

***SENIOR POLICY OPERATING  
GROUP ON TRAFFICKING IN  
PERSONS***

***SUBCOMMITTEE ON DOMESTIC  
TRAFFICKING***

**FINAL REPORT AND  
RECOMMENDATIONS**

August 2007

*Senior Policy Operating Group on Trafficking in Persons  
Subcommittee on Domestic Trafficking*

**FINAL REPORT**

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## MISSION, GOAL AND DEFINITIONS

### **Mission:**

The Senior Policy Operating Group (SPOG) Subcommittee on Domestic Trafficking was charged with the following three-fold mission:

1. To identify services that are available to and being accessed by domestic and international victims of trafficking;
2. To identify any differences between the two; and
3. To make recommendations, as appropriate, on how to reconcile these differences.

### **Goal:**

The goal of the Subcommittee was to provide SPOG with a final report on the Subcommittee's findings and recommendations by March 2006.

### **Definitions:**

At the Subcommittee's first meeting, working definitions of "domestic" and "international" victims of trafficking were discussed and agreed upon:

- ♦ Domestic victims of trafficking are those who are trafficked within the United States and are either U.S. citizens or lawful permanent residents.
- ♦ International victims of trafficking are those who are trafficked into the United States from other countries.

It is worth noting that the Subcommittee also agreed that, for the purposes of our work, we considered both victim populations as already identified as victims of trafficking.

## METHODOLOGY

Agencies were invited to participate on the Subcommittee based on suggestions made by the Office to Monitor and Combat Trafficking in Persons at the Department of State. A total of 24 agencies and offices were regularly represented at the Subcommittee's meetings.

The Subcommittee's working agenda was three-fold and corresponded to the three parts of our mission:

### **1. To identify services that are available to and being accessed by domestic victims and international victims:**

Because of both the tight timeframe under which the Subcommittee was operating and the expansive scope of Federal assistance programs, it was decided that compiling an exhaustive inventory of services available to victims of trafficking would not be useful or practical for the sake of the Subcommittee's mission. Rather, we decided to report on a variety of important programs from across the Federal Government that we thought would be reflective of the many services available to victims. However, we believe that it will be important for Federal agencies to continue efforts to identify additional services and programs beyond those reviewed here, as we continue to try and improve our efforts to assist trafficking victims. Participants were tasked with outlining services under their agencies' purview that are available to the different populations of trafficking victims. These populations were:

For domestic victims:

- U.S. citizen and adult;
- Resident and adult;
- U.S. citizen and minor; and
- Resident and minor.

*Note: the term "resident" refers to lawful permanent residents (LPRs) only, not to other non-citizens such as refugees.*

For international victims:

- Adult; and
- Minor.

These outlines were compiled into a report (see *Appendix I*) and summarized in a chart (see *Section I*) that formed the basis of much of our subsequent discussions.

### **2. To identify any differences in services available to domestic and international victims of trafficking:**

We recognized that there were likely to be two types of differences to be identified: differences as they exist in statute and differences as they exist in practice. To identify differences as they exist in statute, we closely scrutinized the outlines of services submitted by participating agencies as described above. To identify differences as they exist in practice, we solicited the input of non-governmental organizations that have experience providing assistance to victims of trafficking. The differences of both types that we identified are discussed in *Section II* of this report.

**3. To make recommendations, as appropriate, for reconciling differences in services available to domestic and international victims of trafficking:**

Our recommendations, contained in *Section III* of this report, were based on the differences we identified - both as they exist in statute and as they exist in practice - as described above.

## SUMMARY OF MEETINGS

SPOG Subcommittee on Domestic Trafficking held a total of five meetings between December 2005 and March 2006. What follows are brief summaries of each:

### **First Meeting: December 14, 2005**

#### **Purpose: Welcome and Discussion of Mission**

The group discussed the Subcommittee's three-part mission and goals. Working definitions of "domestic victims" and "international victims" were discussed and agreed upon. As an action item for our next meeting, participants were asked to outline the services that their agencies make available to victims of trafficking.

### **Second Meeting: January 19, 2006**

#### **Purpose: Briefing on Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) and Discussion of Services Available to Victims**

The meeting opened with briefing on TVPRA provided by a staff member from the Subcommittee on Africa, Global Human Rights and International Operations of the House Committee on International Relations. The group then discussed the outlines of services available to victims of trafficking as submitted by participating agencies.

### **Third Meeting: February 9, 2006**

#### **Purpose: Presentations by Non-governmental Organizations (NGOs) with Experience Assisting Victims**

Representatives from three NGOs briefed the group on their experiences and thoughts on the differences in services available to and accessed by domestic and international victims.

### **Fourth Meeting: February 27, 2006**

#### **Purpose: Discussion of Findings and Recommendations**

The group discussed our recommendations based on findings from our previous meetings.

### **Fifth Meeting: March 7, 2006**

#### **Purpose: Discussion of Final Report**

The group met to discuss our final report.

## **PARTICIPATING AGENCIES**

### **Department of Agriculture**

Food and Nutrition Service

### **Department of Health and Human Services**

Administration for Children and Families

Office of Refugee Resettlement – Trafficking Office

Office of the Deputy Secretary

Office of the Assistant Secretary for Planning and Evaluation

Office of the Assistant Secretary for Budget, Technology and Finance

Office of the Assistant Secretary for Health

Office of the General Counsel

Centers for Disease Control and Prevention

Centers for Medicare and Medicaid Services

Health Resources and Services Administration

Substance Abuse and Mental Health Services Administration

Office of Intergovernmental Affairs

### **Department of Homeland Security**

Immigration and Customs Enforcement

### **Department of Housing and Urban Development**

Management and Occupancy Division

### **Department of Justice**

Criminal Section of the Civil Rights Division

Office of Legal Policy

National Institute of Justice

Office for Victims of Crime

Child Exploitation and Obscenity Section

### **Department of Labor**

Employment and Training Administration

Office of One-Stop Operations

Office of Job Corps

### **Department of State**

Office to Monitor and Combat Trafficking in Persons

### **US Attorney's Office for the District of Columbia**

Victim Witness Assistance Unit

## **Section I – Services Available to Domestic and International Victims of Trafficking**

The first part of the Subcommittee’s three-part mission was to identify services that are available to and being accessed by domestic victims and international victims.

Participating agencies were tasked with completing outlines detailing various trafficking victim populations’ eligibility for services overseen by their agency.

The chart on the following page summarizes the services reviewed by the Subcommittee. Complete outlines, as submitted by participating agencies, may be found in *Appendix I* of this report.

The labels on the chart are as follows:

- “Yes” – the victim population is eligible for the service in question;
- “Yes – after waiting period” – the victim population may be eligible for the service in question only after a waiting period;
- “No” – the victim population is not eligible for the service in question; and
- “N/A” – the program is not relevant to that victim population.

Several important points about the chart:

As previously stated, the term “resident” refers to lawful permanent residents (LPRs) only, not to other non-citizens such as refugees.

The chart is intended to serve as a concise summary of the outlines on service eligibility submitted by agencies participating in the Subcommittee. Many of these services have complex eligibility requirements that are summarized simply as “yes” on the chart. Please see the compilation of outlines in *Appendix I* for details on specific victim populations’ eligibility for each service.

The chart summarizes eligibility for each service as it exists in statute. It does not reflect how often, or even whether, specific victim populations are actually accessing these services. The labels on the chart should be interpreted to mean, “Is this victim population eligible for this service under the statute?”

A “yes” label does not mean that the service in question is available to a certain population of victims solely because of its status as a victim population. As the full outlines on these services indicate, victims are still subject to the same eligibility requirements as the general population.

Some of these services, such as Temporary Assistance for Needy Families (TANF) and Medicaid, may have different eligibility requirements and benefits at the State level.



**Summary of Services Available to Victims of Trafficking - Outlines Submitted by Agencies Participating in the SPOG Subcommittee on Domestic Trafficking**

Based on outlines submitted by participating agencies - see outlines in Appendix I for specific details on each program

**FOR OFFICIAL USE ONLY - NOT FOR DISTRIBUTION**

Service	Agency	Domestic Victims				International Victims	
		Citizen and Adult	Resident and Adult	Citizen and Minor	Resident and Minor	Adult	Minor
Child Nutrition Programs	USDA	N/A	N/A	Yes	Yes	N/A	Yes
Food Stamp Program	USDA	Yes	Yes - after waiting period	Yes	Yes - after waiting period	Yes	Yes
WIC	USDA	Yes	Yes	Yes	Yes	Yes	Yes
Refugee Cash and Medical Assistance	HHS-ACF	No	No	No	No	Yes	Yes
Services to Victims of Torture	HHS-ACF	No	Yes	No	Yes	Yes	Yes
TANF	HHS-ACF	Yes	Yes - after waiting period	Yes	Yes - after waiting period	Yes	Yes
Health Screenings	HHS-CDC	Yes	Yes	Yes	Yes	Yes	Yes
Medicaid	HHS-CMS	Yes	Yes - after waiting period	Yes	Yes - after waiting period	Yes	Yes
SCHIP	HHS-CMS	N/A	N/A	Yes	Yes - after waiting period	N/A	Yes
HRSA programs	HHS-HRSA	Yes	Yes	Yes	Yes	Yes	Yes
SAMHSA programs	HHS-SAMHSA	Yes	Yes	Yes	Yes	Yes	Yes
Public Housing Program	HUD	Yes	Yes	Yes	Yes	Yes	Yes
Tenant-Based Vouchers	HUD	Yes	Yes	Yes	Yes	Yes	Yes
VOCA Emergency Funds	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Emergency Witness Assistance	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Victim Rights and Services	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
Witness Protection	DOJ-Civil Rights	Yes	Yes	Yes	Yes	Yes	Yes
OVC Services for Trafficking Victims Discretionary Grant	DOJ-OVC	No	No	No	No	Yes	Yes
VOCA Victim Assistance/Compensation	DOJ-OVC	Yes	Yes	Yes	Yes	Yes	Yes
One-Stop Career Centers & Job Corps	DOL	Yes	Yes	Yes	Yes	Yes	Yes

## **Section II – Differences in Services Available to Domestic and International Victims of Trafficking**

The second part of the Subcommittee’s three-part mission was to identify differences between services available to domestic victims and services available to international victims. Before beginning our work, we determined that differences may exist in statute and in practice. We structured our work accordingly and report our findings below:

### **A. Differences as they exist in statute:**

As the summary chart in the previous section shows, there are not many differences in trafficking victims’ eligibility for the services we reviewed when one looks at the relevant statutes. The two notable differences that our outlines revealed are:

- 1. Some programs are intended to serve only specific populations, and eligibility is restricted by statute.**

As the summary chart indicates, such programs include:

#### Refugee Cash and Medical Assistance

These services, administered by the Administration for Children and Families (ACF) at the Department of Health and Human Services (HHS), provide cash and medical assistance to needy refugees here in the United States who have scant financial resources. It is available to needy refugees, asylees, Cuban and Haitian entrants, certain Amerasians, and trafficking victims who are not eligible for other mainstream cash or medical assistance programs, such as TANF, Supplemental Security Income (SSI), or Medicaid.

#### Services to Victims of Torture

This service, also administered by ACF, provides social, legal, health and psychological services for victims of torture. Individuals eligible for services are those who have been tortured in foreign countries and are now in the United States, regardless of their legal status. Individuals who have suffered torture as a result of trafficking experiences in the United States do not meet the eligibility standard.

#### Office for Victims of Crime Services for Trafficking Victims Discretionary Grant Program

This program, administered by the Office for Victims of Crime (OVC) at the Department of Justice, is intended primarily to support services for pre-certified victims who: (1) have been identified by law enforcement as a victim of a severe form of trafficking; and (2) subject to certification by HHS. It provides victims with services including housing/shelter; sustenance; medical, mental health and dental services; interpreter/translator services; criminal justice system-based victim advocacy; legal services; social services advocacy (explanation of available benefit entitlements and facilitation of access to those benefits); literacy education and/or job training; and transportation.

2. **For certain Federal means-tested public benefits, lawful permanent residents are subject to a five-year waiting period before they may be eligible.**

As the summary chart indicates, these programs include:

#### Food Stamp Program

The Food Stamp Program, administered by the Department of Agriculture, provides benefits through specialized electronic debit cards to be used to pay for food at most grocery stores. Lawful permanent resident adults must meet a five-year residency requirement before they may be eligible; minors do not have a residency requirement. Refugees (including those certified by HHS as victims of severe forms of trafficking); and certain asylees, deportees, Cuban or Haitian entrants, and Amerasian immigrants are eligible without a waiting period.

#### Temporary Assistance for Needy Families (TANF)

TANF, administered by ACF, provides cash benefits and work opportunities for needy families with children under age 18. Only qualified aliens are eligible for Federal TANF benefits. Qualified aliens include lawful permanent residents, refugees, asylees, aliens paroled into the U.S. for at least one year, aliens whose deportation is being withheld, Cuban/Haitian entrants, aliens granted conditional entry, and certain battered aliens. Qualified aliens entering the country on or after August 22, 1996 are subject to a five-year waiting period to apply for TANF assistance. There are exceptions to the five-year bar for refugees, asylees, aliens whose deportation is being withheld, Cuban/Haitian entrants, Amerasian immigrants, veterans, members of the military on active duty, and their spouses and unmarried dependent children. Victims of severe forms of trafficking and certain family members are also eligible to the same extent as refugees.

#### Medicaid

Medicaid is a State-administered Federal means-tested assistance program. Medicaid provides health coverage including medical and ancillary services to groups of low-income people, some of whom may have no medical insurance or inadequate medical insurance. Medicaid generally provides health coverage for certain low-income pregnant women, children, parents and adults and those with disabilities. Lawful permanent residents with less than five years residence as a legal permanent resident are subject to a five-year bar to full Medicaid services. However, these individuals may still receive Medicaid for the treatment of emergency medical conditions. Exceptions to the five-year bar are the same for Medicaid as for TANF.

#### State Children's Health Insurance Program (SCHIP)

SCHIP was designed for children who did not qualify for Medicaid, yet could not afford to buy private insurance. States may obtain coverage through a Medicaid expansion, separate SCHIP program, or a combination of the two. Individuals subject to the five-year bar described under Medicaid are not eligible for SCHIP. Exceptions to the five-year bar are the same for SCHIP as for Medicaid.

