



Human Trafficking for DV/IPV Providers: Introduction and Intersections

Susie Baldwin, MD, MPH

Los Angeles County Department of Public Health
Office of Women's Health

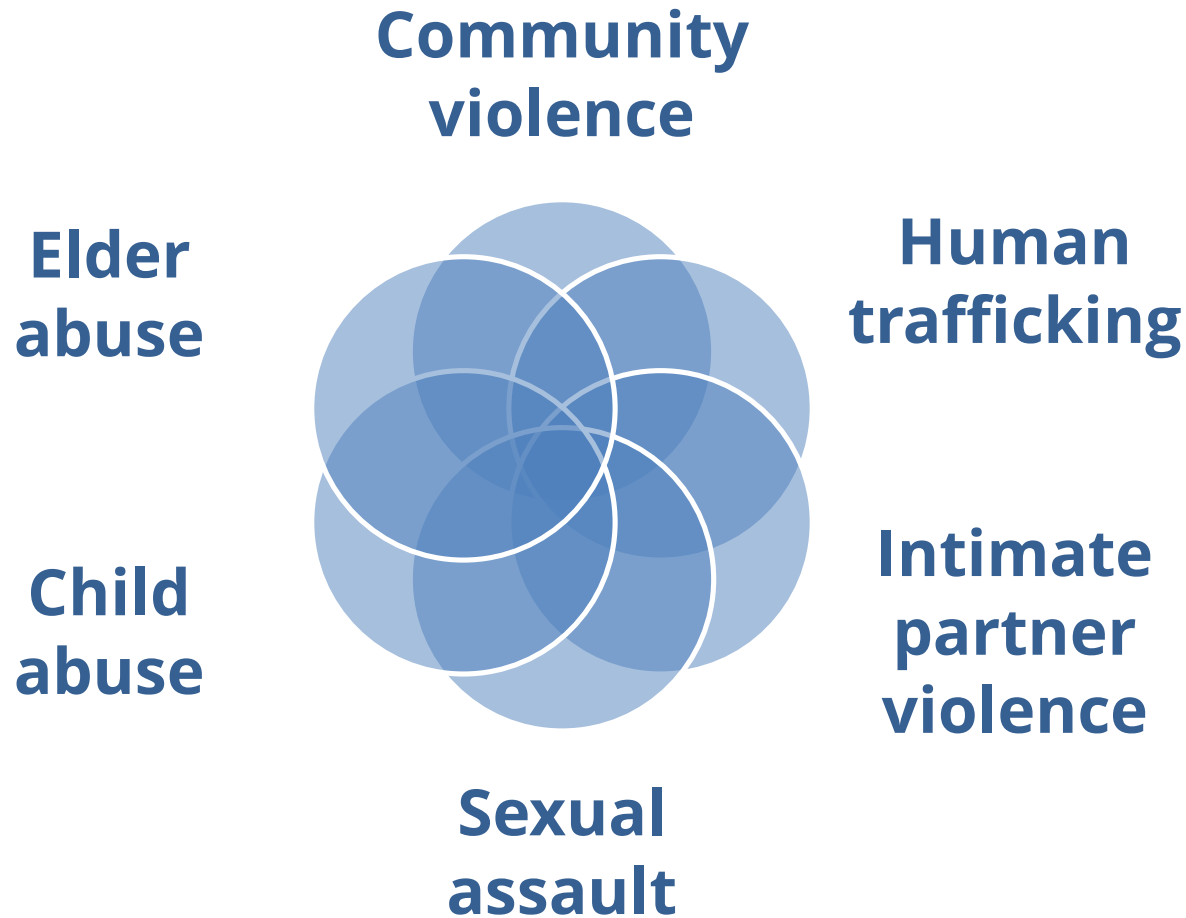
Dunia Zelaya

CAST Resilient Voices

July 16, 2019



Intersectionality





Human Trafficking– What is it?





