

**RESEARCH REPORT**

# Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States

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# Abstract

This study examines the organization, operation, and victimization process of labor trafficking across multiple industries in the United States. It examines labor trafficking victim abuse and exploitation along a continuum, from victims' recruitment for work in the United States; through their migration experiences (if any), employment victimization experiences, and efforts to seek help; to their ultimate escape and receipt of services. Data for this study came from a sample of 122 closed labor trafficking victim service records from service providers in four US cities. In addition, interviews were conducted with labor trafficking survivors, local and federal law enforcement officials, legal advocates, and service providers in each site to better understand the labor trafficking victimization experience, the networks involved in labor trafficking and the escape and removal process, and the barriers to investigation and prosecution of labor trafficking cases.

All the victims in this study sample were immigrants working in the United States. The vast majority of our sample (71 percent) entered the United States on a temporary visa. The most common temporary visas were H-2A visas for work in agriculture and H-2B visas for jobs in hospitality, construction, and restaurants. Our study also identified female domestic servitude victims who had arrived in the United States on diplomatic, business, or tourist visas. Individuals who entered the United States without authorization were most commonly trafficked in agriculture and domestic work. Labor trafficking victims' cases were coded to collect information on their labor trafficking experience, as well as any forms of civil labor violations victims encountered. All victims in our sample experienced elements of force, fraud and coercion necessary to substantiate labor trafficking. Elements of force, fraud and coercion included document fraud; withholding documents; extortion; sexual abuse and rape; discrimination; psychological manipulation and coercion; torture; attempted murder; and violence and threats against themselves and their family members. In addition to criminal forms of abuse, we also found that labor trafficking victims faced high rates of civil labor exploitation. These forms of civil labor exploitation included, but were not limited to, being paid less than minimum wage; being paid less than promised; wage theft; and illegal deductions. While legal under some visa programs and labor law, employers/traffickers also controlled the housing, food, and transportation of a significant proportion of our sample. Immigration status was a powerful mechanism of control – with employers threatening both workers with visas and unauthorized workers with arrest as a means of keeping them in forced labor. Despite 71 percent of our sample arriving in the United States for work on a visa, by the time victims escaped and were connected to service providers, 69 percent were unauthorized.

By and large, labor trafficking investigations were not prioritized by local or federal law enforcement agencies. This lack of prioritization was consistent across all study sites and across all industries in which labor trafficking occurred. The US Department of Labor was rarely involved. Survivors mostly escaped on their own and lived for several months or years before being connected to a specialized service provider. A lack of awareness and outreach, coupled with the victims' fear of being unauthorized, inhibited the identification of survivors. Policy and practice recommendations are provided to improve identification and response to labor trafficking and guide future research on labor trafficking victimization.

# Executive Summary

More than a decade after the passage of the United States' federal law against human trafficking, we continue to lack systematic information about the characteristics of labor trafficking victimization and how labor trafficking cases are investigated by law enforcement. In 2012, the Urban Institute in collaboration with Northeastern University received funding from the National Institute of Justice to conduct research on labor trafficking victimization in the United States.

Three research questions guided our study:

1. What is the nature of the labor trafficking victimization experience in the United States?
2. How are domestic and international labor trafficking syndicates operating in the United States organized? Who are the traffickers, and what is their connection to other illicit networks that help facilitate labor trafficking operations?
3. What are the challenges of law enforcement investigating labor trafficking cases identified by victim service providers? Why are so few identified cases investigated and prosecuted?

## Study Methodology

A mixed-methods approach was taken to address the research questions. The primary data source was 122 closed victim records from service providers focused on aiding labor trafficking victims in four US locations. These data were supplemented with interviews with 86 labor trafficking victims, service providers, legal advocates, and local and federal law enforcement officials to gather systematic information about the nature and characteristics of labor trafficking victimization among identified victims in the four US locations. Findings from our study are not nationally representative.

## Main Findings

The main findings highlighted below follow chapters 3 to 9 of the report.

## Characteristics of Labor Trafficking Victims and Suspects

Who are labor trafficking victims and perpetrators, and where does the victimization take place? Are labor traffickers involved in other illicit activities and criminal networks? Our exploration of these and other questions in chapter 3 revealed the following:

- Labor trafficking victims in this study were victimized across various work venues. The most common venues of exploitation were agriculture, hospitality, domestic service in private residences, construction, and restaurants.
- Roughly half the victims we studied were male. Gender of victims varied by work venue. Almost all the agricultural workers were male, and nearly all the domestic service workers were female.
- Labor trafficking victims had diverse educational backgrounds. Some had very little formal education, but others had attained a great deal of education, some with college and graduate degrees.
- The majority of victims (71 percent) entered the United States on a lawful visa, but most victims were unauthorized (69 percent) by the time they escaped labor trafficking and sought services. Victims in agricultural work were less likely to have had lawful immigration status upon entry to the United States.
- Two-thirds of labor trafficking perpetrators were male, most of whom were in their thirties or forties. Perpetrators were both foreign nationals and US citizens.
- Nearly half the identified perpetrators were confirmed as being arrested. Various factors led to low arrest rates, including a reactive approach to labor trafficking investigations, prosecutorial declination of cases brought forward by victims, and suspects absconding to nontradition countries. Victims' fear of the police, fear of being deported, and reticence to provide information about their exploiters out of fear of retribution further inhibited labor trafficking investigations.
- Few formal connections were found between labor trafficking perpetrators and other criminal networks such as drug trafficking, weapons trafficking, or money laundering. Some perpetrators were involved in smuggling, document fraud, and sexual abuse.

## Recruitment into Labor Trafficking

How are victims recruited, and what methods do traffickers and their associates use to recruit? Chapter 4 documents how victims interacted with recruiters.

- Many survivors of labor trafficking came to the United States in search of an opportunity to better their lives and, often, the lives of their family members.
- Labor trafficking victims were most often recruited in their home countries for work in the United States.
- Victims first learned about the job opportunities that became labor trafficking situations through their social networks.
- Recruiters were working on behalf of third- (or even fourth-)<sup>1</sup> party employment agencies, which were often located in the victim's home country. Many of these agencies had direct ties to groups and organizations in the United States.
- Recruiters engaged in fraud and coercion during the recruitment process, using a combination of false promises and high-pressure, coercive tactics to get victims to commit to employment offers.
- On average, victims paid \$6,150 in recruitment fees to recruitment agencies for jobs in the United States. This figure was higher than the annual per capita income of the top six countries of origin for victims in our sample.
- During the recruitment process, some victims came into contact with authority figures such as staff member of a US embassy or consulate during the visa application process. Recruiters and traffickers often trained the victims about the interview process with embassy or consulate staff.

## Movement

What forms of movement/transport do traffickers use? Did victims come into contact with criminal justice or other authorities during their travel? In chapter 5, we explore the process of victim movement to the United States:

- For victims in our case record sample, movement to the United States most often originated in Asia and Latin America.
- To facilitate movement into the United States, victims usually obtained legal visas. Few victims in the sample used fraudulent documents, and approximately 29 percent of individuals entered the United States without authorization, many of whom were smuggled into the United States.

- The most common forms of transportation during the movement process involved flight (71 percent), the use of a car or van (52 percent), and walking (22 percent). Journeys that involved crossing the US–Mexican border were more likely than others to rely on multiple methods of transportation, such as walking and using cars or vans.
- During the movement process, similar to the recruitment stage, fraud and coercion were more prevalent than force. When force was present, it often took place in domestic servitude cases and cases involving immigrants who were unauthorized before their labor trafficking.
- Labor trafficking victims rarely came into contact with authorities during the movement process. Survivors who entered with visas met with immigration officials at the point of entry, but they often described their interactions as routine and uneventful.

## **Labor Trafficking Victimization and Labor Exploitation Experiences**

What forms of intimidation or threats did traffickers use to force victims to remain in the exploitative

situation? What are the distinctions between labor violations/labor exploitation and labor trafficking?

In chapter 6, we document victimization experiences:

- All victims in our sample experienced elements of force, fraud, and coercion necessary to substantiate labor trafficking. These elements included document fraud, withholding documents, extortion, sexual abuse and rape, discrimination, psychological manipulation and coercion, torture, attempted murder, and violence and threats against victims and their family members.
- In addition to the criminal forms of abuse used to dehumanize victims, labor trafficking victims faced high rates of civil labor exploitation. These forms of exploitation included being paid less than minimum wage, being paid less than promised, wage theft, and illegal deductions.
- Although physical abuse and violence constituted the extreme forms of victimization that labor trafficking victims experienced, more subtle, nuanced forms of coercion and fraud were most common. In the cases of victims who were essentially hidden in plain sight—working jobs that required interacting with the public—traffickers used tactics to dehumanize them. For example, they told victims that no one would want to help them because of their immigration status.
- The types of labor trafficking victimization that individuals experienced varied by the industry in which they worked.

- Many victims interacted with individuals other than their traffickers, such as members of law enforcement, staff working for the trafficker (e.g., gardeners, secretaries, maintenance workers), or other coworkers. Although these encounters sometimes played a critical role in victims' escapes, many of these interactions resulted in an unrealized opportunity for rescue.

## Escape from Labor Trafficking

How did labor trafficking victims escape their situations, and who helped them? In chapter 7, we lay out findings surrounding escape:

- Physical barriers, psychological abuse, and law enforcement shortcomings (e.g., lack of familiarity with different ethnic groups and language barriers) created challenges in escaping.
- Fear of deportation made victims reluctant to contact law enforcement.
- Most victims escaped by running away. However, the support of community members, friends, and law enforcement were also important.
- In some cases, traffickers continued to contact victims after escape and expanded threats and harassment to the victims' families in their home countries.

## Survivor Outcomes after Escape

What services did victims need upon fleeing their situations? What were their long-term outcomes? In chapter 8, we document the experiences of survivors after escape:

- After they escaped, survivors in our sample commonly went for several months or years until they were properly identified and connected to specialized service providers. During this time the majority of survivors were unauthorized, most as a result of their trafficking.
- As a consequence of being unauthorized, some labor trafficking victims were placed in deportation proceedings, threatened by immigration officials, and/or arrested and placed in detention centers.
- Secure emergency shelter and long-term transitional housing were the greatest needs and the greatest challenges reported by service providers, survivors, and law enforcement.
- Obtaining continued presence for labor trafficking survivors was extremely rare across sites.<sup>2</sup>

- Civil damages and criminal restitution were rarely awarded to labor trafficking survivors.
- Some survivors reported challenges accessing social benefits they qualified for through their T visa (e.g., driver's licenses, Social Security cards) because of a lack of program administrator awareness of human trafficking or T visa benefits.
- As a result of their victimization, labor trafficking survivors suffered from posttraumatic stress disorder, anxiety, depression, psychosis, suicidal ideation and attempts, and fear and difficulty forming trusting relationships.
- Labor trafficking survivors tended to remain mired in low-wage work in the same industries in which they had been trafficked. Commonly, survivors remained in situations where they were at risk for further exploitation owing to a lack of work history, references, and job-training programs.

## Criminal Justice Process

How does law enforcement in local communities define labor trafficking? What role does law enforcement play in investigating labor trafficking cases? In chapter 9, we document how labor trafficking fits into the criminal justice process:

- Labor trafficking investigations were not prioritized by local law enforcement agencies.
- Local and federal law enforcement agencies had difficulty defining labor trafficking and separating it from other forms of labor exploitation and workplace violations.
- Law enforcement struggled to investigate labor trafficking cases that they believed had little evidence to corroborate victim statements.
- When involved in cases, law enforcement sometimes played a critical role in securing victims and facilitating victim services. This role was most common in domestic servitude cases.
- Local law enforcement was reluctant to pursue immigration relief for various reasons, including anti-immigration sentiment, lack of belief of victim statements, and challenges of working collaboratively with the US Department of Homeland Security.

# Recommendations for Policy and Practice

Policy and practice recommendations are presented below across four core areas: (1) immigration, state, and labor law reform; (2) criminal and civil justice policy and practice; (3) awareness and outreach; and (4) service provision. More detailed recommendations are presented in chapter 10.

## Reforms to State and Federal Laws

- Immigration reform is needed for guest worker programs because tying a worker's immigration status to a specific employer is one of the most powerful forms of control used against labor trafficking victims across industries. A oversight process with the goal of protecting workers from abuse is also needed, as is transparency for consumers about employers that traffic and use forced labor in their supply chains.
- Examine and strengthen state and federal labor laws to ensure back wage and overtime regulations are the same for foreign national and US workers, and to increase domestic worker rights under labor law.
- Enact state laws to ensure all companies certify a lack of slavery or forced labor in their supply chains. The California Transparency in Supply Chains Act is the only state law requiring US companies to disclose their efforts to ensure their supply chains are free of human trafficking. Other states should consider adopting similar laws. State governments could also look to the federal government's executive order on trafficking in federal contracts and adapt similar laws applicable at the state level.
- Labor trafficking victims may be arrested for crimes or violations committed pursuant to their victimization. State laws should be amended to allow a victim's criminal record to be expunged if the crimes committed were a direct result of being trafficked.

## Criminal and Civil Justice Policy and Practice

- Specialized training is necessary to help law enforcement identify coercion and fraud that lead to trafficking as distinct from labor exploitation.

- Involve the US embassy and consulate staff in investigating the practices of overseas recruitment agencies used by American companies. These workers could be a powerful resource to help identify trafficking and exploitation situations before workers arrive in the United States.
- An independent agency, in cooperation with the Department of Homeland Security, should audit and thoroughly review continued presence policies and practices for human trafficking.
- Federal policies surrounding diplomat and foreign official use of domestic workers and their relative immunity from criminal accountability for labor trafficking should be reexamined. If the criminal justice process is not a viable option, alternate forms of justice should be pursued, including payment of back wages to victims and deportation and nonrenewal of visas for perpetrators.

## Awareness and Outreach

- Public awareness campaigns about labor trafficking are needed. Campaigns could feature survivors' voices, highlight a few major forms of labor trafficking, and indicate that labor trafficking can involve US citizens, as well as unauthorized and authorized immigrant workers in the United States. Materials should be developed in multiple languages and media formats.
- Training of state and local regulators that come into contact with trafficked persons during the course of routine inspections is also needed.
- Training of US embassy and consulate staff and border officials is pertinent to recognizing potential indicators of trafficking (e.g., payment of recruitment fees, immigration benefit promises). Staff should always privately interview those applying for visas.
- All individuals obtaining visas to the United States should be given information regarding their rights and numbers to call for help (911 and the National Human Trafficking Resource Center) by US embassy and consulate staff and by border officials.
- Major commercial airlines could develop, in consultation with antitrafficking experts and survivors, short awareness-raising videos to be played, and available in several different languages, on airplanes arriving in the United States (71 percent of our sample arrived to the United States via airplane before they were labor trafficked).

## Service Provision

- Funding through the Office for Victims of Crime or an alternative federal funding stream should be specifically dedicated to support civil litigation for trafficking survivors so they can collect back wages and damages. Efforts should also be made to better coordinate with the Department of Labor to file back wage claims for trafficking survivors. Dedicating responsibility to local department of labor officials assigned to labor trafficking back wage cases would be helpful.
- Create a national network of housing providers willing to work with service providers to increase short- and long-term housing options for survivors. Given that survivors lack credit histories and are often unable to work legally for months, service provider organizations could pay the cost of the apartment and then use a sliding scale of payment until survivors are back on their feet.
- Remove the requirement that trafficking victims cooperate with law enforcement to obtain T visas. Doing so may increase victim identification and cooperation.
- Explore options to increase availability of trauma-informed, linguistically and culturally competent mental health care.
- It is imperative that vocational training programs be created for survivors of trafficking and existing program requirements be amended to increase access.

## Conclusion

This study is the first of its kind to examine the organization, operation, and victimization process of labor trafficking in multiple industries in the United States. It is also the first study to measure the use of force, fraud, and coercion throughout the continuum of recruitment, labor trafficking victimization, and victims' efforts to escape and seek assistance. Through service provider case reviews and interviews with survivors, service providers, and law enforcement, we also uncovered information regarding survivors' long-term outcomes after their escape and their experiences with the criminal justice system, in addition to the barriers to investigating and prosecuting labor trafficking cases.

The vast majority of our sample (71 percent) entered the United States on a temporary visa. The most common were H-2A visas for work in agriculture and H-2B visas for jobs in hospitality, construction, and restaurants. Our study also identified female domestic servitude victims who had arrived in the United States on diplomatic, business, or tourist visas. Victims were often recruited for

work in the United States through recruitment agencies abroad. These agencies engaged in high levels of fraud and coercion and charged workers, on average, \$6,150 for jobs in the United States. Once in the United States, traffickers used various tactics to dehumanize victims and force their labor, including restricting their communication; monitoring and surveillance; manipulating debts they owed; physical, psychological, and sexual abuse; controlling victims' housing and movement to work; keeping victims in substandard living conditions; and denying food and medical care. Victims were forced to work long hours, denied pay, or given less pay than promised. Traffickers also manipulated workers to remain in forced labor by exploiting their immigration status. Victims were often hidden in plain sight, labor trafficked in jobs that involved interaction with the public. Ninety-four percent of our sample realized at some point they were being abused, but none were aware they were being labor trafficked and were afforded rights under law regardless of immigration status. Some victims reached out for help while being trafficked, but individuals failed to identify and help them, resulting in further demoralization.

By and large, labor trafficking investigations were not prioritized by local or federal law enforcement agencies. There was no evidence of arrest for more than half of all suspects identified. The Department of Labor was rarely involved in the proactive identification of trafficking victims. As such, labor trafficking victims mostly escaped on their own and lived for several months or years before being connected to a specialized service provider. Sixty-nine percent of victims were unauthorized when they were connected to specialized service providers. Service providers met resistance from law enforcement in securing immigration relief in the form of continued presence for victims. Although the majority of victims in our sample were willing to cooperate in an investigation or prosecution of their trafficker/s, investigations and prosecutions were rare. Civil actions or back wage claims were also rarely pursued, further compounding victims' debts and stolen wages.

To comprehensively improve how labor trafficking crimes are identified and responded to, our study recommends four courses of action: close loopholes in labor and immigration laws; implement coordinated efforts between law enforcement agencies and the Department of Labor to identify, investigate, and prosecute cases; increase housing, job training, and other services for victims; and enhance outreach to a public largely unaware that crimes resembling slavery take place in America.

## Notes

1. The use of a fourth-party employment agency occurs when a third-party employment agency is contracted by a US company to provide labor (e.g., hotel industry workers), and the contracted agency further contracts the labor through other agencies. In some cases victims were trafficked in hotels or other industries through subcontracted employment agencies that changed names and hands several times.
2. Continued presence is a “temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims to remain in the United States temporarily during the ongoing investigation of the human trafficking-related crimes committed against them. Continued presence is initially granted for one year and may be renewed in one-year increments.” When continued presence is issued, temporary employment authorization allowing the immigrant to work during the period is also issued. See US Immigration and Customs Enforcement, “Continued Presence: Temporary Immigration Status for Victims of Human Trafficking” (Washington, DC: US Immigration and Customs Enforcement, 2010), <http://www.ice.gov/doclib/human-trafficking/pdf/continued-presence.pdf>.



# Chapter 1: Introduction

## Statement of the Problem

Since the passage of the Victims of Trafficking and Violence Protection Act in 2000, human trafficking has received increased public and political attention. Given the illicit and hidden nature of the crime, however, accurate human trafficking statistics have remained difficult to determine. Previous research has been criticized for reporting estimates that are drawn from small sample sizes, unreliable data sources, and unclear trafficking definitions (Gozdziak and Collett 2005; Tyldum and Brunovskis 2005). One of the soundest and most commonly referenced estimates of the scope of forced labor worldwide comes from the International Labour Organization. Drawing from over 5,000 reported cases of human trafficking over a nine-year period and using a capture recapture sampling method, the International Labour Organization estimates that 20.9 million people are victims of forced labor, of whom 14.3 million are victimized in economic activities such as agriculture, domestic servitude, construction, and manufacturing.<sup>1</sup> Of approximately 215 million children laboring full-time, about half are subjected to “the worst forms of child labor,” including slavery, forced labor, commercial sexual exploitation, drug trafficking, and armed conflict as child soldiers (ILO 2005).

Labor trafficking was first criminalized in the United States in 2000 with the passage of the Victims of Trafficking and Violence Protection Act. Labor trafficking, which is defined in the act as one of two “severe forms of trafficking in persons,” is “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.” Now, more than a decade later, all states have passed laws criminalizing human trafficking, and most states include specific provisions for the criminalization of labor trafficking (Polaris Project 2014).

Although the true prevalence of labor trafficking within the United States remains unknown, recent studies have identified significant barriers in the identification, investigation, and prosecution of labor trafficking. A survey of law enforcement, prosecutors, and service providers in 60 counties across the United States found that in states with antitrafficking laws, 44 percent of law enforcement investigators and 50 percent of prosecutors reported that their states either did not have legislation or they were not aware of it (Newton, Mulcahy, and Martin 2008). When law enforcement officials were asked to define human trafficking, they defined it primarily as sex trafficking and had difficulty

distinguishing labor trafficking from smuggling. Given these basic definitional difficulties, it is not surprising that only 4 percent of respondents reported ever having a case of labor trafficking (Newton, Mulcahy, and Martin 2008). A nationally representative survey of law enforcement agencies in the United States found that no units or positions exist within local law enforcement to specifically investigate labor trafficking cases (Farrell, McDevitt, and Fahy 2008). Research on the challenges in the investigation and prosecution of state and local human trafficking cases in 14 US counties revealed few labor trafficking cases were identified by local, state, or federal law enforcement. At the time of the study, no labor trafficking cases were being prosecuted at the state level because of significant definitional, structural, and cultural challenges that local, state, and federal law enforcement officials face in identifying, investigating, and successfully prosecuting human trafficking cases under new human trafficking laws (Farrell et al. 2012). Interviews with both US Department of Labor and local department of labor officials also revealed limited to no involvement of these agencies in the identification or criminal investigation of labor trafficking cases. Data from the more than 40 federally funded human trafficking task forces operating across the United States reveal that only 11 percent of the investigations opened by these task forces between 2008 and 2010 were for labor trafficking violations (Banks and Kyckelhahn 2011). This body of research suggests that law enforcement is not a particularly strong source of information about labor trafficking victimization.

Recent research by Zhang and colleagues (2014) and Barrick and colleagues (2013) using chain referral and convenience sampling methods confirms that thousands of migrant agricultural workers in the United States are likely victims of labor trafficking and are never identified by law enforcement. Data from service providers also suggest that a greater number of labor trafficking victims are identified by nongovernmental organizations than are identified by local, state, or federal law enforcement or labor inspectors (Frost 2010). In almost direct contrast to their law enforcement task force partners, whose human trafficking caseload comprises 83 percent sex trafficking cases, service providers funded by the Office for Victims of Crime who serve victims of trafficking report that 64 percent of the victims served by federally funded service providers were identified as victims of labor trafficking and 10 percent as victims of both labor and sex trafficking (Banks and Kyckelhahn 2011). Further information regarding labor trafficking victim characteristics and the nature of their exploitation has not been reported publicly by agencies that provide services to these victims.

Although a significant number of labor trafficking victims have been identified by service providers and a smaller subset has been investigated by law enforcement, we have very little systematic information regarding the characteristics of the labor trafficking experience or under what conditions labor trafficking cases are investigated by law enforcement. One of the greatest methodological

challenges to conducting research on human trafficking is the hidden nature of the victimized population (Tyldum and Brunovskis 2005). Although policymakers and advocates have pushed for increased resources to address labor trafficking, the field still lacks systematically gathered information about the nature and context of labor trafficking victimization. Such an analysis is needed to help identify trends in the structure and organization of labor trafficking syndicates and lone traffickers across different types of industries. Research exploring the role of third-party facilitators and links to other illicit activities would improve our ability to identify and respond to labor trafficking.

Despite limitations in the identification of labor trafficking cases, a wide range of labor trafficking has come to the attention of both victim service providers and law enforcement in various cities across the United States. This study used data from closed victim service records from service providers focused on aiding labor trafficking victims in four US locations as the primary unit of analysis and supplemented this information with interviews with labor trafficking survivors, victim service providers, legal advocates, and law enforcement to gather systematic information about the nature and characteristics of labor trafficking victimization among identified labor trafficking victims in the United States. Data were analyzed to provide rich detail along a continuum that begins before workers are labor trafficked and continues after their escape. That is, our study analyzed how workers who were ultimately labor trafficked were recruited and migrated (if at all) for work,<sup>2</sup> how they were trafficked within various industries, and how they escaped and/or how law enforcement interdiction occurred. The study also explored the legal, organizational, and cultural barriers to official identification of labor trafficking victims and their situations. By gathering data from a range of sources and triangulating across these sources, we were able to identify variation across types of labor trafficking. Triangulating information also provided more information than has been previously available about labor traffickers, their syndicates, their third-party facilitators, and their involvement in other illicit activity.

After outlining previous research that guided this study, the questions addressed by the study, and the study methodology, the report follows the general chronology of events and any exploitation labor trafficking victims experienced before and after their labor trafficked employment—that is, recruitment and migration, if any, for work; the labor trafficked employment; victim help seeking and escape; and access to services. Chapter 3 presents the characteristics of victims and suspects identified through our coding of service provider case records. Chapter 4 examines recruitment experiences that led to eventual labor trafficking, with movement (if any) in pursuit of employment offers presented in chapter 5. Labor trafficking victimization experiences in these places of employment are detailed in chapter 6. Chapter 7 focuses on survivor escape experiences. Chapter 8 explores survivors' needs, experiences accessing services, and lives after escape. Law enforcement responses to labor trafficking and the

criminal justice system process are examined in chapter 9. Chapter 10 highlights the main study findings and provides recommendations for improving responses to labor trafficking victims and promoting research to better understand the phenomenon of labor trafficking.

## Literature Review

Earlier antitrafficking literature has espoused a supply-and-demand framework to explain human trafficking (Bales 2012; Shelley 2010). Through this lens, the demand for cheap goods drives the supply of cheap labor, and the demand for commercial sex drives the supply of adults and children for commercial sexual exploitation. Viewing labor trafficking through a strictly supply-and-demand framework may explain the “why,” but it does not explain the “how” or the “who.”

Labor trafficking involves the use of force, fraud, or coercion to compel a person’s work. However, little is known as to who is most at risk and under what conditions labor trafficking occurs. A better understanding is needed regarding what levers must be pushed to turn labor exploitation into labor trafficking. Our study findings suggest that a combination of levers exists at worker, venue and/or industry, and legal and enforcement levels that, when pressed, can turn a situation of labor exploitation into labor trafficking. To understand how labor trafficking manifests itself, it is helpful to take the supply-and-demand framework a step further and think of human trafficking as occurring at the intersection of vulnerability and exploitation for profit. Vulnerability can be at the individual level, but as we found out, it can also be created by systems. This framework begins to explain who is most at risk of labor trafficking in the United States and the means by which they are trafficked.

The following literature review begins with an exploration of the sometimes overlapping but distinct literature on labor exploitation, child labor, and labor trafficking. We then summarize the literature on the top five industries (domestic work, hospitality, agriculture, restaurants, and construction) in which labor trafficking occurred in our report to piece together a picture of the industries, worker-specific factors, and enforcement and regulation frameworks that may explain how labor trafficking occurs across these industries and who is most at risk.

### **Labor Exploitation, Child Labor, and Labor Trafficking**

Labor trafficking in the United States applies to work performed under force, fraud, or coercion. Compared to sex trafficking, which is an area of interest to public policy researchers, labor trafficking

studies have only begun to explore trafficking in the formal and informal labor force. Labor exploitation applies to instances in which employers deny workers their rights under labor law, such as the right to fair compensation, working hours, and conditions; child labor applies to illegal work by minors under a certain age (usually 14 to 16). Labor trafficking may include all the elements of labor exploitation (e.g., wage theft, poor working conditions, and other labor law violations) and child labor, but if the exploitation and child labor do not occur through the use of force, fraud, or coercion, they are not considered labor trafficking.<sup>3</sup> We use a Venn diagram to identify the intersection of these three related but distinct phenomena: labor trafficking, labor exploitation, and child labor (appendix A). The literature review below focuses on labor trafficking as well as those areas in which labor trafficking intersects with labor exploitation and child labor.

Research on labor trafficking has its roots in literature on child labor and labor exploitation. News accounts covering the intersection of labor trafficking and labor exploitation have often focused on victimization in two industries: agricultural work and textile manufacturing (commonly referred to as “sweatshops”). Indeed, the most popular accounts of the most egregious cases of sweatshop labor in the United States qualify as labor trafficking because the subjects find themselves without an alternative (Klein 2000). However, sweatshop research often focuses on broad labor exploitation and troubling business practices within entire industries or companies. Similarly, the problem of child labor has also galvanized public attention. A Department of Labor report (2000) used an extensive, nationally representative database on underage work to explore child labor trends and issues in detail. A labor exploitation study surveyed low-wage workers in three cities and found widespread wage theft and abuse of workers’ rights in low-wage labor markets (Bernhardt et al. 2009). These well-established fields of research have always examined—although indirectly—workers who may be victims of force, fraud, and coercion at the workplace, even if they did not use today’s labor trafficking concepts.

Emerging scholarship points to opportunities for identifying labor trafficking by using contemporary concepts and definitions. Logan, Walker, and Hunt (2009), for example, compiled reports on labor trafficking in an attempt to bring additional attention to the issue. This new, focused attention on labor trafficking has helped reveal known cases of trafficking, especially in the garment industry and agriculture. Given the high demand for cheap labor, research suggests examining all formal industries in which legitimate employers may use force, fraud, or coercion, including fisheries, construction, food processing and packaging, and health care (Richards 2004). No studies have examined such a range of industries for signs of labor exploitation as well as labor trafficking, or the overlap between the two.

Having opened the door to thinking about the potential for labor trafficking in various industries, some researchers have suggested examining a wider range of venues and networks for signs of labor

trafficking. For example, informal market activity, including work off the books or in unconventional settings, could present opportunities for unscrupulous people to engage in labor trafficking. Consider, for example, the documented exploitation of children in the form of forced, organized begging, hawking, or selling goods (e.g., magazines, candy) on the street to raise money for a fictitious cause and on behalf of an abusive patron (Andrees 2008). Labor trafficking can also occur in private homes as indentured, domestic servitude. Thinking about such informal activity suggests examining labor trafficking in various venues, including indoors or outdoors; behind lock and key as well as out in the open; in rural or urban settings; and within relationships involving employers, employees, and subcontractors.

## Worker- and Population-Specific Risk Factors for Labor Trafficking

Existing labor trafficking research also addresses which populations may be most at risk of being taken advantage of by traffickers. Chief among these groups are the unauthorized immigrant population (i.e., those who overstay temporary visas or enter the country without inspection). Researchers often focus on unauthorized immigrants from Latin America, Asia, and Eastern Europe as primary victims or surviving protagonists in accounts of sweatshops, migrant labor, and domestic servitude.

Victims of trafficking are sometimes misled by traffickers who disguise themselves as benevolent smugglers or employers (Smith 1997). Research on organized crime offers clues about labor trafficking in these circumstances (Väyrynen 2003). These workers may have their immigration documents stolen, forged, withheld, or otherwise used to manipulate them to work longer, for lower wages, or in settings they otherwise would avoid. Labor trafficking can also occur long after the initial migration process if employers take advantage of a pervasive fear of police and immigration authorities. Untargeted arrests in immigrant communities (Brennan 2010) fail to identify cases of labor trafficking, just as untargeted sweeps and raids of sex trafficking venues can prove counterproductive for combating trafficking (US Department of State 2010). The dispersal of immigrants across the country since the 1990s suggests expanding labor trafficking research to new immigrant destinations (Wilson and Dalton 2008), especially the New South and the Midwest and Heartland states, where the demand for agricultural and meat- and poultry-processing workers has increased for decades.

Although labor trafficking studies suggest focusing on unauthorized immigrants to better understand trafficking networks, research points to instances in which authorized immigrant workers, US-citizen workers, and children and adolescents in general can also succumb to traffickers. For example, the Government Accountability Office (2010) recently documented employer abuse of the H-2B visa program. In these cases, employers use fraud to take advantage of the program and workers

who signed up for temporary visas. The situation mirrors arrangements in which an employer finds a subcontractor tasked with hiring workers but cannot verify that the subcontractor treats its workers fairly. No one knows how extensively traffickers have been able to infiltrate subcontractor networks, especially in low-wage industries such as hospitality and health care. Subcontractors can set up exploitative arrangements in which low-wage workers, especially nonunionized or unorganized workers, can become victims of labor trafficking. The extent to which industries knowingly or unknowingly use trafficked labor remains unknown. Finally, organized begging networks may conceal labor trafficking and exploit runaway youth, foster care youth, and other vulnerable populations also at risk of sex trafficking (Dank 2011). Subcontractor and begging networks can affect immigrants and nonimmigrants alike.

### **Industry-Specific Incidence of Labor Exploitation and Risk Factors for Labor Trafficking**

The literature reviewed above begins to beg the question of what conditions are necessary to move a situation from labor exploitation to labor trafficking; that is, what conditions or factors lead to the use of force, fraud, or coercion to compel a worker's labor within specific industries, and who is most at risk? In the sections below we explore the top five labor trafficking industries in our study sample: domestic work, agriculture, restaurants, hospitality, and construction. We provide further insight into the common experiences of victims employed in these sectors, individual characteristics that may make certain workers more vulnerable to labor trafficking, and the legal and industry-specific factors that may put workers at risk of labor trafficking. The discussion is informed by the extant labor exploitation and labor trafficking literature. The sections are broken down by industry characteristics, whether industries are regulated or unregulated by labor law, and the characteristics of authorized and unauthorized workers in these industries. A brief explanation of the common industry-specific visas held by documented workers in our study sample is also included.

#### **Domestic Work (industry: unregulated; workers: unauthorized and with G5, A3, B1/B2, or C3 visas)**

Domestic workers are employed within private residences by families other than their own and typically perform household-related tasks, such as cooking, cleaning, and child care. An estimated 1.8 million domestic or in-house workers are employed within the United States (Dresser 2008). Extant

research has found that domestic workers share similar demographic and background characteristics and are perhaps at a higher risk of being trafficked as result of a confluence of legal and industry-specific aspects associated with domestic work.

In recent years, various organizations and researchers have conducted surveys with domestic workers to better understand their background characteristics and employment experiences in the United States. Findings have indicated that employees in this industry share a number of common traits—particularly in race or ethnicity and place of birth—that may place individuals in this field at an increased risk of exploitation. In a survey of 244 domestic workers in San Francisco, for example, the vast majority of respondents reported being Latina (94 percent), female (98 percent), and born outside the United States (99 percent). Moreover, 1 in 5 respondents said she had been insulted or threatened by her employer, and 1 in 10 indicated she had been sexually harassed and/or a victim of violence within the last two months (Mujeres Unidas Activas, Day Laborer Program Women's Collective of La Raza Centro Legal, and DataCenter 2007). A survey of 547 domestic workers in New York City revealed a similar pattern: 93 percent of respondents were female, 99 percent were born outside the United States, and 1 percent identified as white. Although the majority of respondents reported being racial or ethnic minorities, approximately 77 percent of reported employers were white (Domestic Workers United and DataCenter 2006). Finally, in one of the more comprehensive examinations of domestic workers within the United States, surveys of over 2,000 domestic workers across 14 metropolitan cities focused on the working conditions and experiences of domestic employees. Among other findings, 19 percent of respondents reported they had been threatened, bullied, or verbally abused within the past year. Nearly 85 percent of unauthorized immigrant respondents who reported an issue with their working conditions indicated that they did not seek recourse because of their immigration status. Survey responses from domestic workers who lived in the same household as their employers indicated that live-in employees may be particularly at risk of exploitation: 36 percent of these workers reported abuse, 25 percent indicated they had less than five hours of sleep a night, and 31 percent indicated they lacked any means of communicating privately with family or friends (Burnham and Theodore 2012). Overall, these surveys have found that domestic workers, many of whom report similar experiences, tend to be female, racial and ethnic minorities, and born outside the United States. These characteristics may be considered factors that put these individuals at an increased risk of becoming a victim of labor trafficking and exploitation. Although labor laws cover all workers regardless of immigration status, these findings indicate that the majority of unauthorized domestic workers may not feel sufficiently protected to report labor violations.

Given that domestic workers share many traits, questions arise as to whether the nature of the industry itself places employees at an increased risk of labor trafficking. Within the literature, three common industry-specific factors have been identified: (1) the growing market for inexpensive and exploitable household workers, (2) a lack of legal protection afforded to domestic workers in the United States, and (3) the inherently isolated setting of domestic work (Free the Slaves and Human Rights Center 2004). The demand for cheap and exploitable labor within private residences, particularly internationally, has been well documented (Anderson and O'Connell Davidson 2003). With the aging US population, the increase of women in the workforce, and a general lack of flexible family leave policies, the demand for domestic work within the United States is likely to grow.

A lack of protections afforded to these employees under the US legal system is an additional factor that may place domestic workers at an increased risk of exploitation. Federal legislation guaranteeing the rights of workers and protecting employees in the workplace often does not apply to domestic workers. The National Labor Relations Act, for example, which affords employees the right to organize and form unions, and Occupational Safety and Health Administration legislation that regulates workplace safety both exclude domestic workers from regulation and protection. Moreover, legislation aimed at preventing discrimination (e.g., the Civil Rights Act, the Americans with Disabilities Act) typically apply to employers with multiple employees, meaning that domestic workers, many of whom work alone in a household, are essentially excluded from these protections. Under the Fair Labor Standards Act, domestic workers were not granted any protection until 1974. Although some protections are afforded to these workers today under the Fair Labor Standards Act, there are exceptions worth noting: (1) workers identified as "casual" employees are not covered, and (2) workers living with their employers are unable to receive overtime (Burnham and Theodore 2012). The practice of excluding domestic workers from federal legislation aimed at guaranteeing workers rights and protecting employees in the workplace has created an unregulated work environment that may foster the abuse and exploitation of individuals by their employers, with little or no recourse for workers.

Foreign-born domestic workers who are authorized to be in the United States through select visas (G5, A3, C3, B1/B2, and NATO7) may also be subject to exploitation and trafficking. These visas are reserved for use by foreign diplomats, government officials, and business persons to bring "servants" to the United States. Although the Department of State coordinates and approves these visas, the challenges of jurisdictional issues and overall lack of regulation of domestic work mean there is no oversight of these workers once they are in the United States. As corroborated by our study, labor exploitation and labor trafficking within these visa programs have been well-documented (Burnham and Theodore 2012; Human Rights Watch 2001).

## **Agriculture (industry: regulated; workers: unauthorized and with H-2A agriculture visas)**

According to the US Department of Agriculture's Farm Labor Survey, over one million farmworkers are employed in the United States, with close to 300,000 reported workers brought to farms through special contracts. Although the majority of farmworkers are concentrated in crop fields (56 percent), high numbers of farmworkers are also employed in livestock and nurseries throughout the country. Further, although the term "migrant farmworker" has made its way into colloquial language and in many cases is used synonymously with agriculture worker, only 5 percent of farmworkers actually follow crops. The majority of farmworkers live and work within a short distance of their home. Others have recently migrated to the United States and resettled in remote agriculture communities. Although estimates from the US Department of Agriculture indicate that most agriculture workers are unauthorized immigrants, approximately 19 percent have green cards, and 33 percent are US citizens.<sup>4</sup>

To understand the legal and industry-specific factors that may facilitate trafficking in the agriculture industry, it is important to understand the history of employing foreign agriculture workers in the United States. Importing foreign workers in the agriculture sector is a longstanding American tradition. Labor shortages during World War I allowed workers from Mexico and Latin America to enter the United States through visa contracts. During this period foreign workers were recruited to work in the agriculture sector and expected to return to their home countries at the end of the war. During World War II, when labor shortages once again created a demand for foreign workers, the Bracero Program was formed. The Bracero Program was a bilateral agreement that brought in Mexican workers to work in US fields from 1942 to 1964 (Vogel 2007). Although the program was presented as mutually beneficial for both growers and workers, multiple examples of employer abuse surfaced (Baker 2004). Contract work was tied to the sponsoring farmer and as a result, mass exploitation, low wages, improper deductions, and wage theft characterized much of the program.