**B. Differences as they may exist in practice:**

To identify differences as they exist in practice, the Subcommittee reviewed and solicited the input of NGOs that have experience providing assistance to victims of trafficking. The input and statements provided by the NGOs (on a voluntary basis) are included in *Appendix II* of this report.

While the NGO representatives we heard from focused on many different aspects of service delivery to victims of trafficking, their input had two themes with regard to differences in the treatment of domestic and international victims:

1. Some NGOs report a belief that domestic victims tend to be perceived and treated more as criminals (prostitutes or juvenile delinquents) than as victims.
2. Domestic victims may be less likely to have access to intensive case management services that many international victims have.

***Empirical data were not provided to support or refute either of these statements.***

### Section III – Recommendations for Reconciling Differences

The third part of the Subcommittee’s three-part mission was to make recommendations, as appropriate, for reconciling differences in services available to domestic and international victims of trafficking. Our recommendations are discussed below:

#### A. Differences as they exist in statute:

1. **Difference:** Some programs, such as ACF’s Refugee Cash and Medical Assistance and OVC’s Services for Trafficking Victims Discretionary Grant, are intended to serve only specific populations, and eligibility is restricted by statute.

**Recommendation:** The Subcommittee does not believe that this difference merits a recommendation for reconciliation given the information we have at this time. The intent of such programs is to provide small segments of the victim population with services because they are ineligible for the cash or medical assistance programs that domestic victims and certified trafficking victims may receive. Some of the victim populations that are not eligible for these programs may be eligible for equivalent programs such as TANF and Medicaid. This recommendation may merit further consideration by SPOG.

2. **Difference:** For certain Federal means-tested public benefits, lawful permanent residents are subject to a five-year waiting period before they may be eligible.

**Recommendation:** The Subcommittee recommends that the possibility of developing a process to waive the five-year waiting period for access to Federal means-tested public benefits for adult lawful permanent residents who are also victims of trafficking be examined closely by SPOG. This waiver process could be similar to the certification process currently in place for international victims. Such a waiver would permit adult LPRs to bypass the five-year waiting period for Federal means-tested public benefits. The Subcommittee is aware that the implementation of this recommendation may require a change in Federal statute. This recommendation may merit further consideration by SPOG.

#### B. Differences as they may exist in practice:

1. **Difference:** Some NGOs report a belief that domestic victims tend to be perceived and treated more as criminals (prostitutes or juvenile delinquents) than as victims.

**Recommendation:** The Subcommittee’s recommendation for reconciling this is two-fold:

- a. Because no empirical data were provided or gathered to support or refute this statement, the Subcommittee recommends that this matter be investigated further to determine its scope.
- b. The Federal Government should continue and expand its public education and outreach efforts to raise awareness about domestic trafficking and help identify domestic victims. It should emphasize that domestic trafficking victims include children who have been caught up in commercial sexual exploitation. The Subcommittee recognizes that this is a complicated issue that would require creative cross-jurisdictional solutions and recommends that SPOG give it further consideration.

**2. Difference:** Domestic victims may be less likely to have access to intensive case management services that many international victims have.

**Recommendation:** The Subcommittee's recommendation for reconciling this is two-fold:

- a. Because no empirical data were provided or gathered to support or refute this statement, the Subcommittee recommends that this matter be investigated further to determine its scope.
- b. TVPRA of 2005 authorizes a grant program for NGO victim service-providers to assist U.S. victims of trafficking. The President's fiscal year 2007 budget requests \$5 million for this authorization. The Subcommittee recommends that a significant portion of this new money be spent on case management services for domestic victims. To minimize duplication, this should be done in close coordination with existing programs that provide case management services. The Subcommittee recognizes that determining eligibility for casework services for domestic victims should balance the goals of providing easy access and preventing fraud. The Subcommittee discussed the possibility of a certification process for domestic victims. This recommendation may merit further consideration by SPOG.

**APPENDIX I: SERVICES AVAILABLE TO VICTIMS OF TRAFFICKING**

**Reports submitted by agencies participating in Subcommittee**  
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*Department of Agriculture  
Food and Nutrition Service  
Child Nutrition Programs*

Service: **Child Nutrition Programs** – The National School Lunch (NSLP), School Breakfast (SBP), Special Milk (SMP), Child and Adult Care (CACFP), and Summer Food Service (SFSP) Programs provide reimbursement to State and local governments for nutritious meals and snacks served to almost 29 million children in schools, child care institutions, adult day care centers, and after-school care programs.

Agency: USDA – **Food and Nutrition Service**

Represented on Subcommittee by: **Rich Lucas**

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

Adults are ineligible for most Child Nutrition (CN) programs; elderly adults are eligible for CACFP if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international).

**B. Domestic victims who are legal U.S. residents and adults:**

Adults are ineligible for most Child Nutrition Programs; elderly adults are eligible for CACFP if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international), and no citizenship requirements.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Are eligible if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international), and no citizenship requirements.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Are eligible if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international), and no citizenship requirements.



***II. International Victims***

**A. International victims who are minors (under 18):**

Are eligible if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international), and no citizenship requirements.

**B. International victims who are adults:**

Adults are ineligible for most Child Nutrition Programs; elderly adults are eligible for CACFP if they meet program income criteria. There are no specific CN rules for trafficking victims (domestic or international), and no citizenship requirements.

*Department of Agriculture  
Food and Nutrition Service  
Food Stamp Program*

Service: **Food Stamp Program (FSP)** – Serves as the centerpiece and primary source of nutrition assistance for over 25 million low-income people in an average month. It enables eligible people, over 50% of whom are children, to improve their diets by increasing food purchasing power using electronic benefits that are redeemed at retail grocery stores across the country.

Agency: USDA – **Food and Nutrition Service**

Represented on Subcommittee by: **Rich Lucas**

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

Are eligible if they meet program income and asset criteria; no specific FSP rules for domestic trafficking victims who are U.S. citizens.

Eligible households with very low income and resources may be eligible for expedited service and can get benefits within seven days.

Eligible women and children may be served while they reside in shelters for battered women and children or homeless shelters.

**B. Domestic victims who are legal U.S. residents and adults:**

Most aliens who are “lawfully present” in the U.S. are not eligible to participate in the FSP, unless they meet the definition of a “qualified alien,” and meet certain other conditions, most commonly a five-year residency requirements.

Refugees (**includes certified by ORR as victims of severe forms of trafficking**); and certain asylees, deportees; Cuban or Haitian entrants; and Amerasian immigrants are eligible without a waiting period.

However, adult trafficking victims who are LPRs, battered immigrants, parolees, or conditional entrants have a five-year waiting period.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Are eligible if they meet program income and asset criteria.

There are no specific FSP rules for domestic trafficking victims for minor U.S. citizen children.

U.S. citizen children may participate even if the parent is ineligible.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Legal alien minor children (under 18) who are also qualified are eligible, regardless of date of entry or status as a trafficking victim.

Legal alien children may participate even if the parent is not an eligible alien.

## ***II. International Victims***

### **A. International victims who are minors (under 18):**

International victims enter the U.S. illegally and are ineligible for food stamps; however, once they qualify for special immigration status as trafficking victims, they are treated the same as refugees and are eligible for food stamps.

### **B. International victims who are adults:**

International victims enter the U.S. illegally and are ineligible for food stamps; however, once they qualify for special immigration status as trafficking victims, they are treated the same as refugees and are eligible for food stamps.

Adult trafficking victims must be certified by the Office of Refugee Resettlement (ORR) to get food stamps.

*Department of Agriculture  
Food and Nutrition Service  
Special Supplemental Nutrition Program for Women, Infants and Children (WIC)*

Service: **Special Supplemental Nutrition Program for Women, Infants and Children (WIC)** – Addresses the special needs of at risk, low-income pregnant, breastfeeding and postpartum women, infants and children up to five years of age. It provides about eight million participants each month with supplemental food packages targeted to their dietary needs, nutrition education and referrals to health and social services.

Agency: USDA – **Food and Nutrition Service**

Represented on Subcommittee by: **Rich Lucas**

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

Women are eligible if they meet program criteria for pregnancy/post-partum status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

**B. Domestic victims who are legal U.S. residents and adults:**

Women are eligible if they meet program criteria for pregnancy/post-partum status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Women and children are eligible if they meet program criteria for pregnancy/post-partum status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Women and children are eligible if they meet program criteria for pregnancy/post-partum status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

***II. International Victims***

**A. International victims who are minors (under 18):**

Women and children are eligible if they meet program criteria for pregnancy/post-partum status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

**B. International victims who are adults:**

Women are eligible if they meet program criteria for pregnancy status, income, and nutrition risk. There are no specific WIC rules for trafficking victims (domestic or international), and no citizenship requirements.

*Department of Health and Human Services  
Administration for Children and Families  
Transitional Assistance and Medical Services (TAMS)*

Service: Office of Refugee Resettlement (ORR)  
Transitional Assistance and Medical Services (TAMS)

Cash and medical assistance is available to needy refugees who arrive into the U.S. with no financial resources. The refugee cash and medical assistance is paid to persons in eligible immigration statuses under 45 CFR 400.43 and 45 CFR Part 401 entirely from Federal funds and is available for eight months following arrival.

Available to needy refugees, asylees, Cuban and Haitian entrants, and trafficking victims who arrive in the U.S. with no financial resources and who are not eligible for other mainstream cash or medical assistance programs, such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or Medicaid.

Agency: ACF / ORR

Represented on Subcommittee by: Steve Wagner

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

These benefits are not available to U.S. citizens.

**B. Domestic victims who are legal U.S. residents and adults:**

See above for eligibility.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

These benefits are not available to U.S. citizens. Minor victims under the age of 18 who are not U.S. citizens may be eligible for benefits and services.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

See above for eligibility.

***II. International Victims***

**A. International victims who are minors (under 18):**

Once a minor is given an eligibility letter by ORR as a Victim of Trafficking, ORR funds the support and care in the Refugee Unaccompanied Minors Program. Children who are identified are sponsored through two national voluntary agencies—the United States Conference of Catholic Bishops (USCCB) and Lutheran Immigration and Refugee Service (LIRS)—and placed in licensed child welfare programs operated by their local affiliates, Catholic Charities and Lutheran Social Services, respectively.

Each minor victim in the care of this program is eligible for the same range of child welfare benefits as non-refugee children in the State. Where possible, the child is placed with a local affiliate of USCCB and LIRS in an area with nearby families of the same ethnic background. Depending on their individual needs, the minors are placed in home foster care, group care, independent living, or residential treatment.

**B. International victims who are adults:**

The Refugee Assistance Program provides assistance to refugees and others eligible for their programs so they can achieve economic self-sufficiency and social adjustment within the shortest time possible following their arrival into the U.S.

Cash and medical assistance are available to needy certified victims who arrive in the U.S. with no financial resources. The refugee assistance is paid entirely from Federal funds and is available for eight months following arrival/certification.

To help victims become self-supporting as quickly as possible, ACF also provides funding to State governments and private, non-profit agencies which are responsible for providing service, such as English language and employment training. Victims receiving cash and medical assistance are required to be enrolled in employment services and to accept offers of employment.

*Department of Health and Human Services  
Administration for Children and Families  
Services to Victims of Torture*

Services to Victims of Torture  
Provision of rehabilitative services, including treatment for the psychological and physical effects of torture; social and legal services; and research and training for health care providers outside of treatment centers, or programs.

Agency: ACF/ORR

Represented on Subcommittee by: **Steve Wagner**

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

Individuals eligible for services are those who have suffered torture in foreign countries and are now present in the U.S. regardless of their legal status. Individuals who have suffered torture as a result of trafficking experiences in the U.S. do not meet the eligibility standard.

**B. Domestic victims who are legal U.S. residents and adults:**

See response under Section A.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

See response under Section A.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

See response under Section A.

*II. International Victims*

**A. International victims who are minors (under 18):**

Individuals who have suffered torture in foreign countries are eligible for all services listed above, regardless of legal status.

**B. International victims who are adults:**

Individuals who have suffered torture in foreign countries are eligible for all services listed above, regardless of legal status.



*Department of Health and Human Services  
Administration for Children and Families  
Temporary Assistance for Needy Families (TANF)*

Service: Office of Family Assistance (OFA)  
Temporary Assistance for Needy Families (TANF)

The Federal TANF program, which is time limited, assists families with children when the parents or other responsible relatives cannot provide for the family's basic needs. The Federal Government provides grants to States to run the TANF program. These State TANF programs are designed to accomplish four goals:

- (1) to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- (2) to end the dependency of needy parents on government benefits by promoting job preparation, work, and marriage;
- (3) to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- (4) to encourage the formation and maintenance of two-parent families.

Families with an adult head-of-household, minor parent or pregnant minor head-of-household, or spouse of such head-of-household, who has received Federally funded assistance for a total of five years (or less at State option), are not eligible for cash aid under the TANF program. States may extend assistance beyond 60 months to not more than 20 percent of their caseload. They may also elect to provide assistance to families beyond 60 months using State-only funds.

Qualified aliens are the only non-citizens who may receive a Federal TANF public benefit. Qualified aliens are legal permanent residents, asylees, refugees, aliens paroled into the United States for at least one year, aliens whose deportations are being withheld, aliens granted conditional entry, Cuban/Haitian entrants, and certain battered aliens. In addition, victims of severe forms of trafficking are eligible for benefits and services under any federally-funded or administered program to the same extent as refugees. However, qualified aliens who entered the U.S. on or after August 22, 1996 are statutorily barred for five years from receiving a Federal means-tested TANF benefit. Some qualified aliens are exempt from this five year bar. They include: refugees (and trafficking victims who have been issued certification or eligibility letters), asylees, aliens whose deportation is being withheld, Amerasians, Cuban/Haitian entrants, as well as veterans, members of the military on active duty, and their spouses and unmarried dependent children.

While the Federal government provides funds to States to have a TANF program, each State designs and operates its own TANF program. Therefore States, not the Federal government, establish their own eligibility rules for receiving ongoing assistance, and any

other services the State wishes to provide. Thus, families must check with the TANF agency in their residential area to learn about eligibility for financial assistance or other TANF benefits and services.