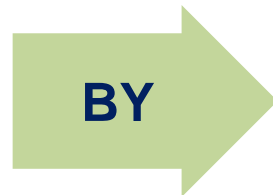
US Definition of Human Trafficking: Trafficking Victims Protection Act (TVPA, 2000)

ACTION

MEANS

PURPOSE

Recruiting
Harboring
Transporting
Providing
Obtaining



~~Force
Fraud
Coercion~~



Involuntary
Servitude
Debt Bondage
Slavery
Sexual
Exploitation

Force, fraud, coercion NOT necessary when the person induced to perform a commercial sex act is under age 18

Coercion

- Threats of serious harm to or physical restraint against any person;
- Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- Abuse or threatened abuse of the legal process

□ PSYCHOLOGICAL □

□ SITUATIONAL □

Human Trafficking is Highly Profitable

- Annual profits for traffickers estimated at \$150 billion annually (*International Labor Org, 2017*)
- Compared to trafficking drugs or arms, human trafficking:
 - Produces continuous profits
 - Involves less risk





Who is Trafficked in the U.S. and in Los Angeles County?



Trafficked People May Be:

- Female, male, transgender (50 - 80% female)
- Adults, adolescents, children
- Moved across borders, or not
- Non-citizens
 - With legal status
 - Without legal status
- U.S. citizens
- From a variety of backgrounds: race/ethnicity, income, class, education, religion, culture





Charu's story

- Charu met her husband when they were both college students
- She moved in with his family
- Mother in law forced her to do all cooking and cleaning
- Husband made her work 10 hrs/day for his small business without pay
- Husband raped her and physically abused her
- Threatened to tell her family that she was a “lazy, infertile whore” if she complained

Bruggeman, J., Keyes, E., Kloer, A., Lieberman, I., & Runge, R. (2009). *Meeting the legal needs of human trafficking victims: An introduction for domestic violence attorneys & advocates*. Chicago, IL: American Bar Association.



Sex Trafficking: Types and Venues

Coerced

- Prostitution
- Pornography
- Stripping
- Escort services
- “Hostesses”
- Personal sexual servitude

Venues:

- Hotel/motel
- Street
- Residential or commercial brothels
- Bars, Strip clubs, Cantinas
- Massage parlors
- Truck stops
- Internet

Sex Trafficking and Commercial Sexual Exploitation of Children (CSEC)

- Prostituted children → *victims of child abuse*
- CA no longer criminalizes CSEC but many still wind up arrested and detained
- Typically do not see themselves as victims and do not want or accept assistance



**“Labels are important— especially to survivors.”
— T. Ortiz Pettigrew, Survivor Leader**



El Monte Sweatshop





Living Room Sewing Factory



Sleeping Area





Human Trafficking and Health





Trafficking has a profound impact on the health and well-being of victims & survivors

- Conditions that impact health in the short and long term include:
 - Social restrictions
 - Deprivation
 - Substance Abuse
 - Dangerous living and working conditions
 - Abuse, violence