Despite the weakness of the Bracero Program, current temporary foreign labor programs, like the H-2A visa contracts, continue to replicate its limitations and expand the vulnerability of foreign workers in the agriculture industry. Under H-2A visas, employers are able to secure foreign workers to work in the agriculture sector after paying for workers' visa and transportation costs (Sukthankar 2012). H-2A visas are capped at about 55,000 workers annually. As of 2010, the last year for which data are available, 55,921 H-2A visas were issued for temporary agriculture workers. H-2A visas tie workers' immigration status directly to their employer, creating a power dynamic that may facilitate labor exploitation. The lack of visa portability and agency over housing options make agriculture workers under H-2A visas especially susceptible to labor trafficking. Because workers are not legally able to

provide services to other employers, employees encountering exploitative situations are forced to remain in such environments. With limited legal options and geographic isolation, agriculture workers are at high risk for exploitation and abuse (Bauer and Stewart 2013).

Although labor exploitation within the agriculture industry has been well-documented, limited evidence exists documenting the prevalence of labor trafficking within the agriculture industry. A study of the prevalence of labor trafficking among farmworkers in North Carolina found that of 380 participants (most of whom were unauthorized immigrants), a quarter had experienced a situation that reached the threshold of trafficking, and 39 percent had experienced other forms of abuse, including denial of pay and wage deception (Barrick et al. 2013). This research also highlighted the limited involvement of law enforcement in labor trafficking cases and the common misconception that any form of mistreatment is unlikely because “farm workers are well treated since local economies depend on them and can’t afford to mistreat workers” (Barrick et al. 2013). Although the findings from Barrick and colleagues’ study cannot be generalized because of the sampling methodology, this research provides breakthrough evidence regarding challenges that persist in combating labor trafficking.

The size of the agriculture community is significant, and given the vulnerability of foreign workers’ legal status, limited education background, and linguistic and geographic isolation and lack of local law enforcement involvement in proactively investigating criminal labor complaints, farmworkers may be especially vulnerable to labor trafficking.

## **Hospitality (industry: regulated; workers: unauthorized and with H-2B nonagriculture visas)**

Travel and tourism are among the most profitable industries in the United States, ranking in the 10 highest-grossing industries in 48 states. In 2012, the hotel industry employed 1.8 million workers at more than 52,000 lodging properties nationwide.<sup>5</sup> Although the extent of trafficking within the accommodations sector is unknown, industry-specific factors may increase the likelihood of trafficking in the hospitality sector.

A significant amount of labor is required around the clock to keep hotels operating efficiently. This labor can include cleaning rooms, preparing and/or serving foods, laundering linens, dry cleaning, acting as bell staff, information technology tasks, security, and front desk management. Many hotels in the United States operate seasonally or experience fluctuating amounts of business seasonally. Owing to extended operating hours, the demanding nature of hotel work, and seasonal fluctuations, the

hospitality industry faces unique staffing challenges. The industry commonly turns to temporary employment agencies and staffing firms for assistance with labor shortage issues (Pearlman and Schaffer 2013).

The pool of temporary workers recruited from within the United States includes American citizens and authorized and unauthorized immigrants. A study by the Pew Research Center found that 17 percent of unauthorized immigrants in the United States work in the leisure and hospitality industry (Passel and Cohn 2009). Hospitality workers without proper work authorization may be more likely to endure abusive working conditions owing to a perceived lack of alternatives.

Recruitment for hospitality staff positions also occurs overseas through temporary work visa programs for foreign workers. As prior research has found, significant recruitment of foreign workers for hotel and other hospitality jobs occurs through the H-2B visa program. The hospitality industry regularly recruits temporary foreign workers from the H-2B pool, and the number of requested workers continues to increase annually. The number of H-2B workers requested by US employers increased approximately 53 percent between 2004 and 2008 (Pearlman and Schaffer 2013). The H-2B visa program allows US employers to recruit temporary workers for specific temporary jobs in the United States that generally last less than a year.<sup>6</sup> In the current study, all the victims who were labor trafficked in the hospitality industry came to work in the United States with valid visas; the majority of these individuals came under the H-2B guest worker program.

Several researchers and organizations have examined the shortcomings of the H-2B visa program and how it may lead to labor exploitation and labor trafficking. One investigation of the program concluded that employers and recruiters may be abusing foreign workers in the program (US Government Accountability Office 2010). Exploitation generally begins with recruitment, well before workers arrive in the United States. US employers often hire labor recruiters or other intermediary individuals or companies to help them find foreign workers. When intermediaries are involved in the recruitment, the lack of transparency in the process makes hiding worker exploitation possible and shields those responsible for the abuse from liability (Center for Migrant Rights 2013).

Researchers at the Center for Migrant Rights (2013) surveyed migrant workers in the United States and concluded that there were several flaws inherent in the H-2 recruitment process. They found that despite an American regulation forbidding charging workers a recruitment fee, employers, recruiters, and their agents typically charge illegal recruitment fees and fail to reimburse visa, travel, and recruitment-related expenses. Of the 220 interviewees, 58 percent reported paying their recruiter; the average fee was \$590. Much more exorbitant fees have been reported.

Whether or not migrant workers pay a recruitment fee, getting to the United States can be costly. Most workers interviewed by the Center for Migrant Rights arrived in the United States in debt. It was common for workers to have taken out loans, often at high interest rates (some as high as 79 percent), and to have used property as collateral to cover preemployment expenses (Center for Migrant Rights 2013). These workers often did not have a chance to review employment contracts before coming to the United States, and they were coached on how to interact at mandated consular interviews.

Once in the United States, workers with H-2B visas are limited to jobs with the employer who applied to the Department of Labor for their services. If these workers find the work conditions unsatisfactory, abusive, or inadequately paid, they cannot seek other employment; their only option is to return to their home countries (Bauer and Stewart 2013). For many reasons, returning home is often not a practical option for workers and, under various forms of duress, they feel compelled to remain in employment at these locations. This situation can lead to further abuses within the workplace. Exploitive conditions may force workers to leave their jobs, rendering them unauthorized and vulnerable to coercive and fraudulent tactics.

Immigrants employed in the restaurant and construction industries who enter the United States on visas are often sponsored through the H-2B visa program. Thus, they face issues similar to those described above.

### **Restaurants (industry: regulated; workers: unauthorized and with H-2B nonagriculture visas)**

Despite the decline in economic and employment opportunity experienced by most industries in the past decade, the restaurant industry has remained a stable employer for thousands of low-wage workers across the United States (Benner and Jayaraman 2012; Bernhardt, McGrath, and DeFilippis 2007; Restaurant Opportunities Center of New York and the New York City Restaurant Industry Coalition 2005). For instance, in Los Angeles, one of every 10 workers is employed by the food service industry (Restaurant Opportunities Center of Los Angeles, Restaurant Opportunities Centers United, and Los Angeles Restaurant Industry Coalition 2011), and in 2012 food preparation and service jobs accounted for the majority of low-wage leisure and hospitality work in the United States.<sup>7</sup>

Restaurants have become the second-largest employer of immigrants (Restaurant Opportunities Centers United 2013). Immigrants typically work less-prestigious, lower-paid jobs that are hidden to customers. In general, front-of-house, “good” jobs (waiters, bartenders, and managers) are reserved for

white employees; back-of-the-house, “bad” jobs (dishwashers, line cooks, and bussers) are held by nonwhite employees (Bendick, Rodriguez, and Jayaraman 2010; Food Chain Workers Alliance 2012; Restaurant Opportunities Center of New York and the New York City Restaurant Industry Coalition 2005).

Widespread workplace violations have become a common practice in the industry as competition increases and regulation decreases. Because food costs remain fixed and rent prices have risen, employers are gaining larger profit margins by cutting costs in the wage and benefit sector (Bernhardt, McGrath, and DeFilippis 2007). According to a 2007 study, restaurant labor violations included wage and tip theft, denial of overtime pay, verbal abuse, refusal of meal breaks, and dangerous or unsanitary working conditions (Bernhardt McGrath, and DeFilippis 2007). Evidence of gross labor exploitation bordering on labor trafficking has been reported elsewhere as well. A 2010 report of over 400 restaurant employees showed that 50 percent of workers in San Francisco’s Chinatown experienced minimum wage violations, roughly 21 percent reported working 60 hours or more a week, and almost three-fourths of employees reported either not getting a meal break at all or shortening it to complete work-related tasks (Chinese Progressive Association 2010). Race, gender, and immigration status only exacerbate these issues; women, people of color, and unauthorized immigrant workers experience workplace violations at higher rates. A study by the Food Chain Workers Alliance (2012) found that across the food industry, unauthorized immigrants worked more hours, experienced higher rates of wage theft, and suffered verbal abuse at staggeringly higher rates than their US-born coworkers. Although specific numbers are difficult to attain, Bernhardt, McGrath, and DeFilippis (2007) reported that instances of labor trafficking occurred most frequently in their focus groups with restaurant and domestic workers, and cases of labor trafficking have been identified in several states within the United States (Polaris Project 2014).

### **Construction (industry: regulated; workers: unauthorized and with H-2B nonagriculture visas)**

In 2013, the US construction industry employed over 5.8 million people. The majority of these employees work in the private sector performing various specialized and general labor tasks.<sup>8</sup> Rates of employment and mean hourly wages depend on the job for which a worker is responsible, but in 2010 general laborers made up the largest portion of the workforce and had the lowest hourly wage, \$16.15 (Cover 2011). This figure represents the pay rate for workers legally employed in the industry and may not reflect the average wage for those without legal immigration status working unregulated jobs.

A 2005 review by the Pew Hispanic Center estimated that 19 percent of the unauthorized workers in the United States were employed in construction (Passel 2006). The use of unauthorized immigrant labor is well chronicled in this industry, especially on projects that are small and medium-sized. These workers find employment through contractors or subcontractors directly, through family connections, or by using day labor corners. Unauthorized immigrant laborers typically work general construction jobs, receiving no benefits and less pay than their documented counterparts (Bernhardt, McGrath, and DeFilippis 2007). Hispanic laborers, who make up a large part of the unauthorized immigrant labor force in construction, tend to be younger, have lower education levels, work less-skilled positions, and are more frequently exposed to workplace hazards (Dong and Platner 2004). Unauthorized workers who work in the unregulated part of the industry are less likely to receive safety training, putting them at additional risk (Bernhardt, McGrath, and DeFilippis 2007).

Other abuses were documented following Hurricane Katrina in 2005, when the US Department of Homeland Security temporarily suspended its enforcement of immigration labor laws that required employers to check the work authorization of an employee before hiring. At the same time, the Department of Labor allowed employers to pay workers less than the minimum hourly wage (Fletcher et al. 2006). Though lifting these restrictions was meant to stimulate the rebuilding process, it also led to widespread exploitation of immigrant populations who received substandard wages for work that was often dangerous (Crow 2006).

In sum, existing studies and reports have begun to explore industries with confirmed cases of labor trafficking, although no systematic studies of the phenomenon exist. Such studies would require an in-depth examination of labor trafficking cases across a range of industries and among different vulnerable and hidden populations.

## Rationale for Research

Although researchers have begun to piece together a picture of the characteristics of vulnerable individuals, participating industries, and exploitative practices that may lead to labor trafficking, few studies have systematically reviewed labor trafficking cases known to victim service providers and law enforcement officials in the United States. As a result, we know little about the phenomenon of labor trafficking and the illicit networks that support it. For example, we do not know whether those networks (e.g., smuggling, document fraud) that facilitate certain types of labor exploitation also facilitate certain types of labor trafficking. The results of our study address these gaps in knowledge by

providing foundational information about labor trafficking victimization and the illicit networks that facilitate it across a range of industries. Our study was guided by three research questions:

1. What is the nature of the labor trafficking victimization experience in the United States?
2. How are domestic and international labor trafficking syndicates operating in the United States organized? Who are the traffickers, and what is their connection to other illicit networks that help facilitate labor trafficking operations?
3. What are the challenges of law enforcement agents investigating labor trafficking cases identified by victim service providers? Why are so few identified labor trafficking cases investigated by law enforcement and prosecuted?

To answer the first research question, we conducted case reviews of closed victim service provider agency case files and interviews with labor trafficking survivors and service providers. To answer the second and third research questions, we conducted survivor and service provider interviews.<sup>9</sup> Each of our main research questions included 4 to 12 subquestions; these subquestions are highlighted at the beginning of their corresponding chapter (chapters 3 to 9).

# Chapter 2: Methodology

## Site Selection and Data Collection

Site selection for the study involved multiple steps, including preliminary site identification and screening calls with potential sites, which occurred over four months in 2012. To identify service providers throughout the country that had provided assistance to at least 20 victims of labor trafficking since 2000, the research team worked closely with the Freedom Network, a coalition of more than 30 nongovernmental organizations offering services to trafficking victims. During the initial screening process, leadership from the Freedom Network assisted our research team by disseminating information about our study to all Freedom Network partner organizations. To participate in our study, interested sites needed to have served multiple labor trafficking victims, preferably across a range of employment venues or industries, since 2000. Sites had to agree to make case records available to the research team and facilitate interviews with staff and survivors. Eleven sites met the study criteria and were willing to participate in the research. The research team then conducted telephone screening interviews with each of the qualified 11 service providers to gather nonidentifying, general case characteristic information and to assess the quality of the available case files and the willingness of the service provider to participate in the study. The screening interviews also helped identify variation in the types of labor trafficking across industries, geographical location, number of victims, demographic characteristics of the victims, and the number of labor trafficking cases that had been prosecuted federally across potential study agencies. The screening protocols are included as appendix B.

The 11 service providers who participated in screening interviews (table 2.1) helped us achieve the research goal of regional variation in the final selected sites. Four sites participating in screening calls were located in the Northeast, and three were headquartered in the South. Sites serving survivors in the Midwest and Southwest were also represented. Preliminary discussions were held with a service provider on the West coast, but the site did not believe it had sufficient resources to support the research and did not participate in the screening call. Discussions with sites that participated in the screening calls, however, revealed that service providers throughout the country were assisting survivors of labor trafficking who had been victimized in various industries. Some sites, for example, stated that a substantial number of their clients had been victimized in an agricultural or farming industry. Other organizations indicated that most of their caseloads were individuals whose labor trafficking experiences occurred in other industries, such as domestic servitude. Because few

specialized service providers provide comprehensive assistance to foreign national human trafficking victims, some providers served clients who were victimized in other states but came to the studied provider for services.

Upon completion of the site-screening process, the research team selected four sites to participate in the study based on their geographic variation, the quality and accessibility of available case files, and the types and venues of labor trafficking cases. In two sites, multiple provider agencies working in the same area were studied; as a result, there are four study sites and seven study agencies. To protect the confidentiality of respondents, data are presented at the four-site level. Studied service providers in each site were asked to provide a list of all the cases in which they had provided services to victims of labor trafficking since 2000.<sup>10</sup> To better understand the type of labor trafficking and the demographic characteristics of the clients, the universe of cases also included each victim's age, gender, origin country, and industry. Before transferring this information to the research team, each record was assigned an alphanumeric code known only to the site. Table 2.1 provides the number of labor trafficking client cases at each site since 2000, which ranged from 47 to 274.<sup>11</sup> If a service provider had given assistance to more than 30 victims since 2000, the research team randomly selected 30 unique clients to serve as a sample for that site. If a site had fewer than 30 labor trafficking cases, the entire universe of files was included in the sample. This approach resulted in a sample size of 122 victims associated with 72 unique labor trafficking incidents across all sites.

From September to December 2012, the research team conducted initial site visits to review and code the client case records that were included in the initial sample. To protect the identity of labor trafficking clients, all case files were redacted by service provider staff and/or the research team signed a confidentiality pledge specifying that uniquely identifying information would not be captured or disclosed.<sup>12</sup> For each client file, the research team developed a client case record coding sheet (appendix C) to collect basic details about the victims; their victimization experiences, including recruitment, transportation, and exploitation; the help-seeking process and the process through which they left the trafficking situation; and their longer-term treatment. The names of cases, victims, and any suspects or other individuals were given a randomly generated alphanumeric identifier in our case record notes to safeguard the confidentiality of information regarding victim and suspect identities. In total, 35 cases were dropped from the sample as a result of missing or incomplete information.

In addition to reviewing and coding client case records, the research team conducted in-depth, semi-structured interviews with service provider program staff to supplement the information in the case records that were analyzed by the research team. The qualitative interviews were used to gain a broader picture of the nature of labor trafficking victimization and the experiences of victims in the

local area, gather information on the challenges of working with labor trafficking victims, and understand victim service provider perceptions about the factors that facilitate or inhibit partnerships with law enforcement. Interview participants were selected using a convenience sample approach based on available staff with experience working on labor trafficking issues; all respondents were ensured confidentiality, and participation in the interviews was voluntary. A total of 34 labor trafficking victim service providers and legal advocates were interviewed. See appendix D for the service provider interview protocol.

**TABLE 2.1**

**Final Selected Sites, Cases Reviewed and Coded, and Interviews Conducted**

Site	Region	Total client records (since 2000)	Client records sampled	Client records coded	Survivor interviews	Service provider interviews	Law enforcement interviews
1	Northeast (urban)	274	45	40	10	8	7
2	South	61	30	21	7	14	4
3	West	47	30	25	9	4	7
4	Northeast (rural)	90	52	36	2 <sup>a</sup>	8	6
<b>Total</b>		<b>472</b>	<b>157</b>	<b>122</b>	<b>28</b>	<b>34</b>	<b>24</b>

<sup>a</sup> To overcome the limitation of not being able to interview victims directly associated with migrant farm cases in this community, the research team conducted a focus group with 11 unauthorized immigrant farmworkers who were potentially at risk for labor trafficking to talk about their experiences. These interviews are not included in the total number of survivor interviews.

For each study site, the researchers conducted a follow-up site visit between January and June 2013 to interview victims of labor trafficking and the law enforcement officials associated with the labor trafficking cases identified and coded in the first site visit. Working with the victim service providers in each study site and using client information collected during the initial site visit, the research team identified a set of former labor trafficking survivors that were still in the local area and were willing—and in an appropriate position in their recovery—to be interviewed. When possible, the research team attempted to ensure representation of victims to be interviewed across multiple types of labor trafficking experiences. We had reviewed and coded the client case records for many of the victims whom we ultimately interviewed, but the victims interviewed did not have their records selected through a random selection process. In other words, we did not limit our interviews to those clients whose case records had been coded. The pool of survivors that would be eligible for interviews in each study site was much smaller than the pool of labor trafficking client records. Many survivors whose records were randomly selected for coding were not in a position in their recovery to complete a one-on-one interview without the risk of retraumatization. Some of the survivors whose case records we

coded had moved away from the study site after receiving services. After the research team selected survivors from the eligible pool of potential interviewees, the service providers contacted clients to gauge their interest in participating in the interviews. To ensure that service providers remained impartial during the recruitment process, the research team provided each site with a recruitment guide that detailed how recruitment should take place and enumerated the information the sites were required to share with potential respondents (appendix E). The guidelines and list emphasized that recruiters should not compel anyone to participate and that they were required to inform the survivors about the voluntary nature of their participation.

Many of the survivors we interviewed spoke little to no English. As a result, we had the consent form and one-page project description translated into Spanish and Tagalog, two of the primary languages spoken by the selected service providers' clients (see appendix F for translated documents). All the translations were completed by experienced translators. We also hired interpreters in certain sites to assist with the interviews. The interpreters were either recommended by service provider staff who had worked with them before on cases and had experience working with vulnerable populations or were hired through a reputable translation company. Interpreters hired through the translation company were thoroughly vetted and were required to have had experience working with victims and/or vulnerable populations. In a few instances we were unable to hire an interpreter to assist with the interview face-to-face and instead used telephonic interpretation through Language Line or Ethnic Bridge. Both of these services have been used successfully by service providers in our selected sites and interpreters working for these companies were recommended and used. Some of the languages that required interpretation included Spanish,<sup>13</sup> Thai, Mixtec, Somali, Bengali, and Indonesian.

The research team conducted 28 interviews with victims of labor trafficking across all sites; between 2 and 10 interviews were conducted at each site. The interview protocol was designed to elicit information on a survivor's background, recruitment, and movement (if any) to the job that became the trafficking experience; the victimization itself; how the victim escaped; and any service and contact the victim had with law enforcement. Survivors were also asked about their current living situations, the impact of the labor trafficking experience, their hopes and goals for the future, and any recommendations or advice for changes. The interview guide is included in appendix G. Survivors who agreed to be interviewed were promised confidentiality before the interview began and were assured that the information collected during the interviews would be used for research purposes only. Before the interview, participants were fully apprised of the purpose of the research and the voluntary nature of their participation (participation is voluntary; respondents may opt out of any question or stop the interview at any time) via an assent form (appendix H). Survivors were also informed that a social

worker or caseworker from the service provider organization was available to meet with them at any point during or after the interview. When needed, researchers conducted interviews using interpreters. Respondents were provided with a \$50 gift card for their participation. Interviews with clients were in-depth and ranged in length from one to three hours. In addition to the 28 victims who were interviewed, a focus group was held in one site where numerous victims of labor trafficking in agricultural work had been located a few years before this study. The victims in the cases we reviewed had largely left the area owing to the nature of migrant farmwork. To overcome the limitation of not being able to interview victims directly associated with migrant farm cases in this community, the research team conducted a focus group with 11 unauthorized immigrant farmworkers who were potentially at risk for labor trafficking to talk about their experiences.<sup>14</sup> See appendix I for the interview protocol.

Interviews with local and federal law enforcement officials who participated in the investigation of cases of labor trafficking were also conducted in each study site (see appendix J for the interview protocol). We had initially planned to review and code law enforcement records for labor trafficking cases included in our study. Two major challenges were encountered that led us to change our data collection strategy. First, law enforcement was involved in a small number of labor trafficking investigations. Second, a majority of the investigative work on labor trafficking cases was done by federal law enforcement personnel. Federal law enforcement agencies were unwilling to let us review and code the physical copies of their investigative records. We were able to walk through the details of each case, often with agents directly consulting the case record, to capture the information that we had originally intended to code from physical case records. Four to seven law enforcement officers, including municipal, county, and state law enforcement as well as agents from Homeland Security and the Federal Bureau of Investigation, were interviewed in each site. Interviews were conducted with state or federal prosecutors in sites where labor trafficking cases had gone forward to prosecution. In addition to interviews with law enforcement, we conducted a few interviews with stakeholders familiar with the labor trafficking cases selected for our study; including representatives from the Department of Labor (see appendix K for the Department of Labor interview protocol).

## Analysis

The information from client case records was coded on site into an Excel data file for cleaning and ultimately transferred to an SPSS data file for analysis. Information collected directly from client case records was cross-checked with publicly available information from court records and other public sources such as news outlets. Significant additional information on suspects associated with labor

trafficking cases was collected directly from case records because victim service providers, victims, and sometimes law enforcement were not clear about the outcome of many labor trafficking cases in which the police began an investigation. Data from 122 clients in 72 unique labor trafficking cases and 169 suspects associated with those cases were analyzed. Univariate and bivariate statistics were calculated to illustrate patterns of labor trafficking victim experiences and responses by law enforcement officials, victim service providers, legal advocates, and others.

All interview audio files were transcribed, and interview text was uploaded into QSR-NVivo 9 (WSR International Pty Ltd., Victoria, Australia), a qualitative data analysis software package for coding and analysis. Through this analysis, we developed thematic codes representing themes derived from interviews with service providers, legal advocates, and law enforcement and separate codes for themes that emerged from interviews with victims. Themes for both groups were first developed based on literature reviews and various components of our research questions. New themes were added that emerged from the interview coding. These themes were analyzed within and across clients, cases, and study sites to identify any differences in the patterns of themes. We developed analytic memos to explore each emerging theme in depth. Qualitative findings are organized around these themes.

## Limitations

The methodology chosen for this study has several limitations. Primary among them was our ability to gather information only about victims who came in contact with a studied service provider. Previous research suggests many labor trafficking victims do not seek services and in many cases do not understand that they are crime victims (Barrick et al. 2013). As a result, our sample is biased toward victims who sought services or were otherwise connected to service providers (e.g., by law enforcement). As our understanding of human trafficking victimization (particularly victimization of individuals in labor situations) is in its early stages, this research should be considered exploratory. We do not seek to generalize about the experiences of all labor trafficking victims, but seek instead to deeply understand the experiences of those victims who came to the attention of service providers in the studied communities and are thus a small subset of labor trafficking victims in the United States.

In addition to limitations in the representativeness of the labor trafficking victims we studied, there are limits to the information that was available for each victim. As described in more detail above, four main sources of information were used to gather information about the victimization experience: (1) victim case records, including the records of legal advocates who filed T visa applications or similar

affidavits that attested to the victimization experience of the studied victim; (2) interviews with victim service providers about the victims with whom they worked; (3) interviews with the survivors; and (4) interviews with law enforcement officials who had knowledge of a subset of the studied victims' experiences. Although we gathered rich data from all these sources, none of them alone provided a complete picture of the victimization experience. Sometimes victims did not know extensive details about their perpetrators, and as a result the client records included very little information about perpetrators or their criminal networks. Information that service providers and legal advocates did not believe was directly relevant to a client's T visa application or other claims for legal status was commonly not included in the client records. Law enforcement commonly had more detailed information about labor trafficking perpetrators associated with the studied victims, but often that information was not part of an official case record or the research team was not granted direct access to the case record. This restriction was commonly the problem when federal criminal justice agencies served as the lead investigators in labor trafficking cases. Although we had originally intended to code law enforcement records using a method similar to the one used to code victim service case records, our limited access to actual case files prevented such coding. Instead, we relied on detailed interviews with law enforcement officers to provide details about studied victims and their perpetrators.

Throughout the report we try to make comparisons when appropriate among the experiences of victims working in different types of industries. We identified cases occurring in 10 primary industries: agriculture, hospitality, restaurants, domestic service in private residences, assisted living facilities, massage parlors, strip clubs, construction, factories, and carnival or fair workers. Victims were not evenly distributed across the 10 industry types. For some industries we identified a small number of victims and therefore conclusions about the experiences in these industries should be drawn cautiously.

Interviews with labor trafficking survivors, who were generally open and candid, provided some of the richest information about the victimization experience. Many of the victims we interviewed were still in the process of receiving T visas or adjusting their status from T visas to permanent residency. More longitudinal research is needed to understand survivor experiences over time and to more accurately assess the barriers survivors encounter accessing services and adjusting their status. Although the information we present on challenges experienced by survivors is limited by the time survivors have been out of their situation of victimization, it provides valuable information on the short-term and intermediate challenges survivors face.

# Chapter 3: Characteristics of Victims and Suspects

## **Research questions addressed in this chapter**

- What are the personal characteristics of labor trafficking victims (age, sex, immigration status, country of origin, education, mental and physical health)? How do these characteristics vary by region and type of labor?
- What are the personal characteristics of labor trafficking perpetrators (age, sex, immigration status, country of origin)? How do these characteristics vary by region and type of labor?
- On average, how many perpetrators are involved in labor trafficking operations? How does this vary by type of labor?
- What other illicit activities are connected with labor trafficking? What other criminal activities are traffickers involved in?

## **Main findings**

- Labor trafficking victims were victimized across various industries. The most common industries in which victims were trafficked were agriculture, hospitality, domestic service in private residences, construction, and restaurants.
- Roughly half the victims we studied were male. Gender of victim varied by industry. Ninety percent of agricultural workers we studied were male, and 95 percent of workers in domestic service were female. On average, labor trafficking victims were 33 years old when they began receiving services for their victimization.
- Labor trafficking victims had diverse educational backgrounds. Some victims had very little formal education, prompting their migration to the United States to seek low-wage, unskilled labor opportunities. Other victims had a great deal of education, some with college and graduate degrees. More highly educated victims sought opportunities in the United States both to use their training and in less-skilled jobs because the options for well-paid work were limited in their home countries.
- A majority of victims (71 percent) entered the United States on a lawful visa, but most victims (69 percent) were unauthorized by the time they escaped labor trafficking and sought services. Victims in agricultural work were less likely to have lawful immigration status upon entry to the United States.
- Two-thirds of labor trafficking perpetrators were male, most of whom were in their thirties or forties.
- Labor trafficking perpetrators commonly victimized people from their home countries. Middle Eastern and US suspects more commonly victimized persons from outside their country.

- Nearly half the identified perpetrators were confirmed as being arrested. Various factors led to low arrest rates, including lack of law enforcement prioritization and proactive investigation of labor trafficking, declination of cases brought forward by victims, suspects absconding to non-extradition countries, and a lack of victim cooperation. In 6 percent of the cases suspects were not arrested or cases were dismissed because the perpetrator was a diplomat.
- There were few formal connections between labor trafficking perpetrators and other criminal networks, such as drug trafficking, weapons trafficking, or money laundering. Some perpetrators were involved in smuggling, document fraud, and sexual abuse.

This chapter includes detailed information about the 122 victims of human trafficking who were identified through the victim service records in each of the four study sites. In addition, we present basic characteristics of the 169 suspects identified as associated with these victims' cases. The characteristics described below are not intended to represent the characteristics of all labor trafficking victims or perpetrators nationwide. Results are generalizable only to the four study sites. Instead, these characteristics represent a randomly selected sample of labor trafficking victims who were identified by victim service providers in our four study sites. Qualitative information about the characteristics of victims, their perpetrators, and the factors that may contribute to their vulnerability were also gathered from in-depth interviews with 28 victims (many of whose records were included in the statistics described here), as well as victim service providers and law enforcement officers. The information from these interviews helps provide context about each of the victim characteristics and how they intersect with labor trafficking victimization or the risk of such victimization.

## Labor Trafficking Victim Characteristics

### Industry of Labor Trafficking

The characteristics and experiences of labor trafficking victims varied greatly across study sites (see table 3.1 on page 31) and the industries in which the victim experienced trafficking (see table 3.2 on page 32). Of the 122 victim records, 19 percent were trafficked in agricultural industries, 10 percent in hospitality industries, 14 percent in restaurants, 37 percent as domestic service workers in private residences, 10 percent in construction, 7 percent in carnivals or fairs, 4 percent in factories, and 3 percent in assisted living facilities. The sampled cases included very few victims found in sexualized

labor. In our study sample, only two victims were found working in strip clubs and only one victim was labor trafficked in a massage parlor. A small number of victims (approximately 4 percent of the sample) were labor trafficked in more than one industry.

## **Country of Origin**

The top four countries of birth for labor trafficking victims were Mexico ( $n=40$ ), the Philippines ( $n=19$ ), India ( $n=11$ ), and Thailand ( $n=8$ ; see table 3.3 on page 33). As with other characteristics, victims' country of origin varied across study sites and across industries. Victims in agricultural industries overwhelmingly stemmed from Latin America (78 percent), particularly Mexico, but victims trafficked in domestic service came from a wide variety of countries.

## **Immigration Status**

According to victim service records, 71 percent of the victims held some type of nonimmigrant visa status when they entered the United States. In some cases their temporary visa status was used as a tool by traffickers to keep the victims vulnerable to exploitation. Across all study sites, a majority of labor trafficking victims (69 percent) were unauthorized to be in the United States by the time they received victim services. This percentage includes victims unauthorized before their trafficking as well as those who became unauthorized as a result of their trafficking. The second-most common immigration status for victims at the time they received services was holding a nonimmigrant visa, such as a temporary work visa or special status visa (28 percent).

Immigration status was commonly associated with the type of work labor victims were later trafficked in. For example, victims working in domestic service in private residences (82 percent), in hospitality industries (100 percent), and restaurants (50 percent) had legal temporary work visas or other nonimmigrant visas at the time of entry into the United States. Conversely, few victims (35 percent) found in agricultural industries had temporary visas upon entry to the United States; the majority of these victims were unauthorized immigrants. Although service providers reported they had previously worked on cases involving US-citizen victims in agricultural and work crew industries, no US-citizen victims were identified in this study.

## Gender

Across all study sites, 53 percent of victims were female and 48 percent were male (see table 3.1). The overall breakdown of victim gender is somewhat misleading, however, because in three of the four study sites men were more commonly victims of labor trafficking. In the remaining study site, 90 percent of the victims were female. This gender imbalance most likely stems from the fact that one service provider in this region primarily focused on serving female victims. Likewise, victim gender varied significantly across the industries where trafficking occurred. Over 90 percent of the victims found in agricultural industries were men, and over 95 percent of the victims found working in domestic service in private residences were women (see table 3.2).

## Age

Unlike sex trafficking victims, who researchers suggest are on average quite young (Farrell et al. 2012; Norton-Hawk 2004), victims of labor trafficking averaged 33 years old at the time they began receiving victim services across the four study sites. For some victims there was a gap between the time they were victimized and the time they actually began receiving services, meaning some victims were younger than the ages reported here when their victimization began. Although most labor trafficking victims were in prime working age (between 18 and 40 years old), 12 percent of labor trafficking victims were over age 50 at the time they began receiving services. The few victims in our sample who worked in assisted living facilities were older (average 42 years old) than victims labor trafficked in other industries. Victims identified as working in carnivals tended to be younger (average 25 years old at the time they received services).

## Education

Information on the educational background of victims was available in only half the sampled records (box 3.1). The available information revealed great variation in the educational attainment of victims. Some victims had no formal education or minimal elementary education (10 percent had no formal education, and 25 percent had either attended or finished elementary school). In contrast, another group of victims included in this study was able to attend university or technical school (31 percent of victims attended or completed college or technical school and one victim completed graduate school), though higher levels of education didn't appear to protect against exploitation. Victims with more education commonly found that there were few well-paid, high-skilled jobs in their home countries.

More highly educated victims sought employment overseas that would pay more even if the jobs were lower status. In some cases, recruitment agencies specifically targeted and screened workers with higher education levels or advanced technical skills.

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#### BOX 3.1

#### **Variation in Victims' Educational Attainment by Type of Labor Trafficking**

Some of the highly educated victims in this study accepted lower-skilled jobs in the United States because these jobs promised an opportunity to earn more money than they could earn at home (though these promises were never realized). For instance, one victim with training in engineering reported

Well in my case, when I got the call from my brother, I was working in civil engineering. By that time, I had left my career as an educator, my job in education, as a professor and I was working in civil construction. Over there, the education one has isn't really considered because our salaries are so low. (site 3, survivor 8, male, agriculture)

Of those victims for whom we had education information, 78 percent who were exploited in the hospitality industry had attended some college or had graduated from college or graduate school. In comparison, those exploited in private residences as domestic workers or in agriculture venues were less likely to have gone to college. Only 13 percent of domestic workers and 20 percent of agricultural workers had attended or graduated from college. For these victims, low educational attainment in their home country limited their ability to earn a living wage. As a Sri Lankan woman who traveled abroad for a domestic service job in Jordan before being trafficked as a domestic worker in the United States explained,

In my family everybody cannot complete high school. So that way when I grow up my father and mother they start telling us to go to work. I don't have any idea what to do, you know? So I decide to come to Jordan because Jordan if I work housecleaning job I get this like hundred dollars. For Sri Lanka is 10,000 rupees that time. (site 2, survivor 3, female, private residence)

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#### **Marital Status and Children**

Information on victim marital status and children was available in 79 percent of the client records. Of these victims, 46 percent were single and 45 percent were married. Sixty-four percent of the victims had children.

## Mental Health and Disability

In addition to education status, we collected information, when available, on whether victims had mental health problems or physical or mental disabilities. Of the 122 victim records we reviewed, a mental health problem or disability was present in 39 (30 percent) of the records. Determining if the mental health issues were present before trafficking or were the result of the trafficking experience was difficult. One legal advocate we interviewed noted that cognitive disabilities put labor trafficking victims at a particular disadvantage. This advocate reported having numerous cases in which victims with developmental disabilities were purposefully recruited because traffickers perceived them as easier to manipulate and control. Sadly, this advocate also noted that in some cases family members took advantage of their developmentally disabled relatives, either exploiting them directly or arranging their recruitment by traffickers, specifically in domestic work.

## Socioeconomic Status

We did not collect information on victim socioeconomic status before victimization, but case records and survivor interviews made clear that a lack of upward mobility, economic opportunity, and conflict drove many labor trafficking survivors to seek employment overseas. As one farmworker explained,

What happens is that over there [home country], it is very little money. It is not enough to survive. And well, if you have a small family, things will be okay more or less, but sometimes the children need to go to school and you can't make ends meet. And the youth, to try to make their future, create their homes, buy land because they don't have anything. It is always the parents who have a little home or a small territory, but the kids have to find that as well and so that is why they decide to come to the United States. (site 4, migrant farmworker focus group, male, agricultural)

Another victim who was labor trafficked as a domestic worker explained how poverty and the need to support her family drove her to seek work abroad through a recruiter in her home country:

I came from a poor community. We didn't have that much so in our culture, especially where I grew up, everybody is kind of pushed to ... work abroad or to have a future. That's how I end up knowing [recruiting agency]. They have an affiliation with my traffickers here in the US. (site 3, survivor 1, female, hospitality)

Many victims had been working since they were young. Even if they continued their education, working at an early age to support their family was common in both the cases we reviewed and the survivor interviews we conducted. The quotations below illustrate this process.

I only finished elementary school. I only went up to fifth grade. And like I mentioned before, my dad couldn't make ends meet. There were six of us and we needed more economic funds. And

because I was the oldest, well, I went to work in the fields to help my parents. (site 3, survivor 6, female, private residence)

I am the oldest of five siblings. We are five in total and I am the eldest. The rest are younger. And well, as a child, I only completed sixth grade—elementary school—and after I was forced to work. My family is poor and my father didn't have money to give me more schooling so I had to start working. My mother suffered from domestic violence and basically, I lived through all that. I saw how my father would hit my mother—he would hit me too because I didn't want him to hit my mom. (site 2, survivor 6, female, private residence)

TABLE 3.1

## Characteristics of Labor Trafficking Victims across Study Sites

Victim characteristic	All victims (n = 122)	Study Site % (n)			
		Site 1 (n = 40)	Site 2 (n = 21)	Site 3 (n = 25)	Site 4 (n = 36)
<b>Gender</b>					
Male	47.5 (58)	10 (4)	57.1 (12)	64.0 (16)	72.2 (26)
Female	52.5 (64)	90 (36)	42.9 (9)	36.0 (9)	27.8 (10)
<b>Age at time of services</b>					
Under 18	3.3 (4)	7.7 (3)	0 (0)	0 (0)	2.8 (1)
18–29	44.2 (53)	41 (16)	40.0 (8)	44.0 (11)	50.0 (18)
30–39	26.7 (32)	15.4 (6)	35.0 (7)	28.0 (7)	33.3 (12)
40–49	14.2 (17)	23.1 (9)	15.0 (3)	8.0 (2)	8.3 (3)
50–59	9.2 (11)	10.3 (4)	5.0 (1)	16.0 (4)	5.6 (2)
60–69	2.5 (3)	2.6 (1)	5.0 (1)	4.0 (1)	0 (0)
<b>Average age at time of services</b>	33.0	33.7	34.6	34.7	30.0
<b>Marital status (n = 96)</b>					
Single	45.8 (44)	30.0 (9)	50.0 (9)	54.5 (12)	53.8 (14)
Married	44.8 (43)	50.0 (15)	44.4 (8)	45.5 (10)	44.4 (8)
Divorced or widowed	5.2 (5)	13.3 (4)	5.6 (1)	0 (0)	0 (0)
Other	4.1 (4)	6.6 (2)	0 (0)	0 (0)	7.7 (2)
<b>Education (n = 60)</b>					
None	10 (6)	4.8 (1)	27.8 (5)	0 (0)	0 (0)
Some elementary	10 (6)	23.8 (5)	5.6 (1)	0 (0)	0 (0)
Finished elementary	15 (9)	4.8 (1)	5.6 (1)	14.3 (1)	42.9 (6)
Some high school	16.7 (10)	9.5 (2)	5.6 (1)	42.9 (3)	28.6 (4)
High school diploma	13.3 (8)	14.3 (3)	11.1 (2)	14.3 (1)	14.3 (2)
Some college	8.3 (5)	9.5 (2)	5.6 (1)	28.6 (2)	0 (0)
College degree	13.3 (8)	19 (4)	11.1 (2)	0 (0)	14.3 (2)
Graduate school	1.7 (1)	4.8 (1)	0 (0)	0 (0)	0 (0)
Technical school	10 (6)	4.8 (1)	27.8 (5)	0 (0)	0 (0)
GED	1.7 (1)	4.8 (1)	0 (0)	0 (0)	0 (0)
<b>Immigration status at time of services (n = 113)</b>					
Permanent resident	0.9 (1)	0 (0)	5.3 (1)	0 (0)	0 (0)
Resident alien	0.9 (1)	0 (0)	0 (0)	0 (0)	2.9 (1)
Nonimmigrant visa	28.3 (32)	25.0 (9)	15.8 (3)	37.5 (9)	32.4 (11)
Asylee	0.9 (1)	0 (0)	0 (0)	0 (0)	2.9 (1)
Unauthorized	69 (78)	75.0 (27)	78.9 (15)	62.5 (15)	61.8 (21)
Nonimmigrant visa upon entry to United States (n = 111)	71.2 (79)	84.2 (32)	80.0 (16)	68.2 (15)	51.6 (16)
<b>Region of origin</b>					
West Africa	3.3 (4)	7.5 (3)	0 (0)	0 (0)	2.8 (1)
East Africa	6.6 (8)	5.0 (2)	14.3 (3)	0 (0)	8.3 (3)
South Africa	1.6 (2)	5.0 (2)	0 (0)	0 (0)	0 (0)
Caribbean	2.5 (3)	7.5 (3)	0 (0)	0 (0)	0 (0)
Latin America	41.0 (50)	12.5 (5)	33.3 (7)	52.0 (13)	69.4 (25)
Central Asia	0.8 (1)	0 (0)	0 (0)	4.0 (1)	0 (0)
Southern Asia	11.5 (14)	15.0 (6)	33.3 (7)	4.0 (1)	0 (0)
Eastern Asia	3.3 (4)	5.0 (2)	4.8 (1)	0 (0)	2.8 (1)
Southeastern Asia	26.2 (32)	35 (14)	14.3 (3)	36.0 (9)	16.7 (6)
Eastern Europe	2.5 (3)	5.0 (2)	0 (0)	4.0 (1)	0 (0)
Southern Europe	0.8 (1)	2.5 (1)	0 (0)	0 (0)	0 (0)

**Note:** The number of victims across sites was 122. Where information was not available for all 122 cases, numbers are noted.

