

Human Trafficking: Present Day Slavery

The Report of the
Washington State Task
Force Against Trafficking
of Persons

June 2004

 Office of Crime Victims Advocacy

Acknowledgement

The work represented by this report could not have been done without the countless volunteer hours from the members of the Washington State Task Force Against Trafficking of Persons. Their dedication and commitment are deeply appreciated.

Task Force membership listed in appendix.



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

Table of Contents

Executive Summary.....	i
Present Day Slavery	1
Defining the Trafficking Problem	7
After the Report.....	17
The Role of Non-Governmental Organizations.....	19
The Role of Governmental Organizations.....	21
Observations and Experience with the TVPA	22
The Reauthorization: TVPRA.....	28
Certification.....	29
Prosecution	30
Foreign Policy – New minimum standards	30
Research.....	30
Legal Filings.....	32
Maria Cantwell and the International Marriage Brokers	
Legislation	34
And In Washington:	
The Continued work of the Task Force	36
Implementation of the Washington Trafficking Law.....	38
Learning from Activities and Experience	40
Washington: Transit and Destination State	42
The Reality of Experience in Washington	46
From The Experience of a Southwest Washington Victim Advocate.....	48
From The Experience of a Seattle Victim Advocate.....	50
From the Experience of a Spokane Legal Services Provider	51
From the Experience of Two Northeast Washington Victim Advocates	53

From the Experience of Two Native American Service Providers.....	55
From the Experience of A Victim Advocate for Agricultural Workers	56
Washingtonians and Sex Tourism	58
Victim or Refugee or Perpetrator?	59
Washington State Agencies Affected by Illegal Trafficking of Humans - June, 2004.....	60
Service Coordination and Sharing.....	61
Need for Funded Infrastructure.....	65
The Recommendations	68
Appendix	71
Human Trafficking Resources: Web Links	72
Human Trafficking Flow Chart Enlargements	75
Trafficking Task Force II Definitions.....	77
2004 Trafficking Task Force Human Trafficking Survey ..	89
Trafficking Task Force Membership.....	92

Executive Summary

Trafficking in Persons is not a new phenomenon. It is a modern day form of slavery and is one of the most lucrative criminal enterprises in today's world economy. Frank E. Loy, Undersecretary of State for Global Affairs, believes this number began growing in the early 1990's and that the trend is only increasing.

Trafficking includes the recruitment, transportation, or sale of persons for labor. Labor is forced and maintained through violence, threats and coercion. It is perpetuated through exploitation of vulnerable populations and exhibits slavery or prison-like conditions.

According to the Department of State, "In many destination countries, commercial sexual exploitation and the demands for inexpensive labor have increased over the past several decades. Trafficking operates under an economic system that benefits from the exploitation and enslavement of vulnerable populations.

Washington possesses many of the underlying conditions that support trafficking of persons. These conditions have been widely recognized by those studying the issue of trafficking. These conditions contribute to the climate in which the trafficking industry can not only exist, but prosper.

These same conditions help to make Washington one of two major international gateways and hub cities in the northwest region of the United States for the trafficking of children.

Trafficking in Washington is not limited to the I-5 corridor. State agencies and service providers have identified 18 counties in which there is some level of trafficking activity.

The recommendations of the Task Force are succinct echoes of the analysis and experience of service providers who are attempting to serve victims of trafficking without specific state funding.

The Recommendations:

- I. Design and implement a service delivery system
 - A. Create expertise to appropriately recognize and respond to victims of trafficking. Awareness, skills and expertise should be developed in local responders such as law enforcement, medical personnel, social services and community direct service providers.
 - B. Develop a system of documentation aimed at determining the incidence and prevalence of trafficking within

Washington State. This system should include on-going data collection and coordination of data from a variety of resources.

- C. Create a funding pool to be administered by OCVA to build statewide capacity to create expertise, to develop a system of documentation, and to build community capacity to create and deliver direct services to victims of trafficking.

- II. Create system of matching labor demand with labor supply

- A. Create a government-sanctioned committee to discuss and develop proposals aimed at meeting the demand for labor while curtailing a labor supply procured through trafficking.
- B. Allocate funding through OCVA to administer the work of the committee.
- C. Require government agencies to serve on the labor committee and a committee to develop protocols and guidelines to respond to victims of trafficking through their respective programs and resources.

D. CTED shall report the findings and recommendations of these efforts to the Governor and the Legislature by June 30, 2007.

These recommendations clearly assert that policy makers and governmental agencies must sanction the recommended strategies in order for the developing system to have the authority to ask for and receive the needed collaboration, cooperation and support.

Present Day Slavery

Human trafficking, present day slavery, takes many forms. 21st century slavery involves transporting people within or across borders to, among other things, labor in sweatshops, perform domestic work, work in the sex industry, be married by international matchmaking, or to work as farm or timber laborers. These people, often deceived by recruiters, believe that this path will bring them and their loved ones a better life.

In their countries of origin, victims of trafficking commonly experience poverty, oppression, persecution, bonded labor, armed conflict, civil unrest and lack of opportunity. Many victims are actively recruited by traffickers, some of whom are connected to organized crime.

In the late 1990's, service providers began to see a new kind of victim. These victims had complex cases involving basic survival needs, law enforcement guidance and assistance, immigration advocacy and safety planning. It became clear that many of these victims were in danger if they tried to get away from their present circumstances, whatever they were. As providers talked with each other and

cases began to be known to the public, formal focus was placed on the issue of human trafficking.

In Washington, legislators, activists and researchers worked collaboratively to begin to address the issue of modern day slavery. Washington's groundbreaking Anti-Trafficking Task Force published its first report in 2002, after six months of work. A summary of that work follows in an excerpt from the Task Force Report, published in November 2002.¹

¹ Washington State Task Force Against Trafficking in Persons. (2002). *Washington State Task Force Report on Trafficking in Persons*. Olympia, Washington: State of Washington Department of Community, Trade and Economic Development.

Recent History

Washington State is leading the country in taking collaborative action against human trafficking, a practice also known as modern day slavery. Legislators, activists and researchers have worked side by side to adopt anti-trafficking legislation and establish the first statewide Anti-Trafficking Task Force in the United States. From June to November 2002, Task Force members set out to meet three goals: 1) measure and evaluate the state's progress in trafficking-related activities; 2) identify available services to trafficked persons at the local, state, and federal levels; and 3) recommend methods to provide a coordinated system of support for persons who are victims of trafficking.

Grassroots mobilization, particularly from the Washington Filipino-American community, made legislation and statewide action possible. A number of high-profile trafficking cases served as a catalyst to these efforts.

In 1990, Filipina Helen Clemente was forced into a sham marriage arranged by Eldon Doty, an ex-Seattle police officer, and his wife Sally Doty. She was forced into

indentured servitude for the next three years while she worked as their maid.²

In 1995, Timothy Blackwell murdered his wife, Susana Blackwell, and two of her friends in the King County Courthouse. Two weeks after the two married (arranged through an international matchmaking agency), Blackwell left her husband and sought legal protection for domestic violence.³

In 2000, Anastasia King was murdered by her husband who had a prior history of domestic violence and abusive marriage by international matchmaking.⁴ She met her husband through the unregulated international matchmaking industry.

In 2000, Victor Nikolayevich Virchenko fraudulently recruited women and underage girls to perform Russian folk dances in Alaska. Upon arrival in Anchorage, he then forced

² Tu, Janet I. "Spotlight on Trafficking of Women and Children," Seattle Times, November 13, 2001.

³ Haley, Jim. "Brides, Mail to Order," APA Tribune: <http://www.geocities.com/apatribune/pages/researchcenter.htm>

⁴ Jamieson, Jr., Robert L. "Suspect Threatened to Kill Previous Wife, Records Show," Seattle Post-Intelligencer, January 30, 2001.

them to dance nude in a strip club.⁵ Once U.S. law enforcement identified the victims, a number of them received services in Washington State.⁶

Also in 2000, law enforcement officials uncovered the movement of smuggled and trafficked persons into the Port of Seattle. Over 200 victims received services in the Seattle area.⁷ In September of this year, investigators successfully broke up a criminal syndicate working nationwide, including various seaports along the West Coast.⁸

Finally in 2001, Kil-Soo Lee recruited more than 250 Vietnamese sweatshop laborers to work in American Samoa.⁹ Many of those victims accessed services in the state of Washington.¹⁰

State Legislators responded to these incidents with action. Representative Velma Veloria and Senator Jeri Costa introduced Anti-Trafficking legislation, and Senator Jeanne Kohl-Welles introduced legislation to regulate the

⁵ U.S. Department of State website:
<http://usinfo.state.gov/topical/global/traffic/01083101.htm>

⁶ Survey respondent; September 2002.

⁷ Survey respondent; September 2002.

⁸ McGann, Chris. "Seattle INS Breaks Ring of Smugglers," Seattle Post-Intelligencer, October 3, 2002.

⁹ Adamski, Mary. "Feds Uncover American Samoa Sweatshop," Honolulu Star-Bulletin, March 24, 2001.

¹⁰ Survey respondent; September 2002.

international matchmaking industry. The Trafficking in Persons Act (HB 2381) created the State Task Force Against Trafficking. The Mail Order Bride Act (SB 6412) required international matchmaking agencies to provide criminal and marital background information on the person from Washington State using the agency to meet prospective partners.¹¹ Both pieces of legislation were overwhelmingly supported in the Washington Legislature. Legislators, including those who serve on the State Task Force, are poised to continue this work in the 2003 legislative session. Possible legislation includes a series of bills that provide crime victim compensation and funding through asset forfeiture, create special protection orders for trafficked persons, and provide Federal Bureau of Investigations (FBI) background checks on persons soliciting marriage. At the federal level, Senator Kohl-Welles is working with members of Congress to draft a bill mirroring the Washington Mail Order Bride Act.

The 2003 legislative session saw the creation of the crime of Trafficking in Washington (1175). Trafficking has been included in the criminal profiteering law (1826). The Mail Order Bride Act (6412) mentioned above was passed into law.

¹¹ The agency is required to advise the person abroad that such information is available and, if requested, to provide it in a language the person speaks.

The Challenge of Public Opinion

A sample of the mail received by the sponsors of the Mail Order Bride legislation shows that some of the public was not as ready as the legislature to embrace disclosure.

“What a bunch of narrow-minded women installed in power positions, stepping on the rights of all American men!”

“The purpose appears to restrict access to foreign wives sought by those who have soured on American women. And it’s promoted by those very women who have driven American men to the conclusion that they would be better off without an American wife.”

Source 1: Susan Paynter
Seattle Post-Intelligencer
February 11, 2002

Defining the Trafficking Problem

Trafficking in Persons is not a new phenomenon. It is a modern day form of slavery and is one of the most

A Profitable Industry

U.S. officials say profits from human trafficking are the third largest source of income for organized crime.

Source 2: Retrieved April 3, 2004 from www.voanews.com/Print, Journalists, Officials to Raise Profile of Human Trafficking Problem. 5 Feb ., 2004.

lucrative criminal enterprises in today's world economy. In 2000, the United Nations reported that the human trafficking problem is immense, and that an estimated 4 million persons per year are trafficked for forced labor purposes around the globe.¹² The Department of State estimated in 1997 that 45,000-50,000 women and children, and an unknown number of men, are trafficked into the United States annually.¹³ Frank E. Loy, Undersecretary of State for Global Affairs, believes

this number began growing in the early 1990's and that the trend is only increasing.¹⁴

¹² United Nations. "Integration of the Human Rights of Women and the Gender Perspective: Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences," Economic and Social Council, U.N. Doc E/CN.4/2000/68, February 29, 2000.

¹³ Richard, Amy O'Neill. "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime," CIA Center for the Study of Intelligence, November 1999.

¹⁴ Senate Hearings. Hearings before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations. United States Senate, One Hundred Sixth Congress. Edition 2, February 22, 2000.