Physical Health Risks of Intimate Partner Violence and Human Trafficking

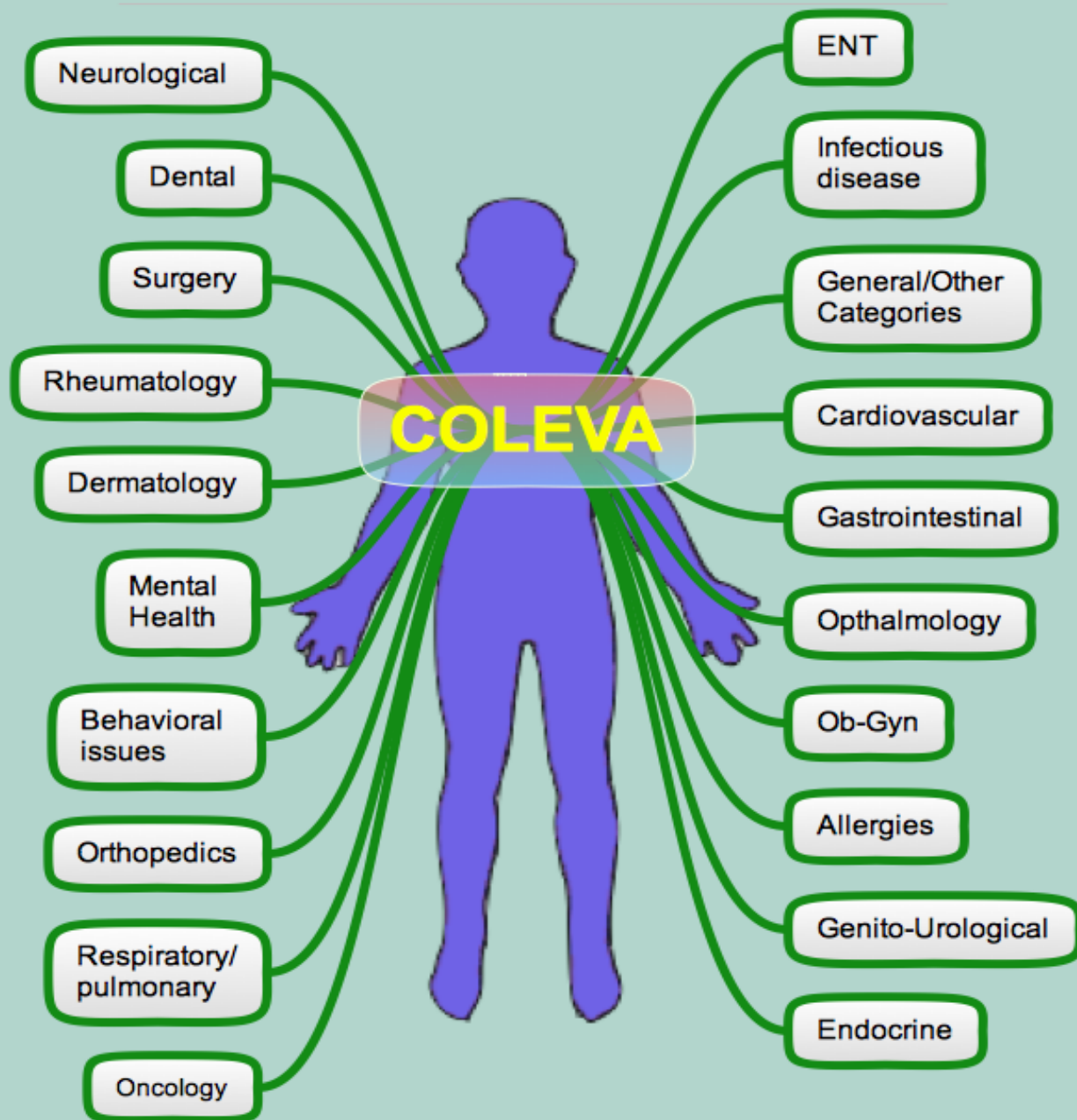
- Physical injuries, including traumatic brain injury, strangulation, and other serious injuries
- Dental, vision, hearing issues (secondary to injuries)
- Headaches
- Gastrointestinal conditions
- Sexual and reproductive health conditions
- Chronic pain
- Neglect of chronic health conditions
- Death



Mental, Psychological, & Behavioral Health Risks of Intimate Partner Violence and HT

- Depression
- Sleeping and eating disorders
- Stress and anxiety disorders
- Dissociative disorders
- Feelings of guilt and shame
- Self harm and suicide attempts
- Poor self esteem
- Substance use, abuse, addiction
- Somatization