TABLE 3.2

## Victim Characteristics by Labor Venue or Industry

Characteristic	Venue or Industry % (n)									
	Agri (n= 23)	Hosp (n= 12)	Res (n= 17)	Priv res (n= 45)	MP (n= 1)	Strip cl (n= 2)	Asst liv (n= 3)	Factory (n= 5)	Construct (n= 12)	Carnival (n= 9)
<b>Gender</b>										
Male	91.3 (21)	58.3 (7)	52.9 (9)	4.4 (2)	0 (0)	0 (0)	33.3 (1)	60.0 (3)	91.7 (11)	100.0 (9)
Female	8.7 (2)	41.7 (5)	47.1 (8)	95.6 (43)	100.0 (1)	100.0 (2)	66.7 (2)	40.0 (2)	8.3 (1)	0 (0)
<b>Age at time of services</b>										
Under 18	4.3 (1)	0 (0)	0 (0)	4.5 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
18-29	26.1 (6)	58.3 (7)	58.8 (10)	43.2 (19)	0 (0)	100.0 (2)	0 (0)	50.0 (2)	27.3 (3)	100.0 (9)
30-39	43.5 (10)	16.7 (2)	29.4 (5)	18.2 (8)	100.0 (1)	0 (0)	66.7 (2)	50.0 (2)	36.4 (4)	0 (0)
40-49	8.7 (2)	25.0 (3)	0 (0)	20.5 (9)	0 (0)	0 (0)	0 (0)	0 (0)	36.4 (4)	0 (0)
50-59	13.0 (3)	0 (0)	11.8 (2)	9.1 (4)	0 (0)	0 (0)	33.3 (1)	0 (0)	0 (0)	0 (0)
60-69	4.3 (1)	0 (0)	0 (0)	4.5 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Average age at time of services</b>	<b>34.7</b>	<b>31.8</b>	<b>31.5</b>	<b>33.8</b>	<b>39.0</b>	<b>24.5</b>	<b>42.0</b>	<b>30.5</b>	<b>34.2</b>	<b>24.7</b>
<b>Immigration status at time of services</b>										
Permanent resident	0 (0)	0 (0)	0 (0)	0 (0)	100.0 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Resident alien	0 (0)	0 (0)	5.9 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Nonimmigrant visa	9.1 (2)	50.0 (6)	23.5 (4)	27.5 (11)	0 (0)	0 (0)	0 (0)	20.0 (1)	9.1 (1)	100.0 (9)
Asylee	0 (0)	0 (0)	0 (0)	2.5 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Unauthorized	90.9 (20)	50.0 (6)	70.6 (12)	70.0 (28)	0 (0)	100.0 (1)	100.0 (3)	80.0 (4)	90.9 (10)	0 (0)
<b>Nonimmigrant visa at entry to United States</b>	<b>35.0 (7)</b>	<b>100.0 (12)</b>	<b>50.0 (8)</b>	<b>82.1 (32)</b>	<b>0 (0)</b>	<b>100.0 (2)</b>	<b>100.0 (3)</b>	<b>80.0 (4)</b>	<b>80.0 (8)</b>	<b>100.0 (9)</b>
<b>Region of origin</b>										
West Africa	0 (0)	0 (0)	0 (0)	4.4 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
East Africa	0 (0)	0 (0)	0 (0)	15.6 (7)	0 (0)	0 (0)	33.3 (1)	0 (0)	0 (0)	0 (0)
South Africa	0 (0)	0 (0)	0 (0)	4.4 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Caribbean	0 (0)	16.7 (2)	0 (0)	2.2 (1)	0 (0)	0 (0)	0 (0)	20.0 (1)	0 (0)	0 (0)
Latin America	78.3 (18)	0 (0)	52.9 (9)	22.02 (10)	0 (0)	0 (0)	0 (0)	20.0 (1)	33.3 (4)	100.0 (9)
Central Asia	0 (0)	8.3 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Southern Asia	0 (0)	0 (0)	0 (0)	13.3 (6)	0 (0)	0 (0)	0 (0)	60.0 (3)	58.3 (7)	0 (0)
Eastern Asia	0 (0)	0 (0)	5.9 (1)	4.4 (2)	100.0 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Southeastern Asia	21.7 (5)	66.7 (8)	35.3 (6)	31.1 (14)	0 (0)	0 (0)	66.7 (2)	0 (0)	8.3 (1)	0 (0)
Eastern Europe	0 (0)	8.3 (1)	5.9 (1)	0 (0)	0 (0)	100.0 (2)	0 (0)	0 (0)	0 (0)	0 (0)
Southern Europe	0 (0)	0 (0)	0 (0)	2.2 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

**Notes:** Agri = agriculture; Hosp = hospitality; Res = restaurants; Priv res = private residence; MP = massage parlor; Strip cl = strip club; Asst liv = assisted living; Construct = construction. Because some victims experienced victimization across multiple venue types, some percentage values are greater than 100 percent.

**TABLE 3.3**  
**Victim Country of Origin**

<b>Country</b>	<b>%</b>	<b>n</b>
Bangladesh	1.6	2
Benin	0.8	1
Chile	1.6	2
China	1.6	2
Dominican Republic	2.5	3
Ecuador	0.8	1
Ethiopia	2.5	3
Guatemala	4.1	5
Guinea	0.8	1
Honduras	0.8	1
Hungary	0.8	1
India	9.0	11
Indonesia	4.1	5
Kenya	2.5	3
Korea	1.6	2
Lesotho	0.8	1
Mali	1.6	2
Mexico	32.8	40
Moldova	0.8	1
Nepal	0.8	1
Peru	0.8	1
Philippines	15.6	19
Russia	0.8	1
Rwanda	0.8	1
Serbia	0.8	1
South Africa	0.8	1
Thailand	6.6	8
Uganda	0.8	1
Uzbekistan	0.8	1
<b>Total</b>	<b>100.0</b>	<b>122</b>

# Labor Trafficking Perpetrators

In addition to the victim service records, we used law enforcement, victim service provider, and victim interviews to gather information about the characteristics of labor trafficking suspects identified in this study (see table 3.4 on page 40). We specifically focused on the individuals suspected of perpetrating labor trafficking crimes in connection with each of the victims and were able to gather information about the perpetrators connected to 104 of the 122 studied victims (or 68 of the 72 studied cases; a case sometimes involved more than one studied victim). A total of 169 individuals (excluding corporations and businesses) suspected of engaging in labor trafficking were identified. Our research design limited our ability to gather complete information about all perpetrators who were potentially involved in the labor trafficking situations. Victim service records commonly did not include information about perpetrators, and when information was included it was often incomplete. Victims frequently did not know much about the individuals involved in their exploitation. Law enforcement was often the best source of detailed information about labor trafficking perpetrators and their criminal networks, but many of the cases that we studied were not investigated by the police, or the investigative records were held with federal law enforcement agencies that did not allow the research team access to review and code case files. In these cases we were able to gather general information about the nature of the labor trafficking victimization and the criminals or criminal organizations connected to the victimization through interviews with federal law enforcement agents, but often we were not able to gather more detailed information on some suspect characteristics, such as age and immigration status. As a result, we are able to provide an exploratory but incomplete picture of the suspects involved in the labor trafficking cases we studied.

As we have noted with victims above, the characteristics of suspects varied across types of labor trafficking and venues of work. Below, we discuss overall characteristics of suspects in the studied labor trafficking cases and discuss variations in those characteristics across different types of work.

## Venue of Exploitation

Eighteen percent ( $n = 30$ ) of the identified labor trafficking suspects were connected to victimization in agricultural industries, 12 percent ( $n = 20$ ) in hospitality industries, 12 percent ( $n = 20$ ) in restaurants, 44 percent ( $n = 75$ ) in private residences, 4 percent ( $n = 6$ ) in strip clubs or massage parlors, 2 percent ( $n = 4$ ) in assisted living facilities, 2 percent ( $n = 3$ ) in factories, and 2 percent ( $n = 4$ ) in construction. One suspect was connected to a carnival or fair case (table 3.4). Across all studied cases in which suspect

information was available, there was an average of 2.5 suspects per case (or 1.8 suspects per victim). There were a few agriculture and restaurant venue cases with multiple suspects and many victims. Domestic servitude cases, in contrast, tended to be associated with only one or two primary offenders and usually a single identified victim (95 percent of domestic servitude cases had a single victim).

## **Suspect Role**

Suspects played various roles in the labor trafficking offense. We were able to record information about the role in the offense for nearly all (166 of 169) identified suspects. A majority (58 percent) of the identified suspects were the employer or direct supervisor of the trafficked person or persons. An additional 11 percent of suspects were both the recruiter and the employer. Ten percent of the identified suspects were the owner or president of a business that was engaged in labor trafficking. There was variation across types of labor trafficking. Suspects associated with recruiting labor trafficking victims were most commonly identified in agricultural cases. In domestic servitude cases a larger proportion (16 percent) of the identified suspects both recruited and employed the trafficked person or persons.

## **Gender and Age**

Of the identified suspects, 68 percent were male and 32 percent were female. That gender distribution was fairly consistent across victimization in different types of industries, with the exception that a larger proportion of suspects associated with domestic servitude in private residences (39 percent) or assisted living facilities (50 percent) were female. The small number of suspects identified in massage parlor cases were all female. The average age of identified suspects was 43.

## **Immigration Status**

We were able to identify the immigration status for roughly 60 percent (98 of 169) of the identified suspects. Roughly half (49 percent) of those suspects were noncitizens (either holding a nonimmigrant visa or unauthorized) and roughly another half (47 percent) were US citizens. Very few identified suspects (4 percent) were permanent residents. This pattern was not consistent across industries. An overwhelming majority of suspects identified in agricultural cases were US citizens (82 percent). Conversely, the majority of suspects in hospitality (71 percent), restaurant (60 percent), and domestic

servitude (76 percent) cases were noncitizens. In hospitality cases the foreign national suspects tended to be labor contractors or subcontractors hired to recruit victims abroad and facilitate their transport to work at US hotels and clubs. In the domestic servitude cases, the foreign national suspects were generally the employers directly responsible for the exploitation.

## Region of Origin

We were able to identify 149 of the suspects' country of birth. Of those identified suspects, 28 percent were born in the United States, 17 percent were born in Latin America, 10 percent were born in the Middle East, and 11 percent were born in Southeast Asia (table 3.5). Again, there was striking variation in country of origin across the types of labor trafficking. A sizable majority (75 percent) of the suspects in agricultural cases were born in the United States. Conversely, very few suspects in hospitality or domestic servitude cases were born in the United States. Suspects in hospitality cases were disproportionately from Central Asia, and suspects in domestic servitude cases came from Southeast Asia, East Asia, the Middle East, and Africa. There were some interesting connections between the country of birth of suspects and the country of birth of labor trafficking victims. Some groups of perpetrators appeared to prey on victims from their own region. For the 149 suspects for whom we had information about both the suspect's country of birth (categorized here by region) and the country of birth of the victim (categorized by region), we found that all the suspects from Africa ( $n = 14$ ) victimized persons who were also originally from Africa. Similarly, all the suspects from East Asia victimized East Asian persons ( $n = 10$ ). A majority (88 percent) of the perpetrators from Latin America (22 of 25 suspects) victimized persons from Latin America. US perpetrators victimized persons from various regions. For example, of the persons victimized by US perpetrators, 48 percent were from Latin America and 26 percent were from Southeast Asia. Of the persons victimized by Middle Eastern perpetrators, 73 percent were from Southeast Asia.

## Arrest and Criminal Justice Experience

We were able to obtain the arrest status and charges for 127 of the 169 suspects for whom we had information. Eighty-two (49 percent) of the 169 suspects were confirmed as having been arrested. Just over half the suspects were either not arrested or their arrest status was unknown. Criminal charges were filed in a majority of cases when an arrest was made. Although these statistics would seem to indicate that a fairly large number of labor trafficking suspects are identified by the police and arrested,

it is important to remember that we are more likely to have information about suspects in those cases in which arrests were made. We know nothing about the suspects involved in 18 of the studied victims' cases and have incomplete information about arrest status in roughly a quarter of the suspect cases discussed here. In 6 percent of the cases suspects were not arrested or cases were dismissed because the perpetrator was a diplomat.

## Criminal Network

In addition to gathering information about the characteristics of individual suspects in studied labor trafficking cases, we collected information about the association of labor trafficking perpetrators with other crimes and criminal networks (table 3.6). Although we do not have information confirming the suspects were ever arrested or prosecuted for these crimes, information pulled from victim records or uncovered during interviews with law enforcement, victim service providers, and victims identified an association between suspects and these offenses. Twenty-three percent of the perpetrators were associated with weapons, but we found no suspects who were directly associated with weapons trafficking. Twenty-one percent of the perpetrators were associated with sexual abuse, and an additional 15 percent were associated with attempted sexual abuse. These offenses were sometimes perpetrated against the labor trafficking victims and other times against unrelated individuals. Fourteen percent of the suspects were associated with smuggling offenses, and 17 percent were associated with document fraud. Approximately 10 percent of reviewed cases had evidence of attempted murder. We found no connection between labor trafficking perpetrators and money laundering, and very few perpetrators were associated with drugs or drug trafficking.<sup>15</sup>

From the qualitative interviews we learned a great deal about the types of organizations and networks associated with labor trafficking offenses, but it was challenging to understand the nature and scope of the trafficking networks based solely on information from victims. As one site 3 attorney noted, "A lot of the time the client only knows the sort of immediate players. So with the group of field workers who were smuggled then held in debt bondage, I mean, there was obviously a bigger network there because the trafficker here knew the person here and there was a whole arrangement there. Victim service providers and law enforcement agreed that victims were most likely to have the most information on a trafficker's network in cases of domestic servitude, which frequently involved a couple or a family victimizing a single worker or a small group of workers. Victims were less likely to understand the range of the criminal network in more complex cases. Service providers also suggested that victims may be less likely to report victimization and seek help in cases that involve a larger, more

powerful criminal network because the victims fear the power of the network both in the United States and in their home countries.

As with victim and suspect characteristics, there were significant differences in the organizational structures of labor trafficking operations across the industries in which labor trafficking occurred. We found variation in the sophistication of the criminal networks across study sites and types of labor trafficking. Multiple criminal actors working across transnational organizations (either illicit businesses or businesses that engaged in both legal and illegal practices) were more commonly associated with industries involving H-2B and H-2A workers. Domestic servitude cases more commonly involved a single person or small groups of people who took advantage of a situation in which they could exploit a person or a relatively small group of vulnerable people. In some cases, domestic workers were recruited through employment agencies that engaged in fraud and coercion. Individuals smuggled to the United States and then trafficked in domestic work were trafficked by their smugglers or in some cases by traffickers with no ties to the smugglers. Survivor interviews revealed that perpetrators commonly threatened to employ connections they had to people in positions of power to harm the victim or their family, although it was not always clear that perpetrators actually had powerful criminal ties. A victim in the hospitality industry explained the types of threats he faced:

They were telling us they are very influential people. They know cops. They know law enforcers. The owner is a well-known judge in [city]. One of the guys who managed us ran for mayor. (site 3, male, hospitality)

Court records suggest that although the perpetrators in this case had connections to influential people within their community, there was little evidence of a criminal network involving corruption of government officials. The victims were frequently intimidated by these threats, but a legal advocate raised questions about the true sophistication of these schemes:

I think in terms of [workplace staffing case] that's about as organized as I've seen a criminal syndicate. And it's not that complex. The way that we talk about these huge criminal syndicates is that ... they are so ingenious in their schemes. But they are not really. (site 1, legal advocate 1)

Cases involving large numbers of victims, particularly those victims on guest worker visas who were placed in hospitality or construction industries, involved more sophisticated criminal operations. They commonly involved multiple players, including staffing agency owners who used recruitment agencies in foreign countries to lure workers to the United States. The unscrupulous staffing agency owners would then contract with hotels and restaurants to place foreign workers in jobs in which the owners could exert some control and extract fees from the unsuspecting workers. In some cases, recruiters were aware of and benefiting from the unscrupulous practices, and in other cases they were not knowingly a part of the criminal scheme. It is not clear whether hotel managers, restaurant owners, and

others who used the labor of the trafficked persons had knowledge of the full criminal scheme. Victims in these cases reported being given fake documents supposedly from government agencies concerning the status of their visa extension or application (promising extensions or changes in visas was a common tactic used by perpetrators to keep victims in situations of exploitation). In one workforce staffing case, perpetrators developed a fake website where victims could check on the status of their visa applications.

Farming cases often involved multiple parties, but generally they were not part of a centralized operation. Traffickers instead took advantage of smuggling operations. A participant in our migrant worker focus group explained the connection between employers and smugglers: "We paid a coyote that brought us from Mexico. It is a chain because he has people in the border and they surrender us in the border, and from the border, they send others who bring us to [state of victimization] and from there other personnel as well who distribute us to the farms." All the players in the chain knew each other and worked cooperatively, but they were not part of a criminal network with a centralized or hierarchical structure. Traffickers could step into this chain and take advantage of migrants who were vulnerable due to their immigration status and smuggling debt.

Exceptions to the more loosely coupled networks involved cases with Chinese workers. Both law enforcement and victim service providers recognized that trafficking was connected, even if only loosely, to larger transnational operations involving Chinese migrants.

I have to say a lot of these Chinese buffet places have like a network, that's a whole other thing. They basically house you and feed you and you stay in their company housing and work in the buffet, and you can move around, there are advertisements and stuff to find. (site 2, legal advocate, 1)

Federal law enforcement agents also mentioned knowledge of Chinese minors sent to the United States to work off their parents' debts in restaurants. They stated that these cases are particularly difficult to take forward.

Interviews with law enforcement, victim services, and legal advocates indicated only a few instances in which labor trafficking perpetrators worked directly with members of traditional organized crime groups. For example, a legal advocate indicated she had worked with a labor trafficking victim who was kidnapped by members of the Zetas criminal syndicate while crossing the Mexican border. This victim was forced to work for the Zetas organization before being labor trafficked in the United States. Eastern European mafia groups were connected with some of the H-2B trafficking cases.

TABLE 3.4  
Suspect Characteristics

Characteristic	All suspects (n = 169)	Labor Venue or Industry % (n)									
		Agri (n = 30)	Hosp (n = 20)	Res (n = 20)	Priv res (n = 75)	MP (n = 2)	Strip cl (n = 4)	Asst liv (n = 4)	Factory (n = 3)	Construct (n = 4)	Carnival (n = 1)
<b>Gender (n = 162)</b>											
Male	67.9 (110)	70.0 (21)	70.0 (14)	73.7 (14)	61.4 (43)	0 (0)	75.0 (3)	50.0 (1)	33.3 (1)	100.0 (4)	100.0 (1)
Female	32.1 (52)	30.0 (9)	30.0 (6)	26.3 (5)	38.6 (27)	100.0 (2)	25.0 (1)	50.0 (1)	66.7 (2)	0 (0)	0 (0)
<b>Age (n = 61)</b>	43.1	45.6 (14)	35.7 (14)	46.4 (7)	48.7 (15)	52.0 (2)	40.0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Role in trafficking (n = 166)</b>							50.0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
Recruiter	8.4 (14)	17.2 (5)	5.0 (1)	0 (0)	2.7 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Employer/ supervisor	57.8 (96)	62.1 (18)	35.0 (7)	57.9 (11)	69.3 (52)	0 (0)	50.0 (2)	50.0 (1)	100.0 (3)	25.0 (1)	100.0 (1)
Transporter	3.6 (6)	0 (0)	0 (0)	0 (0)	5.3 (4)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Recruiter and employer	10.8 (18)	0 (0)	0 (0)	10.5 (2)	16.0 (12)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Recruiter, employer, and transporter	2.4 (4)	0 (0)	0 (0)	0 (0)	2.7 (2)	0 (0)	50.0 (2)	0 (0)	0 (0)	0 (0)	0 (0)
Owner/president/ vice president	10.2 (17)	10.3 (3)	50.0 (10)	31.6 (6)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	25.0 (1)	0 (0)
Subcontractor	2.4 (4)	0 (0)	10.0 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	50.0 (2)	0 (0)
Employer and transporter	3.0 (5)	6.9 (2)	0 (0)	0 (0)	4.0 (3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Other	1.2 (2)	3.4 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Immigration status (n = 98)</b>							100.0 (2)	100.0 (1)	0 (0)	100.0 (2)	0 (0)
US citizen	46.9 (46)	81.5 (22)	28.6 (4)	40.0 (2)	23.7 (9)	0 (0)	0 (0)	0 (0)	100.0 (2)	0 (0)	0 (0)
Noncitizen Permanent resident	49.0 (48)	18.5 (5)	71.4 (10)	60.0 (3)	76.3 (29)	100.0 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Region or country (n = 149)</b>											
Africa	9.4 (14)	0 (0)	0 (0)	0 (0)	14.5 (9)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Southeast Asia	10.7 (16)	3.6 (1)	5.9 (1)	5.6 (1)	19.4 (12)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
South Asia	4.7 (7)	7.1 (2)	0 (0)	5.6 (1)	6.5 (4)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Eastern Europe	2.7 (4)	0 (0)	11.8 (2)	0 (0)	66.7 (12)	0 (0)	0 (0)	0 (0)	100.0 (1)	0 (0)	100.0 (1)
Latin America	16.8 (25)	10.7 (3)	0 (0)	(12)	8.1 (5)	0 (0)	0 (0)	0 (0)	100.0 (3)	50.0 (2)	0 (0)
United States	28.2 (42)	75.0 (21)	29.4 (5)	22.2 (4)	9.7 (6)	0 (0)	0 (0)	0 (0)	0 (0)	50.0 (2)	0 (0)
Middle East	10.1 (15)	3.6 (1)	0 (0)	0 (0)	22.6 (14)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

Characteristic	All suspects (n = 169)	Labor Venue or Industry % (n)									
		Agri (n = 30)	Hosp (n = 20)	Res (n = 20)	Priv res (n = 75)	MP (n = 2)	Strip cl (n = 4)	Asst liv (n = 4)	Factory (n = 3)	Construct (n = 4)	Carnival (n = 1)
East Asia	6.7 (10)	0 (0)	0 (0)	0 (0)	12.9 (8)	(2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Russia	2.7 (4)	0 (0)	5.9 (1)	0 (0)	0 (0)	0 (0)	(3)	0 (0)	0 (0)	0 (0)	0 (0)
Europe	1.3 (2)	0 (0)	0 (0)	0 (0)	3.2 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Central Asia	6.7 (10)	0 (0)	47.1 (8)	0 (0)	3.2 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Suspect arrested (n = 127)</b>					100.0						
No	35.4 (45)	24.1 (7)	25.0 (5)	33.3 (6)	57.9	0 (0)	0 (0)	100.0	100.0 (2)	0 (0)	
Yes	64.6 (82)	75.9 (22)	75.0 (15)	66.7 (12)	42.1	100.0	100.0	100.0	0 (0)	100.0 (1)	
<b>Case type (n = 115)</b>					100.0						
Criminal	58.3 (67)	51.7 (15)	65.0 (13)	66.7 (12)	39.3	100.0	100.0	100.0	0 (0)	0 (0)	
Civil	27.8 (32)	24.1 (7)	25.0 (5)	27.8 (5)	42.9	(11)	(4)	(2)			
Civil and criminal	13.0 (15)	24.1 (7)	10.0 (2)	0 (0)	17.9 (5)	0 (0)	0 (0)	0 (0)	0 (0)	100.0 (1)	
DOL fines	0.9 (1)	0 (0)	0 (0)	5.6 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	

**Notes:** Agri = agriculture; Hos = hospitality; Res = restaurants; Priv res = private residence; MP = massage parlor; Strip cl = strip club; Asst liv = assisted living; Construct = construction; DOL = US Department of Labor. The number of suspects included here is 169.

**TABLE 3.5**  
**Suspect Country of Origin**

Country	%	<i>n</i>
Bahrain	1.3	2
Bangladesh	2.0	3
China	2.0	3
Cyprus	0.7	1
Egypt	1.3	2
Guatemala	1.3	2
Guinea	0.7	1
Hungary	0.7	1
India	6.0	9
Israel	0.7	1
Kenya	2.7	4
Korea	6.0	9
Kuwait	0.7	1
Lebanon	0.7	1
Lesotho	1.3	2
Malaysia	1.3	2
Mali	0.7	1
Mexico	13.4	20
Moldova	1.3	2
Peru	2.0	3
Philippines	3.4	5
Russia	2.7	4
Rwanda	0.7	1
Saudi Arabia	4.0	6
Serbia	0.7	1
South Africa	0.7	1
Switzerland	0.7	1
Thailand	2.7	4
Togo	2.7	4
United Arab Emirates	1.3	2
United States	28.2	42
Uzbekistan	5.4	8
<b>Total</b>	<b>100</b>	<b>149</b>

**Note:** The number of suspects included here is 149.

TABLE 3.6

## Connection of Labor Trafficking Perpetrators to Other Crimes

Non-labor trafficking crime	Perpetrators connected to other crime % (n)
<b>Weapons (n = 142)</b>	
Yes	23.2 (33)
No	76.8 (109)
<b>Drugs (n = 136)</b>	
Yes	5.9 (8)
No	94.1 (128)
<b>Money laundering (n = 132)</b>	
Yes	0.0 (0)
No	100.0 (132)
<b>Document fraud (n = 113)</b>	
Yes	17.7 (20)
No	82.3 (93)
<b>Drug trafficking (n = 136)</b>	
Yes	2.9 (4)
No	97.1 (132)
<b>Weapons trafficking (n = 133)</b>	
Yes	0.0 (0)
No	100.0 (133)
<b>Smuggling (n = 130)</b>	
Yes	13.8 (18)
No	86.2 (112)
<b>Kidnapping (n = 132)</b>	
Yes	2.3 (3)
No	97.7 (129)
<b>Attempted kidnapping (n = 133)</b>	
Yes	0.8 (1)
No	99.2 (132)
<b>Sexual abuse (n = 140)</b>	
Yes	21.4 (30)
No	78.6 (110)
<b>Attempted sexual abuse (n = 137)</b>	
Yes	15.3 (21)
No	84.7 (116)
<b>Attempted murder (n = 135)</b>	
Yes	7.4 (10)
No	92.6 (125)
<b>Murder (n = 132)</b>	
Yes	0.0 (0)
No	100.0 (132)
<b>Sex trafficking (n = 135)</b>	
Yes	7.4 (10)
No	92.6 (125)
<b>Prostitution (n = 136)</b>	
Yes	5.9 (8)
No	94.1 (128)
<b>Other crimes (n = 137)</b>	
Yes	35.8 (49)
No	64.2 (88)

# Chapter 4: Recruitment into Labor Trafficking

## **Research questions addressed in this chapter**

- What are the common methods of recruitment used by traffickers and their associates?
- During the course of recruitment, do victims come into contact with criminal justice officials or other authorities?

## **Main findings**

- Many survivors of labor trafficking came to the United States in search of an opportunity to better their lives and often times the lives of their family members. Recruiters and traffickers used this desire to the disadvantage of the victims during the recruitment process.
- Victims of labor trafficking were most often recruited in their home countries. This pattern was generally consistent across industries.
- Victims of labor trafficking first learned of the job opportunities through their social networks. In some instances, those individuals passing along the information were unaware of the intentions of the recruiter and/or trafficker; in other cases, members of the victims' social network were involved in their victimization.
- Recruiters were working on behalf of third- (or even fourth-) party employment agencies, which were often located in the victim's home country. Many of these agencies had direct ties to groups and organizations in the United States.
- Fraud and coercion were prevalent during the recruitment process, but force was rare. Recruiters often used a combination of false promises and high-pressure, coercive tactics to get the victim to commit to the employment offer.
- Victims of labor trafficking often incurred debt during the recruitment process. In some instances, the victim's home or the home of a family member served as collateral. The need to pay these debts, coupled with the moral obligations the survivor felt to his family, would later serve as a form of coercion and control during the victimization phase.
- During the recruitment process, victims entering the United States with a visa (the majority of our sample) came into contact with authority figures when applying for a visa at a US embassy or consulate. Recruiters and traffickers often trained the victims about the interview process with embassy or consulate staff. Overall, embassy and consulate officials did not distribute information regarding workers' rights and protections or screen for indicators of possible human trafficking for victims in our sample.<sup>16</sup>

Our findings indicated that labor trafficking victims in our sample experienced abuse and exploitation along a continuum of recruitment and entrapment, transportation and movement, the labor trafficked victimization itself, the victim's efforts to seek help, and eventually escape. In our review of labor trafficking cases and interviews with survivors, we found that distinct patterns often emerged both within specific stages of this continuum and across the victimization process itself. This section focuses on thematic patterns and the overall experiences of survivors during the recruitment and entrapment stage. Various factors, such as the victim's motivation for coming to the United States, the location and strategy employed by the recruiters, and the victim's contact with authorities, played a critical role in the recruitment of labor trafficking victims.

## Reasons for Coming to the United States

Some labor trafficking victims came to the United States before their victimization and were recruited by traffickers after their arrival. Other victims were recruited by traffickers or their associates in their home countries. To understand the recruitment process, one must examine the victims' reasons for leaving their home countries. By understanding the motivations driving people to come to the United States, we can combat the perception that victims deserve the situation in which they find themselves and better understand how recruiters and traffickers use these motivations to lure unsuspecting individuals into labor trafficking situations.

Within the general public, the perception in at least some circles is that labor trafficking victims have voluntarily and often illegally placed themselves in precarious situations and are responsible for their victimization. This viewpoint ignores the human motivations and reasons that drive people to come to the United States in search of employment and opportunity.<sup>17</sup> One service provider described this phenomenon:

It is dehumanizing to say, "Well, they came here to work, and they got to work. Or they came here illegally and this is what they get—you know, they deserve it," instead of seeing it as somebody who followed the rules and worked the system and did everything they could . . . their families really need this. It is a moment of survival, and maybe there is something to that—you know, starting off and feeling like you are able to do the things that everybody wants to do, to be a good family member, a good parent, a good wife. All of those things that will help you take care of your life and your family or even just yourself. (site 1, former service provider 1)

During our interviews with survivors, the theme of opportunity, particularly with regards to the "American" notion of the concept, coupled with a strong desire to support family members, emerged as the primary motivation that led individuals to leave their home countries and seek employment in the

United States. Regardless of whether they entered the United States with documentation or without, respondents believed that the opportunity to work in America would better their lives and, in many cases, the lives of their families. One survivor echoed this sentiment succinctly:

You know, when we hear "America" back in my country . . . to come here you have big opportunity; you can give everything to your family that they need. So I take the chance. (site 1, survivor 3, male, hospitality)

This desire for economic opportunity was consistent across most interviewees, regardless of whether they had already established professional careers, were attending a university, or were living in poverty before coming to the United States. Consider, for example, these two quotations from labor trafficking survivors who were asked to describe their reasons for taking a job in the United States:

Why did I decide to take the job? What I thought was that I needed to help my family and during that time, my four brothers and I were all in our house without my dad, only with my mom. So the only one who could look after our family was me, because I was the oldest. So for me, that is what made me decide to take that job. Because I thought of helping and felt that it was an opportunity, because maybe, things could go well for me. But, no, that didn't happen. (site 2, survivor 6, female, domestic servitude)

I was trying to raise the sales [in his former job in home country], but there was no way for me to be able to go up to the ladder. So I was trying to look for something else and my friend, who is the director of one of the hotels there, was telling me, "Hey, there is going to be an opportunity to be working in the United States." Hey, come on. If you're going to talk United States in our country, that is like . . . huge, huge, huge! [laughter] If you're going to talk about, let's say, Europe, not so. But if you're going to talk United States, it is really something for all of us there probably because of the good relationship between the Americans and the Philippines during the war. (site 1, survivor 1, male, hospitality)

The belief that America represented a land of opportunity heavily influenced the decisions of these two survivors to come to the United States. Another survivor indicated that she did not even know where in the United States she would be working at the time of her recruitment. All she needed to know was that she was coming to America. "I didn't know. All I know is America. Full stop" (site 4, survivor 1, female, domestic servitude). Although the survivors interviewed often referenced this core belief as one of their primary motivations, there were a few exceptions to this pattern that highlighted the other reasons respondents came to America. Approximately 18 percent of victims in our labor trafficking case sample did not come to the United States willingly—that is, their movement was forced. The concept of forced movement is explored in the following chapter on movement. In addition, during our interviews with survivors and service providers, there were two references to individuals who came to the United States to escape political persecution. One paralegal described the experience of one of her clients as follows:

She was at home in [region of Ethiopia], which was the area in Ethiopia. One night 25 Ethiopian soldiers came and said that she was supporting that organization. Her brother asked them to identify themselves. They shot him on the spot. They took them all to jail that night. She has never seen her family since then. They took her to different places and she was in jail for like two or three months—never taken before a judge or anything. She was beaten and abused until finally a neighbor was able to get her out saying that he would take custody of her. She said that she wanted to leave Ethiopia, so she started working as a housekeeper. (site 3, paralegal 1)

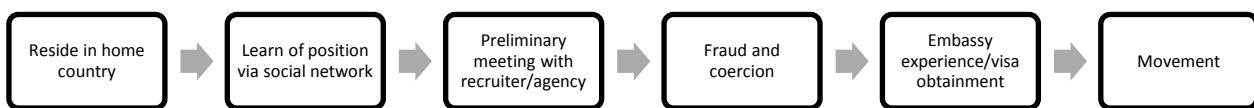
Such examples notwithstanding, many of the survivors stated that economic opportunity and a desire to support their family members largely influenced their decision to come to the United States.

## Recruitment Pathways and Recruiter Strategies

In this section, which is based on our interviews with labor trafficking survivors and our review of service providers' case files, we discuss the common pathways to recruitment and detail strategies that recruiters and traffickers employed to manipulate labor trafficking victims during the recruitment process. Recruitment pathways for trafficking victims depended on various factors, including the location of the recruitment, the type of employment venue or industry, the recruiter's characteristics, and the strategies employed to manipulate, deceive, and coerce the victim into accepting the position. The flow chart below outlines the most common stages of the recruitment process, beginning with recruitment in the victim's home country and continuing with fraud and coercion before ending with visa obtainment and movement to the trafficking location (figure 4.1). Of course, not every case followed this pattern, and we detail deviations from this trend in addition to patterns related to specific venues (e.g., agriculture versus domestic servitude).

**FIGURE 4.1**

### Recruitment into Labor Trafficking of Workers Entering United States with Visas



Data from both our samples (case data and data from survivor interviews) indicate that a majority of the victims were recruited outside of the United States. In our case record database, only 20 percent of individuals were recruited within the United States. The remaining survivors were recruited in their home countries (77 percent) or a foreign country other than America (3 percent).<sup>18</sup> We also examined

the relationship between recruitment location and industry in our random sample of labor trafficking cases. The recruitment of victims outside the United States was consistent across industries; however, when examining industries with the most (more than five) observations in our study, the two industries for which recruitment was most likely to take place within the United States were agriculture and construction (table 4.1). Approximately 32 and 33 percent, respectively, of individuals in these groups were recruited after they had entered the United States. As discussed in chapter 3, a majority of the individuals labor trafficked in the agricultural industry were originally from Central America and Mexico. Individuals from Mexico living in the United States who were recruited into trafficking situations were disproportionately recruited into agriculture.

**TABLE 4.1**  
**Location of Recruitment**

*By industry, percentage*

	<b>Home country</b>	<b>United States</b>	<b>Not United States or home country</b>
Agriculture ( <i>n</i> = 22)	63.6	31.8	4.5
Hospitality ( <i>n</i> = 12)	83.3	16.7	0.0
Restaurants ( <i>n</i> = 16)	81.3	18.8	0.0
Private residence ( <i>n</i> = 44)	79.5	15.9	4.5
Massage parlor ( <i>n</i> = 1)	0.0	100.0	0.0
Strip club ( <i>n</i> = 2)	100.0	0.0	0.0
Assisted living ( <i>n</i> = 3)	33.3	66.7	0.0
Factory ( <i>n</i> = 5)	100.0	0.0	0.0
Construction ( <i>n</i> = 12)	66.7	33.3	0.0
Carnival ( <i>n</i> = 9)	100.0	0.0	0.0

Similar findings emerged concerning survivors who participated in qualitative interviews. Most of these individuals stated they had been recruited outside the United States, most often within their home countries. A few survivors were recruited after they moved to the United States. One of these survivors described how he had been recruited after he came to America:

So basically what happened is that there were two contractors. One of my friends was working with them. And then my friend says that, "With these two contractors there's a lot of work and they pay 10 dollars, so you should come work with us." There's a lot of work here in [city], so that's how I decided to go. So then I called them on the phone and they told me that they were going to pay me 10 dollars per hour and they were gonna provide me my meals. They were gonna provide my room and board, pretty much everything. They were gonna take care of it. So then that's how I decided because where I was working there [another state] there wasn't enough hours, there wasn't enough money because I had to support my family. So that's why I decided to go with those guys. (site 4, survivor 4, male, agriculture)

Regardless of where the recruitment process began, the majority of labor trafficking victims in our study first learned about the job opportunities that would ultimately lead to their trafficking situation

through members of their social network—friends, siblings, cousins.<sup>19</sup> In fact, a significant number of interviewees indicated that members of their network—friends, siblings, cousins—had initially informed them about the opportunity that would ultimately lead to their trafficking situation. In most cases, their contacts were simply passing along information and were unaware of any relationships between the recruiters and traffickers. Indeed, some members of the victim’s social network were also applying for the same position. One survivor was asked about how she first learned of the opportunity:

I had a friend that told me about this agency. That . . . it’s pretty new. Like, not even a month. So we were the first batch and the only batch that were sent here in America from the Philippines. From a friend is how I knew them. (site 4, survivor 1, male, hospitality)

In other cases, however, the intentions of these contacts were far less benign. One interviewee, for example, left her home country when she was a minor and moved to the United States to live with a family member who would ultimately be the perpetrator of her labor trafficking victimization. The survivor believed that her family members residing in her home country, many of whom had encouraged her to move to America, were knowledgeable of the exploitative situation that awaited her in the United States. Similarly, another survivor was recruited and trafficked by her aunt.

