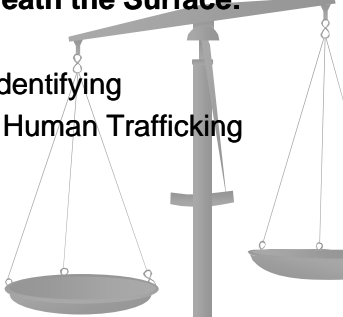


**Look Beneath the Surface:**

Identifying  
Victims of Human Trafficking

A grayscale illustration of a balance scale, symbolizing justice and equity. The scale is positioned on the right side of the box, with its pans hanging from a horizontal beam.

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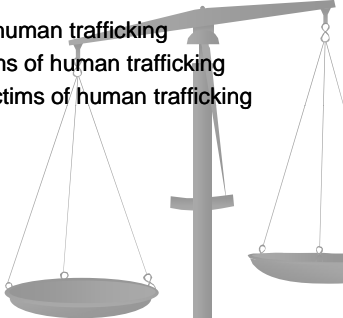
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**Presentation Overview**

- Understanding human trafficking
- Identifying victims of human trafficking
- Working with victims of human trafficking

A grayscale illustration of a balance scale, symbolizing justice and equity. The scale is positioned on the right side of the box, with its pans hanging from a horizontal beam.

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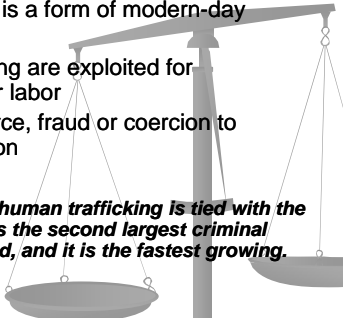
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**Human Trafficking: What Is It?**

- Human trafficking is a form of modern-day slavery
- Victims of trafficking are exploited for commercial sex or labor
- Traffickers use force, fraud or coercion to achieve exploitation

*After drug dealing, human trafficking is tied with the illegal arms trade as the second largest criminal industry in the world, and it is the fastest growing.*

A grayscale illustration of a balance scale, symbolizing justice and equity. The scale is positioned on the right side of the box, with its pans hanging from a horizontal beam.

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## Human Trafficking: What Is It?

**Sex Trafficking:** Commercial sex act induced by force, fraud or coercion, or in which person performing the act is under age 18.

- **Commercial sex:** means any sex act on account of which anything of value is given to or received by any person. This includes prostitution, exotic dancing/stripping, and pornography.

**Labor Trafficking:** Using force, fraud or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in **involuntary servitude, peonage, debt bondage or slavery**

Physical movement of the victim is not required.  
The TVPA protects both U.S. citizens and non-citizens.

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## Who Are Victims of Human Trafficking?

- The number of trafficking victims is unknown; however, it is estimated that between 18,000 and 20,000 victims trafficked into United States annually.
- More than half of victims trafficked into United States are children; victims are probably about equally women and men.
- Victims can be trafficked into the U.S. from anywhere in the world. Victims have come from, among other places, Africa, Asia, India, Latin America, Eastern Europe, Russia and Canada.
- Within the U.S., both citizens and non-citizens fall prey to traffickers.

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## How Are Victims Trafficked?

*Force, fraud and coercion are methods used by traffickers to press victims into lives of servitude.*

- **Force:** Rape, beatings, confinement
- **Fraud:** Includes false and deceptive offers of employment, marriage, better life
- **Coercion:** Threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause victims to believe that failure to perform an act would result in restraint against them; or the abuse or threatened abuse of the legal process.

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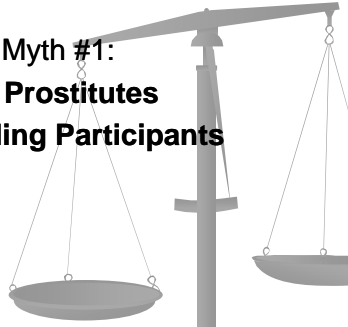
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## Myths Associated with Human Trafficking

Myth #1:  
All Prostitutes  
Are Willing Participants



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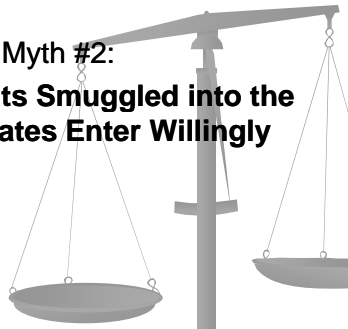
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## Myths Associated with Human Trafficking

