



## LEGAL ASPECTS OF HUMAN TRAFFICKING FOR HEALTHCARE PROVIDERS: CASE STUDIES AND LEGAL REMEDIES

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**Thursday, October 20th, 2016**

**12:00-1:30 PM PST/3:00-4:30 PM EST**

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# Who is on the call today?

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Please use the chat box  
to introduce yourselves:  
Your name and affiliation



# Poll

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*Example*

Have you attended a training or workshop on  
trafficking before?



# Learning Objectives

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As a result of this activity, participants will be better able to:

1. Identify legal remedies – immigration, civil, and criminal – available to trafficking victims in the United States;
2. Define the critical role that healthcare providers can play in identifying victims, providing documentation, developing expert testimony, and providing affidavits for submission in legal cases;
3. Identify human trafficking red flags through case examples of victims seeking medical care.

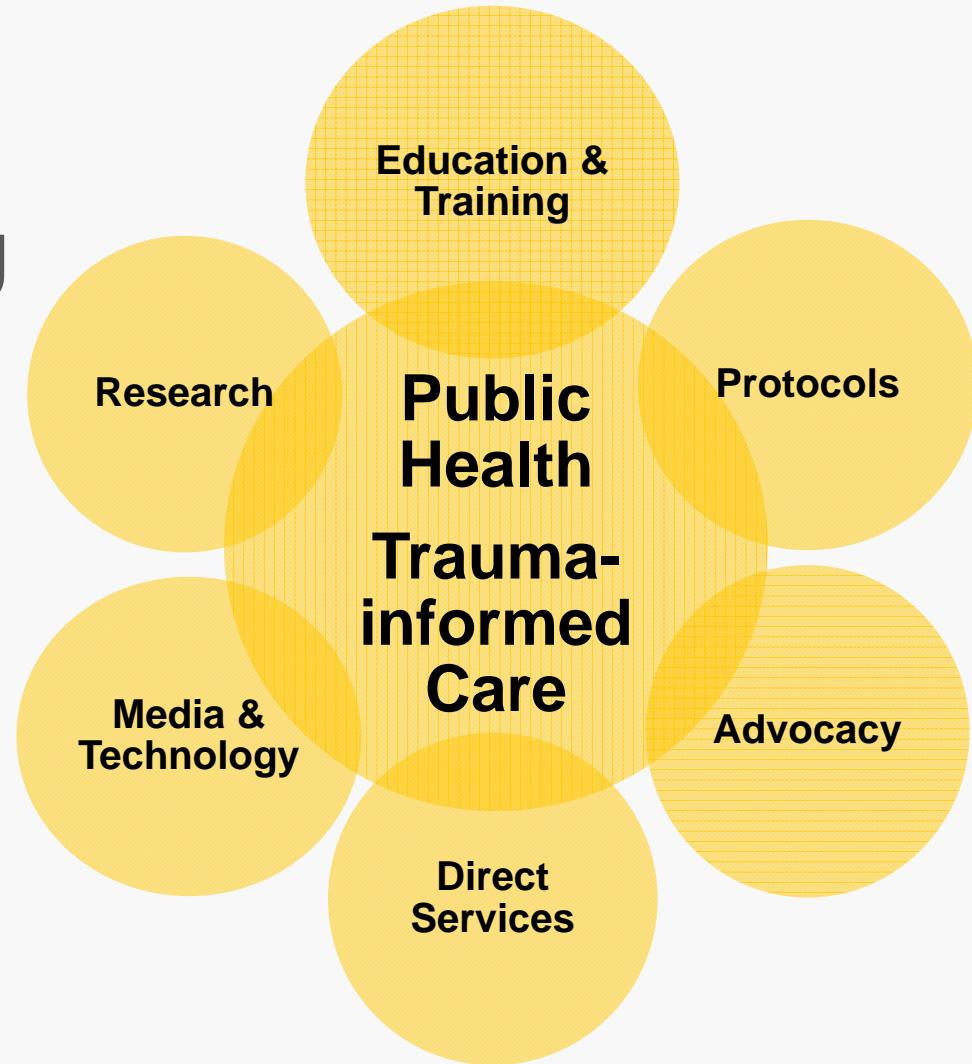




# HUMAN TRAFFICKING: DEFINITIONS, ROLE OF HEALTH CARE PROVIDERS

Hanni Stoklosa, MD, MPH

[HEALtrafficking.org](http://HEALtrafficking.org)

