneath you. For one thing, you are learning to see the situation through their eyes, and vice versa. For another, you are coming to trust each other. Do not underestimate the importance of maintaining that trust; cherish and protect it.

Nurture Trust

Building trust does not mean jeopardizing your clients; it means being honest about your goals. Acknowledge that there may be legitimate differences in perspectives. Answer disagreements with reason, logic and policy, not rhetoric. Don't be evasive: Be clear, up front, when you can't discuss something because of client confidentiality.

Share who you are. Finding the common humanity in your allies makes doing the hard work together easier and, sometimes, fun. Admit when you are wrong, and that you don't know all the answers. When mistakes happen, which they inevitably do, acknowledge your role in them, derive lessons from them, and move on. Create rules to avoid making similar mistakes again and get back to the common ground, common goals and collaborative work.

Do Joint Fundraising

Funders favor collaborations, especially those that bring together unusual partners to provide holistic services. Joint proposals generally require writing down the roles each partner plays. Creating Memoranda of Understanding (MOUs) for these relationships will help clarify your roles, strengthen the grant application, and create a formal structure for your model.

Create Accountability

Many collaborations have foundered when key individuals leave. Creating institutional accountability is the key to avoiding this problem. Identify a point person for each agency in the collaboration. Establish an evaluation process and regularly revisit it.

Turn your solutions into formal policies or protocols. Distribute them to everyone who should know about them. Policies and protocols are invaluable tools for holding systems accountable because they remain after you and your allies are gone, but others must know about them for your work to have lasting effect.

Include accountability in your joint funding proposals. Funders may be willing to pay for special consultants who can help negotiate and write protocols that institutionalize best practices and systems.

What works in an urban setting may not translate well to a rural situation. The resources available to those in cities often doesn't exist in rural areas. If you are outside of an urban



metropolitan area, you may need to be especially creative. Work with what you have, identify gaps as you develop your collaborations, do joint fundraising and outreach to fill the gaps.

Ensure there is a case manager for trafficking victims at every step, if possible. Case managers or advocates should be allowed to accompany survivors whenever they meet with law enforcement or other agencies. Build your own best practice model and share it with us.

Modify your protocols as you learn and work together. For some sample protocols, see New York City Community Response to Trafficking (www.nyc-crt.org) and the California Sexual Assault Response Team Manual (www.calcasa.org).

The New York community-based collaborative is now working on its second set of guidelines, available through the website noted above.

There is no one right way to build or maintain an effective collaboration. Tailor your expectations to your resources for now, and focus on filling gaps and building resources for the future.

d. Working with Law Enforcement

All non-citizen trafficking victims must help or try to help the criminal justice system if they wish to gain public benefits, work authorization and secure immigration status. Although federal law enforcement authorities are primarily responsible for investigating and prosecuting trafficking, Congress made clear in the 2003 trafficking reauthorization bill that helping local and state criminal systems may also qualify victims for help. If you don't already have allies in the criminal system, it's time to find them.

The primary federal agencies you will work with are the FBI, U.S. Attorneys and the Bureau of Immigration and Customs Enforcement (ICE) under the Department of Homeland Security. As with any system, you should look for your allies in these systems. There are several ways you can work to enhance your relationships with them. All of the following tips focus on ways to foster dialogue and discussion.

You may not be able to choose the agency or individual to work with. Although different law enforcement agencies may be involved with different kinds of cases, or several may be

involved in one case, the approaches and issues are similar. Here are some tips for working with people in the criminal system, regardless of the context:

Examine your own assumptions about who survivors are and leave them at the door.

Put yourself “in their shoes.” Try to understand their priorities and the context in which they work. What is their job? What institutional pressures are they under? Don’t tell them how to do their jobs.

Acknowledge that your priorities may be different from theirs, and that the client may perceive her priorities as something else entirely. Try to understand their concerns, even if you disagree with them.

Realize there may be professional “cultural” differences. Try not to take offense at attempts at humor or other comments that are not meant to offend.

