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Which Comes First, The Smuggling or The Trafficking?

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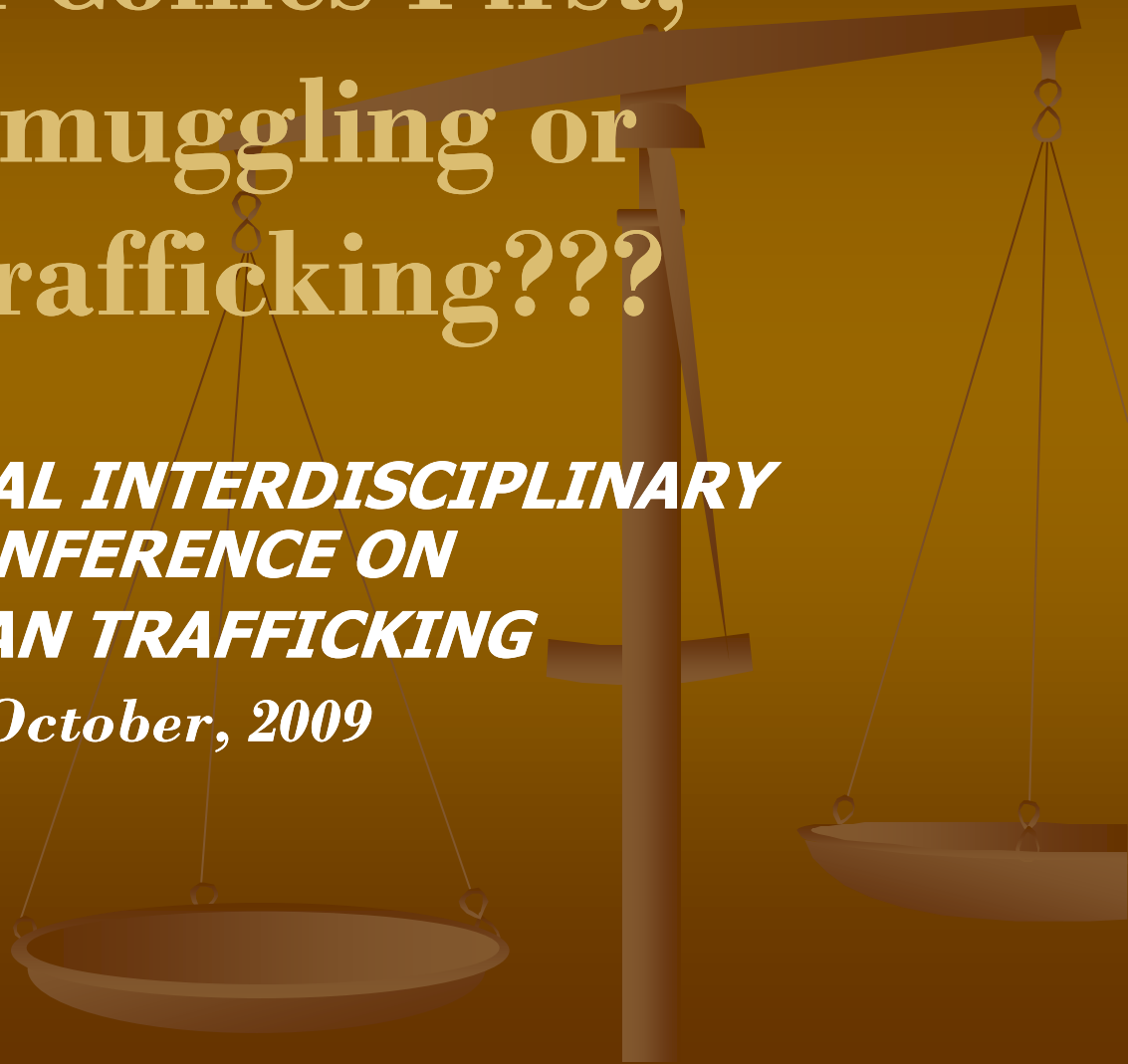
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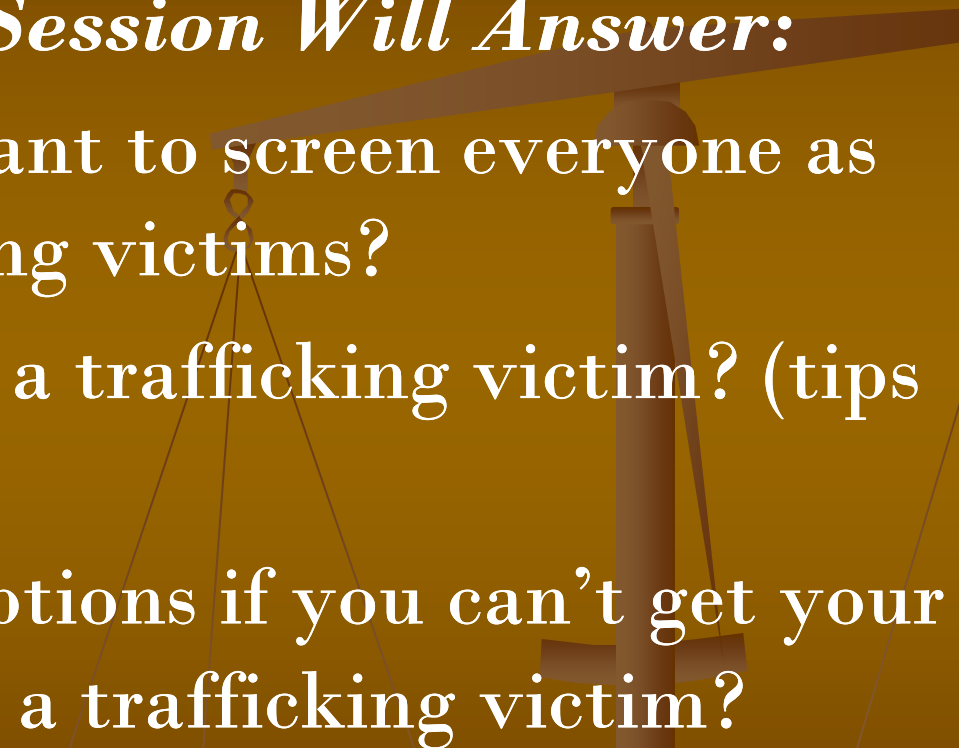
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Which Comes First, The Smuggling or The Trafficking???