Agency: ACF / OFA

Represented on Subcommittee by: Steve Wagner

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

Adult trafficking victims who are U.S. citizens do not need to receive a certification letter from ORR to be eligible for Federal TANF benefits. These benefits are available to U.S. citizens and minors if they meet TANF eligibility requirements.

**B. Domestic victims who are legal U.S. residents and adults:**

Adult trafficking victims who entered the U.S. on or after August 22, 1996, who are lawful permanent U.S. residents, may receive Federal TANF benefits, if they meet TANF eligibility requirements. However, lawful permanent residents who enter the U.S. on or after August 22, 1996, are statutorily barred for five years from receiving a Federal means-tested TANF benefit.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Trafficking victims under the age of eighteen who are U.S. citizens do not need to receive an eligibility letter from ORR to receive Federal TANF benefits. These benefits are available to U.S. citizens and minors if they meet TANF eligibility requirements.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Trafficking victims under the age of eighteen who entered the U.S. on or after August 22, 1996, who are lawful permanent U.S. residents, and who have received an eligibility letter from ORR, may receive Federal TANF benefits if they meet TANF eligibility requirements.

An eligibility letter is necessary because most qualified aliens, including lawful permanent residents, who entered the U.S. on or after August 22, 1996 are statutorily barred for five years from receiving a Federal means-tested TANF benefit. However, certain qualified aliens are exempted from this bar. Exempted qualified aliens include refugees, asylees, aliens whose deportation is being withheld, Amerasians, Cuban/Haitian entrants, as well as veterans, members of the military on active duty, and their spouses

and unmarried dependent children. But, victims of severe forms of trafficking are eligible for benefits and services under any Federally funded or administered program to the same extent as refugees. Therefore, such victims are also exempt from the five year statutory bar.

## ***II. International Victims***

### **A. International victims who are minors (under 18):**

International victims under 18 who have received an eligibility letter from ORR may be eligible for TANF to the same extent as refugees, if they meet TANF eligibility requirements.

### **B. International victims who are adults:**

If international adult victims receive a certification letter from ORR, they may be eligible for TANF to the same extent as refugees, if they meet TANF eligibility requirements.

<i>Department of Health and Human Services Centers for Disease Control and Prevention Health Screenings</i>
Service: <b>Health Screenings</b>
Agency: <b>Centers for Disease Control and Prevention</b>
Represented on Subcommittee by: <b>Ileana Arias</b>

**STD, HIV, and TB**

CDC’s STD, HIV, and TB programs provide services to all people, regardless of status.

**Hepatitis B**

Screenings conducted for immigration applications are done under the authority of the Immigration and Nationality Act (Dept of State) using the Technical Instructions (<http://www.cdc.gov/ncidod/dq/health.htm>) issued by CDC. Victims of trafficking applying for a U.S. immigration visa or change of status (if already in the U.S.) would fall under the Dept of State’s purview.

CDC provides funding to States for hepatitis activities. The States determine their hepatitis priorities which may or may not include screening.

*Department of Health and Human Services  
Centers for Medicare & Medicaid Services  
MEDICAID*

**Service: MEDICAID** (see note 1 below)

Medicaid is a State administered Federally assisted program. Medicaid provides health coverage including medical and ancillary services to groups of low-income people, some of whom may have no medical insurance or inadequate medical insurance. Medicaid generally provides health coverage for certain low income pregnant women, children, parents and adults and those with disabilities.

**Agency:** Centers for Medicare & Medicaid Services (CMS) is responsible for Oversight; Individual State Medicaid Agencies are responsible for Operations

**Represented on Subcommittee by:** Margaret Sparr and Robert Tomlinson

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

Medicaid is available if the individual is a member of a covered “group” designated by the State and the individual meets all other Medicaid eligibility requirements—generally pregnant woman, or a disabled individual with income and resources below State established levels, and a resident of the State.

Generally, there is no eligibility under the Medicaid program for individuals between 21 and 64 who are not disabled, pregnant, or in families with dependent children. However, some States have obtained waivers under section 1115 of the Social Security Act (the Act) to cover such persons. If a citizen victim of trafficking would meet the criteria for such a group in a State with an 1115 waiver, that citizen trafficking victim would be eligible for all services available to that group.

**B. Domestic victims who are legal U.S. residents and adults:**

Same as “A” above, plus the individual is in a specific legal resident classification defined as “qualified alien” in section 431 of Public Law 104-193. If the individual is subject to the five-year bar in section 403 of P.L. 104-193, such individuals would only be eligible to receive emergency services until the five-year bar is met.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Same as “A” above. Because children are a “group,” then only the income, resources and residence requirements apply.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Same as “C” and “B” above. Except that the five-year bar will not apply.

*II. International Victims (see note 2 below)*

**A.-Non-Qualified Alien-victims who are minors (under 18):**

A non-qualified alien victim of trafficking who is given a letter of eligibility under the procedures established by ACF will become a “qualified alien” and considered a Refugee. (See endnote below). Such individuals are not subject to the limits applicable to non-qualified aliens. Therefore, a victim of trafficking with a letter of eligibility from ORR will receive the same services as a citizen who is eligible for Medicaid. Section I – “B” and “C” (above).

<b>B. Non-Qualified Alien victims who are adults:</b>
A non-qualified alien victim of trafficking who is certified under the procedures established by ACF will become a “qualified alien” and considered a Refugee. (See endnote below). Such individuals are not subject to the limits on Medicaid services applicable to non-qualified aliens. Therefore, a victim of trafficking who has been certified by ORR will receive the same services as a citizen who is eligible for Medicaid. Section I – “B” (above).

1. Medicaid eligibility criteria and services for eligible individuals whether citizens or non-citizens are identical, except for specific limitations in statute affecting non-qualified aliens and some qualified aliens who have not lived in the U.S. continuously for five years.

Basic Medicaid eligibility is based on the applicant being a member of a group covered by the State as part of its Medicaid program; having income or resources below the State Medicaid limits; and being a resident of the State. Although there are some exceptions, States are generally required to cover individuals who receive Supplemental Security Income (SSI), meet the requirements of the State’s Aid to Families with Dependent Children (AFDC) program as it existed on July 16, 1996, and certain poverty level children and pregnant women. There are numerous additional groups the State may cover under its Medicaid program. These general requirements must be met by every applicant and recipient for Medicaid whether citizen or alien. However, there are certain limits on the services available to aliens and non-qualified or five-year bar qualified.

The victims of trafficking law was enacted among other purposes to alleviate the limitations on Medicaid eligibility applicable to non-qualified aliens. A victim of trafficking, who is certified under the procedures established by ACF, will become a “qualified alien” as that term is defined in section 431 of the **Personal Responsibility and Work Opportunity Reconciliation Act** (PRWORA) as a refugee. Consequently, as a member of a group exempt from the five-year bar on Medicaid eligibility in section 403 of PWRORA, the individual will be eligible for Medicaid if otherwise eligible.

**2. INTERNATIONAL VICTIMS**

The Social Security Act does not provide for services of any kind to Medicaid recipients outside the United States.

*Department of Health and Human Services  
Centers for Medicare & Medicaid Services  
State Children’s Health Insurance Program (SCHIP)*

**Service: State Children’s Health Insurance Program (SCHIP)**

SCHIP was designed for children who did not qualify for Medicaid, yet could not afford to buy private insurance. States may obtain coverage through a Medicaid expansion, separate SCHIP program, or a combination of the two. Individuals subject to the five-year bar described under Medicaid are not eligible for SCHIP. Exceptions to the five-year bar are the same for SCHIP as for Medicaid.

**Agency:** Centers for Medicare & Medicaid Services (CMS) is responsible for Oversight; Individual State Agencies are responsible for Operations

**Represented on Subcommittee by:** Margaret Sparr and Robert Tomlinson

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

There is no eligibility for adults in SCHIP unless the State has an approved Health Insurance Flexibility and Accountability (HIFA) waiver permitting eligibility for some parents of SCHIP children.

**B. Domestic victims who are legal U.S. residents and adults:**

Same as “A” (above).

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

If the citizen minor has income below the State established limit and there is no creditable third party coverage, then a citizen minor may be eligible for SCHIP. Note that a state’s SCHIP plan may have numerical limits on its SCHIP enrollment.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Only “Qualified aliens” defined in section 431 of P.L. 104-193 who are not subject to the five-year bar are eligible for SCHIP. In the case of a child victim who has been given a letter of eligibility by ORR, the child will be considered a Refugee and therefore not subject to the five-year bar. The child must also meet the requirements of “C”.

*II. International Victims*

**A. Non-Qualified Alien-victims who are minors (under 18):**

Only “Qualified aliens” defined in section 431 of P.L. 104-193 who are not subject to the five-year bar are eligible for SCHIP. If an otherwise non-qualified alien child is given a letter of eligibility by ORR, that child will be considered a Refugee and therefore a Qualified Alien exempt from the bar in P.L. 104-193. The child must also meet the requirements of Section I - “C”.

**B. Non-Qualified Alien victims who are adults:**

There is no eligibility for adults in SCHIP unless the State has an approved “HIFA” waiver permitting eligibility for the parents of SCHIP children. An otherwise non-qualified alien victim of trafficking certified by ORR will be considered a Refugee and

therefore would be eligible to participate for SCHIP as part of a HIFA waiver.



*Department of Health and Human Services  
Health Resources and Services Administration  
All HRSA Programs*

**Service: Healthcare programs administered by Health Resources and Services Administration (HRSA)**

HRSA programs provide healthcare and support services to uninsured, underserved, and special needs populations. See text following this table for a more detailed description.

Agency: **HRSA**

Represented on Subcommittee by: **CAPT Karen Hench, Deputy, Division of Healthy Start and Perinatal Services, MCHB, HRSA**

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

Federal statutory language related to each HRSA program does not limit the provision of services to adult, U.S. citizens who are victims of domestic trafficking.

**B. Domestic victims who are legal U.S. residents and adults:**

Federal statutory language related to each HRSA program does not limit the provision of services to adult, U.S. legal residents who are victims of domestic trafficking.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Federal statutory language related to each HRSA program does not limit the provision of services to minor, U.S. citizens who are victims of domestic trafficking.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Federal statutory language related to each HRSA program does not limit the provision of services to minor, U.S. legal residents who are victims of domestic trafficking.

<b><i>II. International Victims</i></b>
<b>A. International victims who are minors (under 18):</b>
Federal statutory language related to each HRSA program does not limit the provision of services to minor, international victims of domestic trafficking. Many HRSA programs generally specify that they are the ‘payer of last resort’ but this language is not intended to limit the provision of services to certain populations.
<b>B. International victims who are adults:</b>
Federal statutory language related to each HRSA program does not limit the provision of services to adult, international victims of domestic trafficking. Many HRSA programs generally specify that they are the ‘payer of last resort’ but this language is not intended to limit the provision of services to certain populations.

**Health Resources and Services Administration (HRSA)**

As the Nation’s Access Agency, HRSA focuses on uninsured, underserved, and special needs populations in its goals and program activities. Goals include: 1) improve access to healthcare; 2) improve health outcomes; 3) improve the quality of healthcare; 4) eliminate health disparities; 5) improve public health and healthcare systems; and 6) enhance the ability of the healthcare system to respond to public health emergencies.

The majority of HRSA programs in which domestic or international victims may seek health services are administered by four of five HRSA Bureaus.

**I. Bureau of Primary Health Care (BPHC)**

BPHC programs support innovations and expanded access to health care services in the Nation's medically underserved areas and improve the health status of medically underserved populations. Programs are generally categorized by type and by population served.

- **Health Center Programs** include:
  - Community Health Centers
  - Federal Tort Claims Act and Health Centers
  - FQHC Look-Alikes
  - Healthy Communities Access Program (HCAP) [Note: Not appropriated in 2006]
- **Health Care for Specific Populations** include:
  - Hansen's Disease
  - Health Care for the Homeless
  - Migrant and Farmworker Health
  - Public Housing Primary Care
  - Radiation Exposure Clinics
  - Black Lung Clinics

**II. HIV/AIDS Bureau**

The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds primary care and support services for individuals living with HIV disease who lack health insurance and

financial resources for their care. While ambulatory health care and support services are the primary focus of the legislation, training, technical assistance, and demonstration projects are also funded. Specific HRSA CARE Act programs include:

- Title I: emergency assistance to Eligible Metropolitan Areas most severely affected by the HIV/AIDS epidemic.
- Title II: block/formula grants to all 59 States and territories. Title II also funds the AIDS Drug Assistance Program. Funds may be used for: ambulatory or home-based health care; insurance coverage; medications; Support services; Outreach to HIV-positive individuals who know their HIV status; early intervention services; and an HIV Care Consortia, which assess needs and contracts for services.
- Title III Early Intervention Services (EIS): comprehensive primary healthcare for individuals with HIV disease. Services include risk-reduction counseling, antibody testing, case management, clinical care, attention to other health problems that occur frequently with HIV infection, including tuberculosis and substance abuse.
- Title IV of the Social Security Act: provides primary and specialty medical care, psychosocial services, access to clinical trials, outreach, case management and care coordination for women, infants, children and youth living with or at risk for HIV disease.

### **III. Healthcare Systems Bureau (HSB)**

HSB programs that fund health services include:

- Coordination of national organ and tissue donation activities
- [National Vaccine Injury Compensation Program](#)
- [Smallpox Vaccine Injury Compensation Program](#)
- Healthcare Preparedness
  - Trauma-Emergency Medical Services
  - [National Bioterrorism Hospital Preparedness Program](#)
  - [Emergency System for Advance Registration of Volunteer Health Professionals](#)
- 340B Drug Pricing Program

### **IV. Maternal and Child Health Bureau (MCHB)**

MCHB partners with States, communities, public-private partners, and families to strengthen the maternal and child health (MCH) infrastructure, ensure the availability and use of medical homes, and build knowledge and human resources to ensure continued improvement in the health, safety, and well-being of the MCH population. MCHB provides leadership to improve access to comprehensive, culturally sensitive, quality health care for all pregnant women, infants, children, adolescents, and their families, including women of reproductive age, fathers, and children with special healthcare needs. MCHBs three major programs include:

- Maternal and Child Health Services [state] Block Grant (Title V of the Social Security Act): Funds to all 59 States and jurisdictions to design and implement a wide range of MCH programs that meet national and state needs. Specific initiatives may vary by States/jurisdictions; all programs work to do the following:
  - Reduce infant mortality and incidence of handicapping conditions among children.

