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US Anti-Trafficking Program . . . Rearranging Deck Chairs on the Titanic???

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A dramatic painting of the RMS Titanic sinking. The ship is tilted at a steep angle, with its bow high in the air and its stern submerged. Thick black smoke billows from the funnels. In the foreground, several lifeboats are crowded with people, some waving. The sea is dark and choppy, with white-capped waves. Icebergs are visible in the background under a cloudy sky.

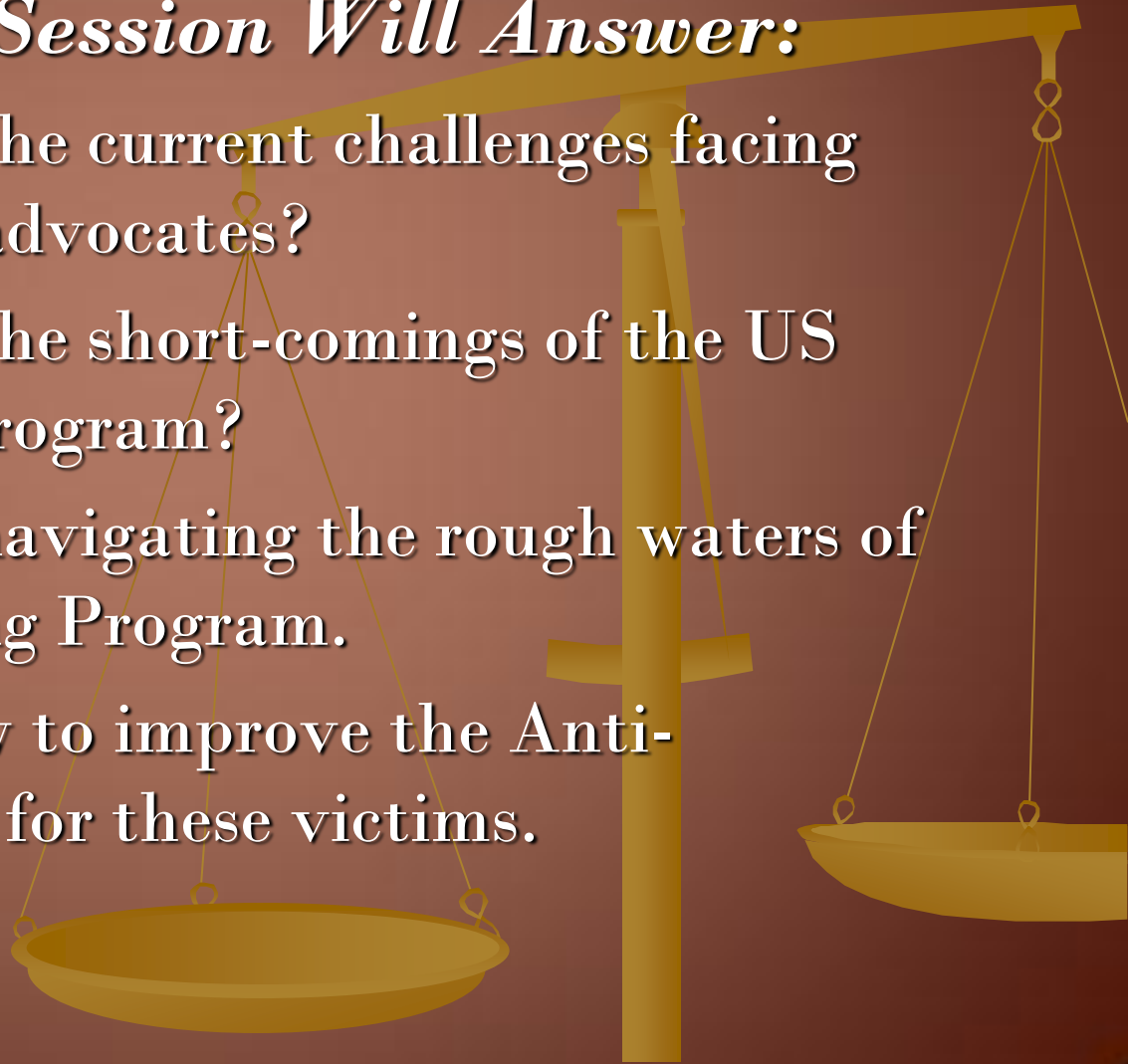
US Anti- Trafficking Program... Rearranging Deck Chairs on the Titanic???

***THIRD ANNUAL INTERDISCIPLINARY
CONFERENCE ON
HUMAN TRAFFICKING
September, 2011***

Session Highlights

■ *Questions this Session Will Answer:*

- What are some of the current challenges facing trafficking victim advocates?
- What are some of the short-comings of the US Anti-Trafficking Program?
- Tips and hints on navigating the rough waters of the Anti-Trafficking Program.
- Suggestions on how to improve the Anti-Trafficking system for these victims.



Smuggling v. Trafficking

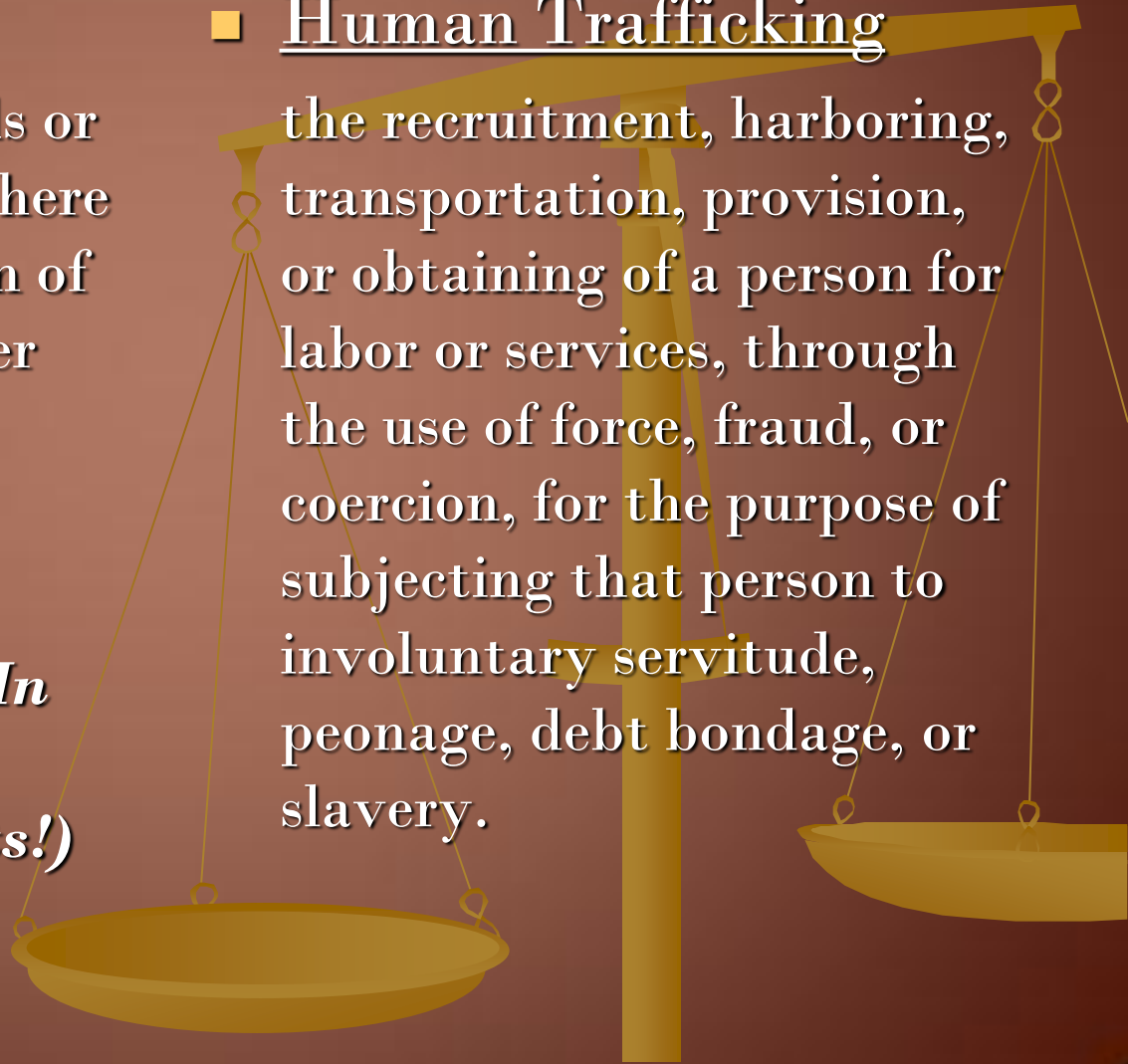
■ Smuggling

transportation of goods or persons past a point where prohibited, in violation of applicable laws or other regulations.

(These are NOT mutually exclusive. In fact they can be overlapping concepts!)

■ Human Trafficking

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 subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.



2 Key Problems

■ 1) Finding victims

■ Identification

- Prejudice/judgment
- Roll of law enforcement (ICE)
- Getting a certification

■ Key Word- CONSENT

■ 2) Serving victims

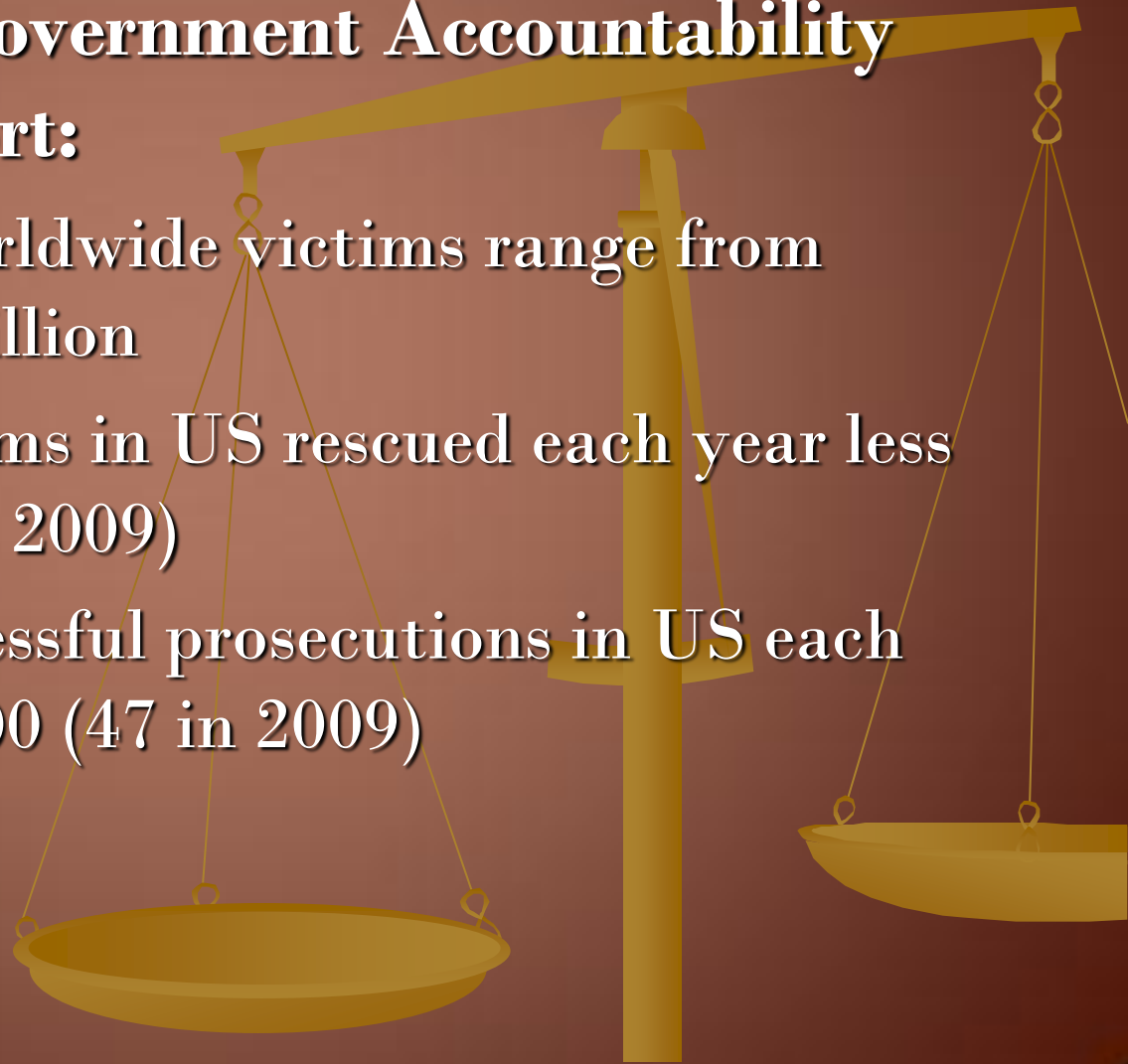
- Available programs
- “Qualifying” for services



Statistics

According to the Government Accountability Office 2006 Report:

- Estimates of worldwide victims range from 500,000 to 27 million
- Number of victims in US rescued each year less than 500 (380 in 2009)
- Number of successful prosecutions in US each year less than 100 (47 in 2009)