At the international and national level, policies exist to redress Trafficking in Persons. In February 2000, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the U.N. Convention Against Transnational Organized Crime. The U.N. Protocol consolidated previous international agreements dating back from 1904. In October 2000, the United States Congress passed the Trafficking Victims Protection Act of 2000 (TVPA).¹⁵ This law is designed to prevent trafficking, punish traffickers, and protect and assist trafficked persons.

The TVPA extends assistance and benefits to victims of "severe forms of trafficking" and defines it as: "a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."¹⁶

Trafficking includes the recruitment, transportation, or sale of persons for labor. Labor is forced and maintained

¹⁵ Pub. L. No. 106-386, Division A, of the Victims of Trafficking and Violence Protection Act of 2000 (H.R. 3244).

¹⁶ 22 USC 7102 8(A)(B)

A Constantly Changing Crime

Gangs Linked to Trafficking in Humans

Police and immigration officials said Wednesday that they had uncovered a human smuggling and hijacking operation involving a local street gang.

A member of the 18th Street gang was allegedly part of a ring that stole a group of illegal immigrants from organizations involved in the smuggling of people, immigration investigators said. The hijackers then allegedly held the snatched migrants for ransom until relatives in the U.S. paid for their release.

Source 3:
www.latimes.com

Los Angeles Times, February 19, 2004

Ann B. Simmons, Times Staff Writer

A Global Economy

EBAY Halts Auction of Vietnamese Girls

Rachel Conrad
Associated Press
March 14, 2004

EBay Inc. halted an auction this week and suspended a Taiwanese user who allegedly tried to sell three Vietnamese girls for a starting bid of \$5,400.

The site included five photos of three people. One dark-haired woman in a white shirt wore makeup and blue nail polish, and the other two appeared to be girls no older than their early teens.

“There couldn’t be a clearer case of what’s not allowed on e-Bay,” spokesman Hani Durzy said Friday. “We are constantly scanning the site for items along the line of this one worldwide, and as soon as we see them we take them down.”

Source 4:
www.mercurynews.com
retrieved March 14, 2004

through violence, threats and coercion. It is perpetuated through exploitation of vulnerable populations and exhibits slavery or prison-like conditions. Enslaved persons are forced to work in the sex trade, domestic labor, factories, hotels or restaurants, agriculture, peddling and/or begging, and may also be exploited in mail order bride or child adoption schemes.

Increasing disparities in wealth between source and destination countries motivate individuals to migrate.¹⁷ They do so to escape poverty and seek out economic opportunities to help support themselves and their families. Growing demands for cheap labor to developed or industrialized countries, coupled with a strong desire among poor individuals to better their lives, lead many people to migrate from developing or third world countries.¹⁸ Seeking out informal methods for migration, individuals fall prey to coercive labor conditions that infringe on their human rights, health and safety. At the same time, developing countries are faced with problems of rural to urban migration,

¹⁷ Source countries: trafficked persons’ countries of origin (supply). Transit countries: elaborate systems of transport in which traffickers move their victims from various transit countries before arriving in destination countries. Destination countries: countries that receive trafficked persons for labor purposes (demand).

¹⁸ Fitzpatrick, Joan and Katrina R. Kelly. “Gendered Aspects of Migration: Law and the Female Migrant,” *Hastings International and Comparative Law Review* (22)47; 1998.

exacerbating disparities in health, wealth, education, and access to resources.

According to the Department of State, “In many destination countries, commercial sexual exploitation and the demands for inexpensive labor have increased over the past several decades.”¹⁹ Trafficking operates under an economic system that benefits from the exploitation and enslavement of vulnerable populations. Market demand in destination countries drives this market of buying and selling people, being relatively low-cost inputs and reusable commodities.

According to Representative Veloria, in an address to the House of Representatives:

“The disparity between the rich and poor is wider. Worldwide, 20% of the world controls 80% of the gross domestic product. 447 billionaires have wealth greater than the income of the bottom half of humanity. About 1.2 billion people are still living on less than \$1/day and another 1.3 billion on \$2/day. In the U.S., the richest man has wealth equal to that of the bottom 40% of the American people. It is no wonder then that in some parts of the world, farmers sell their children to pay off a debt or a child is taken from his or her family to be sold for profit or that a woman from a

¹⁹ Department of State, Trafficking in Persons Report, June 2002.

Press Release: Child Survivors of Commercial Sexual Exploitation Brief Congress and Offer Solutions

The Polaris Project
March 5, 2004

When describing how they were trafficked into America's commercial sex industry, the youth noted the role of media glamorizing prostitution, the friends and caretakers who lured them into situations of abuse, and the community members who cast blame and shame on the victims. One youth was sold and traded eight times to different pimps and traffickers before she was identified as a child victim of commercial sexual abuse.

Source 5: Press Release: Child Survivors of Commercial Sexual Exploitation Brief Congress and Offer Solutions. The Polaris Project. March 5, 2004.

developing country would want to pay thousands of dollars, or even marry someone she has met through a 'mail order bride' agency for the promise of a better economic opportunity only to find herself forced to become part of [a] prostitution ring, an indentured servant or murdered in a developed country like the United States in a state like Washington. As a result, trafficking has become the third largest underground industry in the world."²⁰

Traffickers target women, children, and men; however, women and children are especially vulnerable due to their unequal status. The gendered political economy is supported by cultural and ideological norms in source, transit and destination countries where women and children lack institutional recognition for their economic, social and cultural rights.²¹ Additional root causes of trafficking may be attributed, but not limited to, the feminization of poverty, unemployment, lack of or inadequate access to resources, lack of education, and civil or political unrest.²²

²⁰Washington Representative Velma Veloria, Address to the House of Representatives, March 2002.

²¹ Piper, Nicola. "Labor Migration, Trafficking and International Marriage: Female Cross-Border Movements into Japan," Asian Journal of Women's Studies (5)69; 1999.

²² Orhant, Melanie. "Trafficking in Persons: Myths, Methods, and Human Rights," Population Reference Bureau, January 2002.

Trafficking can occur within national or across international borders and is not limited to foreign nationals.²³ The United States is a country of destination for many trafficked persons, the majority of whom are trafficked from Asia and Latin America, with increasing numbers from the Newly Independent States, Eastern Europe, and other regions.²⁴ Washington State's international seaports and geographic location on the Pacific Rim, with proximity to both Canada and Mexico, make us a favorable location for entry.

²³ Citizens may also be trafficked within national boundaries.

²⁴ See supra note 12, Richard.

Trafficking Victim Assistance and Prevention: Current Limitations

Victim assistance and services for trafficked persons are constrained by factors such as legal provisions barring undocumented migrants from benefits and victim-related services. Individuals that are trafficked but are not identified or recognized by law enforcement as “victims of a severe form of trafficking” may be expeditiously removed or detained in criminal detention facilities across the country. The current statute (RCW 43.08.260) does not allow for representation in immigration proceedings nor does it allow for representation of individuals who are undocumented. For example, trafficked persons generally fear deportation and removal by the Immigration and Naturalization Service (INS) or arrest and imprisonment by local law enforcement agencies, precluding them from seeking help. Trafficked persons may be viewed as illegal aliens (unidentified as a victim of trafficking) or may be seen as accomplices to trafficking by the legal system. Their fear of removal is exploited by traffickers to keep individuals isolated and under their control. Consequently, the TVPA protects trafficked persons by providing immigration status, permission to work, and possible U.S. permanent residence. It is our mandate to implement the lofty language of the new federal law in Washington State.

Once trafficked persons are identified, “certification” is a process by which trafficked persons are eligible for benefits and services to the same extent as a refugee. Non-entitlement programs may be expanded to include victims of trafficking, regardless of their immigration status.²⁵ However, certification is subject to three eligibility criteria, and the process of certification may often be prolonged.²⁶ There is an intense need for victim services from the time that individuals are identified as trafficked persons until they are certified by federal law enforcement. Pre-certification is a time when trafficked persons experience the greatest need for services.

Even after certification is achieved, recent welfare and immigration reforms limit the rights of immigrants to social services traditionally reserved for citizens. For trafficked persons able to obtain immigration or other recognized status, no organized system of care exists in the state of Washington to address the complexity and scope of trafficked persons’ needs. The current system relies almost

²⁵ 22 USC 7105 b(1)

²⁶ First, the victim must meet the definition of a severely trafficked person. Second, the victim must be willing to assist in every reasonable way in the investigation and prosecution of the trafficker. Third, the victim must make a bona fide application for a T-Visa, or is a person whose continued presence is needed to prosecute traffickers.

In Washington State

Helen Clemente was forced into indentured servitude from 1990 to 1993 by Sally & Eldon Doty, an ex-Seattle police officer. The Doty’s abused the INS finance visa to orchestrate a sham marriage between Clemente and Eldon Doty in order to procure an illegal maid. When she escaped, they sought to deport her by seeking criminal immunity for themselves.

entirely on existent services in the community that may not be specifically funded to provide assistance to trafficked persons or have the capacity to serve the special needs of trafficked or otherwise crime-related victims. The particular concerns of ethnic communities and communities of color are also largely ignored by culturally dominant service agencies and may be inaccessible by trafficked persons. In serving or advocating for trafficked persons, it is important that qualified interpreter services are provided in order to first understand the needs of the victim.

The subjugation that occurs as a result of trafficking may in some instances create the same needs as other crime victims. However, trafficked persons have many, and much more complex, issues that we must resolve in order to serve them appropriately and adequately. Barriers such as lack of immigration status, fear of law enforcement and deportation, culture, language, use of force and threats against family in the country of origin, shame in being forced to work in the sex industry (and other forms of labor), trauma and/or post-traumatic stress disorder are just some of the issues that must be addressed. Trafficked persons are culturally, linguistically and/or physically isolated and face many obstacles that prevent them from accessing available services. Gender and racial or ethnic discrimination compounds the isolation trafficked persons feel if unable to

effectively express their needs. Service providers must be sensitive to the dynamics of the trafficking experience and must provide assistance that is culturally meaningful. Most trafficked persons are unaware of their legal rights or services available to them and require not just language translators, but cultural brokers.

Our response must be both legal and social, with equal focus on prosecuting traffickers while assisting those who are trafficked. It is in the interest of the Washington State Legislature to assist trafficked persons not only on humanitarian grounds, but also for reasons of prevention. Doing so enables prosecutors to target and indict traffickers. Community-based efforts need to be available to help prevent trafficking and intervene on behalf of trafficked persons. This will require public education and awareness in addition to legislative resolutions that spur discussion at local, state, and national levels.

In Washington State

In 1995, Susana Blackwell, a Filipina mail order bride pregnant with her first child, was murdered along with two friends, Phoebe Dizon and Veronica Laureta. Blackwell and her friends were inside the King County Courthouse awaiting Blackwell's divorce trial when Blackwell's estranged husband, Timothy Blackwell, shot them to death. Susana Blackwell met her husband through an international matchmaking service. Two weeks after the two were married, Susana Blackwell left her husband and sought legal protection for domestic violence.

After the Report

Since the release of the Washington State Task Force Report on the Trafficking of Persons there has been significant progress in the raising of public awareness and the training of some service providers and some law enforcement personnel. There has been additional policy and legislative work. The Task force has continued to meet and refine its knowledge and understanding of the issue. They have consciously worked to collaborate with others to gain an understanding of the true service needs of victims of trafficking and strategize about how those might be provided. The fact that trafficking in persons has become more visible to service providers, the public and some law enforcement is good. Unfortunately, few federal and no state funds have been allocated for any of this specific work. Service providers once again find themselves with a labor-intensive need and no funding to support it. They clearly have an obligation to serve victims of trafficking appropriately and, at minimum, adequately with no financial support to do so. Once again, they are asked to do more with less.