- Increase the number of children appropriately immunized against disease.
- Increase the number of children in low-income households who receive assessments and follow-up diagnostic and treatment services.
- Provide access to comprehensive perinatal care for women; preventative and child care services; comprehensive care, including long-term care services for children with special health care needs; and rehabilitation services for blind and disabled children under 16 years of age who are eligible for Supplemental Security Income.
- Facilitate comprehensive, family-centered, community-based, culturally competent, coordinated care systems for children with special health care needs.
- Healthy Start Initiative (PHS Act): community-based grants to address factors associated with infant mortality through case management, outreach, health education and a community consortium.
- Emergency Medical Services for Children Program (PHS Act).

*Department of Health and Human Services  
Substance Abuse and Mental Health Services Administration (SAMHSA)  
Services provided by SAMHSA*

Service: **Services Provided by SAMHSA:** The Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the U.S. Department of Health and Human Services (HHS), was created to focus attention, programs, and funding on improving the lives of people with or at risk for mental and substance abuse disorders. SAMHSA does not have any dedicated funding to address the needs of those being victims of trafficking. In addition SAMHSA has no funding restrictions, nor discriminates/differentiates between persons who may be victims of domestic or international trafficking.

Agency: **SAMHSA**

Represented on Subcommittee by: **Duiona Baker**

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

**B. Domestic victims who are legal U.S. residents and adults:**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

***II. International Victims***

**A. International victims who are minors (under 18):**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

**B. International victims who are adults:**

Individuals are eligible if they meet program criteria for prevention, mental health, and substance abuse prevention and treatment programs. There are no specific rules prohibiting victims (domestic or international) and no citizenship requirements.

*Department of Housing and Urban Development  
Public Housing Program*

**Service:** Public Housing Program

**BRIEF GENERAL DESCRIPTION OF SERVICE HERE:**

Public Housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing developments vary in unit size and type (e.g., scattered sites, high-rises, etc. The Department of Housing and Urban Development (HUD) administers Federal aid to local Public Housing Agencies (PHAs) who manage the housing for low-income residents at rents they can afford.

**Agency:** HUD

**Represented on Subcommittee by:** Gail L. Templeton

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:** A PHA may adopt a local preference for admission of victims of domestic violence to the public housing program. A PHA may also establish other local preferences to meet its housing needs.

According to 24 CFR 960.206(a) *Establishment of Local Preferences*. A PHA may adopt a system of local preferences for selection of families admitted to the public housing program. A PHA's system of selection preferences must be based on local housing needs and priorities as determined by the PHA. Thus, a PHA may adopt a preference for victims of domestic trafficking.

In the *Quality Housing and Work Responsibility Act of 1998, Section 514(e)*, Congress stated the following:

“It is in the sense of Congress that, each public housing agency involved in the selection of eligible families for assistance under the United States Housing Act of 1937 (including residency in public housing and tenant-based assistance under Section 8 of such Act), should, consistent with the public housing agency plan of the agency, consider preferences for individuals who are victims of domestic violence.”

According to 24 CFR 960.206(b)(4) *Preference for victims of domestic violence*, the PHA should consider whether to adopt a local preference for admission of families that includes victims of domestic violence. A preference for victims of domestic violence as well as other local preferences must be included in a written statement that is reflected in PHA policies that govern eligibility, selection, and admission to the program. A preference for victims of domestic violence/domestic trafficking creates an alternative for those who may become homeless because of the need to flee abuse.

HUD strongly encourages PHAs to participate in ongoing dialogue with domestic violence providers and advocates, law enforcement agencies and non-profit organizations to develop coordinated solutions that respond to this problem.

**B. Domestic victims who are legal U.S. residents and adults:** A PHA may adopt a local selection preference for victims of domestic trafficking.

The information provided in Section A applies to domestic victims, who are legal U.S. residents and adults, with the following caveats:

1. According to 24 CFR 5.506 (Citizenship and Eligible Immigrant Status) all family members must either be citizens or nationals of the U.S. to receive housing assistance (e.g., public housing).
2. To qualify for housing assistance, at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504 and will have their housing assistance prorated.
3. An eligible immigrant, who qualifies for assistance, can be admitted under one or more local preferences including the domestic violence/trafficking preference.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including a domestic trafficking preference.

**D. Domestic victims who are legal U.S. residents and minors (under 18):**



The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including the domestic violence preference.

The information provided in Section A applies to international victims, who are adults with the following caveats:

1. According to 24 CFR 5.506 (Citizenship and Eligible Immigrant Status) all family members must either be citizens or nationals of the U.S. or nationals to receive housing assistance (e.g., public housing).
2. To qualify for housing assistance, at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504 and will have their housing assistance prorated.
3. An eligible immigrant, who qualifies for assistance, can be admitted under one or more local preferences including a domestic trafficking preference.

## ***II. International Victims***

### **A. International victims who are minors (under 18):**

The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including the domestic violence preference.

### **B. International victims who are adults:**

The information provided in Section A of part I. Domestic Victims applies to international victims, who are adults with the following caveats:

1. According to 24 CFR 5.506 (Citizenship and Eligible Immigrant Status) all family members must either be citizens or nationals of the U.S. or nationals to receive housing assistance (e.g., public housing).
2. To qualify for housing assistance, at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504 and will have their housing assistance prorated.
3. An eligible immigrant, who qualifies for assistance, can be admitted under one or more local preferences including a domestic trafficking preference.

***Department of Housing and Urban Development  
Tenant-Based Vouchers***

**Service:** Tenant-Based Vouchers

Local Public Housing Agencies (PHAs) issue Housing Choice Vouchers (HCV) to very low-income and low-income families so that they can lease safe, decent, and affordable privately owned rental housing.

**Agency:** HUD

**Represented on Subcommittee by:** Gail L. Templeton

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

According to 24 CFR 982.207(a), *Establishment of PHA local preferences*, (1) The PHA may establish a system of local preferences for selection of families admitted to the program and (2) the PHA's preferences must be based on local housing needs and priorities. Thus, a PHA has the flexibility to establish a local preference for victims of domestic trafficking.

According to 24 CFR 982.207(4) *Preference for victims of domestic violence*, the PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.

**B. Domestic victims who are legal U.S. residents and adults:**

A PHA may adopt a local preference for admission of victims of domestic violence/domestic trafficking to the tenant-based voucher program.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including a domestic trafficking preference

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including a domestic trafficking preference.

The information provided in Section A applies to international victims, who are adults with the following caveats:

4. According to 24 CFR 5.506 (Citizenship and Eligible Immigrant Status) all family members must either be citizens or nationals of the U.S. or nationals to receive housing assistance (e.g., public housing).
5. To qualify for housing assistance, at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504 and will have their housing assistance prorated.
6. An eligible immigrant, who qualifies for assistance, can be admitted under one or more local preferences including a domestic trafficking preference.

## *II. International Victims*

### **A. International victims who are minors (under 18):**

The Federal Rule defines certain types of families, but the PHA establishes the basic definition of what is considered to be a family. Thus, a PHA may include an emancipated minor (someone under 18 years of age) within its definition of family. Thus, an emancipated minor could be admitted under one or more local preferences including the domestic violence preference.

### **B. International victims who are adults:**

The information provided in Section A of part I. Domestic Victims applies to international victims, who are adults with the following caveats:

1. According to 24 CFR 5.506 (Citizenship and Eligible Immigrant Status) all family members must either be citizens or nationals of the U.S. or nationals to receive housing assistance (e.g., public housing).
2. To qualify for housing assistance, at least one family member is either a citizen or an eligible immigrant, the family will qualify as a “mixed family” under 24 CFR 5.504.
3. An eligible immigrant, who qualifies for assistance, can be admitted under one or more local preferences including a domestic trafficking preference.

*Department of Justice  
Civil Rights Division – Criminal Section  
VOCA Emergency Funds*

REPRESENTED BY: T. March Bell  
by Lorna Grenadier  
Victim Witness Coordinator

AVAILABILITY:	<u>DOMESTIC</u>		<u>INTL</u>
	<u>US Citizen</u>	<u>LPR</u>	
Adults	X	X	X
Minors	X	X	X

\* The Office for Victims of Crime and the Civil Rights Division signed a reimbursable agreement that has been renewed through FY 2006 that provides funds under the Victims of Crime Act of 1984 (VOCA) to cover emergency needs of victims where other resources are unavailable. These funds have been used to pay for temporary housing and subsistence for newly-rescued trafficking victims, as well as to facilitate victims’ access to the legal system by providing interpreters and listening devices at court hearings, and brochures setting forth the victim’s rights. The funding is available to any victim, regardless of citizenship or alienage. To access this resource, the Civil Rights Division forwards a request to the Office for Victims of Crime for its approval. To use these funds:

- there must be an open federal criminal civil rights investigation by the FBI or other federal law enforcement agency;
- the service must otherwise be unavailable; and
- the service requested must respond to immediate needs that are a direct result of a crime victimization in an open federal criminal civil rights investigation or prosecution.

The types of emergent needs for which these funds may be used include, but are not limited to:

- Crisis Intervention
- Food and Clothing
- Legal Assistance (E.g., Restraining Order)
- Shelter or Temporary Housing

Transportation to Receive Emergency Crisis Intervention Services or Medical Services  
Forensic Medical Examination of a sexual assault victim  
Services to participate in Judicial Proceedings

- transportation to court
- emergency child care
- interpreters
- Transportation expenses of secondary victims such as spouses and family members
  - E.g., Travel of a parent to attend a court proceeding with his/her child.
- Contracts for professional services or salaries of personnel who provide victim assistance services to victims of crime in an emergency situation when no other services are available.

\*\* Similar funds were also made available to other federal agencies' victim programs, including the Federal Bureau of Investigation and the Executive Office for U.S. Attorneys (U.S. Dept. of Justice), and Immigrations and Customs Enforcement (U.S. Dept. of Homeland Security).

*Department of Justice  
Civil Rights Division – Criminal Section  
Emergency Witness Assistance Program (EWAP) \**

REPRESENTED BY: T. March Bell  
by Lorna Grenadier  
Victim Witness Coordinator  
Civil Rights Division

AVAILABILITY:	<u>DOMESTIC</u>		<u>INTL</u>
	<u>US Citizen</u>	<u>LPR</u>	
Adults	X	X	X
Minors	X	X	X

\* Emergency funds are available for victim/witnesses to allay their fears about providing relevant information to the government to enable them to testify. The goal is to ensure their well-being and to ensure their availability for court proceedings or other activities related to an ongoing case. The program addresses the physical, mental, or emotional reservations that witnesses or prospective witnesses may have about participating in a specific matter before or after they have agreed to cooperate with, or to testify or be available for, the government.

EWAP provides the U.S. Attorneys’ Offices (USAO), and litigating Divisions working with an Assistant U.S. Attorney, the flexibility to provide assistance to witnesses on an emergency basis where a witness has either a perceived or valid threat. USAO has sole discretion to provide EWAP services to any witness or potential witness in matters opened in its office. EWAP is a resource of “last resort” and services and funding are limited to 30 days for up to \$3,999 per witness, unless there are extenuating circumstances.

Those eligible to be considered for EWAP assistance must be either a witness or a potential witness in a USAO matter or case, and citizenship and alienage are not factors. Witnesses may include illegal immigrants or victims who are also witnesses. A witness’ dependents, spouse, or immediate family members are all eligible for EWAP assistance if they are being threatened as a result of the witness’s cooperation with the government. Family members not testifying and who are not participating in the case or investigation are also eligible for assistance.

With respect to minor victim/witnesses, the minor must be accompanied by a parent, next of kin, or legal guardian, who must sign all forms on the child's behalf, and accompany the child if relocation is necessary. EWAP may be used to pay the expenses of the accompanying parent(s), next of kin, guardian, or care provider. In EWAP cases where the parent(s) or legal guardian is not available, the appropriate social services agency is contacted so it can assume custody of the child. EWAP funds may be used for a care provider or an appointed guardian, but cannot be used to pay for a *guardian ad litem*.

EWAP expenses may include:

- Relocation and moving expenses (common carrier, private vehicle, taxi, rental car, etc.)
- Emergency telephone service to maintain contact with the government
- Temporary subsistence and housing (e.g., rental deposits, application fees, utilities, etc.)
- Emergency needs (clothing, furniture) when must be moved quickly
- Child or senior care expenses
- Miscellaneous expenses (security enhancements, drug rehabilitation)

\*\* EWAP funds are administered by the Executive Office for U.S. Attorneys.

*Department of Justice  
Civil Rights Division – Criminal Section  
Victims Rights and Services*

REPRESENTED BY: T. March Bell  
by Lorna Grenadier  
Victim Witness Coordinator  
Civil Rights Division

AVAILABILITY:	<u>DOMESTIC</u>		<u>INTL</u>
	<u>US Citizen</u>	<u>LPR</u>	
Adults	X	X	X
Minors	X	X	X

The Department of Justice maintains victim-witness programs in the various branches of the Department that investigate and prosecute human trafficking crimes and which incarcerate the defendants convicted in those crimes.\* The Victim Witness (VW) staff ensures that victims of Federal crimes, regardless of age or citizenship, are afforded rights and services as set forth in various Federal victims laws incorporated in the *Attorney General Guidelines for Victim and Witness Assistance (May 2005)*. Article IX of the *Guidelines* provides information specific to victims of human trafficking. While some protections were specifically written to address non-citizen victims, there are several that pertain to all victims of a severe form of trafficking. The latter includes providing information about:

- Pro bono and low-cost legal services.
- Federal and State benefits and services (victims who are minors and adult victims who are certified by HHS are eligible for assistance administered or funded by Federal agencies to the same extent as refugees; others may be eligible for certain, more limited, benefits).
- Victim service organizations, including domestic violence and rape crisis centers.
- Protections available, especially against threats and intimidation, and the remedies available as appropriate for the particular individual's circumstances.
- Rights of individual privacy and confidentiality issues.
- Victim compensation and assistance programs.
- Right to restitution.
- Right to notification of case status.
- Availability of medical services.
- Access to translation services and/or oral interpreter services in the event the victim is not able to communicate in English.



