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Human Trafficking: A Growing Criminal Market in the U.S.

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Human trafficking has become a lucrative criminal market in the United States. The commodities involved in this illicit trade are men, women, and children. Traffickers transport undocumented migrants into the U.S. for work in licit, semi-illicit and illicit industries. The traffickers' foremost goal is to maximize profits -- often resulting in physical and mental exploitation of the victims. The sale and distribution of trafficked humans in the U.S. is a global, regional, and national phenomenon. Women and children are trafficked short distances within the U.S. (small towns to bigger cities), as well as coming from as far away as China, Ukraine and Thailand.

The International Organization for Migration (IOM) estimates that of the100 million migrants worldwide, about 4 million are undocumented, i.e., migrants who have been smuggled or trafficked (Graycar, 1999). The U.S. Department of State, has estimated that at any given time, there are hundreds of thousands of people in the pipeline, being warehoused by traffickers, waiting for new routes to open up or documents to become available -- and their primary target is the United States (Body Sellers, 1995).

Human trafficking shares certain dynamics with alien smuggling, but is different in having the additional elements of coercion and/or exploitation (Heckmann, 2000). Alien smuggling produces short-term profits. Trafficking, on the other hand, includes long-term exploitation to continue to produce profits. The criminality associated with trafficking usually continues after the migrants reach the U.S. There are degrees of voluntariness associated with human trafficking. It can be completely voluntary - where the migrant freely chooses to work overseas. Or, it can be completely involuntary, where migrants are kidnapped, abducted, confined and subjected to other human rights abuses. Examples include women who agree to come to the U.S. as waitresses or dancers, but then are forced into prostitution or domestic servitude. Also included are children who are abducted from abroad to work in child pornography and prostitution rings, and migrant workers who are forced to work in indentured servitude in order to pay off their trafficking fees.

Clandestine migration operates in very much the same manner as legal migration, except that U.S. borders are illegally avoided or migrants are trafficked using forged or altered documentation. In the typical case, the migrant signs a contract and makes a down payment to the trafficker. Often these contracts contain the stipulation that smugglers can hold their clients hostage if they or their families cannot pay the entire smuggling fee. This makes migrants highly vulnerable to abuse and exploitation, and many migrants are held in slave-like conditions until they are able to pay off their fees. Female migrants are especially vulnerable to sexual exploitation during their overseas travel, or while being housed in "safe houses;" and they may be forced to work in the sex industry until their debts are paid off.

Prices are largely based on market principles, depending on the local demand, the distances involved and the mode of transport. The emergence of international smuggling organizations has helped to substantially drive up the traffickers' fees. INS reports indicate that fees can range from a few hundred dollars for Central Americans to up to $50,000 for Chinese (GAO, 2000).

According to an IOM report, almost all migrants attempting to gain entry into the U.S. employ the assistance of smugglers or traffickers. A binational study of migration

between the U.S. and Mexico found that 70 percent of the Mexicans who entered the U.S. illegally entered with the help of traffickers (IOM, 1999). The actors driving this criminal market vary, depending on the region of the U.S. and the nationality of the migrants. Traffickers may be individual entrepreneurs, small "mom and pop" operations, or sophisticated, organized rings. There is little consensus among those who have studied the problem as to the proportions of each of those types; nor with respect to their level of organization and sophistication. Irrespective of type, human trafficking is typically intermixed with other illicit activities, including fraud, extortion, racketeering, money laundering, bribery of public officials, drug use, document forgery and gambling (Richard, 1999). In some cases, traffickers have emerged specifically to meet the migration demand and, in other cases, there are established international criminal syndicates who have incorporated the trading of humans into their existing spheres of criminal activity (IOM, June 1996). For example, Chinese triads and gangs that have been traditionally involved in prostitution in the U.S., are now recruiting and smuggling both sex and non-sex workers from overseas (Richard, 1999).

A review of cases since 1990 found that traffickers in the U.S. tended to be smaller crime groups and trafficking rings, gangs, loosely organized criminal networks, entrepreneurs and corrupt individuals who were victimizing their own nationals (Richard, 1999). The individual actors within trafficking networks include enforcers, who are also usually also "illegals" and are hired to work on ships to maintain order and distribute food and water; transporters (guides and crew members); recruiters; document forgers; brokers; brothel owners; debt collectors; and employment agencies. Obviously, when there are different groups and individuals focusing on different aspects of the trafficking process, this makes law enforcement's task even more difficult.

There are little empirical data to support the belief that there are well organized, transnational criminal enterprises, controlling the trafficking process from beginning to end (Chin, 1999). Chin's data challenge the notion that traditional Chinese organized crime groups are heavily involved in Chinese trafficking. While individual Chinese triad and gang members may be involved, Chin believes that this activity is mostly entrepreneurial. "In short, the human trade is in many ways like any other legitimate international trade, except that it is illegal. Like any trade, it needs organization and planning, but it does not appear to be linked with traditional `organized crime groups'" (1999). Thus, there is an important distinction to be made between professionalization and tight organization -- traffickers in the U.S. can be highly professional, but loosely organized.

Globally, the main smuggling pipelines stretch from Asia, across Europe, through Central America and the Caribbean to the United States (Winer, 1997). The largest influx of humans trafficked to the U.S. are coming from the less developed regions of the world. The most popular transit route for Chinese, South Americans and South Asians is through Central America and Mexico (IOM, 1999). Panama is a also a major transit point for migrants coming from Colombia, Ecuador, Peru, Cuba, India and the People's Republic of China. In addition, South Africa has also become a major transit point into the United States (Williams, 1997). And traffickers are increasingly utilizing the U.S. Canadian border as a corridor into the U.S.