The focus of the remainder of this report will be an update on what we have learned locally, nationally and internationally about human trafficking. It will explore what

trafficking looks like, most specifically, in Washington State. It will set out the challenges of Washington's particular geography, location and work force needs as well as some of the other underlying conditions supporting the trafficking of persons in Washington. Finally, there will be recommendations for the future.

The Role of Non-Governmental Organizations

In recent years, several non-governmental organizations (NGO's) have been formed to address trafficking in persons. The work done by these organizations comes from multiple perspectives. Some address research, some policy, and some direct services while others provide a combination of services.

Many other NGO's and private, not for profit agencies provide services to specific populations. By virtue of the services they provide, they have been "drafted" into anti-trafficking work by victims of whom they have become aware during provision of their services.²⁷ Domestic violence, sexual assault, culturally specific community based agencies, human rights advocates and refugee services providers have all seen victims of trafficking, though when they presented for services, they did not identify themselves as a such. For example, during the course of domestic violence service provision a woman identified herself as a mail-order bride who was a victim of domestic violence. As the victim got to know her advocate and trust developed, the victim began telling about her experiences. She had come to the U.S. as a

²⁷ Caliber Associates, Inc. (2003) Needs Assessment for Service Providers and Trafficking Victims:
www.calib.com/home/practice_areas/cfcs/pubs.cfm

mail-order bride. She was forced into sexual slavery and isolated against her will. She was regularly beaten and threatened with harm to herself or her small child if she should tell anyone of her situation. She requested domestic violence services. The complexity of her case increased when it was necessary to deal with immigration issues, the need for certification, thus police involvement. It was apparent that the domestic violence shelter would need to collaborate with refugee services agencies and law enforcement in order to best serve the victim. It was the first time that this agency needed to deal with local, state and federal entities and coordinate these services for a client. Though presently unfunded to serve victims of trafficking, with all their complexities, this agency is providing critical services to an underserved population.

As a whole, regardless of their specific focus or mission, NGOs play an extremely important role in the response to human trafficking. Through the combined efforts of NGOs, a coordinated infrastructure of services for trafficking victims is growing in response to the crime.²⁸ Many of these service providers began assisting victims of trafficking the moment those victims were known to them. Soon after, the

²⁸ Caliber Associates, Inc. (2003) Needs Assessment for Service Providers and Trafficking Victims:
www.calib.com/home/practice_areas/cfcs/pubs.cfm

Trafficking Task Force began their work and within a year Washington's trafficking law was passed. All during this time local NGO's were trying to assist victims. As a result of the reactive nature of the response, the outreach and education to all of the potentially important departments and agencies has lacked a well-planned approach and thus, a systematic focus.

The Role of Governmental Organizations

Governmental organizations play a critical role in serving victims of trafficking. Government agencies may be the first to come into contact with and identify someone seeking services as a victim of human trafficking. The client may be in search of housing, food, medical services or immigration assistance, among other basic needs. Law enforcement agencies may investigate a potential crime, only to discover that there is more to the story than first presented itself.

Without training, these agencies and others will not be adequately prepared to identify and provide appropriate service to trafficking victims. With suitable training these agencies will be a part of the critical infrastructure of service for trafficking victims.

Observations And Experience With The TVPA

“The Department of Justice’s charge is to safeguard, nourish and protect the conditions of freedom that make America unique. One of those conditions is the respect and value that American culture places on the dignity of each and every individual. The Justice Department is committed to defending freedom and human dignity. One of the greatest threats to human dignity is human trafficking: the commodification of human beings.”²⁹

Since the passage of the Trafficking Victims Protection Act (TVPA) there has been opportunity for victims, law enforcement, immigration officials and direct service providers to experience its usefulness and learn about its limitations. There is no doubt that the words of Attorney General Ashcroft speak to protection of individual victims of human trafficking. The words of the TVPA and the assurances it provides give commitment to the intent of the language. Practitioners, however, experience the difficulties in trying to access the promised services in a timely way.

²⁹ United States Department of State. Office to Monitor and Combat Trafficking in Persons. Office of Under Secretary for Global Affairs, prepared remarks by Attorney General John Ashcroft: Pathbreaking Strategies in the Global Fight Against Sex Trafficking (Washington, D.C.: February 25, 2003).

Victims sometimes experience less support than hoped for when the system rejects them.

In order to access the services outlined for victims of human trafficking, a person must:

1. Be certified as a victim of a “severe form of human trafficking.”
2. Assist law enforcement with preparation and testimony in prosecution “in every reasonable way.”
3. Have applied for a T visa, or be one whose “continued presence” in the United States is essential to the prosecution of traffickers.

As law enforcement and prosecutors are learning to use the tool of the anti-trafficking law, several realities of their experience make it difficult to certify victims of trafficking. Investigations can be very complicated and time consuming. Victims may be unwilling or unable to tell a consistent, coherent story for any number of cultural, language or safety reasons. Sometimes the dynamics of the investigative process are such that law enforcement believes they must detain the victim proving that the fears held by the victim are real, indeed. These many realities tend to exacerbate a sometimes perceived chasm between the

criminal justice system and victim advocates. This leaves the victim only partially served.

A survey of domestic violence, sexual assault, immigrant and refugee service providers, state law enforcement agencies, county prosecutors, and others in Washington State yielded the following synthesized observations:

- Ø The burden is on the victim to prove coercion, force, kidnapping, deception or fraud to be certified as a victim of trafficking. Only then are federally sponsored services, including special immigration status, available. The challenge often is that there is no documentation to back up threats and intimidation by traffickers. The difficulty of proving that is complicated by the experience of many victims with law enforcement in their countries of origin. Often, law enforcement is not to be trusted, perhaps openly feared. Relying on law enforcement in a new country requires a different relationship, which takes time and patience to develop.

Charges & Convictions
Federal Fiscal Years
2001-2003

- Ø Charged 111 traffickers
- Ø Convicted or guilty pleas from 77 defendants. Of these, 59 were guilty of sex trafficking
- Ø Opened 210 new investigations

Source 6: Prepared remarks of Attorney General John Ashcroft Regarding Human Trafficking. U.S. Dept of Justice. Jan. 2004. Retrieved from www.usdoj.gov/ag/speeches on 2/11/04.

- Ø Law enforcement holds the key to services. There is no other way for a victim to access services but through them.
 - Law enforcement must make the determination that there is enough proof that “a severe form of trafficking” has been perpetrated on the victim.
 - Law enforcement must certify, in writing, that the victim is cooperating with law enforcement toward prosecution.
 - If the victim has been unable to file for, or has not received, a T-Visa, only law enforcement can request, in writing, “continuing presence” status for the victim.

The capacity of law enforcement to “certify” victims is dependent on training, attitude and relationship with service providers and anti-trafficking networks.

The United States Government showcases the TVPA as a humanitarian tool. And it is, to a degree. It is, though, also a law enforcement tool. There are sometimes competing interests, and as long as law enforcement is the door through which a victim must go in order to get

services, sometimes the humanitarian mission is unaccomplished.

Even with the absolute best of intentions, with government offices and programs moving at their most efficient paces, "certification" and visa processing leaves victims vulnerable during that pre-certification process. Homeless, hungry and frightened victims of trafficking need access to services from the time that they are identified. Without support and funding for pre-certification services, the humanitarian mission of the TVPA fails.

Finally, it is agreed by most people working with trafficking victims that human trafficking will not be halted unless the demand for trafficked persons is ended. When asked by Mollie Ring, editor of *Trafficking Watch*, if there are any initiatives funded by the Office of Refugee Resettlement that specifically address (and seek to reduce) the demand for trafficking, Steve Wagner, coordinator of the ORR Trafficking in Persons Program, replied:

"At present there are no specific anti-demand initiatives underway."³⁰

³⁰ International Rescue Committee. (Winter, 2004). ORR Trafficking In Persons Program. *Trafficking Watch*.

The humanitarian goals of the TVPA will require that there is a corresponding expansion of focus from source country failures to destination country (USA) demand.

The Reauthorization: TVPRA

The Trafficking Victims Protection Reauthorization Act of 2003 amended the TVPA to:³¹

- Ø Remove obstacles in the process of securing needed assistance
- Ø Increase benefits to victims of trafficking
- Ø Increase knowledge about trafficking in persons
- Ø Enhance prevention efforts
- Ø Provide greater protection to victims
- Ø Increase prosecution

Some of these changes came about because of the experience of service providers, law enforcement and immigrant and refugee workers. It was clear that while the intent of the TVPA was to initiate the above listed activities, there were barriers to timely, safe and comprehensive services to victims of trafficking. Specific changes were made to the TVPA to address the improvements listed above.

Journalists, Officials Work To Raise Profile of Human Trafficking Problems
Barry Newhouse, Washington D.C.

And Mr. Miller said journalism is also playing a role. "Finally we see this being recognized for what it is: slavery. And whenever journalists anywhere in the world write about this they are helping to increase public awareness and from that public awareness can come some true progress toward abolition," he said.

Source 7: www.voanews.com.
09 February, 2004.

³¹ Siddiqui, Jumaina, [The Trafficking Victims Protection Reauthorization Act of 2003: An overview](#). John Hopkins University School of Advanced International Studies. The Prevention Project., 2004.

Certification³²

- Ø To certify, DHHS will now consider statements from local law enforcement regarding compliance with investigation and prosecution
- Ø Benefits will extend to minor children of trafficking victims.
- Ø The right to civil action to recover damages and attorney fees is now available.
Adjudication of civil matters must wait until the final verdict in the criminal case is returned.
- Ø Those under 18 years need not comply with the assistance to law enforcement to investigate and prosecute traffickers in order to qualify for a T-Visa.
- Ø The reauthorization extends T-Visa to victim's unmarried siblings under 18 years of age.
- Ø There will be new reporting requirements by government agencies to assist with the understanding of the need for services, etc.

³² Testimony by Hon. Christopher Smith before the House Gov't. Appropriations Committee:
www.house.gov/apps/list/press/njo4.

Prosecution

- ∅ To aid with prosecution, the reauthorization makes the addition of foreign commerce in 18 USC 1591.
- ∅ Addition of trafficking within the definition of racketeering as related to the RICO act.

Foreign Policy – New minimum standards³³

- ∅ The percentage of victims of a “severe form” of trafficking in a given country, who are not citizens of that country, is insignificant.
- ∅ The government of the country in question is monitoring anti-trafficking efforts.
- ∅ Progress in each country is measured by comparison to the previous year.

Research

- ∅ Explore the economic causes and consequences of trafficking.

³³ Victim Protection and Immigration Law. Minnesota Advocates for Human Rights:
[www.stopvaw.org/Victim Protection and Immigration Law.html](http://www.stopvaw.org/Victim_Protection_and_Immigration_Law.html)

Of Minimum Standards and Sanctions

Ex-congressman Stunned by Extent of Worldwide Trafficking in Humans
Alex Fryer, Seattle Times
Feb. 4, 2004

Just like every other foreign policy decision, however, realpolitik often butts heads with moral righteousness.

Last June, Miller announced the State Department had placed 15 countries in its lowest ranking for compliance with anti-trafficking efforts.

The ranking meant Bush could impose sanctions on those countries, which included NATO allies Greece and Turkey as well as the Dominican Republic and Belize.

Three months later, the State Department announced that all but five nations had made improvements and raised their status.

Source 8: www.Seattletimes.nwsources.com
retrieved Feb. 11, 2004

-
- Ø Explore the relationship between trafficking and public health risks.
 - Ø Evaluate the effectiveness of funded programs and initiatives.

With these changes it is hoped that the TVPA will more readily reach its aims.

Legal Filings

Nationally law enforcement has utilized the Trafficking Victims Protection Act to convict 77 defendants of the crime of Trafficking in Persons. In Washington no cases have been charged, to date, though there are ongoing investigations.