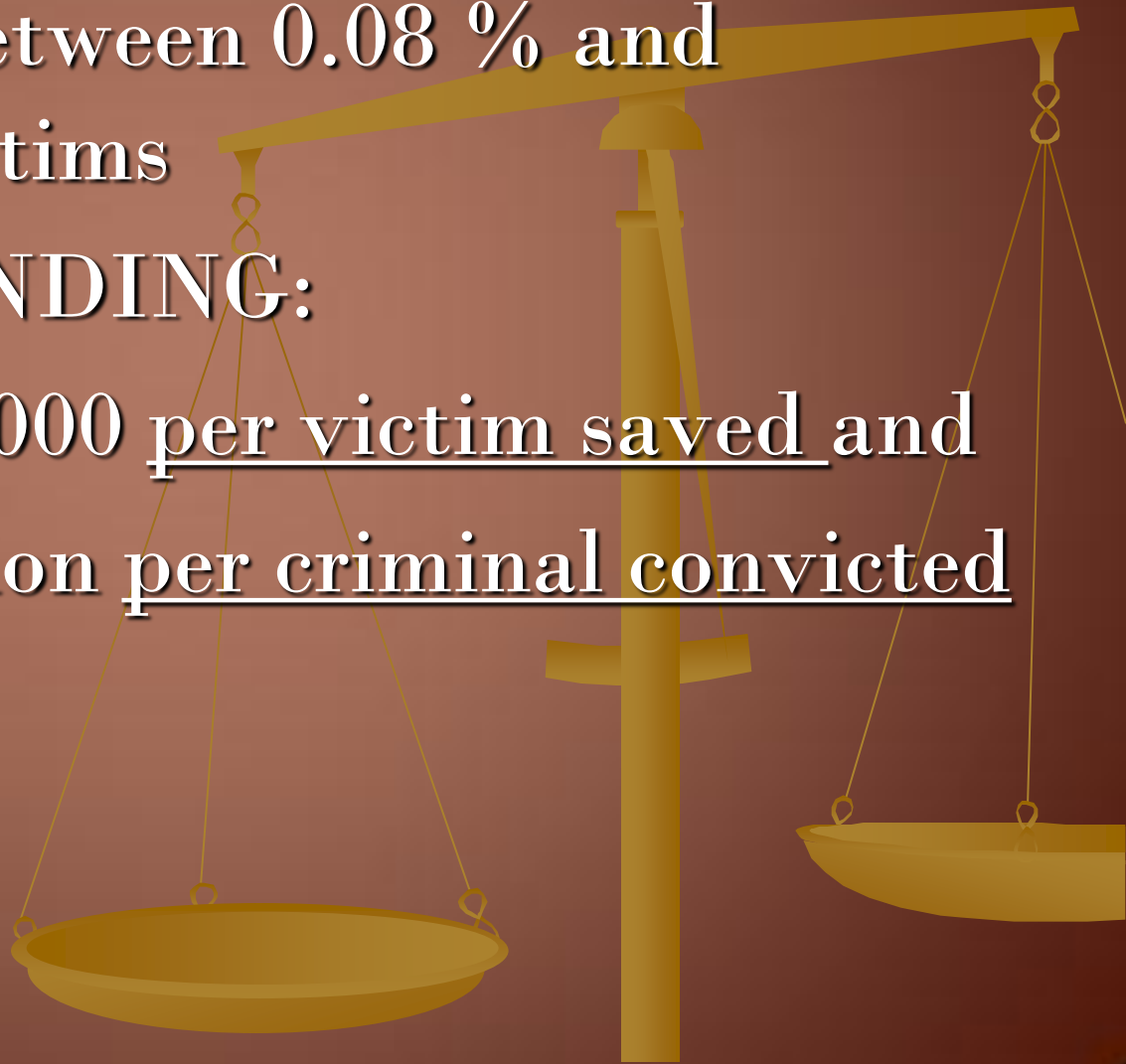
Statistics Continued

We are saving between 0.08 % and
0.0014% of victims

Yet we are SPENDING:

More than \$485,000 per victim saved and

Nearly \$3.8 million per criminal convicted

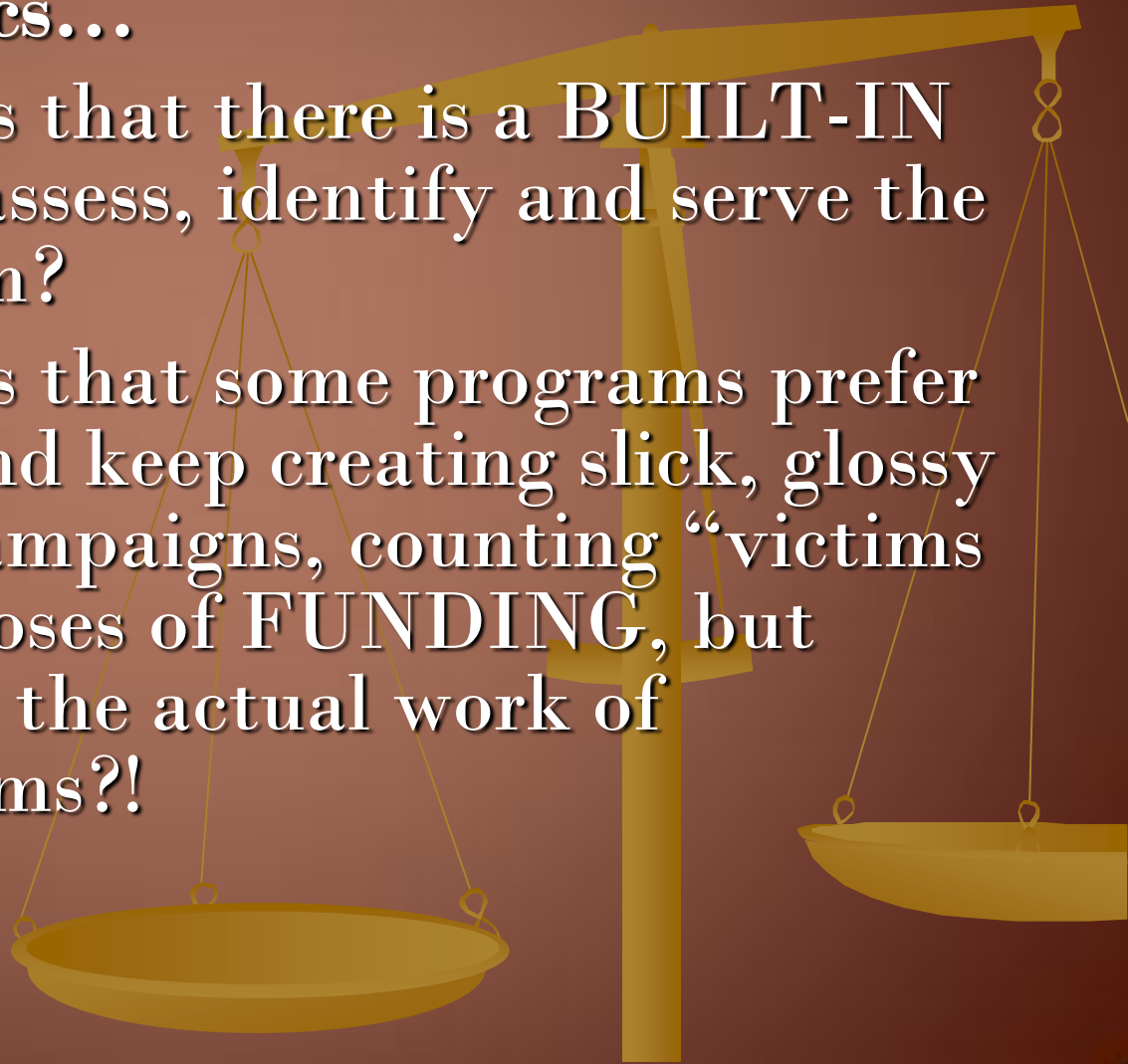


Wolf Guarding the Hen House?

Given these statistics...

Could it be perhaps that there is a **BUILT-IN** dis-insentive to assess, identify and serve the trafficking victim?

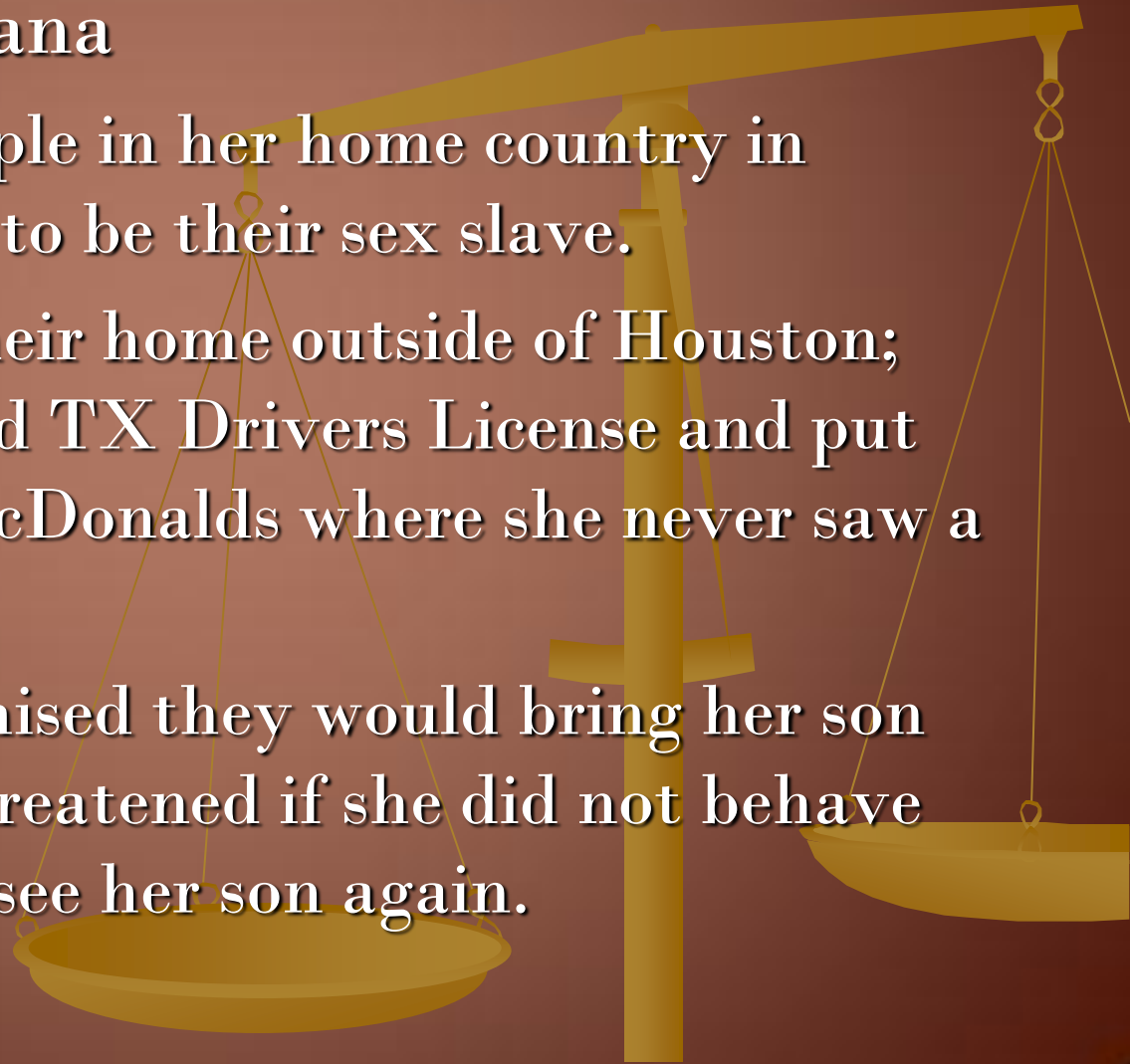
Could it be perhaps that some programs prefer the status quo and keep creating slick, glossy brochures and campaigns, counting “victims served” for purposes of **FUNDING**, but don’t want to do the actual work of **HELPING** victims?!



