

## **Barriers to Service for Trafficking Victims in the United States**

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We are pleased to have an opportunity to address this group and offer our thoughts on services for trafficked persons in the United States.

I am Julianne Duncan and speak for United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS). We are active on a policy and advocacy level, provide and promote educational efforts and provide services to both adult and child victims in a variety of ways. Our website ([www.usccb.org](http://www.usccb.org)) describes our services to trafficking victims which are funded by various governmental agencies and donated funds. Additionally we are the convenors of the Coalition of Catholic Organizations Against Human Trafficking which is comprised of Catholic more than 20 organizations and religious orders with a focus on local, national and international aspects of trafficking. I have provided a brochure describing the coalition.

As part of our efforts to assist the government to identify and serve both child and adult victims, we have convened four national meetings to examine the issues particularly from a child perspective: How to identify and serve child victims of trafficking under the Trafficking Victims Protection Act (TVPA). This effort to secure safe and effective services for international victims led us to a scrutiny of service systems for all children in the United States in similar circumstances to see which systems may be of help. I am making available the published articles based on those meetings. Representatives from many of your agencies were present at the meetings as well as state government personnel, juvenile court judges, public defender associations, academics, child welfare providers, child protective service systems, homeless/runaway youth shelter staff. It was our goal to understand systems and agencies which could be available to assist child or young adult trafficking victims and what barriers children might face to accessing services which are available in the United States.

Our experience within MRS also includes services to immigrants and refugees who become legal permanent residents and citizens. Our services are often delivered through Catholic Charities which provide a wide variety of services for the neediest members of our society.

So our perspective on the question of services to trafficking victims is based on our direct services to international child and adult victims throughout the country; our direct services to refugees and other immigrants; our outreach to multiple providers of related services to children in the U.S.; membership in the Catholic Coalition; and a familiarity with some of the services provided to needy people through local Catholic Charities.

You have asked us here to address the question of *what disparity exists, if any, in actual delivery of services in the United States to trafficked persons who are either “domestic victims” or “international victims.”*

With respect, we believe you are asking the wrong question.

Trafficked persons are receiving services at an inappropriately low rate whatever their country of origin. This appears to be the case despite what we see as outstanding effort and dedication on the part of various government agencies to address the vexing problem of trafficking within our borders.

The lamentably low rate of access to trafficking services for international victims is in direct proportion to the low rate of official victim identification. When an international victim is officially recognized as a victim and concurs with the terms of the TVPA for certification or eligibility, she receives services rather expeditiously and effectively. In five years, however, we are discussing only about 1200 people, including children and adults.

If we accept the Department of State estimates of numbers of people trafficked into the United States from foreign countries (between 14,000-17,500), most, then, are not identified or, even if identified, are frequently deported rather than provided services. This is shockingly the case even for children. While it is Americans who are patronizing the brothels, are profiting from forced labor or using slave-made goods, the trafficked persons are too often not receiving the services outlined for them by the TVPA. Too few are being rescued and restored.

Americans who are similarly victimized (whether or not their victimization is called trafficking) are also sometimes not able to receive services; not because they will be removed from the country but because our social service systems are overburdened to the point that many, many people slip through the cracks.

Thus we think that the correct question is the following: *“What barriers prevent trafficking victims from our own or other countries from receiving needed protection and services and what should/can we do to remove or lower those barriers?”*

### **Barriers to service—international victims**

The greatest barrier that we see to international victims receiving services is the reluctance of federal law enforcement officials to request that victims have access to available services. In the immediacy of a raid or law enforcement action, victims do not feel safe telling law enforcement of their true circumstances and law enforcement personnel do not have the time to dig deeply beyond their first answer. Thus, victims are removed from the country before they have an opportunity to understand their options and agree to assist in law enforcement activity. In the

case of children, the additional barrier is the reluctance of HHS to offer care absent a request from a federal law enforcement official.