Don’t lecture; explain. When comments or practices offend, explain that you are having that reaction and why.

Don’t talk publicly about cases. This burns any bridges you’ve built with those who must deal with the repercussions of your actions.

What is the common ground on which you agree; if not in an individual case, in trafficking cases generally?

Be very clear and specific about your role and what you perceive as their roles. Explain why you can’t do everything they may want you to do. Hear what they have to say about their roles and expectations.

Achieve balance. Is there a way to meet all of your priorities, or compromise on priorities, and do what the client wants?

Negotiate access to clients earlier in the process, without actually riding along in police vehicles or working in situations where you may be perceived as a law enforcement agent. Early access benefits law enforcement because they don’t want to deal with all the client’s needs, and you are better equipped to do so. This agreement may depend on developing a working relationship, and some trust.

Invite them to come to meetings of the groups who are working together on trafficking. Ask them to make an institutional commitment to regularly attending such meetings and to send the same person as much as possible. Although it’s best if significant decision-makers



attend, they may not be able to make regular meetings. As long as the person attending will be heard in the agency when she reports back, the most important characteristic is commitment to making the agency responsive and to working collaboratively. Sending someone who is just a note taker is not acceptable; it's not a real commitment.

If you don't have an official "task force," set one up. Include federal and local law enforcement, as well as other key agencies working with trafficking survivors. It doesn't have to start big; start with who you can get, and build from there.

Involve them in trainings. A good first step is to offer to train them, and then include them in meetings and invite them to present at future trainings.

Include and target victim advocates or victim witness coordinators at each law enforcement agency, including the federal agencies. They often are sympathetic, available, and more influential in their offices than you may realize.

Get to know your law enforcement allies personally. Working on real cases is one way this happens, but it's also worth spending some time discussing roles and expectations when you are not dealing with immediate crises.

Propose collaborative fund-raising. Many local law enforcement agencies are experiencing financial belt-tightening. They will be more receptive to working with you if you are not asking them to expand their workload for free.

Do cross-trainings: have them train you on what they do; train them on what you do.

Co-sponsor trainings for others. The best trainings are those in which messengers come from all the systems working with survivors, including law enforcement and advocates. By training together, you also are providing a model of effective collaboration and why it's a good thing.

Keep trying. Initially, it might be difficult to establish these partnerships with law enforcement agencies. However, it is worth the effort. Keep trying to find, develop, and nurture allies in these systems.

Be aware that there may be turf issues ("jurisdiction" in legal lingo). The various federal agencies may vie for control of a case, or they may pass the buck back and forth. Add local law enforcement to the mix, and the turf issues get even more complicated.

Sort out turf issues before they become problems in real cases. Pose hypothetical cases and

ask what each law enforcement agency thinks its role is in that case. Write down the answers and draft suggested protocols (who does what and when) based on this discussion. Participants may resist putting their roles in writing, but the discussion process itself will help clarify roles for future cases and collaborative efforts.

An Ongoing Conversation: Who Is a Victim?

Although federal law enforcement agencies have made excellent efforts to educate field officers about trafficking, advocates in the field report that reality on the ground does not always reflect policies at the top levels. For instance, they report that some local Immigration and Customs Enforcement officers triage out and deport eligible trafficking victims before an advocate ever sees them. This is another reason it's vital for advocates to develop working relationships with federal law enforcement officers in your area. Use examples of people you've helped to expand their vision. For those of you who work with domestic violence or sexual assault survivors, this situation is not new; you've worked to educate the criminal system about how survivors cope with their situation. Now you, or your partners, must explain how it works in the trafficking context.

Encourage law enforcement to bring you into the process earlier, so you can help identify victims. If law enforcement won't let you speak to people they don't think meet the definition of victim, work with immigration lawyers to gain access to the detention centers where they keep potential trafficking victims. Use "know your rights" presentations to identify trafficking victims (and other victims of crimes) law enforcement missed. You may be able to help them gain safety and security. Use these cases to educate law enforcement, your other allies, and policy makers about the problems with using a narrow definition.