Identifying the Trafficking Victim

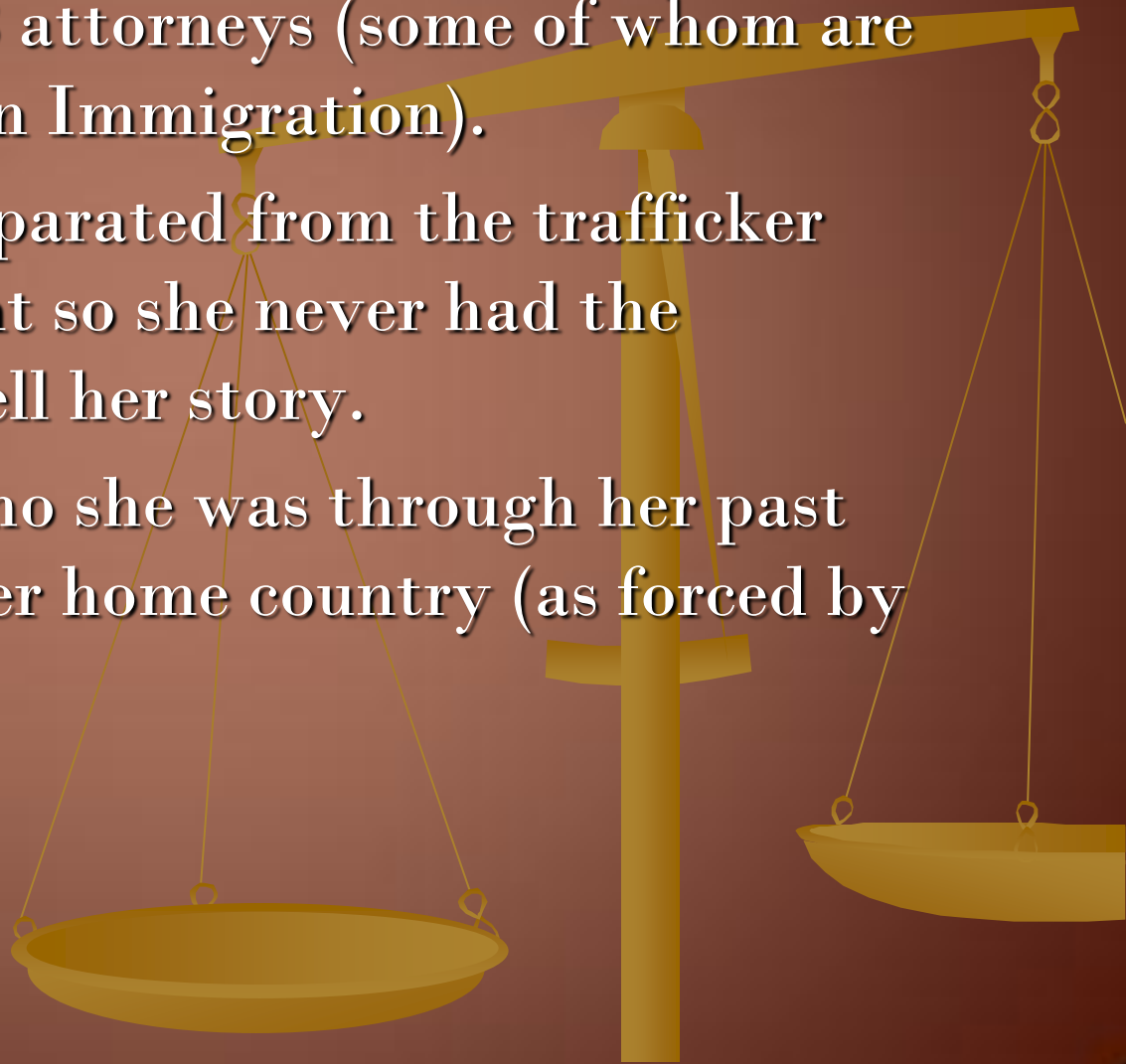
■ Case Study 1- Diana

- Bought by a couple in her home country in Central America to be their sex slave.
- Kept naked in their home outside of Houston; got her a SS# and TX Drivers License and put her to work in McDonalds where she never saw a dime.
- Alternately promised they would bring her son to the US and threatened if she did not behave she would never see her son again.



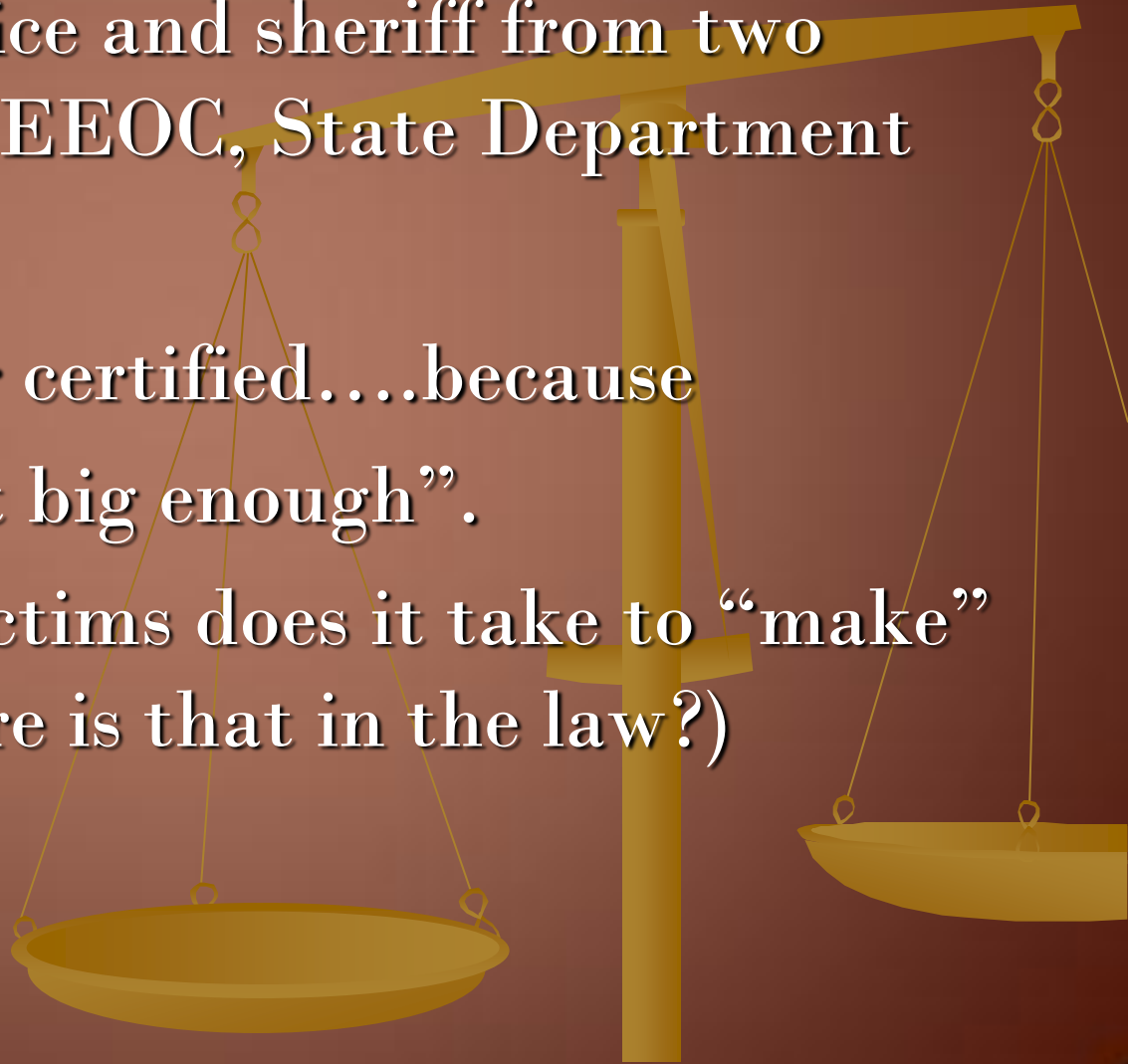
Diana, Continued

- Interviewed by 8 attorneys (some of whom are Board Certified in Immigration).
- She was never separated from the trafficker during assessment so she never had the opportunity to tell her story.
- Everyone saw who she was through her past prostitution in her home country (as forced by parents).



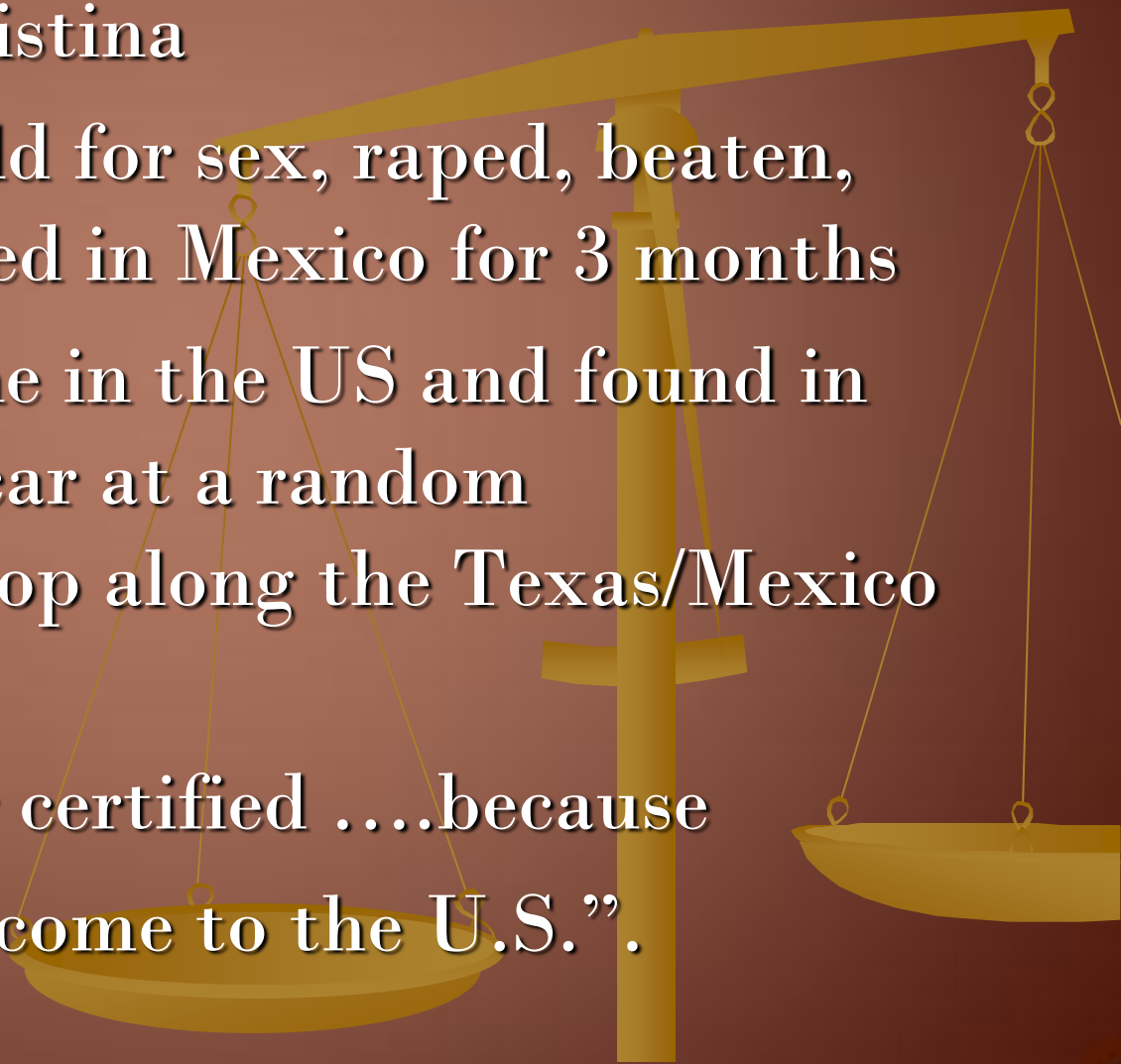
Diana, Continued

- Worked with police and sheriff from two cities, FBI, ICE, EEOC, State Department
- Result?
- Could not get her certified....because “the case was not big enough”.
- So, how many victims does it take to “make” a case? (and where is that in the law?)

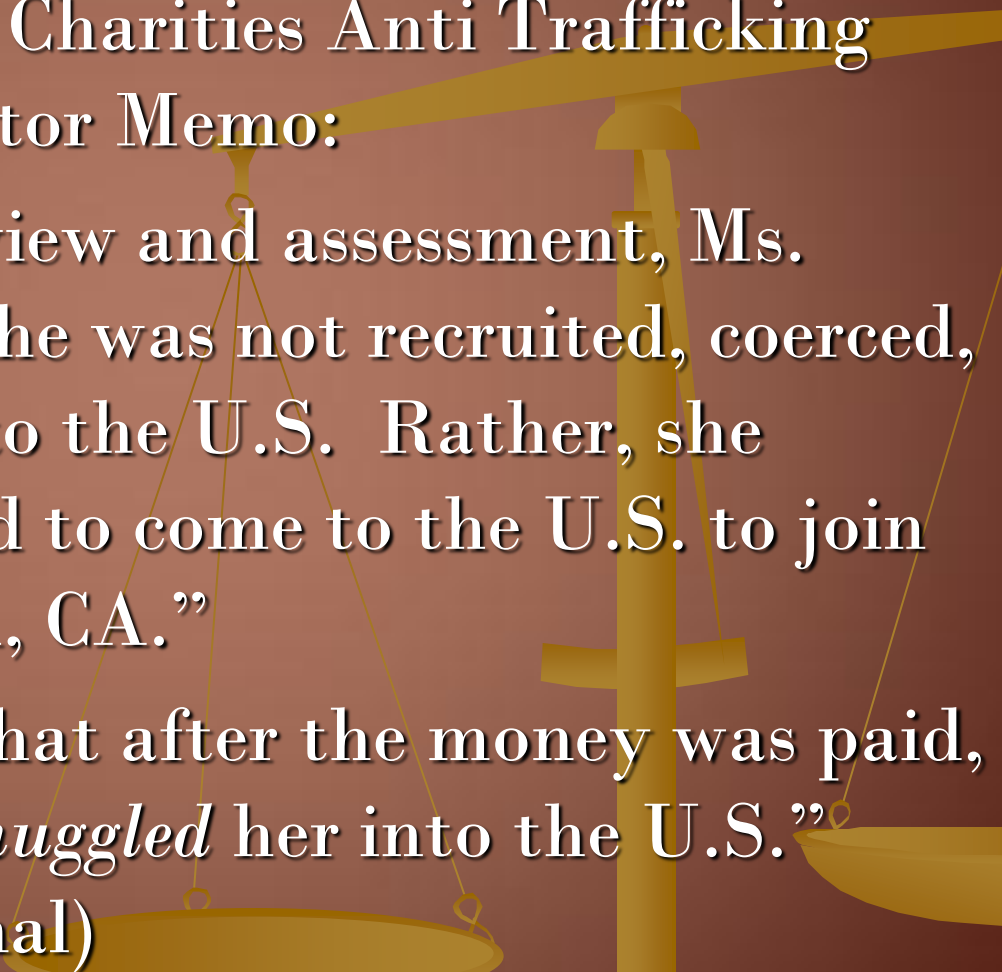


Identifying the Trafficking Victim

- Case Study 2- Kristina
 - Bought and sold for sex, raped, beaten, drugged, starved in Mexico for 3 months
 - Sold to someone in the US and found in the truck of a car at a random immigration stop along the Texas/Mexico border
- Could not get her certifiedbecause she “wanted” to come to the U.S.”.