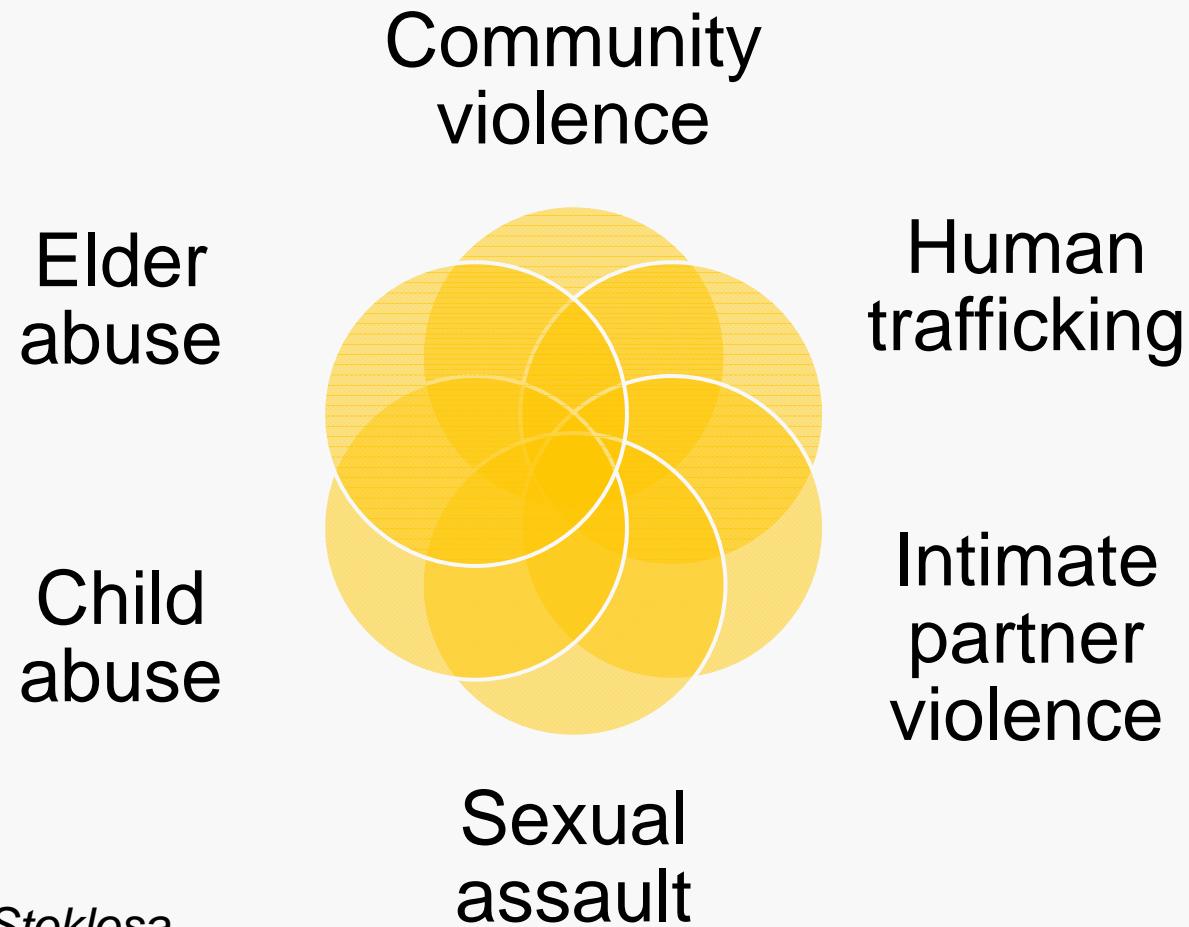


# Human Trafficking – What is it?



# Intentional Violence

10

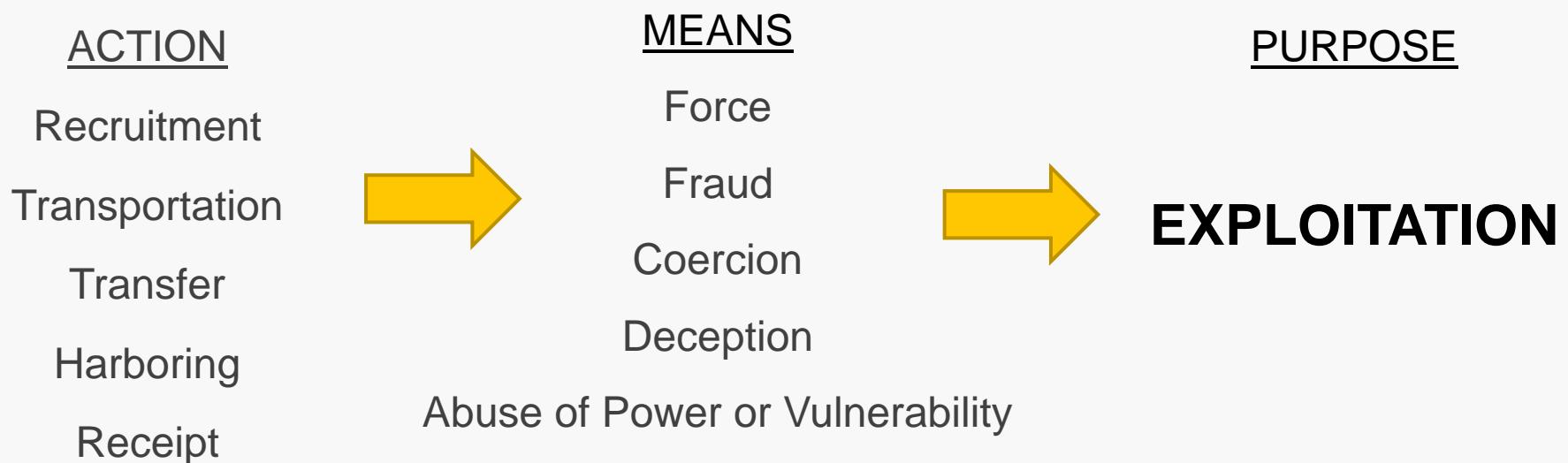


Courtesy of H. Stoklosa



# United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons*

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# Trafficking Victims Protection Act (TVPA, 2000)

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ACTION	MEANS	PURPOSE
Recruiting		Sexual Exploitation
Harboring		
Transporting		OR
Providing		Labor Exploitation
Obtaining		



Force, fraud, coercion NOT necessary when the person induced to perform a commercial sex act is under age 18

- Fewer than 1% of trafficking victims in the U.S. are identified
- **25-88%** interface with healthcare



Courtesy of Susie Baldwin, adapted



# Role of Health Professionals in Responding to Human Trafficking

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- Identification of victims/survivors → Education, empowerment
- Treatment → Immediate, short, and long-term
  - Medical, mental health, sexual & reproductive health, dental, integrative
- Linkage to Services
- Forensic evaluations
  - Sexual Assault Response
  - Immigrant cases: T-visa / U-visa/ VAWA/ DACA/ UIC
  - Domestic sex trafficking: Criminal and civil cases

Courtesy of N. Littenberg, adapted by Susie Baldwin



# Poll

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Have you ever treated a survivor of trafficking?