Key Points

- Collaboration and services are a complicated mix; several people may be working with a victim at the same time.
- It is a delicate balance—professionals maintaining their individual roles while collaborating with others to find creative services.
- Confidentiality is paramount.
- The victim-centered approach is the basis for collaboration.



V What Benefits Can They Access and How?

Whether and how much your trafficked clients can get the things they need may depend on whether they've accessed the criminal justice system and where they are in the immigration process. If they have not yet gotten "certified"¹⁶ by federal law enforcement officials they may be undocumented, and eligible for little except emergency services. Even if they have secure immigration status, however, meeting their needs will require creativity and extensive networking and collaboration. Your clients also may wish to pursue civil law suits against traffickers to regain money they've earned or receive damages for their injuries. Finding enough money to support themselves, their children, and their families back home is often a high priority for trafficking survivors.

The minimum needs identified earlier for trafficking victims are:

- ✓ Housing
- ✓ Medical care and health education
- ✓ Work authorization and job skills
- ✓ Food and clothing
- ✓ Mental health and dental care

The following sections provide an overview of each of these needs, as well as how advocates can help victims successfully obtain these resources.

Housing Survivors and Their Families

Housing trafficking victims may be difficult for a number of reasons. Some victims don't meet the eligibility requirements for existing shelters, such as domestic violence and homeless shelters. Most trafficking survivors need long-term housing (more than a year), so even if they can stay in a local domestic violence shelter, they probably can't stay there for very long. They often have a child, which means they need housing appropriate to a family unit. Many labor trafficking victims are men and boys, and they probably cannot stay in local domestic violence shelters.

Federal, state and local public housing restrictions may make these and other housing resources unavailable, at least until the survivors have received secure immigration status. Finally, relocation and special safety precautions may be necessary when the survivors have fled

¹⁶ The Department of Health and Human Services (HHS) initiated a certification process to assist trafficking in persons victims. These letters enable eligible trafficking victims to become eligible to apply for federal and certain state benefits to the same extent as refugees.

organized trafficking rings, often connected to organized crime. Experiences from assisting victims shows that organized trafficking rings can easily find victims and compromise shelter, public housing and private rental options.

Some options trafficking advocates are using:

- Domestic violence shelters
- Rental units
- Short and long-term hotels (suites for families)
- Special shelters build just for trafficking survivors

All of these options are available regardless of where your clients are in the criminal justice system or the immigration process, although this is not true for shelter options governed by public housing rules. In addition, agencies awarded grants by the Office of Refugee Resettlement (ORR) are providing special services, including housing, to trafficked children. Public housing, however, is available only to clients who have been certified by the Department of Health and Human Services and may be unavailable even to those certified because of waiting lists and restrictions not related to immigration status. Some public housing may be run by ethnic-based organizations; these may be available for your clients if you have built partnerships with such agencies or are able to work with these agencies to provide your client with housing.

Fortunately, the federal government is funding programs to provide all of these kinds of housing, and as this issue gains visibility, other governments and foundations may support such essential services. Work with your partners to fill gaps in services through creative fundraising and resource development.

Things to Avoid

Avoid mixing trafficking victims with other populations, especially formerly incarcerated people. Don't mix genders, except to keep families together. Places that have inflexible rules will not work well; they cannot adapt to serve people from different cultures. Shelters that require people to leave during the day probably will not work well for trafficking survivors. Consider security issues with any shelter, as well as lack of language resources and culturally appropriate food.

If you work with existing domestic violence, homeless or children's shelters, make sure you use special protocols or memoranda of understanding about how they handle your trafficked clients. Do this *before* you place clients with them. Otherwise,



your clients may find the shelters re-traumatizing if they replicate the subservient behavior they are used to when placed in a group living situation. Shelters and shelter workers must guard against this. If your clients are becoming servants at their shelters, it is **not** a safe or appropriate place for them.