Although the victim’s social network appeared to be the primary facilitator of information (this finding was consistent across all industries), three interviewees referenced other ways in which they found out about the job. One woman, who was already residing in the United States, read about an opening for a child care professional in her local Bengali newspaper. She called the number and a family offered her the position within a day. Similarly, in one of our interviews with law enforcement, the detectives indicated they had investigated cases in which victims—particularly within the Asian community—were recruited and trafficked in nail salons through ads in local papers within the United States. Another survivor first heard about the job through a program affiliated with her local university. Finally, one respondent who was trafficked as a domestic servant had been referred to the traffickers by her former employers. Thus, members of her professional network, rather than her personal social network, had influenced the process by which she learned about the position. These exceptions are informative in that they highlight some important ways individuals learned about job opportunities that become trafficking situations.

The next phase of the recruitment process typically involved a meeting with the recruiter. To understand this process, it is important to first examine the background and characteristics of the recruiter. According to our case record database, the relationship between the recruiter and the victim was predominantly nonexistent before the recruitment. In 61 percent of cases victims did not know the recruiter. When analyzing the recruiter’s relationship to victims, again the majority of recruiters and

victims were unrelated or an employment agency (56 percent) was used. In 30 percent of cases recruiters were part of a victim's social network. In some cases recruiters only passed along information, but in other cases the recruiter became a victim's trafficker. We noted earlier that two interviewees were lured to the United States by family members who turned out to be traffickers. In other instances, victims were recruited by individuals outside their social network and unaffiliated with any formal recruitment agency. One domestic servitude survivor, for example, described her recruiter and her request:

Yeah, she is the wife of an ambassador. She asked me if I have money, that she can bring me. "I can bring you to America," she said. She told me that. "A package deal," she said. "A half million [pesos] I can send you to America." (site 1, survivor 5, female, domestic servitude)

More commonly in our interviews, however, victims described recruiters who worked on behalf of third- (or even fourth-) party employment agencies, many of which had direct ties to groups and organizations in the United States. These agencies were often located in the victim's country of residence and served as the middlemen between American companies and the recruit. One interviewee who worked in the hospitality industry described the relationship between his local agency, an intermediary organization, and the US company to which he was eventually trafficked as follows:

So there was this apartment arranged by the management in the [name of intermediary agency]. [name of intermediary agency] is ours, no this is an international placement agency responsible for, you know, processing our visa and stuff. Like, [American hotel chain] will just tell the federal government that, "Hey, we need workers." And then [American hotel chain] will have to talk to [intermediary agency] and then [intermediary agency] will have to talk to a local agency in our country. (site 1, survivor 1, male, hospitality)

These agencies provided an extra layer of protection between the employer and/or trafficker in the United States and the victim and often played an important role in laying the foundation for the labor trafficking victimization.

The next step in the recruitment process typically involved obtaining the buy-in from the recruit. As discussed above, the survivors of labor trafficking almost always believed that employment in America offered them a unique opportunity at a better life for themselves and their families. Recruiters were able to use this belief to the disadvantage of the survivors by using a combination of fraud and coercion.

Preliminary meetings between the recruiter and the recruit often began with a misrepresentation of the job, immigration benefits, living conditions, and/or compensation. Indeed, in our case record analyses, fraud during the recruitment process was involved in 93 percent of the cases. The fraud perpetrated by the recruiters in these cases came in many shapes and colors. In some cases, the victim was deceived about the true nature of the work (e.g., promised work as a nurse but eventually forced

into domestic servitude). In other instances, the recruiter promised legal permanent residence within the United States or free housing and food, health benefits, and education. The recruiter's promises concerning compensation typically were not outlandishly high relative to the federal minimum wage in the United States. In fact, in only 28 percent of cases was the recruit promised a wage that was lower than the federal minimum wage at the time of recruitment.<sup>20</sup> Compared to other labor trafficking victims, domestic servitude victims were more likely to be promised less than minimum wage. Less than half (42 percent) of domestic servitude victims were promised minimum wage or more, which was far less than agriculture (100 percent), hospitality (100 percent), restaurants (80 percent), and construction (89 percent).<sup>21</sup> The recruitment promises identified in our case record analyses were also referenced by survivors. Below, interviewees describe the promises they were made by their recruiters:

I believe it's like a minimum pay like \$7 or something. And then they told us the housing, transportation, everything is free. They said it's going to be like 40 hours ... 40 hours and then they pay good and then if they like us for four months, they are able to fix our papers and get the green card. (site 3, survivor 2, male hospitality)

I would have health insurance, how many hours I would be working, that I would have housing, food. That I would be coming for a year and after this year, they would give me vacation time so I could go back and I don't remember what else. (site 2, survivor 6, female, domestic servitude)

As discussed in subsequent chapters, many of these promises were never fulfilled. Recruiters did not just rely on these fraudulent promises to convince the victims to accept the position. At this stage of the recruitment process they also employed various coercive techniques, such as high-pressure sales tactics to sign contracts and pay high recruitment fees. Indeed, within our case record database, coercion was present in over half (54 percent) the cases. Coercion during the recruitment process was also a prevalent theme among victims who participated in qualitative interviews. Upon meeting with their recruiters, particularly those affiliated with an employment agency, survivors were often asked to sign a contract but given little or no time to read the document, which was sometimes written in a language other than their own. Instead of offering the recruits time to consult with their family and friends, recruiters preyed on their hope of achieving a better life by threatening to give the opportunity to someone else. The following two examples highlight the recruiters' use of coercive, high-pressure tactics:

When I was interviewed and got up to [recruiter's] house ... [recruiter] wanted us to give the money and then leave four days, five days after that day. So he was kind of intimidating. He has this attitude that he will intimidate you. "Oh well, if you don't like it, then don't go." You know? "I'll give your spot to other." He was kind of like that. He kind of blackmailed us but because we're desperate and we wanted it, so we just did whatever he told us to do. (site 3, survivor 1, male, hospitality)

Well, I tried to read it [the contract]. And when I . . . someone saw me reading it, who was Russian . . . they were Russian . . . spoke to me in a very impolite manner. He said, "What are you doing reading that? Just sign it." So they didn't let me, they didn't let us read anything. We just were forced to sign it and they were always observing us. Just give us documents and just sign it. (site 1, survivor 4, male, factory)

These contracts, and the recruitment process in general, typically involved high fees charged to victims. Within our case records, 39 (48 percent) of the labor trafficking victims paid recruitment fees for jobs they were later trafficked in in the United States. On average, victims paid \$6,150 in fees.<sup>22</sup> The majority of victims (56 percent) paid up to \$4,999, 8 percent paid between \$5,000 and \$9,999, 23 percent between \$10,000 and \$14,999, and 13 percent paid \$15,000 or more (table 4.2). Similarly, 28 (42 percent) of the survivors who participated in our interviews stated they had paid a fee ranging from \$1,750 to \$25,000.

TABLE 4.2

### Recruitment Fees Labor Trafficking Victims Paid for Jobs in the United States

Fee data from case records	Percentage (n= 39)
\$1-\$4999	56.4
\$5,000-\$9,999	7.7
\$10,000-\$14,999	23.1
\$15,000 +	12.8

In some instances, victims were required to pay their recruitment fees in separate installments and only informed about these installments after the first payment had been received. Below, two victims recruited to work in hospitality through temporary guest worker programs (H-2B) describe their experiences:

**Survivor:** First time he [the recruiter] asked me for money it was 1,000 pesos, which is like 30 dollars, for the application. And then he asked me for 540 dollars, and those were for the documents that were going to the consulate. Then he gave me a ticket so I could go to the bank to pay for the appointment at the consulate.

**Interpreter:** It's like a reservation.

**Interviewer:** And how much was that?

**Survivor:** 130 dollars. Then he asked me for 1,000 dollars, and that was his fee.

**Interviewer:** When did he ask—so you paid for all of these document fees. Were you surprised by that?

**Survivor:** The truth is that I didn't have so much time. My brother would just call me and tell me that they need this much. I did everything through my brother. It was just so fast. Everything was so fast. (site 1a, survivor 2, female, hospitality)

Because what happened is there was screening. There's a lot of money involved. There's a lot of USD's. I can't remember exactly how much of each, but every time . . . I felt like every time I had an interview or something like that, I had to pay them a certain fee. But by the way, and I got my . . . I was talking to them because I felt like I was desperate and I really wanted to go abroad to work. (site 3, survivor 1, male, hospitality)

In some cases, US companies receiving the recruited foreign workers turned a blind eye to how the workers were recruited; in other cases, they were more intimately involved in fraud and coercion during the recruitment process. In several instances in the case data, a multimillion dollar construction company in the United States sent company representatives and lawyers to recruit workers abroad through the H-2B visa program. These company agents worked with a local recruiter in South Asia to identify and recruit workers, charging exorbitant fees in installments along the way. Our case data included seven individuals victimized in the same pattern, but the larger case (see below) involved hundreds of victims. An excerpt of text coded from the larger case data describes how the US company's representatives cooperated with the local recruitment agency in committing fraud and coercion during the recruitment process:

[Victim] paid [\$272 USD equivalent] in advance to [US company] lawyer and gave all information of victim and wife and children to begin processing work authorization. [Victim] signed papers the [local recruiter] told him to sign between victim and three US companies to process green cards. Victim had to take out loan from loan shark. For the first and second installment, victim paid [\$1,225 USD equivalent] each to [US company lawyer] and [US company representative] and used remainder of loan (amount unknown) to pay [local recruiter] in April 2004 and March 2006. Nothing happened for about one year to victim and a group of them (30 others responded to ad at same time as victim). Then after one year, lawyers met with victims and told them they would get green cards within one year. As of early 2007, nothing happening, then some H-2B visas arrived from [US construction company]. Victims then told they could wait or pay [\$580 USD equivalent] to obtain the visas. In February 2007, victim went to consulate in [South Asian city]. In March 2007, he borrowed the remaining amount, and traveled to [southern US city/site of labor trafficking]. The victim stated there were 30 others in the local recruiter's office when he left, some of whom could not pay remaining amount.<sup>23</sup> (case ID #50\_2)

To pay these fees, the survivors would often borrow money, sell family property, and/or use their homes or homes of their family members as collateral for typically high-interest-rate loans. The debt, coupled with the moral obligation the survivor felt to his or her family, often served as a measure of coercion and control once the labor trafficking began. Fearing default on their loans, the survivors would remain in the trafficking situation with the hope that they would eventually be paid. One survivor described his methods of raising the funds, as well as the obligations associated with those methods, in the following manner:

My family decided, okay, since you've been helping us ever since you've worked now is our time to also like extend our help to you and probably you can just go to the United States. Catch your dream there. That's my parents, you know. And so we were able to raise the money. My mother,

she has this piece of property, land that she has to . . . yeah, we are going to loan money and her piece of land will be the collateral. . . . No, it's going to be to a friend . . . to a friend. They are actually our relatives, so we asked them if we could be able to, you know, borrow money with collateral. If we cannot be able to pay the debt, they are going to seize the property. . . . I mean along with that is the moral obligation because that [the land] has been passed through from generation to generation from my great-great grandparents to my grandparents to my mother. You know? It has a sentimental value. . . . And so there was like a really, a relatively huge amount of moral obligations to really pay the debts. . . . And that is the most challenging part there. . . . The other amount of money that we have to raise is from my sister. My sister has the access to certain financial institutions that are lending money to whoever. And so she accessed that but just like the land we also have to pay interest. And if we cannot be able to, and then we tried to figure out how we can be able to pay that on a monthly basis and then if I cannot be able to pay that, my sister is going to be suffering and the needs of her children is not going to be met. (site 1, survivor 1, male, hospitality)

The impact of these debts on both the survivors and their family members are explored in chapter 8. Although our analyses found that fraud and coercion were prevalent throughout the recruitment process, our case record analyses and interviews with survivors indicated that force was not typically involved at this stage of the process. In fact, force was reported in only 6 percent of our case records. Similarly, only a few survivors participating in qualitative interviews indicated that force had been used against them during the recruitment process. Rather, they viewed their decision to accept the job as a voluntary choice. When asked whether they felt forced to take the job, the hospitality worker quoted above explained:

I would say that it was a forceful decision, but I have to really stand on my decision also because I was able to like, you know, I already have the money. I was able to borrow the money and already I have the financial obligation so I really have to decide. Nobody really forced me to sign it and to take the job. (site 1, survivor 1, male, hospitality)

Not every survivor of labor trafficking entered into these agreements voluntarily. A few interviewees, particularly those involved in domestic servitude, voluntarily accepted their positions as domestic workers in a foreign country but were then forced to move to the United States, where they were later trafficked in domestic work. These examples are discussed more thoroughly in chapter 5. The lack of force in the recruitment process should not be mistaken for a lack of force in the labor trafficking. As we describe in subsequent chapters, elements of force (although more commonly, fraud and coercion) were present throughout the continuum of the victimization experience. One interviewee described how her decision and the decisions of those who were recruited with her to come to the United States were voluntary and without force, but their condition changed significantly once they entered the country:

No, in Mexico everything was—my aunt tried to convince the girls to come, telling them wonderful things about what they were going to earn over here, about what they were going to do, how they were going to help their families and all of that. She would take them out to eat and

would try to win them over one way or another. And the problem was when we crossed the border. (site 3, survivor 5, female, restaurants)

As detailed in chapter 5, perhaps the lack of force during the recruitment process is a by-product of the fact that the large majority of our sample entered the United States on temporary visas for the jobs they were recruited for. In addition, many residents were recruited in their home countries. With a social network in place and the familiarity of their surroundings, as well as the logistics faced by recruiters and/or traffickers of forcing recruits to enter the United States against their will, it may have proved difficult to force victims to accept these offers of employment. Rather, the recruiters had to rely on guile and deceit coupled with coercion.

Given the high percentage of trafficking survivors (71 percent) who entered the United States on a visa, our research indicated that there was a point in the recruitment process when authorities had an opportunity—but failed—to intervene: the victim’s experience at the US embassy or consulate. For those individuals recruited outside the United States and not smuggled into the country, the final step in the recruitment process involved a meeting with a US embassy or consulate official to obtain a visa to enter the United States. This meeting would be the only time when authorities could intervene until a victim reached a US border checkpoint.

The vast majority of individuals who discussed their embassy experience indicated they received instructions, training, and/or coaching from their recruiter or trafficker. In many instances, the preparation exercise involved a mock interview in which the recruiter would ask the survivors questions that were likely to be asked during the visa application process. Survivors were told to memorize facts about their trip to the United States (e.g., name of the company, location of work) or encouraged to misrepresent the reasons they were coming to the United States. One respondent described his training:

**Interviewer:** Can we talk a little bit about the process that allowed you to get the visa? Did they coach you about what to say at the embassy?

**Survivor:** Yes. They have taught me everything.

**Interviewer:** What were some of the things that they told you to say at the embassy?

**Survivor:** What they said for saying is: you have to tell them that you are going to see your daughter.

**Interviewer:** And do you remember what type of visa you were trying to get?

**Survivor:** I am coming because of [fake daughter’s name] assumed to be some daughter of [mine]. I am going to go to America to see her.

**Interviewer:** To visit? Like a visitor’s visa? A tourist visa?

**Survivor:** Yes.

**Interviewer:** What else did the broker tell you to say to the people at the embassy?

**Survivor:** How much money I have in the bank, to tell them . . . I am going to go see my daughter. That is what she is emphasizing me to tell over and over. (site 1, survivor interview 3, female, domestic servitude)

In this respect, the recruiters coached victims to what amounted to committing fraud (knowingly or unknowingly) during the visa application process. Another victim described how she knowingly misled the embassy staff and customs officials after she received coaching:

**Survivor:** She [recruiter] already arranged when I went there. I wasn't denied because she had this guy; he has a business in Virginia and a communication business like, so he always comes to Virginia—sends the people—so whatever she arranged. They said, "If they ask you where you going, you say you're going to Virginia for a work, for a training, for two months, you'll be back."

**Interviewer:** So she told you how, sort of, what to say at customs?

**Survivor:** Yes.

**Interviewer:** And did they ask you those questions at [the embassy]?

**Survivor:** They did, and the guy gave me all his business things. How he does his business things. He owns a communication business. He gave me his books . . . I just took with them to the embassy and the guy who interviewed me looked at them and said, "It's okay because . . ."

**Interviewer:** You have the books.

**Survivor:** Mm-hmm.

**Interviewer:** So it seemed like you were really going to work for that company?

**Survivor:** Yeah.

**Interviewer:** But you know you weren't going to?

**Survivor:** I knew. (site 4a, survivor 1, female, domestic servitude)

From an outside perspective, this preinterview preparation appeared to play a key role in ensuring that the survivor would obtain a visa; however, based on the accounts of the labor trafficking survivors, the staff at the embassy or consulate seemed unaware of any possible indicators of potential labor trafficking. One survivor, who would be trafficked while working as a domestic servant, indicated that no staff from the consulate ever interviewed her directly. Rather, she was instructed by the trafficker, a woman she was not related to, who was also present during the visa application interview, to "tell them [consulate staff] that I was with her [the trafficker], and that is it." This survivor was granted her visa on her first application. In another instance, a member of the family that trafficked the survivor took her to the embassy:

[He] took me to the embassy and then he got me a letter to sign. Then I just signed it, and the embassy staff asked me questions and I couldn't know how to answer, and then she told me, "Do you know what you signed?" And I told her, "No, I did not know what I signed." And then she told me to... she told the guy, "Read to her what she signed and come back to me." (site 3, survivor 6, female, domestic servitude)

The survivor returned to the consulate in the following days and was approved for a visa without any additional delays. These are two examples of cases when—perhaps—the actions of survivors and those accompanying them should have been red flags to US embassy or consulate staff. For many victims of labor trafficking, the visa application experience was the first and only contact with a legal authority during the recruitment stage. Of all the victims we interviewed who stated they had applied for a visa at an embassy or consulate, only one survivor indicated that the staff had provided her with information about her rights in the United States or a method of seeking help. Even in this one case, however, that information never made it into the possession of the survivor. Instead, the trafficker, who was present at the interview, seized and kept the documents. A victim service provider also had a client who was given a pamphlet during her visa application process. The interviewee described what happened to her client next:

They [the consulate staff] had a long talk with her. She had a private meeting with the consulate officer who handed her a thing [pamphlet] about trafficking... She [victim] was like, "They're [the traffickers] going to take it from me." She [the consulate official] was like, "Stick this one in your underwear and I'll stick this one in your hand so when he takes it from you he doesn't feel like you have an extra." And so she kept that with her. We actually have that original, no ICE does, the original pamphlet she came with. So she [consulate official] knew it was wrong. (site 2, attorney 1)

The anecdote above illustrates an example of embassy or consulate officials failing to identify red flags of labor trafficking. One site 1 stakeholder we interviewed, who worked for the Department of Labor, questioned both the focus of embassy staff and the efficacy of providing information to visa applicants at this stage: "The consulates are worried about terrorists, not victims. The pamphlets at the consulates are not effective. The victim might not understand the content of the pamphlets."

Of course, our analyses involved only a small subsample of the large number of individuals applying for visas abroad. Indeed, one survivor who had been recruited by an employment agency for work in the hospitality industry through a temporary H-2B visa stated that hundreds of individuals who had submitted applications at the same time had been denied. The interviewee recounted his embassy experience:

I felt like I just kind of got lucky because he [consulate staff] just wanted to give me a visa because there were 50 of us, there were 50 people that were scheduled for interviews on that day from the same agency, and there were only three of us who got the visas. And everybody got denied. And those people that they told you that there were at least about like 100 people that came to

interview with us from that agency. Those are the only ones that made it to the US embassy. There are people that paid a lot of money that didn't make it. A lot more than 100 people that got denied from the US embassy.<sup>24</sup> (site 3, survivor 1, male, hospitality)

Although the reason the consulate rejected the other applicants that day are unknown, those actions may have prevented the trafficking of additional victims. A recruitment agency attempting to obtain visas for 50 people in a single day might be a sign of potential trafficking.

In summary, our findings indicated that the recruitment stage of the labor trafficking victimization experience typically began in the victim's home country and involved four phases: (1) learning of the employment opportunity through social networks, (2) a preliminary meeting with the recruiter or recruitment agency, (3) fraud and coercion, and (4) the embassy experience. Although not every survivor of labor trafficking in case records or interviews followed this model, this pattern was by far the more common pathway. Moreover, the role and impact of these recruitment and employment agencies on laying the foundation for human trafficking should not be understated. One attorney who works on behalf of survivors believed that these agencies were

contributing [to trafficking] either because they're lying about the actual working conditions or they don't care. They start the coercion experience because they often charge workers to come here and start the need for clients to make money to repay. They often facilitate the visas and will have different written agreements (to meet the needs of the visa requirements) and verbal agreements with the client (to say things might not be exactly what's written), but it may end up being even more different. (site 1, attorney 1)

Clearly, these agencies play an important role in the recruitment process and sometimes beyond. And as our case records and survivor interviews indicated, employers in the United States were sometimes intimately involved or knowledgeable about the fraud used to recruit workers and turned a blind eye. In the next chapter, we examine workers' movement experiences to the United States in pursuit of the job where they were subsequently labor trafficked.

# Chapter 5: Movement

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## Research questions addressed in this chapter

- What are common forms of movement and transport used by traffickers?
- During the course of movement, if any, for work did victims come into contact with criminal justice or other authorities?
- How and where (what city) did victims enter the United States? What migration patterns or routes (how many stops) within the United States are used by the labor trafficking operation, and for how long do victims remain at each location? How do these patterns differ by the specific type of labor trafficking?

## Main findings

- The movement of victims from our case record sample most often originated from Latin America (31 percent), Southeastern Asia (26 percent), and Southern Asia (13 percent).
- Victims usually entered the United States with legal visas. Few victims in our sample used fraudulent documents, but approximately 29 percent of individuals entered the United States without authorization. Individuals entering without legal documents were most often smuggled into the United States.
- The most common transportation forms during the movement process involved flight (71 percent), the use of a car or van (52 percent), and walking (22 percent). Although the majority of journeys involved flight and had a limited number of meaningful stops over the course of the trip (i.e., a stop other than a layover), journeys that involved crossing the US–Mexico border were more likely than others to rely on multiple methods of transportation, such as walking and using cars or vans.
- Similar to the recruitment stage, during the movement process fraud and coercion were more prevalent than force. When force was present, it was more commonly used with domestic servitude and agriculture workers. Workers who entered the United States with visas and those who were unauthorized at the time of entry to the United States faced force during movement.
- Survivors who entered the United States with visas met with immigration officials at the point of entry, but they often described their interactions in a manner that seemed routine and uneventful. Individuals entering without authorization generally had no interaction with authority figures during their journey, making it more difficult to identify potential victims during the movement process.

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In the previous chapter, we explored the recruitment process and strategies that recruiters employed to coerce and defraud victims of labor trafficking. In this chapter, we discuss movement and transportation experiences to the jobs that became labor trafficked.<sup>25</sup> While movement is not necessary to legally prove trafficking, we analyzed the movement process to better understand whether labor trafficking victims in our sample experienced other forms of victimization leading up to their labor trafficking victimization. Movement experiences and circumstances varied by the case and individual. In some instances, for example, the transportation of victims from a foreign country to the United States was facilitated by the recruiter and/or trafficker. In other cases, victims migrated to the United States before their recruitment into labor trafficking. Below we detail the thematic patterns that emerged during our analyses concerning the common methods and forms of transportation used by traffickers, transportation routes and migration patterns outside and within the United States, and any contact with authorities that victims experienced as they traveled to the job location where they were ultimately labor trafficked.

## Origin Countries of Movement and Common Methods of Entry

Because the majority of labor trafficking survivor interviewees and individuals in our case record database were recruited while living outside of the United States, movement for these victims began outside of America. Table 5.1 highlights the region in which the movement originated for those individuals in our case record dataset. The most common regions of origin were Latin America (31 percent) followed by the Southeastern Asia (26 percent) and Southern Asia (13 percent).<sup>26</sup> For 9 percent of victims, the movement to the job that would ultimately result in labor trafficking originated in the United States.<sup>27</sup>

TABLE 5.1

**Region of Origin of Movement to the United States**

Region	Percentage (n = 113)
West Africa	3.5
East Africa	5.3
South Africa	1.8
Caribbean	2.7
Latin America	30.9
Southern Asia	13.3
Eastern Asia	2.7
Southeastern Asia	25.7
Eastern Europe	2.7
Southern Europe	0.9
Western Asia	0.9
United States and Canada	9.7

When movement originated outside the United States, victims had a limited number of methods that could facilitate their entering the country. They could obtain a visa, acquire fraudulent immigration documents, or enter the country without authorization and/or be smuggled across the Mexican or Canadian border. Our analysis of labor trafficking victim case records, as well as our interviews with survivors, indicated that the most common approach was the use of legal, nonimmigrant visas.

Approximately 71 percent of victims in our case database and approximately three-quarters of our interviewees entered the United States with valid immigration documents.<sup>28</sup> More than half the individuals in our case record sample who obtained nonimmigrant visas were granted an H-2B or H-2A visa, and about one-quarter received a B1 or B2 visa (table 5.2). When visa type was examined across the five most common industries in our sample, domestic servitude again emerged as distinct from the other venues. Of those who obtained nonimmigrant visas, the majority of individuals in agriculture (100 percent), hospitality (83 percent), restaurants (60 percent), and construction (88 percent) used an H-2A or H-2B to facilitate their journey to America. H-2A visas are specifically for temporary agriculture workers, and H-2B visas are specifically for temporary nonagriculture workers (commonly restaurants, hospitality, and construction). Companies apply for temporary workers through these programs.

Individuals trafficked in domestic work entered the United States on a broader range of visa types. However, the vast majority (89 percent) entered on a visa intended for domestic work. These visas included the following: B1/B2 (61 percent), A3 (17 percent), and G5 (11 percent). B1/B2 visas are intended for business or personal travel; however, a special provision allows individuals to bring domestic workers into the United States for work through a B1 visitor visa.<sup>29</sup> A3 and G5 visas are specifically intended for domestic workers, or according to the visa language, “servants” of

ambassadors, foreign government officials, and international organization members. The visas represented by smaller percentages (P3 and C1D) were abused.<sup>30</sup>

**TABLE 5.2**  
**Nonimmigrant Visa at Time of Entry to the United States**

Visa type	Percentage (n = 58)
P3	1.7
B1/B2	24.1
A3	5.2
J1	3.4
H-2A/H-2B	58.6
C1D	1.7
E2	1.7
G5	3.4

**Note:** For a list of all visa classifications, descriptions, and the numbers of visas issued for fiscal years 2006 through 2010, see US Visas, "Report of the Visa Office 2010: Statistical Tables," US Department of State, accessed October 2, 2014, [http://travel.state.gov/content/dam/visas/Statistics/FY10AnnualReport-TableXVI\\_B.pdf](http://travel.state.gov/content/dam/visas/Statistics/FY10AnnualReport-TableXVI_B.pdf).

The use of legitimate visas as a common method of entry was discussed during our interviews with victim service providers. Below, three caseworkers describe their experience with survivors:

We think that most kinds, most labor trafficking clients at least, like come to this country either .. . don't just cross the border, like come with some sort of status, maybe it's not on the up and up. So yeah, so I think that is something that we always talk about, that most of our clients don't want to be illegal. (site 1, caseworker 1)

I have about three clients who came in on false documents, who ended up doing domestic work. I have about four or five who came in on legitimate documents to do domestic work, or ended up doing domestic work whether or not the documents were ... either they had tourist visas or some other kind of visa. And then a number of clients, probably the majority of the labor trafficking clients, came in on legitimate work visas, like H-2B or other types of visas. (site 1, caseworkers 2 and 3)

Given the motivations of many of the survivors interviewed, their desire and recruitment to pursue lawful employment in the United States, and the role played by recruiters in advertising job positions and assisting victims with obtaining visas, the use of valid documents to facilitate movement should not be surprising. In fact, in our victim case record database, only one individual traveled to the United States with fraudulent documents, and this approach was referenced by only a few survivors who participated in our interviews. The traffickers of one survivor of domestic servitude from Africa, for example, created a false identity for the victim, who was a minor at the time, and brought her to the United States. Although one of the caseworkers quoted above stated that most of the survivors she

worked with had entered the United States legally, other service providers noted that a pattern had emerged of victims using someone else's documents:

And I would say also, in terms of false documents, they're usually not forged documents, they are somebody else's documents. So there is somebody else who has legitimate visas to the United States or whatever, and then those documents are provided to somebody else. And just as like an anecdote or whatever, I would say most of those cases are with African women, and it's just something to note or think about, how is it that border control people after 2001, can't tell the difference between different African women? There are no changes at all. These are like somebody else's documents with somebody else's picture who kind of look maybe the ... generally the same facial structure, like probably. But we're not talking like identical twins or anything here at all. And we have, I mean just here, we have like half a dozen probably who've come in on that way. (site 1, caseworkers 2 and 3)

In addition, even if victims entered the United States with legal documents, fraud may have been involved during the visa application process. As discussed previously, some survivors participating in our interviews had received training and coaching before their interview with embassy or consulate officials. However, it was not always clear whether victims knew that the visas they were instructed by recruiters and/or traffickers to apply for (e.g., tourist visas or business visas) legally allowed them to work for the jobs they were being recruited for.

Although the majority of labor trafficking victims entered the United States with a visa, 29 percent of individuals in our case records entered the United States without authorization, and 27 percent were smuggled into the country.<sup>31</sup> Of the victims smuggled in, 94 percent paid a smuggling fee that cost \$6,430 on average.<sup>32</sup> Individuals smuggled into the United States typically came from Mexico or South American countries and crossed the US–Mexico border. In some instances, the smugglers (or coyotes) had relationships with the traffickers, but in other instances there was no nexus between the two groups. One law enforcement officer discussed these patterns in a labor trafficking case he had investigated:

And the case that we had where they were bringing them up from Mexico, they actually had, and it was out in [site 3]. There was a ranch out there and so they were bringing people up from Mexico and they were working on this farm ... they were just smuggled over. Oh, well, that was actually arranged by the owner of the farm. It was kind of a package deal where, "You come over. I'll get you here." And I don't remember the exact route that they were taking, but I do know that it was just a typical kind of smuggling route into where they walked across the border. You know, found a vulnerable entry point. So they were not coming in with any kind of visa or status. They just kind of made their way up from Mexico. (site 3, law enforcement 2)

For one survivor participating in our interviews, the relationship between the trafficker—her aunt—and the coyotes hired to smuggle her and other victims across the border was far more contentious. The survivor described her experience:

We crossed the border and we got to Nogales, Arizona.<sup>33</sup> We stayed there another week in a house and they [the smugglers] treated us well there. From there, they took us to another house, a house in, what's the name—Phoenix. And we stayed there another week and that is where the problem started. . . . When we arrived in Phoenix, it was only some of [us] girls, it wasn't all of us and it had been a week and my aunt was not communicating with the people who had us. And they didn't want—they wanted more money for us than what—like there was a problem because of the money and the girls would give me bad looks because they thought I was her family, well because she is my aunt, I don't know. They thought I knew what my aunt was doing. (site 3, survivor 5, female, restaurants)

The survivor would eventually be picked up by her aunt and uncle and driven to the city and state where her victimization took place. From acquiring legitimate visas to hiring coyotes, these examples highlight the various methods of entry that facilitate the victims' travel from their origin countries to the United States. In the next section, we further detail the common forms of transportation and migration patterns used during the movement process.

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#### BOX 5.1

#### Method of Entry to United States by Industry

The majority of individuals in our case record sample entered the United States with visas. With only a few exceptions—agriculture and restaurant employment—this pattern was generally consistent across industries. Of those victims who were labor trafficked in agriculture, however, 65 percent entered the United States without authorization. Similarly, about half the victims working in restaurants lacked authorization they came to America.

Immigration Status of Labor Trafficking Victims upon Entry to United States (%)

Industry	Nonimmigrant visas	Unauthorized or fraudulent documents
Agriculture (n= 20)	35.0	65.0
Hospitality (n= 12)	100.0	0.0
Restaurants (n= 16)	50.0	50.0
Private residence (n= 39)	82.1	17.9
Construction (n= 10)	80.0	20.0

# Common Methods of Transportation and Migration Patterns

Although the origin country, destination city, and method of entry are critical in understanding the movement process, a key to this stage is examining the common forms of transportation and routes used by the recruiters and traffickers to transport victims of labor trafficking. These experiences inform not only how the victim was transported to the United States but also the migration patterns traffickers and recruiters used to facilitate movement to and within the United States. Our case record analyses indicated that seven methods of transportation were used at least once: airplane, boat, train, bus, car and/or van, walking, and flotation device. Given that victims' movement most often originated outside the United States after obtaining a visa, it is not surprising that flight was involved in the majority (71 percent) of cases (table 5.3). The second most common form of transportation was a car or van (52 percent), followed by walking (22 percent), which was typically associated with those who entered the United States without legal documents. Not every travel route involved only one method of transportation, but the single-method approach was by far the most common approach in our case record data. In fact, one method of transportation was used during the journeys of approximately 56 percent of our case record sample (table 5.4). With only a few exceptions, the vast majority of individuals who flew to the United States used only one method and did not have meaningful stops (i.e., a stop other than a layover) during their journey. In a few instances, however, the labor trafficking victims were flown into major metropolitan cities in states such as Missouri, New York, Louisiana, and Wyoming, and then driven a substantial distance to the location of their victimization. Perhaps not surprisingly, the country in which movement originated appeared to have influenced which methods of transportation were used. Individuals whose journey started in Mexico were much more likely to walk or use cars or vans; those whose journeys originated in other countries most often relied on airplanes.

**TABLE 5.3**  
**Methods of Transportation**

Method	Percentage
Airplane ( <i>n</i> = 110)	70.9
Boat ( <i>n</i> = 107)	1.9
Train ( <i>n</i> = 107)	0.9
Car or van ( <i>n</i> = 103)	52.4
Bus ( <i>n</i> = 103)	3.9
Walking ( <i>n</i> = 106)	21.7
Other ( <i>n</i> = 108)	0.9

TABLE 5.4

**Number of Transportation Methods**

Number	Percentage (n= 108)
1	55.6
2	39.8
3	2.8
4	1.9

A similar pattern emerged during our interviews with survivors of labor trafficking and service providers. A majority of the survivors we interviewed who referenced their type of transportation indicated they had flown to the United States. In many instances, survivors entered the United States in a few select cities including Miami, San Francisco, Atlanta, and New York City, before flying to their final destination. Thus, for the group of individuals who used airlines, movement to the United States was often direct and limited in terms of the number of meaningful stops. There were a few exceptions to this trend. Two survivors flew to the United States and had been promised work in a major metropolitan city located in a Midwestern state; however, upon their arrival, they were told that there was no work available in the area, which forced them to make a second journey. One interviewee described his experience after being taken to a residential location on the day of his arrival:

There was no more employment in [state], so now in the morning they were going to take us to [state]. And we were not going to go on an airplane. We were going to go in the same vehicles that they took us to the apartments. And they asked us, "Who knows how to drive?" And we said, "We have driver's licenses, but from the Dominican Republic, not the United States." And they said, "That doesn't matter. Those that know how to drive will drive directly to [state]." (site 1, survivor 4, male, factory)

Although individuals flying to the United States with visas typically had more limited and direct journeys, the movement of those without legal authorization into America often involved more methods of travel. As discussed above, these individuals often crossed the US–Mexico border, and these journeys were more likely to involve walking as well as the assistance of a coyote. The victims often entered the United States through Arizona and Texas and were then transported—usually by car or van—by their traffickers or recruiters to either a major metropolitan city in these states, such as Phoenix, or to other regions of the country where the trafficking would begin.

Box 5.3 details the journeys of labor trafficking victims in our case record sample captured from the case file by the research team and highlights the risks and multiple methods of entry associated with crossing the border.

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**BOX 5.2****Method of Transport by Industry**

Within our case record sample, the three most common forms of transportation involved flight, the use of a car and/or van, and walking. Individuals victimized while working in construction, a private residence, or hospitality were more likely to fly and less likely to walk than those who worked in agriculture or a restaurant. Of the five industries highlighted below, a car and/or van was used during movement for over half of the sample in all industries except domestic servitude.

Industry	Method of Transportation (%)		
	Plane	Car or van	Walking
Agriculture	35.0	85.7	41.2
Hospitality	91.7	83.3	0.0
Restaurants	37.5	68.8	50.0
Private residence	92.5	20.5	7.7
Construction	80.0	50.0	0.0

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**BOX 5.3****Details of the Journey for Labor Trafficking Victims Smuggled into the United States**

*The day after they met the coyote, the coyote met them and others in a park and they began walking. They walked through the desert for three days. It was extremely hot. The first two days they had water but the third day there was none. They stood in the middle of the desert for four hours while the coyote went to fetch water. They stopped walking when they reached Tucson, Arizona. They were placed in a trailer that had four rooms and 8 to 10 people in each room. They were not permitted to leave the trailer for two days and two nights. Then all 30 of them were crammed into a passenger van with no backseats and driven for three and a half days without being fed and with one bathroom stop for 15 minutes, roadside, with no bathroom. They arrived in [state of exploitation located in northeast region] and were placed in another house and began work the next day.*

*He first went to Cuenca where he was locked into a building for five or six days and was told not to make a noise. From Cuenca, they boarded him and other travelers onto a bus which took them to Pedernales. He was then led with other travelers by foot over 12 hours during the night until they arrived at the beach. Once they arrived at the beach, he was boarded onto a small boat with other travelers. He was on the boat for eight days, during which time he suffered from stomachaches, headaches, and vomiting and sunburn. He then landed in Guatemala and was met by a man with two body guards. They boarded him and the other travelers onto a truck and took them to a house. He was told that if he tried to escape he would be killed. After two weeks he was boarded onto a bus and eventually taken to the Guatemalan side of the border with Mexico. He was led by foot to Mexico. When he crossed the border into Mexico, he was boarded into a narrow wooden partition at the top of a truck. He could not sit up in the space and he was given a pill so he did not have to go to the bathroom. He eventually arrived in Cananea, Mexico. He was then taken to the Mexican countryside, and joined 250 travelers. They were divided into smaller groups of approximately 50 people and each group was guarded by about four armed men. They were forced to walk during the night; during the day they slept in tall grass. They walked for four nights; had open sores and blisters on their feet and were only provided with a garbage bag to keep them warm. He arrived in Phoenix, Arizona, on May 15, 2004. After arriving in Phoenix, he was placed in a van with six other travelers and taken to LA.*

*First he tried to cross the border from Sonora, Mexico, with several others but was caught by border control and immediately returned to Mexico. So then he arranged to walk across the border from Sonora with about 60 other people being led by a coyote. The group agreed to pay this coyote \$700 per person. He crossed the border in Arizona and walked through the desert with the group for five days. He was taken to a house in Phoenix, where he was told that the coyote fee was now \$2,000 per person. The smugglers threatened to beat him and leave him out in the desert. He was able to leave that house eventually and contacted the trafficker, who sent his "grandson" to pick up the victim and another worker from Phoenix. They were then driven to [southwestern state of labor trafficking] in a van where they were made to lie on the floor for the entire journey and were not given any breaks for meals or the restroom. They started work the next day.*

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Although the land journeys described in box 5.3 involved more methods of transportation than those that involved flight, they were similar in that the movement often consisted of limited numbers of meaningful stops after the victim had crossed the border. That is, with only a few exceptions, after entering the United States, the traffickers typically transported the victims to a major metropolitan city near the border before moving them to the location of their victimization or simply moved the victims directly to the city where the labor trafficking would begin.