***FIRST ANNUAL INTERDISCIPLINARY
CONFERENCE ON
HUMAN TRAFFICKING
October, 2009***



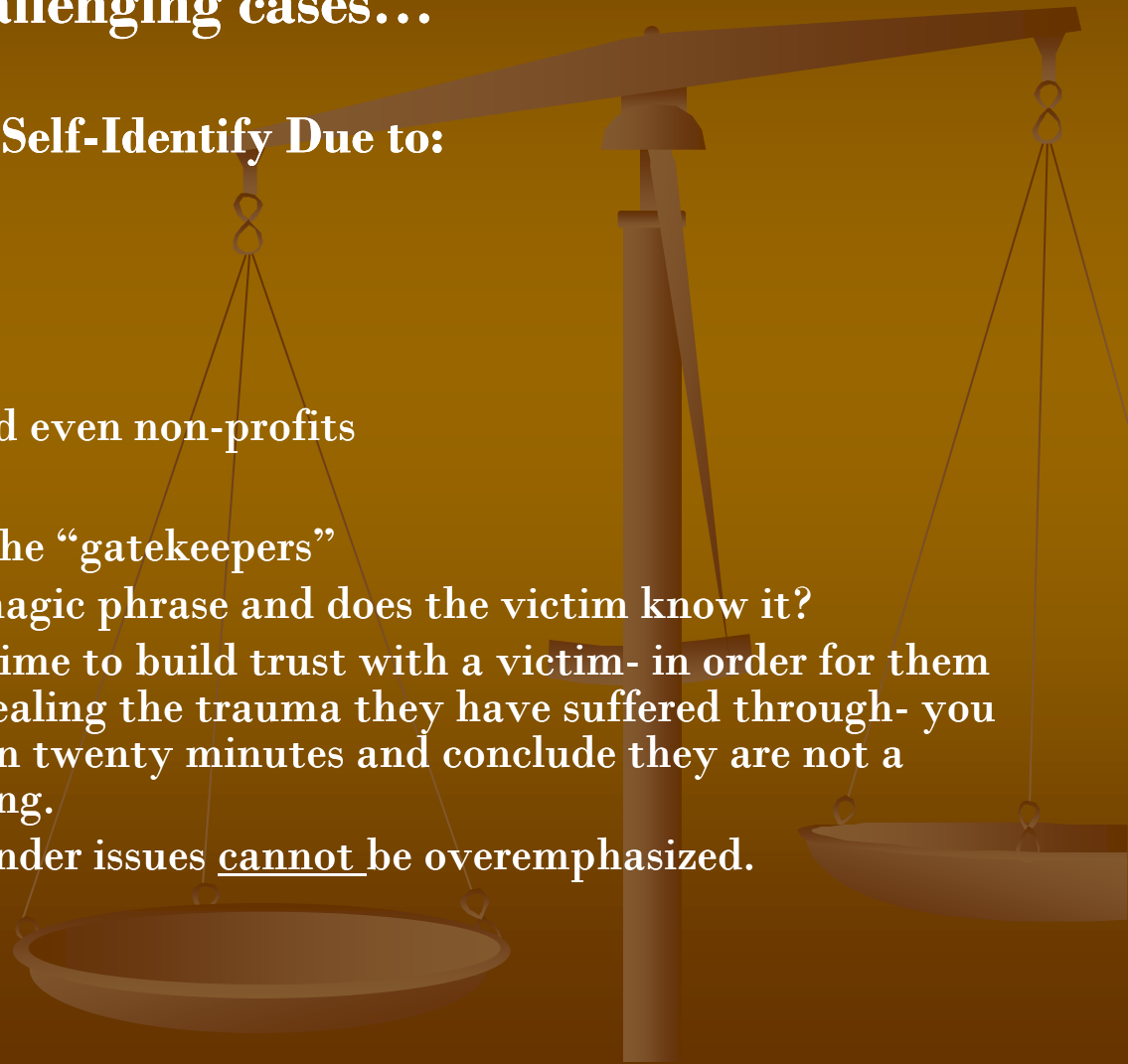
Session Highlights

- *Questions this Session Will Answer:*
 - Why is it important to screen everyone as possible trafficking victims?
 - How do you find a trafficking victim? (tips on interviewing)
 - What are your options if you can't get your client certified as a trafficking victim?
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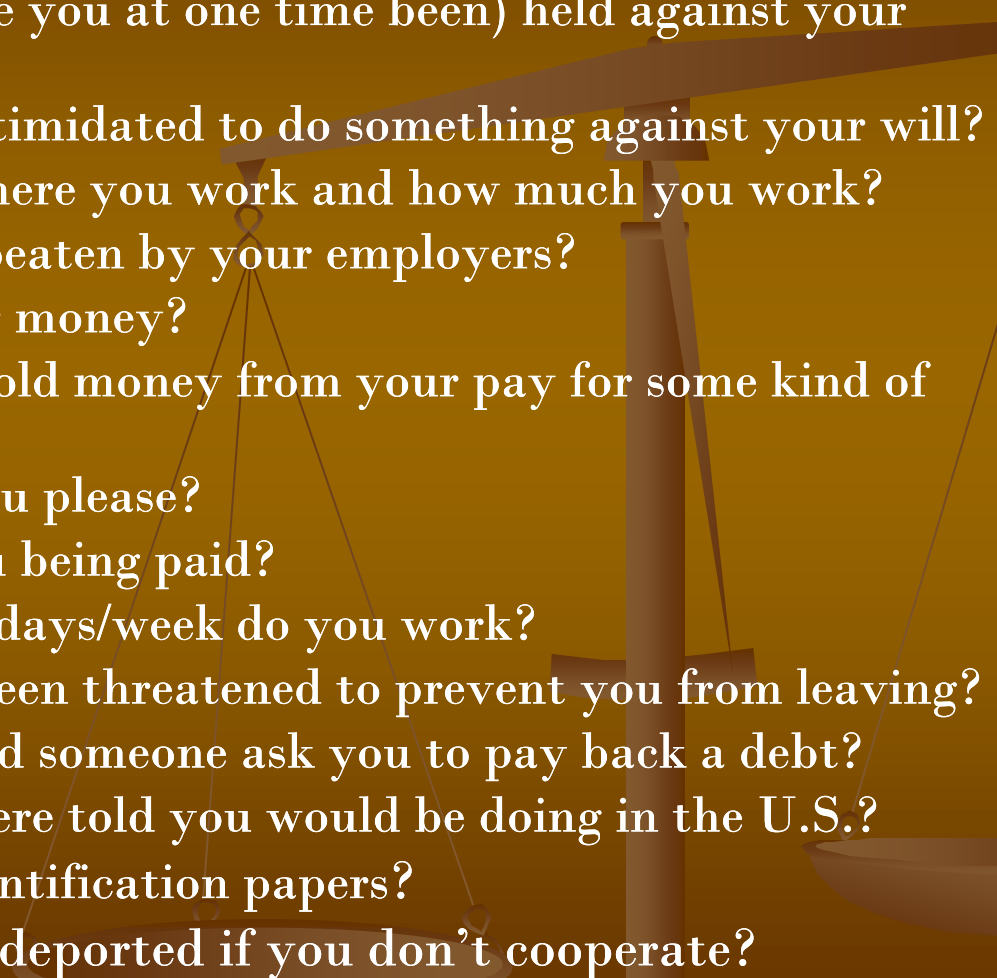
Finding Trafficking Victims

These are particularly challenging cases...

- **Trafficking Victims Rarely Self-Identify Due to:**
 - Fear
 - Embarrassment
 - Expense
 - Unaware of rights
 - Distrust of authorities and even non-profits
- **The Problem:**
 - “Consent” in the eyes of the “gatekeepers”
 - Word game- what’s the magic phrase and does the victim know it?
 - TIME- it takes a LONG time to build trust with a victim- in order for them to feel comfortable in revealing the trauma they have suffered through- you can’t interview someone in twenty minutes and conclude they are not a victim of human trafficking.
 - Language, culture and gender issues cannot be overemphasized.