# Medical Interactions with Trafficking Victims: Case Studies and Red Flags

October 20, 2016

THE HUMAN TRAFFICKING PRO  
BONO LEGAL CENTER

**Martina E. Vandenberg**

(c) The Human Trafficking Pro Bono Legal Center 2016





58 cases total:  
27 criminal and 31 civil

# Case Studies: Trafficking Victims in the Emergency Room



# Missed ER Opportunities: *U.S. v. Callahan*

No. 1:13-cr-00339 (N.D. Ohio)



## *Carazani v. Zegarra, No. 1:12-cv-00107 (D.D.C.)*

- A Bolivian citizen came to the U.S. to work for a World Bank employee;
- Worked seven days a week for three years without pay;
- When the victim fell ill, the defendant dropped her at the ER;
- The victim was hospitalized twice for: 1) abdominal pain; 2) anxiety;
- Medical bills used to keep victim in debt bondage;
- Outcome: The court entered default judgment for the plaintiff in the amount of \$1,188,688.77.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

25. For the three years that she was held in involuntary servitude in the Zegarra home,

Ms. Carazani received no vacation time, no sick days, and no time off.

26. Ms. Carazani received no health insurance or coverage for any medical expenses,

although this was promised in her employment contract. When Ms. Carazani fell ill, Zegarra

dropped her off alone at an emergency room. When the hospital bills arrived, Zegarra forced

Ms. Carazani to request money from her own family members to cover the bills.

# *U.S. v. Bagley*

No. 10-cr-00244 (W.D. Mo.)

- Six defendants pled guilty in the sex and labor trafficking of a young woman with cognitive disabilities;
- Victim imprisoned for 6 years and forced into commercial sex, subjected to torture and sexual servitude, much of which was filmed and streamed online;
- **Victim identified when she was hospitalized for emergency medical treatment after going into cardiac arrest;**
- Two defendants were sentenced to 20 years in prison and the court ordered each defendant to pay \$123,041 in restitution for a total restitution award of \$738,250.



*US v. McKinley*, No. 0:14-cr- 60163 (S.D. Fla.)

## Success Story:

- Victim escaped from the back of car and sought help from a parked ambulance at a satellite police/fire station;
- Nurse asked victim to describe who was picking her up. The victim's description did not match the men in the waiting room;
- Police identified one man as the defendant and arrested him.

*US v. Brown et al., No. 2:09-cr- 00533  
(E.D. Cal.)*

Q.M., the victim, “described an incident where the defendant beat her, pounding her head into a washing machine and garage door, dragging her across the floor, leaving burn marks on her skin. This incident concluded with the defendant pouring bleach on the victim, requiring emergency room workers to decontaminate Q.M. after she ultimately fled the [scene] and was taken to the emergency room.” [Sentencing Memo 4-5]

*Emergency physician testified at criminal trial. Defendant originally sentenced to 360 months and \$5,200 restitution*

# Case Studies: Untreated Illnesses

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA, § SA:15-CR-00391(1,2)-OLG

§

§

v. § February 9, 2016

§

(1) HASSAN SALEM AL-HOMOUD §

(2) ZAINAB MOHAMED HASAN HATIM §  
AL-HOSANI §

§

DEFENDANT (s) . §

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE ORLANDO L. GARCIA  
CHIEF DISTRICT COURT JUDGE

# *U.S. v. Al Homoud, et al.*

## Sentencing Transcript

*...I decided I didn't have any choice but to run away and beg for money for food and medicine. I truly believe that if police officers had not found me, fed me, and brought me to the hospital in San Antonio where I was diagnosed with cancer, I would have died...*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

**KHADIJA LAAMIME,** )  
 )  
 )  
 )  
**Plaintiff,** )  
 )  
 )  
v. ) **Civil Action No. 1:13CV793**  
 )  
**SANAA ABOUZAID and AYMAN EL** )  
**TARABISHY,** ) **JURY TRIAL DEMANDED**  
 )  
**Defendants.** )

3. Most disturbing was Defendants' callous refusal to permit Ms. Laamime to seek necessary medical care. Ms. Laamime suffered from excruciating pain while employed by Defendants. After her escape from their home, Ms. Laamime's condition was diagnosed as stomach cancer. In this way, Defendants isolated Ms. Laamime and ultimately abandoned her in her most needy hour – in contravention of her employment contracts, their duty to her as employers, and human decency.

## *Ramos v. Hoyle et al.*, No. 1:08-cv-21809 (S.D. Fla.)

- Two Peruvian women held in forced labor, working 24/7 without pay;
- The defendants knew that victim had diabetes, but provided no medical care;
- After one year without treatment, the victim collapsed and was taken to the hospital. The doctor told her that she had medical problems related to diabetes and needed treatment;
- The victim returned to her traffickers, who forbade her from going to her follow-up appointments;
- Outcome: A federal jury ruled in favor of the plaintiffs; defendants were ordered to pay a judgment of \$520,235.20