Consequences of Lifetime Exposure to Violence and Abuse



COLEVA

Dr. David
McCullum

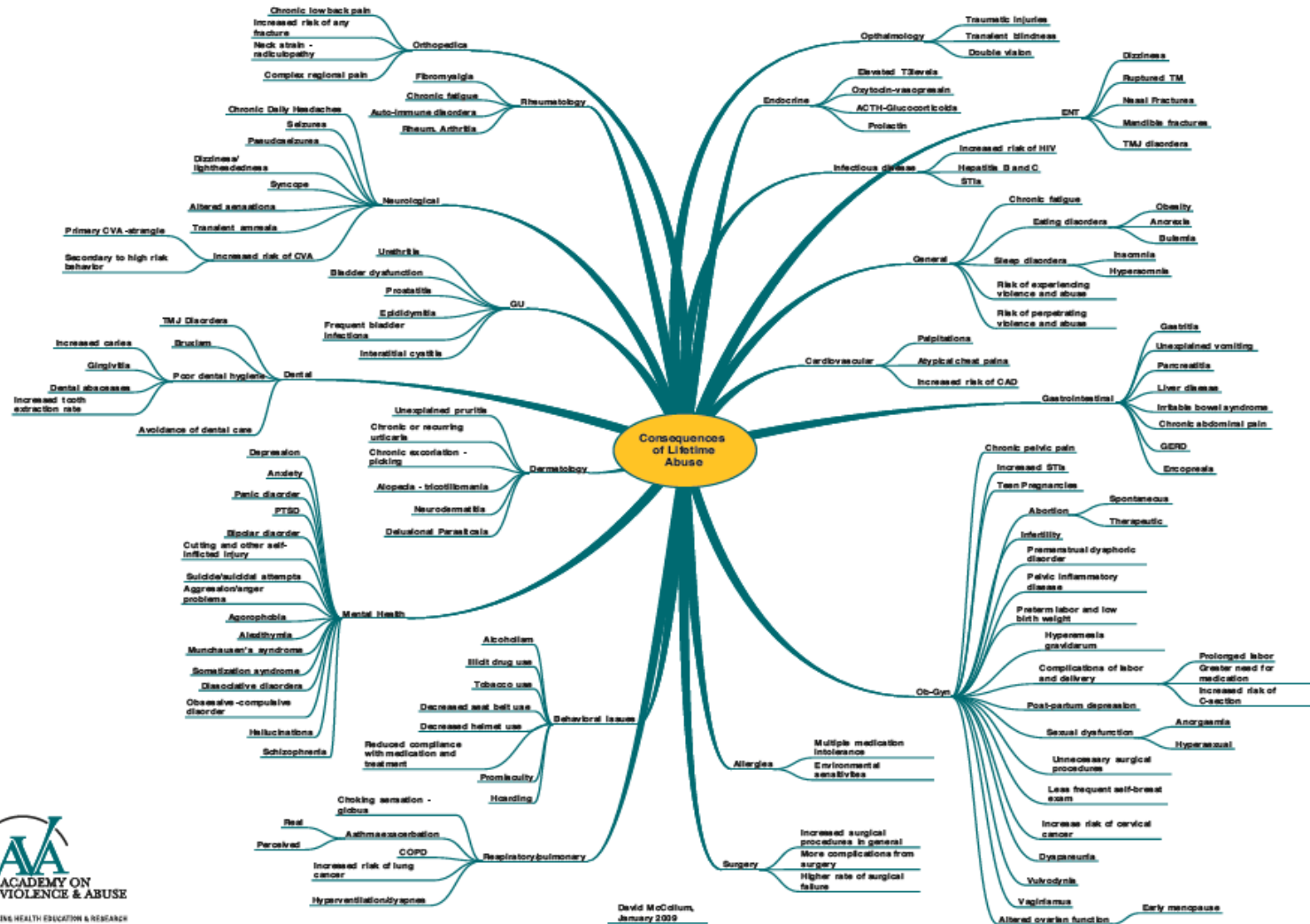
Links between
Abuse and Health

Interactive site

coleva.net

COLEVA

Known and Suspected Consequences Of Lifetime Exposures to Violence and Abuse



David McCallum, January 2009



Parallels Between IPV/DV and Human Trafficking Victims

- Fear, shame, guilt, low self esteem
- History of risk factors
- Strong bond to trafficker/abuser
- Conflicted about leaving situation
- Exposure to various forms of abuse
- Abuse often leads to health problems: mental, physical, sexual/reproductive; acute, chronic
- Reluctance to disclose situation
- Vulnerable to re-victimization



Carmen's story

- Carmen came legally to the US to work as a housekeeper for a family
- Family made her work 12 hrs/day, paid her \$50 a month
- The husband sexually assaulted her
- A man at church offered her a place to stay, but became violent towards her
- Carmen's trafficking made her vulnerable to the DV she encountered upon escape

Bruggeman, J., Keyes, E., Kloer, A., Lieberman, I., & Runge, R. (2009). *Meeting the legal needs of human trafficking victims: An introduction for domestic violence attorneys & advocates*. Chicago, IL: American Bar Association.

Legal Relief for Survivors of Human Trafficking

**Presented by Michelle Carey, Directing Attorney
Los Angeles Center for Law and Justice
(michelle@lACLJ.org)**

LACLJ is a non-profit that provides free legal representation to survivors of domestic violence, sexual assault and/or human trafficking in immigration, family law and other related legal matters, as well as wrap-around social services.



What types of legal needs might a survivor of human trafficking have?