*For international adult victims or children who receive services with their parents*, once a formal referral is made service systems are in place to respond. Adult and families have been victimized in:

- Forced labor
- Commercial sex trade
- Domestic servitude

Case management services which help victims access care are in place in some funded locations; in others it is our job to find providers willing to assist. Since the numbers of referrals are low, case management services are able to meet the need generally. Housing is difficult for all poor people in the country; cross-cultural counseling and mental health services are difficult to find for trafficking victims as well as for others who need them. It is our experience that some housing or shelter space available for trafficking victims is going unused. For example, a religious order in southern California has agreed to provide shelter for trafficking victims but their space has gone largely unused. However, while current services seem adequate to assist the small numbers of victims identified to date, if the State Department numbers were to be a guide as to how many victims are entering the United States and might actually need help, services would fall short.

Two situations we have been active in are both in New York State but with different outcomes. In a large case of forced labor in Long Island, NY more than 80 victims, including children with their families were removed from a trafficking situation, housed, fed and given immigration assistance. Services, especially assistance in applying for immigration relief, are on-going but generally the victims are working legally, getting the children in school and rebuilding their lives. Law enforcement efforts and prosecution have been ongoing and some prosecutions and plea bargains have resulted to the best of my knowledge.

A possible forced labor situation was uncovered in Albany, NY a little more than a year ago. At first it was thought to have about 95 victims and our agencies were requested to be ready to assist. Law enforcement activity did take place and news articles reported that a trafficking case had been uncovered. Although agencies were ready and available to provide initial housing, legal assistance and related services, the victims were ultimately not referred and may have been removed from the country. Obviously, we cannot know whether or not the victims would have been able to give information that would have been useful to the law enforcement agencies in the prosecution of a trafficking case. But it is the sense of our agencies and others we cooperate with that rapid removal to detention and from the country makes it less likely that the actual nature of the victimization can be uncovered. Victims cannot be cared for nor therefore be persuaded to assist law enforcement. A safe period would be useful.

*For international child victims who are unaccompanied by adult relatives*, the referrals have been so few that services have been adequate so far. The children who have been identified have been found in:

- Commercial sex trade

- Domestic servitude
- Exploitative labor

The federally funded system of care for unaccompanied refugee children has generally been able to adapt to the needs of trafficked children. Research and on going training is needed since this is a new population; much remains to be learned. However, outcomes are generally good. It is easier to provide stellar services to the 47 unaccompanied trafficked children who have been identified during the last four years than to serve the possible thousands who may be arriving every year if we are to accept State Department estimates.

The problem for international child victims is the reluctance of law enforcement to request services for possible victims and for HHS reluctance to offer services absent such a request. As children, they are not always able to explain their situation or support their case in a way that is understandable or convincing to a federal law enforcement official. Federal officials are sometimes unwilling to request benefits in situations in which they do not have enough evidence; thus, no case manager or service provider is funded to work with the child. Therefore, children rescued from possible trafficking situations such as brothels or bars where prostitution is known to take place are not being determined eligible for services as trafficking victims, even though the law specifically exempts children from cooperation with law enforcement. They are given a “notice to appear” in front of an immigration judge for probable removal from the country. In some other cases, children are denied benefits, live an unstable life in the care of “Good Samaritans” but eventually are given a t-visa. But without the funded case management services which come with determination of eligibility, it is chancy whether or not the “Good Samaritans” who are assisting them can provide the help they need before T-visa is issued.

In one case, a child was held by the federal government system for undocumented children. There was some evidence of trafficking but the word of the child was difficult to corroborate; she was not picked up while actually engaged in a commercial sex act and federal law enforcement officials felt unable to request trafficking benefits. Absent such a request, HHS did not feel able to offer a letter of eligibility for services despite her attorney’s request. The child was released to her mother who is seriously ill but the family was unable to access medical care, food stamps or other survival services. The child’s attorney believed that trafficking relief was possible and persisted with a T-visa application. Eventually, the child was granted a T-visa and can now receive services while in the care of a different relative. However, she did not receive services until 7 months after her case was first known by the federal government.

In another fairly recent situation, four children were among possible trafficking victims picked up in a raid on a bar where prostitution was known to be taking place. A child removed from the same situation a few months ago had been given benefits and is now in care. The children said they were “just having a snack” there and refused to disclose to federal law enforcement officials whether they were engaged in commercial sex. One girl has said “they know where my family lives.” While circumstances point to children coerced to engage in commercial sex, the federal officials active in the investigation felt unable to request benefits from HHS for those children. The children have been entered into removal proceedings and may be returned to their country of origin.