Observations by victim advocates suggest that low charging rates should be understood in a developmental context. Whenever a new law relating to a heretofore-unaddressed issue comes on the books, it is purely a policy act. In order for the law to begin to have an effect, training of local and federal law enforcement personnel must take place in an organized and thorough manner. Until law enforcement is well trained and personnel are able identify trafficking victims when they encounter them, the crime will not be charged. Federal prosecutors around the United States and in the Washington District are more aware that trafficking may be at the root of some of their cases. They are learning what this tool (TVPA) will enable them to do and not do. There are limitations on the legal process, but the humanity of the prosecutors allows for creative problem solving.³⁴

³⁴ Anonymous. Personal interview. 27 April, 2004.

Cultural and language issues often complicate the case. Relationship to authority in the country of origin, fear of the police, fear of deportation, just fear of the unknown may keep a victim from telling a clear, complete and coherent story. Building trust with those who have been so badly victimized will take more than the usual time. Robert Coster, National Project Leader for prostitution and trafficking in people of the Netherlands Police stated the task well: "We must earn the information we need from victims when dealing with an investigation."³⁵

³⁵ Coster, Robert. Personal Interview . 23 March, 2004.

Maria Cantwell and the International Marriage Brokers Legislation

Many persons, particularly women, are brought to this country with the intent to marry an identified fiancé. Unfortunately they are at high risk of domestic abuse and subsequent abandonment. It is hoped that better regulation of International Marriage Brokers (IMB) will prevent such abuse.

U.S. Senator Maria Cantwell (WA), building on the work of Washington State legislators, introduced the International Marriage Broker Regulation Act in July of 2003.

The Act:

- Ø Limits U.S. citizens and permanent residents to sponsoring only one fiancée for a visa each year.
- Ø Requires that before IMB's may give out personal contact information of a prospective foreign fiancée, it must first obtain her/his consent to that release, and provide her/him with information on the rights of domestic violence victims in this country. It must be provided in the native language of the requesting individual.

-
- Ø Requires IMB's to have American clients provide information on previous history of domestic violence, and past marital history, to all prospective fiancées they contact. It also requires the American client to provide the same information to the Bureau of Citizenship and Immigration Services if a fiancée visa is subsequently sought.
 - Ø Requires that U.S. citizens sponsoring a foreign fiancée undergo a criminal background check. Information on domestic violence convictions and civil restraining orders would be related to the visa applicant by officials.

And In Washington: The Continued Work Of The Task Force

In Washington, the Task Force continues to meet on a monthly basis. The contributions of the diverse group of Legislators, NGO's, governmental departments and agencies, law enforcement, prosecutors at the state and county levels and relevant coalitions cannot be overstated.

Representatives of these entities meet monthly to share experience, frustration, needs and policy suggestions. It offers the opportunity to troubleshoot issues with individuals from many disciplines as they strive to serve persons that are beginning to be identified as potential victims of trafficking in persons.

Legislation was suggested and introduced that would have required all state agencies to develop protocols for serving victims of trafficking. It did not pass. Another bill was introduced regarding creating an annual Governor's Award, which would have helped to keep human trafficking in the public awareness. It did not pass.

The Office of Crime Victims Advocacy offered an intensive Conference Institute on Human Trafficking. Some Task Force members participated in the institute as trainers. It was the first opportunity for crime victim advocates, of

many disciplines, to learn about modern day slavery in a concentrated and focused setting. The training has already yielded fruit, as some small, rural agencies have identified clients as victims of trafficking and have marshaled the assistance of the agencies and individuals about whom they learned in the Institute.

Participants in the Task Force have been asked to share their experience and expertise with interested individuals and like groups across the United States as others have worked on this issue. Some members of the Task Force are participating in national projects created by the TVPRA to provide technical assistance to others.

Implementation of the Washington Trafficking Law

To date, no one in Washington has been charged under the Washington Trafficking law. There is, at present, at least one pending case.

The observations of law enforcement personnel, county prosecutors and victim services providers are the same. Training about the issue, the Washington State law, and the TVPA needs to be provided for all three of the above-mentioned groups. Public awareness of the issue is minimal and in many cases attitudes are stereotypical and disbelieving. Service providers and other related agencies' awareness of and knowledge about the issue of human trafficking are marginal in the aggregate. Unless training is provided in a comprehensive way, the victims of trafficking will go unrecognized and unserved.

Several groups in Washington are providing training, sometimes beyond their funded activities financial resources, to those who request. Though the TVPRA authorized some funding for these activities, little is seen in Washington State. The Washington State Legislature has not provided additional resources to this purpose. Once again, providers respond to the needs of victims without the resources

needed to do so adequately. Collaboration is an essential action when dealing with trafficking. It is also difficult when multiple agencies must contribute without the financial backing to support the work.

A significant unintended consequence of this reactive and under-supported response is that victims are not being recognized and cases are not being charged by the individuals and organizations that have not been trained to do so. Building awareness and skill have emerged as immediate necessities.

Learning from Activities and Experience

Since the passage of both the Washington Trafficking law and the federal Trafficking Victims Protection Act, service providers have been recognizing and serving victims of trafficking. The following are observations from their work:

From their work with victims of trafficking, service providers speak of the daunting complexity of these cases.

“Each case is like having four or five clients.”³⁶

Safety is an overwhelming concern. Most victims of interpersonal violence are escaping from one perpetrator. Victims of trafficking may be running from organized crime, a much more dangerous proposition.³⁷

Their fear is not only for themselves and their own safety, but for the safety of family members in the country of origin if the crime is exposed.³⁸

³⁶ Emma Catague. Personal interview. 23 March, 2004.

³⁷ Anonymous. Personal interview. 5 April, 2004.

³⁸ Washington Trafficking Task Force Survey, April 12, 2004, Office of Crime Victims Advocacy.

Trafficking victims may have negative relationships with authorities in their country of origin, so the simplistic notion that law enforcement is to be trusted and will help may not be credible.³⁹

Language and culture strongly influence the understanding of processes in the multiplicity of systems involved in assisting victims of trafficking.⁴⁰

Immigration and citizenship status issues arise immediately and are ongoing concerns for victims of trafficking. Victims must cooperate with law enforcement to be certified as a victim of “severe trafficking” which must happen in order for services to be available.⁴¹

Mental health and trauma histories need attention. In many cases they are extreme needs because of the violent treatment and fear inducement.⁴²

³⁹ Ibid

⁴⁰ Ibid

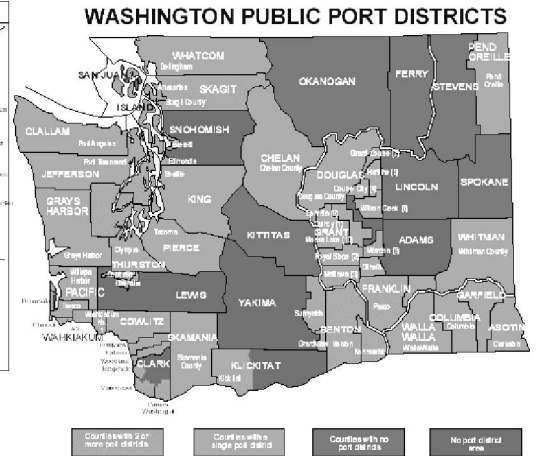
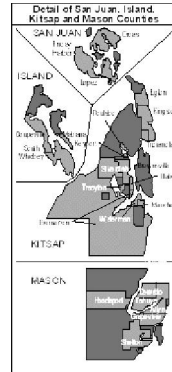
⁴¹ Ibid

⁴² Ibid

Washington: Transit and Destination State

Washington possesses many of the underlying conditions that support trafficking of persons. These conditions have been widely recognized by those studying the issue of trafficking and are common to many states.⁴³

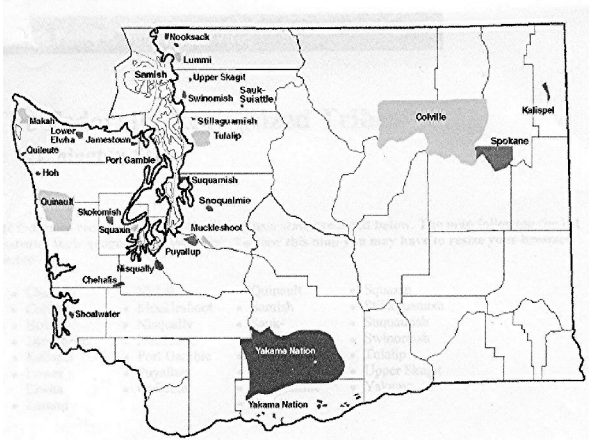
1. Washington is a state with international borders.
2. Washington has multiple ports (see map), some of which are international ports.



Source 9: www.washingtonports.org/mapwithlinks.htm

⁴³ Numerous sources cite varying versions of underlying conditions and contributing factors. Among them, Amy O'Neill Richard, International Trafficking in Women to the U.S.: A Contemporary Manifestation of Slavery and Organized Crime (Central Intelligence Agency Report, April, 2000) p.1., Richard Estes and Neil Alan Weiner, The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico (Philadelphia: University of Pennsylvania, 2001), Sex Trafficking Fact Sheet: United States Department of Health and Human Services campaign to Rescue and Restore Victims of Human Trafficking, 2004. and Florida Dept of Children and Families, Office of Refugee Services, Florida Responds to Human Trafficking, (Florida State University, Tallahassee, Florida, Fall, 2003)

3. Washington has many areas of geographic isolation, which makes social isolation possible.



Source 10:
www.wa.gov/dshs/ipss/map.html

4. Indian Reservations add to the complexity of jurisdictional issues. Persons may be trafficked from one reservation to another, or from outside origins into the sovereign nations' reservation.

5. There is a market for the industry. The demand for agricultural, domestic, and sex industry workers continues.

6. There are pre-existing adult prostitution zones.

7. There is a population of transient, unattached males in Washington who are living on military bases or working in agriculture and the trucking industry. The presence of these detached men helps create a demand market.

8. Washington, like other states, negotiates and lives by myriad trade agreements. The disproportional impact of trade agreements on women worldwide forms a

part of the structure upon which human trafficking in Washington State exists.⁴⁴

All of the above listed conditions contribute to the climate in which the trafficking industry can not only exist, but prosper. These conditions help to make Washington one of two major international gateways and hub cities in the northwest region of the United States⁴⁵ for the trafficking of children.⁴⁶ The United States is divided into five defined major regions. Washington is in the northwestern United States region. From Seattle, the cities typically included in the trafficking circuit, or cities to which and/or through which trafficking victims might be deployed, are Honolulu, Las Vegas, New Orleans, Portland, Vancouver, WA and Yakima. From those cities victims are trafficked throughout the region. That route extends into Canada as well.⁴⁷

The following example of a 15-year-old girl from the Ukraine and living in Seattle illustrates the ordeal faced by

⁴⁴ Presentation on Combating Trafficking of Persons, by Rep. Velma Veloria, Washington State Legislature, March 23, 2004.

⁴⁵ Gateways are considered the last port used by traffickers in the transport of trafficking victims

⁴⁶ Richard Estes and Neil Alan Weiner, The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico (Philadelphia: University of Pennsylvania, 2001) 55.

⁴⁷ Ibid, p. 117.

many victims who are transported from foreign countries of origin.

She was trafficked by private car from her small village outside Kiev to downtown Kiev where she was taken by bus to St. Petersburg (Russian Federation). From there she was trafficked by train to Moscow from where she departed by plane to Frankfurt (Germany). A train again was used to transport her from Frankfurt to Paris (France) where she was placed on a plane to Montreal (Canada). Over a period of several weeks, a variety of cars and vans were used to transport her across Canada to Vancouver and, eventually, into Portland and Seattle. She did not enter the U.S. at an established border crossing but rather, and with three other girls and their traffickers, walked across from Canada to the U.S. where a private van awaited them. At no time, was this young woman in possession of a passport or visa that would identify her as a person who could enter the U.S. legally.⁴⁸

This example was gathered before children were granted potential Unaccompanied Refugee Minor benefits. It is stories like hers that brought the urgent need for services and protection of unaccompanied trafficked children.