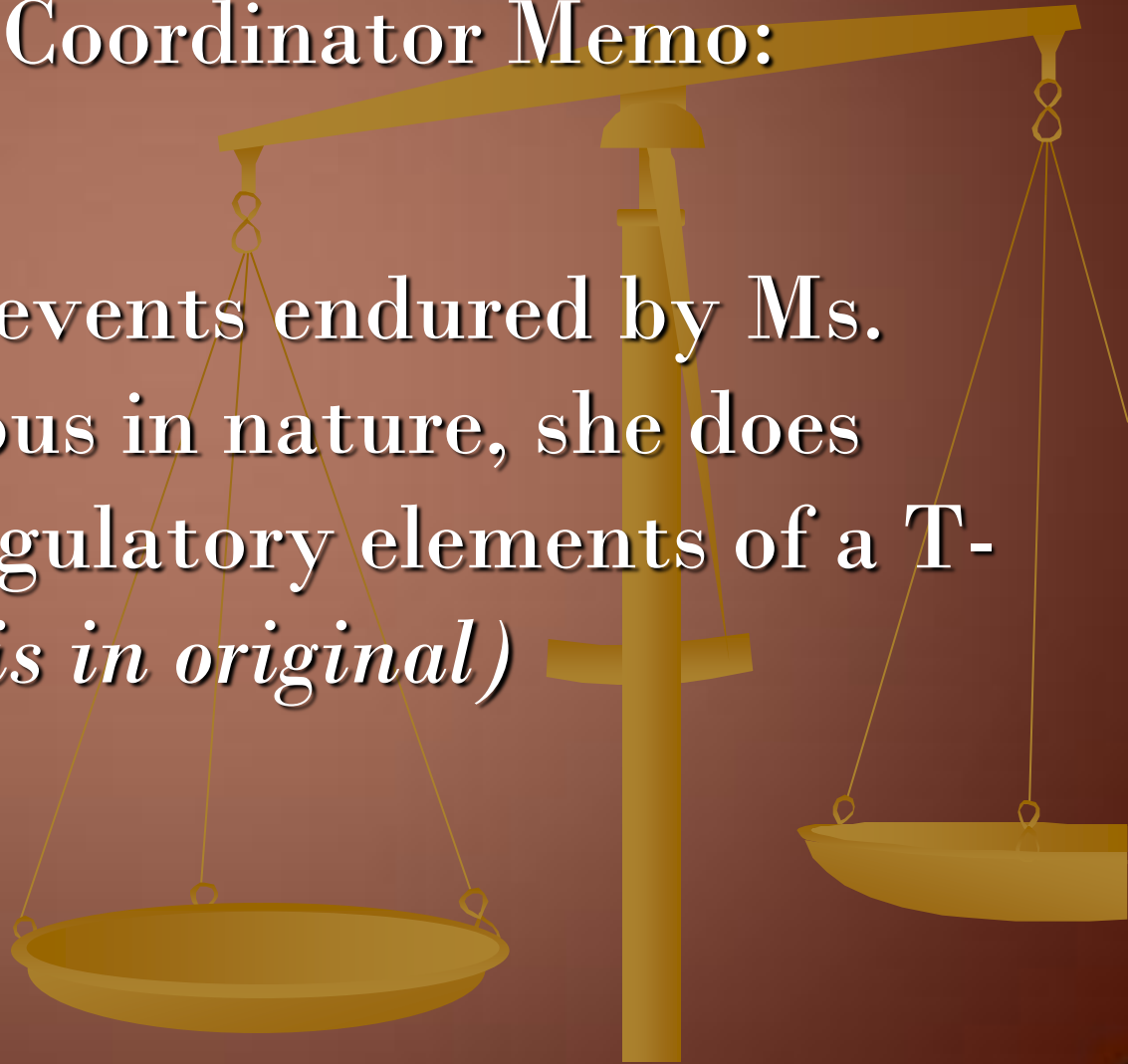


Kristina, Continued

- From the Catholic Charities Anti Trafficking Program Coordinator Memo:
 - “During the interview and assessment, Ms. ***** stated that she was not recruited, coerced, or forced to come to the U.S. Rather, she voluntarily decided to come to the U.S. to join her husband in LA, CA.”
 - “Ms. ***** stated that after the money was paid, these same men *smuggled* her into the U.S.” (emphasis in original)
- 

Kristina, Continued

- From the ATP Coordinator Memo:
- Assessment:
- “Although the events endured by Ms. ***** are heinous in nature, she does not meet the regulatory elements of a T-visa.” (*emphasis in original*)

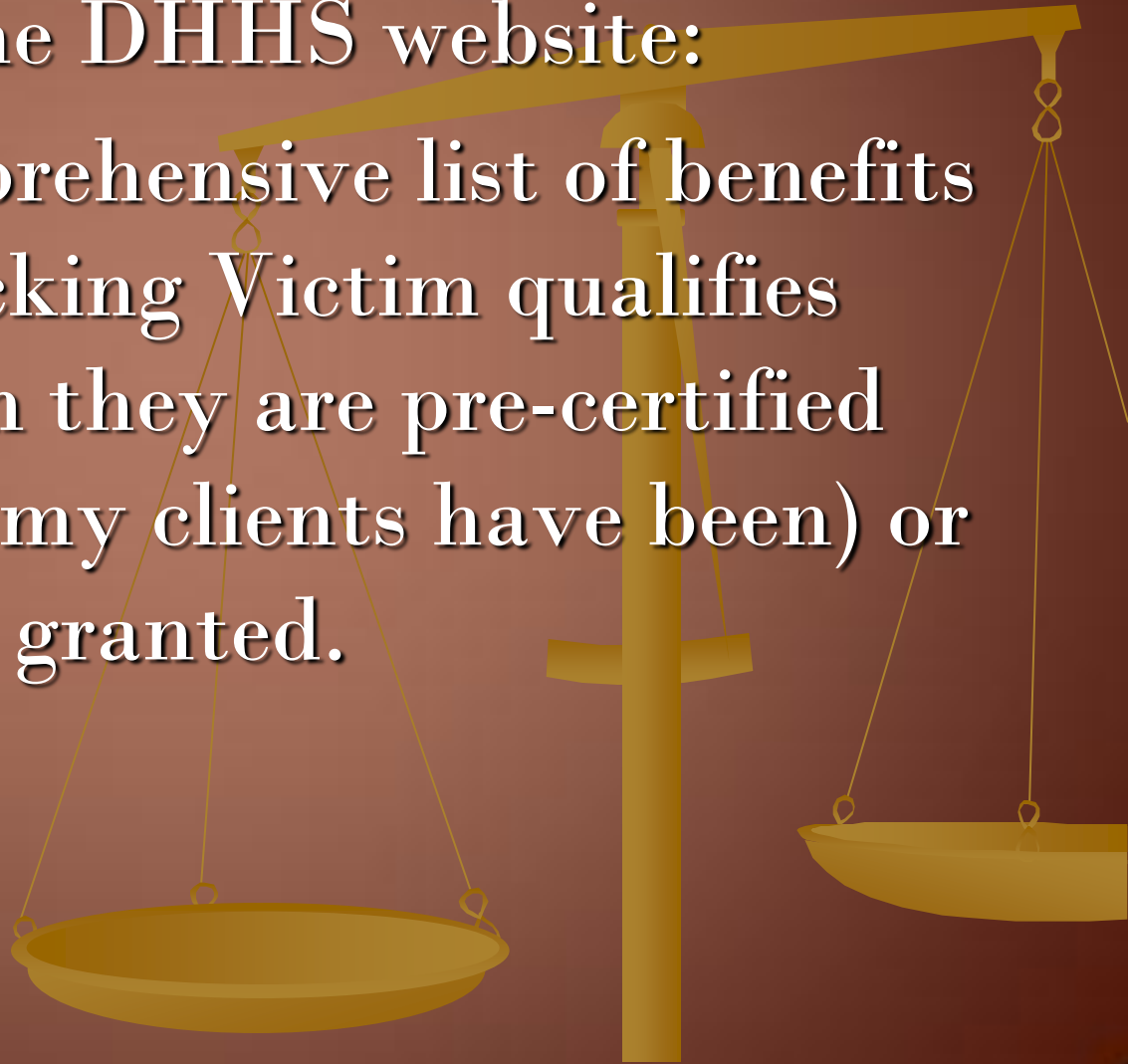


Results?

- As a result of NOT being able to secure a certification in either of these cases, it took 2 full years for each of them to be adjudicated and finally receive their T-Visas.
- Kristina became so depressed during this process (and did not qualify for any services) she twice attempted suicide

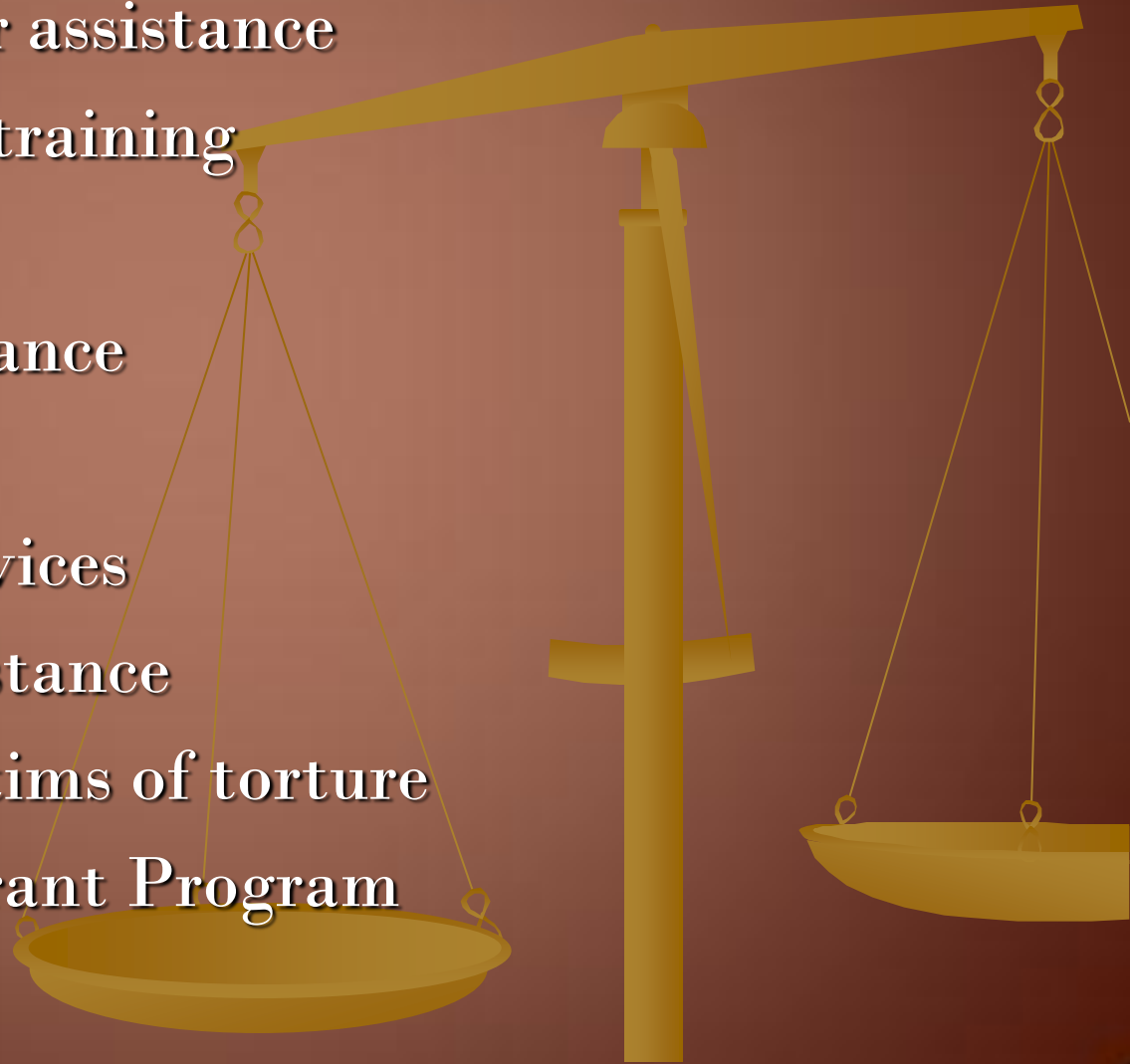
FINALLY, Benefits?!! (not so fast)

- According to the DHHS website:
- There is a comprehensive list of benefits that the Trafficking Victim qualifies for- either when they are pre-certified (which none of my clients have been) or once the visa is granted.