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 employers?
 - Do you owe your employer money?
 - Does your employer withhold money from your pay for some kind of debt?
 - Can you come and go as you please?
 - 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?
- 

Smuggling v. Trafficking

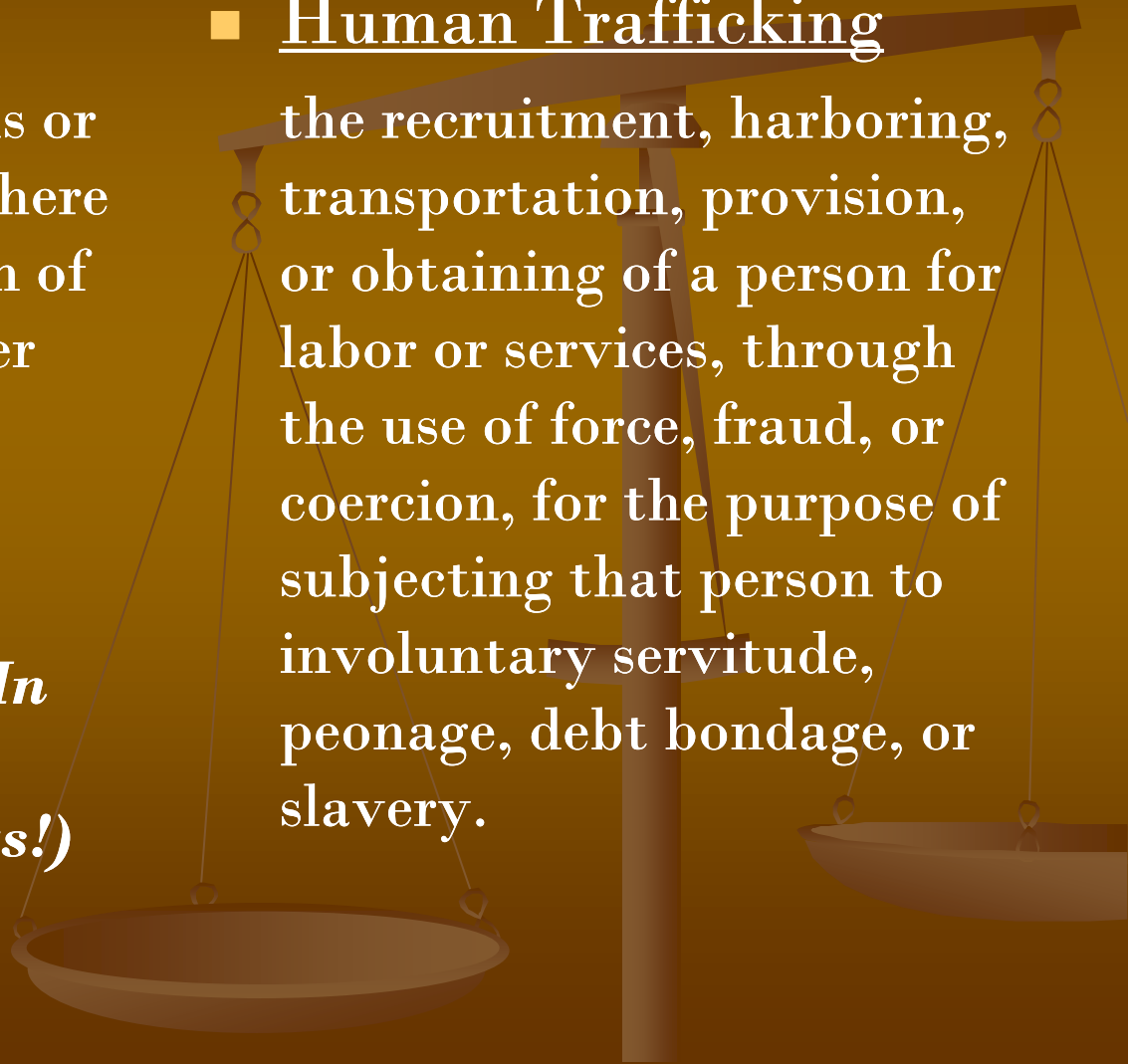
■ Smuggling

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.