⁴⁸ Richard Estes and Neil Alan Weiner, The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico (Philadelphia: University of Pennsylvania, 2001) 115.

The Reality of Experience in Washington

Across the state of Washington service providers are reporting experiences with victims that help bring sharp focus to the picture of trafficking in Washington State.

Trafficking in

Washington is not limited to the I-5 corridor. Though this is a commonly held notion, one look at the map showing the locations of the illustrative case studies will show a very different reality. Each of the representative

case studies comes from one of the counties shown with a check mark. This map shows that there are cases in the major population centers of Washington, and in some of the more isolated, rural regions of the state. These scenarios represent diverse experiences: mail order brides, agricultural laborers, domestic laborers, sex workers, and exploitation of children. All case descriptions are representative of actual cases. All have been abridged or otherwise amended to



Cultural Context and the Victim

The importance of culture cannot be overstated when dealing with victims of trafficking. These are people who are away from their own cultural context, often isolated, and carrying complex histories. Just some of the important elements to be considered are:

- Legacy of oppression
- Fear- often they or loved ones have been threatened
- Violence and conflict in their homeland
- Culturally determined responses to conflict
- Poverty- in the homeland and U.S.A.
- Relationship to authorities/police
- Culturally determined gender differences
- Culturally influenced communication styles
- Language and interpretation

protect the victim and/or any potential pending immigration process or prosecution. In sum, they represent well the challenges faced by victims and their advocates.

The more darkly shaded counties represent areas where state agencies, law enforcement and/or NGO's have observed activities that lead them to believe trafficking is happening, but are unable, as yet, to take any legal action.

Washington also exports perpetrators of sexual exploitation of children when one of our citizens, so inclined, travels to engage in sex tourism.

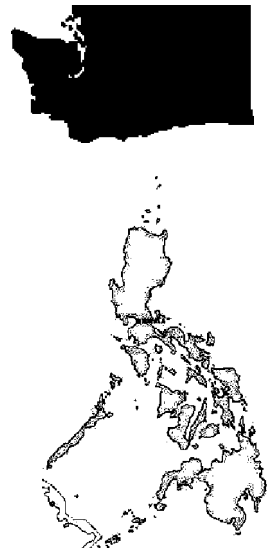
Modern day slavery looks different from face to face, experience to experience. It is occurring in many areas of Washington State. There are great variations in readily available services, and more variation in the training and community readiness to recognize and address the needs of those victimized by this crime.

From The Experience of a Southwest Washington Victim Advocate

I had a Filipina client who was a victim of domestic violence and at an early age ran away from home. She was raised in a convent, not unusual there. At 14, she left the convent to enter the domestic labor market as a maid.

When she was 15, someone she knew told her that she could make a lot more money if she would do exotic dancing at a nearby club. Naively, she agreed. He took her to the club and essentially sold her to the owner. The owner explained that she would dance, and she would perform the sexual services requested of her.

One night, she was raped by a patron of the club, thirty years her senior, who purchased her from the club owner. She became pregnant and lived with him until age 19, at which time he brought her to the U.S. After they were here for a time he became more and more abusive. She was traumatized, and acting out of her trauma, she set a fire in the house. Though she did not intend it, the house burned down. He had her charged with arson and she went to trial, was convicted and taken to prison.



Toward a Better Life

The Mindset of a Human Trafficking

Victim

From: RESCUE AND RESTORE Victims of Human
Trafficking

United States Department of Health and Human Services
2004

- § Many trafficking victims do not speak English and do not understand American culture. Preying upon the poor and destitute from countries in Eastern Europe, Asia, Latin America and Africa, traffickers lure their victims into the United States with promises of marriage, a good job so they can provide for their families back home, and a better life.

- § These promises and dreams quickly turn to nightmares as victims find themselves trapped... living daily with inhumane treatment, physical and mental abuse, and threats to themselves or their families back home.

Source 11: Rescue and Restore Victims of Human Trafficking: United States Dept. of Health and Human Services. (2004)

In prison she was assaulted by other inmates and guards. She reported the incidents and through several abuses of the system was sent to INS, detained and eventually deported.

The isolation, control and violence perpetrated against this woman by a citizen of Washington destined her to a hopeless future. He has since brought to Washington several mail order brides who have experienced similar violence.⁴⁹

⁴⁹ Anonymous. Personal interview. 5 April, 2004.

From The Experience of a Seattle Victim Advocate

Sometimes a person arrested for prostitution is being victimized by the very people who appear to be her “employers.” Unless law enforcement is aware of the possibility that she is enslaved in the business, rather than employed, she can be further victimized, jailed and deported.

If law enforcement is aware of the potential for human trafficking, deeper questions may be asked. They may discover, as some of have recently done, that the women have been brought to this country thinking they were to do domestic or some other legitimate work. The proprietor withheld their identification and travel documents and they were unable to leave, even had they the language skills and knowledge of available help.

It is not unusual for people to be detained, even for a short time, by ICE before they are released- with no money, the clothes on their back, no English skills, immigration status in question and concerns about their safety. These victims need a wide array of services and may or may not receive them.



Trafficking Within the Same Operation.

Some prostitution rings move the women from house to house in various parts of the country to provide “variety” in available women. As reported in the Everett Herald, “The informant said he wasn’t satisfied with the selection (of women) and he was told ‘they would be getting more girls’ soon, papers said.

It is unknown if other charges will be filed.

Source 12: www.HeraldNet.com, retrieved May 9, 2004.

It is often at this time that our agency becomes aware of their case. Many times these cases cannot be charged as a “severe form of trafficking,” or even if they could, the victim may be unable or too frightened to assist with the prosecution of her traffickers. If this is the case, she



is not certified as a trafficking victim and there are virtually no funded services available to help her. As an immigrant and refugee service provider, this advocate’s agency has provided services to many women whose stories are similar to this scenario.⁵⁰

From the Experience of a Spokane Legal Services Provider

A 13-year-old male juvenile was smuggled to North



America by Snakeheads⁵¹ from China. This was arranged by his family, and when he arrived at his destination he was to work to pay off the traveling fees charged by the Snakeheads of approximately \$60,000. He and 30 others traveled in a cargo container under

⁵⁰ Anonymous, Personal interview. 5 April, 2004.

⁵¹ Snakeheads are organized smugglers of persons in China.

appalling conditions. 17 days later he landed in Vancouver, British Columbia. Canadian immigration became suspicious when officers heard voices in the container. When they opened the container, they discovered the smuggled persons. They were placed in detention.

After some months in detention, he was placed in foster care with a Canadian family. He applied for refugee status in Canada and was denied. He appealed his case. During the appeal process his father called from China to report that the Snakeheads were demanding payment from him or the boy, they had assaulted him, and the father was afraid for his life. The rest of the family had gone into hiding. The boy decided to go the U.S. He crossed the border into the United States from Canada, was apprehended by the INS, and placed in detention. He was represented in his immigration hearings by two different immigrants' rights law projects without charge. He remained in detention for 8 months, has now been released to an uncle living in New York and is currently on his way to getting a green card.⁵²

⁵² In an e-mail dated April 19, 2004, Columbia Legal Services Staff described the facts of the case, which are abridged here.

From the Experience of Two Northeast Washington Victim Advocates

As the 6th consecutive wife ordered from an International Marriage Broker, the young Colombian woman arrived in Pend Oreille County with about 15 words of English. She came on a fiancée visa, and was married one month later when she was told by her husband “You’re in my country now. You have no rights.” It was an inauspicious beginning. Soon after her arrival she became the victim of domestic violence and sexual assault.

She was referred by her church to the local domestic violence / sexual assault service provider. This agency helped her make a safety plan and escape, though the husband kept her green card and other necessary papers.

Because this agency is well connected to the community, the community rallied around this woman to help her with medical and housing needs. These victim advocates, never having worked with Immigration and Citizenship Enforcement or immigrant and refugee issues, started to ask questions. They learned disturbing things about the woman and her history.

Partnerships

But those who profit from the trade in human beings often keep their victims under such close watch that finding those who need assistance is a huge challenge. Attending weekly Mass might be the only activity that the trafficker allows them to do alone.

“Oftentimes the only contact that people who have been trafficked have with the outside world is through religious ministers,” said Laurie M. Latuda, a grants and programs administrator with the Office of Refugee Programs in the U.S. Bishops’ Migration and Refugee Services.

Source 13:
www.catholicnews.com
retrieved February 11, 2004.

With only a Spanish/English dictionary, this woman and her advocate sat in a room and her story began to unfold. In Colombia the police came and arrested people for no reason. They were taken away and never seen again. Women and children just disappeared. Her capacity to trust law enforcement was hampered by this history. The working relationship between these advocates and their local law enforcement created the bridge for the necessary trust to develop.

One of the staff from this agency had gone to training, learned about trafficking, and determined there were some resources to help. The advocates connected with an immigrant rights project. Everyone helped with paperwork. The community insisted on writing letters of support for her INS hearing. Thirty community members gave her a house warming when housing was found. They supplied her with most of her immediate needs. The immigrant rights and legal advocates helped with filing paperwork and representing her.

She is well on her way to safety and thriving.⁵³

From the Statement of
Maria Cantwell Upon
Introduction of
International Marriage
Broker Act

A 1999 study found that there were over 200 Internet sites marketing foreign women primarily from Eastern Europe and Asia seeking American husbands. Recent studies suggest that there are now as many as 400 currently operating in this country. These sites feature pictures of hundreds of women who, according to the websites, are looking to meet and marry an American man. The international marriage brokers operating these sites promise a wife with "traditional values," who will honor her husband.

Source 14:
www.capaa.wa.gov/IMBR_act.html retrieved March 30, 2004.

⁵³ Jackie Kiehn and Pam dePriest, Personal interview. 6 April, 2004.



From: Sexual Assault in Indian Country

Confronting Sexual Violence

Produced by the National Sexual Violence Resource Center

The average annual rate of rape and sexual assault among American Indians is 3.5 times higher than for all races.

Bureau Justice Statistics

Sexual abuse at a young age is quite frequent and almost always involves a relative such as a father, brother, cousin, uncle or grandfather.

Phyllis Old Cross Dog

It is commonly known throughout Indian Country that 90% of Indian women in chemical dependency treatment are victims of rape and childhood sexual assault.

Terri Henry - Clan Star

Source 15: Sexual Assault in Indian Country: Confronting Sexual Violence. (2000) National Sexual Violence Resource Center.

From the Experience of Two Native American Service Providers

Service providers serving several different Native American nations have stated that some of the same conditions prevalent in foreign countries of origin are present on Native American reservations. Poverty and lack of opportunity are often cited as reasons tribal members leave the reservation.

Advocates have been told by community members of instances in which underage women have been transported from reservation to reservation for the purposes of sexual exploitation. These young women are vulnerable to the promise of money and opportunity and may agree to engage in activities, unaware of their vulnerability to exploitation.⁵⁴

One young woman reported that she believed she needed to leave the reservation to have an opportunity to better herself. She observed that if she was going to leave the reservation she would need money. At 14 years old, being abused by her stepfather, she wondered, "Who would hire me to do work that would pay me enough money to survive?"

⁵⁴ Anonymous. Personal interview. 7 May, 2004.

This young woman ran away from home and lived on the streets. She reports that she did “what my stepdad taught me,” turning tricks to support herself. It was not long before a pimp took her into his operation, taking a large percentage of her money, and she was trapped once again. He traveled from Seattle to Portland, rotating his “girls” between these two cities.