Similarly, our interviewees indicated that, when flight was not involved, their journeys often involved travel by foot and the use of cars or vans. These victims had crossed the Mexican border or were recruited within the United States. Approximately 14 percent of the labor trafficking survivors we interviewed stated that their method of transportation involved walking; all these individuals were from Mexico or a South American country. One individual, who traveled to America on foot with his friend to seek work in agriculture, responded as follows when asked if he was concerned about crossing the border:

No, at that point I had no concern. I wasn't preoccupied because he [his friend] told me we're probably gonna walk about two hours and then we'll get there . . . so when we came, when we crossed the border, then we arrived in Tucson, Arizona. (site 3, survivor 4, male, agriculture)

This survivor eventually made his way to Omaha, where he came into contact with a contractor who transported him via trailer truck to the city of his victimization. Another survivor described her journey, which originated in Mexico and involved multiple methods of transportation, as follows:

No, no, they went for me. I traveled from where I am from—from Jalpan. From Jalpan to city of Valles and from City of Valles to Reynosa and there in Reynosa, they came to pick me up [by car]. And from there they took me to a—like a house—but it was very humble and old—and I was there and at night, they crossed me over here in a tire tube, on top of it, and I crossed the river and then after, we went walking . . . when they picked me up [after crossing the border], when they picked me up when I had crossed the river and we had walked half an hour, another car came to pick us up. It was like, it wasn't a car but like one of those trucks that carried food, in the back like in a cooler. It smelled like fish. And the man told me there, we are going to pass a lookout post, it is one stop and in the second, that is where you leave. Yes, and after they got me down to take me out of the ice cooler, Yes, and after they got me down to take me out of the ice cooler, I got in the front with the man and then from there, until [state of labor trafficking]. (site 2, survivor 2, female, domestic servitude)

The smugglers' and/or traffickers' reliance on cars and vans during the movement process also emerged during our interviews with stakeholders. Two victim service providers described the preferred method of transportation used by traffickers after unauthorized immigrant victims had entered the United States along the Mexican border:

The recurring story or anecdote that I hear about the transportation actually is a 16-passenger van. That's the . . . that's been sort of the norm lately. I'm not sure why. I guess it's the biggest van

you can get without another type of license? Because that's usually what ... usually contractors will use these 16-passenger vans or sometimes you get the 12-passenger ones with the little front and they'll stuff them. I mean, I've heard you know, some ... I'll give you an example of 25 people in a 16-passenger. I don't have direct experience with this but [service provider/outreach worker] has heard about people being stacked to the extent that they break ... they'll arrive up here with like, broken ribs. I mean obviously it's an extreme case but it still goes to show the type transportation that they are utilizing and the safety of these interstate trips.... But when it comes to labor trafficking, it's just a numbers game. You know, they want to bring as many people as they can. So they will sort of pack these vans to capacity. (site 4, victim service providers 2 and 4)

In summary, in both our labor trafficking victim case record dataset and analyses of interviews, flight was most often the primary method of transportation. Typically, the movement of individuals traveling to the United States via flight was limited in terms of the number of meaningful stops before reaching their final destination. This lack of stops is primarily due to the fact that the majority of our sample entered the United States with a visa through a border checkpoint. Visas were primarily obtained for the job victims were recruited for, and victims were fairly quickly transported to the job location. For those journeys that did not involve flight, the movement and migration patterns tended to be more complex. Victims often crossed the US–Mexican border on foot (sometimes with the assistance of a smuggler if they did not hold a visa)<sup>34</sup> and were then transported to major metropolitan cities in border states or to other regions of the country where the labor phase of their victimization would take place. Although their movement often involved more methods of transportation, their journeys were also direct in that there appeared to be a limited number of stops throughout the process.

## Force, Fraud, and Coercion during the Journey

Whether the victims' movement involved a single or multiple methods of transportation, the recruiters and traffickers who facilitated the journeys often relied on the use of force, fraud, and coercion in levels that were similar to the recruitment stage. That is, fraud and coercion were more common than force. Indeed, fraud and coercion were present in 48 and 33 percent, respectively, of cases in our dataset, but force was identified in only 18 percent of cases. Coercion was particularly acute when traffickers seized and held the documents of their victims. In fact, labor trafficking survivors were rarely, if ever, in possession of their immigration documents during the movement process. Within our case record data, 64 percent of survivors had their documents taken. Document seizure most often occurred immediately after the victim entered the United States, but in a few instances, the trafficker had gained possession of the documents before entry or later in the victimization process. As shown in table 5.5, there was some variation across industries with regard to document seizure. Nearly 90 percent of victims working in domestic servitude had their documents taken, compared to 67 percent in

construction and 36 percent in agriculture. Only one in five individuals working in the hospitality industry had their documents taken, and no one in our sample who worked in restaurants had their documents taken.

TABLE 5.5

### Proportion of Victims by Industry Whose Documents Were Seized

Industry	Percentage
Agriculture (n= 11)	36.4
Construction (n= 6)	66.7
Private residence (n= 33)	87.9
Hospitality (n= 10)	20.0
Restaurant (n= 9)	0.0

**Note:** These percentages are based on all individuals, both those working with visas and those without. Documents may include passports as well as other forms of identification.

Document seizure was not the only form of coercion that emerged. Two victim service providers discussed another coercive technique used by traffickers to entrap victims, even as the victims continuously migrated between their home countries and the United States:

And what [site 4, victim services provider 2] and I have to stress is that that they really have to realize what the coercion can look like and how deep it can run between the contractors and the workers. So in this particular situation where the workers were going back to Peru every year, they were brought back with the sort of implicit understanding that if they didn't come back every year, they wouldn't find their families in their home country because the traffickers had connections in the military in their home country. So the threat was very credible. But it can get a little confusing when you see the victims of labor trafficking doing what might seem like freely moving from country to country when they . . . they are doing it under a threat. (site 4, victim service providers 2 and 4)

Although force during movement was far less common than fraud and coercion, the use of force was more prevalent during the movement process for victims labor trafficked in agriculture and domestic servitude. Indeed, 38 and 29 percent, respectively, of individuals trafficked in these two industries experienced force during their journey. These figures are noticeably higher than in hospitality (8 percent), construction (0 percent), and restaurants (0 percent).<sup>35</sup> In seven of the domestic servitude cases in our case record sample a recurring pattern emerged of victims being recruited to work in the trafficker's home country, which often differed from their own. The trafficker, who most often but not always was living in the Middle East, recruited domestic workers, subsequently moved to the United States, and forced the victim to accompany him or her to America. A victim service provider described the experience of one of her labor trafficking clients:

So her case, she was domestic servitude, she was brought by a recruiter from Ethiopia to Saudi Arabia, and was not paid, nothing that she was told was going to happen happened, the man was sexually assaulting her. Before sexually assaulting her, he was like, "You can leave but take your best shot, you can't go out without a burka, you can't go anywhere, you're a female you can't be unattended, good luck." So she didn't have a choice, she was stuck there. And so not only was she not being paid, constantly had to do work in the house, she also was having to shave the wife, like brush her teeth for her, wipe her, like all kinds of demeaning cruel things. They were a fairly wealthy family in Saudi Arabia, and he started touching her and trying things with her. And he brought her to the States on their family vacation to go visit his son who lives here, might as well bring her so we don't have to shave ourselves. (site 2, attorney 1)

Listed below are the details of a domestic worker's case file describing how she was recruited under the false impression she would be working in Bahrain and then was forced to go to the United States. This victim was illiterate and was forced to sign documents (with a thumbprint) she did not understand.

Victim recruited through employment agency ad in Bangladesh to work as domestic worker for family in Bahrain. When she got to Bahrain, the victim was forced on a plane to the US. Victim didn't want to leave because she would be far from family—tried to resist but was forced. Flew from Bangladesh to Bahrain and then forced on a plane to US; victim under impression she would be working in Bahrain. Plane made a stop in Saudi Arabia. Along the route, the airline staff watched the victim, made sure she was linked to the diplomat in [US state] and at one point in the journey confiscated the victim's passport. She was labor trafficked by a diplomat (case ID #30)

Unauthorized workers, as well as foreign national workers with temporary visas, experienced forced movement to jobs in the United States. Differences in the use of force were stark when comparing labor trafficking victims who entered the United States with visas versus those entering the United States without authorization: 39 percent of unauthorized individuals faced force during their movement to the United States compared to 12 percent of those entering the United States with authorization. Forced movement took many formats, but all unauthorized individuals who were forced during movement were forced across the US–Mexico or US–Canada border. Individuals forced across the US–Mexico border were primarily from Latin America. In some cases, victims were told they would be entering the United States with documents arranged by a recruiter and/or trafficker and were then threatened and forced to cross the border unauthorized. One victim's case in our sample is also indicative of similar forms of abuse suffered by the dozens of individuals she references throughout her movement to the United States and labor trafficking upon arrival:

Victim under impression she would enter US legally but then forced to smuggle. Her movement started in Lima, Peru, went to Mexican Embassy. Victim told she would travel as a domestic worker to unknown woman met at embassy. Victim then traveled with another woman to Mexico. Victim flew from Lima to Mexico City on Aero Mexico flight. Stayed for one night in hotel in Mexico City. Next day (June 16, 2003), a man picked up victim and took her to a house—never saw man again. Victim's passport taken while at house; victim stayed at house for eight days. Victim scared, didn't know anyone at house or where she was or how she would get to [US city of labor trafficking]. Then taken to Chihuahua, Mexico to another house with 11 other people by a

man and his daughter. Victim kept in house for 10 days with the other 11 people. House was deplorable—dirty, garbage, slept on mattresses on the floor and locked in the house. Watched by a lady who lived upstairs and told victim she and others would have to pay for food. Victim pooled money with others to give to lady to buy food that victims had to cook and then lady would take most of the food. Victim had little money since she assumed travel expenses would be paid for by the recruiter as part of the debt she owed her. Victim then taken with 11 others by pickup truck from house in Chihuahua to desert. Forced to walk in desert for 12 hours. Not given supplies (no water). Man leading journey would insult victim and others. Then arrived in Jano, Mexico. Allowed to rest for a few hours. Then from Jano, victim and seven others led to Aguacalientes, Mexico—journey by foot, given little water. In Aguacalientes for three days locked in home of man. A woman and her 12-year-old nephew were also held in the house. On July 1 and 2, 2003, man and his men took victim to Mexico-US border where they tried twice (unsuccessfully) to lead victim across. On July 2, 2003, victim and two others were led by man and three of his associates through the desert. About 12-hour journey, traveled by foot and crawled much of the time. Crawled through debris, thorns, and stones; body became bruised and purple. Victim got strength to complete journey by thinking about her son. At end of journey, reached US, and victim and two others were picked up and driven to Phoenix, Arizona. In Phoenix for four or five days, then put in car and driven to LA. In LA, taken to home of a Peruvian woman. From her home taken to airport and put on [commercial airline] flight to [east coast US state]. When arrived in [site of labor trafficking], one of (recruiter)'s men picked victim up and dropped at new home in [site of labor trafficking]. About 20 other Peruvians lived in the house. Victim then told her smuggling debt was \$14,000 USD. (case ID #18)

In conclusion, fraud and coercion were prevalent during labor trafficking victims' movement from the country of their recruitment to the United States. For those entering the United States on a visa, the most common form of coercion was the seizure of documents. Those who entered the United States without authorization faced greater instances of fraud, threats, exploitation, and victimization during their journeys by recruiters, smugglers, and/or traffickers and associates. Forced movement was less common, but when it did occur it was commonly experienced by individuals labor trafficked in domestic work and agriculture; both unauthorized individuals and those entering the United States with visas experienced force during their movement to the United States.

## Contact with Authorities during Movement

As discussed in the previous chapter, our analyses indicated that labor trafficking victims were rarely in contact with authorities during recruitment. Those who entered the United States without documentation had virtually no contact with authorities, and those who obtained a visa had limited contact with embassy or consulate staff during the application process. A similar pattern emerged during the movement process. The only contact many of the survivors had with an authority was with immigration officials at their point of entry. The interactions they described seemed routine and uneventful, and

many indicated that they did not undergo significant questioning at entry. One respondent, who had a visa for 3 months but had signed a contract for 10 months, described her experience as follows:

**Survivor:** When I was at the airport already and about to travel, I asked him myself. I said, "Why does it say three months if my contract is for 10?" So he [recruiter] gave me a letter. He told me to present this letter when you get there to immigration. And that with this letter they will extend your stay to 10 months.... Yeah, they [immigration officials] said, "What is this letter for?" I said, "Oh, I am going to be extended for 10 months." They were there for a while with us because we were a big group. Then they let us go. They took our fingerprints. They took pictures.

**Interviewer:** So, no customs official ever said, "Your visa says three months, but your letter says 10 months?"

**Survivor:** I personally think they did realize. They did notice it. It was just so noticeable. It was very obvious. So many of us with the same information, but from that moment, immigration started following us. (site 1, survivor 2, female, hospitality)

Individuals who entered the United States without authorization had no contact with authority figures unless the individual had been unsuccessful in a previous attempt to cross the border. Even individuals with valid immigration documents came into contact with authority figures only once: upon their entry into the United States. From there, they were transported by their traffickers or traffickers' associates, who had a natural incentive to avoid authorities. Whether the victim entered the United States with or without authorization, the lack of contact with authorities illuminates the challenges of identifying potential victims of labor trafficking before their victimization.

In summary, the victims of labor trafficking in our samples most often obtained legal immigration documents to facilitate their journey to America. Although flight was the most common form of transportation, other journeys—particularly those that involved crossing the US–Mexican border—relied on the use of cars or vans, as well as walking. Moreover, smugglers were also more likely to be involved in these journeys, placing the victims at a higher risk of exploitation during the movement process. As was the case during the recruitment phase, the victims had limited contact with authorities during their movement to United States. In the next chapter, we explore how these individuals were victimized once they came to America and began working for their traffickers.

# Chapter 6: Labor Trafficking Victimization and Labor Exploitation Experiences

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## **Research questions addressed in this chapter**

- How do victim service providers and their agencies distinguish between labor violations or labor exploitation and labor trafficking?
- What are the distinctions between labor violations and exploitation and labor trafficking?
- At what point do labor trafficking victims realize (if at all) that they are in a labor trafficking situation or are being victimized? Does this realization differ by victim characteristics and type of industry (e.g., agriculture work versus domestic servitude)?
- What methods of intimidation or threats do traffickers employ to force victims to remain in the exploitative situation? What would be the ramifications of disobeying or trying to escape?
- What is the overlap between labor trafficking and sex trafficking/sexualized labor and sexual victimization in the course of labor trafficking?

## **Main findings**

- Victims of labor trafficking often endure a number of different types of victimization at a given time. These experiences range from those that are exploitative (e.g., wage theft, poor working conditions, and other labor law violations) to those that involve force, fraud, and coercion (e.g., threats or violence, intimidation or control, and deception concerning the consequences of not cooperating with the labor trafficker).
- Physical abuse and violence often constituted the extreme forms of victimization that labor trafficking victims experienced; more subtle and nuanced forms of coercion and fraud were more common.
- It was rare for a victim to experience less than five forms of victimization (ranging from exploitation to trafficking), with the majority experiencing eight forms or more.
- Over one-third of the victims experienced seven forms of victimization (ranging from exploitation to trafficking) throughout the time they were labor trafficked.
- The types of labor trafficking victimization individuals experienced varied by industry. Higher rates of sexual violence were reported with domestic servitude victims.
- Many victims had interactions with individuals other than their traffickers, such as members of law enforcement, staff working for the trafficker (e.g., gardeners, secretaries, maintenance workers), or

other coworkers. Although these encounters sometimes played a critical role in the victim's escape, many of these interactions resulted in an unrealized opportunity for rescue.

The labor trafficking victimization experience began with the recruitment of victims—typically in their home countries—and was followed by their movement to and/or within the United States. The next phase of the continuum involved the labor trafficking victimization and exploitation of these individuals within their places of work. In this chapter, we discuss the experiences of labor trafficking victims in our two samples (case data and survivor interviews), including the prevalence of labor exploitation and labor trafficking victimization and the distinction between the two; the forms of force, fraud, and coercion employed by traffickers; the victims' interactions with others not involved in their trafficking, such as bystanders and law enforcement officials; and the overlap of sex trafficking and victimization over the course of the labor victimization process.

## Labor Trafficking as Distinct from Labor Exploitation

The victimization experiences of individuals in our sample often involved elements of both labor exploitation and labor trafficking. As presented in the literature and discussed above, research has found that labor exploitation and labor trafficking are distinct but often overlapping experiences. Labor exploitation applies to instances in which employers deny workers their rights under labor law, such as the right to fair compensation, working hours, and conditions; labor trafficking may include all the elements of labor exploitation, but it is also coupled with force, fraud, or coercion.

In practice, disentangling these two concepts has proved to be complex. Victim service providers and members of law enforcement participating in our qualitative interviews noted the ambiguity that exists when applying these definitions to their cases. As examined in more detail in chapter 9 on the criminal justice process, because labor trafficking is broadly defined as exploitative behavior coupled with force, fraud, and coercion, stakeholders in different fields often rely on varying definitions and interpretations of state and federal statutes. This disconnect was highlighted by a law enforcement interviewee who believed that agencies such as Immigration and Customs Enforcement (ICE) primarily look for elements of force (e.g., victims lacking freedom of movement, receiving threats, and having no contact with the outside world) but that nongovernmental organizations focus on certifying victims based on the *possibility* of force, fraud, and coercion. (site 4, LE 2)

The role of force also emerged as a theme during our interviews with victim service providers, many of whom believed that members of law enforcement prioritized cases that involved force and tended to dismiss cases that involved only elements of labor exploitation (e.g., less pay than promised) or even other elements of labor trafficking, such as fraud and coercion. Below, two victim service providers discuss their experiences and perceptions:

I can tell you my assumption because we later on met with the law enforcement officer and supervisor to just generally talk about human trafficking issues. My sense from those guys at the time was that you are not trafficked unless you are locked down. There was the sense that if there wasn't physical abuse or clear incarceration or whatever, that you weren't being trafficked. (site 3, attorney 2)

I think people think of it as something as somebody's chained up in a corner and not that that isn't happening and horrible, but there's so many other forms. So getting that kind of understanding by, for instance, someone who's a domestic servant and being totally controlled in what they do and not paid or let out only in certain times or things like, different degrees of this. It's similar to the idea that people felt like, "I got gyped out of my pay." Instead of looking at it as wage theft, somebody's stealing your money. I guess the whole idea of the education of looking at it from a different view. And so I think you have some people that feel like it's really not a problem. (site 4, victim services 1)

On the surface, many victimization experiences appeared to be only exploitative labor situations, especially, as several law enforcement officers pointed out, when the victims had "freedom of movement."

They could come and go as they wanted. They had bicycles at the house. They were free to go to the store or do whatever they needed to do. They spent most of their waking hours at the restaurant working, but on the few afternoons that they would have off they could do whatever they wanted. (site 3, ICE 1)

However, in actuality, the more pernicious forms of labor trafficking were present and prevalent in many cases. The following excerpt from an interview with a survivor illustrates the dubious payment methods that were often employed by traffickers that could appear to be a case of wage theft if not investigated correctly to reveal coercion and fraud:

**Interviewer:** How much was your first paycheck for?

**Survivor:** Oh my god. I think it's just like less than \$200 . . . everything that I paid for, you know . . . passport fees . . . Sometimes in one month I would work like 70 hours, 60 hours, something like that. Oh no, not in one month . . .

**Interviewer:** One week?

**Survivor:** One week.

**Interviewer:** But they didn't mark it, so you never had as many hours as you worked on the payroll.

**Survivor:** Uh huh. Yeah.

**Interviewer:** So you might have worked 70 hours, but they would mark like 40.

**Survivor:** And here's the explanation of [my manager]. He said we have to pay for some sort of the state fee. Blah, blah, blah. Like we have to pay for the food ...

**Interviewer:** Did he charge you for the housing?

**Survivor:** Everything.

**Interviewer:** It's right here. So you paid \$866 out of your one paycheck for food, housing, and transportation. [Your paycheck] was reduced by \$433.

**Survivor:** When we were in the Philippines they said everything was free.

**Interviewer:** So you only got 497 dollars even though you worked god knows how many hours?

**Survivor:** Yes. (site 3, survivor 2, male, hospitality)

The survivor quoted above had borrowed money from family and the bank to come to the United States and was under the impression that he would be making a certain amount of money a month so that he could pay back his debt within a certain time frame. However, due to all the deductions taken from his paycheck, he realized that he would not be able to pay back his debt in the time he originally anticipated; he felt compelled to remain in his job with the hope that he would eventually be able to pay off his debt. Often in these cases, the trafficker is aware of the victim's pressure to stay in the job to pay back his debt and will use that pressure as a form of coercion.

In addition to the ambiguity associated with defining labor exploitation and labor trafficking, another challenge with these two concepts is that victimization experiences of labor trafficking often cannot be corroborated through hard evidence. That is, unlike exploitative situations that involve, say, an illegal deduction of pay that could be documented in an earnings statement, trafficking that involves threats of violence or methods that employ diminishing resistance (e.g., substandard living conditions and the denial of food and water), or as the above quotation illustrated, coercion of debt, are more difficult to prove. This obstacle may be particularly acute in domestic servitude cases, in which victims are inherently isolated from other individuals because they are living in the home of their traffickers. One US Attorney described the challenge of prosecuting the traffickers in such a case:

The other reason it's hard to bring these cases is you don't have a whole lot of corroboration. So [victim's case] was unusual because the problem is it's a closed universe, right? So who are the witnesses—the family members, right? And the people like the [trafficker's name] kept guests from knowing that these people were being kept under such terrible conditions and letting them see them, they would literally have to make them hide in a closet, you know, a secret closet room ... kind of thing. So, that's the other problem. There's usually very little or no corroboration. (site 1, AUSA)

The abuse, threats, harassment, and coercion that many victims of labor trafficking experience may not be easy to prove without hard evidence and corroboration, but in the case files we reviewed and the survivor interviews we conducted, it was clear that victims often experienced a wide range of abuse and coercion.

## Characteristics of Labor Trafficking Victim Experiences

Although a relatively significant number of labor trafficking victims have been identified by service providers and a smaller subset has been investigated by law enforcement, there is very little systematic information regarding the characteristics of the labor trafficking experience. More specifically, we do not have a good understanding of the types and methods of victimization that are employed by traffickers and how they are used to keep their victims from leaving their situation or seeking help. As discussed in the previous section, victims of labor trafficking often endured a number of different types of victimization at a given time. These experiences ranged from those that were more exploitative (e.g., wage theft, poor working conditions, and other labor law violations) to those that involved force, fraud, and coercion (e.g., threats or violence, intimidation or control, and deception concerning the consequences of not cooperating with the labor trafficker).

As explained in chapter 2, we analyzed 122 individual victim case files and coded for specific categories that would capture a range of victimization experiences. These categories were based on Department of Justice guidance on the federal definition of labor trafficking and labor violations according to the Fair Labor Standards Act and the Occupational Health and Safety Administration. Included categories were also compared against the labor trafficking identification instrument that was developed and validated by Zhang and colleagues (2014). Our case record analyses (table 6.1) showed that the victimization experience for individuals in our sample often included labor exploitation, labor trafficking, and forms of victimization that often fell between the two, which we refer to as indeterminate labor trafficking experiences. These indeterminate forms of victimization are legal under labor law in many industries (e.g., agriculture, domestic work), but as illustrated in our report, they can facilitate conditions of labor trafficking. Seventy percent or more of the individuals in the sample experienced the forms of victimization included in these categories.<sup>36</sup> Table 6.2 provides examples of the seven forms of force, fraud, and coercion involved in labor trafficking that were documented as part of the case coding analysis.

TABLE 6.1

## Labor Exploitation, Indeterminate Labor Trafficking, and Labor Trafficking Experiences

Percentage

	Yes	No	Missing or unclear from the record
<b>Labor exploitation</b>			
Less pay than promised	82.8	4.1	13.1
Withheld pay	81.1	6.6	12.3
Under minimum wage	79.5	4.9	15.6
Denial of pay	80.3	9.8	9.8
Illegal deductions	61.5	13.1	25.4
No written earnings statement	62.3	16.4	21.3
Lack of safe water, toilet	29.5	29.5	41.0
Hazardous work environment	16.4	46.7	36.9
No meal breaks	41.8	10.7	47.5
<b>Indeterminate experiences</b>			
Movement to work controlled	80.3	5.7	13.9
Victim lived where worked	55.7	36.1	8.2
<b>Labor trafficking</b>			
Depriving/disorienting	84.4	1.6	13.9
Threats or use of violence	82.0	11.5	6.6
Demoralizing	82.0	4.1	13.9
Diminishing resistance	69.7	10.7	19.7
Intimidation and control	80.3	6.6	13.1
Deception concerning consequences	70.5	10.7	18.9
Use/threatened use of law	70.5	22.1	7.4

**Note:** Figures were rounded and may not add up to 100 percent.

TABLE 6.2

**Seven Forms of Force, Fraud and Coercion: Definitions and Examples**

<b>Depriving/ disorienting</b> (e.g., isolation, restricted communications, manipulation of debts, monitoring or surveillance)	<p>Victim did not have a key to the condo so she was unable to leave unless she was accompanied by one of the family members. She was not allowed to use the phone, and she could not speak Hindi around the house. She felt like she was in prison.</p> <p>Victim was not able to talk to the neighbors or the guests, and she had restricted communication with her family.</p> <p>Victims did not have enough money to escape. Traffickers exploited this by further reducing their options (by taking away their food and threatening to take away their housing).</p> <p>Victims incurred debts they were not aware of, were driven to and from work, and were forced to rent specific apartments with specific amounts of rent.</p> <p>Victims were monitored, lived in camp, and were not allowed out; if they were allowed out, they were transported by company to Wal-Mart.</p>
<b>Threats or use of violence</b> (e.g., physical, sexual, psychological, financial, reputational, harm to family)	<p>Trafficker's son bragged about "going hunting" for workers who tried to leave the camp.</p> <p>One trafficker kept a handgun with him in the fields and shot and killed animals as a threat. He also violently beat a young migrant worker, which was witnessed by other victims. The trafficker forced the victims to work when sick and threatened them with death when they were ill.</p> <p>When she made a "mistake," one victim was not able to eat for four days; she was hit in the face by the female exploiter; she was hit between the eyes with a spoon when she used the wrong spice; once she took two pieces of chocolate because she was hungry and was forced to stand from 6 a.m. to 4 p.m.</p> <p>Physical abuse (hit in the back of the head, glass thrown at or near her), psychological abuse ("if we killed you, who would know?").</p>
<b>Demeaning and demoralizing</b> (e.g., verbal abuse, humiliation)	<p>The mother would call the victim lots of terrible names, and the eldest child would pull her hair and call her a lazy bum, stupid, idiot and would tell her to work faster and pick up his stuff.</p> <p>Consistent verbal and psychological abuse, used victim's ethnic tribe or clan to demean and threaten her by calling them "cockroaches."</p> <p>Farmer called the victims his "burros."</p> <p>The victim was verbally abused in front of neighbors of family for wasting a paper towel.</p> <p>The victim was verbally abused regularly, called a whore, stupid, yelled at in public.</p> <p>Victims lived in squalid conditions. They were threatened verbally and physically. Two victims were repeatedly bullied and assaulted for their sexual orientation.</p>
<b>Diminishing resistance</b> (e.g., substandard	<p>Victims were given meals only twice daily, often instant noodles. No medical care during 16 months of employment. Very hard work on their bodies.</p> <p>The living conditions in some locations were so bad that they were condemned by inspectors.</p>

<p>living conditions; denial of food, water, medical care; weakening with drugs or alcohol)</p>	<p>Victims were denied food at home where they were being housed and told they should "complain less and work more."</p>
<p><b>Intimidation and control</b> (e.g., abuse, atmosphere of violence, displaying weapons, rules and punishments)</p>	<p>Displayed and fired weapons, talk about weapons, verbal abuse. Trafficker found the victim's address in [home country] and used this as a means of control, even after victimization.</p> <p>One supervisor who worked for the trafficker stated that he was violent and had access to guns.</p> <p>Traffickers would randomly conduct searches of victims' belongings. Victims were in a locked camp, could not move freely, and were denied visitors.</p> <p>Traffickers hit victim on multiple occasions to punish victim for disobeying orders.</p>
<p><b>Deception concerning consequences</b> (e.g., overstate risks of leaving, overstate rewards of staying, feigning power or ties to authorities or hit men and gangs)</p>	<p>Trafficker threatened to kill victim's brother and said she had ties to assassins in [home country] who could kill other family members.</p> <p>Traffickers said they would tell people in victim's home village that she'd committed a murder so she would be punished if she went home.</p> <p>Trafficker stated that victims would be deported and that they had ties to a judge and immigration officials. Victims were also told that police were monitoring them and their phone calls.</p> <p>Victims were told they had taken risks and debts to come here and they should just play by the rules to make life easier. They were told the company was working on their permanent resident status, and if they violated rules or left they would not receive immigration status.</p> <p>Victims received false paperwork numerous times that implied the company was processing their immigration requests.</p> <p>The victim was told trafficker was very powerful and knew people in positions of power.</p> <p>When the victim tried to seek help, people at [home country] embassy told her trafficker knew people and they could not help her. The trafficker had power in [home country], and threats to family were frightening to the victim.</p> <p>Trafficker brought a "friend" in a law enforcement uniform with his gun to show workers that he has "friends" who can help him if the workers act out.</p>
<p><b>Use or threatened use of law</b> (e.g., threats to get victim deported, arrested, or turned over to police or immigration)</p>	<p>A trafficker called the police and blamed the victim for assaulting him after he himself had hit the victim when he asked for pay.</p> <p>A female employer told the victim that if she ever left she would be put in jail, and if she misbehaved, they would call immigration. The employer also threatened to put her family in jail and threatened to kill them.</p> <p>Victims were threatened with deportation and told trafficker's connections to judges and other immigration officials. Victims were also told that police were monitoring their phone calls.</p> <p>Victims were told stories of other workers who were jailed for complaining.</p> <p>The trafficker threatened to have the victim deported if she did not engage in sex with customers when requested.</p>

According to our case analyses, the most common form of victimization that individuals experienced at the hands of their traffickers involved methods that disoriented and deprived them from seeking alternatives (84 percent). These methods included isolation, restricted communications, manipulation of debts, and monitoring or surveillance. As one survivor explained, within the first week of working for the family, she knew she was in a bad situation and asked to contact her husband back home. The family denied her request, and after begging them to allow her to return home and having that request denied as well, she knew she was trapped:

**Survivor:** First day I am very scared to see [other domestic worker/victim], I don't know what happened [other domestic worker/victim], no, no, no, very no good. Family no good. Children no good. Husband no good.

**Interviewer:** You asked to go home, they say no?

**Survivor:** No, no, no.

**Interviewer:** So did you feel trapped?

**Survivor:** No, no, no.

**Interviewer:** Nothing you could do ...

**Survivor:** Yeah, I'm tell her, "Yeah, my husband have home, it's okay, you take it my husband home, I am coming back [home country], I'm call my husband." "No!" [they said] "No give call."

**Interviewer:** No let you call?

**Survivor:** Yeah, no give call. (site 1b, survivor 2, female, domestic servitude)

She worked for the family for almost two years and was not able to make a single call or send a letter home during that entire time.

Another common form of victimization was demeaning and demoralizing the victim (82 percent). This method included verbal abuse and humiliation. For many of the survivors, the verbal insults and shaming they were forced to endure from their abusers were enough to stop them from trying to seek help or escape their situation. In some circumstances, the trafficker would prey on the victim's vulnerabilities and make them feel as if they were failing their families back home if they did not do as they were told.

There is no option to go back to—whether because they've been threatened to be involved with the US immigration system, and so the opportunity that's been sold to them is the opportunity of all opportunities, which would then be foreclosed [on] if they did anything to protect themselves and/or [contested] the fees. [In other words], the structure that has been created to put them in this situation is such that there is no way to go back. And another thing is that often, these people are the only hope for their families, so if they fail, there is a shame to it as well, which I don't think is talked about quite often. Shame involved with labor trafficking is more

that they couldn't finish the situation, it is their fault, not that [of] the trafficker—the blame is always on them. (site 1a, former service provider 1)

Another service provider explained the situation of one of her clients, a domestic servant for a family who was terminated from her job only to be lured back with false promises. Because she was supporting her family in her home country and had few employment options, she went back to her abusers:

**Interviewer:** So she didn't have her documents, and wasn't getting paid anything directly, so she didn't have any means to leave if she wanted. How long did she work for them?

**Interviewee:** Several years. They let her go for a short time. She had a daughter, and then she went back to work right after because they called begging, promising they'd be different. She's one of those people [who] came from real poverty. Not just poor because everyone in the community is poor. No shoes, one outfit, no food, no house. But that's how she lived for years and years and years—for her whole life. So, she went back to the lady. She believed it would be better, and it was worse.

**Interviewer:** Did she have good faith that they were sending money to whoever in...?

**Interviewee:** No, they would tell her outright that they were not. It wasn't for six months or eight months that she got paid the first time and it wasn't even to her it was to them [her family].

**Interviewer:** Does she know how much?

**Interviewee:** I think it was \$100 or \$120. Maybe it was \$120 for all that time. She only got paid once or twice, but it wasn't to her. She had her family members to take care of. She had her daughter and her mom. (site 1, social worker 1)

As the above situation illustrates, a victim of labor trafficking often experiences more than one form of abuse. The frequency of these experiences varied across the cases that were analyzed for this study. Table 6.3 describes the summation of labor trafficking, indeterminate labor trafficking, and labor exploitation experiences for individuals in our case record dataset (see table 6.2 for descriptions of these experiences).

**TABLE 6.3****Frequency of Victimization Experiences***Labor trafficking, indeterminate labor trafficking, and labor exploitation out of 18 possible experiences*

Number of forms of labor victimization experiences	Percentage
2	0.9
5	0.9
6	5.1
7	3.4
8	10.3
9	0.9
10	2.6
11	6.8
12	4.3
13	10.3
14	16.2
15	22.2
16	10.3
17	6.0

**Note:** Figures were rounded and may not add to 100 percent.

It was rare for a victim to experience fewer than five forms of victimization. Most victims experienced eight forms or more. Our interviews with labor trafficking survivors helped to shed light on how these different forms of exploitation and abuse overlapped and how common it was for a victim to experience a range of abuses that fell on the labor exploitation → labor trafficking spectrum. As one survivor explained, she was being paid less than what was originally agreed on by her and the subcontractor, and in addition, the subcontractor was deducting costs from her paycheck for benefits like health insurance, which she never received. When she challenged the subcontractors about these deductions and her hourly wage, they threatened her with deportation:

I told them that I don't agree but they were like, "Well, you don't have any other choice. All you have is just to agree with everything that we're telling you." One time I remember I told them that I'm going to go to Immigration, I'm going to go to the police and tell them everything. So then I got them back an answer, if you go and do this then they will find out that I will do this then they will deport me and they will send my papers somewhere. So they were kind of threatening me. So they were trying to tell me so I have to shut up and do whatever they say so I'm going to be okay. (site 3, survivor 3, female, hospitality)

Thus, what started as experiences that would be categorized as labor exploitation (in this case, illegal wage deductions) quickly escalated to labor trafficking abuse through the traffickers' threats of deportation.

Although the frequencies of victimization experiences in table 6.3 include labor exploitation, indeterminate labor trafficking, and labor trafficking, when looking specifically at labor trafficking

victimization (table 6.4), over one-third (39%) of individuals experienced seven forms of victimization. These forms included depriving and disorienting the victim, threats or use of violence, demoralizing the victim, diminishing resistance, intimidation and control, deception of consequences, and use or threatened use of the law.

**TABLE 6.4**

**Frequency of Labor Trafficking Victimization out of Seven Possible Experiences**

Number of forms of labor trafficking victimization experiences	Percentage
1	0.9
2	8.5
3	4.3
4	8.5
5	7.7
6	31.6
7	38.5

**Note:** Mean = 5.6 forms of victimization.

Two domestic workers that worked for a family and were both victims of labor trafficking experienced several forms of abuse and coercion, as one legal advocate explains:

**Interviewee:** So it's bad, like one of them, not [main trafficker] but the other sister, locked one of them out of the house, in the garage, to hose down, not hose down, but clean the garage. And I don't know if you know what our summers are like, but like 101 degree weather, in a closed garage, and they wouldn't let her get water so she somehow got out of the garage . . . she had to go to the water hose to drink. They told her if you're thirsty, go get from the outdoor hose. Like treat them like dogs.

**Interviewer:** Were they actually being paid?

**Interviewee:** I don't think so . . . I think that [one of two victims] got some money because she had to maintain that apartment she had so I think she worked, I think they figured it out where it was something like a dollar a day, no not a day. She maybe made 100 dollars a week, and worked 16 hours a day, something really disproportionate. Definitely not minimum wage. (site 2, attorney 1)

In this case, one victim lived with the family and the other lived in her own apartment; however, both experienced equal levels of maltreatment and manipulation.

Although labor trafficking can occur anywhere—indoors or outdoors; behind lock and key as well as out in the open; in rural or urban settings; and within relationships involving employers, employees, and subcontractors—the types of labor trafficking victimization individuals experienced varied by the industry in which they worked (table 6.5). For example, workers in agriculture and private residences more commonly experienced threats and/or use of violence than workers in hospitality or restaurants.

This difference might have been due to the isolating nature of these jobs and the fact that the victims often had little to no interaction with people who did not live in the home or work on the farm. The people with whom victims interacted were most likely taking part in or are at least complicit in the abuse. In one case, two domestic workers had been severely abused and maltreated (one for seven years and another for two) not only by their traffickers, but their trafficker's children, and were forced to hide in a closet when company came to the house. When the investigators started to gather evidence for the case, they found

blood on the knife that had been used to cut one of the women behind her ears . . . the mat where you wipe your feet kind of mat that they slept on, food they hid in the ceiling. (site 1, federal prosecutor).

However, nobody would know this abuse was happening because the victims did not interact with anyone outside the home.

Even workers in more public industries, such as hospitality, restaurants, and construction, were often deprived of seeking alternatives and help through restricted communication, manipulation of debts, and monitoring of their movement (92%, 89%, and 100%, respectively). Because these victims would most likely come in contact with individuals who were not involved in or privy to the victimization (e.g., customers, deliverymen, coworkers) and could thus intervene if they saw any physical signs of abuse, psychological coercion and fraud were often used as the main forms of control and manipulation. One example of this was a case involving young men who were in the United States on B1/B2 work visas and were hired to work for a company operating a statewide fair, as one ICE agent explains:

They came on the B1/B2 legal work visas, but it was a very exploitative situation. So, today I don't have money or you are my favorite, so I'm paying you but not paying you. There was a lot of that going on. The young men weren't getting enough food. They were made to sleep in the hay after they knocked down these big state fairs and doing a lot of physical labor. That's one way of controlling people. If you are so hungry and beat down, you are not going to fight for your rights because you are just exhausted. (site 1, Department of Homeland Security Victim Assistance Program)

TABLE 6.5

## Labor Trafficking Experiences by Industry

Percent

	Threatened/ use of law	Demoralizing	Threats/ use of violence	Depriving/ disorienting	Diminishing resistance	Deception concerning consequences	Intimidation and control
Agriculture (n = 23)	78.3	100.0	100.0	100.0	95.2	90.0	100.0
Hospitality (n = 12)	66.7	81.8	41.7	91.7	91.7	50.0	58.3
Restaurants (n = 17)	87.5	70.0	68.8	88.9	77.8	83.3	90.0
Private residence (n = 45)	90.7	97.6	93.2	100.0	76.5	95.2	95.2
Construction (n = 12)	77.8	100.0	77.8	100.0	77.8	66.7	100.0

**Note:** Some victims were trafficked in more than one industry.

According to our case analyses, victims who worked in private residences were less likely to interact with individuals outside the family members for whom they worked and thus had a higher likelihood (93 percent) of being physically abused. Horrific physical abuse and violence were documented in our interviews with survivors. These abuses ranged from being slapped in the face, head, and body to being stabbed and cut with knives and other sharp objects. The following quotations illustrate the types of abuse domestic servitude victims experienced:

Because I work from their house morning 6 o'clock to at night 12 o'clock, and I take care of two kids ... and when she [the trafficker] come in from work and she every day, every night and she start yelling at me, abusing me, hitting me and all these thing. She don't have any reason but I don't do any wrong but she want to make me like scared, she want make me scared from her and stay inside, make sure I don't go outside. Because after three month or six month, I think three month visa is, after finished that three month she start abusing me because she don't want [that] I go outside. (site 2, survivor 3, female, domestic servitude)

[The trafficker took a spoon and hit me and I was] bleeding, I'm pray, I cry ... [she] tell me, uh, "Your god no good, my god good, [my god] give me money, give children, give all, you[r] god no good," [she] tell me, I cry and tell God, "Please uh take [me] out from here, no no finish the year it's okay, please God give me take out from home here." (site 1b, survivor 2, female, domestic servitude)

**Interviewee:** In her case, the other client who came from that family was the more brutal one. But in her case, it was a lot of verbal abuse, constantly. Around the clock. Torture where she wasn't allowed to sleep. She would only be allowed to sleep for very short periods of time. Also, the mom would then give her her newborn. The mom had a lot of kids. And then she'd be with the newborn all night, so not even sleeping.

