

Supporting the Education and Employment Needs of Survivors with Criminal Records

Criminal records cause significant barriers to stability by restricting access to education and employment opportunities. Survivors of human trafficking who have a criminal record as a direct result of their exploitation face “[collateral consequences](#)” that impact their eligibility for certain occupations, [financial aid](#), [occupational licensing](#), training programs, [business loans](#) and more. Moreover, these collateral consequences can become tools a trafficker uses to exploit and entrap survivors.

What Steps Can Advocates Take to Support Survivors with a Criminal Record?

1. Get a copy of their criminal record

It is often difficult for survivors to recall how many times they have been arrested, the location of these arrests, and convictions that create collateral consequences. In addition, there can be a number of errors listed in an individual’s RAP (Record of Arrests and Prosecutions) sheet. Obtaining one’s criminal record will allow survivors to gain awareness on what potential employers may see when running a background check, petition for corrections and criminal record relief, and understand what legal barriers can impact long-term stability. Advocates can begin by supporting survivors with obtaining their criminal records based on a fingerprint search. There are two different types of fingerprint records to obtain: [FBI fingerprint record](#) and [state or local municipality records](#). Advocates can complete [Freedom Network USA’s Survivor Reentry Project \(SRP\) referral form](#) to help clients get fingerprinted and find free criminal record relief representation.

2. Connect survivors to legal resources that will help explore and facilitate criminal record relief.

Survivors may be eligible for criminal record relief ranging from cleaning up errors on a RAP sheet to [vacating, expunging, or sealing their trafficking-related convictions](#). However, post-conviction relief laws vary by state. Advocates can explore a current list of states offering post-conviction relief for survivors at the [Survivor Reentry Project \(SRP\) Criminal Record Relief Laws for Survivors interactive map](#). You

can also obtain information on juvenile and adult criminal record clearance policies from [The Clean Slate Clearing House](#), a joint project between the U.S. Department of Labor's (DOL) Employment and Training Administration and U.S. Department of Justice's (DOJ) Bureau of Justice Assistance. In addition to understanding collateral consequences and local post-conviction laws, it is important for advocates to connect survivors to free and low-cost legal support to assist with criminal record relief. Some resources in identifying these free and low-cost legal service options are:

- [Survivor Reentry Project](#) and other legal programs can offer free assistance to survivors of human trafficking seeking to correct their record to seek vacatur and expungement.
- [Legal Services Corporation \(LSC\)](#): provides a national directory of non-profit legal aid organizations.
- [CAST Legal Training and Technical Assistance TTA](#) offers free support to attorneys and social service providers assisting trafficking survivors nationwide with legal needs.

Additional Resources: [Workable Solutions for Criminal Record Relief: Recommendations for Prosecutors Serving Victims of Human Trafficking](#)

Record Removal

Every state has different vacatur and expungement laws. Eligible convictions often include prostitution-related offenses or other non-violent offenses. Currently there is no law allowing for the expungement of federal convictions.



3. Educate survivors on their employment rights

States and cities have different employee protections and anti-discrimination laws. Advocates can become familiar with local employee protections through their local EEOC [FAQs](#). They can also help survivors understand and navigate baseline federal [employment protections](#) for individuals with criminal records or state protections through the [National Employment Law Project \(NELP\)](#). These protections can include what employers can and cannot ask about in your background check, and how information can be used to make employment decisions. Additional resources for understanding employment rights are:

- [National Employment Law Project \(NELP\)](#): provides information on fair-chance hiring laws for people with prior arrest or conviction.
- [Legal Action Center \(NY\)](#): provides resources and strategies on how to restore opportunity for people with arrest and conviction records.
- [Department of Labor Resources for Workers](#): resources created by the DOL Hour and Wage division designed to help workers understand their rights and protection under law.

4. Prepare survivors to answer criminal records related questions

A common question by employers is whether an applicant has a criminal record. Survivors often experience significant anxiety about how to answer this question appropriately. Omission may give an employer ground to dismiss an applicant or take back offers of conditional employment after a background check. Therefore, advocates should provide a safe and empowered environment to help justice-involved survivors carefully prepare

Employment and Background Checks

A [2020 survey](#) of employers conducted by the Professional Background Screening Association and HR.com found that 94 percent of employers conducted at least one type of background check. The survey also found that screenings are on the rise even among positions that are not full-time.

to answer this question. During this preparation, advocates can support survivors with drafting a clear and concise response to the common application question, participate in role play exercises on how to approach this question in an interview, and help survivors gather examples of growth and rehabilitation to highlight throughout the application process. DOL offers considerations on [how to talk about conviction with an employer](#). Advocates can also support survivors through completing the [work ready checklist](#).

5. Pursue evidence of rehabilitation

Prior to pursuing employment, encourage survivors to secure testimonials of their growth post-conviction, commonly referred to as “[evidence of rehabilitation](#).” This can include recommendations from teachers or school administrators, job training program administrators, former supervisors or colleagues, or counselors. This can help to increase employment success. Examples of evidence of rehabilitation are:

- Effective [personal statement](#)
- Proof of completed or in-progress job training
- Proof of completed or in progress community service hours
- Proof of completed or in progress court-mandated or voluntary programs
- Proof of completed or in-progress education or other-post conviction accomplishments
- Letters of recommendation from probation or parole officers, mentors, friends, educators, clergy, and programs speaking to your character and who you are today
- Receipts of payments of fines, fees or restitution

There are programs that focus primarily on post-conviction training, education, and job opportunities. Connecting survivors to these opportunities can help build strong evidence of rehabilitation and provide easier access to employers who will hire formally incarcerated individuals. Visit these links to locate and learn more about these programs and resources:

1. [How to Gather Evidence of Rehabilitation \(Legal Action Center\)](#)

2. [National Reentry Resource Center Second Chance Grantee Program Map](#): A directory of current national organizations that support formally incarcerated individuals with employment and education, funded under the federal [Second Chance Act](#).
3. [Reentry Program Finder](#): A database of local reentry Workforce Innovation Opportunity Act (WIOA) employment programs.
4. [Reentry Employment Opportunities](#): Offers resources to advocates on how to support formally incarcerated individuals with employment.
5. [Center for Employment Opportunities](#): National organization that works to reduce recidivism and increase employment by providing justice-involved individuals with paid employment, skills training and ongoing career support.

6. Build survivors' confidence

Survivors can feel limited by their work history and criminal record. Advocates can support by helping them recognize the resilience survivors carry, transferable skills they have gained, and ways to address gaps in work history. Building the confidence of justice-involved survivors can be done by providing a trauma-informed environment for survivors to understand that they are more than their conviction history. Also, by connecting survivors to legal resources, education and training opportunities, and listening to career goals, advocates are instilling hope. These steps can help a survivor better access the opportunities they need to obtain safe and sustainable employment and rebuild their lives.

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