Myth #2:  
All Immigrants Smuggled into the  
United States Enter Willingly



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## Trafficking vs. Smuggling

- TRAFFICKING**
- Must contain element of force, fraud, or coercion (unless victim under 18 and engaged in commercial sex acts)
  - Forced labor and/or exploitation
  - Need not involve actual movement of the victim
  - No requirement of crossing an international border
  - Victim must be involved in labor/services or commercial sex acts, i.e. must be "working"



- SMUGGLING**
- Person generally consents to be smuggled
  - No actual or implied coercion
  - Persons are free to leave, change jobs, etc.
  - Must involve crossing an international border

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**Myths Associated with Human Trafficking**

**Myth #3:  
Human Trafficking Is Crime  
Prosecuted Only at Federal Level**



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**Myths Associated with Human Trafficking**

**Myth #4:  
All Participants Involved in  
Human Trafficking Are Criminals**



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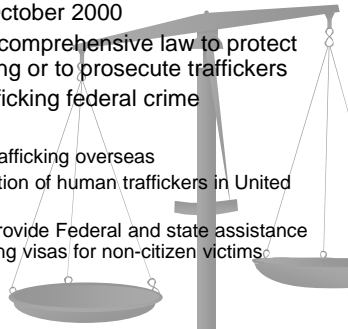
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**Trafficking Victims Protection Act (TVPA)**

- Signed into law October 2000
- Prior to 2000, no comprehensive law to protect victims of trafficking or to prosecute traffickers
- Made human trafficking federal crime
- Goals of law:
  - Prevent human trafficking overseas
  - Increase prosecution of human traffickers in United States
  - Protect victims, provide Federal and state assistance to victims, including visas for non-citizen victims



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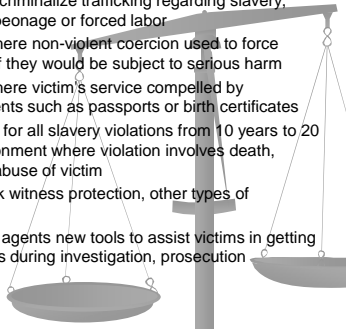
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## Summary of TVPA Provisions

- Creates new laws that criminalize trafficking regarding slavery, involuntary servitude, peonage or forced labor
- Permits prosecution where non-violent coercion used to force victims to work in belief they would be subject to serious harm
- Permits prosecution where victim's service compelled by confiscation of documents such as passports or birth certificates
- Increases prison terms for all slavery violations from 10 years to 20 years; adds life imprisonment where violation involves death, kidnapping, or sexual abuse of victim
- Enables victims to seek witness protection, other types of assistance
- Gives prosecutors and agents new tools to assist victims in getting legal immigration status during investigation, prosecution



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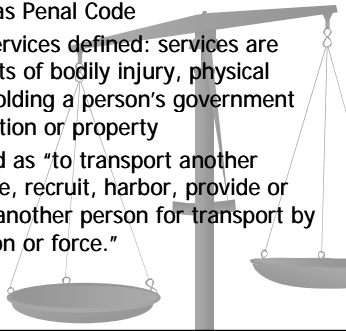
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## Texas Anti-Trafficking Law

Chapter 20A of Texas Penal Code

- Forced labor or services defined: services are obtained by threats of bodily injury, physical restraint or withholding a person's government records, identification or property
- "Traffic" is defined as "to transport another person or to entice, recruit, harbor, provide or otherwise obtain another person for transport by deception, coercion or force."



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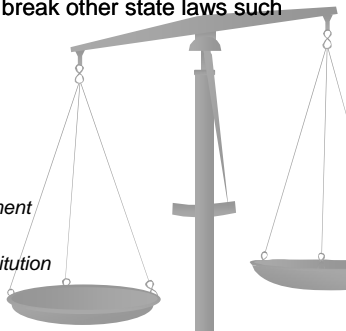
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## TVPA and state law

- Often traffickers break other state laws such as:
  - *Murder*
  - *Kidnapping*
  - *Battery*
  - *Assault*
  - *Sexual battery*
  - *False imprisonment*
  - *Prostitution*
  - *Promoting prostitution*