**Interviewer:** Did she have her documents taken away?

**Interviewee:** Yeah, they took all her stuff.

**Interviewer:** Did she get paid at all?

**Interviewee:** They did not pay her. I think they ended up after 6 months paying her something. But not to her, they sent it to [country of origin] where she had extended family. She has had no pay for all the years she worked with them. They did a lot of other torture to her body—physical serious, serious, physical torture. (site 1, outside social worker 1)

Physical abuse and violence often constituted the extreme forms of victimization that labor trafficking victims experienced; more subtle and nuanced forms of coercion and fraud were more common. As shown in table 6.5, victims working in hospitality and restaurants were more often deceived and intimidated as opposed to beaten and physically abused. Service providers and law enforcement officials also saw more cases involving coercion and fraud than force involving physical abuse, which is harder to prove in court.

[We] get one or two cases where anybody was ever physically abused. I wouldn't even say a couple of cases where people were pushed around and physically touched but not necessarily beaten. So the vast majority of what you are looking at or what we've seen is all psychological coercion. It's so contextual. I think for your average person, whether it's your juror in a civil case or law enforcement, who might even be more sophisticated about these things from training, there's this real idea of a canonical way that people are trafficked. If they don't fit that, it then gets questioned. That's hard because with labor stuff there is always—I know sometimes with labor there are very clear cases. That's what you hear about in the press. But my experience has been that it's always borderline, and it's hard because you get a sense of somebody who is being forced to labor involuntarily, but how that's happening and why that's happening can be difficult to prove and show. I guess this is true in most trafficking cases. A lot of times you don't have corroborating evidence. (site 3, attorney 2)

One tactic traffickers commonly used regardless of industry was the threat of law enforcement involvement and deportation. Many labor trafficking victims came to the United States, often legally through work visas, to live the “American dream” and support their families back home. Most victims in our sample and survivors we interviewed had no previous encounters with law enforcement in their home countries or in the United States and were law-abiding individuals. Thus, the threat and fear of deportation, or the mere mention of law enforcement or ties to law enforcement, were enough to keep victims from running away or seeking help. When one victim asked her trafficker to return her passport, the trafficker told her that the police might kill her, then deprived her of food for four days for asking for her passport:

**Survivor:** [The trafficker said,] “This your passport, it's okay you take it, your passport. No good maybe you go to outside, maybe police kill you.” I said, “No! No [trafficker's name] no! I have children I'm coming working get money for children, for my children!”

**Interviewer:** You say “yes” to [trafficker], you say, “It's okay, I stay?”

**Survivor:** Yes, [she then say], "I am no give you eat four day." (site 1b, survivor 2, female, domestic servitude)

Deportation was often considered a sign of failure that would bring shame on the family and would prevent that person from reentering the United States and possibly prevent their family members from entering the United States. Also, in many cases, victims had accrued a debt back home (e.g., bank loans, property collateral) to come to the United States and would face a host of consequences if they were deported and unable to pay that debt back.

Several jurisdictions have found that threats of deportation and financial consequences have been sufficient for claims of forced labor under 18 U.S.C. § 1589. Courts have also recognized that threats of immigration and financial consequences would lead a reasonable person to believe they were in serious danger under § 1589(a)(4),<sup>37</sup> thus illustrating that prosecutors and judges do not always need hard evidence to prove forced labor.

Despite the psychological and physical control that the traffickers had over their victims, only 18 percent of cases analyzed documented incidents of sexual abuse and attempted sexual abuse. Many service providers stated that it was rare for individuals to be sexually abused by their trafficker, but that when sexual abuse did happen, it was often directed toward domestic workers. In fact, almost all cases containing elements of sexual abuse occurred in private residences/domestic work.<sup>38</sup> An attorney for a service provider discussed a case in which the husband of the wealthy family the victim worked for repeatedly sexually assaulted and threatened her, while she also had to cater to the wife's every need and desire.

So her case, she was domestic servitude, she was brought by a recruiter from [home country] to Saudi Arabia, and was not paid. Nothing that she [was] told was going to happen happened, the man was sexually assaulting her. Before sexually assaulting her, he was like, "You can leave but take your best shot, you can't go out without a burka, you can't go anywhere, you're a female, you can't be unattended, good luck." So she didn't have a choice, she was stuck there. And so not only was she not being paid, constantly had to do work in the house, [but] she also was having to shave the wife, like brush her teeth for her, wipe her, like all kinds of demeaning cruel things. And he brought her to the States on their family vacation to go visit his son who lives here. So they brought her and she was able to escape one day when they left the house unlocked. So there is sexual assault there, it's labor trafficking, it's not sex trafficking, but it fits two things for me, so it's definitely a trafficking case that works under OVC for labor trafficking and it works for me as also a sexual assault case because there are other issues that she is dealing with. (site 2, attorney 1)

Although very few cases (4 percent) we reviewed included elements of sex trafficking in addition to labor trafficking, service providers discussed the types of cases that involved an overlap between labor and sex trafficking. To pay back the huge smuggling debt that they had incurred to come to the

United States, many victims had to work in massage parlors, cantina bars, or, as the service provider explains below, brothels located above the restaurants where they worked during the day.

**Interviewer:** Can you explain how that works and what countries they are coming from?

**Interviewee:** Those have been from China if that's okay to say. They've worked in different restaurants. So they are not always just in the same restaurant. Sometimes they can find the job themselves, but either way they have this huge debt they have to pay. The person knows where they are working, and where they are getting their money from. They will work during the day, and upstairs they live and stay. A lot of times they have to do sex work at night. We haven't seen a ton of these cases, but typically the ones I have worked with—it's not commercial sex the way a sex-trafficked client—I hate to say it that way but—is working, this is their job around the clock. It will be more like sexual abuse and rape and sometimes they are paying—a smaller ring of people. It's not just straight prostitution: four clients in an hour, every hour. It's not like that.

**Interviewer:** The clients they are serving are part of this trafficking ring to begin with, whether it be with friends or something?

**Interviewee:** Yes.

**Interviewer:** You said sometimes they are paid and sometimes they are not paid.

**Interviewee:** If they are paid, it's to the trafficker. It's straight trafficking. They don't make any money themselves at all. (site 1, outside social worker 1)

We heard from one service provider who works with migrant farmworkers that sex traffickers transport women and girls to farms and worker camps where there are large groups of men with cash at hand. Farms and work camps make up an ideal venue for sex trafficking because they are typically isolated from populated areas and rarely include nonmigrant workers. As he explained,

Because if you think of it, in a sense, the migrant workers make the ideal [customers] for the pimps. They get paid every 15 days in cash. The visitors always know what the payday is. They are often young. They are without their partners, if they have partners. Some of them are single. Others have families back home. They are under extreme isolation with very little social contact with anyone outside of the camp, and it's often all men. So it creates sort of an economy for that sort of tradition. But you begin to see that at all the camps. When you get into the bigger camps, you always get a certain segment, and this, I have found, is more particular to the Mexican population than people from other countries. I don't know if it's something that goes on in Mexico or what, but there is always going to be a segment of the workers who ask the suppliers or the visitors for younger girls, for underage girls. And there will always be a type of supplier or visitors who go out of their way to find those types of girls who obviously, under federal and state law, it's not even a question of whether those women are there on their own accord or not. If they're underage, there is no choice. So they'd technically be called traffickers to supply that demand.

And the benefit that we have is that, as certain as it is that a segment of the workers will be demanding the younger girls, there will also be an almost equal amount of workers who see it and find it reprehensible. And they will want to tell us about it, especially when they have some assurance that we're not going to just raid their entire camp and get them all deported. We often rely on people like that to start gathering information about traffickers who are supplying

underage girls. More often than not, the visitors [trafficked women and girls] come on a regular schedule. So they'll visit on one day of the week at a certain time. Usually it's a strategic time. If it's a bigger farm like the dairy farm where you guys went with night shift and day shift, they'll arrive right during the shift change so that they'll catch the workers who are on their way out and then the workers who come back in. And from what I understand, part of the reason they have a fixed schedule is because they have a fixed group. And they'll visit entire farms, you know, groups of farms in an entire area every week. But obviously with those, it can be elusive because the motive is so powerful that just as soon as you take a few players out of the game, they get replaced by others. It really goes to show how big these networks are. Another hint we get that these are organized networks is that they will often bring different girls every week, so they are definitely going back to supply centers of the major urban areas: Boston, New York, and Montreal, where they are sort of strategically swapping out the girls so that it's harder to track them and give them help. Because if you have the same girl visit the same camp every week, someone might take pity on them and begin to help them or get them in touch with enforcement. But if the same girl is getting moved around to a different, you know, part of the state or a different state every few months, it makes it much more difficult for them to seek help. Those are some of the challenges. (site 4, VS 4)

In this particular case, law enforcement was aware that women and girls were being brought into the labor camps for prostitution but were not interested in pursuing investigations into potential sex trafficking. Although claims about the connection between migrant labor camps and sex trafficking are not new, more research is needed to better understand the extent and nature of such practices.

## Realization of Victimization

According to service providers, law enforcement officials, and advocates who work with survivors of labor trafficking, an individual rarely comes forward and identifies as a victim of labor trafficking. Victims may notice that something appears wrong, or that they have been deceived, or even that they are a victim of "something," but rarely will they see themselves as being trafficked. In almost every case we reviewed and survivor whom we interviewed, at some point the victims knew they were victimized. Some individuals knew almost immediately after entering the United States when their documents were confiscated or their living conditions were not what were originally agreed upon. Others knew something was wrong once they started working for their trafficker. One survivor described how he had signed two contracts, one in his home country, which documented his weekly pay (\$1,400 net a month and free housing and food), and another once he arrived in the United States.

In that contract it said that you can't run away, you can't be sick, you can't take sick leave. It was an unfair contract. I had to work more than the times that were stated. And when I filed a tax return and they took out my tax from my pay. It was so unfair but I had to sign it because I was already here. (site 3, survivor 7, male, restaurants)

In addition to signing the new contract, he had to pay an additional \$2,000 for “paperwork”; this debt was divided into five payments and deducted from his pay. He also had to pay for utilities, water, and electricity, despite being told these bills would be covered, which left him with a take-home pay of \$1,200 to \$1,300 for working 12 to 14 hours a day, six days a week.

Workers who were paid through a subcontractor often didn’t realize that something was wrong until they received their first paycheck and saw deductions for housing, food, transportation, and in some case medical insurance, and were often left with so little that their earnings would barely make a dent in their debt back home.

**Interviewer:** So would you say that the first time that you realized that there was something wrong was when you got your first paycheck?

**Survivor:** Uh huh.

**Interviewer:** And then at that point, you were like . . . and you were scared because they kept threatening you for deportation.

**Survivor:** Uh huh, yeah.

**Interviewer:** Did you ever consider going to law enforcement?

**Survivor:** No, because we know they are so influential. We know that they have connections and powers.

**Interviewer:** At that point did you feel like there was anybody that you could go to for help, or did you feel defeated?

**Survivor:** Well, at that point we feel so hopeless. (site 3, survivor 2, male, hospitality)

The anger and hopelessness that many of the survivors felt once they realized they were in a terrible situation was still felt when they recounted their experiences during interviews. As the following quotations illustrate, many of them felt that it would have been better to have stayed in their home countries despite how dire their circumstances were there.

I’m already pissed off. I’m very angry and I’m disappointed. I was just very negative. I did not think about trafficking or whatever, but I did know that I was being tricked. And the thing is that I was already an illegal alien here. That was the most devastating part of my life. So I finally give in. (site 1, survivor 1, male, hospitality)

Honestly, at this point, because I lived in such hell, I honestly believed my life was going to be that way forever and ever, cause I never reached out to anyone. I just basically lived me life and no teacher ever saw everything that was different about me . . . um, I’ve gone back and talked to some of those teachers and they said they never really noticed anything, I was just normal to them, which I don’t see how they could see that. I think sometimes we just choose to ignore certain things about people. Um, they just, I just really, honestly just wanted to die. If I could be honest, and I just felt like this is what my life is going to be like so I just need to settle into it because this is what it’s always going to be, so I stopped reaching out to people. Um, I think my

only attempt was that time when I went to [name's] house when I was in [state], when I ran to her house but of course if a pastor and a nurse can't help me then I felt like nobody could. (site 2, survivor 7, female, domestic servitude)

Whether or not a victim was left with physical scars, their victimization often left them with emotional scars. Many of the labor trafficking victims were dehumanized and made to feel they were unworthy of respect and kindness. They often felt they were invisible to the outside world. In many cases they were not allowed or unable to communicate with others, whether because their movement was controlled and restricted or because there was a language barrier with their coworkers. This extreme level of isolation and alienation would often lead to severe forms of posttraumatic stress disorder, anxiety, and depression (discussed in more detail in chapter 9). A service provider social worker described the difference between the sex trafficking and labor trafficking survivors he had worked with, particularly around the effects of extreme isolation, as follows:

This is unofficial, but I would say that it correlates to the situation and how brutal it was—how scared they were every day. A lot of the sex trafficking clients by comparison are exposed to a lot of people—other clients, most times the clients don't know anything bad has happened. Sometimes they can just chat or they will have a client that they don't mind seeing as much as the others. Yes, it's still rape and they are trafficked and everything else. It's not to say that it's not, but it is someone else other than their trafficker who they can interact with. And they have coworkers. Most of the sex workers who've been in commercial sex have coworkers who speak Spanish too. A lot of them are Spanish speakers. A lot are Russian speakers. They are working with other Russian speakers, Chinese speakers, and Korean speakers. So they have other people they can at least chat with at night and cope. But the domestic workers—usually there are other workers in the house from other countries, but they don't speak the same language. And they are not allowed to talk anyway. They speak both a little bit of English, they are not allowed to talk, so that's the difference. And the level of threat and fear for their families is really pervasive. I would say, yes, overall they have depression, anxiety, PTSD, but they also have all those other issues. (site 1, outside social worker 1)

## Witnesses and Bystanders to the Victimization

As discussed above, survivors participating in our interviews were often victimized by their traffickers through force, fraud, and/or coercion. Victims—particularly those working in domestic servitude—were sometimes forced to hide when individuals outside the trafficker's inner network visited the trafficker's residence, limiting contact between the survivor and people not directly involved in the trafficking experience. In some cases, the children, siblings, and/or parents of the traffickers played a role in the abuse and dehumanization of the victim. The traffickers would encourage the humiliation and verbal abuse, and as the two examples below illustrate, praise their children when they acted out against the victim.

**Interviewer:** The kids, did they see what was happening and think it was wrong? Or did they also treat you badly?

**Survivor:** Yeah, because kids also they . . . because mom said, you know, "stupid, stupid," so they call us also like that you know.

**Interviewer:** They just learned from . . .

**Survivor:** Yeah, [their] mom, but when the kids call [us] stupid, [their] mom get happy. (site 1b, survivor 1, female, domestic servitude)

**Survivor:** Everyday see mommy [trafficker] no give food after eat dinner, give take a plastic of food, no finished food plastic food, Ajax, Ajax? Understand?

**Interviewer:** Ajax.

**Survivor:** Yeah, Ajax and put soap give water throw it.

**Interviewer:** Oh, so she [daughter of trafficker] ruins the food so you can't eat it?

**Survivor:** Yeah, and [other domestic worker/victim] and me take it, take it and wash it [and eat it]. Children all no good. (site 1b, survivor 2, female, domestic servitude)

Although the above quotations describe situations in which witnesses take a more active role in the abuse and coercion, in many cases, other witnesses and bystanders play a more passive role in the victimization. Many victims participating in our interviews had interactions with individuals other than their traffickers, such as members of law enforcement, staff working for the trafficker (e.g., gardeners, secretaries, maintenance workers), or other coworkers. Although these encounters sometimes played a critical role in the victim's escape, many of these interactions resulted in an unrealized opportunity for rescue. In some cases, bystanders offered advice or other forms of assistance, but the victim was unable to act due to the actions of the trafficker; in other situations, bystanders simply did not believe the victim, feared retribution from the trafficker, failed to understand the victim was in a labor trafficking situation, or were seemingly indifferent to the victim's plight.

One survivor, for example, confided in a friend whom she met at church about the physical abuse she suffered at the hands of her trafficker. When asked if this friend offered any advice, the respondent replied:

Yes, yes she would tell me, "Look this, this will help. Report him [the trafficker]. Call 911," things like that. But I would tell her that when [the trafficker] would hit me, he would disconnect the Internet, the telephone, everything. He would take away the phone, also the cellphone he had purchased for me. He would take away everything. (site 2, survivor 2, female, domestic servitude)

Thus, although this friend offered helpful advice to the victim, the trafficker's action prevented the survivor from reaching out to authorities, and she remained in a labor trafficking situation even though

others were aware of her abuse. For another survivor of domestic servitude, a call to 911 did not result in an escape from her victimization. Rather, law enforcement arrived at the traffickers' household and chose to believe the perpetrators instead of the victim. The survivor described her experience, beginning with the arrival of the police:

Police officer they come and knock the door, two police officer, and [main female trafficker] she went and she opened the door and the police officer they ask her, "Hey, something wrong at this house, somebody called me on 9[11]," and she said, "Oh no, no, no there is no any problem, this, we didn't call anybody, maybe someone else," and she said like that, and they left, and so (main trafficker's mother) and her husband and all the family there and the sister-in-law she's pregnant right, she lied to police officer, "Hey, this girl she hit me on my stomach," so I said, "No, I didn't." Police officers they didn't listen to me, one police officer, he talked to me, the one other one, the white one, he talked to [main female trafficker], but I don't know what she talked to him and after she talked to him he come to me and say, "Hey, if you call next time 911 we put [you] in jail." That's said, so I try, I try to explain to them, they don't want to listen to me and I said, "I'm not part of their family too and they brought me to clean house," but they don't want to listen [to me]. I was very sad, I thought why they don't want to listen to me, I don't know what she tell them, you know? So I don't know I was very angry but after they moved from that place and they said, "Next time don't call 911, if you call we put jail." So after that, I don't want to call 911, I don't want to go to jail. (site 2, survivor 3, female, domestic servitude)

This survivor's experience raises several questions. In a situation in which both parties are accusing the other of wrongdoing, why would law enforcement choose to believe the story of individuals who did not make the emergency call? Moreover, even if the officers believed the word of the trafficker, would not the safest scenario have been to remove the individual who made the call from the situation? Surely, the officers would have realized that, in the event that their understanding of the situation was incorrect, the person making the emergency call would face retribution from the party whom she had accused. Finally, and perhaps most disturbingly, why would a member of law enforcement threaten any individual with incarceration for using emergency systems?

Unfortunately, this was not the only time in which a victim of labor trafficking came into contact with authority figures who failed to act. Two similar situations were discussed by members of law enforcement who participated in our interviews. In the first instance, the officer described one of his cases as follows:

She [the victim] was a domestic servant and went to a neighbor to ask for help.

She was illegal and did not want to be arrested. She was told that money was being sent home to her family in the Philippines—it was not. There was a 911 call but the police interviewed the victim in front of the abuser. The neighbor said she was exhibiting strange behavior. (site 3, law enforcement 1)

In the second case, private security staff was called to the home of trafficker:

There was an incident. The sheriff's office never came up. The security office came up, the [name of housing development] security thing. There had been a disagreement. She [the trafficker] went out into the driveway. The security people show up and of course they're under orders. They can't go into the curtilage of the home. They can only stay on the public street way, actually the private street. They can stay on the street, but they can't step over the curb into the curtilage of the residence. So they only stood at the curb at the edge of the driveway and essentially believed everything that he [the trafficker] was telling them. And then they go back in [the] house, and it was that night that he lost his temper and started beating the crap out of her and wound up breaking her finger. (site 3, law enforcement 3 and 4)

When asked whether the situation should have raised a red flag for the private security staff, the officers who investigated the case stated

They said we can't really prove that they did it. I interviewed the two guys that were there, the two security guys that were there. They essentially just, "Yeah. We couldn't go in. We couldn't do this." I was like, "Did you ever think about calling the sheriff's office?" And then he goes ... the one kid, he goes, "We have to have the homeowner's permission." No, you don't. (site 3, law enforcement 3 and 4)

These cases highlight that labor trafficking victims can come into contact with law enforcement or other authority figures during their victimization experience, but these figures believed the words of the perpetrator/s instead of the victim. Of course, not all survivors of labor trafficking encountered authority figures. Some survivors had interactions with individuals who knew the survivor was being victimized but tempered their assistance out of fear that they themselves would be victimized by the trafficker. One victim, for example, was given food by both her trafficker's gardener and her secretary. The secretary also assisted the victim by mailing her letters back to her home country, providing a critical resource to a victim with limited means of contacting individuals outside the sphere of her trafficker. The secretary, however, begged the victim not to inform the trafficker of her assistance, stating that she had children and health-related issues. (site 1, survivor 2, female, domestic servitude)

Bystanders with whom a few survivors interacted were either indifferent or simply did not understand the survivor's plight. One interviewee was part of group of individuals being trafficked in a local hotel chain and sleeping in storage room located on the premises. The interviewer asked whether other employees were working at the hotel:

**Survivor:** Yes. Yes there is. I don't know. For some reason, they ... I don't think they ... I don't know if they don't care because they don't know anything about trafficking or it's something new to them or ... it just doesn't seem like they cared.

**Interviewer:** Did they know you were living at the hotel?

**Survivor:** They do. They do. They even know ... because like I said, they just go in the storage room and wake us up. They know our living situation. They never said a thing. Never. I just find it ... they don't know we were rescued.

**Interviewer:** So they knew something was probably wrong.

**Survivor:** Yes. And um, I remember um, we . . . the traffickers don't give our salaries so we don't have money and we were all stressed out because what's going on? And one by one, my coworkers that were trafficked as well, one by one they ran away. And I could run away but I don't want to run away because I don't want to be illegal. (site 3, survivor 1, male, hospitality)

Another survivor sought help from multiple sources, but no one seemed to fully grasp the perilous nature of his situation. The victim, who identified as Filipino, interacted with other Filipino women who had married "white men" in the victim's community:

So that's when I started talking to them [the Filipino spouses] about our situation and it looks like to them it is very horrifying. At the same time very scary, but they don't want to get involved in it because they don't want to be in jeopardy, also because they are only spouses. You know? We have this kind of understanding that hey we can party together, but as to like your immigration status or whatever it is, we cannot be able to help you with that. And so, so I spoke to one of the husbands . . . I think, no he was not a husband but he was a police officer. I told him about the situation, but he seemed not to understand what I was talking about. It looks like just the normal, you know, hardship in the workplace. Something like that. So we went to the church. We opened up to the church, the Baptist church in there. They just prayed to us. So we went to whatever government office there. I don't know what it was that. So we tried to ask them where was the labor department so we could be able to find out what are the rights we have. It looks like they are not helping us actually, so that's why I was telling you, hey it's because it's their first time to see like the brown guys, like the brown little guys. So we are anti-immigrant, so . . . (site 1, survivor 1, male, hospitality)

Finally, some might ask why the victims did not seek help from strangers when they were in public places, such as parks, or inform others of their victimization when they had the opportunity. For some victims of labor trafficking, fear of retribution from the trafficker was the motivating force that prevented them from speaking out and seeking assistance. One service provider talked about one of her clients—a domestic servant—who was not monitored and allowed to take the trafficker's children to the park. To prevent the victim from escaping, the trafficker relied on fear and threats of violence:

They [the traffickers] gave her a lot of threats about the city. You will get be raped or killed. We will kill you. We will kill your family. We know where your family lives. And they would send people to her family's house and make threats there. They extorted a lot of money out of them. So she believed them, wouldn't you? She believed they would kill her if she left. (site 1, outside SW 1)

One survivor participating in our interviews had regular contact with her neighbors, but she did not seek assistance from them because of how they perceived the trafficker. She discussed her experience and reasons for not seeking help:

**Survivor:** No she [the neighbor], anyway they would come, you know bring the kids. We would play, I would play with their kids, and they would ask me, "Why do you always look sad?" I would just tell them I'm thinking about home and my kids cause I didn't want to say anything because they used to trust her [the trafficker] to be a good person because she would tell them how

good, how she's helpful, how she help me come over and they used to say, "Oh, she's a nice person, she used all her money to bring me over."

**Interviewer:** Yep right, so you were afraid?

**Survivor:** Yeah, of them.

**Interviewer:** . . . of telling them something different?

**Survivor:** Yes. (site 4, survivor 1, female, domestic servitude)

These two examples highlight situations in which victims of labor trafficking did not seek assistance even when the opportunity presented itself. Of course, as discussed above, there are many reasons, such as language barriers and threats of violence or deportation, which might prevent a victim from seeking help.

Our analyses showed that some victims of labor trafficking came into contact with bystanders over the course of their victimization. Yet, as a result of misunderstandings, indifference, or other factors, these encounters—whether or not the victim sought assistance—did not always result in the victim's removal from the situation. In the next chapter, we discuss the events that triggered survivors' escapes, the process and methods of flight from their exploitative situations, and the role of others (including bystanders) in facilitating the victims' rescue.

# Chapter 7: Escape from Labor Trafficking

## Research questions addressed in this chapter

- What barriers do victims face in escaping their labor trafficking situation?
- How often do labor trafficking victims come into contact with law enforcement and first responders during their exploitation?
- How do labor trafficking victims escape their situation?
- What important actors are involved in helping victims escape?
- What challenges do victims face immediately after escaping?

## Main findings

- Physical barriers, psychological abuse, and law enforcement shortcomings created challenges in escaping.
- Victims' fear of deportation made victims reluctant to contact law enforcement.
- Most victims escaped by running away. However, the support of community members, friends, and law enforcement were also important.
- Traffickers continued to contact victims after their escape and expanded threats and harassment to victims' families in their home countries.

To understand the methods of escape used by labor trafficking victims, it is important to identify the challenges victims face in exiting their trafficking situation. Because our interviews reflect the experiences of survivors who accessed social services, their accounts may not reflect the experiences of all trafficking victims. However, these narratives help illustrate the ways victims must first overcome physical barriers and psychological abuse to escape. Disentangling traffickers' threats proved a difficult task. Victims struggled to see law enforcement as a unit of support and feared their traffickers' retaliation upon leaving. Further, law enforcement's limited efforts to investigate labor trafficking cases made it more difficult for victims to leave their trafficking experiences.

Victims escaped in various ways and sometimes relied on multiple sources of support to exit their situations. Our case records show that 59 percent of victims escaped by running away. Over one-third

(38 percent) of victims sought help from a community member, and 21 percent received support from a service provider to escape. Support from friends, family, and colleagues accounted for 20 percent of escapes. Law enforcement identified 19 percent of victims and removed them from their trafficking situations, and 7 percent of victims escaped by reporting to the police. Fourteen percent of sampled victims were arrested by law enforcement authorities (most often for being unauthorized immigrants). Their testimonies indicate the high level of independent action victims must take when escaping and how much more can be done to facilitate identifying and removing individuals from abuse.<sup>39</sup>

## Overcoming Physical Barriers and Psychological Abuse

The first challenge victims had to overcome in order to escape was the constant monitoring by traffickers. Isolated labor settings coupled with heightened supervision created limited opportunities for exit. Although methods of monitoring manifested in different ways across the various industries victims were labor trafficked in, all victims reported a high level of surveillance. As our victim case data indicate, 93 percent of victims had their movement to and from work controlled. The heavy monitoring of victims prevented them from having ample opportunity to access help.

When we came into the States they actually used to strictly supervise me. I mean no one . . . I was never left unsupervised. You know? If people leave, there was always a person at the house watching me, watching me. (site 3, survivor 6, female, domestic servitude)

We are limited now to go somewhere else without the authorization. The employer now is a caretaker. It is like a prison now, like four months like that. (site 1, survivor 3, male, trafficking venue unassigned)

They had strictly prohibited me from talking anyone. I couldn't open the door to anyone and I didn't have communication with anyone. When someone came to the house, they wouldn't leave me alone. They were always there. (site 2, survivor 6, female, domestic servitude)

In addition to the traffickers' surveillance, some victims had to overcome physical and geographic barriers. Domestic workers who worked in private residences often struggled to develop social ties that could facilitate their escape or strengthen outsiders' understanding of their situation. Many domestic workers were the sole employees of the trafficker. Unlike victims in other industries, such as hospitality, they did not have colleagues with whom to compare pay stubs or talk to about their situation, leaving victims to fend for themselves and strategize independently. For individuals working in remote areas, such as victims in the agriculture industry, escaping was not just a matter of walking away; geographic segregation created new challenges. Our interviews with victims brought in under

H-2A visas to work raising sheep illustrated the degree of isolation victims experienced. As the quotation below demonstrates, some victims' work sites forced them to be in complete isolation.

If it was at night, we would work until 10 or 11 p.m. at night, sometimes in the desert, in the field, in the mountains. When one goes, one is responsible for food and everything. . . . Alone, alone. . . . Your friends were the little dog that came with you and the horse during the seven [or] eight months in the mountains and the other time, until it was a year, you would go to the desert in the winter. . . . Because we went far away from the city. Once we went working, we were no longer in the city or close to a city. You are very far from the city so, we didn't even see vehicles pass by. None of that. None of that. We only saw the desert and the mountains. (site 3, survivors 8 and 9, males, agriculture)

Victims held in remote locations were often forced to plan ahead and depended on the support of friends and strangers to escape. Even victims who were in trafficking situations with other colleagues, however, faced challenges. Many lived in employer-sponsored housing, creating a platform for traffickers to exercise a higher level of surveillance. Our case data records indicate that 61 percent of victims were living in traffickers' quarters at the time of the victimization. Although victims had the support of peers and were able to strategize with coworkers about methods of escape, they still had to overcome the traffickers' heavy monitoring.

In addition to vigilant control of living conditions, the traffickers' use of coercion, fear, and threats often prevented victims from leaving. Many victims feared that without money they would not be able to receive assistance, and in many cases they did not have the money to pay for transportation to leave the trafficking venue and/or lacked the social network connection to relocate. Victims were also afraid of the repercussions they would face if they left. Victims' fear about their personal safety were well founded, as our case records indicated that in 15 percent of cases force was involved during or after escape, and 26 percent of victims experienced coercion during or after the escape. As the quotation below illustrates, for some victims, escaping was believed to be a matter of life and death.

They were two things in my mind at that time. If I ran away and I was safe then I would for sure meet my kids again. If I got caught I was sure that I would die. (site 1b, survivor 4, female, domestic servitude)

Further, victims had to take into consideration not only their personal safety but that of their family's if they decided to escape. Across our interviews with survivors, many reported being afraid that the trafficker would retaliate. Victims understood that even if they were able to leave the situation, they might not be able to escape the trafficker's abuse. Trafficker's access to their personal information, including their home country address and names of family members, meant that traffickers could continue hurting them by redirecting the abuse toward their families. As the service

providers below describe, victims not only had to think about how their lives could be in danger by escaping, but how they were risking the lives of their family members in their home countries:

And probably the most serious risk that, um, that people face when they consider sharing information about a trafficker is threat of retaliation. That's often what the more serious traffickers rely on, is that no one in their immediate surroundings would dare to put themselves in a situation where enforcement might get involved and it would go back to them, or it would go back to the fact that someone spoke, because in cases like that, there can be a threat of violence against a person. But also when you get into the migrant community, traffickers have ... . at least the ones that I deal with, have extensive enough networks that they have the ability to send people to find the families of people who are working ... living and working here in [name of site]. So even if they themselves are feeling brave about, you know, being able to escape, you know, to move towns or find another job or, you know, just give up some information, they might fear that these powerful traffickers can get in touch with people they know at the border, get in touch with people they know in whatever area of Mexico they are recruiting workers, and find their families. (site 4b, victim service providers 2 and 4)

## Limited Contact and Support from First Responders

Given the high level of surveillance, the remote location of some trafficking venues, and the language isolation many victims experienced, a victim's ability to connect with outside support was limited. Victims also faced barriers in identifying supportive communities that would be sensitive to their ethnic identity and fluent in their native language. According to our victim case data, 74 percent of victims did not speak English during the time of the victimization. In some cases, labor trafficking venues were situated in remote areas with little ethnic and language diversity. In other cases, individuals who shared linguistic or cultural ties with the victim were also connected to the trafficker, thus making it difficult for the victim to rely on them for support. The high numbers of nonnative English speakers reflect the ways in which victims had to cross both lingual and physical bridges in order to escape their trafficking situation. As one victim explained,

I was completely—I was afraid. I didn't speak English that was also another impediment for me because in the town, there weren't very many people who spoke Spanish. There were few Latinos who were there, and the Latinos who were there were with my aunt [trafficker]. (site 3, female, restaurants)

The physical and linguistic isolation of victims created challenges for first responders to get involved. However, actors traditionally tasked with the responsibility of responding to victims' needs, such as labor inspectors and medical personnel, were limited in their ability to aid victims in their escape. This limited ability resulted from two main obstacles. First, victims' circumstances prevented them from accessing services. Second, when victims did come in contact with first responders, these

responders failed to identify the victim as such and respond accordingly. As the following quotation from a legal advocate illustrates, the level of meaningful contact varied and was important in determining whether victims received support.

So you might be able to—you might have gone into town once or something by yourself. And then come back. This is because the worker completely understands that they don't have an option. They have to go back. To other people on the outside, it looks like, "Well, you're free. Why didn't you ask for help? You were in town. There was a car driving by on the road. Why didn't you flag it down if you were starving?" I think that's the real challenge that we face. The labor trafficking cases in my experience never come in the neat box where it's all the facts that you hear about. (site 3, attorney 2)

Medical personnel who would have been able to detect and remove victims from their victimization experiences were not readily available to most victims. Although victims reported experiencing injuries and health problems that required the attention of medical personnel, not all victims were allowed to seek medical assistance and had to rely on self-treatment. As the victims below relate, even when confronting serious medical conditions, they were prevented from seeing a doctor.

Because my medical condition was getting worse and worse, and I thought all the while that I did not come to the United States to be a slave. I thought all the while that despite what we did to the hotels, why is it that people are not listening to us? It was just very frustrating already and I figured that this is a . . . I am being jailed and I am just a toy that they can just . . . a key toy that they can just ask me to work whenever they want. (site 1, survivor 1, male, hospitality)

And they say, "Hey you cannot go to doctor, you don't have paperwork, if I take you to doctor you will be in trouble, and I cannot pay this much money to medicines, doctors." (site 2, survivor 3, female, domestic servitude)

Some victims, however, were able to receive medical attention. During these rare occurrences, medical staff members acting in their official capacity were able to respond appropriately and bring the victim to safety. As the quotation below demonstrates, victims had to flee traffickers to access medical support.

This case actually involves a foreign national, a Mexican foreign national. She was living with . . . This is an outcry. She was working for, we'll just say, the four traffickers and she was just doing a domestic servitude kind of situation. They had their . . . she had a cleaning business. One of the traffickers did. So she was forced to clean office buildings at night. And then one of the traffickers had his own construction business, and she was forced to also to work construction as well as cleaning the house and making food. She was mowing the backyard and she got poison ivy and they wouldn't take her to the doctor. So finally after like two weeks, she was in so much pain that she ran out of the house and got someone to take her to the hospital. And that's when she made her outcry and we got her information. (site 2, ICE agent1)

Not all victims who came in contact with medical professionals were able to receive the support they needed. This testimony from a survivor trafficked as a minor demonstrates the ways in which individuals who were in a capacity to offer support chose not to get involved:

I showed up to her house and half of my hair was gone, basically was pulled out from the roots [from abuse by trafficker], and she said she recalled her mom, her mom was a nurse and now I remember it, her mom was a nurse and her dad was a minister, and I showed up at that door and it was raining and I was crying because you know they had just beat me and her mother's response, who was a nurse was, you know, "We just don't want to get involved in this." I think my only attempt was that time when I went to [friend's] house when I was in [state] when I ran to her house, but of course if a pastor and a nurse can't help me, then I felt like nobody could. (site 2, survivor 7, female, domestic servitude)

Similarly, contacts with labor inspectors were rare, and when contact did occur, the officials were rarely able to assist the victim in leaving their abusive environments. Visits by labor inspectors were also restricted to specific industries. Victims employed as domestic workers did not undergo inspection because they worked within the privacy of a home in an unregulated industry, and there is no oversight or inspection by the Department of Labor or the US Department of State for victims working for diplomats. However, even for industries that fell under the labor inspectors' jurisdiction, such as agriculture and the hospitality industry, contact with labor inspectors was rare. Few victims who entered the country with a temporary work visa, such as the H-2A or H-2B workers, reported inspectors speaking with them about their working conditions and treatment. The lack of oversight can perhaps be credited to the high numbers of H-2B and H-2A visas issued by the United States. In 2012, for example, 85,248 H-2A and 75,458 H-2B visas were processed.<sup>40</sup>

Across our interviews, only two victims reported having contact with labor inspectors. In these cases, the inspectors failed to converse with the victims themselves and/or declined to follow up with the employer about concerns raised by victims. Scheduled visits by inspectors created opportunities for traffickers to manipulate labor environments and form the illusion that labor trafficking was not taking place. Despite reporting abuses to labor inspectors, one victim explained that the traffickers did not receive more than a fine, and no further efforts to investigate the case were made:

Two men and a couple young ladies came personally to interview us, just like you are doing. "How are they treating you? Does he bring you firewood?" But that day, the man brought us food, plenty of food. Yes, we told them that three or four days before you came, he brought us this stuff. Here is all the food. You have seen all the food, what state the house is in, that it was in bad conditions, and all of this to report I don't know where. They told us they made the man pay a fine. That is also what part of the problem was also. He said, why we didn't say we lived well, that he treated us well . . . so, basically lying. (site 3, survivor 8, male, agriculture)

Our focus group with agriculture workers produced similar findings. When asked about visits from labor inspectors, agriculture workers interpreted this question to mean if any inspector had entered

their working facility and talked at length about inspectors entering facilities to observe the conditions of animals and equipment, but failed to examine the conditions of the workers. As the quotation below illustrates, the priority was placed on workplace environments or the proper treatment of animals, never on the well-being of the employees themselves.

Well yes, an inspector does come, over there where the machines are, but it is from the farm. They just check everything. The worksite, the cleanliness, the milk, if it is coming out clean our not, so basically to make sure everything is clean. There are some that don't speak Spanish, but they leave the manager in charge and he speaks a little Spanish and so then he tell us—like we need to maintain the machines clean or there will be an inspection this afternoon. When it is something more urgent, they have a translator for us in Spanish. . . . They go directly with the bosses or the managers. . . . Sometimes there are those who come to supervise the animals' rights, that they shouldn't be mistreated, that they shouldn't be hit, something like that. (site 4b, migrant worker focus group)

The limited support emergency responders were able to grant victims, along with the restricted contact victims had with these actors, made it difficult for victims to rely on these external players for help escaping their trafficking situation. Often, as described in the next quotation, the first responders were there only to offer general assistance and were not trained to look for signs of illegal activity.

So LEOs [law enforcement officers] are mandated, their training is mandated, but you have people like firefighters, and they don't have training mandated. And their perspective is so different, they're trained to go in and help, and sort of look at the whole picture, and they're not suspicious of anyone, they're not trying to find who the bad guy is, they're just there to help. So people see them differently, people see them as heroes, they disclose a whole lot more to these guys, but there are not mandated trainings. So that's another big thing. (site 2, victim service agency executive directors 1 and 2)

When medical personnel or other first responders were unwilling or unable to offer assistance, victims had to depend on law enforcement for their escape. As the next section outlines, this was not always the most appealing option for victims.

## **Victims Relationship with Law Enforcement**

The role of law enforcement in identifying and intervening in labor trafficking was increasingly important given the limited contact victims had with first responders. However, despite the important role law enforcement had in ensuring victim safety, their level of involvement in labor trafficking cases varied significantly. The varied response from law enforcement also presented new challenges and put a huge amount of responsibility on victims to report their cases. Furthermore, despite sometimes coming in close proximity with victims, law enforcement missed opportunities to interview victims and help them escape.

As the narratives below indicate, law enforcement presence at trafficking venues to address other issues, such as a fight or noise complaint, was not uncommon. In these cases, law enforcement missed opportunities to investigate further to see if other violations were happening.

One thing that happened also, like they [traffickers] have a small party in our house and then our neighbor are calling the police. It is very noisy. Not going inside because already they talk outside. They not wanting to go inside to check everything. (site 1, survivor 3, male, trafficking venue unassigned)

In one case, a victim had direct contact with a member of Homeland Security. Immigration enforcement officials came to the home where she was working looking for someone else. After questioning the victim they realized her visa had expired. They detained her, and after the trafficker secured her release from detention and returned her to the position of exploitation, the victim had regular follow-up with an immigration official monitoring her “Notice to Appear”<sup>41</sup> who never recognized she was being labor trafficked. The victim had been trained by the trafficker to not talk about her abuse and officials failed to dig deeper into the issue.