## *Mazengo v. Mzengi et al.*, No. 1:07-cv-00756 (D.D.C.)

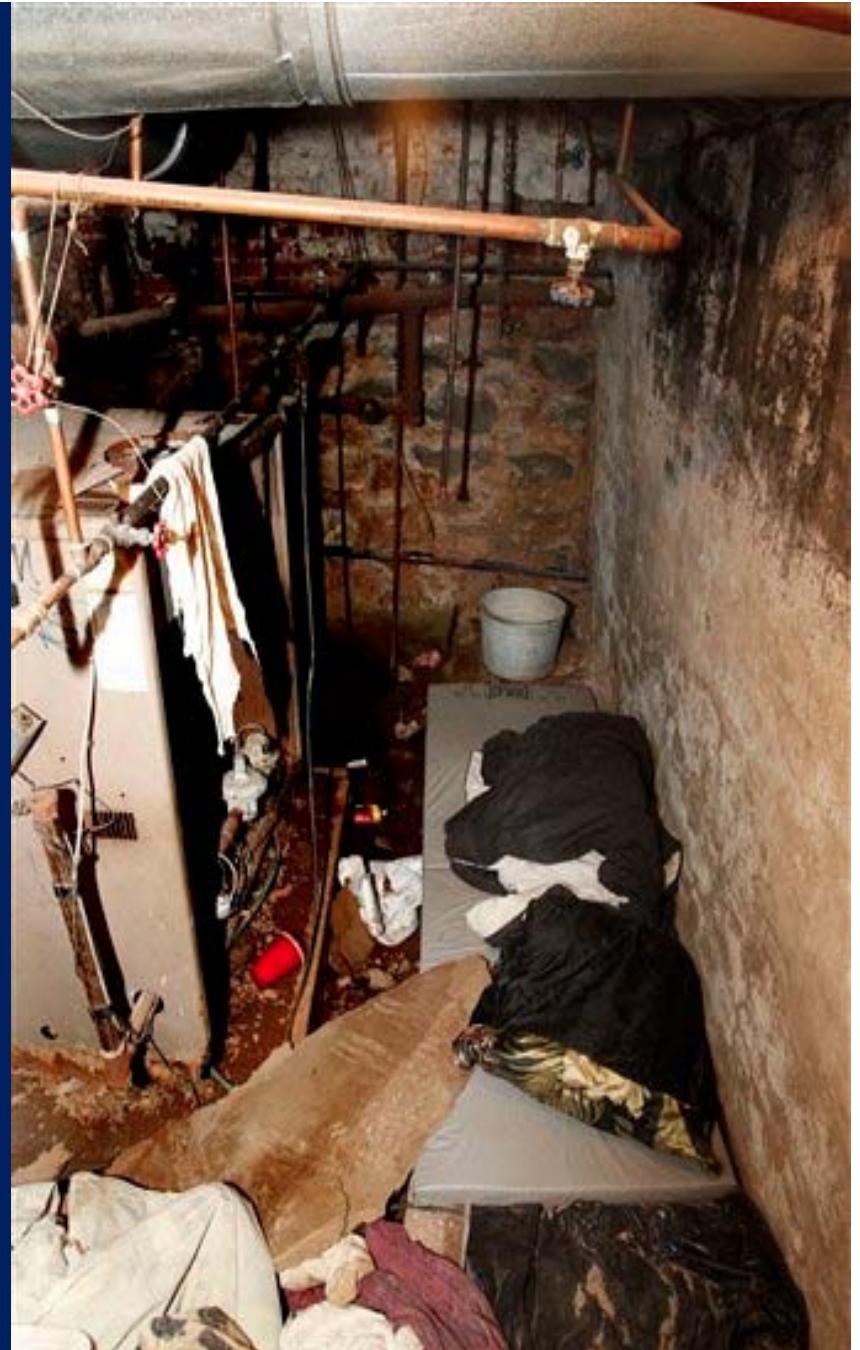
- Young woman held in forced labor by a Tanzanian diplomat and wife;
- Victim suffered from severe ingrown toenails;
- Defendants refused to allow her to see a doctor for three years;
- At time of treatment, physician stated: “If she had waited any longer to seek medical treatment she might have lost her toes”;
- Traffickers forced her to return to work immediately following surgery;
- Outcome: Court entered a default judgment for the plaintiff in the amount of \$1,059,348.79.

# Case Studies: OB/GYN Patients

# *U.S. v. Linda Weston, et. al.*

No. 2:13-025-1 (E.D. Pa.)

- Defendants targeted 6 individuals with disabilities and stole their Social Security benefits;
- Defendants forced victims to bear children and trafficked two victims into forced prostitution;
- Defendants locked their victims in closets, cabinets, basements, and attics;
- Two victims died of malnourishment;
- Linda Weston sentenced to life in prison plus 80 years;
- Total restitution award: \$273,426.23 to be paid to the Social Security Administration.



(c) The Human Trafficking Pro Bono Legal Center 2016

*U.S. v. Linda Weston, et. al.*

No. 2:13-025-1 (E.D. Pa.)

On March 25, 2009, defendants LINDA WESTON and JEAN MCINTOSH contrived a plan to trick the hospital staff at the University of Pennsylvania into listing defendant MCINTOSH as the mother of a baby boy born to [victim] T.B. In accordance with this plan, defendant WESTON instructed [ victim] T.B. to use MCINTOSH's name when T.B. gave birth to a baby boy at the hospital on March 25, 2009. T.B. did as she was told and used the name Jean Nashay MCINTOSH.

## *US v. Lawson et al.*, No. 8:09-cr-00095 (C.D. Cal.)

- Dwayne Lawson began an online relationship with a minor girl and bought her a bus ticket from Florida to Las Vegas, promising that she would be “a star”;
- When she arrived, Lawson told the victim that she “need to make [him] some money” and advertised her on Craigslist;
- Victim experienced severe pain during intercourse. A doctor told her that she had vaginal tearing and bruising, and advised her not to have sexual intercourse for at least a week;
- The victim asked the doctor to put it in writing so she could show the defendant;
- Court documents indicate the victim returned to her trafficker;
- Outcome: Lawson pled guilty to sex trafficking and was sentenced to 17 and a half years in prison.

# Case Studies: Trafficking Victims Whisked from Hospitals

*US v. White*, No. 3:12-cr-05107 (S.D. Cal.)

- Defendants forced a minor victim to perform commercial sex acts while she was menstruating, giving her cosmetic pads to stuff in her vagina;
- Victim suffered vaginal pain; the defendants brought her to a hospital;
- When the nurse questioned the victim about her age and wanted to notify her parents of her condition, the defendants removed her from the hospital;
- Outcome: White pled guilty to travel in aid of racketeering and was sentenced to 18 months in prison.