Four years after leaving home, she now lives in a youth home and is receiving services appropriate to her needs.⁵⁵

From the Experience of A Victim Advocate for Agricultural Workers

“It is hard to say exactly what is happening. People begin to trust me and tell me things and then they are moved. People who really need help are often kept in a state of fear for their own safety, and the safety of their families both here and in Mexico. They speak no English, they have no idea where they are, geographically, and have no transportation except that provided by the traffickers.”⁵⁶



Many of the workers are brought to the United States by Coyotes, smugglers who bring undocumented immigrants

⁵⁵ Anonymous. Personal interview, 7 May, 2004.

⁵⁶ Anonymous. Personal interview, 6 May, 2004.



across the border and either sell them to a gang or hold them against their will while they are paying off their debt. This debt is to be repaid by forced labor on farms, in factories, sweatshops or in the sex trade. Though the workers are willingly smuggled into the United States, they believe they will be able to repay the debt and begin a new life. The reality is, few escape the vicious cycle of debt to the Coyotes, or the groups to which they are traded.

When agricultural workers are living in licensed camps, the camp is subject to inspection and can be regulated. Illegal operations shun licensed camps and live in one of the many unlicensed camps in Washington.



By the time workers want help in escaping their situation, they are often fearful of deportation because they were willingly smuggled. Rather than being seen as victimized, they are seen as having committed an illegal act.

Washingtonians and Sex Tourism

The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery.⁵⁷

And in Washington: A 69-year-old Puget Sound area man pleaded guilty in federal court in March of 2004 to charges of having sex with two Cambodian boys and trying to have sex with children in foreign places. He is the first person in the U.S. to have pleaded guilty under the PROTECT Act of 2003⁵⁸ which aims to combat the international child-sex trade.⁵⁹

⁵⁷ Stockholm Declaration and Agenda For Action, 1996, para.5. Full text available on the website of the 2nd World Congress: www.focalpointngo.org/yokohama.

⁵⁸ The PROTECT Act was enacted in April 2003. It makes sex offenses against minors committed overseas punishable by law in the United States.

⁵⁹ 'Man Admits to Sex Charge' 2004. Seattle times, Fri Mar 19, p. B3.

Pentagon Outlines No Tolerance Policy for Human Trafficking

Alex Belida
Pentagon
18 February, 2004

The U.S. Defense Department is throwing its might against the global problem of sex trafficking. The target is not any foreign country, but preventing any wrongdoing or even the appearance of wrongdoing within the American military community itself.

A memo by Deputy Defense Secretary Paul Wolfowitz outlines a strict new no tolerance policy. It says human trafficking will not be facilitated in any way by the activities of service members, civilian defense employees or Pentagon contractors.

It goes on to state that the Pentagon opposes prostitution and related activities. It calls the phenomenon of trafficking in persons "inherently harmful and dehumanizing" and says this "cruel and demeaning" human rights violation is incompatible with military values.

Source 16: www.voanews.com, retrieved February 24, 2004.

Victim or Refugee or Perpetrator?

In all of these cases, the status of the person as victim/refugee/perpetrator may be viewed differently by several of the providers. The criteria by which the label is assigned may be dependent on the point of view or mission of the agency involved. For immigration, there may be an immigration violation. In the case of the young man from China, he and his family knew that he was being smuggled into the country. To victim advocates, this was clearly a case of victimization. In the broadest sense, all are victims of trafficking. However, several of these cases could not meet the criteria of a person who has experienced a “severe form” of trafficking, though in each case people are migrating and being exploited.

Washington State Agencies Affected by Illegal Trafficking of Humans - June, 2004⁶⁰

- P Community, Trade and Economic Development, Dept of
Office of Crime Victims Advocacy
- P Health Care Authority
Basic Health
- P Labor and Industries
Crime Victim Compensation
- P Public Instruction, Superintendent of
- P Department of Health
- P Secretary of State, Office of
Address Confidentiality Program
- P Social and Health Services
Health and Rehabilitation Services

Several other state agencies responded that they see that they will likely be affected by illegal trafficking of humans. Some report that they are now being affected, but since they are not presently funded by the legislature to provide services they do not either formally track these instances, or categorize them in another way so such services as possible are provided.

In any case, the impact of human trafficking on state agencies is relatively unmeasured and will likely remain unmeasured or untracked until these agencies are charged to do so.

⁶⁰ These agencies, when queried, stated that they are presently affected by illegal trafficking.

Service Coordination and Sharing

Serving victims escaping from the international crime of present day slavery is a multi-disciplinary and multi-jurisdictional challenge. Victim advocates who have never worked with Immigration and Citizenship Enforcement are doing so. Local and federal law enforcement and prosecutors must share victim information. Housing advocates may find themselves working with victims with alarming safety issues.

The needs of victims are so complex that members of diverse systems, of necessity, are creating new alliances to provide better service.

Victims of trafficking need:⁶¹

- Ø Shelter
- Ø Legal services and advocacy, including immigration assistance
- Ø Health care, including mental health attention
- Ø Service coordination
 - Job/employment
 - Access to public benefits
 - Interpretation services

⁶¹ Washington Trafficking Task Force Survey, April 12, 2004, Office of Crime Victims Advocacy.

-
- Criminal justice system information and assistance
 - Safety planning assistance
 - Continued ongoing care

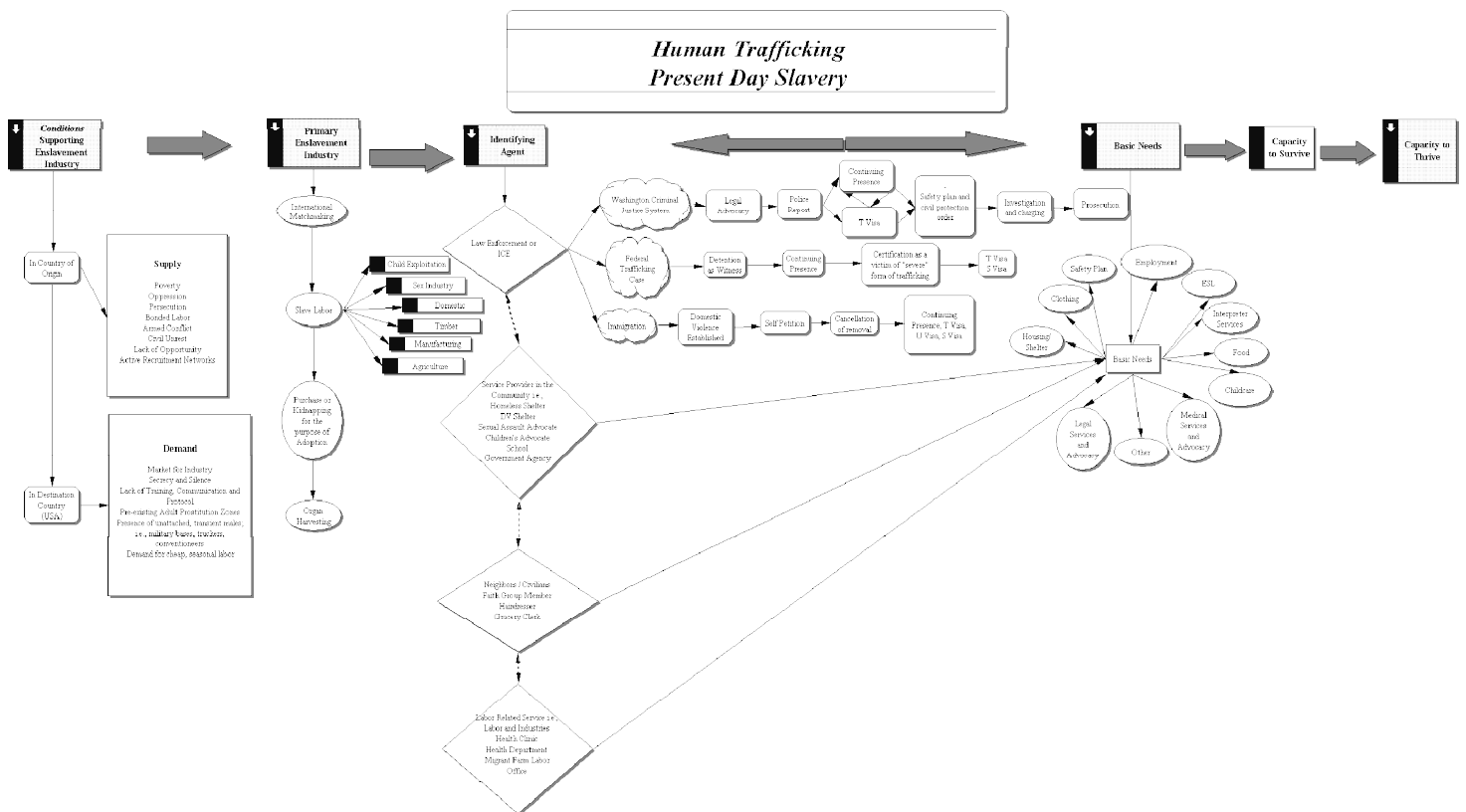
To be most effective, a system of services should be a holistic, victim-centered response. Partnerships and timely, direct, clear communication are the keys to success.⁶²

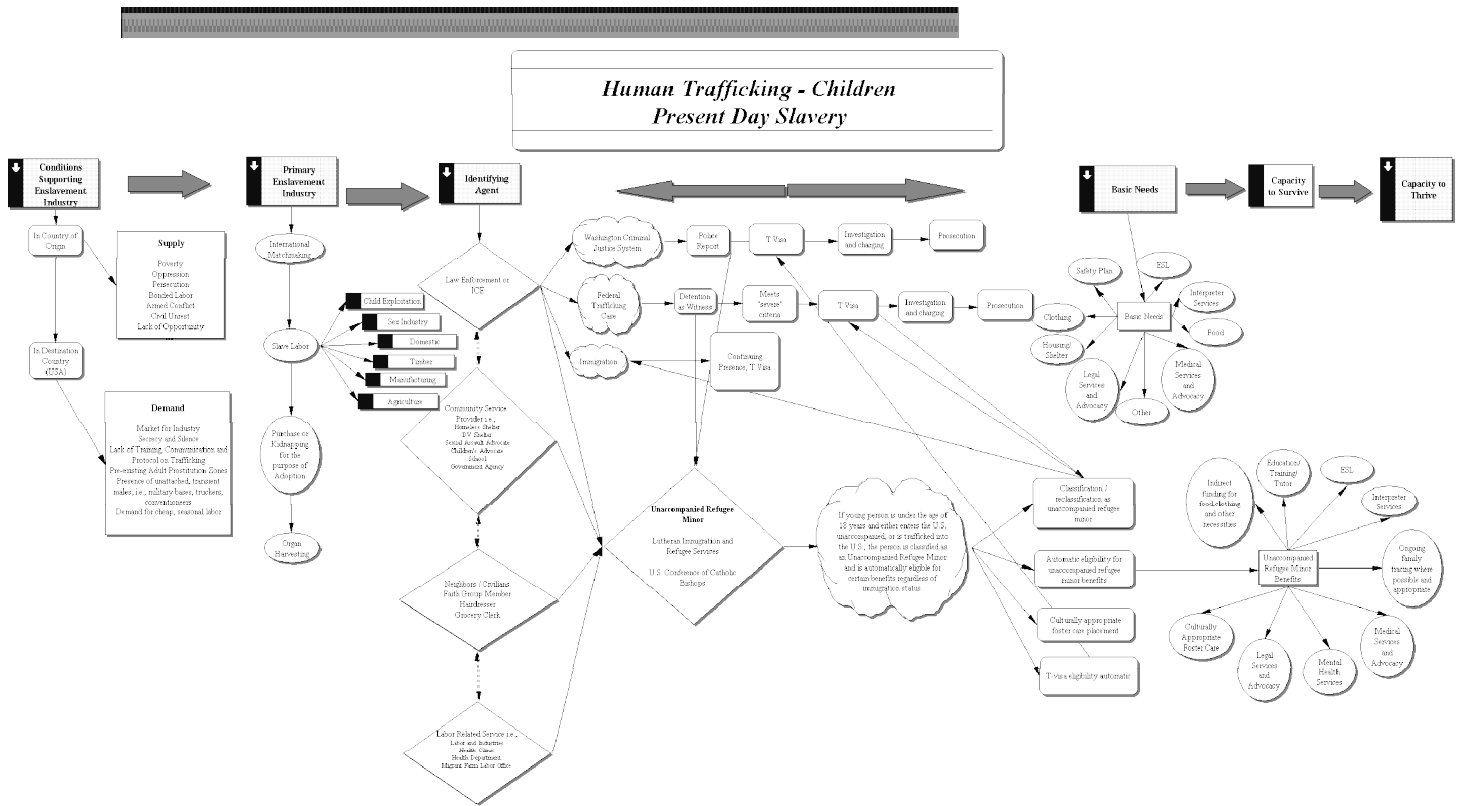
The following flow charts illustrate the challenges of serving these victims of this global crime. Individuals as well as systems can be overwhelmed by the multiplicity of immediate needs and imperative legal and immigration status processes.