Relocation: Sometimes the Safest Option

Your client may need relocation to be safe from her traffickers. This may be true whether the traffickers are racketeers or family members. Existing witness protection programs are not helpful, however, because those programs require individuals that know our systems well to forge new identities and disappear within the systems. Working with others in the national networks that help immigrant crime survivors may be more helpful (*see resource section*).

Food, Clothing and Medical Care: Pre- or Post-Certification?

Traditional public benefits programs often cover such basic needs as food, clothing and basic health care. Some are available regardless of immigration status, but the most comprehensive require that victims 18 and older be certified by the federal Department of Health and Human Services (HHS), obtain a T visa, or have another “qualifying” immigration status.

After certification, trafficking survivors are eligible for Temporary Assistance to Needy Families (TANF), Food Stamps and Medicaid.¹⁷ This bright line between pre-certification and post-certification often places pressure on agencies and survivors to pursue options that the client may not be ready to pursue or that may threaten their mental health or physical safety. Those agencies providing the most comprehensive, victim-based services have, therefore, worked hard to fill the pre-certification gap, so that their clients are making the choices they want, when they want to. The federal Office on Refugee Resettlement (ORR) of the Department of Health and Human Services funds some pre-certification services. The Office for Victims of Crime¹⁸ provides grant funding to non-governmental and state organizations to provide comprehensive and specialized services to victims of trafficking. Grantees have worked to create extensive service networks and collaborations in their communities to ensure that services are coordinated rather than ad hoc. Every state has a State Refugee Coordinator or Regional Representative who oversees benefits for trafficking victims, as well as refugees and other populations. Link to list of contacts: <https://www.acf.hhs.gov/orr/resource/orr-funded-programs-key-contacts>. For an Overview of Federal and State Public Benefits: Access for Immigrant Survivors and their Children go to: <http://library.niwap.org/wp-content/uploads/fmRC-1.4.1a.pdf>

17 For a chart of immigrant access to public benefits generally, go to <http://www.nilc.org>.

18 For an up to date list of services currently funded by the Office for Victims of Crime, visit:

<https://ovc.ncjrs.gov/humantrafficking/traffickingmatrix.html>

Some needs, such as dental services and emergency clothing, personal necessities and prescription medications, are not specifically covered by any existing program, regardless of a survivor's position in the certification process. The OVC does, however, does require that all grantees who provide comprehensive services must meet all of these needs either in-house or through a partner organization. Agencies are filling these gaps with state emergency assistance funds (not available in many states), *pro bono* providers (such as dental schools) and special grants.

Pre-Certification Options

To get the pre-certification services listed below you must provide good, intensive case management and link to programs that know how to access the full range of services. This is why your collaborative network is so essential.

Services necessary to protect life and safety¹⁹, e.g., Victims of Crime Act Assistance (VOCA)

Emergency services, including medical care

Testing & treatment for communicable diseases, such as sexually transmitted diseases (STDs)

Crisis counseling

Violence and abuse intervention/prevention

Child protective services

Benefits provided regardless of income/assets, such as food from a shelter or food bank

Services provided by non-profits

VOCA funds

VOCA money comes in two forms: victim compensation and victim assistance. Victim compensation requires victims to report the crime within a reasonable period of time. Check your state requirements on what this means. These funds cover:

Medical care

Mental health counseling

Emergency financial aid

Victim assistance services programs may be administered by:

- Domestic violence shelters

¹⁹ "Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, Final Rule." Federal Register. 66 (16 January 2001): 2353-2001.



- Rape crisis centers and
- Victim assistance programs in the criminal system
- Hospitals and welfare agencies

They may cover:

- Crisis intervention
- Emergency shelter
- Criminal system advocacy
- Emergency transportation

To fill pre-certification gaps, work with:

- VOCA agencies and programs
- Domestic violence shelters, where appropriate
- Faith-based organizations **that are trained in survivor issues**
- Office on Victims of Crime (OVC) grantees. A full matrix with contact information is available at <https://ovc.ncjrs.gov/humantrafficking/traffickingmatrix.html>

Don't try to fit square pegs into round holes. Only some trafficking victims fit well with the way domestic violence shelters work. This is true even for shelters who do a lot of work with immigrant survivors.