Benefits for Trafficking Victim

- • Housing or shelter assistance
- • English language training
- • Food assistance
- • Health care assistance
- • Income assistance
- • Mental health services
- • Employment assistance
- • Assistance for victims of torture
- • Refugee Match Grant Program



“Assistance” for Kristina

- There is only one OVC (Office of Victims of Crime) and USCCB (US Conference of Catholic Bishops) grantee in the city of Los Angeles available to provide services to trafficking victims.
- Here is an overview/update of challenges Kristina has been struggling with to qualify/receive these benefits

LIMITATIONS

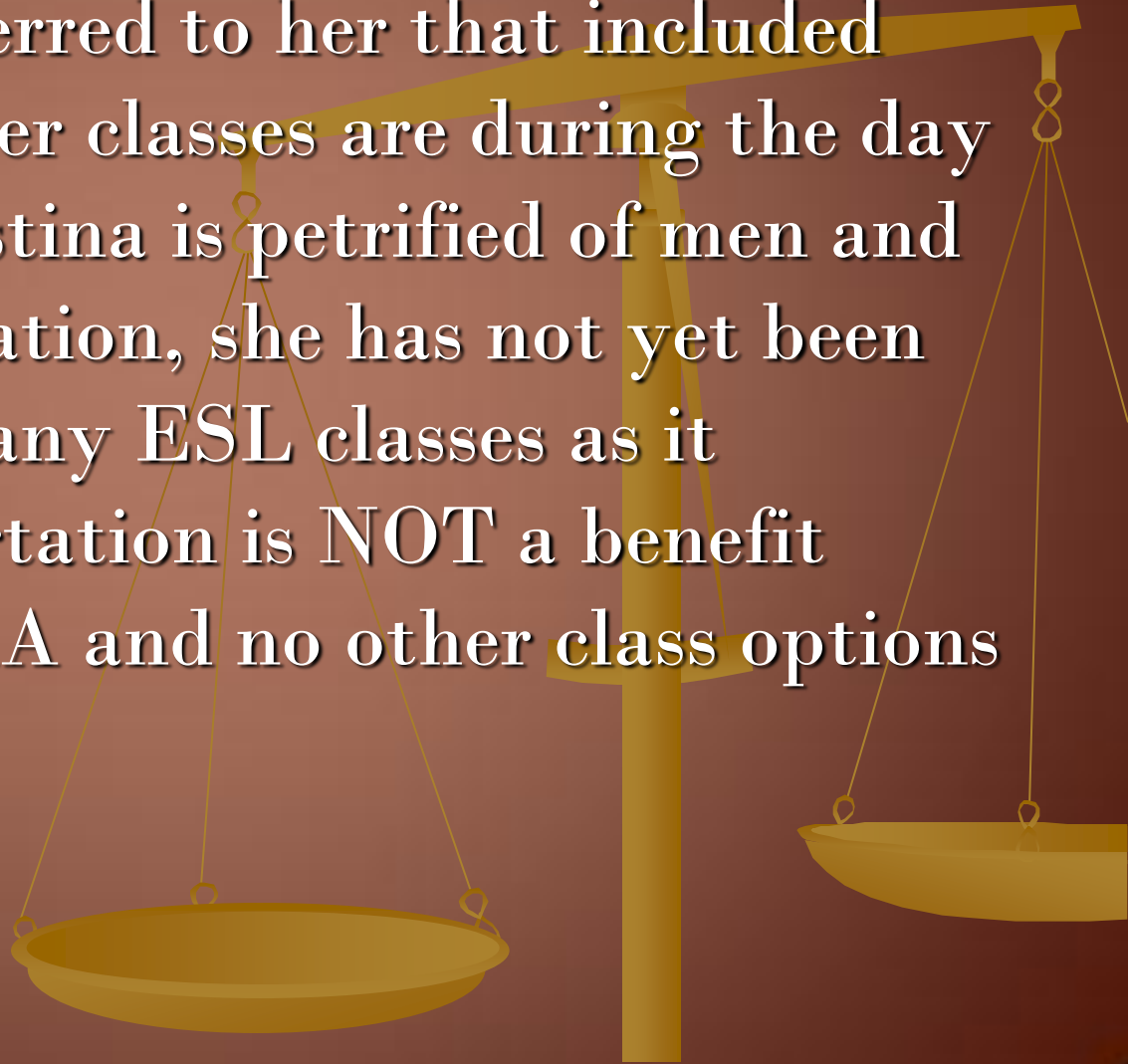
- Kristina has intense fear of men based on her months of being tortured and sold for sex
- This fear limits options for public transportation and while her husband does have a car, his work hours limit options for daytime appointments unless he plans ahead
- Kristina has limited ability to read/write in Spanish and no ability to communicate in English and is marginally functioning

HOUSING/SHELTER Assistance

- Her male case worker requested 2 months of rental assistance and could renew it for an additional month if the client “finds him/herself in crisis”. Despite the fact that Kristina, her husband and their one year old USC child had received an eviction notice, he did not consider Kristina “in crisis”.
- He could recommend a shelter but Kristina had to leave her husband as there were no “family” shelter options available.

ENGLISH LANGUAGE Assistance

- A school was referred to her that included child care however classes are during the day and because Kristina is petrified of men and public transportation, she has not yet been able to enroll in any ESL classes as it appears transportation is NOT a benefit under the TVPRA and no other class options are available.

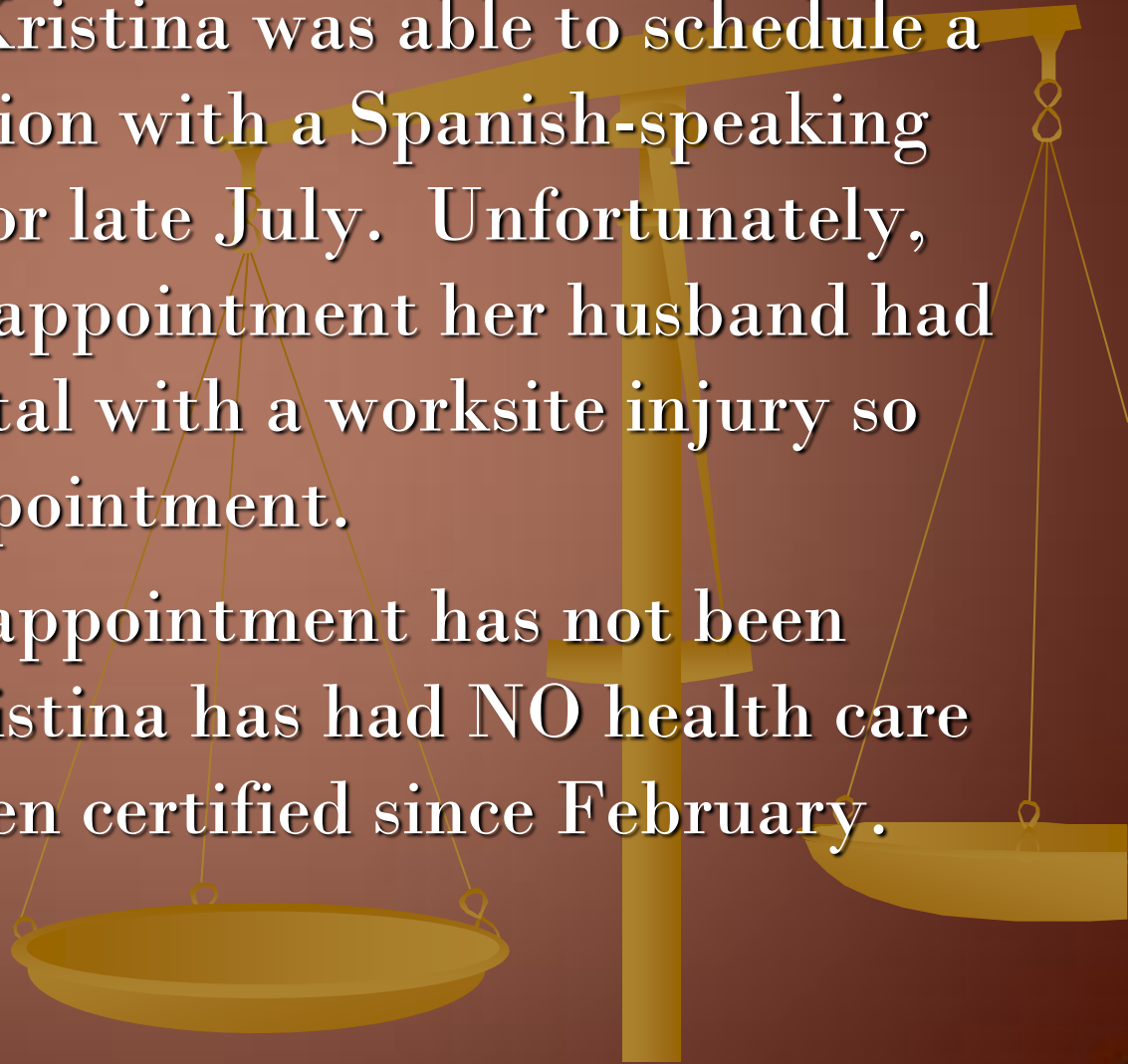


FOOD Assistance

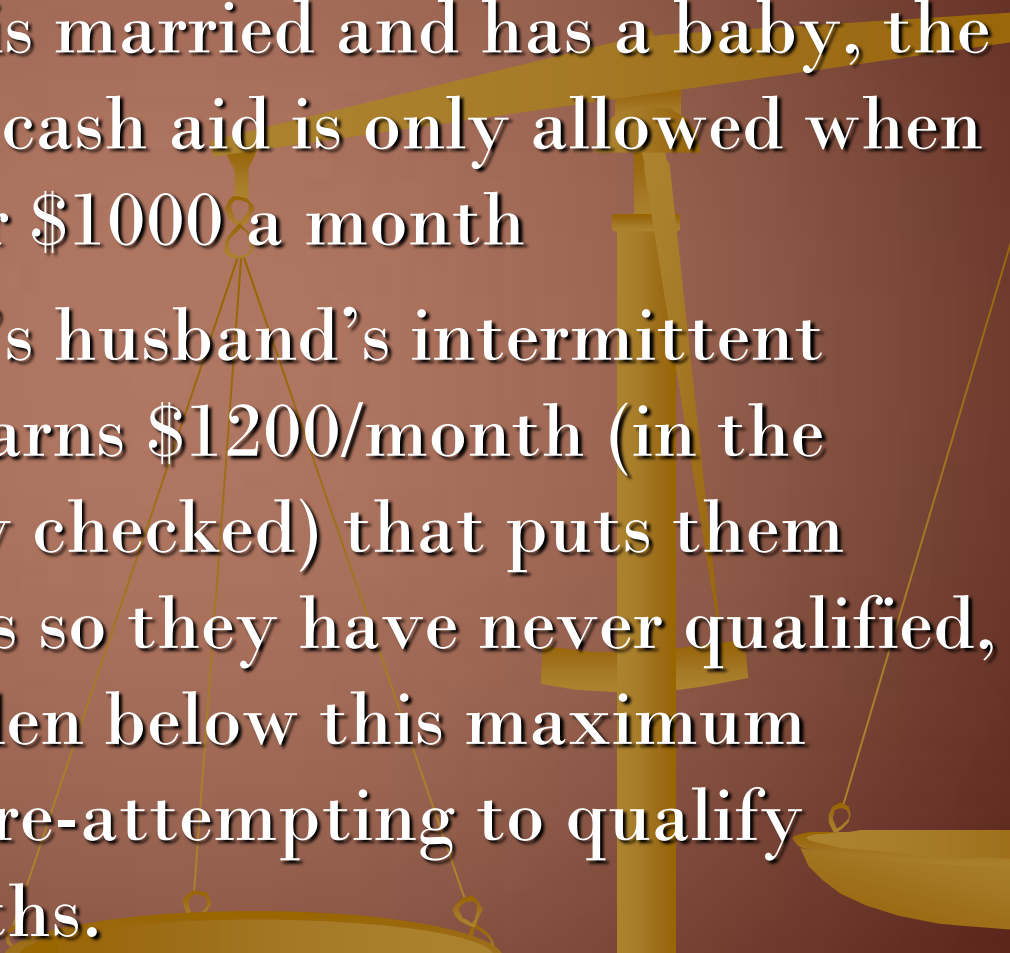
- When Kristina went to apply for food stamps they asked for details about Kristina's trafficking ordeal.
- Kristina showed her government letter and said her attorney said she never had to talk about this again.
- I was advised, "She must tell her case worker she is a victim of human trafficking in order to be considered a "qualified alien" for public benefits."
"...she must tell the case worker how she became certified."
- WHY? She already has a government letter certifying that fact! Why re-victimize the victim?!

HEALTH CARE Assistance

- Finally in June, Kristina was able to schedule a medical examination with a Spanish-speaking physician in LA for late July. Unfortunately, on the day of her appointment her husband had to go to the hospital with a worksite injury so she missed the appointment.
- To date, another appointment has not been scheduled and Kristina has had NO health care despite having been certified since February.