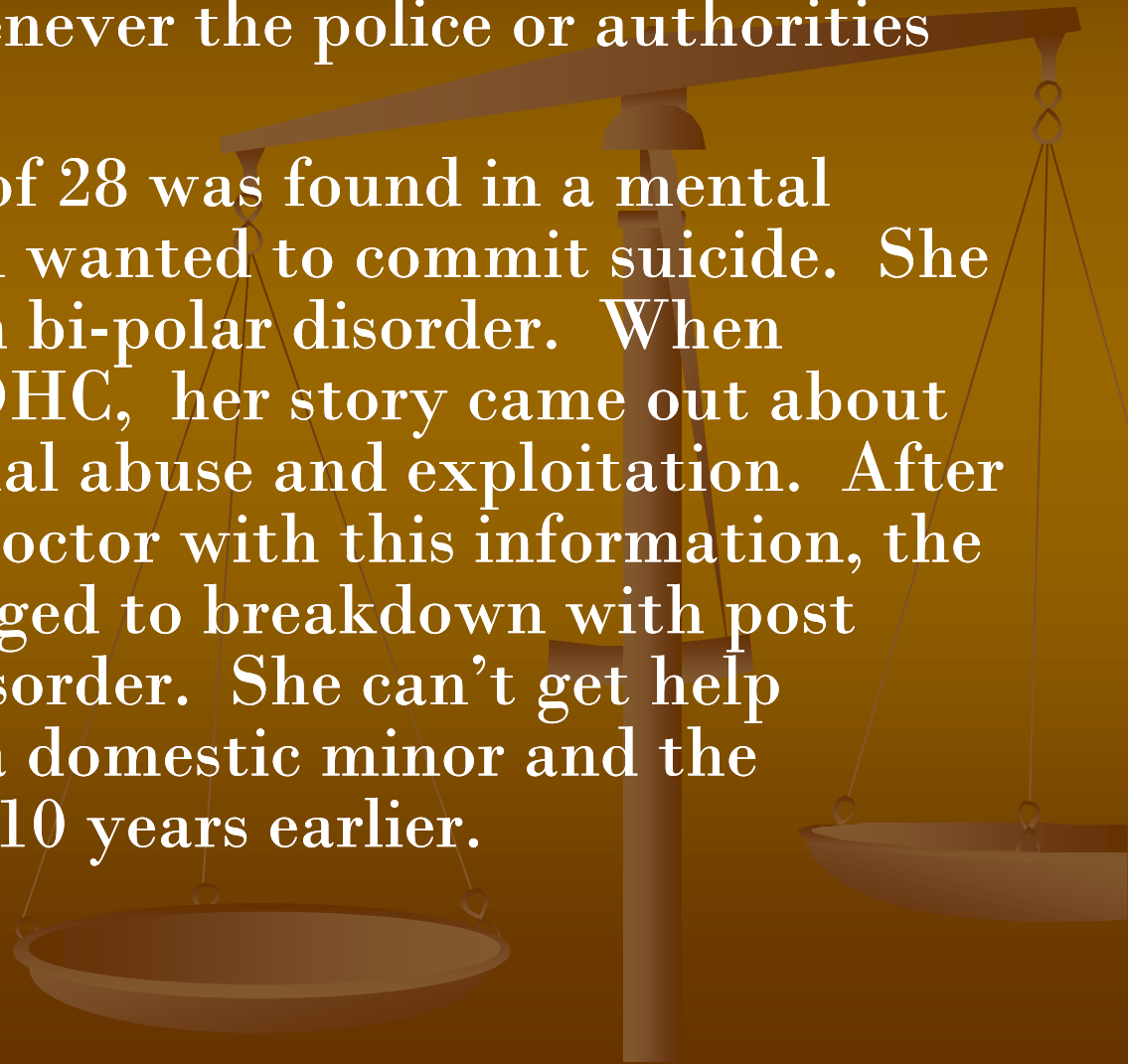


International Victim Stories

- Ms. K: discovered in the trunk of a car by immigration officials after enduring three months of being beaten, raped, starved and sold for sex, cannot get certified for trafficking- because the perpetrators were only charged with “smuggling” and originally she paid for a coyote and wanted to come to the US- therefore she “consented”.
- Ms. D: purchased by a couple to be their sex slave and forced to work at a fast-food restaurant (and of course never paid) can’t get certified because “the case isn’t big enough”.