The Southwest border continues to serve as the biggest point of illegal entry into the U.S., largely because traffickers are able to get aliens across without documents (Nardi, 1999). The major points of entry into the United States are located in southern and central Texas, Southern California, Tucson, Arizona, and areas of New Mexico. While the Southwest border is often used as the main portal into the United States, traffickers are increasingly moving migrants into the U.S. through New York, Chicago, and San Francisco. Other newly emerging ports of entry include Atlanta, Houston, Orlando and

Washington D.C. In addition, the U.S. has seen a re-emergence of Chinese boat smugglers using both the East and West coasts (Nardi, 1999).

Traffickers share a common goal of circumventing national regulations and evading law enforcement. There is increasing evidence of producers in the U.S. trafficking industry forming collaborative networks and alliances in order to increase their operational efficiency and profit potential (Williams, 2000). In order to maximize profits, different ethnic groups have recognized the need to collaborate, to provide safe houses, local contracts and documentation (IOM, 1996). There have been specific cases of Italian organized crime groups in New York and New Jersey collaborating with Russian crime groups to supply women in nightclubs and peep shows (Richard, 1999). In addition, smugglers from Mexico are being subcontracted by Chinese groups to smuggle Chinese migrants over the U.S.- Mexican border (Rotella, 1993). Smugglers are using "legitimate businesses" such as bus transportation companies and employment agencies as covers for their activities. Diplomatic security agents have identified dance and modeling agencies in the U.S. that serve as fronts for trafficking operations for larger Russian crime syndicates. Many producers within this market have established a "chain" of operations involving a number of individuals and various means of travel to pass migrants through a network of safe houses and transit points (Winer, 1997). Larger operations have developed elaborate networks that include document venders, travel agencies, guides, transportation, and local area border smugglers.

There is a relatively high degree of collusion among government officials in both source and transit countries that are facilitating these clandestine operations. Indeed, there has been evidence of cooperation (involving corruption and/or intimidation of public officials, and partnerships with licit business) or at least acquiescence occurring at every level. INS reports that international traffickers have reportedly corrupted foreign senior-level officials as well as officials in key positions, such as immigration officials at airports, consular workers, embassies abroad, members of law enforcement, and officers at border checkpoints in both source and transit countires. Corrupt public officials are accepting bribes in exchange for passports, visas, citizenship and safe transit across borders (Richard, 1999). "Indeed, in this area of criminal activity, as in others, corruption provides the lubricant which allows criminal organizations to operate with maximum effectiveness and minimum interference" (Williams, 1997).

Many migrants fall victim to inhumane treatment and conditions, suffering immensely at the hands of their traffickers. Some traffickers have thrown migrants overboard in an effort to stifle complaints and maintain order. Violence, intimidation, and brutality are especially common with trafficking victims in the sex industry (Richard,1999). Chinese gangs and their enforcers are notorious for being especially brutal with migrants who cannot come up with the money for payment. Their tactics include ransom, extortion, repeated rapes, cutting off fingers and sexual assault (Winer, 1997). Chinese gangs employed as debt collectors, for example, commonly resort to mental and physical forms of coercion in order to extract payment, subjecting their human cargo to torture, persecution and revenge. Many migrants in "safe houses" are subjected to horrible treatment including death threats, beatings and rapes in front of others, or while on the phone with their families. Some police raids have discovered sickly and beaten captives shackled to prevent them from escaping (Chin, 1999).

In the economy of human trafficking, demand is high. The risk of punishment and capture are low. Like most other criminal markets, it is largely driven by demand -- from migrants seeking work in the U.S., to (legitimate and illegitimate) U.S. employers who rely on undocumented labor, to the clientele of the sex industry. The global integration of technology and values, and the increase in world-wide opportunities for mobility and in resources, are factors that have helped to create this global demand. More and more

people want to migrate, but cannot do this legally; most often, migration barriers cannot be crossed without help from traffickers.

Another aspect critical to understanding the role of demand in this market is the willingness of many U.S. employers to hire undocumented workers. For example, the illegal job market is flourishing in Florida and the INS estimates that about 350,000 illegal immigrants are currently living there. Some farms have earned the nickname, "sweatshops in the sun"- as farmers and other business owners prefer illegal workers who don't complain and are willing to work for low wages. This is exacerbated by the fact that often migrants will accept the jobs that no one else will (Kane, 2000). In response to the need, some trafficking organizations have even begun to provide transportation directly to the work sites (Nardi, 1999).

The absence of laws against trafficking in some countries makes the trafficking in humans difficult to control. In particular, it allows the activity to flourish in many source countries. Trafficking cases are often difficult to prosecute in the U.S., because the trafficking victims are the only witnesses to the crime, and are unwilling to come forward. In addition, if convicted, traffickers rarely spend much time in U.S. prisons (Kane, 1999). Because of a law enforcement tendency to view trafficking as a "victimless" crime, adequate resources are generally not devoted to investigating trafficking cases (Williams, 1997).

The U.S. Congress passed the Illegal Immigration Reform and Immigration Responsibility Act of 1996. This law significantly expanded potential sentences for individuals convicted of alien trafficking, and doubled the maximum penalty for alien smuggling to 10 years. In addition, prosecutors can now seek the death penalty for smugglers who cause deaths (Kane,2000).

The goal of the anti-trafficking strategy of the U.S. Immigration and Naturalization Service is to deter and disrupt alien smuggling at all levels of operation, including overseas, at the border, and in the interior of the United States, as well as to dismantle trafficking operations. In accomplishing this goal, the INS has utilized a number of investigative techniques. These techniques include the application of expanded asset forfeiture laws; the use of wire intercepts; the establishment of an undercover proprietary business; and, the use of the Racketeer Influenced and Corrupt Organizations Act (RICO), which now designates alien smuggling and immigration-related visa fraud as RICO predicate offenses (Nardi, 1999).

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