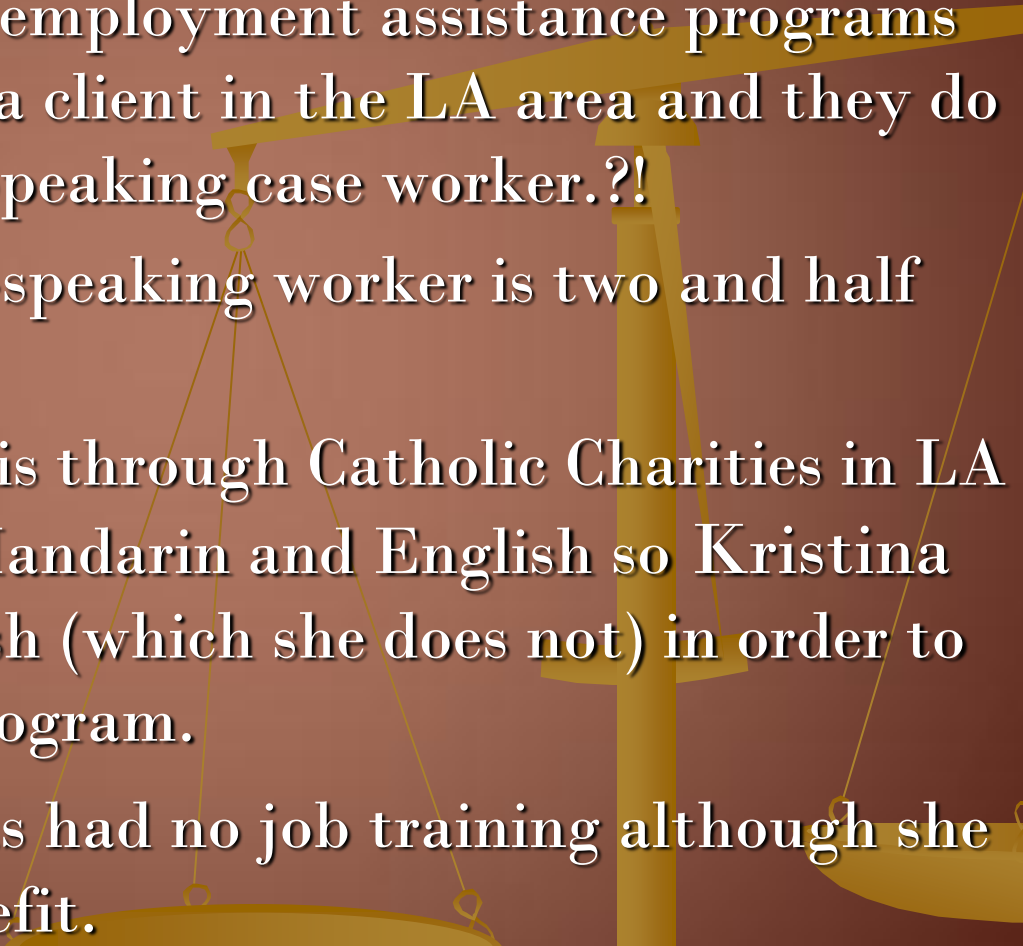
INCOME Assistance

- Because Kristina is married and has a baby, the family income for cash aid is only allowed when earnings are under \$1000 a month
 - Because Kristina's husband's intermittent work sometimes earns \$1200/month (in the month this agency checked) that puts them over the guidelines so they have never qualified, despite having fallen below this maximum several times and re-attempting to qualify during those months.
- 

MENTAL HEALTH Assistance

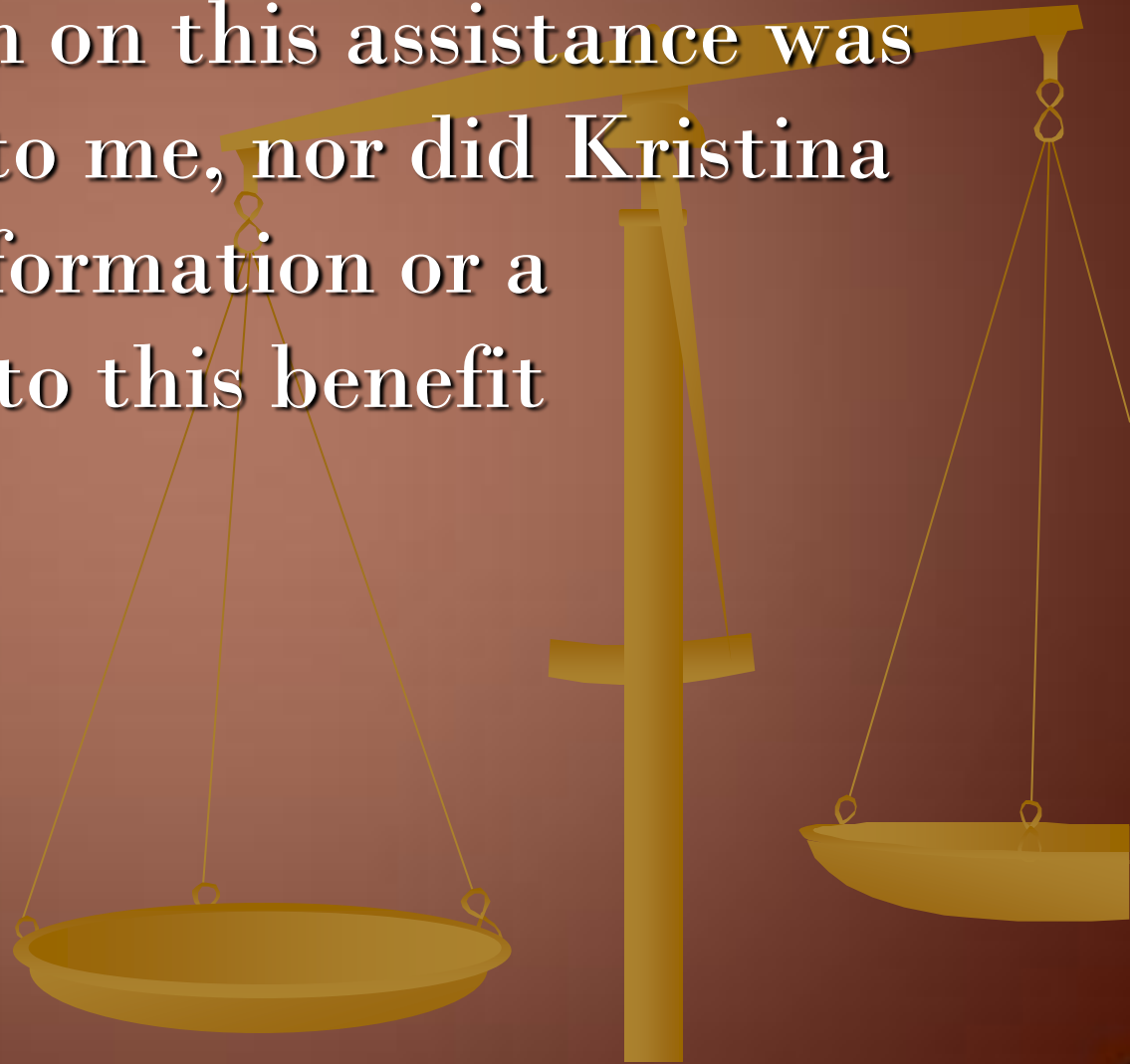
- Catholic Charities San Antonio paid for some preliminary mental health counseling for Kristina and to get a report for her application.
- However, those sessions ended more than a year ago.
- Since the physician provides a mental health referral/appointment (which Kristina has not yet been able to see) she has had NO mental health counseling despite having qualified for this benefit over 8 months ago!!

EMPLOYMENT Assistance

- There are only a few employment assistance programs available to the t-visa client in the LA area and they do not have a Spanish Speaking case worker.?!
 - The nearest Spanish-speaking worker is two and half hours by bus.
 - The closest program is through Catholic Charities in LA but he only speaks Mandarin and English so Kristina needs to know English (which she does not) in order to access this benefit program.
 - To date, Kristina has had no job training although she qualifies for this benefit.
- 

VICTIM OF TORTURE Assistance

- No information on this assistance was ever provided to me, nor did Kristina ever receive information or a referral/access to this benefit



Refugee MATCH GRANT Program

- There is a “secret” deadline of 31 days from the certification letter to qualify for the Refugee Match Grant program- no where listed on any information received.
- Her case worker referred her to the Refugee Match Grant Case worker but he was unable to process the intake before the deadline so Kristina was out of luck and does not qualify- and there is no appeal.
- However the case worker pointed out that my client was not “appropriate” for that program any way because it is designed for refugees who are “high functioning like doctors, scientists, etc.” (even though trafficking victims are included).

Standard for Service

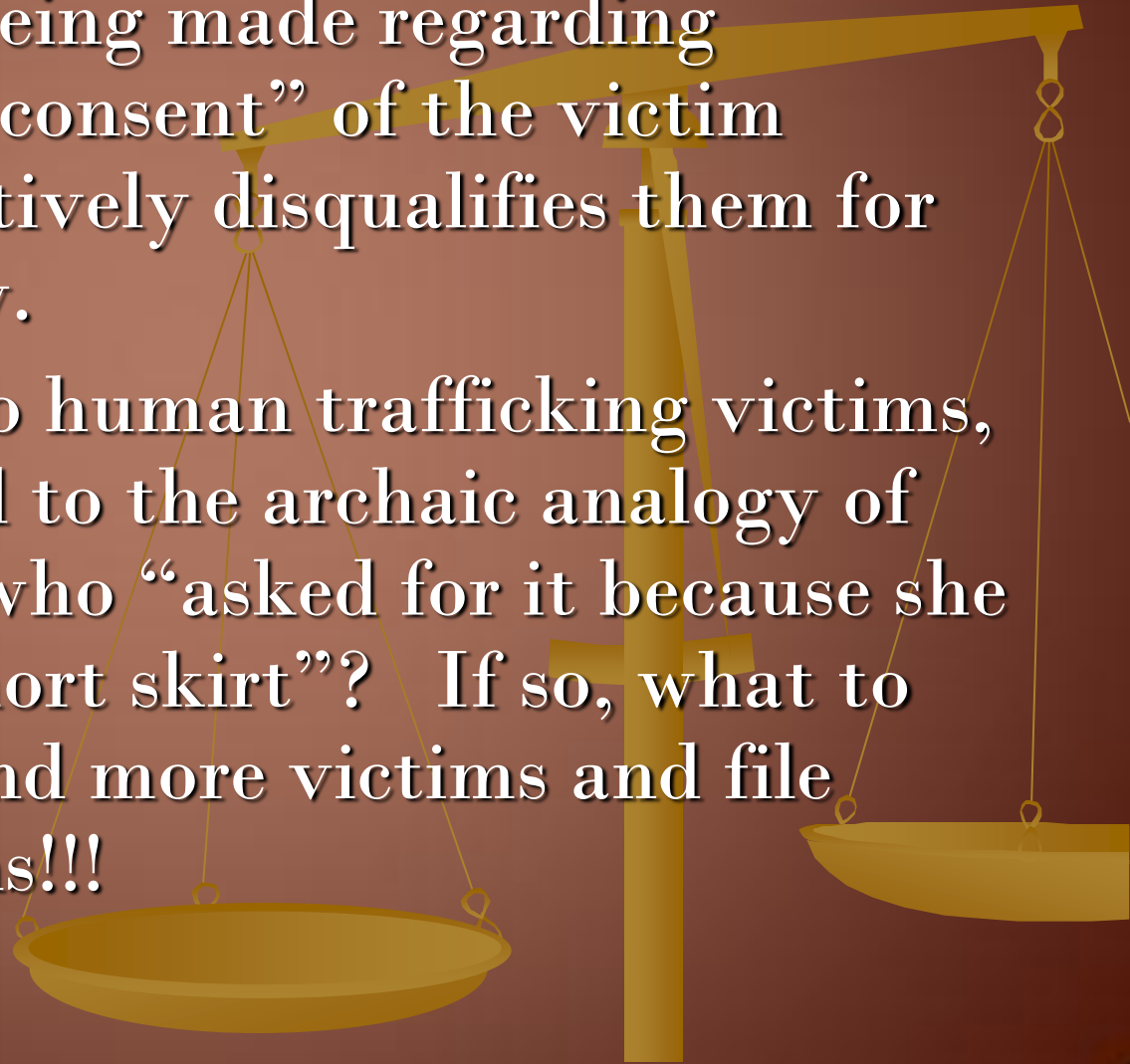
- Currently, her case worker appears to have an unattainable standard for Kristina to be “self-sufficient” and “do this on her own”.
- Without the benefits which Kristina **STATUTORILY** qualifies for to assist her in this healing process, how is she supposed to be “self-sufficient”?!?! (with no English, mental health counseling, job training, or access to any of these services?)

Additional “Benefits”?