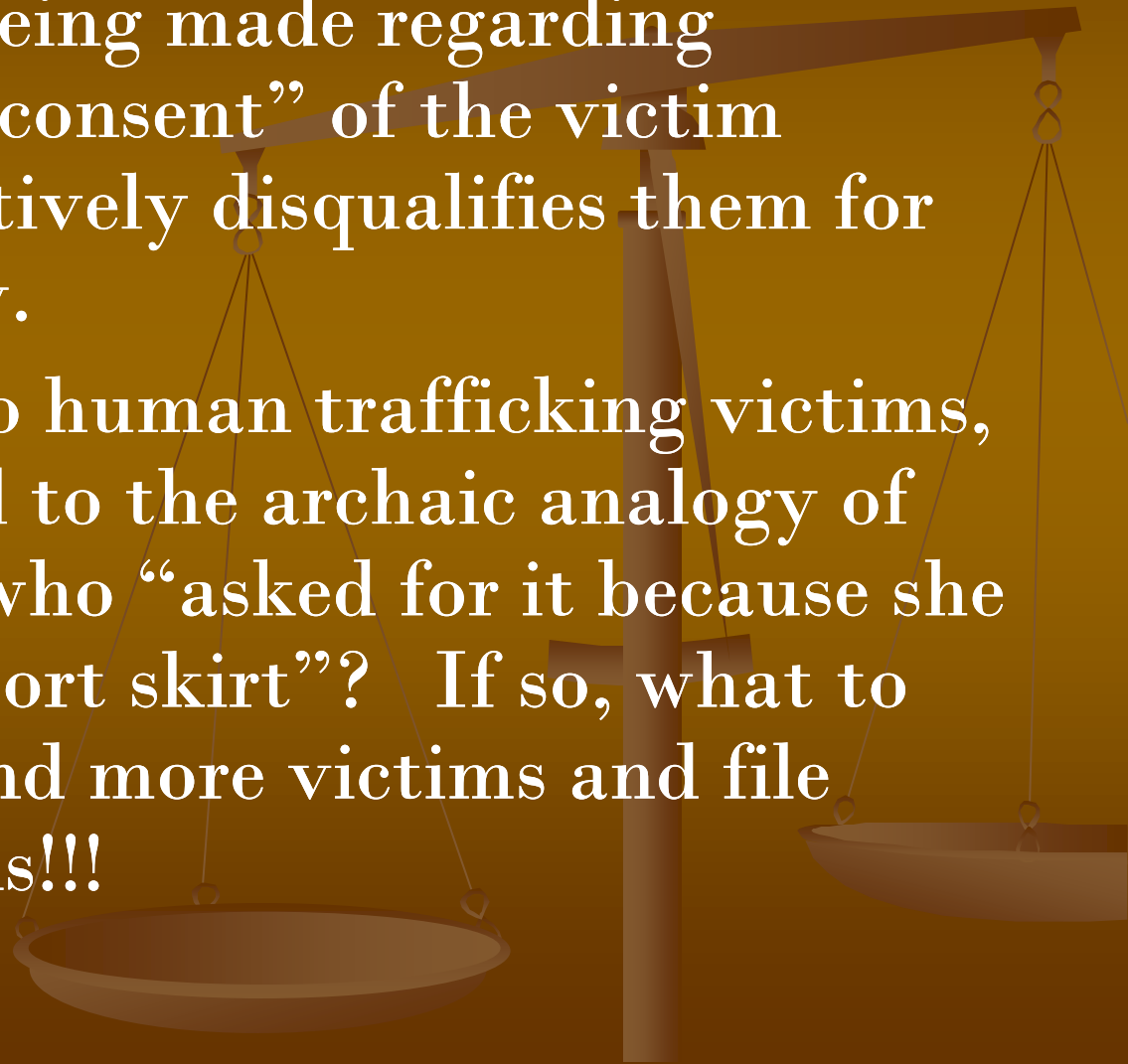
Domestic Victim Stories

- Ms. S: young blonde girl panhandling in San Antonio-moved from street corner to street corner by “handlers” whenever the police or authorities get too close.
- Ms. M: at the age of 28 was found in a mental health hospital and wanted to commit suicide. She was diagnosed with bi-polar disorder. When interviewed by EOHC, her story came out about going through sexual abuse and exploitation. After going back to her doctor with this information, the diagnosis was changed to breakdown with post traumatic stress disorder. She can't get help because she is not a domestic minor and the incident happened 10 years earlier.