*Bail v. Xiao et al.*, No. 6:13-cv-02051 (D.S.C.)

- Victim allegedly forced to work in a Chinese restaurant;
- Victim hospitalized after he suffered hot oil burns;
- The defendants found him at the hospital while he was still on pain medication and allegedly “checked Plaintiff out of the facility against Plaintiff’s will, against medical advice and without any authorization to do so from either the Plaintiff or his treating physicians”;
- Outcome: case dismissed voluntarily

# Case Studies: Trafficking and Health Care Personnel



## *U.S. v. Kizzy Kalu*

Case No. 1:12-cr-00106  
(D. Colo.)

- Trafficked nurses into the United States using a fake “university” to obtain H-1B visas;
- Demanded that nurses pay \$800 - \$1200 per month or face deportation;
- Threatened nurses with a \$25,000 fine for absconding;
- Sentenced to 10 years and 8 months in prison;
- Ordered to pay **\$3.7 million** in restitution.

- Four women from the Philippines alleged that they were forced into domestic servitude;
- Two women alleged that they were required to live with the defendants' seriously ill son in his hospital room for months at a time;
- The victims alleged they were not permitted to leave the hospital ward and slept in the family lounge or the child's room;
- The defendants allegedly called the room telephone periodically to check on the victims and warned the women not to speak with strangers;
- One of the women escaped from the hospital with assistance from a Good Samaritan;

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JANE DOE, an individual Michigan resident  
filing anonymously under a fictitious name,

Plaintiff,

Case No.

v.

Hon.

MAMOUN DABBAGH, M.D.,

Defendant.

---

Nakisha N. Chaney (P65066)

“...knowingly benefited from participation in a venture...”

Damages Order: \$500,000

**COMPLAINT AND JURY DEMAND**

Pursuant to the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. § 1595, Plaintiff JANE DOE brings this action against Defendant MAMOUN DABBAGH, M.D. Dr. Dabbagh knowingly benefitted from participation in a venture that he knew or should have known involved human trafficking. Dr. Dabbagh provided to sex trafficker Mark L. White prescriptions in Plaintiff's name for psychotropic medications that White used to drug Plaintiff and facilitate his ability to traffic her.

- Accompanied by trafficker in ER
- Abandoned at ER
- Malnourished
- Physical injuries left untreated
- Signs of trauma or fear
- Frequent emergency room admissions
- Interference with efforts to speak to the individual alone
- Excessive prescriptions for scheduled drugs
- Opioid addiction



# What Can Medical Professionals Do?

- Serve as expert witnesses;
- Testify at civil/criminal trial;
- Provide supporting affidavits for T-visas;
- Identify victims in medical settings;
- Provide referrals to victims services;
- Educate victims that they have rights;
- Provide pro bono medical services (tattoo removal and dental care);
- Alert law enforcement authorities and/or social workers;
- Assist with escape, if patient is ready;
- Provide means of communication with outside world;
- Identify red flags.

## Resources:

1. Survivor Reentry Project
2. The Human Trafficking Pro Bono Legal Center (HT Pro Bono)
3. The National Human Trafficking Resource Center (1-888-3737-888)
4. CAST
5. NCMEC



THE HUMAN TRAFFICKING  
PRO BONO LEGAL CENTER

# THE HUMAN TRAFFICKING PRO BONO LEGAL CENTER

[www.htprobono.org](http://www.htprobono.org)

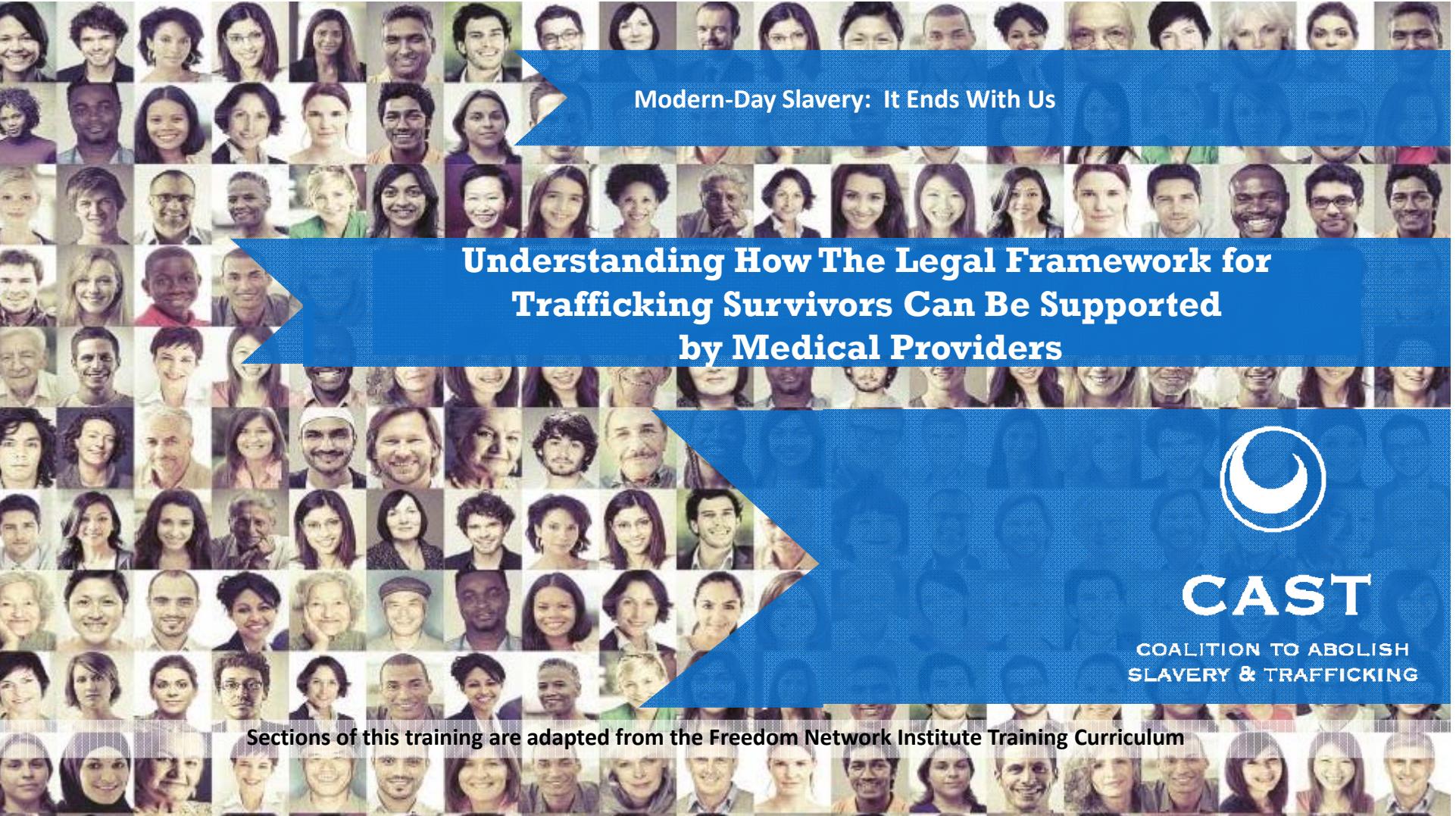
Martina E. Vandenberg  
President & Founder  
Tel: 202-716-8485  
[martina@htprobono.org](mailto:martina@htprobono.org)