Mm-hmm and every week I had to report and say he would ask me, “Are you okay? Um, is there any problem?” And I would say, “No.” Cause I was told, she had told me, “Don’t say you have any problem, just tell them, uh, you are scared of going back home because you know you’ll be in danger if you go back home, there’s someone who would harm you, that’s why you didn’t go home.” (site 4, survivor 1, female, domestic servitude)

The immigration officer in this case was a Homeland Security investigator. It was not clear if these officers had been trained to screen for trafficking victimization. The level of unawareness some law enforcement had when coming in close proximity to victims of labor trafficking again speaks to the need for a deeper understanding of the many places labor trafficking can occur and the need for more training. In particular, victims held captive in private homes who did not fit the description of victims being trafficked in dangerous factory settings faced the possibility of being overlooked or dismissed as victims. As the quotation below illustrates, when victims worked within the home, assumptions were made about their willingness to be there and their relationship to the trafficker.

Yes. Previously, I had not mention that he [trafficker?] would get in physical fights with his dad, right. I would defend so that neither father nor son would hit each other. They would get their firearms; they wanted to like kill each other. I would get hit by both of them because I did not want for both of them to fight and um, the police had come and so they remembered the address, the men and they told me, “Oh, you were the person that was there that time,” and I said, “Yes, I am her.” “Oh, I thought you were like a sister.” And I said, “It was my husband and my father-in-law who would fight.” And no, it just wasn’t one time, they did it lots of times and I was always in the middle so they wouldn’t fight and taking hits. (site 2, survivor 2, female, domestic servitude)

With little to no assistance from law enforcement, medical providers, or other bystanders, victims were often forced to take matters into their own hands and work independently to plan their escape. Although law enforcement was involved in some cases, contact was rarely initiated by them. Further, when victims did reach out, the response from law enforcement was often mixed. Some victims reported having positive responses from law enforcement after initiating contact. As the narratives below indicate, however, victims had to overcome a lot of hurdles just to reach a law enforcement officer who could help. Although the challenge of contacting law enforcement had clear benefits in these cases, the strain it put on victims to access them was apparent.

I wanted to speak to somebody in the consulate or embassy to explain to them my problem, what had happened to me. I called one of my friends . . . I called one of my friends in Santo Domingo, the ones that had told me . . . the ones[other trafficking victims in same case] who had come and gone, you know and, uh-uh, and he gave me an email. And he gave me an email so I could send an email to the people from here from . . . the people from ICE in [city]. And so I sent an email through the help of my cousin who knows English. I explained everything that had happened to me and like two or three day later, they replied and they want . . . they said they were interested in speaking to me. (site 1, survivor 4, male, factory)

Other victims' experiences with law enforcement were not as positive. Not all law enforcement officials who came in contact with trafficking victims knew how to respond. In some cases, law enforcement were not perceptive to warning signs and failed to dig deeper to investigate whether victims were being trained to respond as if nothing was wrong. Many victims faced consequences for having expired visas and little or no effort was made to understand why the visas had expired. Some victims were not given the opportunity to explain their situations:

They [law enforcement] just said, "Oh, we are arresting you because you have an expired visa. You are living here illegally, you were supposed to have gone." And then they said "Okay, let's go to the station." So I went and they asked me questions and then some of them . . . I told them, "No, I overstayed because I was trying to renew my visa." And they wouldn't accept and then they asked me any proof that to show that you know facilitated your papers to your embassy for the renewal of your visa. I didn't have anything, so she [trafficker] said, "Oh you messed up, I hope you didn't say that you had been working for me because I'm going to deny you." I said, "I didn't say that I'm working for you, I already know that." They didn't even know anything about, they, all they wanted, they said, "You have overstayed." That is what they, they didn't go into details and even myself I didn't understand like I just knew that I was the one that was wrong, [trafficker] was right, you know? (site 4a, survivor 1, female, domestic servitude)

To further complicate the effects of law enforcement's mixed response, victims also had to confront the immigration enforcement responsibilities of the police. Many victims also expressed a high level of fear of contacting authorities. The anxiety of seeking support from law enforcement stemmed from traffickers' threats to use police force and the reality of a foreseeable removal.

In many cases, victims had accepted the threats made by traffickers as true and feared that contacting authorities would lead to deportation. Victims also struggled to disentangle the negative perceptions of law enforcement from their home countries. As the service providers below illustrate, victims were distrustful and leery of the intentions of law enforcement.

I think most of the clients are afraid because they've been brainwashed while they were trafficked from the very first moment. They've been fed all this misinformation about what's going to happen to you or your family back home, or even here if it's in the country, if you speak up. They are going to put you in jail. They are going to take away your children. They are going to take away your passport. You are going to go [to] prison. They are told all these things. It's constantly put in their heads. By the time they get to someone who is supposed to help them, I don't think they know what to believe. How do they know? They come from a situation where they've never heard of these things, ever, or questioned them or wondered about the system and how it works. And all of the sudden the person who is teaching them about the system has malicious intent and brainwashing intentions. That's all they know, so they are suspicious and guarded. (site 2, psychologists 1 and 2)

I also think that in labor trafficking cases the victims are particularly afraid of law enforcement, and they're worried about being prosecuted for violating immigration laws, for deportation, and often they're very legitimately afraid of their own safety because they've been threatened and they don't necessarily view law enforcement as a safe way out. So even if law enforcement is coming into contact with victims, and I'm sure they are every day, there's a lack of communication there. There's a lack of identifying that person as a victim and then the lack of communication from the victim to law enforcement for help. And so that combination of things is doubly problematic. (site 3, attorney 2)

This fear was equally pervasive for individuals authorized to enter the United States and for those who were not. For victims who entered the country with a visa, contacting law enforcement meant jeopardizing their immigration status, as their employer-sponsored visas lacked portability. Victims who reported to the police were in danger of losing their jobs and being forced to leave the country (often with extraordinary debt). Traffickers continually reminded victims of the power law enforcement had in removing them from the country, making it difficult for victims to perceive law enforcement as a source of support. Many victims believed that the police would not be on their side and would instead respond to the claims made by traffickers. Traffickers' efforts to demonize law enforcement as a way to discourage victims from contacting authorities was very successful.

I worked for those people for two years, eight months, but during all that time—a year and a month, I was afraid to look for help because I didn't have any of the papers and the man and the woman would tell me that I had problems with the law, with immigration. So then, I was forced to work for them. It was partly because immigration knew and if they didn't find me there, well, I would have serious problems. (site 2, survivor 6, female, domestic servitude)

I had a two-year contract and I didn't know anyone at that time, and I didn't really want to become an illegal like some of my friends who just ran off and what you called a "robin hood," which is an illegal immigrant. I didn't want that. I wanted to live here legally. (site 3, survivor 7, male, restaurants)

For individuals who had come in through a visa program, the thought of being deported was unbearable. Many recounted the frustration of having to face deportation even after taking all the steps to enter the country legally. As the survivor below indicates, the thought of being deported even after going through the visa process seemed unjust. For these victims, the importance of remaining hidden was a pressing objective. Victims believed they were already on law enforcement's radar for overstaying their visas and as a result, they did what they could to avoid law enforcement. For them, the costs of contacting police outweighed the perceived benefit. This situation added to a level of hopelessness among the victims and the sense that they would have to fix the situation on their own.

I will be deported because that's it. I know that. Before I cannot accept it, but you know you have to face the reality that it's really happening. So for me, I told myself, "Lord, thank you for giving me a chance to see America, too." It's really sad but I have to go. I stayed home because you know the order of deportations—some of my friends told me you have to go somewhere. I'm thinking I did not do something wrong. Why do I have to hide? This is beyond my situation. I fix my papers; I do it in the right way, but you know. So, I ask myself, I did not do this. (site 1, survivor 5, female, home health agency)

Victims who entered the country without authorization were aware of the consequences they could face by law enforcement, which they saw as an opposing rather than a supportive force. For this group, the reality of deportation was clear from the moment they arrived in the United States. The threats of traffickers carried a different weight because the victims recognized the role the police had in enforcing immigration laws and the ways in which their immigration status left them vulnerable. As one survivor told us,

I never thought in the police because the police never crossed my mind, because I thought that they weren't going to help me because I was illegal, because I didn't speak English. (site 3, survivor 5, female, restaurants)

Our focus group with unauthorized immigrant dairy-farmworkers revealed similar findings. Although the participants of the focus group were not victims or survivors of labor trafficking, their opinions about contacting law enforcement mirror those of labor trafficking survivors. When asked what action they would take if they encountered employer abuse, participants agreed that they would prefer to seek other employment via their social network rather than risking being blacklisted by employers or facing potential deportation. In the participants' minds, reporting an employer's abusive behavior was not worth the potential trouble:

If the boss didn't treat us well, we would decide to go to another place. Another place that was the same occupation, working with cows. We would just move on. [In response to being asked if they would reach out to someone else for help] Here we can't because one, we don't know how to speak English. Another thing, we don't have rights. We are illegal. (site 4b, migrant worker focus group)

Despite the fact that the human trafficking law protects all individuals regardless of immigration status, individuals were unaware that they were trafficking victims. Although 94 percent of individuals in our case data reported being aware of their abuse, none knew what labor trafficking was and the protections they would be given for coming forward. Even still, receiving the protections afforded under the law depended on the awareness of those in charge of enforcing the laws.

## Methods of Escape

Given the limited opportunities to leave their trafficking situations, victims had to conceive a plan to escape. Some victims tried more than once before successfully escaping. Our case records data indicate that 11 percent of victims had made previous efforts to seek help and escape. As described in chapter 6, some victims had contact with bystanders and had attempted to inform them of their situation in order to get help. After running away, this survivor tried to flag down cars for help:

Yeah, run away and I didn't run away, [I] mean she slapped me, right, she put me and she putting me outside and she say, "Hey, get out from my house, get out from my house!" I say, "I will get out, send me my country, I don't want to stay," and she said, "No, you get out from here, I don't want to send to you, get out," and she locked the door. She put me outside and she locked the door, and I said, "Okay, I will go," and what I did, I ran away. Run, I running, I get out from their house. I start walking and so nobody helping me, I call like two or three cars, I tried to stop and I tried to help them. But nobody stopped. (site 2, survivor 3, female, domestic servitude)

The level of planning involved in each of the escapes varied. Some victims escaped with the help of their social network and worked strategically to leave their situation, and others jumped on opportunities of narrowed surveillance or the support of strangers to escape. Our review of labor trafficking victim case file data<sup>42</sup> revealed that 59 percent of the victims escaped by running away. The support of community members, service providers, and friends was also instrumental in helping victims leave their trafficker. Seeking help from community members accounted for 38 percent of escapes, 21 percent of escapes were credited to service providers, and help from a friend accounted for 20 percent. Law enforcement was also involved in helping victims escape, although their contact with victims greatly varied. In 19 percent of cases, victims were identified by authorities and removed from their trafficking situation. In 7 percent of cases police responded to a victim's direct outreach for help. However, not all contact with authorities was positive. In 14 percent of cases victims were arrested by authorities (most commonly for being unauthorized immigrants).

Victims' methods of exit from labor trafficking varied greatly. In many cases, their escape was not the result of one sole action or individual but a combined effort among multiple actors. This

collaboration among actors and blurred distinction among the different escape methods are clearly exemplified in the stories of victims who escaped by running away, the most common method of leaving. For victims who did not have a social network in the United States and whose isolated work environment prevented them from developing social ties, such as victims confined to the domestic sphere or agriculture, leaving their trafficker by running away was one of the only ways out. By relying on opportunities of narrowed surveillance and the good intentions of strangers, many victims were able to leave their trafficking situation. Unexpected events such as a door being left open, trafficker's being on vacation, or obtaining the passcode to the garage door were fundamental to victims' ability to escape. Such events allowed for reduced vigilance and gave victims the opportunity to leave, as the quotations below demonstrate.

At night it was snowing and I looked at the door and the alarm wasn't set yet. It was still green. I thought to myself that I couldn't communicate with people so I took with me some chili, chili pepper. And I was already given my passport back one week before. And I could show people my Indonesian passport. And there was some Indonesian money. And when I did the Mr.'s laundry I had found \$5. I took it from the shirt pocket. I left and I didn't know where to go. At that time it was snowing, so everything was covered in snow. It was past 11 p.m. . . . I had on sleeping clothes, like a nightgown. (site 1b, survivor 4, female, domestic servitude)

And I asked the driver, "Please, please can you give the pass . . . the key number for the door because I'm going to leave the house." Because the driver knows everything. And he told me, "Don't tell them that I give you the number." The driver felt sorry for me because he knows how they treat me. He want to help me too because . . . when I asked, [he said,] "Okay I'm going to give you, but be careful, be careful. Don't tell them that I give you." (site 1, survivor 5, female, domestic servitude)

One day he hide it and I find it and when I get the passport, I just get out again. I left with no shoes. I downstairs doors were always locked. The children were always there watching me so I could not leave downstairs. Upstairs the door was unlocked and there is stairs. I went out door and downstairs and left. I didn't go straight, I had to turn in and out so they would not see me [gestures with arm]. I find some people that are walking. I asked them to call the police, they said they would not. I showed them my passport and my bare feet and they gave me some shoes. I went so far again. I found one person. I showed him my passport and I asked him to call the police. He told me to get in the car and told the driver to take me to the police station. I told the police and they took me to the shelter and that is how I got to [service provider]. (site 2, survivor 1, female, domestic servitude)

Because when I say to them about my passport and jewelry and their response was that they would kill me and bury me in the backyard. After late afternoon I found the door open. I would put the baby inside [suspect 1: husband] room. I have to survive without carrying anything at all if I want to survive and live. After I got out from the opening of the door in the late afternoon. So I put the baby in [suspect 1: husband] room and I got out and I walk and walk and walk and walk and I came to [street name] Boulevard in [area site 1 city]. I got inside a shop and I ask a fellow brother to please call me a taxi. There is a woman named [bystander 2] and I went to [bystander 2's] house. (site 1, survivor 3, female, domestic servitude)

Our exit, like I said we went to a gas station. And from the gas station, we got another, how do you say it, another truck, and during that time, we stopped at another gas station. And it was the following day because the friend took us to a home. He told us, "Well, you are just roaming, let me take you to a house." And because we didn't know, we got to a house and settled there that night. And the next day, to our surprise, there was a nun who would come with bread and clothes to that place and there were lots of other workers, too. (site 3, survivors 8 and 9, male, agriculture)

Victims' initiative played a key role in ensuring a successful escape, as did the support of community members. These combined forces allowed victims to escape and to access the services they needed. In several cases, once fleeing from the trafficker's proximity, victims fortuitously met a person who spoke their native language or knew to take them to social service providers or authorities. Many times this community member was a taxi driver, a faith leader, or a perceptive stranger who sensed that something was wrong and took the time to speak to the victim. These strangers were able to appropriately direct victims to places in their community where they could connect with members of their ethnic community or service providers who could offer them more support. An accidental encounter with a stranger was key to this victim's successfully receiving support:

And I ... the only night that I got out, managed to get out, was a night in which they all somehow slept. All of them were sleeping. So that's how I managed to escape away. When I left the door, I came down ... down and then there was a cafeteria down. And somehow I encountered with a Somali person and I told him about my situation and he then facilitated and connected me to other female Somalis. (site 3, survivor 6, female, domestic servitude)

Some victims met helpful strangers during their victimization. These community members, including neighborhood residents, were aware of some form of victimization, either through conversations with victims, events they had witnessed or overheard, and sometimes simply from their own intuition. These individuals played a big role in extending support to victims and were responsible for 38 percent of victims' escapes. The persistent inquiries of community members such as neighbors and sometimes even a labor trafficking survivor allowed victims to disclose the status of their working environment and escape their traffickers.

Yes, because that way she know I could not stay in the garage, right? So I that day the maintenance come and he said, "Oh, you need to get out, we need to [fix door of] garage," okay, and I said, "Okay," and I get out from garage and I don't know I crying so much I don't know what to do. I don't want to go back to them [traffickers] and that time Ms. [neighbor's name] she came near to me and she said ... their garage also nearby there, so she said, "What's going on?" And I said, "This is, this reason, they hit me and all the time I staying with them two years, and I don't have my paperwork, and they never bring me my visas," and I start crying even I cannot talk. And after that she say, "Don't worry, honey, I will take care of you and come to my house, I will give you something to eat." And she say, "Take shower," and everything and she gave me sandwich and after that she brought me to [site 2 service provider]. (site 2, survivor 3, female, domestic servitude)

So she talked to her, gave her information and asked questions. And the woman said that the job was really difficult. She still doesn't look at it as trafficking because she thinks trafficking is sex trafficking, but it was one of the most brutal cases we had. It was clearly trafficking. She started to give her information, she gave her my number. The client called me from a pay phone. She ran away first. She ran away after she brought the kids home. I think it took a couple times talking to the woman before she left. And then she called, we made a plan for how she can get into our office. She came in and we gave her a bunch of clothes. The first client who found her in the park let her stay with her, actually, so we didn't have to help her with shelter. The women let her stay there. And she also gave her a loan of quite a bit money to get her life started and find a new job. This is probably the 10th client she did this for. (site 1a, outside social worker 1)

After connecting with victims, some community members brought in law enforcement to help with the situation. For community members who suspected that something was happening but were too afraid to personally approach the trafficker, contacting law enforcement was the most common way to respond. As our case records indicate, 19 percent of victims were identified by authorities. The role of law enforcement in victim rescues varied; contact was sometimes initiated by a service provider, another victim who escaped, or a report made by an anonymous stranger. However, when police did respond in these cases, victims were able to leave and receive appropriate services. Victims were immensely grateful for law enforcement's ability to appropriately intervene and remove them from the situation:

And that was Sunday and on Tuesday, on Tuesday, the woman [trafficker] put me to clean the rug, the carpet, by hand. And that's how I was, bent down and cleaning by hand, and well, this was part of everything the woman had me do—when the police knocked. I didn't answer but rather notified the man and the woman [traffickers]. I didn't know they were going to come. I didn't think they were coming for me. When they told me, they opened the door and I was—the ICE agents with a police officer that came and they took me. And then they asked me where I slept and they took pictures. They even, they also—a lump had appeared on my forehead and it was growing and growing and the man and the woman [traffickers] also didn't want to take me to the doctor and I still had that lump and the ICE agents took pictures of me and the laundry room where I lived—where I slept, they took pictures and that is how it happened. (site 2, survivor 6, female, domestic servitude)

And hold door bleeding hand this [victim's] hand this bleeding okay take out door police. . . . Yeah and go to office, I see [trafficker 2], I'm scared. "No, no scared," they tell, "It's okay, you no scared." And . . . [victim 2] oh where's [victim 2]?" Oh [trafficker 1] tell me throw it, I take out from garbage this knife, this knife from drawer and last week [trafficker 1] bite [victim 2]. An umbrella, longer umbrella, and long yeah [abuse of victim 2 with umbrella]. I tell police all, I tell police. Yeah. I think not nice things sometimes it's police understand. Yeah, I tell police all.<sup>43</sup>  
(site 1b, survivor 2, female, domestic servitude)

In many cases, the responsibility of contacting authorities fell to the victim. There was no community member who could advise law enforcement about the illegal activity occurring and no active investigation on law enforcement's part to try to uncover labor trafficking situations. However, as our case files document, only in 7 percent of cases did victims report to the police. Some victims had

to make a proactive effort to receive support. In the following case, for example, after learning from coworkers that their contractors had been taken in for committing a crime, victims approached their human resource department,<sup>44</sup> who contacted law enforcement.

And that's when they . . . that was the time that they told us that we are not being persecuted or something . . . or we are not in trouble. That they are rescuing us from our traffickers, and then they explained to us that our traffickers are . . . most of them were in jail and some of them are at large, so they just wanted to keep us safe in [city of suspect's trial]. (site 3, survivor 1, male, hospitality)

Other situations in which law enforcement penetrated labor trafficking cases were less positive. In 14 percent ( $n = 14$ ) of cases in our data, victims were arrested by authorities and only later identified as labor trafficking victims. The frustration and disillusionment victims had with the justice system after this experience was severe. Victims were confused and upset for being labeled as criminals:

I not only had trauma about what had happened to me in that place, but also because I never in my life had been in jail. I didn't know. . . . It is a jail where there is psychological harm and everything and one feel really bad. And also discrimination because one does not understand the language, there are a lot of people who scold you in jail, the guards, the police and everything because one does not understand the language, and I think they are spaces to correct people but I think that not having a paper should not be a crime that would make someone go to jail because I cried many nights inside those four walls, without knowing what to do. I would say "God, why?!" I have always been a person that has respected the laws and I've never had even a single fight. . . . And it is really difficult to come to a different country and to be put in jail for not having a document of identification and all of that, truthfully, was really difficult for me. My first time in a jail. (site 4a, survivor 2, male, agriculture)

And [site 2 staff] come to me. And [site 2 staff] sat with me in the jail and she told me that she wasn't a lawyer but was the people who try to help people like me. She said my lawyer already told her what happened and we think you have a case to hear. I said okay and I gave her my story. And she told me, "Okay, we will try to help you." But this was the Tuesday before Thanksgiving. And Wednesday, in the night, these people started to work my case. On Wednesday night, the people in [city near site 2] decided to drop my case. Why? I don't know for real. (site 3, survivor 5, male, other)

Service providers also played a role in helping victims escape from their labor trafficking experience. In 21 percent of cases, victims were able to leave as a result of support from service providers. The quotation below describes how, by relying on clues from labor trafficking survivors or witnesses, service providers were able to adeptly coordinate a visit to the trafficking venue to meet with victims. Service agencies' ability to provide multiple services allowed them to access trafficking venues and mask their intentions to help victims escape. Outreach efforts and pamphlet distribution, either through service providers or through friends, were critical in helping victims escape.<sup>45</sup>

That's one way I will find the worker is through the knowledge that the other worker had of them. . . . I am going to send a couple of our outreach workers to the [area] to just basically do blind outreach. Blind meaning unannounced and without any agenda, without bringing any

questions upfront that are, you know, finding the housing for the vegetable farms, housing for the workers, which is something we do anyway, doing health and safety training, and then keeping an eye out for this person who we have their full name. (site 4b, victim service providers 2 and 4)

Victims whose labor trafficking venue allowed them to connect with others were able to use the support of their social network to plan their escape. This was the case for 20 percent of the victims in our case data. Although the majority of trafficking victims had not previously been to the United States, some had relatives living in different parts of the country, and others developed a social network once they arrived, expanding on that of their colleagues. Less commonly, family members helped victims escape. Using the support of family members and friends was most apparent for victims who had been labor trafficked in occupations in public spaces such as hotels, restaurants, and in some cases, agriculture. The public space enabled victims to develop the social ties needed to escape their trafficking situation. For example, victims employed in the hospitality industry were able to form social ties with coworkers who were not victims of trafficking and form the social connections they needed to carve out a plan to leave. Friends, family, and colleagues not only provided victims with emotional support but the monetary means to escape; many helped pay for transportation costs or provided transportation themselves.

I started speaking to family members in the US and I told them about my problem, I told them what was happening. And so during that time when I was working in [state], an aunt of mine called me and she told me to come to (site 1), that she would receive me here in (site 1). (site 1, survivor 4, male, factory)

I made a decision; I wanted to return to my country, but I didn't have the money. So my friends and I, we traveled to [service provider state]. An uncle of hers got us a job. He got me a job at a club. Two days later I was working, and one night of tips I made more than in the whole month. (site 1, survivor 2, female, hospitality)

I have some other friends and I contacted them so they could come pick me up and they came for me. (site 3, survivor 4, male, agriculture)

A guy helped us. Yes, a person we met at the bar. He, in one of the events where my aunt yelled in front of the clients, he, he saw how my aunt made me get up from the table and how she yelled at me and told me things and he tried to help us. (site 3, survivor 5, female, restaurants)

[American man] worked there too. [American man] was living in Thailand for over a year so he was able to speak Thai and he saw how unfair we've been treated. He helped at that time and I was a little bit scared because I was going to be sent home. Then [American man] said he knows someone that can help, so I thought I'd try because I was going to be sent back anyway. (site 3, survivor 7, male, restaurants)

## Retaliation from Traffickers

Although for many victims escaping marked the end of maltreatment, for others it signaled a continuation of harassment and abuse. Our case records indicate that 15 percent of victims experienced force from traffickers during or after escape and 26 percent experienced coercion. Several survivors in our interviews mentioned being threatened and contacted by the trafficker after they escaped. Traffickers' degree of contact varied. Some traffickers went to the victim's new job site demanding them to return; others were more daring and searched shelters for victims. The threats of harm were directed not only to the victims but also to the victims' families in their home countries.

In cases in which the traffickers had a familial tie to the victim, traffickers were able to identify the victim's new job location. As the case below demonstrates, victims were harassed after escaping by traffickers coming to their new job sites or pressuring friends to disclose their location:

There was a—she[aunt/trafficker] found out where I worked very quickly. So she came on various occasions to threaten me. To tell me I was ungrateful. The same things she would always tell me, but now she would tell me—the first time she told me that I needed to go to her house the next day, that we needed to talk, her and I. No, no, I didn't go. But she told me that if I didn't go that she would do something to me, something like that. But the people from the bar where I worked, they defended me and asked for my aunt to be taken out. So my aunt, because she couldn't come in to threaten me there anymore, in various occasions, wherever I was, she would yell things at me and would approach me quickly to tell me that I needed to go to her house and that if I didn't go, she was going to go to my house and that we needed to talk. (site 3, survivor 5, female, restaurants)

No, as far as I know he was trying to get information from my friend, asking my friend where I was, but my friend didn't tell them. They just said I went into [state] and have not got in contact with them yet, so they didn't know where I was. (site 3, survivor 7, male, restaurants)

Threatening to hurt family members was also a common form of coercion that continued once victims escaped their trafficking situation. As the survivor below recounts, the traffickers' ability to use their social power or status to intimidate victims' families in their home countries shows how the abuse victims face can be transcontinental:

Yeah, she told me because—and I knew whatever she say for really if I would go back home after I had reported her, at home I won't have peace because whoever is in the government, they're mostly, it's people from their tribe, and I know their, I know her brothers, too. They can do anything, whatever they want because they will say, "Oh, you messed our daughter in States over there." And you come cause she told me, she wrote, she text me a text while I was at the shelter: "We know where you are, and I know where your kids go to school, and I know where your parents live, so [you] can run but you can't hide. If I don't get you, I'll get the kids." And that text message used to be there all the time. And then she say, "All right, I'm giving you time and days to come out, if you don't come out, I'll use." My parents are communicating too. . . . And then, yeah, and then started texting to my dad. And asking him, he better produce or say where I am and my dad say, "When I came to Nairobi you people had already prepared. I don't know

where she is, if anything I need to ask you where she is." But, but back then even during this process I didn't tell my dad until after staying in shelter for some time. (site 4, survivor 1, female, domestic servitude)

Box 7.1 presents details collected from the case data on victims' escapes.

#### BOX 7.1

### Victim Escape Narratives from the Case Data Sample

*Victim and five other men left the farm camp and hid in the woods. They waited overnight in the woods and heard the trafficker's family driving up and down road, honking horn and yelling threats for them to come back. Slept on railroad tracks so they could see anyone coming. By Monday July 23rd had walked into town of [name of town], found a woman named [name of community member] for offered to help them and called [service provider]. Met with representative of [site 4 service provider] to discuss situation. (Victim 25\_1)*

*Told she could come to trafficker's home to wash clothes, when she arrived trafficker told her she had to leave immediately. Walked away feeling helpless and could not take it anymore. She was poorly dressed for the cold and crying and a woman in a passing car saw her and stopped and asked what was wrong. She told story and the woman allowed her to stay at her home for the night. Next day woman took victim to a bus station and she took a bus to [site 1]. Victim arrived in [site 1] and didn't know what to do. Sat on a bench in [bus station] and was eventually approached by a security officer. He offered to take her home and she was warmly greeted by his family. They helped her find a job at an acquaintance's clothing store. (Victim 59\_1)*

*He was taken out of the house that he was being held in and boarded onto a van. One of the captors started driving while the other four began physically assaulting him by hitting and punching him. They hit him on the head, upper chest and shoulders, kicked him, stepped on him and attempted to suffocate him with a plastic bag. The van stopped for a moment and his captors took him out of the van by his shirt. He saw this as an opportunity for escape and started running. He saw a police car drive nearby and flagged it down. (Victim 66\_1)*

*Victim was arrested after his trafficker called police and reported that the victim had assaulted him (really, the trafficker had abused the victim). After several days in prison, the [site 4] public defender called [service provider name] to ask them to assess the situation, where they learned the truth. (Victim 37\_1)*

*With the help of a coworker's family in [state of exploitation], the victim and his coworker were able to escape the trafficker and [trafficker name] in March 2007. The family member had bought them plane tickets to [name of state], and they discontinued all contact with anyone connected to [trafficker]. (Victim 2\_1)*

*When she escaped, she left her bedding from [home country] and all four pieces of luggage she owned at their house in [city of exploitation]. She left only with the clothes on her back. That day she'd fought with the traffickers. When the family was eating a meal, the victim noticed that the wife didn't lock the front door. She walked out while they were home because otherwise they'd accuse her of stealing. She walked around for ten minutes. She found a restaurant and showed a worker the scrawled address of her "cousin." The restaurant worker called her a cab. She stayed with this person for 18 months. The traffickers called her at this residence and said she could only have her passport back if she went home to [home country]. (Victim 45\_1)*

*Victim was brought to the emergency room with open bedbug sores. There, a worker trained by [service provider] recognized the trafficking situation. [Provider] assisted with the rescue by contacting law enforcement from the [name of trafficking taskforce] as well as law enforcement in [name of state], while remaining on the phone with the victims throughout the rescue. An agent from ICE and one from the US DOL arrived at the motel where the client and other victims were being housed and interviewed the victims. When the alleged trafficker arrived at the motel, he was arrested by ICE and [name of state] law enforcement. The victims were then transported to a secured housing provided by [provider name] in [state service provider is in]. (Victim 12\_1)*

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## Conclusion

Labor trafficking victims' escape or physical removal from the trafficking situation did not always conclude the victims' traumatic experience. In some cases, traffickers searched for victims and invaded shelters. The traffickers' ability to penetrate safe spaces created heightened levels of fear for victims whose trafficking situation had already made them distrustful of individuals and insecure about personal safety. Some traffickers, angered by a victim's escape, threatened and tormented the victim's family and sometimes carried out physical violence. Threats made to victims' family members further isolated the victims. Victims, fearful of being found by traffickers, were forced to remain private about their personal life and lived in fear of what would happen if they returned to their home countries. The high level of trauma victims faced during and after the labor trafficking situation, coupled with victims' great need for social and immigration services, made victim services incredibly important. In the next chapter, we discuss victims' access to services and their lives after leaving the trafficking situation.

# Chapter 8: After the Escape: Labor Trafficking Survivors' Needs, Service Provision, and Outcomes

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## **Research questions addressed in this chapter**

- What are labor trafficking victims' needs after being removed from exploitation? Are these needs being met?
- What are the outcomes for victims after escape? What are the long-term effects of trafficking victimization on survivors' psychological and physical health?
- What local organizational, cultural, or structural factors within service provider agencies facilitate or impede investigation of labor trafficking cases?

## **Main findings<sup>46</sup>**

- It was common for survivors in our sample to go for several months or years before being properly identified and connected to specialized service providers. During this time the majority of the survivors were unauthorized to live in the United States (most as a result of their trafficking).
- Survivors whose temporary work visas expired as a result of their trafficking reported seeking assistance from immigration attorneys after their escape but encountering a lack of awareness about human trafficking and T visas. As a result, victims were told they did not qualify for relief, or they were charged exorbitant fees for applications for other forms of relief for which they did not qualify.
- As a consequence of being unauthorized, some labor trafficking victims were placed into deportation proceedings, threatened by immigration officials, and/or arrested and placed in detention centers.
- Secure, emergency shelter and long-term transitional housing were the greatest needs and the greatest challenges reported by service providers, survivors, and law enforcement.
- Obtaining continued presence (CP) for labor trafficking survivors was extremely rare across sites. Service providers reported that law enforcement rarely approved CP requests because of a lack of awareness about the definition of labor trafficking; lack of sympathy or support for survivors; lack of trust with service providers, who some law enforcement officials believed were coaching victims; and a lack of support from agencies in cases when individual officials might be willing to sign for CP.
- Service providers reported high success rates in obtaining T visas for survivors. However, because CP was rarely granted as a form of temporary immigration relief and T visas took several months or

years to be approved, during this time survivors were forced to live unauthorized in the United States, did not qualify for job training programs, and were not able to work legally.

- Given the often large debts survivors accrued to obtain the jobs that turned into trafficking, wage theft during their labor trafficking victimization, and the financial needs of their families (65 percent of our sample had children), survivors had an acute need to begin working again as soon as possible after their escape. Delays in T visas and work authorization compounded this need, causing some survivors to forgo immigration relief and instead remain unauthorized and move to wherever they could find work.
- Some survivors reported challenges accessing social benefits they qualified for through their T visa (e.g., driver's licenses, social security cards) due to a lack of program administrator awareness of T visas and human trafficking. Some survivors lost access to benefits such as Medicare or Medicaid when they moved to new cities or states away from the initial site of service provision.
- Labor trafficking survivors suffered from posttraumatic stress disorder, anxiety, depression, psychosis, suicidal ideation and attempts, fear, and difficulty forming trusting relationships as a result of their victimization.
- Civil damages and criminal restitution were rarely awarded to labor trafficking survivors.
- Labor trafficking survivors tended to remain mired in low-wage work in the same industries in which they were trafficked due to a lack of work history, references, and job training programs. This outcome was true for those with higher and lower levels of education.
- Adjustment of status from T visa to permanent resident was rarely covered by service providers. Challenges were reported by the few survivors in our sample who were able to adjust their status, and other survivors awaiting adjustment reported concern and fear over whether they would be successful.

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Labor trafficking survivors sometimes came into contact with service providers immediately after their escape; others were not connected with service providers until years later. Thus, survivors' needs and experiences varied based on when this contact was made. Survivors who were connected with service providers soon after escape had various needs: securing emergency shelter, food, and clothing; the ability to contact family members; and assistance with immigration, criminal or civil litigation, and eventually finding work and longer-term housing. When a longer time elapsed between escape from trafficking and connection with service providers, survivors had many of the same needs, but often their primary need was immigration assistance.

Interviews with service providers, law enforcement officials, and survivors and the review of victim case file data revealed that the majority of survivors did not come into contact with service providers or law enforcement until years after their labor trafficking experience ended. Some survivors, whether they were unauthorized at the time of their victimization or as a result of their victimization, may have

feared that coming forward to report the situation would result in arrest and/or deportation. Even though labor trafficking victims are afforded protection under US law, victims were not aware that (1) the victimization they experienced was labor trafficking, (2) labor trafficking is a crime, and (3) they had rights and protections under the law regardless of their immigration status. And, as explored below and in more depth in chapter 9 on the criminal justice process, law enforcement officials and other first responders may also lack training in and awareness of labor trafficking laws. Instead, law enforcement officials may erroneously identify labor trafficking victims who are unauthorized immigrants as “criminals” in violation of immigration laws and start deportation proceedings against them. Immigration attorneys who lack knowledge and training on human trafficking laws and T visa requirements may also fail to identify labor trafficking victims who come to them for assistance. As a result, some survivors did not come into contact with specialized service providers and be identified as victims until years after their escape.

The lag in time between escape and connection with a service provider may be due to unsuccessful attempts to seek help or attempts by survivors to live hidden lives due to fear of traffickers and fear of being unauthorized. One survivor who was part of a large labor trafficking case involving hundreds of victims and facilitated by an international organized crime group exploiting the H-2B visa program in the hospitality industry described how he was forced to live under the radar for three years after he escaped. He recounts how he tried to survive during the three years it took to find a service provider who could assist him:

**Survivor:** I figure LA is going to be a liberal state and all that and I can be able to like start from here. But I cannot be able to like perform because every time I like apply [for a job], they would just state and I am already out of status at that time. I am already out of my status at that time so it was just very scary.

**Interviewer:** So did [trafficker] start calling you or threatening? Did anyone try to contact you?

**Survivor:** No. Nobody ever tried to contact me anymore and I refused to like contact them because I just don't want them to find me because what matters now is that I have to survive in the United States. I just have to get a job, pay my debts back home, and go on with my life. (site 1a, survivor 1, male, hospitality)

The survivor interviewed above was seriously ill because of a lack of treatment for a chronic condition during the time of his labor trafficking. One of his friends took him to a free clinic for unauthorized immigrants soon after his escape, and he was told by the doctor that he would have died had he not come to the clinic at that time. Although the survivor received the medical attention needed to save his life, his experience highlights another point in our system that failed to identify him; that is, had individuals at the clinic asked for more detail regarding his medical condition (exacerbated by the labor trafficking), it is possible he could have been identified and referred for assistance. Instead, the

survivor remained under the radar for three years, trying unsuccessfully to receive immigration assistance from three lawyers who lacked the training and knowledge necessary to identify him as a victim of labor trafficking and provide the immigration relief he qualified for. Below he describes his unsuccessful attempts to receive assistance:

The first lawyer was telling me, “Hey, we’ll just have to wait until the case is over and until we get the immigration reform, or you get married.” Which is to me, I did not get any answer at all.

I told him I really wanted justice to my case because someone did wrong to me. I think I need justice. I need, you know I need this to be addressed. But he said, “Well, I cannot do something about that. Let’s see what can happen.” And then the second lawyer, same thing. She is going to contact a lawyer in [state where victimization occurred] to know about these things and all that, but he advised me not to go and be out of my shadow because it’s gonna be scary. The third lawyer, I contact him, but he rejected my case because it’s not his specialty. So these are lawyers so I trusted that they could be able to give me advice. Not even like single word of whatever . . . and I’m talking about three years. And I just don’t want to be visible. (site 1a, survivor 1, male, hospitality)

Like many of the survivors we interviewed, this survivor became unauthorized when he was trafficked through an H-2B visa program. His experience highlights a theme common throughout our interviews with survivors, that the fear of being an unauthorized immigrant in the United States is pervasive and powerful. In fact, when comparing interviews with survivors who were unauthorized before being trafficked and those trafficked while on visas, there was no variation in their fear of being unauthorized. It is precisely this fear that labor traffickers exploit to exert control over victims.

In another example, a female survivor was smuggled into the country and trafficked by her aunt in order to pay back her smuggling debt. She described escaping and her lack of knowledge that she could go to the police to report this victimization. It was only when she was sexually abused by a coworker during the job she obtained after her escape that the police became involved and were fortunately trained to identify labor trafficking. At this point, approximately a year after her labor trafficking, she was finally identified and referred to a specialized service provider.

Both instances highlight the fact that it was common for survivors in our sample to go for several months or years until they were properly identified and connected to specialized service providers. Their experiences also demonstrate the high risk for future abuse and exploitation many labor trafficking victims face in the time between their escape and connection to service provision. According to service providers interviewed for our study, these experiences were all too common. When asked about whether cases like the ones described above are rare, one service provider responded,

So, it’s not the rare case. I think it’s the more common situation and I think the lag—at least in some of the more recent cases I’ve had—they have tried to seek services. And often they go to private attorneys and private attorneys just don’t know a tremendous amount about T visas or U

visas or any sort of humanitarian immigration or at least asylum. We have lots of clients who saw an attorney and submitted maybe a frivolous asylum case or at least barely an asylum case, or [were] told by an attorney that they didn't qualify for anything. And sometimes they've just been trying to stay out of any sort of public eye and are tired of hiding. (site 1a, attorney 1)

The positive experiences of survivors who finally were able to receive services served as a powerful tool to help them identify and refer other victims for assistance. The attorney quoted above echoed a common theme heard across sites:

We have people—we have a lot of clients who are referred by other clients, and so often they've just been afraid to tell anybody about what happened. Then they have this one person they trust, who may have gotten services, so on the recommendation of the friend or a trusted ally or former coworker, they reach out. (site 1a, attorney 1)

## Shelter and Security

Service providers were in unanimous agreement that emergency shelter and long-term, transitional housing are both the most immediate needs and the biggest challenges for labor trafficking survivors. A study conducted by Polaris Project found there are no beds exclusively designated for labor trafficking victims across the United States (Polaris Project 2012). Our study, particularly the interviews with survivors, revealed that the challenge of providing shelter was more than just a story of a lack of available bed space. The need for shelter was often driven by three main issues:

1. Shelter for the majority of labor trafficking victims was controlled by the trafficker; either the victim lived in the workplace where they were trafficked (56 percent) or the trafficker controlled the victims' movement to work (80 percent). This control typically involved traffickers owning or renting the housing of the victims and transporting them to the workplace. As a result, when victims escaped their labor trafficking experience, they often lost their place of residence.
2. Victims who escaped their labor trafficking experience left without money, credit, references, and often without immigration status (69 percent of our sample were unauthorized by the time they reached a specialized service provider). These factors, together with the significant time lag (sometimes several months or several years) that many victims reported between their escape and reaching a specialized service provider, meant that during this time victims lived under the radar and relied on strangers and their social networks, however limited, to find shelter and work.