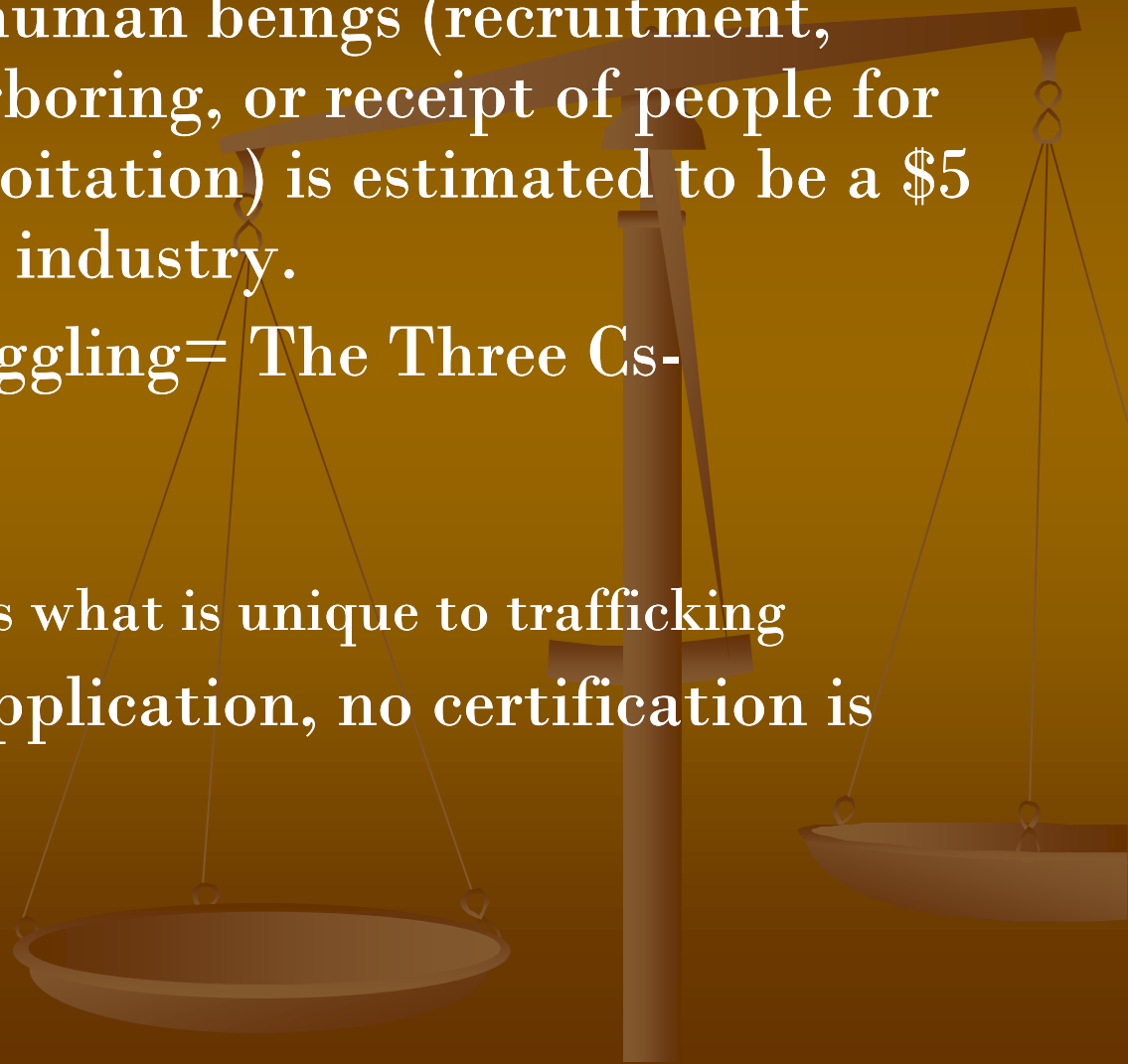
Victims Not Recognized as Victims

- 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!!!



Trafficking = “T” Visa

- The trafficking of human beings (recruitment, transportation, harboring, or receipt of people for the purpose of exploitation) is estimated to be a \$5 to \$9 billion-a-year industry.
- Trafficking v. Smuggling= The Three Cs-
 - Control
 - Coercion
 - Commerce- THIS is what is unique to trafficking
- Although part of application, no certification is required.



T Visa “Certification”?

- Helpful but NOT required.
- It IS possible to gain T-Visa status for a victim without certification from DHS however, they will not qualify for interim benefits like they would with the certification.
- Without certification, document all efforts to work with officials on the case.
- Fill out the application anyway! Get creative- debt bondage could be when the coyote extorts \$...
 - **Debt bondage** is an arrangement whereby a person is forced to pay off a loan with direct labor in place of currency, over an agreed or obscure period of time. (wikipedia)
- Trafficking Hotline: 1-888-3737-888

Scary Statistics

- The U.S. Government estimates that between 600,000 and 800,000 people are trafficked across international borders each year, which does not include millions trafficked within their own countries- 80% of whom are women and girls.
- As of the end of 2008, the Department of Health and Human Services (HHS) had certified only 1,245 victims of human trafficking and granted fewer than 800 T Visas in the EIGHT years since the TVPA was signed into law in October 2000.
- According to U.S. government statistics, fewer than one percent of individuals trafficked into the United States have received protection in the form of a T visa.
- So where are the millions of dollars that the government is putting into this program? It is clearly not going to victims.

Get Out of the Box!

- Know the warning signs
 - Ms. S. Domestic Victim Story
 - Force
 - Fraud
 - Coercion
 - These are often hidden and difficult things to assess!
- Be Ready to assess a situation
 - Engage in casual conversation
 - Adapt styles that are natural to our personality (stealth)

While eating in a local restaurant, we were approached by a young man selling jewelry for his church. I began a friendly conversation with him and asked several questions. My style is very relational, so my questions were inoffensive. I asked if he was free to leave and if he controlled his passport, where he slept at night and how long he worked each day. He was working as a missionary for two years. It is very important to screen these casual individuals who are often vulnerable to victimization.