The recently-enacted Justice for All Act (18 U.S.C. §3771(a)) also provides victims the following rights:

- be reasonably protected from the accused;
- reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused;
- not excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim;
- would be materially altered if the victim heard other testimony at that proceeding;
- reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing, or any parole proceeding;
- reasonable right to confer with the attorney for the Government in the case;
- full and timely restitution as provided in law;
- proceedings free from unreasonable delay; and
- treated with fairness and with respect for the victim's dignity and privacy.

In addition, victims are provided information about and/or may receive referrals for:

- Available protections from intimidation and harassment, and available remedies;
- Emergency medical and social services;
- Shelter options;
- Public and private programs available to provide counseling, treatment, and other support to victims, such as domestic violence and rape crisis centers;
- Information about a victim's rights and his or her role in the criminal justice process ;
- Information about the status of an investigation and notice of important case events;
- Information about how to apply for crime victim compensation through State compensation programs that reimburse for crime-related expenses such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support;
- Information about restitution;
- Information about the right to individual privacy and confidentiality issues; and
- Government's ability to pay for testing and counseling in cases of sexual assaults.

\* DOJ Agencies:

Investigation:	Federal Bureau of Investigation Alcohol, Tobacco, and Firearms Drug Enforcement Administration
Prosecution:	Civil Rights Division, Criminal Section Criminal Division, Child and Exploitation Section U.S. Attorneys (94 districts)
Corrections:	Bureau of Prisons

*Department of Justice  
Civil Rights Division – Criminal Section  
Witness Protection \**

REPRESENTED BY: T. March Bell  
by Lorna Grenadier  
Victim Witness Coordinator  
Civil Rights Division

AVAILABILITY:	<u>DOMESTIC</u>		<u>INTL</u>
	<u>US Citizen</u>	<u>LPR</u>	
Adults	X	X	X
Minors	X	X	X

\* The Federal Witness Security Program (WITSEC) affords protections to testifying witnesses through the U.S. Marshal’s Service (USMS) and is available to qualifying victim/witnesses, regardless of citizenship or age. The services of the Program aim to protect a witness against dangers that may be related to the witness's testimony.

WITSEC was authorized by the Witness Security Reform Act of 1984 (as part of the Organized Crime Control Act of 1970) to provide protection and security by relocating a witness in official proceedings involving organized crime or other serious offenses, where it is likely that an obstruction of justice offense could be directed against the witness. Victim/witnesses covered by the Trafficking Victims Protection Act of 2000 may be considered for acceptance into the Witness Security Program if they are essential witnesses. In addition, protective services may also be available to certain relatives and associates of protected witnesses.

The WITSEC program is administered by the Department’s Office of Enforcement Operations (OEO) in the Criminal Division. Government attorneys may seek this protection for a witness by applying directly to OEO. The application requires information regarding the substance of the witness’ testimony, the witness's cooperation, the threat to the witness, and any risk the witness may pose if relocated to a new community. The Attorney General must obtain and evaluate all available information regarding the suitability of a witness for inclusion in the Program, including threats against the witness, the witness's criminal history, and a psychological evaluation for the witness and each adult member of the household entering the Program. The Attorney General is also required to write an assessment of the risk the witness and his/her adult family members may present to their new community. The assessment would include a review of the witness’s criminal record, other protection alternatives which have been considered, and the possibility of securing the testimony from other sources. If the danger created by relocating the witness or adult family members to a new community exceeds the need to prosecute the case, the Attorney General is required to exclude the witness from the Program.

Prior to entering WITSEC, witnesses must pay, or make arrangements to pay, all valid debts; satisfy outstanding criminal and civil obligations; and provide appropriate child custody and immigration documents, as necessary. In addition, the Department has discretion to notify local law enforcement of the presence of the witness in the community and his or her criminal history; to mandate random drug or alcohol testing and/or substance abuse counseling; and to set other conditions believed to be in the best interests of the Program.

With respect to alien victim/witnesses in the U.S., the government must provide evidence that the witness is authorized to be in the country. WITSEC for alien witnesses outside the U.S. can only be sought once the witness is physically in the U.S. The investigative agency brings the witness to the U.S. and provides shelter and safety until the witness is approved for the program, which may take 60 days or longer. Participation in the program involves an assessment of the nature and scope of the threat, placement in a community where the witness can be assimilated, a psychological evaluation, and the assumption of a new identity. To preserve their security, witnesses are restricted from contacting anyone they previously knew. For this reason, foreign witnesses have either opted out of the program or violated its conditions, unwilling to give up the ability to return to their homes or to visit or speak to relatives. With foreign-born witnesses, there can also be difficulty in finding suitable locations where they can blend into the community.

#### Minors:

An individual entering the Program must have court-ordered custody of a child in order for the child to enter the Program. If the child's non-Program natural parent has court-ordered visitation rights with that child, that parent would have to agree (via affidavit), to the child being relocated, the child's name being changed, and modification of the existing visitation arrangements in accordance with the USMS visitation requirements, which allow twelve visits per year (usually one per month). USMS will arrange for these court-ordered visits and pay the travel costs associated with the visits. If the non-Program parent does not have court-ordered visitation rights, the parent needs to be notified, and must execute an affidavit confirming notification, that his/her child is being relocated and receiving a name change. If the non-Program parent is unapproachable (either a defendant in the investigation or dangerous), then notification can be waived by OEO until after relocation of the child. If the non-Program parent who has court-ordered visitation rights is unapproachable, as indicated above, a Federal court order must be obtained, which would allow the child to be relocated. However, if the non-Program parent chooses to fight the order through the State courts and wins custody, the child will not be allowed to remain in the Program.

*Department of Justice  
Office for Victims of Crime  
OVC Services for Trafficking Victims Discretionary Grant Program*

**Service: OVC Services for Trafficking Victims Discretionary Grant Program**

Comprehensive services include housing/shelter; sustenance; medical, mental health and dental services; interpreter/translator services; criminal justice system-based victim advocacy; legal services; social services advocacy (explanation of available benefit entitlements and facilitation of access to those benefits; literacy education and/or job training; and transportation. Funding under this program is intended primarily to support services to pre-certified victims who: (1) have been identified by law enforcement as a victim of a severe form of trafficking; and (2) subject to certification by the Department of Health and Human Services.

Agency: **Office for Victims of Crime, Office of Justice Programs, Department of Justice**

Represented on Subcommittee by: **Joye Frost**

***I. Domestic Victims***

**A. Domestic victims who are U.S. Citizens and adults:**

Not eligible due to statutory requirements that which state that trafficking victims who receive services supported by the funding authorized under TVPA must be “subject to HHS certification.”

**B. Domestic victims who are legal U.S. residents and adults:**

Not eligible due to statutory requirements that which state that trafficking victims who receive services supported by the funding authorized under TVPA must be “subject to HHS certification.”

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

Not eligible due to statutory requirements that which state that trafficking victims who receive services supported by the funding authorized under TVPA must be “subject to HHS certification” – in the case of minors, this would be the “letter of eligibility.”

<p><b>D. Domestic victims who are legal U.S. residents and minors (under 18):</b></p> <p>Not eligible due to statutory requirements that which state that trafficking victims who receive services supported by the funding authorized under TVPA must be “subject to HHS certification” – in the case of minors, this would be the “letter of eligibility.”</p>
<p style="text-align: center;"><b><i>II. International Victims</i></b></p>
<p><b>A. International victims who are minors (under 18):</b></p> <p>Eligible for services if law enforcement has identified them as a victim of a severe form of trafficking.</p> <p>Note: Services under this OVC grant program are primarily for victims in the pre-certification stage as service needs are acute but they have little access to publicly funded benefits.</p>
<p><b>B. International victims who are adults:</b></p> <p>Eligible for services if: (1) law enforcement has identified them as a victim of a severe form of trafficking; and (2) the victim is subject to “certification.”</p> <p>Note: Services under this OVC grant program are primarily for victims in the pre-certification stage as service needs are acute but they have little access to publicly funded benefits.</p>

*Department of Justice  
Office for Victims of Crime  
Victims of Crime Act (VOCA) Victim Assistance and Victim Compensation*

**Service: Victims of Crime Act (VOCA) Victim Assistance and Victim Compensation**

OVC administers two formula grant programs that provide funding to the states to support: (1) State Victim Assistance Programs, which support direct victim service providers within the state; and (2) State Victim Compensation Programs, which reimburse victims of violent crimes for out-of-pocket expenses that result from the crime. For both programs, the States themselves set individual coverage limits and requirements, subject to broad general statutory guidance provided by OVC.

Victim assistance formula grants from OVC support the provision of services that respond to the physical and emotional needs of victims; help primary and secondary victims stabilize their lives after a victimization; help victims understand and participate in the criminal justice system; and provide victims with a measure of safety security (e.g. covering the cost of broken windows and repairing or replacing locks). The States typically award funding to victim assistance programs to provide specialized services to crime victims at the community level. Some victim assistance providers serve all crime victims; others may limit services to a specific type of victimization, such as child abuse, domestic violence, sexual assault or drunk driving.

Victim compensation formula grants from OVC supplement State efforts to provide financial assistance and reimbursement to victims for costs associated with a crime, and to encourage victim cooperation and participation in the criminal justice process. State victim compensation programs reimburse victims, in whole or in part, for State qualified crime-related expenses when no other resources, such as private insurance, cover their losses and the crime involved has been pre-determined by the state to be a compensable crime. Payment may be made directly to the victim or a servicing vendor.

OVC has issued guidelines for the administration of State Victim Compensation Programs that require programs to cover medical expenses, mental health counseling, and lost wages for victims, as well as funeral expenses and lost support for families of homicide victims. Other expenses may be covered and vary by State. Each State sets individual limitations for every category of expense. Programs must provide compensation to victims of crime occurring in that State, regardless of the resident status of the victim in that State. Additionally, programs must cover crimes falling under Federal jurisdiction within the States, such as crimes occurring on Indian reservations, National Park lands, or military bases but the States have the ultimate decision-making authority in determining whether or not an individual meets the state criteria for crime victim compensation. Typically, States request and analyze police reports to confirm that a crime took place and to determine whether the victim was involved in any illegal or contributory activity when victimized.

Agency: <b>Office for Victims of Crime, Office of Justice Programs, Department of Justice</b>
Represented on Subcommittee by: <b>Joye Frost</b>
<b><i>I. Domestic Victims</i></b>
<b>A. Domestic victims who are U.S. Citizens and adults:</b>
Victims of trafficking would be eligible for both programs on the same basis as other victims of compensable crimes, subject to the specific guidelines of each State.
<b>B. Domestic victims who are legal U.S. residents and adults:</b>
Victims of trafficking would be eligible for both programs on the same basis as other victims of compensable crimes, subject to the specific guidelines of each State.
<b>C. Domestic victims who are U.S. Citizens and minors (under 18):</b>
Victims of trafficking would be eligible for both programs on the same basis as other victims of compensable crimes, subject to the specific guidelines of each State.
<b>D. Domestic victims who are legal U.S. residents and minors (under 18):</b>
Victims of trafficking would be eligible for both programs on the same basis as other victims of compensable crimes, subject to the specific guidelines of each State.
<b><i>II. International Victims</i></b>
<b>A. International victims who are minors (under 18):</b>
Victims of trafficking would be eligible for both programs, subject to the specific guidelines of each State.
<b>B. International victims who are adults:</b>
Victims of trafficking would be eligible for both programs, subject to the specific guidelines of each State.

*Department of Labor*  
*One-Stop Career Centers and Job Corps Program*

Services:

- A. Workforce Investment Act of 1998: One-Stop Career Centers; and
- B. Job Corps Program

A. The One-Stop Career Centers are the cornerstone of the Workforce Investment Act of 1998. The 3,500 One-Stop Career Centers in the United States, Puerto Rico and the U.S. Virgin Islands provide employment and training services for workers, job seekers and employers free of charge. About 1,900 One-Stop Career Centers are comprehensive and provide a full array of employment and training services while the remaining 1,600 centers are affiliate or satellite One-Stop Career Centers that provide some of the services. To find the nearest One-Stop Career Center go to [www.servicelocator.org](http://www.servicelocator.org).

B. The Job Corps Program is the nation's largest residential educational and vocational program. The 122 Job Corps centers throughout the country are designed to help America's economically disadvantaged youth between the ages of 16 and 24 break down the many barriers to employment. Eligibility requirements for the program include: U.S. citizenship or immigrant with permanent resident status; must be between the ages of 16 and 24; meet low-income criteria; and be in need of additional education/vocational training. For more information about Job Corps go to <http://jobcorps.doleta.gov>.

**Agency: U.S. Department of Labor**  
**Employment And Training Administration**

- A. Office of Workforce Investment/Division of One-Stop Operations; and
- B. Office of Job Corps

Represented on Subcommittee by: **Curtis Massey (Office of Job Corps) and Dolores Hall-Beran (Division of One-Stop Operations)**

*I. Domestic Victims*

**A. Domestic victims who are U.S. Citizens and adults:**

A. **One-Stop Career Centers (toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service locator and enter city or zip code):**

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.



National Electronic Tools: Used in the Career One-Stop Center’s Resource Room or accessed remotely on the Internet, the National Electronic Tools provide self-service access to career information and job openings. These tools include: America’s Job Bank (AJB); America’s Career InfoNet (ACINet); America’s Service Locator (ASL); Toll-Free Help Line (TFHL); and Occupational Information Network (O\*NET).

**B. Job Corps**: The Job Corps program assists eligible youth in achieving a High School Diploma or General Educational Development (GED) and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education.

**B. Domestic victims who are legal U.S. residents and adults:**

**A. One-Stop Career Centers (toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service locator and enter city or zip code):**

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.

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**B. Job Corps**: The Job Corps program assists eligible youths in achieving a High School Diploma or GED and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education.