In the first case, it is clear that the child is actually a trafficking victim; in the second case, circumstances point to that conclusion but result is not yet clear. In both cases, children have not received needed assistance in a timely fashion.

### **Barriers to service—Domestic victims**

*For domestic victims*, comparable social services are offered to adult and child witnesses of crimes via the federal “victim-witness coordinators.” Most of those we work with believe that domestic adults are most likely to be found trafficked in:

- Commercial sex trade
- Less likely in domestic servitude or forced labor

We would have to turn to the FBI and US Attorneys or other federal officials to get from them an estimate of the numbers of potential witnesses they see who need assistance from the social service system. Whether or not the case management offered by the victim witness coordinators is adequate to assist domestic trafficking victims to get housing, food stamps, medical care is a question which we would have to ask Department of Justice or other agencies. Domestic victims do not need the immigration benefits offered under the TVPA. Therefore, some victims may not need the case management services which a foreign victim needs to assist with both immigration as well as social service needs; others may benefit from more intensive case management assistance than the victim witness coordinators can offer.

The question of adult prostitutes who need help to get out of the life is sometimes discussed in this context. Under the TVPA, only those adult victims who are willing to assist the prosecution of the crime are offered services. For adult domestic trafficking victims, how much overlap there is between “witnesses” and prostitutes who want help is likely not known well. There is also much discussion of whether adult prostitutes are “victims of force, fraud or coercion” and therefore are trafficking victims as stated in the law. We believe that all people should be treated with dignity and respect; no one should be in a situation where prostitution is the best available choice. Our society should do better to see that women and men have better choices available to them and should be offered services if they want to leave a life of prostitution. We have all learned much over the last 15 or so years about the victimization which makes it difficult for victims of domestic violence to get and accept help; some of that understanding may be helpful in approaching how to better serve domestic trafficking victims.

Catholic Charities Community Services in Phoenix, AZ is example in one of our agencies which does outreach to prostitutes and assists those who want help to find housing, jobs and whatever they need to develop a different life. Based on our conversations with staff of that agency, we are unclear how many of the clients would be available to assist the prosecution and whether law enforcement would find prosecutable cases. However, it does appear that a case management service model is effective in assisting the people who are turning to them for help.

An example of a trafficking case with domestic victims as forced laborers is a case in Kansas in which schizophrenics were forced to work on a farm. Since we did not provide or arrange services in the case, I can only raise this as an example of domestic trafficking in which the services of the state and local organizations were marshaled to assist the victims.

*For domestic child victims*, especially of the sex trade, if we follow the TVPA criteria that they can/should be served whether or not they are able to act as witnesses (even though this criteria is not necessarily honored for international victims), services are offered through the State CPS systems, through the juvenile justice systems, through the runaway/homeless youth system and related services which are available to all children of the locality where they are either picked up or where their families live. The National Center for Missing and Exploited Children is a major service provider on a national level in getting children returned to families or to the proper local jurisdiction.

Most of the people we work with think that domestic child victims will primarily be found in:

- Commercial sex trade and that
- domestic servitude and forced labor are less likely

When discussing children victimized by the sex trade, we frequently do not use the term “trafficking victim” but rather “child victim of commercial sexual exploitation.” The acronym in the field is “CSEC” for “Commercial Sexual Exploitation of Children.” Thus we must turn to the justice systems and other branches of HHS to quantify the numbers and services “domestic child trafficking victims” are receiving and to judge their overall quality.

The U.S. government made a report to “The Second World Congress on the Commercial Sexual Exploitation of Children” held in Yokohama, Japan and commonly referred to as the Yokohama congress. The Yokohama Congress was a follow up to the first conference in Stockholm which resulted in “the Stockholm Agenda” which the United States accepted. Part of the report on the “Second Congress” describes federal services which may be accessed by children rescued from the commercial sex trade. The United States is preparing a mid-term review of our National Action Plan to combat CSEC which should likely include programs and services for any victims whether domestic or international but found within the United States. Therefore, an evaluation will be forthcoming which can more fully address the issue of whether we are making adequate progress in providing services for children victimized by “domestic trafficking” or the “commercial sex trade.”