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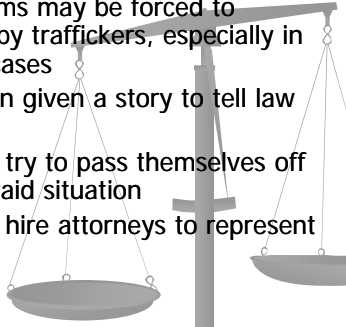
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## TVPA and state law

- Trafficking victims may be forced to commit crimes by traffickers, especially in sex trafficking cases
- Victims are often given a story to tell law enforcement
- Traffickers may try to pass themselves off as victims in a raid situation
- Traffickers may hire attorneys to represent "their" workers



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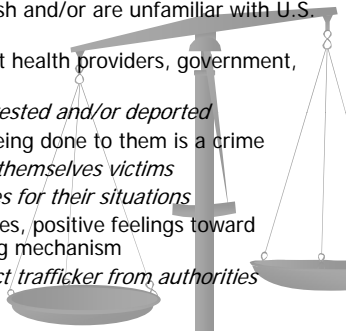
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## Understanding the Mindset of Victims

Frequently victims:

- Do not speak English and/or are unfamiliar with U.S. culture
- Fear and/or distrust health providers, government, law enforcement
  - *Fear of being arrested and/or deported*
- Unaware what is being done to them is a crime
  - *Do not consider themselves victims*
  - *Blame themselves for their situations*
- May develop loyalties, positive feelings toward traffickers as coping mechanism
  - *May try to protect trafficker from authorities*



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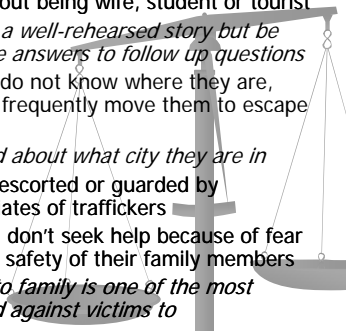
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## Understanding the Mindset of Victims

- Traffickers may "coach" victims to answer questions with cover story about being wife, student or tourist
  - *Victim may have a well-rehearsed story but be unable to provide answers to follow up questions*
- Sometimes victims do not know where they are, because traffickers frequently move them to escape detection
  - *Victims are misled about what city they are in*
- Typically watched, escorted or guarded by traffickers or associates of traffickers
- Victims comply and don't seek help because of fear for their safety and safety of their family members
  - *Threats of harm to family is one of the most powerful tools used against victims to*



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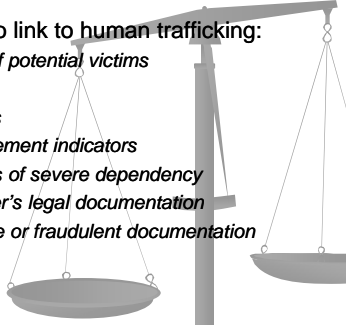
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## Identifying Crime of Human Trafficking

- Non-verbal clues to link to human trafficking:
  - *Living conditions of potential victims*
  - *Physical abuse*
  - *Working conditions*
  - *Restriction of movement indicators*
  - *Behavior indicators of severe dependency*
  - *Possession of other's legal documentation*
  - *Possession of false or fraudulent documentation*



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## Identifying Crime of Human Trafficking

- Look beneath surface of other crimes and scenarios to expose crimes of human trafficking:
  - *Prostitution rings (brothels, escort services, massage parlors)*
  - *Pornography*
  - *Illegal operations of massage parlors, strip clubs*
  - *Domestic abuse*
  - *Vice raids involving foreign nationals*
  - *Crimes involving immigrant children with no guardians*



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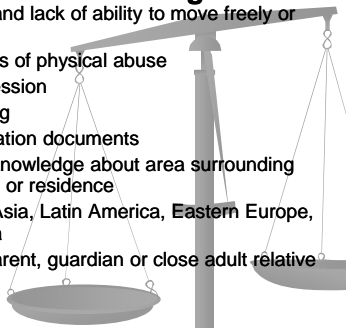
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## Identifying Crime of Human Trafficking

- Evidence of control and lack of ability to move freely or leave job
- Bruises or other signs of physical abuse
- Intense fear or depression
- Non-English speaking
- Lack of ID or immigration documents
- Lack of information/knowledge about area surrounding place of employment or residence
- Recent arrival from Asia, Latin America, Eastern Europe, Canada, Africa, India
- Children lacking a parent, guardian or close adult relative