**C. Domestic victims who are U.S. Citizens and minors (under 18):**

**A. One-Stop Career Centers(toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service locator and enter city or zip code):**

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.

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**B. Job Corps**: The Job Corps program assists eligible youths in achieving a High School Diploma or GED and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education. (Must have signed consent from a parent or guardian.)

**D. Domestic victims who are legal U.S. residents and minors (under 18):**

**A. One-Stop Career Centers (toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service locator and enter city or zip code):**

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.

National Electronic Tools: Used in the Career One-Stop Center’s Resource Room or accessed remotely on the Internet, the National Electronic Tools provide self-service access to career information and job openings. These tools include: America’s Job Bank (AJB); America’s Career InfoNet (ACINet); America’s Service Locator (ASL); Toll-Free Help Line (TFHL); and Occupational Information Network (O\*NET).

**B. Job Corps**: The Job Corps program assists eligible youths in achieving a High School Diploma or GED and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education. (Must have signed consent from a parent or guardian.)

***II. International Victims***

**A. International victims who are minors (under 18):**

**A. One-Stop Career Centers (toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service Locator and enter city or zip code):**

One-Stop staff can determine the eligibility of the individual for services under WIA Title I. Children who are under 18 years of age and who have been subjected to trafficking do not need to be certified by HHS to be eligible for benefits to the same extent as refugees. The One-Stop staff may look at any available evidence to determine whether a person under 18 years of age has been trafficked, such as the Office of Refugee Resettlement letter issued by HHS, legal guardian’s or parent’s attestation and/or status as a refugee. As with any participant, they must meet all applicable program eligibility requirements to receive WIA Title I services.

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.

National Electronic Tools: Used in the Career One-Stop Center's Resource Room, accessed remotely on the Internet, the National Electronic Tools provide self-service access to career information and job openings. These tools include: America's Job Bank (AJB); America's Career InfoNet (ACINet); America's Service Locator (ASL); Toll-Free Help Line (TFHL); and Occupational Information Network (O\*NET).

**B. Job Corps:** The Job Corps program assists eligible youths in achieving a High School Diploma or GED and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education. (Must have signed consent from a parent or guardian.)

**B. International victims who are adults:**

**A. One-Stop Career Centers (toll-free: 1-877-US2-JOBS or [www.careeronestop.org](http://www.careeronestop.org) (click Service Locator and enter city or zip code):**

One-Stop staff can determine the eligibility of the individual for services under WIA Title I. An alien's status as a trafficking victim may be demonstrated in various ways: some may have the immigration documents needed to confirm eligibility while others will have letters of certification from the Office of Refugee Resettlement in the Department of Health and Human Services (HHS). Section 107(b) of the Act makes trafficking victims eligible for benefits to the same extent as refugees under section 207 of the Immigration and Nationality Act. Victims of trafficking who have been certified by HHS are eligible for services under WIA Title I. As with any participant, they must meet program eligibility requirements to receive WIA Title I services.

The One-Stop Career Centers offer a wide array of job training, education, and employment services to assist job seekers and employers. Services consist of job search and placement assistance; labor market information; skills assessments; career counseling; and access to training services. They also offer an array of supportive services, including: transportation; child care; housing; dependent care; emergency medical; food stamps; and referrals to other workforce and social service organizations in the community. Unemployment compensation and services to migrant and seasonal farmworkers can also be accessed through One-Stop Centers.

National Electronic Tools: Used in the Career One-Stop Center's Resource Room or accessed remotely on the Internet, the National Electronic Tools provide self-service access to career information and job openings. These tools include: America's Job Bank

(AJB); America's Career InfoNet (ACINet); America's Service Locator (ASL); Toll-Free Help Line (TFHL); and Occupational Information Network (O\*NET).

**B. Job Corps:** The Job Corps program assists eligible youths in achieving a High School Diploma or GED and/or learn a vocational trade and an array of life success skills to become employable, independent and help secure meaningful jobs or opportunities for further education. (Must have signed consent from a parent or guardian.)

## **APPENDIX II: INPUT FROM NON-GOVERNMENTAL ORGANIZATIONS**

In an effort to learn about the differences in how domestic and international victims of trafficking are treated in practice, the Subcommittee solicited the input of non-governmental organizations that have experience providing services to victims. The following are the responses that were received (on a voluntary basis):

### **NGO INPUT 1: Rachel Lloyd, GEMS**

I am the founder and executive director of Girls Educational and Mentoring Services, (GEMS), the only non-profit agency within New York State designed specifically to provide counseling, support, case management, emergency housing, and viable educational and vocational opportunities to sexually exploited girls and young women, ages 12-21. GEMS was founded in January 1999, out of an overwhelming need for services for adolescent girls that I observed while working with adult women exiting prostitution. GEMS is located in Central Harlem, but serves girls from all five boroughs of New York City. GEMS provides crisis and transitional services to over 170 sexually exploited girls and young women each year and also provides preventive education and training to over 2,000 youth and adults each year. The majority of the girls that come to GEMS are either mandated or referred through their experiences with criminal or juvenile justice system. Over 90 percent of GEMS members are Black, approximately 5 percent are Latino and 5 percent are White.

Domestic girls are trafficked from area to area, State to State although this is rarely recognized as trafficking per se. A well established trafficking route from Boston to New York to Washington, D.C., to Atlanta to Miami brings girls up and down the East Coast, often depending on the warm weather in various locations. Whilst there has been a dramatic increase in the attention and funding given to trafficking programs nationally, domestic youth continue to be largely ignored in the legislation, funding and services covered by the Trafficking Victims Protection Act. Contrary to being viewed as victims, sexually-exploited young women are seen as criminals or delinquents and as willing participants in their own abuse. It is indicative of the double standards inherent in current attitudes towards domestic sexually exploited youth that in New York a young person under the age of 17 cannot legally give informed consent to sexual contact, yet if the young person is deemed as a “prostitute” then not only is she/he believed able to give consent, but will also be charged with a violation or misdemeanor. Therefore, under one part of the penal code a young woman is a victim of statutory rape protected from adult exploiters, under another she is a “prostitute” automatically mature enough to give informed consent to her own exploitation

Current policies towards, and the depiction of sexually exploited young women in the U.S., are reflective of societal attitudes towards class and race and the impact they have on a collective understanding of childhood/youth and adolescence. Distinctions are made between poor “children” abroad and poor “youth” in the U.S., and even at home between middle-class “victims” and low-income, predominately young women of color who are

willing participants in prostitution. Therefore, a 13-year-old girl who is in a brothel in Calcutta will be described as a “victim of child sexual exploitation/trafficking” as will the middle class 13-year-old from Boise, Idaho, whereas the 13-year-old from the projects in Bedford-Stuyvesant, New York, will be described as a “teen prostitute” and will be criminalized as such.

This dichotomy is further confused by well-intentioned advocates and service providers who, in an effort to bring much-deserved attention to the issue, separate victims into palatable categories for public consumption. Because of this distinction, low-income children and youth in the U.S. who are sexually exploited and trafficked are criminalized, marginalized, and stigmatized and are not afforded the same protections, public support or sympathy as their more socio-economically advantaged or foreign counterparts. In addition, the attribution of blame to the sexual exploitation victim and the punitive measures against her conveniently remove the need to address the larger social, racial and economic factors that lead to the exploitation and trafficking of American children and youth.

In international exploitation and trafficking these men are also viewed as “other,” bad “foreign” men who prey on children to satisfy their primitive lusts. In the U.S. however, exploiters, and especially customers, who are the never-ending demand side to the supply, cannot be categorized as such. They are no longer the “bogey-men,” Chinese mafia, Thai slave traders, Japanese pedophiles, but rather men who live and work in our communities: fathers, brothers, sons, doctors, mailmen, teachers, lawyers, clergy, and bus-drivers; men who represent all walks of life, backgrounds, occupations and social status. To truly address sexual exploitation in the U.S., a closer look would need to be taken at the exploiters and purchasers (overwhelmingly male) themselves.

It is clear that merely addressing the issue of sexual exploitation in a vacuum will not suffice; sexual exploitation is intrinsically linked to racism, poverty, gender-based violence, and the criminalization of youth. All these factors must be an integral part of any discussion, advocacy work or direct service programming that involves sexual exploitation. To take sexual exploitation out of its historical and societal context will only further separate those deemed worthy to be considered victims. Clearly tackling these huge social justice issues is a daunting task, yet imperative.

Prevention efforts must focus not only on educating youth about the dangers of predators but on building safe, productive communities and families. Intervention must not only treat the victims but create viable educational and vocational opportunities for their future. Advocates must not ignore the elements of these conversations that may make people uncomfortable but must address institutional racism, media bias, and the links between poverty and exploitation. Most importantly we ensure that the voices and experiences of the youth themselves are integral in this work and their experiences are afforded the value that they deserve. Finally we must change our policies and laws that criminalize sexually exploited youth and begin the work of social change by treating them, by law, all as victims.

*Rachel Lloyd*  
*Girls Educational and Mentoring Services, Inc. (GEMS)*

## **NGO INPUT 2: Julianne Duncan, United States Conference of Catholic Bishops**

Remarks prepared for Senior Policy Operating Group on Trafficking in Persons  
February 9, 2005

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 1,200 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.

### **NGO INPUT 3: Normal Hotaling, The SAGE Project**

**Report to the SPOG Sub-Committee Report  
Prepared by Norma Hotaling, Founder and Director SAGE Project  
February 14, 2006**

*Legislators, policymakers and the general public are experiencing an increased awareness and understanding of the horrors faced by women and children throughout the world as a result of trafficking for the purposes of sexual exploitation. Through media and targeted information dissemination people in all walks of life have come to understand the connection between trafficking, prostitution, child commercial sexual exploitation, sexual slavery and the demand for bought sex and forced labor. This understanding is being used to create new and more effective policies and legislation.*

#### The Need:

The exact number of children trafficked and exploited through prostitution is impossible to calculate but all experts agree it is an epidemic and clearly, the number is rising. The young boys and girls used for prostitution are deprived of their basic human rights. In keeping with the international figures, the prostituted children in the U.S. face an increased risk of sexual and physical assault, suicide, pregnancy, abortions, and sexually transmitted diseases, including AIDS, post-traumatic stress disorder and death. Seventy-five to ninety-five (75-95%) of all 13-18 year old girls in our justice systems have been victims of abuse. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence. For these girls, the average of entry into prostitution is 13-14, an age at which these girls are entering an endless cycle of arrest, drug addiction, and violence. The result is traumatic and profound lack of self-esteem causing disempowered behaviors: dropping out of school, prostitution, addiction, selling of drugs, and violence. Their exploitation is perpetuated by continued reliance on the very people who have physically, emotionally, and sexually assaulted them. These children come from all of the populations though preponderance come from the least advantaged, isolated and disorganized segments. They are of all races and ethnic backgrounds. As a result of abuse and neglect, they have lost the valuable life-skills training that a healthy family and environment provide. As these children age, and chronologically become adults their situations remain unrecognized and untreated and they continue a downward cycle of drugs, re-victimization, jails and death.



Below are some examples of the tremendous strides recently taken by the United States and the United Nations:

- **U.S. Human Trafficking Resolution at CSW:** The U.N. Commission on the Status of Women adopted by consensus the U.S. resolution: Eliminating the Demand for Trafficked Women and Girls for All Forms of Exploitation. Fifty nations co-sponsored the resolution. This was the first resolution of a U.N. body to focus on the demand side of human trafficking. The goal is to protect women and girls from trafficking by stimulating action to dry up the “market” for victims of all forms of exploitation, especially commercial sexual exploitation. With this resolution, the Commission on the Status Women made the important link between trafficking in women and girls and commercial sexual exploitation. While women and girls are trafficked for many purposes, including for forced labor and domestic servitude, a recent U.N. Office on Drugs and Crime report found that 75 percent of all trafficking is for sexual exploitation. This is an enormous demand factor that can’t be ignored. The U.S. and the U.N. Commission on the Status of Women considers prostitution a form of commercial sexual exploitation and believes there is growing body of evidence showing that it fuels the demand for trafficking victims.

### **Actions and Achievements in California:**

Significant progress has been made in recent years throughout California resulting in the formation of policy, legislation and provision of prevention, early intervention, and treatment services that act in accordance with a full range of previous resolutions on the problem of trafficking in women and girls:

Emphasizing that the fight against trafficking in women and girls for all forms of exploitation requires a comprehensive approach that addresses all factors and root causes that foster demand and make women and girls vulnerable to trafficking, as well as the protection and rehabilitation of victims;

- Acknowledging the fact that the majority of trafficked persons are women and girls, **from and within the United States** and developing countries and countries with economies in transition;
- Concerned about the increasing occurrence of trafficking for all forms of exploitation, especially for commercial sexual exploitation, which overwhelmingly affects women and girls;
- Concerned that multiple forms of discrimination and conditions of disadvantage contribute to the vulnerability to trafficking of women and girls, and that indigenous, refugee, internally displaced and migrant women and girls may be particularly at risk.

**1) Assembly Bill 3042** was signed into CA law, January 2005 and is a groundbreaking measure that represents a systemic shift in how we approach the sexual exploitation of children. AB3042 provides vital tools for prosecutors to ensure that the perpetrators of child sexual exploitation are held accountable for their crimes. This bill is a great step that sends a clear message that paying for sex from a child is not about prostitution. Having sex with a child is sexual assault and molestation. This law will make clear that our children are not for sale. AB3042 will further several goals:

- AB 3042 gives prosecutors and courts the tools to hold perpetrators (demand) accountable.
- It makes the punishment fit the crime.
- Our enforcement of this law will deter others who think paying for sex with a minor is not a serious sexual offense.
- Finally, this bill will further a fundamental shift from treating sexually exploited children as “prostitutes” to protecting them as victims. This shift has important practical implications. When a police report lists someone as a victim of child sexual assault, victim advocates can immediately access a broad range of state-funded support for that child from the Victims of Crime Compensation Fund.
- Recently, in meeting with a Los Angeles Vice Crimes Officer of 27 years and he stated has never arrested a man for sex with a minor or rape of a minor when the minor is determined to be engaging in prostitution. He stated at the most the charge was a misdemeanor lewd act charge-not even lewd act with a minor.