⁶² Presentation on Combating Trafficking of Persons, by Norma Timbang, Research Ph.D. student at University of Roehampton, UK. , former Director API Women and Family Safety Center, March 23, 2004.

Please see appendix for enlargements of flow charts.

Both the flow of the sequence and the length of time for any task to be completed are impossible to predict. In the most optimistic of scenarios, the process may take a matter of months. In most cases that are known to the Trafficking Task Force, the timeline has extended for several years. No case known to the Task Force has taken less than 6 months to investigate and begin work on immigration issues.





In the Best Interests of the Child

As of March 1, 2003, the care and placement of Undocumented Refugee Minors was transferred from the former Immigration and Naturalization Service to the United States Department of Health and Human Services, Office of Refugee Resettlement (ORR). The service is now administered in ORR by a new section called the Division of Unaccompanied Children's Services – or DUCS. This was done in recognition of the special needs of child victims and the inappropriateness of detaining them in adult facilities.

Often children have immediate health and medical needs. Their mental health needs are great.

They have the same legal issues as adults, though they are often less adequately represented in the early stages of the process. The courts and Immigration and Citizenship Enforcement have sometimes conflicting missions when dealing with child victims of trafficking. ICE is charged with deporting migrants who are in the U.S. illegally. The courts are charged with seeing to the best interests of the child. Statements made to the court, for example, are inadmissible in deportation proceedings if made by someone under 16 years. Those same statements made to an ICE worker are admissible in a deportation hearing. Conflicts in jurisdiction can make it difficult to serve children well.

Need for Funded Infrastructure

As the charts show, collaboration between all of the service providers on the flow chart is critical. It is not enough, though. There needs to be funding to specifically serve victims of trafficking. Many agencies that form the present ad hoc service structure were formed to provide assistance to an already existing population of victims. In order to serve an additional population, funding must be provided to support the infrastructure to do the work. And the priority: pre-certification services. These victims need services immediately and they cannot wait for the systems to “certify” them before they get assistance with basic human needs. None of these services can be provided as an unfunded mandate. We must build on existing resources without depleting them. Funding must also be sustained. One year of appropriations will not end human trafficking. Activities that are so well organized and producing such overwhelming profits for traffickers will not be curtailed without a long-term, well funded, plan of action.

All of these diverse systems have training needs. Trafficking in persons is a new area of service for most. Awareness is just being raised. They are just beginning to recognize victims of trafficking. Victims of trafficking have

needs from diverse systems that many victim advocates have rarely, if ever, contacted, let alone collaborated with.

Some presently existing resources have, by virtue of necessity, become “experts” at the needs and challenges of serving these persons. Staff from these groups have shared their hard won expertise with legislators, service providers, law enforcement and others. They have contributed to the body of knowledge extant in the country. These groups, in addition to pre-certification funding, need to be supported to continue training for those who interact with and serve victims of trafficking. To be viable, training must be mandated for all parts of the service system.

Public awareness is building. The readiness of the public to accept, recognize and respond to trafficking victims is in its infancy. It is training that will both prepare providers and drive the need for their services.

Trainings Held in Washington
NOVEMBER 3, 2001 TRAFFICKING OF WOMEN AND CHILDREN: CHALLENGES AND SOLUTIONS CONFERENCE THE UNIVERSITY OF WASHINGTON
OCTOBER 25-26, 2002 INTERNATIONAL CONFERENCE ON GLOBALIZATION, JUSTICE, AND THE TRAFFICKING OF WOMEN AND CHILDREN UNIVERSITY OF WASHINGTON - WOMEN'S CENTER, EAST ASIA CENTER, HUMAN RIGHTS EDUCATION AND RESEARCH NETWORK, INTERNATIONAL STUDIES CENTER, RUSSIAN, EAST EUROPEAN, AND CENTRAL ASIAN CENTER, AND SOUTHEAST ASIA CENTER
APRIL 28-29, 2003 PROTECTION PROJECT TRAINING JOHN HOPKINS UNIVERSITY, PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, THE FOREIGN POLICY INSTITUTE, THE PROTECTION PROJECT.
OCTOBER 13-14, 2003 PRE-CONFERENCE INSTITUTE ON HUMAN TRAFFICKING OFFICE OF CRIME VICTIMS ADVOCACY
DECEMBER 4, 2003 “MADE IN MISERY: HOW 12 WOMEN ESCAPED SWEATSHOP SLAVERY” DISCUSSION WITH HAITRI LE AND BRAD WONG SEATTLE CENTRAL COMMUNITY COLLEGE
FEBRUARY 13, 2004 “DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY,” SEATTLE UNIVERSITY; SPEAKER: KEVIN BALES, PROFESSOR OF SOCIOLOGY, UNIVERSITY OF SURREY
MARCH 23, 2004 COMBATING TRAFFICKING OF PERSONS: INTERNATIONAL WOMEN'S DAY EVENT HELD AT THE SEATTLE CENTER PRESENTED BY: WORLD AFFAIRS COUNCIL, API WOMEN AND FAMILY SAFETY CENTER, UW WOMEN'S CENTER.
MARCH 29, 2004 RESPONDING TO HUMAN TRAFFICKING & EXPLOITATION SPONSORED BY WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION, SEATTLE POLICE DEPARTMENT, TRAFFICKING RESPONSE TEAM, REFUGEE WOMEN'S ALLIANCE, ASIAN PACIFIC ISLANDER WOMEN & FAMILY SAFETY CENTER, WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE
MAY 13, 2004 PANEL DISCUSSION WITH MEMBERS OF TRAFFICKING TASK FORCE UNIVERSITY OF WASHINGTON WOMEN'S CENTER
JUNE 9-11, 2004 TRAFFICKING IN PERSONS TRAINING WASHINGTON COALITION OF SEXUAL ASSAULT PROGRAMS

Recommendations of the Task Force

The recommendations of the Task Force are succinct echoes of the analysis and experience of service providers who are attempting to serve victims of trafficking. The delivery system requires all of the elements recommended to function and sustain itself for the benefit of those it serves. These recommendations clearly assert that policy makers and governmental agencies must sanction the recommended strategies in order for the developing system to have the authority to ask for and receive the needed collaboration, cooperation and support.

The Recommendations

The Recommendations:

- I. Design and implement a service delivery system.
 - A. Create expertise to appropriately recognize and respond to victims of trafficking. Awareness, skills and expertise should be developed in local responders such as law enforcement, medical personnel, social services and community direct service providers.
 - B. Develop a system of documentation aimed at determining the incidence and prevalence of trafficking within Washington State. This system should include on-going data collection and coordination of data from a variety of resources.
 - C. Create a funding pool to be administered by OCVA to build statewide capacity to create expertise, to develop a system of documentation, and to build community capacity to

create and deliver direct services to victims of trafficking.

II. Create system of matching labor demand with labor supply

- A. Create a government-sanctioned committee to discuss and develop proposals aimed at meeting the demand for labor while curtailing a labor supply procured through trafficking.
- B. Allocate funding through OCVA to administer the work of the committee.
- C. Require government agencies to serve on the labor committee and a committee to develop protocols and guidelines to respond to victims of trafficking through their respective programs and resources.
- D. CTED shall report the findings and recommendations of these efforts to the Governor and the Legislature by June 30, 2007.



Appendix

Human Trafficking Resources: Web Links

Human Trafficking Resources

- Amnesty International: www.amnestyusa.org Amnesty International undertakes research and action focused on prevention and ending grave abuses of the rights to physical and mental integrity (including human trafficking), freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.
- Anti-Slavery International: www.antislavery.org Founded in 1839, Anti-Slavery International is the world's oldest international human rights organization and one of the leading groups working exclusively against slavery and related abuses. It works at the local, national and international levels to eliminate the system of slavery around the world, including bonded labor, child labor, and human trafficking. Resources and reports on human trafficking from Anti-Slavery International, including a FAQ and regional reports.
- Coalition Against Trafficking in Women (CATW): www.catwinternational.org Promotes women's human rights, and works internationally to combat sexual exploitation in all its forms, especially prostitution and trafficking in women and children, particularly girls. Offers many downloadable resources. Compiled from media, non-governmental organization and government reports. It is an initial effort to collect facts, statistics and known cases on global sexual exploitation, with a focus on trafficking and
- Criminal Justice Resources Guide: Human Trafficking: www.lib.msu.edu/harris23/crimjust/human. Extensive list of links to reports and resources on human trafficking. Michigan State Universities Libraries
- Free the Slaves: www.freetheslaves.net Free the Slaves works to end slavery worldwide, and is the U.S.-based sister

organization of Anti-Slavery International in London, the world's oldest human rights group.

- Human Rights Watch - Campaign Against the Trafficking Of Women and Girls: www.hrw.org Trafficking in persons — the illegal and highly profitable recruitment, transport, or sale of human beings for the purpose of exploiting their labor — is a slavery-like practice that must be eliminated. HRW's campaign website includes in-depth reports on human trafficking around the world.

- Human Trafficking.org: www.humantrafficking.org. The purpose of this Web site is to bring Government and NGOs in the East Asia and Pacific region together to cooperate and learn from each other's experiences in their efforts to combat human trafficking. Established on recommendation of the Asian Regional Initiative Against Trafficking. Features a list of publications on human trafficking by various organizations.

- HumanTrafficking.com: www.humantrafficking.com Research and activism center to combat modern-day slavery, including sex trafficking, labor trafficking, and commercial sexual exploitation. Learn more and help combat the third largest criminal industry in the world. A service of the Polaris Project.

- International Matchmaking Organization: A Report to Congress: www.ins.usdoj.gov

- Polaris Project: www.polarisproject.org One of the largest grassroots anti-trafficking organizations in the United States, operating local, national, and international programs.

- Stop Human Traffic Campaign: www.stophumantraffic.org Global campaign against human trafficking by Anti-Slavery International. The campaign website provides a petition, letters to send to officials, other actions, and case studies and background to human trafficking.

- Stop Traffic Listserv: <http://fpmail.friends-partners.org/mailman/listinfo.cgi/stop-traffic> to subscribe to the listserv, go to the above site or send a message to: stop-traffic@friends-partners.org

-
- The Protection Project: www.protectionproject.org A legal human rights research institute based at the Johns Hopkins University School of Advanced International Studies in Washington, D.C. The project documents and disseminates information about the scope of the problem of trafficking in persons, especially women and children, with a focus on national and international laws, case law, and implications of trafficking on U.S. and international foreign policy.
 - Trafficking in Human Beings - UN Office of Drugs and Crime: www.unodc.org The Global Programme against Trafficking in Human Beings (GPAT) was designed by the UN Office on Drugs and Crime (UNODC) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) and launched in March 1999.
 - Traffickinglaw Listserv: Dedicated to the discussion of U.S. legal issues related to trafficking. Members are U.S. based advocates, attorneys and service providers.
http://www.hrlawgroup.org/initiatives/trafficking_persons/
 - U.S. Department of State - Global Issues: Human Trafficking: www.usinfo.state.gov Informational site on human trafficking, including links to related U.S. government news, reports, and resources.
 - United States Department of Justice: www.usdoj.gov Site has department on Human Trafficking where there are reports (including annual reports of human trafficking), campaigns, and other downloadable material.