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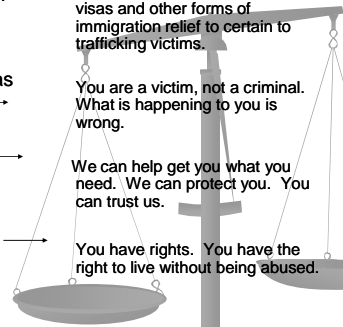
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## Communicating with Victims of Human Trafficking

- Fear of deportation → The TVPA authorizes special visas and other forms of immigration relief to certain to trafficking victims.
  - Does not identify as Victim → You are a victim, not a criminal. What is happening to you is wrong.
  - Distrust of law enforcement → We can help get you what you need. We can protect you. You can trust us.
  - Unaware of rights → You have rights. You have the right to live without being abused.
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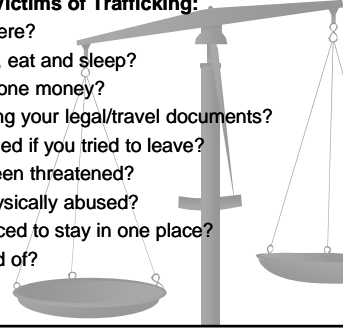
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## Identifying Victims of Trafficking

- Key Questions for Victims of Trafficking:**
- How did you get here?
  - Where do you live, eat and sleep?
  - Do you owe someone money?
  - Is someone keeping your legal/travel documents?
  - Were you threatened if you tried to leave?
  - Has your family been threatened?
  - Were you ever physically abused?
  - Were you ever forced to stay in one place?
  - Who are you afraid of?
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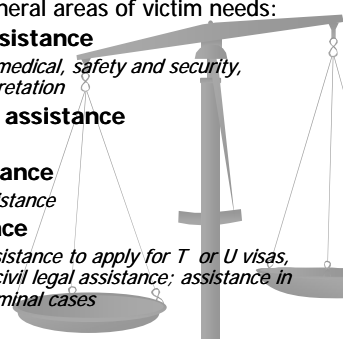
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## Needs of Trafficking Victims

- There are four general areas of victim needs:
- **Immediate assistance**
    - *Housing, food, medical, safety and security, language interpretation*
  - **Mental health assistance**
    - *Counseling*
  - **Income assistance**
    - *Cash, living assistance*
  - **Legal assistance**
    - *Immigration assistance to apply for T or U visas, or other relief; civil legal assistance; assistance in any possible criminal cases*
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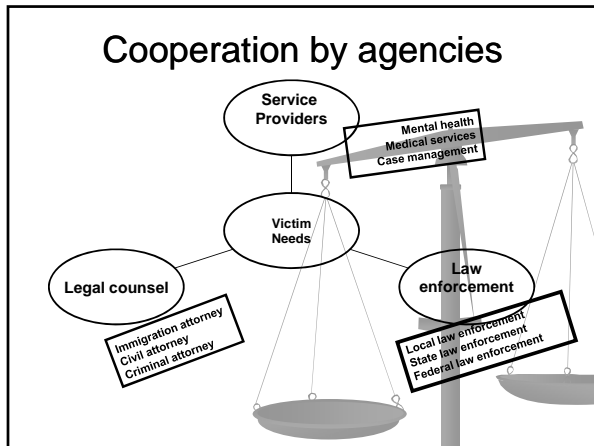
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### What should you do if you suspect a person is a trafficking victim?

- Think about the person's safety and whether or not approaching the victim at that time could put him/her at risk with the traffickers.
- If you're in a safe setting, ask some more detailed questions about the person's situation and try to explain that you are trying to help.
- Offer assistance by providing information to the victim about his or her options. You also can make a referral to a local agency that works with trafficking victims in your area.

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### Getting Victims of Human Trafficking the Help They Need

- If you think you have come in contact with victim of human trafficking, call **Trafficking Information and Referral Hotline, 1-888-3737-888**.
- This hotline will help you:
  - Determine if you have encountered victims of human trafficking
  - Identify local community resources to help victims
  - Coordinate with local social service organizations to help protect and serve victims so they begin process of restoring their lives
- For more information on human trafficking visit [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking).