Ensure cross-training on trauma, cultural competency, crime victims, do's and don't related to trafficking, identifying "red flags" for the core issues noted in section IV, public benefits, immigration options, human rights, and working with immigrant communities. Otherwise, these places may unwittingly re-traumatize your clients.

Work Authorization and Legal Immigration Status

Legal work authorization requires a qualifying immigration status. For most trafficking survivors, this will be the "continued presence" and T visa process Congress specifically created for them. They may also qualify for other forms of status designed for non-citizen crime survivors. Do not assume, however, that those who have been enslaved are ready to jump into the labor market. They may need extensive mental counseling, as well as life and job skills training to survive and thrive in a new work environment. Those who have been granted T visas and continued presence status enable access to refugee benefits to ease in this transition.

How the Immigration Process Works

Some of your clients may not be ready to access the criminal justice system. This may mean that they cannot, at least for now, pursue the immigration options designed for trafficking survivors. If they want to stay here, you should explore (or find someone to help your client explore) other routes to immigration status. Other materials on trafficking discuss how the immigration system works for trafficking survivors, so we will just summarize the process and options and provide some practice pointers for those of you are not immigration attorneys.²⁰

Children

Children under 18 are exempt from some of the immigration proof requirements, but they must show their age to qualify for these exceptions. To do this, they usually need documents from their home countries.

Network with non-governmental organizations, the Department of State (DOS) and embassies to help get evidence of age. Be aware, however, that people at embassies abroad may be connected to the traffickers. If you need help with this contact the International Organization for Migration (IOM) or the Freedom Network (Listed at end of this publication).

Here are the key eligibility requirements for a T visa:

- Victim of “severe form of trafficking” as defined by the TVPA (*see page 2*)
- Complied with any “reasonable request” for assistance in the investigation or prosecution of acts of trafficking (or is under 18)
- Physically present on account of trafficking in the United States
- Extreme hardship involving unusual and severe harm if deported

Law enforcement endorsements satisfy the “victim” and “complied with any reasonable request” requirements. According to the immigration experts working in the field, obtaining these endorsements is often the hardest part of preparing a T visa petition. Strategies for obtaining such endorsements involve skills beyond traditional lawyering and advocacy.²¹

²⁰ For information on immigration options for trafficking survivors see: <https://www.ilrc.org/u-visa-t-visa-vawa>

²¹ For more information on T visa strategies, please see: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

For Legal Resources see <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/resources-44-legal-services>.



Qualified trafficking survivors are eligible for two types of immigration relief—"continued presence" and a T visa—both of which grant authorization to work and entitle survivors to receive social service benefits but which require assistance from law enforcement personnel to obtain.

Continued presence is what many victims get initially, especially if law enforcement agencies encounter them first. Continued presence is granted by the Attorney General allowing them to stay temporarily in the country during the investigation or prosecution. Both continued presence and the T visa (regardless of whether you've gotten continued presence) get you work authorization. The Office on Refugee Resettlement (ORR) does the certifying for HHS.

T visas are the primary route to permanent status for trafficking survivors.

Other related routes:

Self-petitioning or cancellation of removal for spouses and children of abusive US citizens or lawful permanent residents; U visas for those who help the local criminal system

Trafficking survivors may pursue more than one immigration status at the same time. This may be worth doing because while one status may be easier and quicker to obtain, others may provide better access to public benefits, work authorization or secure status. Some also require more cooperation with law enforcement than others.²²

You can help survivors decide which ones to pursue and find the people they need to help them do this effectively. You will probably play a significant role in helping your trafficking clients put together their story and documents.