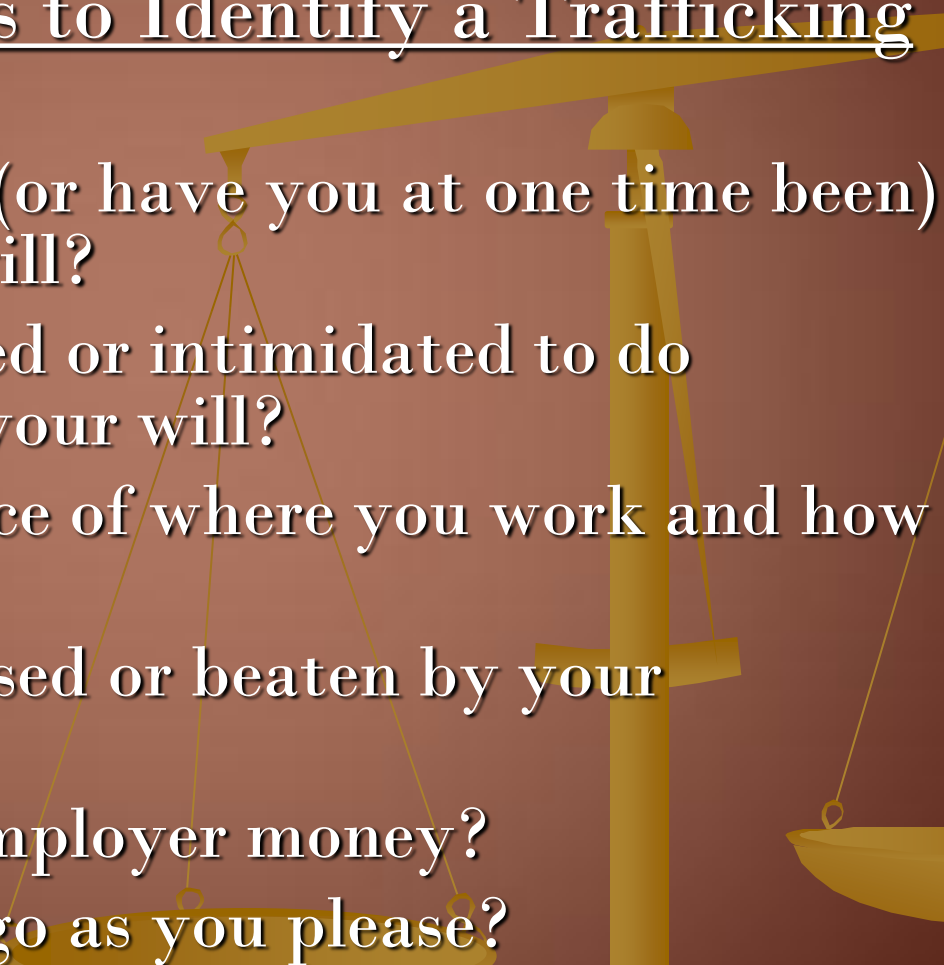
- A colleague working in this fractured trafficking system reports that despite her client's repeated requests to her Texas provider for rental assistance, clothes and food, she was given a safety plan and gym membership (thanks? But it'll take more than a Zumba class to heal!!)
- Later, when the client more urgently requested housing assistance, she was taken from her apartment and deposited at a shelter even though she did not want to go.

Victims Not Recognized as Victims

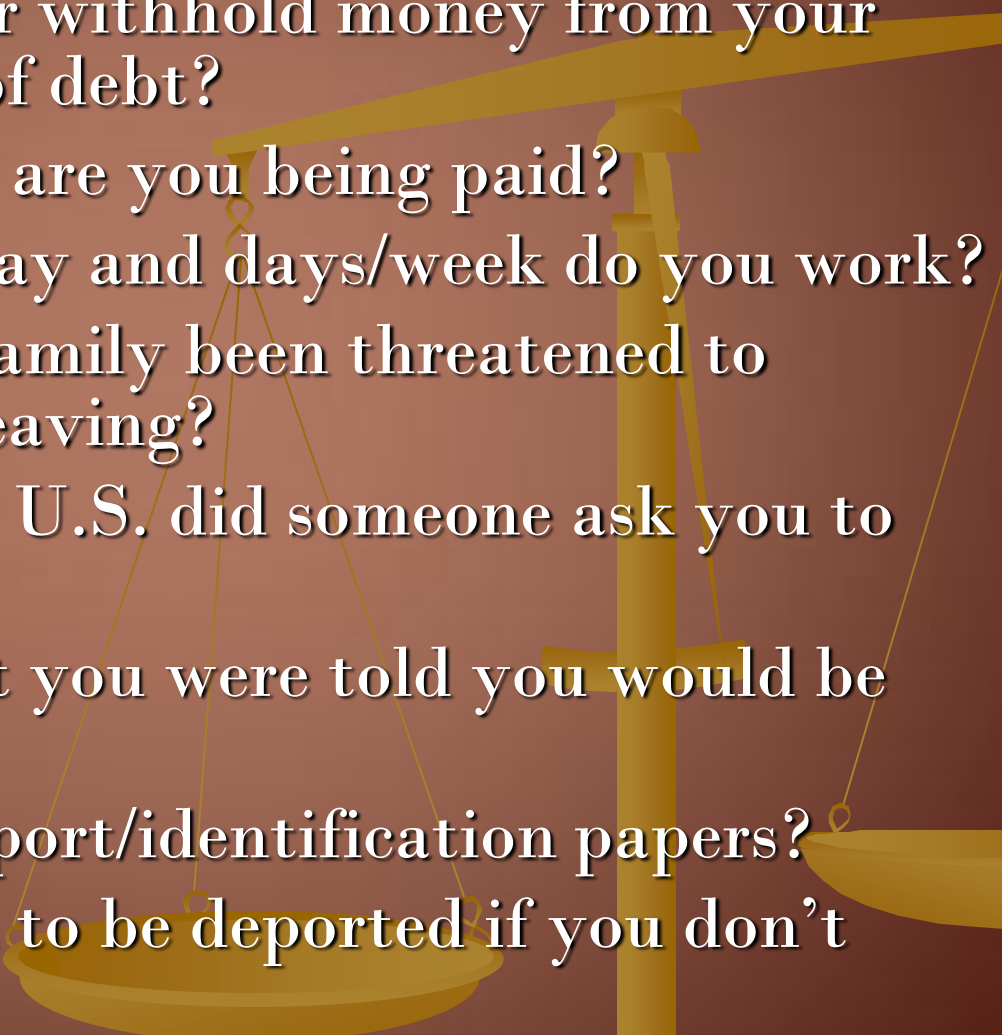
- Judgments are being made regarding knowledge and “consent” of the victim which then effectively disqualifies them for this legal remedy.
- When it comes to human trafficking victims, have we reverted to the archaic analogy of the rape victim who “asked for it because she was wearing a short skirt”? If so, what to do about it?! Find more victims and file more applications!!!



Finding Trafficking Victims is NOT Difficult- they are EVERYWHERE!

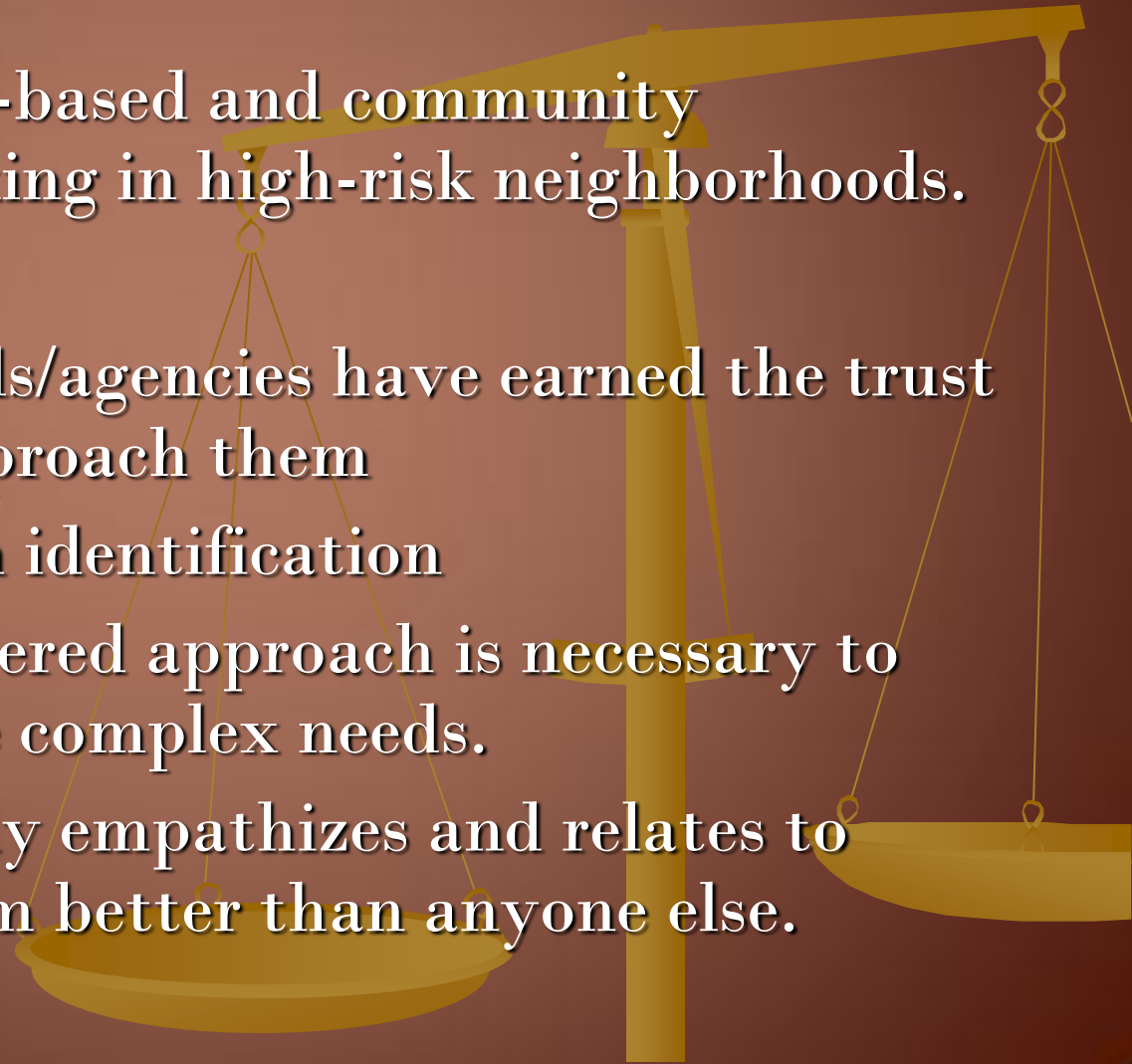
- Sample Questions to Identify a Trafficking Victim:
 - Are you now being (or have you at one time been) held against your will?
 - Were you ever forced or intimidated to do something against your will?
 - Do you have a choice of where you work and how much you work?
 - Have you been abused or beaten by your employer?
 - Do you owe your employer money?
 - Can you come and go as you please?
- 

Sample Questions Continued:

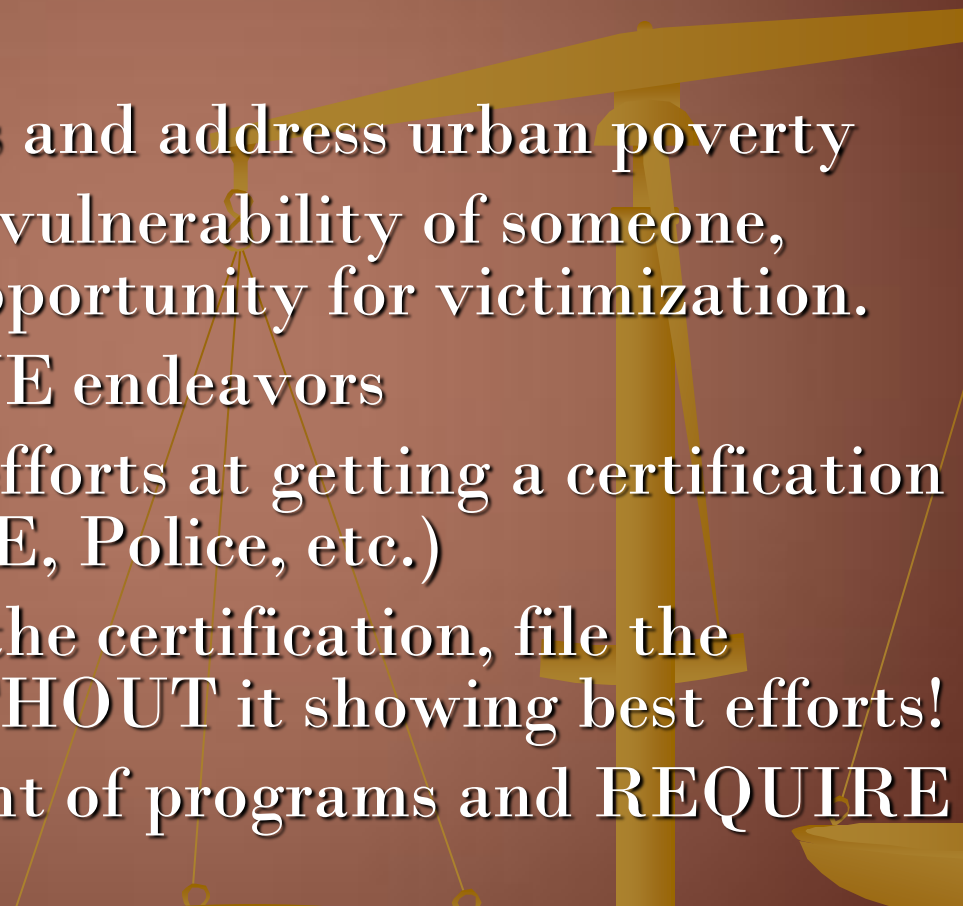
- Does your employer withhold money from your pay for some kind of debt?
 - If you are working, are you being paid?
 - How many hours/day and days/week do you work?
 - Have you or your family been threatened to prevent you from leaving?
 - Upon arrival in the U.S. did someone ask you to pay back a debt?
 - Are you doing what you were told you would be doing in the U.S.?
 - Who has your passport/identification papers?
 - Are you threatened to be deported if you don't cooperate?
- 

How to Help? Get Out of the Box!