**1.888.3737.888**

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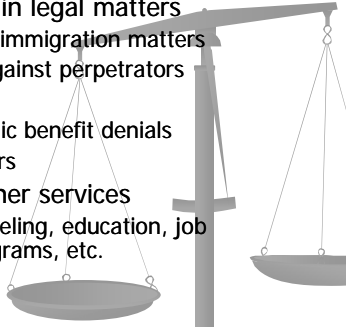
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## Services TRLA can offer victims

- Representation in legal matters
  - T, U and other immigration matters
  - Wage claims against perpetrators
  - Tort Claims
  - Appeals of public benefit denials
  - Protective orders
- Referrals for other services
  - Housing, counseling, education, job placement programs, etc.



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## Questions

Erica Schommer  
Human Trafficking Team Manager  
956 447-4806  
eschommer@trla.org



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## TRLA Human Trafficking Client Intake & Assessment

### Referral information

Date of referral:	TRLA Staff:
Referrer's Name/Telephone:	
Referrer's organization:	

### Biographic/Family information

First name:	Last Name:			
Languages:				
Age:	DOB:	Nationality:	Ethnicity:	
Current address: _____				
Safe telephone number: _____				
Are you married? _____				
Answer following for spouse and children:				
Name	DOB	Place of birth	Is s/he with you? If not, where is s/he?	Immigration status

### Trafficking information

What kind of work did you do?

\_\_\_ Labor – what type:  
 \_\_\_ domestic \_\_\_ restaurant \_\_\_ garment \_\_\_ agricultural \_\_\_ other \_\_\_\_\_  
 \_\_\_ Commercial sex act (age when began \_\_\_\_\_)  
 \_\_\_ Other: \_\_\_\_\_

How were you recruited? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Do you know the identity of your traffickers?  yes  no

If so, please provide name and location, including nicknames, gang, or affiliations:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Approx. Date of escape:
From who/where:

Approx. length of servitude:
Were there witnesses or other victims? <input type="checkbox"/> yes <input type="checkbox"/> no
Are you in contact with them? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, where are they? If no, can you find them?

Agreed transportation fees:	Actual fees:
Other agreed fees:	Actual fees:
Agreed Travel Conditions:	Actual Travel Conditions:
Agreed employment	Actual employment
Agreed Salary/Payment:	Actual salary/ payment:
Approx. date of entry:	Method of entry:

**Documents**

Were any of the following taken away from you?

- identification
- birth certificate
- Visa/passport
- Citizenship documentation from your homeland
- Child[ren]

Name and address of Person who has these items

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**Travel**

Did you pay someone to bring you to the US?  yes  no

If so, check all that apply:

- Had to pay more money or work off debt upon arrival
- Taken to place (city, state) not agreed to
- Placed in job different from agreement
- Forced to engage in sexual activity w/ transporter
- Abused/threatened during the trip
- Sold/traded to person/group other than person you made arrangement with

**Working Conditions, check all that apply:**

Date employment began:

Name/address of employer/company:

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- Type of work was different from work you had been promised
- Pay was less than pay promised
- Money was deducted from paycheck for food, transportation or housing
- Work everyday of the week
- Had to work when sick
- Hours worked per day:
  - Up to 8
  - 8-12
  - > 12 hours
  - 16 hours
- Able to quit your job
- Chained to the area or locked in place where you worked
- Forced to stand for long periods of time as punishment
- Could take breaks without asking for permission
- Could use bathroom while working without asking permission
- Were you allowed to eat during workday
- Were you deprived of water
- Punished if you did not meet a quota
- Transported to/from work by employer
- Housing was provided by employer
- Lived/slept where you worked
- Forced to participate in sexual acts

**Living Conditions, check all that apply:**

- Employer/recruiter arranged for housing
- Allowed to use bathroom without restrictions
- Had to ask permission to eat
- Deprived of food/water
- Deprived of sleep
- Deprived of medical attention
- Free to leave the residence alone
- Allowed to use telephone
- Locked in residence

- Allowed to communicate w/ friends or family
- Forced to clean/cook in home without pay
- Sleeping arrangements:
  - Bed
  - Floor
  - Cot
  - Outside
  - Closet
  - Crowded conditions
  - No blankets

**Abuse (check all that apply)**

Someone in home/work threatened you or your family?  yes  no

Have you suffered any of following abuse:

- Slapped
- Punched
- Kicked
- Burned
- Sexual Assault
- Rape
- Sexual harassment
- Torture
- Verbal abuse/humiliation

Did you see anyone else being abused?  yes  no

If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FOR WOMEN ONLY**

Were you:

- Forced to take contraceptives
- Prohibited from taking contraceptives
- Forced to terminate pregnancy
- Denied feminine hygiene products/medications

**Law Enforcement**

Have you had any contact with law enforcement?  yes  no

If yes, names of agency, officers and dates if known: \_\_\_\_\_

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If not, are you willing to be interviewed by law enforcement?  yes  no

**DETAILED QUESTIONS**

**1. Recruitment**

Where and how were you recruited?
Did you sign a contract? <input type="checkbox"/> yes <input type="checkbox"/> no What were the terms of the contract?
Were you sold? <input type="checkbox"/> yes <input type="checkbox"/> no By whom? To whom?

**2. Migration (if any)**

Were you kidnapped or coerced into migrating? <input type="checkbox"/> yes <input type="checkbox"/> no How?
How did you travel to the U.S.?
Were you inspected by Immigration upon entry? <input type="checkbox"/> yes <input type="checkbox"/> no If so, what documents did you have?
Was a fee paid for your transportation? <input type="checkbox"/> yes <input type="checkbox"/> no By whom and to whom?

**3. Identity theft**

Did the employer/trafficker use the victim's identity for another purpose? <input type="checkbox"/> yes <input type="checkbox"/> no
---

**4. Working conditions**

Were you allowed to communicate and become friends with other workers? <input type="checkbox"/> yes <input type="checkbox"/> no
Were you given the option of quitting your job and finding another job? <input type="checkbox"/> yes <input type="checkbox"/> no

**5. Coercion**

Were you threatened with physical abuse? <input type="checkbox"/> yes <input type="checkbox"/> no
If so, were any weapons involved? <input type="checkbox"/> yes <input type="checkbox"/> no
Did they threaten to call the border patrol? <input type="checkbox"/> yes <input type="checkbox"/> no
Were you verbally abused, humiliated, or degraded? <input type="checkbox"/> yes <input type="checkbox"/> no
Did you ask if you could leave? <input type="checkbox"/> yes <input type="checkbox"/> no Why? Why not?

<b>OTHER NOTES:</b>

<b>Assigned staff:</b>
<input type="checkbox"/> Smuggling <input type="checkbox"/> Labor <input type="checkbox"/> Exploitation <input type="checkbox"/> Servile Marriage <input type="checkbox"/> Trafficking <input type="checkbox"/> Insufficient Info
Referred out to:

## **HUMAN TRAFFICKING LINKS**

### ***Brochures, posters, power point presentations, and other materials:***

Order form for Rescue and Restore materials

<http://www.acf.hhs.gov/trafficking/about/form.htm>

### ***Non-profit organizations:***

Asian Pacific Islander Legal Outreach - has anti-trafficking brochures in various Asian languages

<http://www.apilegaloutreach.org/trafficking.html>

Coalition to Abolish Slavery and Trafficking:

<http://www.castla.org/>

Freedom Network USA

<http://www.freedomnetworkusa.org/>

Free the Slaves

<http://www.freetheslaves.net/>

Global Rights

[http://www.globalrights.org/site/PageServer?pagename=wwd\\_index\\_49](http://www.globalrights.org/site/PageServer?pagename=wwd_index_49)

HumanTrafficking.org - Clearinghouse of information with links to resources in the U.S. and abroad.

<http://www.humantrafficking.org/>

Legal Aid Foundation of Los Angeles – contains links to several comprehensive resource guides

<http://www.lafla.org/clientservices/specialprojects/traffic.asp>

### ***U.S. Government Agencies:***

U.S. Department of Health & Human Services:

<http://www.acf.hhs.gov/trafficking/>

U.S. Department of State: Office to Monitor and Combat Trafficking in Persons

<http://www.state.gov/g/tip/>

U.S. Department of Justice: Office for Victims of Crime

<http://www.ovc.gov/help/tip.htm>

U.S. Department of Justice: National Criminal Justice Reference Service

<http://www.ncjrs.gov/spotlight/trafficking/summary.html>

U.S. Department of Labor: International Child Labor Reports

<http://www.dol.gov/ILAB/media/reports/iclp/main.htm>