Get Out of the Box! Continued

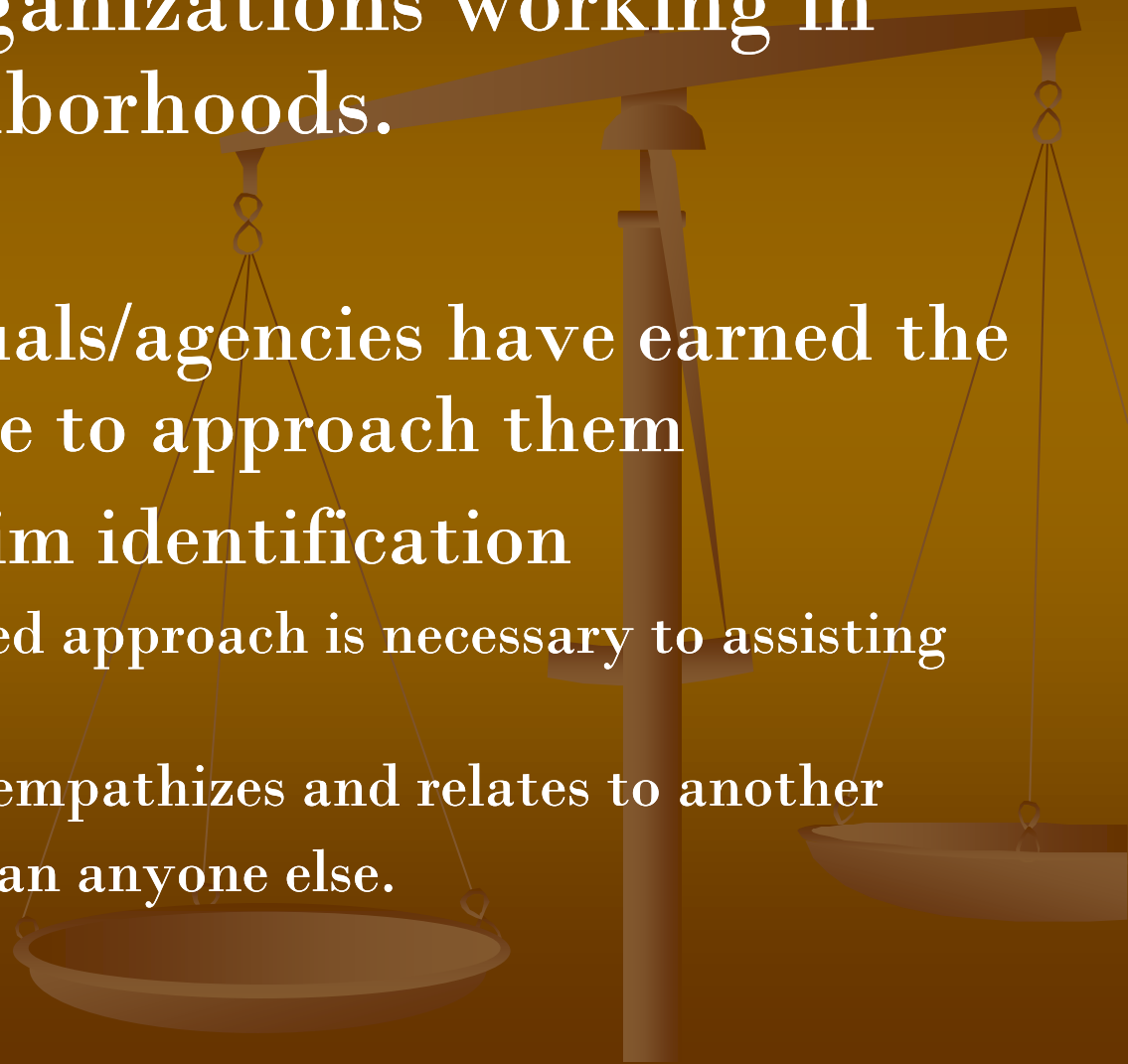
■ Stay alert of your surroundings (Chicago Story).

While visiting another state I was in a well known pizza restaurant in downtown Chicago. My colleague and I noticed a beautiful American woman with a foreign man. He seemed to be consoling her, but then we noticed she had huge bruises around her wrists. At one point she turned and hiding underneath her long red hair was black and purple bruising around her neck. She quickly covered it with her hair. It was clear she was in a dangerous situation. When we noticed he lovingly put his hand on her head to stroke her hair, he closed his grip on her and she burst into silent tears.

Upon notifying the management, they admitted they didn't know what to do. I subsequently notified the human trafficking hotline (888.3737.888) and they contacted investigators to look at video footage and possibly locate the woman. The couple never noticed they were being watched. How many times in our own cities, do we sit in public places with a friend and never notice our surroundings? When we keep our eyes and ears open, we could be that split second difference in the life of a victim.

Get Out of the Box! Continued

- 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 assisting 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
 - Many times, women over 18 years old who were victims of domestic human trafficking and had criminal records of prostitution and drugs were released back onto the streets or dropped off at bus stations with nowhere to go. They are not allowed to obtain food stamps or other government benefits because of prior convictions. The pimps are waiting with “love and support” of food and drugs and the coercion of putting them back to work. This continues the cycle of violence and slavery.
- Create safe zones and address urban poverty
 - Most low income areas have incomes ranging from \$6000 to \$9000 per family. In areas where individuals have begun building up the neighborhood and helping these victims start food business or some other remediation, it had a profound effect on ending generational poverty issues. Reducing the vulnerability of someone, reduces the opportunity for victimization.

Questions??

- Catholic Charities Archdiocese of San Antonio
- (210) 433-3256
 - Linda Brandmiller, Director of Immigration Services
 - lbrandmiller@ccaosa.org
- Embassy of Hope Center
- (210) 316-3854
 - Elizabeth Crooks, Director of Embassy of Hope Center
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- *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!*