Human Trafficking Flow Chart Enlargements



Trafficking Task Force II Definitions

Adjustment to Immigrant Status: Procedure allowing certain aliens already in the United States to apply for immigrant status. Aliens admitted to the United States in a nonimmigrant, refugee, or parolee category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. In such cases, the alien is counted as an immigrant as of the date of adjustment, even though the alien may have been in the United States for an extended period of time. Beginning in October 1994, section 245(i) of the INA allowed illegal residents who were eligible for immigrant status to remain in the United States and adjust to permanent resident status by applying at an INS office and paying an additional penalty fee. Section 245(i) is no longer available unless the alien is the beneficiary of a petition under section 204 of the Act or of an application for a labor certification under section 212(a)(5)(A), filed on or before April 30, 2001. And, if filed after January 1, 1998, the alien must have been present in the United States on December 21, 2000. Prior to October 1994, most illegal residents were required to leave the United States and acquire a visa abroad from the Department of State as they are again now.

Asylee: An alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 adjustments per fiscal year.

ICE: Bureau of Immigration and Customs Enforcement. ICE is bureau within the Federal Department of Homeland Security and responsible for the investigation and enforcement of federal immigration laws, customs laws and air security laws.

Nonimmigrant: An alien coming temporarily to the United States to engage in commercial transactions which do not involve gainful employment in the United States, i.e., engaged in international commerce on behalf of a foreign firm, not employed in the U.S. labor market, and receives no salary from U.S. sources.

Cancellation of Removal: A discretionary benefit adjusting an alien's status from that of deportable alien to one lawfully admitted for permanent residence. Application for cancellation of removal is made during the course of a hearing before an immigration judge.

Certification: A determination made by the Department of Health and Human Services that a person is a victim of a severe form of trafficking. To receive a certification, an adult must be willing to assist with a trafficking case AND must have made a bona fide application for a T-Visa or be an individual whose continued presence the Attorney General is ensuring to effectuate a prosecution. Victims of severe forms of trafficking who are under 18 years of age are also eligible for benefits to the same extent as refugees but do not need to be certified.

Child: The federal government defines a child as, generally, an unmarried person under 21 years of age who is: a child born in wedlock; a stepchild, provided that the child was under 18 years of age at the time that the marriage creating the stepchild relationship occurred; a legitimated child, provided that the child was legitimated while in the legal custody of the legitimating parent; a child born out of wedlock, when a benefit is sought on the basis of its

relationship with its mother, or to its father if the father has or had a bona fide relationship with the child; a child adopted while under 16 years of age who has resided since adoption in the legal custody of the adopting parents for at least 2 years; or an orphan, under 16 years of age, who has been adopted abroad by a U.S. citizen or has an immediate-relative visa petition submitted in his/her behalf and is coming to the United States for adoption by a U.S. citizen.

Continuous presence: A determination made by the Department of Health and Human Services that a victim needs to remain in the United States for purposes of assisting with prosecution. Persons in this status may obtain temporary federal and state benefits. Continuous presence is an element of certification, but not a requirement for T-Visa status.

Cooperation: Victims applying for immigration status must cooperate with the federal prosecution of the crime of trafficking. This means they must provide information, answer questions, and assist the prosecution to convict the trafficker(s). If the victim is under 15, cooperation is not necessary.

Endorsement: Documentation provided by a federal law enforcement agency that shows the victim cooperated with the federal prosecution.

Good moral character: Generally, an applicant must show that he or she has been a person of good moral character for the statutory period (typically five years or three years if married to a U.S. citizen or one year for Armed Forces expedite) prior to filing for naturalization. The Service is not limited to the statutory period in determining whether an applicant has established good moral character. An applicant is permanently barred from naturalization if he or she has ever been convicted of murder. An applicant is also permanently barred from naturalization if he or she has been convicted of an aggravated felony as defined in section 101(a)(43) of the Act on or after November 29, 1990. A person also cannot be found to be a person of good moral character if during the last five years he or she:

- Has committed and been convicted of one or more crimes involving moral turpitude
- Has committed and been convicted of two or more offenses for which the total sentence imposed was five years or more
- Has committed and been convicted of any controlled substance law, except for a single offense of simple possession of 30 grams or less of marijuana

-
- Has been confined to a penal institution during the statutory period, as a result of a conviction, for an aggregate period of 180 days or more
 - Has committed and been convicted of two or more gambling offenses
 - Is or has earned his or her principal income from illegal gambling
 - Is or has been involved in prostitution or commercialized vice
 - Is or has been involved in smuggling illegal aliens into the United States
 - Is or has been a habitual drunkard
 - Is practicing or has practiced polygamy
 - Has willfully failed or refused to support dependents
 - Has given false testimony, under oath, in order to receive a benefit under the Immigration and Nationality Act.

An applicant must disclose all relevant facts to the Service, including his or her entire criminal history, regardless of whether the criminal history disqualifies the applicant under the enumerated provisions

Immigrant or Permanent Resident Alien: An alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act

(INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Immigration and Naturalization Service in the United States.

Lawful Permanent Resident (LPR): Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."

Migrant: A person who leaves his/her country of origin to seek residence in another country.

Nonimmigrant: An alien who seeks temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The

nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of U.S. citizens, intracompany transferees, NATO officials, religious workers, and some others. Most non-immigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

Permanent Resident Alien: An alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Immigration and Naturalization Service in the United States.

Refugee: Any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. People with no nationality must generally be outside their country of last habitual residence to qualify as a refugee. Refugees are subject to ceilings by geographic area set annually by the President in consultation with Congress and are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States.

Resettlement: Permanent relocation of refugees in a place outside their country of origin to allow them to establish residence and become productive members of society there. Refugee resettlement is accomplished with the direct assistance of private voluntary agencies working with the Department of Health and Human Services Office of Refugee Resettlement.

Severe Form of Trafficking: Is defined by the Department of Justice as A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not

attained 18 years of age; or B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. §103(8) Trafficking Victims Protection Act.

Special Immigrant Juvenile Status: Immigration status that doesn't require cooperation with federal law enforcement. The Juvenile must be a ward of the state and eligible for long-term foster care. The state courts send findings to BCIS who makes the SIJS determination. Juvenile must be unmarried and under 18 years of age (in Washington State).

USCIS: Formerly the Immigration and Naturalization Service (INS). The US Citizenship and Immigration Services is a bureau of the Department of Homeland Security and is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities. These functions include: adjudication of immigrant visa petitions; adjudication of naturalization petitions; adjudication of asylum and refugee applications; adjudications performed at the service centers, and all other adjudications performed by the INS.

Visa: A U.S. visa allows the bearer to apply for entry to the U.S. in a certain classification (e.g. student (F), visitor (B), temporary worker (H)). A visa does not grant the bearer the right to enter the United States. The Department of State (DOS) is responsible for visa adjudication at U.S. Embassies and Consulates outside of the U.S. The Department of Homeland Security (DHS), Bureau of Customs and Border Protection (BCBP) immigration inspectors determine admission into, length of stay and conditions of stay in the U.S. at a port of entry. The information on a nonimmigrant visa only relates to when an individual may apply for entry into the U.S. DHS immigration inspectors will record the terms of admission on the Arrival/Departure Record (I-94 white or I-94W green) and in the passport.

S-Visa: Visa status for an Informant who has information regarding a criminal organization or terrorism.

T-Visa: Immigrant visa for victims of severe forms of trafficking who assist with the federal prosecution of the trafficker and would suffer extreme hardship or severe harm if they were returned to their country of origin. T-Visa status lasts only three years.

U-Visa: Visa status for persons having information about certain crimes listed in INA Section 101(a)(15)(U).

Voluntary Departure: The departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An alien allowed to voluntarily depart concedes removability but does not have a bar to seeking admission at a port-of-entry at any time. Failure to depart within the time granted results in a fine and a ten-year bar to several forms of relief from deportation.

2004 Trafficking Task Force Human Trafficking Survey

The Office of Crime Victims Advocacy distributed a short survey to governmental and non-governmental agencies across Washington state to:

- Assess the identifiable trafficking cases in Washington
- Assess the level of awareness of both trafficking victims and the applicable laws
- Assess self-identified agency training needs
- Assess needs of victims of human trafficking

Some 200 surveys were e-mailed to contacts. 26 agencies responded. The introduction to the survey and the questions follow:

Trafficking Task Force
Brief Survey – April, 2004

Washington State has been a leader in taking collaborative action against human trafficking. In the 2002 legislative session, the Washington state legislature created the Washington State Task Force Against Trafficking of Persons (SHB 2381), the first in the nation. Since the formation of the task force, and as a result of the work done by its members, the 2002-2003 legislature created statutes making trafficking in persons a crime and has enacted further legislation related to international matchmaking organizations. (SHB 1175, and SHB 1826)

As the task force evaluates the progress of anti-trafficking work in Washington and plans for future directions, they would like to hear from you about your experiences with victims of trafficking.

Agency name: _____

1. Did your agency have contact with victims of trafficking before 2002?
Yes No
2. If yes, under what circumstances?
3. Has your agency had contact with victims of trafficking since 2002?
4. Yes No
5. If yes, under what circumstances?
6. Describe the differences, if any, between your awareness of and contact with victims of trafficking between 2002 and 2004.
7. Describe, from your point of view, the needs of the trafficking victims with whom you are working.

-
8. With which other systems / providers do you most often collaborate to serve the needs of trafficking victims?
 9. What suggestions would you have for needed training regarding all aspects of work with victims of trafficking?

Trafficking Task Force II Members List

Claudia Arana	Constiuent Service Representative
Susan Brook	Lutheran Community Services Northwest
Mary Brown	U.S. Attorney's Office
Lynda Buehring	Immigration & Customs Enforcement
Gloria Burton	Catholic Community Services/AHA
Americo Carnevale	Bureau of Immigration & Customs Enforcement
Roy Carson	DSHS Children's Administration
Emma Catague	Asian Pacific Islander Women and Family Safety Center (APIWFSC)
Jennifer Chisum	Northwest Family Life
J.B. Cole	International Rescue Committee
Rep. Jeannie Darneille	Washington State House of Representatives
Rachael daSilva	Columbia Legal Services
Bev Emery	Office of Crime Victims Advocacy
Debra Fisher	Temporary Worker Housing Program
Sandra Fitzpatrick	Snohomish County Prosecutor's Office
Linda Furkay, RN, PhD	Department of Health
Lydia Guy	WA Coalition of Sexual Assault Programs
Ellen Hanegan-Cruse	Office of Crime Victims Advocacy
Rani Hong	Shared Hope International
Grace Huang	Washington State Coalition Against Domestic Violence
Jeff Kibler	Office of Refugee and Immigrant Assistance
Lonnie Johns-Brown	WA Coalition of Sexual Assault Programs
Guiadcely Lucuab	Office of Representative Velma Veloria
Sylvia Matayoshi	Trafficking & Exploitation Specialist
Margaret McKinney	Secretary of State Address Confidentiality Program
Tom Medina	Dept of Social and Health Services
Maria Minkova	Refugee Women's Alliance
Cletus Nnanabu	Crime Victims Compensation, Dept of Labor and Industries
Josephine Quiles-Negrone	Office of Representative Jeannie Darneille

Daniela Resh	Legal Advocate
Edith Rice	Senate Children & Family Services & Corrections Commision
Dorothy Stefan	US Department of Justice, Immigration and Naturalization Service
Sen. Val Stevens	Washington State Senate
Liz Swope	The Salvation Army
Norma Timbang	APIWFSC
Rep. Velma Veloria	Washington State House of Representatives