**2) Assembly Bill 22** is a comprehensive anti-trafficking bill designed to protect victims, prosecute traffickers, and prevent human trafficking in California. AB 22 was signed into law January 1, 2006.

**AB 22 provides for Criminal Provisions and Civil Remedies by:**

- Establishing the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor, both punishable as felonies.
- Making the crime of human trafficking punishable by 3, 4, or 6 years in the state prison, or up to 8 years if the person trafficked is under 18 years old.
- Upon conviction, requiring courts to order the defendant to pay restitution to the victim, and providing for the forfeiture of any assets obtained through trafficking.
- Requiring the Attorney General to make prosecution of human trafficking a priority.

**AB 22 provides Social Service Provisions by:**

- Requiring state and local law enforcement agencies to issue a Law Enforcement Authority Endorsement for all trafficking victims within 15 days of initial contact, to speed up a victims’ access to federal services.
- Establishing a victim-caseworker privilege, wherein the trafficking victim has a privilege to refuse to disclose, and to prevent from disclosing, a confidential communication between the victim and a human trafficking caseworker.
- Prohibiting the disclosure of the location of any trafficking shelter, in order to protect victims from further intimidation and harassment by traffickers.
- Conforming the California definition of trafficking victim to the federal definition of a ‘victim of a severe form of trafficking,’ to facilitate victims’ eligibility for federal services.

**AB 22 establishes a California Anti-Trafficking Task Force** to study various issues in connection with human trafficking, and to advise the Legislature.

- The duties of this task force will include, but not be limited to:
  - a) Addressing the issues of raising the public's awareness and understanding of trafficking victims.
  - b) Implementing an independent, comprehensive study on the prevalence of trafficking in this state.
  - c) Conducting public hearings on the issue of trafficking.
  - d) Evaluating proposed anti-trafficking legislation.
  - e) Creating working protocols for collaborative work between governmental and nongovernmental organizations.
  - f) Reviewing statewide implementation of state and federal anti-trafficking laws, and making recommendations to the Legislature for improving laws, regulations, and social services for trafficking victims.

**AB 1501 (Yee) - As Amended: January 4, 2006-Not Yet Law**

SUMMARY: Establishes a pilot project authorizing the Counties of Alameda and Contra Costa and the City and County of San Francisco to develop and establish integrated protocols to address cross-jurisdictional cases involving sexually exploited minors. Specifically, this bill:

- 1) Provides that Alameda County, Contra Costa County, and the City and County of San Francisco are authorized to develop and implement memoranda of understanding between the counties to coordinate services to be provided to sexually exploited minors who are transferred from one county to another
- 2) Provides that Alameda County, Contra Costa County, and the City and County of San Francisco are authorized to do the following:
  - a) Define "sexually exploited minors" for the purpose of appropriate identification in order to provide the appropriate protocols and services
  - b) Identify persons who will be responsible for coordinating services provided by the project in the affected agencies and departments interfacing with sexually exploited minor.
  - c) Define both internal and cross-county protocols as they currently exist or are subsequently to be created. These protocols may be shared with the partner counties in memoranda of understanding.
  - d) Identify and track base-line data information on sexually exploited minors within the current structure of each county. Counties may review current data collection and attempt to standardize the date for purposes of planning and resource allocation.

e) Use their collective resources, including grants, for services for sexually exploited minors and for data collection.

3) Provides a sunset date of January 1, 2009.

EXISTING LAW provides that no ward of the juvenile court shall be committed to the California Department of Corrections and Rehabilitation's Division of Juvenile Justice unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline or other treatment provided by the Division of Juvenile Justice. (Welfare and Institutions Code Section 734.)

1)Author's Statement : According to the author, "This bill is a good first step in acknowledging a catastrophic and growing problem for young children, mostly girls, who are targeted by men who have but one goal and that is to emotionally enslave a child into a life of crime and degradation. We need cross county information, coordination and a set of best practices for the children who are victimized by these predators."

#### **San Francisco Safe House for Commercially Exploited Girls-**

- In San Francisco, through a system-wide exploration of this problem it became apparent that sexually exploited children and youth are doubly victimized by criminal justice systems that treat the victims as criminals and take no action to deal with the adult male perpetrators of trafficking, violence, pimping and prostitution. From July 2001 to June 2002, San Francisco police booked 174 juveniles for prostitution while only nine pimps were arrested during the same period. Sexually exploited youth who are apprehended are treated as offenders/perpetrators and entered into justice and social service systems where the comprehensive treatment necessary to address the trauma and healing surrounding sexual exploitation typically does not exist. The SAFE House opened September 2005 and is a comprehensive school, mental health and group home. A special waiver from the City was acquired to keep the location safe. This is an important aspect to houses for these types of homes.

#### **Girls Arrested as Adults.**

- Historically, procurers (pimps) and traffickers targeted runaways, girls that hang with the crowd breaking or bending the simplest of rules, kids that smoke, cut class, are adopting acting out behavior associated with trauma, and girls that come from abusive backgrounds who have low self-esteem and confidence.
- The procurers begin by befriending the girls and young women and then calculate a romantic connection.

- The strategy of befriending and love is designed to fit the vulnerabilities of its potential victim.
- A procurer's goal is to find naive, needy teenage girls or young women, con them into dependency, season them into fear and submission, and "turn them out" into the sex trade.
- Today, because trafficking in women and girls is determined to be more profitable than trafficking in guns and drugs, all you have to be is a girl or young woman to be targeted.
- **Guerilla Pimping:** Pimps are looking more towards suburbia for "naïve girls" and "guerilla pimping" has emerged as a means of kidnapping girls and women. These traffickers use severe and immediate violence to force the victim to participate in the sex industry. A common theme found in "guerilla pimping" is that a woman or girl is physically picked up, thrown into a trunk and transported to cities throughout the US. SAGE Project has rescued individuals who do not know what city they are in and what cities they have been trafficked through while being forced to work in the sex trade that including strip clubs, escort services, the streets, internet sites such as Craig's list, or sites created by the pimps themselves. They are sold on the back pages of alternative news papers, and sex trade magazines. They had been kept and transported in trunks of cars and isolated in out of the way motels and single room occupancy hotels throughout the country while being brutalized, raped, tortured and are sold to all who demand them.
- **Smooth-talking Players:** Some US traffickers, choose the "smooth-talking player" role. They systematically and methodically break down their "prey," by socially isolating them, taking them away from family, friends and embroiling them in a social system that involves living in transient hotels close to the "whore strolls", traveling from city to city, and socializing with transient persons usually also involved in the sex industry as prostitutes or pimps. Harsher methods may involve beating, raping, sodomizing, drugging and starving a woman before turning her out on the streets or over to a brothel. All of these women and girls are losing precious days, months and years out of their lives, as well as, losing the normal development and life skills afforded to young women who are going to school, building valuable and dependable and non-abusive social support systems, having after school jobs, opening checking accounts, renting apartments and even buying their own clothes.
- A critical step in seasoning a girl is changing her identity. She is given a new name and any necessary papers, such as false driver's license, social security card and birth certificate, so that the police will not be able to trace her real identity or determine her true age. More importantly, the stripping of the girl's identity removes her past and makes her the property of the pimp. According to anthropologists Christina and Richard Milner, "A pimp wants a woman's mind more than her body. Its love, loyalty, and obedience he requires as well as a capacity for self discipline."
- **After a number of girls were murdered, we discovered that they had been arrested as adults. We found other girls were arrested as many as 30 times.**

**We then worked with the SF Police Department to create a policy that whenever there is a suspicion that a young person in their custody might be a minor, they are always taken to Youth Guidance Center (YGC), finger printed, photographed and a parent identified. Since this process was put into place, only one person processed at YGC was over the age of 18. Also, since this policy was enacted, there have been no reported homicides of young women in SF. Usually, at the time of processing, SAGE is called and we interview and access the young woman immediately, also the Crimes against Prostitutes Unit of the Police Department interviews the young woman about any crimes committed against her, including pimping, pandering, rape, sexual abuse, domestic violence, etc.**

- **SCENARIOS: International and Domestically Trafficked Persons**

First and Foremost build on and tap into SSEEN for domestically and internationally trafficked victims.

- Now throughout the United States, there is a network of experts who have worked for *decades* designing, implementing and providing outreach, advocacy, prevention, early intervention programs and long-term supportive, highly effective and innovative trauma, mental health, substance abuse and housing services. They work on policy and to change ineffective laws and legislator's ways of thinking. The individuals they help have been severely mis-treated, ignored, mis-diagnosed, and very often arrested and jailed over and over again. These providers have created services that are kind, and show they care. They are ethical and work together with their clients to build health, well-being, lives that are whole, independent and free from abuse and exploitation. This network of providers is the true pioneers and heroes. They have built this web of services piece by piece, inch by inch, penny by penny with very little or no local, state, federal or private support. Philanthropists run away, not towards, these programs and the individuals building them. This network is dedicated to the voiceless, and the disappeared and it is built by sheer will of its founding members and members. That "will" that exists in this group of providers is what kept them alive in the most desperate and life-threatening situations and is now present in their daily lives fighting for their sisters and brothers. The Founding Members of the Survivor Services Educational and Empowerment Network (**SSEEN**) are SAGE in San Francisco, CA, Breaking Free in St. Paul, Minnesota, Dignity House in Phoenix, Arizona and Veronica's Voice in Kansas City, Kansas. This unprecedented collaboration of survivor-operated service providers was formed to create a strong foundation for a national movement of sexual exploitation survivors combating commercial sexual exploitation of women and children by pioneering the movement of highly innovative and effective survivor-based, sexual exploitation, trauma and substance abuse recovery services. **SSEEN** will continue build on the work of the individual organizations by contributing to the design and implementation of policies and procedures for effective treatment as well as legislation that will compassionately address the needs of victims of

sexual exploitation and target the real perpetrators of sexual exploitation-the demand side, violent pimps and traffickers.

**For the International Trafficking victims:**

From the beginning, this group is going to be more difficult to access and serve. They are from an entirely different culture and possess little to no English language skills. We must approach them with culturally competent staff trained in trauma counseling or interpreters and a respect for the differences in culture. We must also be aware of any misunderstandings that may arise in our communication due to these differences. If we are successful in identifying them as victims of Trafficking (with cooperation from relevant officials) then we must find them helpful and supportive housing, once again running into barriers in language and culture.

At Sage we have established relationships with local Domestic Violence shelters to place women as needed, because in general it is difficult to find housing for the women due to language barriers and other special needs. What follows is an entanglement of services that we provide. As Case Managers we provide a variety of assistance, from taking the women to their relevant appointments (attorney, doctors, counseling, etc.) but equally as important, we provide support and reassurance for a process they usually do not truly understand (regardless of repeated explanations). I would like to stress that this is usually because of the very slow rate in which all of this takes place. Once the women are arrested (from brothels) it is within a couple of days that they shift from the Traffickers' environment to living as a Trafficked victim in a strange country/state/city. Trafficked women are simultaneously dealing with language barriers, no income/no livelihood (when they do receive it, it is hardly enough to live on), lack of a home, PTSD, and lack of clarity in what comes next. The first step in accessing county benefits is attaining the Continued Presence Letter, which can take complex negotiations with USAO, FBI, or ICE and often over 6 months to obtain, if ever/ or going straight to T Visa (depending on the severity of the case). In the mean time, they present with complex needs of support such as medical and mental health counseling, legal representation, money, housing, reengagement with traffickers, jobs and answers. As Case Managers from SAGE, we work through all of these steps to ensure their safety, ensure immediate needs are met, long term goals, progress (in case they are material witnesses for the year upon signing a contract, usually right after their arrest), and general support.

Ultimately the deeper problems arise because they are functioning in the US as third world women without documentation and truthfully, without any rights. Prior to receiving a CC or T Visa they have nothing, and without language abilities, they face racism and closed doors. However, this is representative of a vicious cycle because without housing, money, and proper documentation, they do not have the wherewithal to participate in much needed programs like ESL, counseling, job training, and support in social integration.

**For the Victims of Domestic Trafficking:**

While victims of Domestic Trafficking may, in many cases, be exempt from the barriers of possessing English Language skills or being able to obtain proper documentation of citizenship, they are faced with other challenges, which are similar to that of an International Trafficking victim. An exceptionally high percentage of Domestic

Trafficking victims are minors and many without homes to be reestablished in. Therefore, housing for these victims of Domestic Trafficking is also a substantial issue. If they are placed in foster homes or residential programs, there must be appropriately sensitive and highly trained individuals who have specific knowledge and experience with commercial sexual exploitation issues, to serve as a special advocate, above and beyond regularly assigned social workers/case managers. Counseling by licensed professionals with specific training and prior experience in cases of youth with commercial sexual exploitation issues, as well as medical attention is necessary for these young victims of Trafficking, of which many are deeply psychologically wounded and have sexual injuries and/or sexually transmitted diseases. Reintegration is of the utmost importance for these victims of Domestic Trafficking and the need to know that they have a peer support group, which understands the issues they are facing because of their own past experiences and knowledge; specifically as young women who were forced to grow up much too quickly. Victims of crime should, first and foremost, be "made whole" through compensation from their offenders. Children should have a right to victim compensation for injuries they've suffered. Independent advocacy for the child can be the key to getting services that a victimized child requires, especially in our systems with limited funding for those services. It is unconscionable that children may have to wait until completion of legal proceedings to get aid. They should have, as Article 8.1(d) of the Protocol indicates, all support they need during the course of proceedings. A child victim who suffers personal injury, under our Federal Law on child sexual exploitation, has a legal right to sue their offender for recovery of actual damages, which are by law presumed to be no less than \$50,000 in value plus the costs of bringing the action. It is unfortunate though that even with such laws few children ever receive a single dollar from their perpetrator's assets. The Special Advocate can assist the child in a variety of ways in protecting their legal rights in obtaining compensation for the physical and mental injuries they have suffered.

- **Problems with Identifying International Trafficking Victims:**

It is important to ask if the determination of trafficking victim made. Was it made from the prosecutors prospective or from a client centered approach? A person can show that they knew they were coming to the US for the purposes of prostitution and still be a victim of trafficking. Coercion, force and fraud can happen before, during or after a person arrive in this country. Four to five days is not an adequate time to determine these nuances to the law. Being defined as a trafficked victim and offered continued presence does not and should not be confused with the prosecutor's ability to press charges and obtain a guaranteed conviction.