# Poll

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How many of you have had an opportunity to  
testify in court on behalf of a trafficking  
survivor ?





Modern-Day Slavery: It Ends With Us

**Understanding How The Legal Framework for  
Trafficking Survivors Can Be Supported  
by Medical Providers**



**CAST**

COALITION TO ABOLISH  
SLAVERY & TRAFFICKING

Sections of this training are adapted from the Freedom Network Institute Training Curriculum



# Defining Human Trafficking

# Human Trafficking Defined

- The term “severe form of trafficking in persons” means:
- (A) **sex trafficking** in which a commercial sex act is induced by **force, fraud, or coercion**, or in which the person induced to perform such act has **not attained 18 years of age**; or
- (B) the **recruitment, harboring, transportation, provision, or obtaining** of a person for labor or services, through the use of **force, fraud, or coercion** for the purpose of subjection to **involuntary servitude, peonage, debt bondage, or slavery**.

(*Victims of Trafficking and Violence Prevention Act of 2000* can be found at [www.ojp.usdoj.gov/vawo/laws/vawo2000/](http://www.ojp.usdoj.gov/vawo/laws/vawo2000/))

# 3 Elements of Trafficking

## Process

Recruiting  
OR  
Harboring  
OR  
Moving  
OR  
Obtaining  
OR  
Providing  
*A person*

## Means

By  
**Force**  
OR  
**Fraud**  
OR  
**Coercion**

## End

For the purposes of  
**Involuntary Servitude**  
OR  
**Debt Bondage**  
OR  
**Slavery**  
OR  
**Sex Trafficking**

Inducing Minor  
(*Under 18*)

*For purpose of*  
Commercial Sex Act



# Legal Needs of Trafficking Survivors

# Options for Relief and Recovery

## Criminal Prosecution/ Victims' Rights

State/Fed Gov't v.  
Defendant

"Beyond a reasonable  
doubt"

"Guilty"

State controls case

## Civil Law Remedies

Plaintiff v. Defendant

Preponderance of the  
Evidence

\$\$\$ damages

Plaintiff/Victim Controls  
case

## Immigration or Repatriation

U.S. v. Petitioner or  
Applicant

Removal Proceedings or  
Administrative  
applications

# Examples of Criminal Legal Issues

## Victim Witness Advocacy

- Restitution
- Interview Accompaniment
- Confidentiality protections
- Victim Rights enforcement

## Re-Entry

- Clearing warrants
- Expungements
- Record sealing
- Vacatur

## Health Care Professional's Role Criminal Issues



- Safety planning
- Connect client w/ mental health case management/ services
- Provide paper work to support victim compensation claims
- “Support Person” at court proceedings, if client desires (mental health)
- Providing expert testimony (mental health, Dr.)
- Provide supporting docs for injuries and abuse

## Examples of Civil Issues

### Lawsuits

- Civil damages
- Class Actions

### Employment Law

- Wage & Hour
- Discrimination

### Family Law

- Child Custody
- Divorce
- Restraining Orders
- Name Changes

### Other

- Housing
  - Evictions
  - Discrimination
- Public Benefits
- Language Access

## Medical Professional's Role in Civil Issues



- Safety planning
- Connect client w/ mental health services /Case management services
- “Support Person” at all court proceedings, if client desires
- Expert testimony in case to support injury/mental health/trauma bond with trafficker/explain dynamics of trafficking
- Provide documents/declarations to support claims for damages

# Examples of Immigration Relief

## T Visas

- For trafficking survivors
- 4 year status
- Work authorization
- Road to citizenship
- Family reunification

## Continued Presence

- 1 year Status can be extended
- Work authorization
- Requested by LEA
- Temporary/not path to citizenship

## U Visas

- Victims of qualifying crimes
- 4 year status
- Work authorization
- Family reunification
- Road to citizenship
- Req. LEA certification