Your role in this and the roles of your allies

As noted above, you can be very helpful to trafficking survivors seeking immigration status. Here are some things domestic violence and sexual assault advocates already are doing for immigrant survivors:

- Helping clients understand their options
- Collecting documents that show they meet eligibility requirements
- Advocating/negotiating with the criminal system for what the clients want
- Buffering them against others' agendas

What you should do:

Learn everything you can about her options

Provide her with as much information about the pros and cons of the various options so that she can make a decision

Support her decisions

Find assistance for her whether you agree with her decisions or not

Expanding Legal Resources: Immigration and Beyond

There will never be enough immigration attorneys to provide all the free or low-cost services needed by trafficking survivors and other immigrant survivors of crimes. However, you can help expand the service resources available for survivors.

Help more immigrant survivors. Those who help non-citizen survivors of domestic violence and sexual assault may access both federal and state money that prioritizes assisting underserved populations. You can do this by adding staff with immigration expertise or by developing true partnerships with such experts (referral systems are not true partnerships). By broadening your scope, you also provide more comprehensive services. As previously noted, many trafficking survivors are also victims of domestic violence or sexual assault.

Work with existing agencies to use scarce resources wisely: We promote the model that empowers advocates to help survivors prepare their cases, under the supervision of immigration experts. This allows the few immigration legal experts who can do this work to focus on the difficult immigration cases (those where “red flags” are present). It also allows exponentially more immigrant survivors to access status, since the few immigration experts aren’t trying to do the easy cases. Funders, including federal and state resources, are currently funding collaborative models that allocate and expand scarce legal resources.

Explore getting your agency and staff “recognized and accredited” to practice immigration law. The immigration system allows non-attorneys (“accredited representatives”) to practice immigration law if they are employed by a “recognized” agency and have sufficient training and supervision. Agencies that do a lot of work with immigrant survivors, and whose staff work closely with and are trained by immigration experts are good candidates for pursuing this process. The Catholic



Legal Immigration Network (CLINIC) provides training and legal capacity to combat domestic violence and sexual assault against immigrants for agencies interested in this process.²²

Use pro bono attorneys. Some alliances and agencies have had success recruiting pro bono attorneys to expand legal resources. **Be aware**, however, that pro bono attorneys **need as much supervision and training** as non-immigration advocates. An immigration expert should provide the same “quality control” over the work of the pro bono attorneys as she would for non-attorney advocates.

Other Legal Options

Trafficking survivors may need other kinds of legal expertise:

Labor lawyers to get back wages and file complaints with relevant state and federal agencies

Tort law experts to get compensation and damages for their pain and suffering

Family lawyers/advocates if the trafficker is also a spouse or father of the survivor’s children and may challenge custody, visitation and support

To find these resources, talk to your partners who may already be working with state and local bar associations. Offer to do a lunch meeting for your local women’s bar association, your county bar association, or other group of lawyers in your area. Some of these cases may be financially rewarding for the attorney as well as the client. Others may appeal to young attorneys who are looking for meaningful *pro bono* work, often supported by their firms as a contribution to the community.

Pulling It All Together

You are not in this work alone. Just as we suggest adopting a holistic approach to helping trafficking survivors, we also encourage you to join existing networks that work on this issue. There are two primary national networks of advocates, attorneys and others working with immigrant trafficking, domestic violence, and sexual assault survivors: the Freedom Network, devoted solely to trafficking issues. Go to their conferences, join their list serves, become part of the networks. You will find support and inspiration to sustain you in this challenging work.

<http://www.freedomnetworkusa.org/>

CAST leads the The Legal Anti-Trafficking Working Group and provides technical assistance on legal remedies. <http://www.castla.org/services>, E-mail: technicalassistance@castla.org

²² For more information and help with the recognition and accreditation process, please visit <https://cliniclegal.org/ovw>.

For more than three decades, Futures Without Violence, previously Family Violence Prevention Fund has worked to end violence against women and children around the world, because everyone has the right to live free of violence. Instrumental in developing the landmark Violence Against Women Act passed by Congress in 1994. We continued to break new ground by reaching new audiences including men and youth, promoting leadership within communities to ensure that violence prevention efforts become self-sustaining, and transforming the way health care providers, police, judges, employers, and others respond to violence.

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