The United States law looks at trafficking as a humanitarian issue. Under the law, the victim of trafficking will be provided immigration status on a humanitarian basis regardless of whether they will testify or not. So the immigration status is not and should not be tied to the court proceedings. Again time, the large number of victims and potential victims, and goals of the prosecutors need to be carefully assessed in order to determine status and provisions afforded to the women involved in the raids.



Following are examples of how this concept affects different solutions in the United States and in Europe.

The immigration status of a victim of trafficking is very important. First, we have to recognize that the trafficked victim is entitled to basic rights. One of these rights is the right to have an immigration status.

In European countries there is something called a reflection period. The reflection period does not exist under the U.S. law. It exists under the "Council Directive of April 29, 2004, on the Residence Permit Issued to Third-Country Nationals who are Victims of Trafficking in Human Beings or who Have Been the Subject of an Action to Facilitate Illegal Immigration, who Cooperate with the Competent Authorities." Thanks to the reflection period, the victim can choose whether to go back to her country of origin or cooperate with authorities and report other cases of trafficking.

The period under the European Convention is at least 30 days. The Directive does not specify a period. It says it is up to the country to decide on the reflection period. Belgium is generous and decided for a 45-days period, while in Germany the reflection period lasts for 28 days. In the United States, we do not have a reflection period. And I would like to make the case that the European model with the reflection period is a good model. Given the known nuances of determining a person to be a victim of severe form of trafficking, bonding with the perpetrator, the denial of violence, even when violence is happening as a condition of coping and surviving, shame and stigma associated with sexual exploitation, rape and prostitution in the country of origin, etc., much more time for reflection and stabilization is needed before status and deportation is determined.

Traffickers take advantage and exploit the lack of social and legal protection. The trafficking victims are subjected to force or coercion at some point: either when they are recruited, during transport or on entry into or during work. In this context particular scrutiny is called for.

- The status and protection of the victim in the fight against human trafficking deserve particular attention.
- For the victims to be able to free themselves from relationships of violence and life contexts in which they are permanently threatened by violence, they need comprehensive social and economic support but also legal assistance. Effective empowerment starts with the granting of a strong legal status.
- The legalization of the status of a trafficked person is a crucial element in any effective victim and witness protection strategy, and may help to assist a much greater number of trafficked persons, who would normally not dare to seek refuge for fear of deportation.
- A secure, a safe legal status of the victims is also a prerequisite for support programs to reach them.
- A central issue in this context is the right of (temporary and/or permanent) residence permit would signal to victims that the state on whose territory they find themselves sides with them without reservations. And, in addition, it would break

the so-called recycling of the victims of trafficking-since it is well known that up to 50% of those immediately repatriated are re-trafficked. After a reflection period-which would give the (potential) victims time to stabilize their situation, it would give them breathing space to recover physically, medically, and psychologically and would allow time to re-orient themselves and to secure means to support themselves-the authorities should grant a temporary residence permit for at least six months.

- The temporary residence permit would also present an instrument to enhance the prosecution of the traffickers and an instrument against organized crime as it offers trafficked persons time to decide whether or not to make a complaint to the police, on cooperating with the investigation and eventually testifying on proceedings.
- Ideally, legal status of residence should be granted irrespective of the victim's ability or willingness to testify in criminal proceedings.

**NGO INPUT 4: Input from a Limited Number of NGOs asked for Field Information and Recommendations to Share with USG Officials on Domestic TIP**

**Excerpts from the Conclusions of an IOFA DRAFT Report – Not for Distribution – Divergent Pathways: As Assessment of Services for Minor Victims of Trafficking in the United States**

- Which pathway a child victim of trafficking must travel is dependant on where he or she is from. **If the victim is an alien and in the United States, he or she is able to enter an efficient and consolidated program that provides services specific to their needs as victims of trafficking. If the victim is trafficked within the United States and a citizen, he or she is excluded from this program and must enter the comparatively inefficient and insensitive state foster system.**
- Both types of victims face a common barrier on the law enforcement level. Nongovernmental organizations such as the International Organization for Adolescents and End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes (ECPAT) have been working diligently to **educate those who are likely to come in to contact with victims of trafficking. Increasing the level of government spending related to this education is vital to increasing the number of victim identifications.** Moreover, implementing the changes in the reauthorization of the TVPA that allow for local enforcement to issue affidavits endorsing victims as such is essential. This would remove any friction between local and federal law enforcement and allow for victims to obtain services more quickly.
- A study that considers the financial and practical sustainability of allowing domestic victims to obtain services through the same pathway as international victims should be conducted prior to deciding upon a next step. If the results of such a study show that it is feasible to no longer distinguish between victims, no such distinction should be made and a statutory amendment to the TVPA would be in order. If the same study concludes that such a consolidation of victims is impracticable, efforts must be made on the state level to improve service administration to domestic victims of trafficking. **Government funds should be directed towards programs that deal specifically with domestic victims of trafficking and sexual exploitation. Pushing these victims into foster care systems that are often incapable of properly servicing complex mental health issues and incapable of providing much needed stability helps no one.**

## NGO INPUT 5: Excerpts from SAGE: *Domestic Trafficking of American Women and Girls*

### Background Information:

A 2002 study...yielded disturbing findings, including the fact that more than 85% of all girls in San Francisco's juvenile justice system are victims of child sexual and/or physical abuse, and that in a survey of more than 7,000 San Francisco high-school students, 17% reported that they or peers traded sex for subsistence needs.

From July 2001 to June 2002, San Francisco police booked 174 juveniles for prostitution while only nine pimps were arrested during the same period. Sexually exploited youth who are apprehended are treated as offenders/perpetrators and entered into justice and social service systems where the comprehensive treatment necessary to address the trauma and healing surrounding sexual exploitation typically does not exist.

- **We don't give kids a way out.** Our approach to the sexual abuse of children within prostitution rarely involves the creation of resources that truly enable healing and recovery, rather than punishment and stigma. The Office of Victim Compensation and other resources intended to meet the needs of crime victims deny resources to children abused through child prostitution, based on the mis-definition of these children as criminals. This means that resources are rarely available in any venue that does not involve the humiliation and vulnerability of arrest and incarceration. If the child is arrested, she or he is cycled through the criminal justice system, sometimes repeatedly, intensifying the shame, pain, and vulnerability that make children easy prey to pimps and abusers, and decreasing the possibility of successful intervention.
- **Health and Human Services should be taking the Lead Providing Child Protection. Coordination of substance abuse services and treatment for torture survivors should be coordinated when it comes to this population.** The juvenile justice system and the adult criminal justice system historically have been the first responders to the human suffering and abuses of these women children, sometimes by offering services but mostly by arresting and jailing the victim. The sexual abuse of children through prostitution is made possible by a society that has created, sanctioned and institutionalized numbers of children for whom routine abuse, torture, rape, kidnapping, and often death is considered acceptable. In essence, what we the legislators and service providers, other professional and individuals are saying and enforcing through laws and inappropriate interventions is that children and youth are consenting to their own sexual abuse and that by consenting to this abuse, they are a danger to society. They are subject to arrest; they are viewed as perpetrators, not victims, and are denied any services for their victimization. I believe that here and now, we can end child prostitution by renaming and redefining it as child abuse and statutory rape.
- **Build coalitions and provide training.** U.S. federal laws, such as the Mann Act, the Protection of Children from Sexual Predators Act, and the TVPA are intended to address the issue children abused through prostitution and of interstate trafficking in

children for the purposes of prostitution and pornography. However, though laws exist, they are not being proactively enforced. Existing state laws regarding the use of children for sexual purposes vary in content and in the penalties imposed on offenders. Enforcement and coordination among local, state and federal law enforcement officials is sporadic at best. Furthermore, many child and youth-service public and private agencies do not have policies, procedures or resources in place to serve victims of commercial sexual exploitation, and are often unaware of federal laws or how to access the support of federal agencies. The results are both that children and youth are apprehended and treated as offenders/perpetrators and entered into the justice system where services typically do not exist or are not available to them, or that they are redirected to service agencies who are not prepared to provide the comprehensive treatment necessary to address the trauma surrounding sexual exploitation.

- **Create a real escape for children and women through appropriate social services and recovery.** Replicate programs that work such as SAGE and the First Offenders Prostitution Program (John's School). Support survivor-run services. A web of peer-counseling services, which responds to the torture, kidnap and extremes of violence that characterize pimping, pandering and trafficking, absolutely must accompany legislative change. Without a safety net and resource base, taking children out of the criminal justice system only means returning them to pimps and perpetrators.
- **Don't use protection and safety as an excuse to build more and better services for these youth in detention or in the adult criminal justice system.** We need to be focused, vigilant, and logical in our approach. The critical importance and effectiveness of community-based peer counseling programs has been documented for a number of marginalized populations, including immigrants, refugees, and survivors of state-sponsored violence, homeless persons, drug-addicted persons, HIV-infected individuals, and Vietnam veterans.<sup>1</sup> Client-created and survivor-run programs in which providers address the social, political, and economic contexts of clients' lives are the most effective.
- **Victims of Violent Crimes resources need to be directed toward the rehabilitation efforts of these children and women.** When they are not, we are

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<sup>1</sup> Becker, Lira, Castillo, Gomez, & Kovalskys, 1990; Therapy with victims of political repression in Chile: The challenge of social reparation. *Journal of Social Issues* 46: 133-49; Breton, 1999; The relevance of the structural approach to group work with immigrant and refugee women. *Social Work with Groups* 22(2/3): 11-29; Egenderf, 1975; Vietnam veteran rap groups and themes of postwar life; Mantell & M. Pilisuk (eds.) *Journal of Social Issues: Soldiers in and after Vietnam* 31(4): 111-124; Martin-Baro, 1988; War and mental health. In Martin-Baro, A. Aron & Come, S. (Eds.) *Writings for a Liberation Psychology*. Cambridge: Harvard University. pp.108-121; Turner, F. (1996). *Echoes of combat: The Vietnam War in American Memory*. New York: Anchor/Doubleday; Figley, 1978; *Stress Disorders Among Vietnam Veterans: Theory, Research and Treatment*. New York: Brunner/Mazel; Lifton, 1978; Advocacy and corruption in the healing professions. In Figley, Charles R. (Ed.), *Stress Disorders Among Vietnam Veterans: Theory, Research and Treatment*. New York: Brunner/Mazel. pp. 209-230; Turner, 1996; Lykes, 1993 Human rights and mental health among Latin American women in situations of state-sponsored violence. *Psychology of Women Quarterly* 17: 525-44.

clearly saying that these children and youth are consenting to their own sexual and physical abuse and that is a crime for which they should be punished and denied services. Most adult women are untreated children and trauma survivors. They have suffered decades of bad and often unethical treatment by professionals and the criminal justice system.

- **Provide all interventions in unison. Take bold steps to respond to the years of neglect.** SAFE HOUSES need to be created now. Our streets are not safe and there is not the safety needed to respond to the crisis created by years of neglect.
- **Look to the “True Experts” for guidance and answers.** Survivors with proven track records have created the web of services and the network of support that serves thousands per year with little help. Tap into this network and other survivor run groups. We need the help of the federal government to make these services available across the United States.

## **NGO Input 6: Recommendations from San Diego Youth & Community Services (SDYCS) B-SAFE Human Trafficking Program**

- Begin to use consistent language that is less criminal in nature i.e., prostituted children or exploited children as opposed to juvenile prostitutes;<sup>2</sup>
- Launch a national and regional social marketing and media campaign to raise awareness;
- Identify a key governmental office (local or federal or both) that will be responsible for the care and supervision of exploited children;<sup>3</sup>
- Establish local and regional multi-disciplinary coalitions, task forces and networks (separate from the international trafficking networks) that specifically address the special needs of domestic trafficking victims;<sup>4</sup>
- Expand the focus of inter-agency task forces i.e., the Internet Crimes Against Children (ICAC) to include prostituted children and youth
- Provide specialized outreach and training, especially cross-training between law enforcement (federal, state and local), juvenile courts, child protection agencies, local public schools, the juvenile probation departments, the district attorney's office, the U.S. Attorney's Office, public defender's office and non-governmental social and health care providers;
- Develop protocols and referral systems to triage exploited children
- Identify optimal, safe and long-term residential programs, plus comprehensive long-term, family-based, wrap-around treatment models that addresses dual-diagnosis;<sup>5</sup>
- Conduct more research i.e., interview prostituted children, study the supply & demand elements and the societal endemic structures that are causing or perpetuating the exploitation of children
- Establish a central, standardized data base to document frequency and nature of cases of child exploitation
- Identify alternative careers and employment opportunities for youth who are ready to escape prostitution<sup>6</sup>
- Effective policies that address child exploitation need to be modeled

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<sup>2</sup> More discussion needs to happen to address decriminalizing teen prostitutes as we did with victims of international trafficking. To date, prostituted children are often punishment with arrest and a dual status in a delinquency system. More juvenile diversion programs need to be created through the juvenile courts as an alternative to punishment in juvenile halls. These programs work best for first-time offenders and reaching children at a young age is critical.

<sup>3</sup> American-born exploited teens do not fall under any specific jurisdiction of care. The children's services agencies generally will not work with them because they do not fall under their "protective factor." The probation department may get involved only after children have been arrested and sometimes only after multiple arrests. At this time, there is no federal or local agency that can provide the proper care and supervision that exploited teens need.

<sup>4</sup> Greater coordination needs to happen between regions such as San Diego and Las Vegas and Los Angeles. Also, networks should involve the IRS since many prostitution rings and networks are beginning to use computers and electronic wires and financial systems to transfer and launder money.

<sup>5</sup> These services also need to be victim-centered, peer-driven, culturally appropriate and gender-specific.

<sup>6</sup> Among other underlined, core issues such as child abuse, exploited children are lure into prostitution because of immediate monetary compensation (or at least the illusion of money because pimps keep most if not all of their earnings). Better job opportunities need to be created and identified (other than fast food services) so that exploited youth will see themselves surviving in an alternative lifestyle.