## Other

- SIJS
- VAWA
- Asylum
- Repatriation

## Medical Professional's Role in Immigration Issues

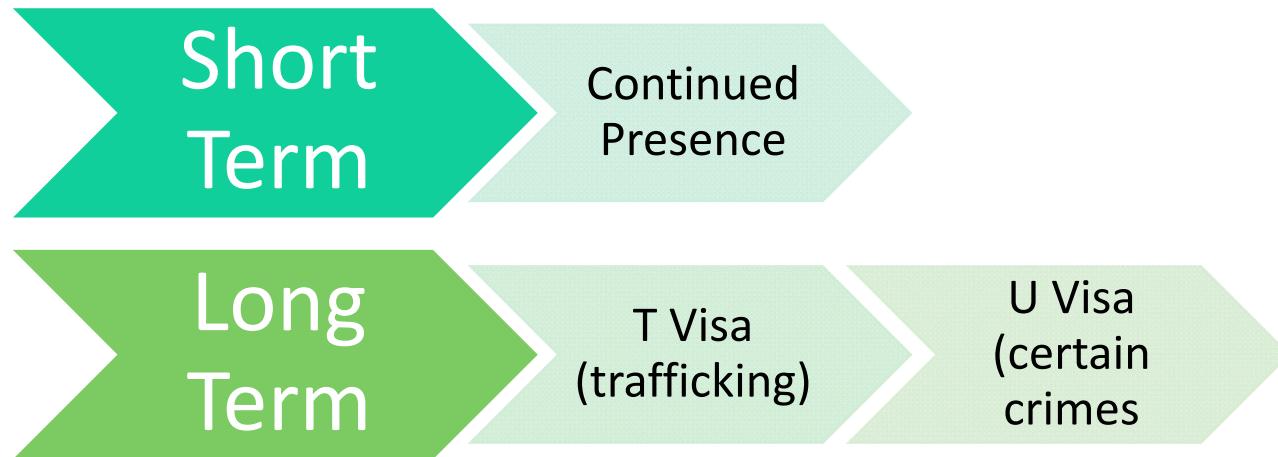


- Safety planning
- Connect client w/ mental health services /Case mangement
- Follow up with client after declaration/LEA interviews to provide support
- Writing letters of support for immigration applications /Declarations
- Assisting mental health issues and family reunification