The TVPA reauthorization provides for pilot projects for “domestic child trafficking victims” and instructs HHS to develop such a program. We hope that such a project will be carried out within the current systems which provide care for child victims of the sex trade and will not be set up as a stand alone system.

However, we see three major barriers which prevent some domestic children from getting needed help. I also refer you to reports completed within the past year by International Organization for Adolescents (IOFA) and End Child Prostitution and Trafficking (ECPAT), USA both of which address services specifically in the New York City area.

- Children may be receiving care via state systems some of which do not adequately understand the crime of trafficking and therefore do not provide the specialized intervention needed.
- The state and local service systems are overburdened. Therefore, many children receive minimal services and if they are resistant, no one looks for them to encourage their participation.

- In the juvenile justice system, if a child has participated in the crime of prostitution, they are frequently dealt with as a juvenile delinquent first. They may also be thought of as a trafficking victim and state juvenile systems vary in their ability to offer appropriate services while a child is “doing her time.”

When the U.S. systems work as intended, services seem adequate to the need. An example of a case involving American children lured into commercial sex is a situation in Minnesota in which we were involved in providing technical assistance because some of the victims were foreign born or are the children of foreign born parents. Alert staff in a hospital noticed a pattern of young teens from a particular ethnic group coming to an emergency room with illnesses and injuries which were suspicious. Her follow up uncovered a pattern of runaway teens who ended up in the hands of criminal gangs and found no way out. State authorities are following up on the situation with several interventions including services through a child sexual assault center connected with the hospital, awareness raising in the schools, parenting efforts so that families can resolve issues with their children. It is unclear whether this situation would rise to the level of a federal intervention and therefore whether these children could be called “domestic trafficking victims” under the terms of the law. Some of the gang members may work across state lines. The local police are investigating the case; whether charges have been or will be filed remains to be seen.

### **Summary and recommendations**

Adults and children: international and domestic victims of human trafficking all face barriers to receiving the help they need and deserve to recover from their victimization. If they have been victimized in our country by our fellow Americans, we should do what we can to “rescue and restore.”

*International adult victims* (including children served with their families) should have a longer period of time to understand their options to cooperate with the prosecution and receive help to escape their dire circumstances. They should have a period of services from designated providers who can gain their trust and explain their options before being removed from the country.

*For international unaccompanied child victims*, or children whose circumstances are such that they may be victims, HHS should “determine such children eligible for services” and care for them in stable secure programs while their t-visa applications are being prepared and adjudicated. Children should not have to convince federal law enforcement officials that they are trafficked nor live in insecure situations for long periods while someone does so on their behalf. We recommend that HHS and federal law enforcement agencies re-examine their referral mechanisms to make it easier for trafficked children to receive timely services.

While we are primarily discussing services here today, we believe that the prosecution would also benefit from better, more reliable information if child and adult victims have stable services.

*For domestic victims*, the federal victim witness coordinators should examine their practice to determine whether or not case management services for adult witnesses are needed beyond what is currently available. Additionally, however, whether or not the recipients of services are

assisting in the prosecution of the crime of trafficking, both DOJ and HHS should look at their services to see what improvements can be made for women and men victimized by the commercial sex trade with full understanding of the complex mechanisms of victimization. Case management services would appear to be helpful for such victims.

*For children victimized by the commercial sex trade*, the child welfare, juvenile justice, and the homeless and runaway youth service systems should provide training to their practitioners and determine to what extent they can improve their services to take into account the specific trauma which a child trafficking victim experiences.

The pilot projects authorized by the recent reauthorization of the TVPA should be administered within HHS by one of the agencies or bureaus which already deals with domestic children victimized by the commercial sex industry. Thus, the newly authorized services can assist current child welfare providers to better understand the crime of trafficking and its impact on child victims.

I want to close by saying that we have appreciated the good intention and good work so far of the U.S. government on this issue. While we have more work to do, I am reminded of the words of one of the federal victim-witness coordinators who was doing a training for some of our programs a year or so ago. She reminded us that the Violence Against Women Act passed about 10 years ago and we are only finally beginning to make it really work. Trafficking services are being implemented very rapidly in federal time. We recognize and appreciate this. Of course, we see it as our role to keep reminding the government that in child time it is very slow.

Thank you for your consideration.