- Immigration
- Family Law
- Employment Law
- Public benefits Advocacy
- Criminal Justice Advocacy
- Vacatur/Post conviction relief
- Civil litigation
- LGBTQ support
- ADA—support for people with disabilities



T Nonimmigrant Status (“T Visa”) Requirements

- Must have survived a “severe form of human trafficking;”
- Must be present in the United States on account of being trafficked;
- Would suffer extreme and unusual hardship if removed from the United States and sent back to home country;
- Not “inadmissible” to the United States or qualifies for waiver.



T Visa Benefits

- T visa status for 4 years
- Employment Authorization (“work permit”)
- Can apply for green card after 3 years (or sooner in certain situations)
- Eligible for the same federal government assistance as refugees and federal financial aid
- Certain family members included



Which family members can be included in T Visa petition?

Applicant under the age of 21, can include:

- spouse
- parents
- children (under age 21 and unmarried)
- unmarried siblings (who are under the age of 18)

Applicant 21 or older, can include:

- spouse
- children (who are under age 21 and unmarried)



What if the survivor has a complicated criminal and/or immigration history?

- ***ALL*** applicants for immigration relief should ***ALWAYS*** do background checks
(ie. FBI, Cal DOJ, FOIAs)
- Consider pursuing vacatur relief, if eligible



What is Vacatur Relief?

Provides a petition process to:

- vacate an arrest or conviction (and seal/destroy arrest records)
 - for a “nonviolent offense”
 - while the petitioner was a victim of human trafficking
-
- *Petitioner must show “the victim is engaged in good faith effort to distance himself or herself from the human trafficking scheme” AND*
 - *It is “in the best interest of the petitioner and in the interests of justice.”*

CA Penal Code §236.14 [effective 01/01/2017]



What is the Vacatur Process and the Result?

- Informal Process—prepare petition/share with prosecutor's office
- Formal Process—file petition
 - ▣ Prosecution has 45 days to respond once petition filed and prosecution served
 - ▣ If no opposition, court shall deem petition unopposed and may grant petition
- Result:
 - ▣ Sealing and destruction of ALL records
 - ▣ But still need to follow up with local courts/DOJ
 - ▣ Still ? re: immigration consequences



What can I do to help support an undocumented survivor?

Encourage the person to:

- ❑ Seek help from a reputable immigration attorney—immediately if any undocumented children close to age 21, any undoc. siblings close to age 18, OR an upcoming immigration hearing
- ❑ NOT miss any immigration or criminal hearings
- ❑ NOT leave the U.S. until reviewing their options with a reputable immigration attorney
- ❑ Think broadly about what might be considered evidence
- ❑ Gather potential evidence in a way that is SAFE and LEGAL and keep it in a safe place
- ❑ Take photos of evidence that won't be available at a later time
- ❑ Keep an open mind about the process...



What if the survivor needs immigration-related info?

Need to check status on a pending application?

- ▣ <https://egov.uscis.gov/casestatus> OR
- ▣ Need receipt #

Need information about someone detained by ICE?

- ▣ <https://locator.ice.gov>
- ▣ Need A#, if possible, or at least full name and country of birth

Need information re: an upcoming Immigration Court date?

- ▣ Call Immigration Court (EOIR) # at 1-800-898-7180
- ▣ Need A#



Be sure the survivors you are working with GET THE RIGHT HELP!

- ❑ Encourage survivors you work with to AVOID dishonest immigration consultants, usually known as “notarios.”
- ❑ If they need assistance with an immigration issue, be sure they obtain an appointment with a reputable immigration attorney to learn more about their options and avoid having their \$ stolen, being at higher risk for removal, etc.
- ❑ Encourage them to report the fraud/theft!



What if the survivor wants to report the unauthorized practice of law?

- LA City Attorney's Office/Dept. of Consumer Affairs
 - 1-800-593-8222 or
 - www.dca.lacounty.gov

- CARECEN—(213) 385-7800
 - Project to identify unscrupulous notaries, file reports with law enforcement and work with small civil firms to file lawsuits to try to recover \$ for clients.



What if I meet a trafficking survivor with legal needs?

Please encourage the survivor to call
LACLJ at:
323-980-3500

***And THANK YOU
for taking the time to learn more about how to
better support undocumented survivors
and for all the amazing work you do!***