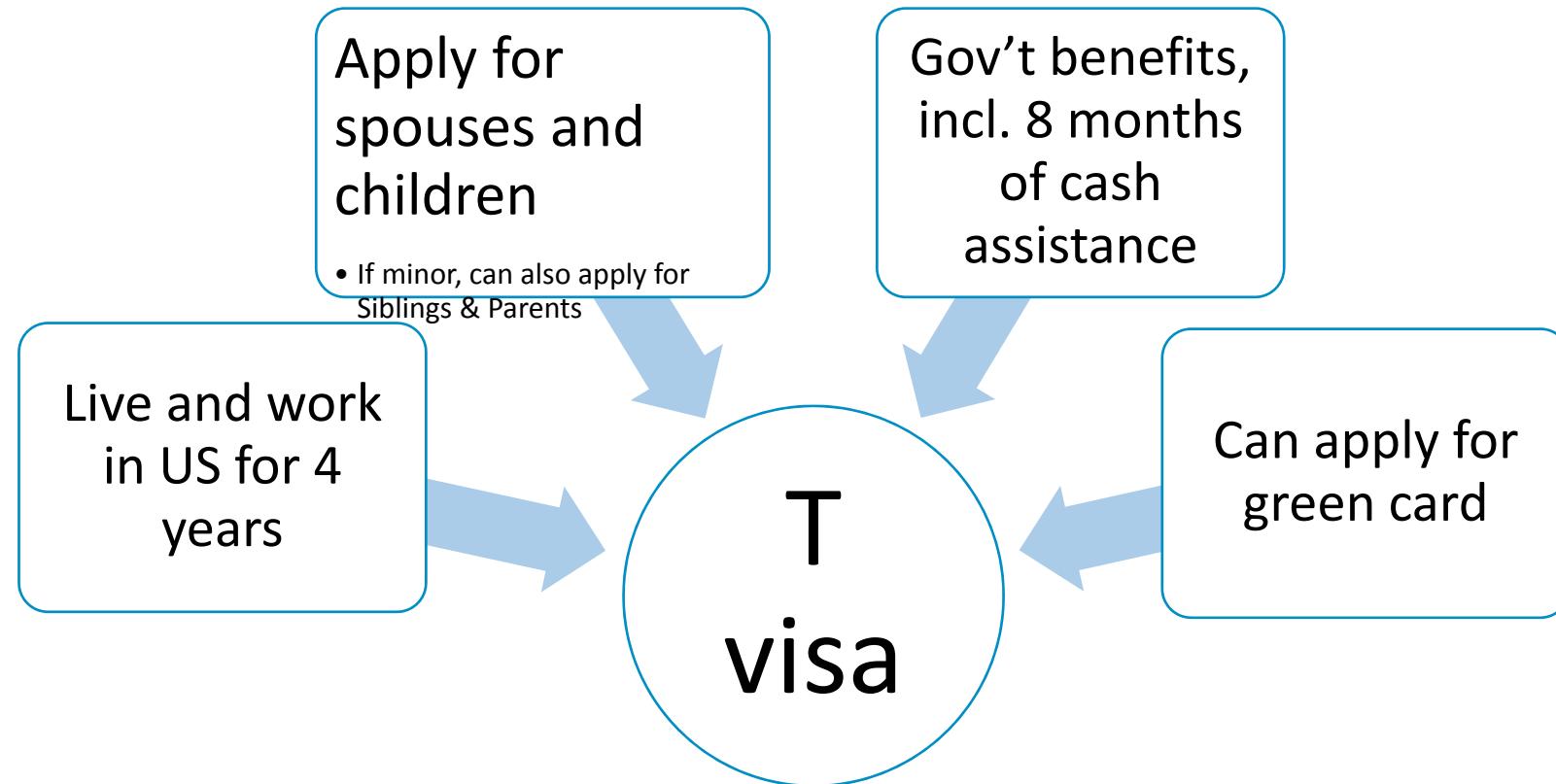


# Immigration Relief: T Visa

# Immigration Remedies for Victims of Trafficking



# What is a T – Visa?



## T Visa Eligibility

1. Victim of Severe form of trafficking

2. Is present in US on account of trafficking

3. Complied with reasonable requests for assistance in investigation or prosecution

- Not required for minors or persons with severe trauma

4. Would suffer extreme hardship involving unusual and severe harm upon removal



# Protecting Client's Information

# How Do You Assert Your Privilege?

- When someone asks you for your client's confidential information
  - ❖ protect your privilege and say that you **CANNOT** share that information
- When you or your organization gets subpoenaed to appear at a court hearing or to respond to the trafficker's discovery requests (i.e. attend deposition or provide organization's documents)
  - ❖ Cannot just say "But I have privilege!"
  - ❖ **Get an attorney** to assist you in responding to discovery requests while protecting your client's privileged info.



# Tips to Protecting the Privilege



- Know your environment - Must have reasonable expectation of confidentiality
- PRESENCE OF A 3RD PARTY OR DISCLOSURE TO A 3RD PARTY RESULTS IN A WAIVER OF THAT PRIVILEGE
- Need to know v. Nice to know
- **Please check with your attorney**

CAST - 24 Hour Hotline  
for Emergency Assistance

**1 888 KEY-2 FRE(EDOM)**  
**1 888 539-2373**

# Human Trafficking Training & Technical Assistance: Support for Attorneys & Social Service Providers Serving Trafficking Survivors

Coalition to Abolish Slavery and Trafficking (CAST) is now offering free support to attorneys and social service providers assisting trafficking survivors with legal needs in the following areas of law:

- Immigration
- Criminal Re-Entry
- Reporting to Law Enforcement
- Ethics
- Criminal Victim Witness Advocacy
- Program Support
- Referrals
- Civil
- ...and More.

## Technical Assistance Contact Information

For case specific questions or  
individualized technical assistance:

Call or Email  
Weekdays from 9 AM – 5 PM PST  
(888) 507- 0193

[TechnicalAssistance@CASTLA.org](mailto:TechnicalAssistance@CASTLA.org)

For Additional Resources visit:  
[www.castla.org/legal-resources](http://www.castla.org/legal-resources)

# Poll

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*Does your clinic or organization have a protocol  
for supporting trafficking survivors?*



# Resources

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- National Human Trafficking Resource Center

1 (888) 373-7888

SMS: 233733 (*Text "HELP" or "INFO"*)

- Hours: 24 hours, 7 days a week
- Languages: English, Spanish and 200 more languages



# Health Professional Human Trafficking Resources

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HEALtrafficking.org



Polaris: National Human Trafficking Resource Center, 30-min trainings for healthcare providers, including mental health providers,  
<https://traffickingresourcecenter.org/material-type/online-trainings>

PATH: Physicians Against Trafficking of Humans, <http://www.doc-path.org/>

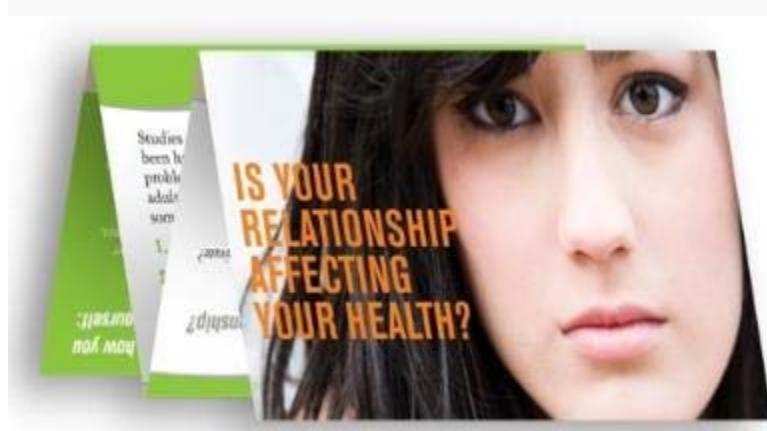
California Family Health Council Learning Exchange, Improving Response to HT  
<http://www.cfhc.org/learning-exchange>

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# Online Resource on Health and IPV

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[www.healthcaresaboutipv.org](http://www.healthcaresaboutipv.org)

Offers policy memos, patient and provider educational tools and resources.



Contact Kate Vander Tuig:  
[kvandertuig@futureswithoutviolence.org](mailto:kvandertuig@futureswithoutviolence.org)





RESILIENCY TRAFFICKING HOMELESSNESS HOPE SEXUAL VIOLENCE  
HEALTH ADVOCATE CHILDHOOD ABUSE HEALTH  
SUPPOR RESILIENCE CHILDHOOD ABUSE  
HOPE SE TRAFFICKING HOMELESSNESS HOPE  
CHILDHOOD ABUSE SUPPORT COLLABORATION POLICY HEALING  
PUBLIC HEALTH RESILIENCY TRAFFICKING HOMELESSNESS HOPE  
SEXUAL VIOLENCE HEALTH ADVOCATE COMMUNITY TRAUMA  
CHILDHOOD ABUSE SUPPORT COLLABORATION POLICY HEALING

**HEALTH AND DOMESTIC VIOLENCE**

September 26-28, 2017 | San Francisco



Join us as a presenter at the 2017 National Conference on Health and Domestic Violence in San Francisco, September 26-28, 2017! Apply by **January 13<sup>th</sup>, 2017** at [www.nchdv.org](http://www.nchdv.org)

# Thank you!

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Please use this link to complete the **evaluation**. Your feedback is important to us! If you are an MD or DO and would like CME credits, you must complete the evaluation.

<https://www.surveymonkey.com/r/TraffickingLegal101>

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[Futures Webinars Page](#)