- Stay alert of your surroundings- victims are everywhere!
- Connect with faith-based and community organizations working in high-risk neighborhoods.
 - Churches
 - These individuals/agencies have earned the trust for people to approach them
 - Victim to victim identification
 - A victim centered approach is necessary to assist in these complex needs.
 - A victim easily empathizes and relates to another victim better than anyone else.



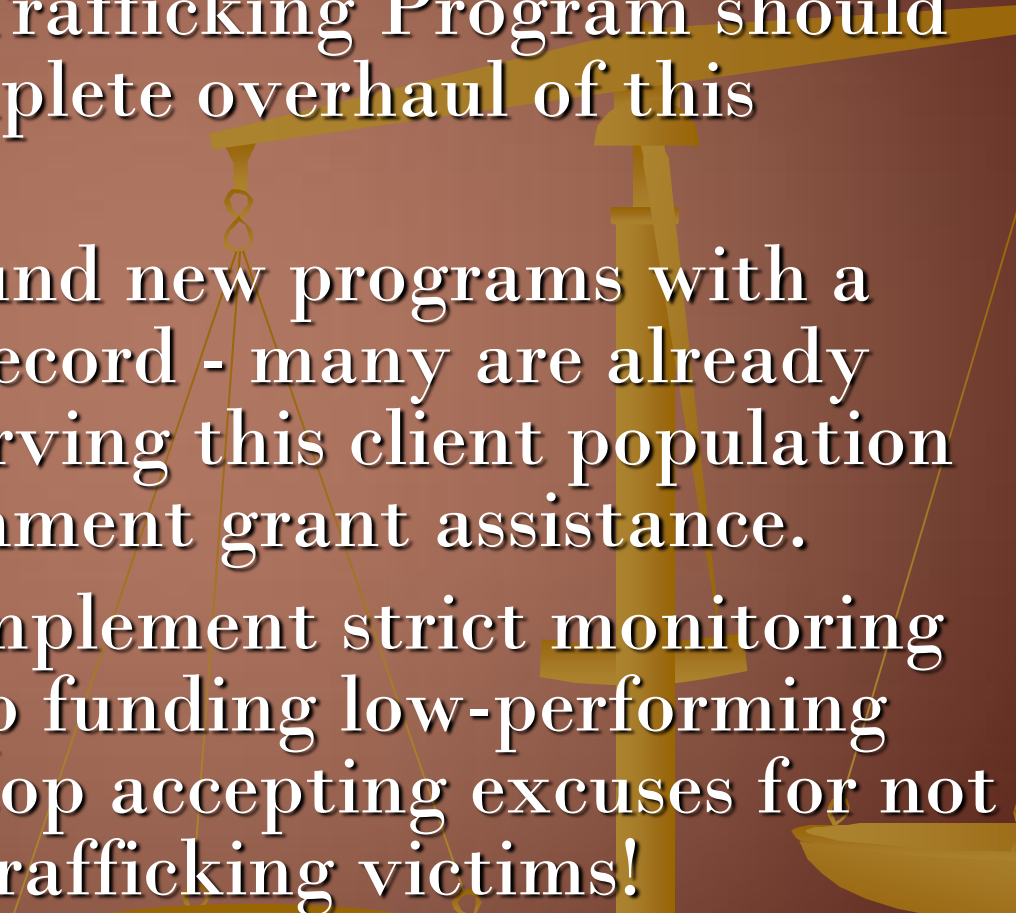
Get Out of the Box! Continued

- Interview girls and women in the sex trade business
 - Create safe zones and address urban poverty
 - Reducing the vulnerability of someone, reduces the opportunity for victimization.
 - Fund CREATIVE endeavors
 - Document best efforts at getting a certification (EEOC, FBI, ICE, Police, etc.)
 - If you can't get the certification, file the application **WITHOUT** it showing best efforts!
 - Increase oversight of programs and **REQUIRE** accountability
- 

Sad Truth

- Due to the incomprehensible inability of government-funded programs to find and serve the trafficking victim coupled with the inability of the government to adequately monitor grantees and award funding to competent programs...
 - 1) victims are not being identified
 - 2) victims are not being served
 - 3) money is being wasted
 - 4) continued funding is in jeopardy for victims who are desperately in need

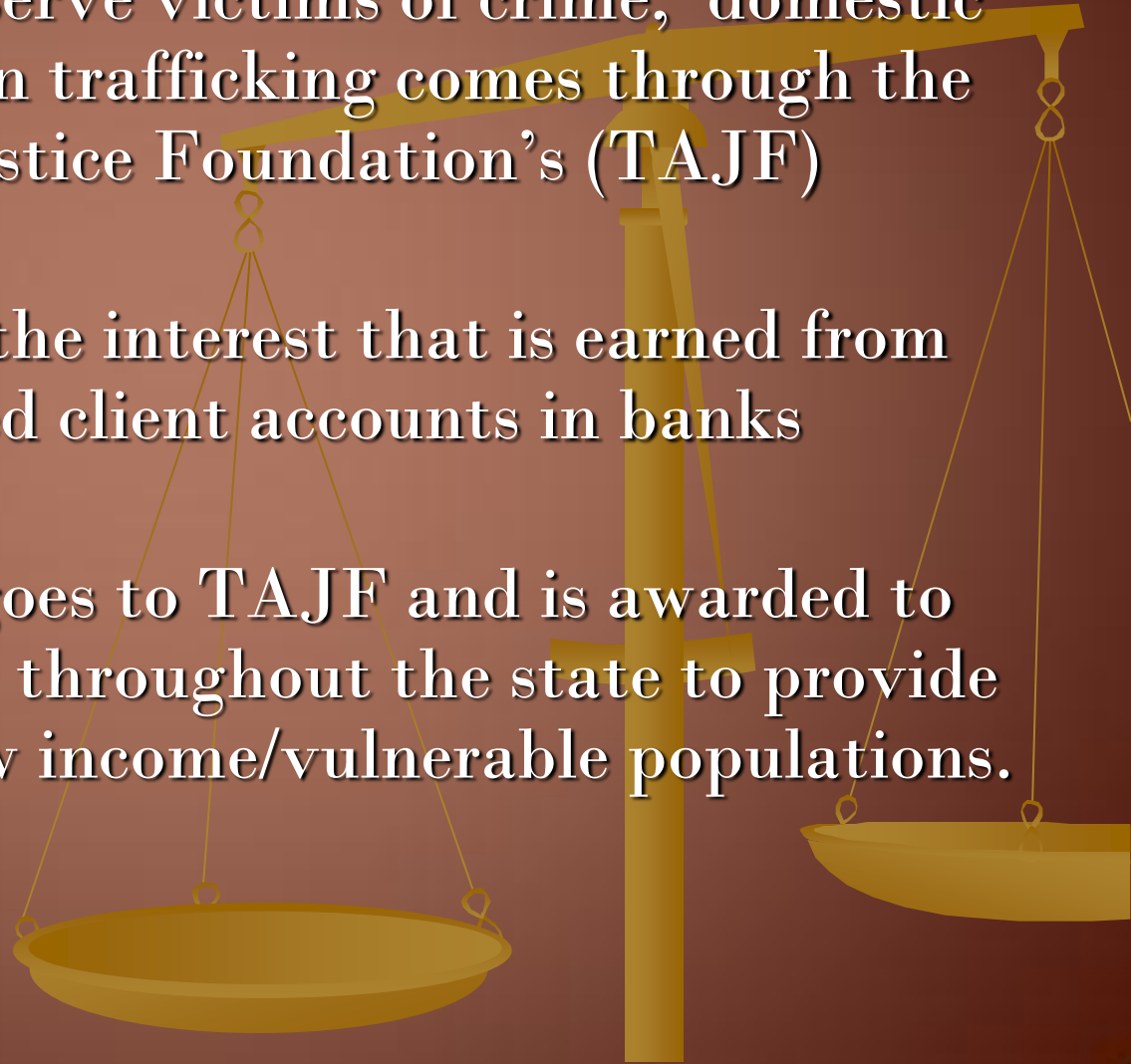
Challenge

- The US Anti-Trafficking Program should consider a complete overhaul of this system.
 - They should fund new programs with a proven track record - many are already successfully serving this client population with no government grant assistance.
 - They should implement strict monitoring standards, stop funding low-performing projects and stop accepting excuses for not serving these trafficking victims!
- 

Funding for the CCAOSA

Immigrant Services to Victims

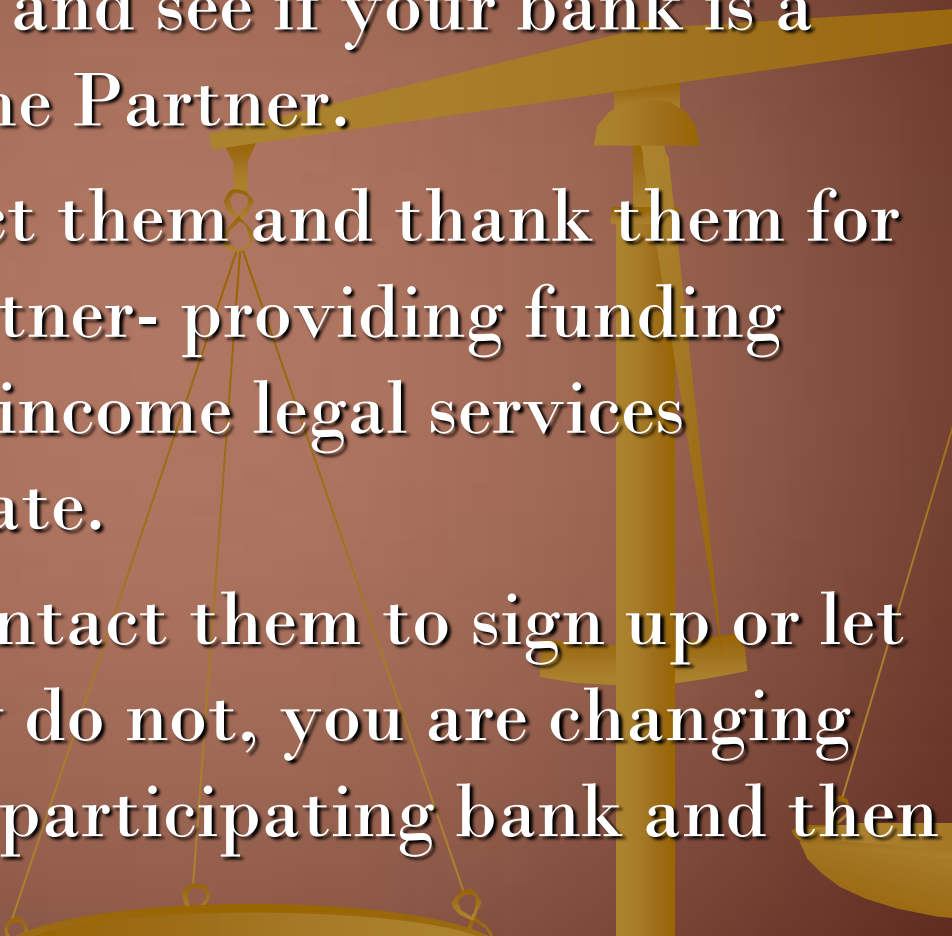
- Specific money to serve victims of crime, domestic violence and human trafficking comes through the Texas Access to Justice Foundation's (TAJF) IOLTA funding.
- IOLTA funding is the interest that is earned from attorney's dedicated client accounts in banks throughout Texas.
- That money then goes to TAJF and is awarded to non-profit agencies throughout the state to provide legal services to low income/vulnerable populations.



IOLTA Accounts and Prime Partners

- Prime Partners are financial institutions that go above and beyond eligibility requirements to foster IOLTA funding. They are committed to ensuring the success of TAJF's programs by providing increased funding for legal aid throughout Texas.
- Currently, there are fewer than 100 participating banks but there are over 500 eligible banks in Texas.
- http://www.teajf.org/financial_institutions/docs/Eligible_Banks_List_Master.pdf

How Can I Help?

- Check the website and see if your bank is a participating Prime Partner.
 - If they are, contact them and thank them for being a Prime Partner- providing funding assistance for low income legal services throughout the state.
 - If they are not, contact them to sign up or let them know if they do not, you are changing your account to a participating bank and then do it.
- 

Sites

- DOJ Trafficking Victims Report July, 2008
<http://www.justice.gov/oig/reports/OJP/a0826/final.pdf>
- Study of HHS Programs Serving Human Trafficking Victims0
12/2009
http://aspe.hhs.gov/hsp/07/humantrafficking/Final/index.shtml#_To_c240256526
- GAO- Human Trafficking 2006
<http://www.gao.gov/new.items/d06825.pdf>
- GAO- Human Trafficking- Strategies 2007
<http://www.gao.gov/new.items/d07915.pdf>
- GAO- Human Trafficking- Monitoring and Evaluating 2007
<http://www.gao.gov/new.items/d071034.pdf>

Questions??

- Catholic Charities Archdiocese of San Antonio
- (210) 433-3256
 - Linda Brandmiller, Director of Immigration Services
 - lbrandmiller@ccaosa.org
- *Thank you for learning about this vulnerable victim population and assisting us in serving even more*

Funding from the Texas Access to Justice Foundation assists Catholic Charities in serving victims of crime, domestic violence and human trafficking.

*It's Amazing What you Can Do, When
you Don't Know What you Can't Do!*