3. The difficulty of obtaining long-term housing for unauthorized trafficking victims was often exacerbated by federal law enforcement officials' reluctance to grant temporary immigration relief (continued presence) and work authorization.<sup>47</sup> Service providers can apply for a T visa, but it may take anywhere from three months to a few years for a T visa to be approved.<sup>48</sup> If survivors are unable to legally work, they are unable to rent apartments and are in need of housing. Some survivors in our study also wanted secure shelter because their traffickers were still at large.<sup>49</sup> In addition, some survivors had to move quite a distance from any social network they had in order to receive specialized services and/or participate in a criminal justice case.

As a result of these major housing issues, secure emergency shelter was needed immediately after escape, and longer-term housing options were needed while survivors awaited approval of special visas and work authorization and/or while participating in civil or criminal justice cases. The factors above highlight the need for more nuanced immediate and long-term shelter and housing options for labor trafficking survivors, as well as changes in the process of granting continued presence and T visas.

The difficulty of obtaining shelter was further exacerbated by gender. For male victims of labor trafficking, who constituted 47 percent of our sample, gender appeared to add another layer of challenges in terms of access to shelter. As one service provider noted,

I think, very clearly male victims of trafficking, whether it was sex or labor, but obviously we saw more male victims of labor trafficking, lack of shelter options and lack of any services or support groups that were for men by men. I think that there were. I don't actually always think that gender is the best way to divide things, you know. I think a lot can come from a diverse group of people coming together, but I did find that, you know, there was, it was often hard to find specific support, services. And especially for men who had been victims of some form of sexual violence that is harder to find support for. I think housing is a, number one. I can't believe how little housing we have and throwing a victim of any kind into a homeless shelter in [city] is terrifying. Like a hundred percent terrifying. You know? (site 1a, former service provider)

Although it may appear that there are more shelter options for women, these shelters are usually designated for victims of domestic violence, and female victims of labor trafficking may be turned away. A young woman victimized in a large H-2B hospitality case with hundreds of victims throughout the United States recounted how she and three other victims were unable to receive shelter from one of the service providers charged with assisting their case. And in the case below, victims were granted CP, but they could not obtain housing due to a lack of credit history.

Right now I belong to a group of survivors—[name of advocacy organization]. Because there are so many things that we want to change. I came to [service provider state]. Nobody could give me some refuge here. They gave me places where I could go live. But two of the shelters—I went to two of them—and they didn't accept me. So with my other three coworkers[trafficking survivors], we rented a room for six months. Four girls on a mattress on a floor, working during

that whole time. . . . They [service provider] couldn't help me. I had to wait there. Cockroaches, rats while I was sleeping. We didn't have anywhere to go. So we just worked, and we saved money between the four of us. We couldn't find another apartment because we didn't have any credit. We would apply, but they wouldn't give us an apartment. (site 1a, survivor 2, female, hospitality)

The fact that the majority of survivors were unauthorized immigrants at the time they needed shelter created extra barriers. The service provider quoted below, working in a large urban area, describes the challenges she faced in obtaining shelter and how there were no other options for unauthorized immigrant victims of labor trafficking in her city besides immigration detention centers.

I would say that for people who are in the lower poverty, or close to poverty line in [city], safe and stable housing is just a constant thing that has to be addressed. . . . And so to me, in my role it is the most stressful thing, is when somebody calls and there is that need for housing, it's like "Oh, [expletive]!" Because there are domestic violence shelters within [city], but they don't . . . they have like two spots for men, and I would say, generally speaking, that they don't take men. And a lot of our clients have children but don't have children with them so they're singles, and that's the hardest spots to find. And or don't want to be in a confidential shelter. I think that we try to reinforce that there is not a huge difference between trafficking victims and like other victims of crime, and like it is very similar. But at the end of the day I think, if you're very new to this country and you go into a city shelter or a city [domestic violence] shelter, you're not going to look . . . and maybe you're not going to feel comfortable. I mean I know I wouldn't feel comfortable there either. I mean most people, even if they've grown up in it, don't feel comfortable there. Yeah, so there is just that level of discomfort around it. But we work with this organization [shelter in city], and they have an emergency shelter and a transitional shelter that they just opened last year. So they can only house women, they're a group of nuns. But then we have some other relationships with a sort of hostel hotel that we can use. Then we have some access to hotels through [city]. So we sort of piecemeal these things together, and there is a group of clients who go into DHS shelter systems,<sup>50</sup> and then are there for a really long time because they can't get moved to the program shelters because they don't have immigration status and can't get access to any of the housing vouchers, even though they all collapsed anyway. (site 1a, caseworker 1)

Another service provider in the city described above stated there were no real shelter options for non-US citizen trafficking victims in her community.

**Interviewer:** Do they have shelters that are specific for international [non-US citizen] trafficking victims?

**Service provider:** Not really. Allegedly there are. There's really no shelters for trafficking—supposedly a couple have opened recently. But I have never been able to get anyone in there. . . . I don't know who goes there because I have never ever been able to get a client in there, never, ever. Not once. (site 1a, outside social worker 1)

In addition to the challenges outlined above, providing short-term emergency shelter could be especially challenging in situations in which a large number of victims (sometimes in the hundreds) were uncovered at one time. One survivor described her experience this way:

One day I got a call from one of the [law enforcement] agents and he told me that I have to go, we have to go with a family. I was like, "Where is it and why?" He's like, "Well you know what? It's a lot of people in [city 1] who are going through this too, and they don't have enough money to support all of us, so that's why they have [service provider in city 2] and they have an organization in [city 2] that are more than willing to help us."

So that's why we have to move from [city 1] to [city 2], and they're going to take care of everything. And now we can totally be 100 percent sure that we're gonna be okay and it's like, he told me it's going to be a new life over there. I told them that we don't have money because I loan money from my friends and we just ran out of money, so they gave us actually money to get to [city 2]. They gave us the phone numbers and the names that we have to find in [city 2]. We have to go to [city 2]. So they gave us all of this information, they gave us money, they gave us map. Everything to make sure that we're going to be all right and we drove to [city 2]. (site 3, survivor 3, female, hospitality)

This story illustrates the challenges of providing shelter (and transportation) for a large number of victims identified at one time; such cases are typical of labor trafficking cases involving guest worker programs (H-2A for agriculture and H-2B for the hospitality, construction, and restaurant industries). In the case above, the victims, living for the first time in the United States, had to drive approximately four hours to the other side of the state to get to a second service provider who could provide them shelter.

Secure shelter options were also needed in cases in which traffickers and their associates were still at large and may have retaliated against victims. Traffickers in the United States often have links to recruiters or associates in a victim's home country who are able to threaten the victim and the victim's family members; often for long periods after the labor trafficking has ended. The next two interview excerpts are just a few experiences that highlight the threats victims received from labor traffickers and/or their associates after they escaped, even for survivors who had obtained housing from service providers. In the first case, the victim recounts how he and other victims were shot at by an associate of the trafficker, just weeks after being moved by a service provider into a new living situation.

**Interviewer:** How long were [you] in [first city of victimization] for?

**Survivor:** Two days after. They gave . . . they turned us in to [service provider]. [Service provider] said they would give us assistance. They would take us to a place where we could live. They were going to give us food and anything that we needed like that. They took us to a hotel for a week. They gave us food and stuff like that. Calling cards for our family. Then after that they took us to another hotel, a different one. Two weeks there, and then a lot of difficult things happened. In one of my friend's rooms, at 1:30 in the morning, somebody shot from one room to another. They shot towards her bed. They were aiming at her bed. (site 1a, survivor 2, female, hospitality)

In the case below, a survivor describes how her trafficker found her location at a shelter and how she continued to threaten the victim and the other residents. Rather than arrest her trafficker, the survivor explained that she believed immigration authorities paid the trafficker the \$5,000 bond she stated the survivor owed her for her smuggling debt in an effort to get her to stop her stalking and

harassment. Despite this, the survivor explained she would run into the trafficker, and it took her over a year to feel comfortable walking outside alone.

**Survivor:** I went in the shelter. She's still sought out from people she used to, you know, she talks and she can really do a good investigation, she investigated until she knew I was in that shelter. . . . So she went and to whoever is in charge of [shelter name], his name is [director] and she went there and she went there and attacked that girl and it wasn't really a good thing, everybody was afraid . . . she really threatened us there, yeah. Yeah, threatening them, telling them she knows much about the government and if anything they are the ones who will be in problems because they're still seeking for their status. . . . I was afraid. Anytime even at the shelter I never used to go and buy anything from outside because I didn't want to get out at all, at all.

**Interviewer:** And so that had to be very scary with her being in the same town as you.

**Survivor:** Yes.

**Interviewer:** And what were you afraid would happen if you went out?

**Survivor:** We would meet, because anytime she kept on saying if she meets me, I'll be in trouble. So I was like, maybe we might meet and she might just hit me with her car and run away or do something or use somebody because she knows so many people in [city]. She has been here for long, so she can use someone to hit me or she can do something to me even though the police kept on telling me, "No, we have her, and the police has circulated in all police stations anything that happens to you we will know." But I wasn't safe, I didn't, I didn't trust them. (site 4, survivor 1, female, domestic servitude)

Shelter needs for labor trafficking victims are significant and severe. A lack of short-term emergency housing and long-term transitional housing places survivors in precarious and sometimes dangerous positions, both from possibly being targeted by traffickers who may still be at large and from having to rely on the assistance of strangers or loose acquaintances to provide shelter. Delays in T visas and an almost continual refusal by authorities to grant continued presence to trafficking victims exacerbate their shelter needs.

## Immigration Assistance, Legal Services, and Repatriation

Given that 69 percent of our case data sample were unauthorized at the time they came to a service provider, one of their most immediate needs was legal assistance. The type of legal assistance provided depended on the circumstances of each survivor's case. Some survivors chose to be repatriated to their home countries, but the most common form of legal assistance needed was filing for immigration relief to remain in the United States. Although T visas are specifically available for labor trafficking and sex trafficking victims, victims may qualify for other forms of relief including U visas<sup>51</sup> or asylum. However, trafficking victims who receive a U visa do not receive certain services provided through the special T

visa. Because T visas may take time to be approved, a request for continued presence may also be filed. When CP or a T visa is granted, a trafficking survivor is also granted special authorization to work in the United States, called “employment authorization.” Service providers may also have to provide immigration assistance to survivors erroneously caught up in deportation proceedings, which was the case with several survivors in our sample.

## **Experiences of Labor Trafficking Survivors Caught in Immigration Detention and Deportation Proceedings**

Before their connection with a specialized service provider, a majority of labor trafficking victims had for significant periods of time tried to find work, a place to live, and survive with the looming threat and fear that they could be arrested and deported for being unauthorized. This threat became real for 14 percent of the victims in our case data,<sup>52</sup> who were either jailed or put into deportation proceedings for being unauthorized rather than being identified as victims of labor trafficking (most of these survivors were unauthorized as a result of their visas expiring during their labor trafficking). Victims who had entered the United States through temporary work visas and those who entered without authorization and were later trafficked reported equally negative treatment by immigration officials and/or being jailed and placed into deportation proceedings.

Although some victims were caught up in deportation proceedings, their eventual connection to one of the specialized service providers in our sample meant that the service provider was able to intervene. Although service providers could not stop the deportation proceedings, they could apply for alternative forms of immigration relief, support the survivor in his or her testimonies before immigration judges, and advocate for survivors before law enforcement and immigration officials. These experiences were traumatizing and revictimizing for survivors, and the prevalence of labor trafficking victims who were never identified and were instead jailed and deported remains unknown. After detailing the abuse he suffered at the hands of his trafficker, the following survivor’s response to our interviewer’s question regarding whether he received immigration assistance in the form of continued presence or a T visa was poignant:

**Survivor:** I don’t understand. . . . They gave me—at first ICE gave me an order of deportation.

**Interviewer:** Okay, so ICE gave you a deportation order?

**Survivor:** Exactly. And after [service provider] helped me get a work permit and a visa for four years. So that is what they gave me. Right now I need to look into getting my order of deportation removed. I am going before a judge, but it was because my visa had expired. That was the

problem.... When they gave me the order that I needed to return to Guatemala, it was January. And my work permit I received in April.

**Interviewer:** So you stayed in the country after the court because you were waiting for your permit and you knew [service provider] was helping you?

**Survivor:** Exactly. And the judge told me that I had to wait for the date and because that [work permit] came before, there wasn't a date. Recently, I had to find another person to help me because they told me that I need to request for them to reopen my case.

**Interviewer:** And so, how soon after were you able to find a new job?

**Survivor:** After I couldn't work because during all of this time, I didn't have permission from immigration to work so I couldn't do it because they told me I couldn't do it. I couldn't work because practically I was [here] illegal and it was something that was going to affect fixing my immigration status. That is why I went, after the court ended six to five months without a job, because I needed to find some job that—so that immigration didn't find out. I was the one that wanted to work. (site 2, survivor 6, female, domestic servitude)

The female survivor in the interview below was labor trafficked for nine years and eventually placed into deportation proceedings when her employer (trafficker) filed paperwork to United States Citizenship and Immigration Services to extend her employment and was denied due to the low wage they listed. Rather than raising a red flag that the employer was potentially involved in abusive employment practices (in this case, labor trafficking), the trafficker's request sent an alert that resulted in placing the victim in deportation proceedings. She waited two years for a T visa, and during this time she was out of status and unable to work. Although the experience was traumatizing, as she'll later recount, she was thankful for the immigration judge who kept extending her removal while awaiting a response on the T visa.

**Interviewer:** So you were out of status for those two years [awaiting a T visa]?

**Survivor:** I have to wait hear for my deportation hearing because the judge who presided in my deportation hearing—she's so... I told myself, "Oh lord, this is really a miracle," because she extended and extended my stay here.

**Interviewer:** So she knew your story?

**Survivor:** Yeah, because she wants to know what happened and knows that I have been a victim of human trafficking. She wants to know the response from the USCIS, if they deny my T visa or grant me a T visa. That's why when lawyer told the judge that "Your honor, I want to terminate the deportation hearing of [survivor name] because she already received her T visa," the judge and the clerk of court were smiling; they smiled. (site 1a, survivor 5, female, home health industry)

Although the labor trafficking survivors in our sample who were arrested and placed in jail and/or deportation proceedings by immigration officials eventually received immigration relief, the trauma and revictimization they experienced cannot be understated. Below are just a few of their stories.

They [service provider] offered me the option of talking to a psychologist but I had commented to [name] that when I left [jail], I not only had trauma about what had happened to me in that place but also because I never in my life had been in jail. I didn't know.... It is a jail where there is psychological harm and everything and one feel really bad.

And also discrimination because one does not understand the language, there are a lot of people who scold you in jail, the guards, the police and everything because one does not understand the language and I think there are spaces to correct people but I think that not having a paper should not be a crime that would make someone go to jail because I cried many nights inside those four walls, without knowing what to do. I would say "God, why?!" I have always been a person that has respected the laws and I've never had even a single fight. They raised me in my family—I didn't have the example of my mom hitting my neighbors, no. It was from work to home. And it is really difficult to come to a different country and to be put in jail for not having a document of identification and all of that, truthfully, was really difficult for me. My first time in a jail. (site 4a, survivor 2, male, agriculture)

The survivor whose deportation hearings were extended pending her T visa described that even though the outcome was eventually favorable, she underwent a lot of stress attending deportation proceedings:

You know what, you know when you are withdrawn, when you are in this water and your head is already down, you have to find a way to not just go down. You have to fight. For me, I'm thinking I still have time. I have to do this. Sometimes the people I have to talk to, they don't know you. They don't know your problem and the way they talk to you, it's so stressful. Sometimes I have to come home just so tired. I cried and cried and cried and then after that I am okay again.... That's why I really want to tell my story. But some days I'm so emotional because you remember it. Sometimes you feel like ... that time ... what is this ... vulnerable. (site 1a, survivor 5, female, home health industry)

Other survivors in our sample were not jailed or placed into deportation proceedings, but they still reported negative experiences coming into contact with immigration officials. Below are examples of how immigration officials' treatment of victims as criminals, as well as their occasional refusal to admit labor trafficking occurs in the United States, affected survivors of labor trafficking years after their experience:

And then the immigration officer talks to me all by myself. Yeah. I am telling you, until now I still, it's still crossing on my dreams.... The immigration officer is like, "Why did you overstay here?" Like he treat me like I commit ... a felony. And I'm like, "Well the situation asked for it. I am a victim of trafficking." He's like, "That's not true. It's not happening in the US." (site 3, survivor 2, male, hospitality)

One young Eastern European woman and her coworkers were victimized in an H-2B visa labor trafficking case that spanned multiple states. The case involved a sophisticated level of document fraud as well, unbeknownst to the victims. Her experience demonstrates how her persistence made a difference in her getting connected to specialized services, so common across all our interviews:

So let's say we came to immigration center and they were asking us a lot of questions about these guys about everything that we are kind of in trouble. That the best solution for us is to go home. We lost everything and blah, blah, blah. And I asked him, "Okay. Can I talk to someone else who will be, you know, more helpful than you telling me that I have to go home right now?" He's like, "Let me contact the guys from [another state connected to trafficking case—state 2] and I'll see what they can do for you. I will give you a call." So I was waiting for this call for a week.

He never got to call back, so on Monday I call him and I'm like, "So it's [survivor name]. You probably forgot about me, but I don't have money to eat. . . . What do we have to do?" He's like, "I will call you tomorrow." So he called us next day and he was like, "Okay. Here is what you can do. You can wait for these people to come to you because it's 12 different states that are involved in this. It might take a while. Or you can go to [state 2]." And I told him that I don't have money to go to [state 2]. He was like, "I will take care of your gas."<sup>53</sup> I was like, "Okay." So we were getting ready to go to [state 2] when we . . .

Oh, and immigration in [state 1] when we first came there they took our passports and everything. So we came back to them and we were like, "We're going to [state 2]. Can I have my passport?" He was like, "No. I can't give you any papers because you are actually . . . ." Well, he made me sign a lot of papers about me agreed that I broke the law in the state, in the United States when my visa was expired even though I didn't know about a bunch of this stuff. So he was like, "You basically in trouble now so that's why I have to take your passport and everything. So you can go to [state 2] and then to do something with you and keep you here and safe I will send them your passports." So I would try to argue with him, but it didn't go well. So that's why I was like, "Okay."

When the survivor was asked what she did when immigration officials asked her to sign papers that stated she broke US immigration laws, she described how she was threatened with prison:

I didn't want to, when I didn't want to sign any papers, so by that time they cast out the Mexican illegal guy [also in front of the official for another matter] and she [immigration official] was like, "Okay, you have two choices: you sign these papers, or you go to the prison with this guy." I was like, "Okay, let me sign whatever you want." (site 3, survivor 3, female, hospitality)

## Experiences Obtaining Immigration Relief

Once victims of labor trafficking were properly identified, connected to the specialized service providers in our study, and informed of their immigration options, some decided to move forward with the immigration process in the United States. This process can involve applying for a T visa, as well as continued presence and work authorization pending a T visa. Immigration assistance for labor trafficking survivors was important, not only in remedying their immediate immigration status, but also in allowing them the ability to move on with their lives and get an ID, a job, rent an apartment, and so on.

**Survivor:** Well, after they gave me a place to . . . food to eat and a place to stay, of course, the other thing that I also wanted to make things easier was to have legal documents to stay here

and to pretty much level up to people. I wanted to level up to everybody living here and that was the one that I was lacking, that I would really like . . . love to have.

**Interviewer:** What does that mean to you? Why is it so important?

**Survivor:** Because there was a lot of things that I needed to do but I could not have done it because I did not have any documents, legal documents. I wanted to live at a place on my own. I could not do that because I did not have any legal documents to stay. I wanted to start working. I could not do that because I did not have any legal documents to stay. I wanted to start working and make a living. I couldn't do that because I didn't have legal documents. So those are big things, you know? (site 3, survivor 6, female, domestic servitude)

Although in theory and on paper a victim of labor trafficking can apply for continued presence and a T visa, service providers are careful to explain to clients that there is no guarantee their case will be approved. A barrier to obtaining these forms of relief for survivors is the requirement that law enforcement signs off on the paperwork. A condition of applying for CP or a T visa is victim willingness to cooperate in a law enforcement investigation. This can sometimes be a barrier for survivors who may be afraid of retribution from a trafficker or afraid they may be deported for being unauthorized, but the survivors in our interview sample were all willing to cooperate. Nevertheless, service providers across all sites reported that it was very difficult to obtain CP. Attitudinal barriers were reflected in survivors' accounts of their experiences with immigration and law enforcement officials, who sometimes perceived them as criminals for being unauthorized immigrants. One service provider in site 2 [South] explained the challenges she faced, even as a former member of law enforcement, obtaining the required signatures for immigration paperwork from police and the tactics she used to overcome attitudinal barriers and biases:

And they [survivors] do want to go on with their lives. A lot of them don't know they have services coming to them; they don't understand the T visa, the U visa. Law enforcement doesn't understand that. That's another challenging thing with law enforcement. I explained to them U visa, T visa. For them cooperating with you, and doing what they said they would do, and what you want them to do, they get services that could include money, that could include a chance to stay in this country legally. They don't get citizenship; they don't get a gold medal. They are not going to eat your dinner. They are not going to take your job. That's where they get this hiccup. And I'm like that little piece is one paper out of 400. We really should start bringing in a binder for the T visa. There's no lying going on. It's checked and double-checked. For someone to pull the wool over your eyes, our eyes, and the government's eyes, it just doesn't happen. (site 2, victim service provider 1)

Site 3 [Southwest] advocates reported similar challenges obtaining continued presence for their labor trafficking clients. It is significant that the whim or dominant attitudes of investigators or differing priorities of federal agencies may be the difference in whether a labor trafficking survivor is granted CP. As a result, justice for survivors of labor trafficking and the enforcement of their rights under law varies by location across the United States.

A willingness to support CP obviously is an issue. It's still pretty rare. Overall there is a sense they're going to see somebody as a perpetrator before they are going to see them as a potential victim. (site 3, attorney 1)

A service provider in site 4 [rural North] expressed similar frustrations:

And I want this very much on record: This is the first CP that we've received in three years for every single, any case that we've worked with. Like it's appalling. And it took 11 weeks. So it took 11 weeks from the day. All we asked for out of that meeting was a reinterview [of the victim by federal law enforcement]. So we got a reinterview and it was like, "Wow, he sounds really coached. He sounds really prepared." And we were like, "He is. He's smart and we prepared him for this meeting." (site 4a, victim service provider 1)

The victim service provider quoted above was not alone in describing how service providers sometimes faced the challenge of law enforcement thinking that victims were not credible because they had received assistance or coaching in what to say from the service provider. And as the attorney quoted below further explains, there may be individuals whom a specific federal law enforcement agent believes are labor trafficking survivors, but they will still refuse to grant CP due to a perception that their headquarters would not approve it. This attorney also commented that federal law enforcement officials from different agencies (Department of Homeland Security, Homeland Security Investigations (HSI)<sup>54</sup> versus FBI) may differ in their willingness to support CP, particularly in cases when it is unclear that a suspect is identified and will be prosecuted.

In my [city] case we tried to renew the CP, and the agent would literally not return any of my phone calls. Maybe he was unhappy with me in that case because he said, "I'm not signing the supplement B because we can't find the trafficker and headquarters won't support it." And I'd sent him a letter saying, "We had the following conversation; if this isn't true, call me." That might have ticked him off. That was my only theory in that case, or he was just sick of that case because it wasn't going anywhere. (site 4a, outside attorney 1)

This attorney went on to explain the detrimental effects delays in granting or not granting continued presence can have on victims and their families. Below she references a case involving a farmworker shot at by a trafficker. When police responded, the victim was jailed for being unauthorized.

**Interviewer:** So from the point of first submitting the application [for CP] until when you get it, on average how long does that take?

**Service provider:** Three or four months, and that's not counting any time we've spent debating with ICE whether and how we're going to do that. Which cost them more time. The farmworker who was shot at, we learned about him in July, got him out of the detention center early August, and then finally got okayed for CP September [or] October, and were told that it had been filed in November. And then a few days ago there was an email that [said], yeah, "The work permit should be coming sometime in the near future, we don't know when." That's way too much time

in the client's point of view. His family in his home country have been going into debt all of the time. (site 4a, outside attorney 1)

Already saddled by significant debt and the stolen wages of their labor trafficked employment, sometimes the burden of forgoing work while awaiting CP or a T visa (which they are never guaranteed) is too high for the survivors. As a result, they may take the chance of working under-the-table during this time or forgo immigration relief altogether and move to wherever they are able to find work, thus remaining unauthorized. For example, in one of the cases in our sample, a victim rescued from a massage parlor where she was being forced to work to pay off snakehead debt ended up going to another massage parlor operated by an associate of the trafficker due to delays with CP.

Not surprisingly, given the challenges and difficulties service providers reported in trying to obtain CP from federal law enforcement officials on behalf of their clients, CP was rarely granted to survivors in our study. However, service providers in our sample reported high success rates obtaining T visas, although this route was lengthier and burdensome on survivors unable to legally work during this time.

A T visa, which is valid for four years, is not a permanent form of immigration relief. After three years, T visa holders can apply to adjust their status to permanent residency (also known as a green card). To successfully adjust to permanent residency, a survivor must meet certain criteria, including having remained physically present in the United States for a continuous period of at least three years before their application for adjustment. This requirement placed a significant burden on some survivors in our sample. Below is the experience of a single, 28-year-old female from Sri Lanka who had been labor trafficked as domestic servant for six years. She escaped by jumping from a window and hiding in a garage; she was found by a neighbor who was alerted by her barking dog. Although this survivor was connected to a specialized service provider almost immediately after her escape and received a T visa, she still reflected sadly on the length of time she was away from her family, an absence increased by not being able to travel outside the United States with a T visa.

Everybody in Sri Lanka, I hope I can bring somebody here, so this, I not be alone. So I'm almost now eight years I didn't go to visit my families. So I really miss them, I want to go see them, all my family and my sisters. My mom, she's very very sick, so she telling me, "I won't see you, I'm missing you, come to," so I thought yeah, I will come so when I fix my green card. (site 2, survivor 3, female, domestic servitude)

For some survivors, the cost of not being able to return home for three years (on top of the length of time they had already been labor trafficked and/or living under the radar after their escape) was too great to bear. In one case, farmworkers had been making their living coming in and out of the United States on H-2A agriculture visas for migrant farmwork before one of their jobs turning into labor trafficking, which caused them to overstay their visas. Although they were offered T visas, the visa

requirements meant they would have had to forgo working until their T visas and employment authorization documents were issued (which could take months to years) and then remain in the United States for three years after the T visa was issued. With families back home relying on their income, facing hardships compounded by their labor trafficking,<sup>55</sup> and with few viable options for employment, they decided against the T visa.

And that case, basically, they did not want to stay here, they wanted to go home to Mexico and they wanted to keep coming back and forth doing their seasonal thing. So, it was really nice that we rescued them, they appreciated that, but they had things to do. . . . And you know, when we told them about the T visa they were like, "Yeah, that's great, but we want to live in Mexico and come for six months a year and what we want from US legal representatives is that not to be problem." And our solution ended up being contacting ICE and getting them to put some sort of notes in the DHS file [saying] their visa overstay was not their fault because of the [labor trafficking] situation, in hopes that that wouldn't make problems for them in the future if it was explained. (site 4a, attorney 1)

Because our sample of survivors was biased toward those who received immigration relief from service providers, we do not know how many labor trafficking survivors are identified, but choose to forgo immigration relief for reasons similar to the reasons cited above. The requirement that survivors assist in a law enforcement investigation and prosecution against traffickers, with no guarantee the traffickers (and more importantly any international associates back home) will be apprehended, may also prevent survivors from moving forward with a T visa.<sup>56</sup>

## Challenges Accessing T Visa Benefits and Services

The T visa allows a survivor to obtain a government-issued ID, social security card, and driver's license, as well as other forms of assistance available to trafficking survivors. Coordinating and accessing these services can prove challenging for survivors, primarily because employees in these agencies lack information about T visas and the assistance and benefits to which they entitle labor trafficking survivors. When asked about the biggest challenges survivors face in accessing public benefits after receiving their T visas, two service providers stated,

The services, you know, having to deal with different service agencies is just like different bureaucracies. If people have the wherewithal to be dealing with everything, then that's great, but if they're limited with what they can do and the amount of people they have to do it then you're at that mercy. Any public . . . I know we go on and on about any public benefits and people taking advantage of public benefits, but anybody that's ever gone to a [agency] office for public benefits and spent any time there would not be like thinking it's such a great deal. (site 4b, victim service providers 1 and 2)

The woman who tells her story below, who had been brought to the United States under fraudulent documents as a child and trafficked as a domestic worker, battled significant barriers to obtaining a social security card and driver's license:

Basically they hand you your life in an envelope (laughing), you know, they hand you your work permit and then they say, "Here's what you need to do to get a driver's license, here's what you need to do." Actually they don't even tell you that, they just kind of hand it to you, let me just be honest. I really feel like at that point they should probably advise you on how this is all going to work, kind of go about getting your driver's license, how to go about getting a social security card, because what ended up happening is I went to the Social Security Administration and they denied me a social security card because I didn't have two forms of identification. But how can I have two forms of identification if I never had a birth certificate, if, you know, all the documents were forged, I can't use those documents because you know they're illegal, so how am I supposed to provide you with two forms of identification?

Basically my case manager came across this and we were like, you know, what do we do, now they're denying her social security card, and so I literally, she went there and had to talk to the person ... who was in charge at the social security department and she said, "How is she supposed to provide you with two forms of identification if she was a trafficking victim?" And honestly, they didn't know what human trafficking was!

And this took hours of course, and then finally they were like, "Okay, we'll give it to her." So that is a roadblock that we, you know, I felt like there needed to be some way between all the departments and maybe there is now, where they communicate about how to handle such special circumstances. (site 2, survivor 7, female, domestic servitude)

A T visa also qualifies a survivor to apply for federal student loans. As described below in greater detail, survivors in our sample commonly expressed a desire to advance their education and training. The domestic servitude survivor quoted above was denied federal student aid due to an administrator's lack of awareness of what a T visa was, which raises the question of how many other survivors may have similar experiences. This survivor reflected on this question and suggested that, to her knowledge, and the knowledge of her service provider, many survivors remain stuck in low-wage jobs. It is because of this that her challenges were unique among our sample.

I decided to go to college, but I didn't really understand how the process worked. So when I went to fill out my FAFSA [Free Application for Federal Student Aid] forms, I pretty much had to read about it, what FAFSA was ... which my T visas are a new visa category in order to receive FAFSA. I was denied and I literally had to go to the school and say you cannot deny me because under this law and this, like I had to train them on what this was because I was, out of the entire school, I was the only human trafficking survivor I guess you could say. So I think, you know, knowledge would probably be up there—that people needed to be knowledgeable, and I felt like I was constantly having to reeducate people in a sense because they were denying me FAFSA, they were denying me all these things that under this law says I get. But here is another thing, if the survivor doesn't know how to read and they're not as, I guess, ambitious as I was, because I was just like, I just want to get my life back, you know, what can I do. And in my case, explained it to me this way, she said, my lawyer she said that, most trafficking victims that are survivors, they pretty much go back to whatever job they were doing prior to, to you know, prior to being

rescued. They basically just go back to the same thing. (site 2, survivor 7, female, domestic servitude)

In addition to challenges accessing services due to a lack of state and private agencies' knowledge of T visas, survivors also reported that if they chose to leave the city or state of their initial service provision, they might also lose access to social services they qualified for due to different rules and coverage mandates in other areas. Survivors expressed wanting to leave cities of specialized service provision for various reasons: for jobs, to be closer to their families or friends, to get away from the city or state of victimization. The following survivor, one of hundreds victimized through an H-2B guest worker program, wanted to leave the city of service provision because it was the same city as the traffickers' trial, a situation that was causing him mental health issues. However, by leaving the city of the trial (where most other victims in the case were moved), he lost access to a wide range of services.

Yes, it's such a small state . . . small town. There is no resources here. So what I did was I worked and I helped myself instead. . . . Because when I am working here . . . because the trafficking victims back in [city of suspect's trial], they had . . . food cards every week, weekly food cards, free apartments. They get stipend for utilities, like furnitures, they help with signing you up for education to better your career, free schooling. All of those when I left [city of suspects' trial]. There were none of those in [city moved to], so I kind of missed those. (site 3, survivor 1, male, hospitality)

Labor trafficking survivors receiving T visas may also submit applications for T "derivative visas" for their immediate family members. Trafficking survivors under the age of 21 may apply on behalf of a spouse, children, parents, or unmarried siblings under 18 years of age. If trafficking survivors are over the age of 21, they may apply on behalf of their spouse and children under the age of 21.<sup>57</sup> Some survivors in our study were either receiving legal assistance from service providers to bring their children to the United States or had already received this assistance. However, a domestic servitude survivor in our sample was elderly by the time she escaped and received services. She recounted how she missed her children and wished she was able to bring them to the United States to live with her, but was unable to because they were over the age of 20. We later learned from her service provider that the woman lived alone, did not often leave her home, and had been financially exploited by individuals who knew she received a significant civil settlement.

## Finding and Returning to Work: Survivor Employment Outcomes

In addition to shelter and immigration assistance, the next most common need survivors cited was the need to begin working again. The need to work cannot be understated. These individuals often still owed enormous debts they took on to secure the job that turned into a trafficking situation. Also, as a result of labor trafficking-related wage theft, which may have lasted anywhere from weeks to several years, their debts were compounded. Being able to begin working again can have an important positive impact on an individual's sense of self-worth and self-esteem. However, obtaining work was not always easy, as labor trafficking survivors lacked job references, work history, and credit history.

The majority of survivors who were unauthorized at the time they came to a service provider had to wait months and sometimes years for their work authorization documents to come through with either continued presence or a T visa. During this time, survivors were exempted from most vocational training programs because they lacked certification. There is a lack of funding for precertification career assistance, and once survivors were certified, service providers were not funded to provide in-depth job assistance, let alone assistance with career advancement (e.g., educational or vocational training). As a result, the majority of the survivors in our sample ended up in low-wage work in industries similar, if not identical, to those from which they had escaped. Survivors often relied on word-of-mouth recommendations for work from fellow survivors or others within their ethnic communities. Survivors reported working as taxi drivers, hotel or hospital cleaning staff, restaurant staff, domestic workers, cooks, lumber factory workers, agriculture workers, and clothing retail workers.

Although all survivors in our sample eventually received immigration relief, survivors and service providers reported knowledge of other survivors who felt they could not wait months or years for immigration relief and instead remained unauthorized and worked under-the-table. Some survivors in our sample also worked under-the-table while awaiting work authorization, which placed them at risk of further labor exploitation and trafficking. A caseworker explained the desire to work that she heard expressed by her clients:

I think it sort of depends where they are. Did they just leave their trafficking situation, or did it happen 10 years ago? People want to be connected to their families and people want immigration relief and people want a job. That's just what I think you hear a lot. And even if they need housing, they really just want a job. I mean, if you wanted to be reminded of like the American dream or like central to people['s] identities is like a sense of, is really their job and they are stand-up citizens in their community. I just feel like we're constantly reminded that that's what people want for themselves and their families. So that's what they come asking for. And it's very rare . . . people don't usually ask for money, although sometimes they do. And people don't

ask for therapy, you know, generally speaking. Of course you have clients who do. It's really like those central things. (site 1a, caseworker 1)

An additional theme that emerged from interviews with some survivors was a desire to be able to work to provide themselves with services, rather than receive them for free from service providers. Everyone in our sample was extremely grateful for the services they received, but some noted that if they had been able to legally work sooner, they could have met some of their basic needs on their own.

To be honest, the most important thing was when I had my work permit. Personally, I am ... if I have a ... if I have even the work permit for the right, for the legal right to work ... I would rather work than to seek help. It sounds ... I don't know if it's just me. I would rather ... have my legality ... is that what you call it? And then that's all I need. That's all I needed. To work and earn money, that is my life. Because I don't really want to go to ... I was told that I could go to [agency] and ask for food stamps. I don't want to do that. I don't. I know it's not me. I would rather work for ... for the food or for whatever. So that's ... yeah, the most important thing for me is that I was able to work legally. (site 3, survivor 1, male, hospitality)

After he was working again, the survivor quoted below felt embarrassed to use money given to him by the service provider to help him get on his feet:

Now, I am working and they gave me some money that I could use for rent, for food, for lots of things, and when I moved to [another state], after nine or ten months that they were helping me, they told me that they would be giving me \$3,000 so I could start my life and work and after that money was done, I would be independent, like always. But, you know, we are used to working and being independent. So I just moved here and found a job and didn't need the help from the [service provider] anymore. ... I haven't gone through the money because I am working and I am embarrassed to use that money for what I need knowing that I now can look after myself. (site 4a, survivor 2, male, agriculture)

Service providers we spoke with indicated that although they could provide assistance in the form of resume development, or in some cases, English as a second language (ESL) classes, most were not set up or funded to provide more in-depth assistance for returning to work. One service provider described how even though trafficking survivors technically have access to federal match grant programs, they are not helpful for the vast majority of them.

Jobs. Finding the clients jobs. There's match grant through [service provider] and other organizations where they have the opportunity, but there are so many obstacles to that program that they are just not helpful. It's helpful in maybe 1 percent of the cases or something. Maybe 5 percent of cases. They need to have no kids, basically, because they can't work. They have to speak fluent English or they put them in English school full time, which is not helpful if they have to pay rent. Yes, they get this nice cash stipend, but it's not enough to pay for anything. It doesn't make any sense. If they want to have a program like that, then it needs to be giving them a monthly allowance that's equivalent to a minimum wage salary at least. Or nobody does it. They will go for week. They will find out they need to be in school eight hours a day, and say they can't. They need to work. (site 1, outside social worker 1)

As a result of the lack of real long-term solutions to assist survivors in finding work or providing vocational training to help increase their employment options, many of the survivors in our sample returned to low-wage jobs, often in industries similar to the ones in which they were exploited. They also relied heavily on their social networks to find job opportunities. As one victim explained,

Sometimes it's very difficult for me because I didn't know the language or anything. The job I used to know how to do in Santo Domingo I couldn't do here—the dental—because all of the offices ask English as a requirement and I didn't know English. So I started to take some English courses, but I have to work at night and wake up too early in the morning. I would go to sleep at 5:00 and wake up at 7:00. I couldn't study. I had to keep working. So time passed without ... I couldn't study English without, I just kept working at restaurants because this is what was giving me the most money, and it wasn't asking for some language requirement or anything like that. I could pay this course where I could start working with kids, but I couldn't open up a business because it was too little money. But I took this course for a home attendant and right now currently I'm working as a home attendant. My husband works at a restaurant. ... I have an apartment that has one bedroom. I live with my kids and my husband. I hope to improve and to get a better life. Right now, I started a program at the university for English. But once I'm done with that course, then maybe I can start a career. (site 1a, survivor 2, female, hospitality)

An attorney at one site explained the need for professional mentorship programs to help survivors overcome the barriers (e.g., a lack of references or work experience to list on a resume) to moving up the employment ladder that resulted from their labor trafficking:

One of the things we constantly talk about is professional mentorship, and it would be amazing to see more money for job training. For a lot of our clients, when you are coming from a labor trafficking situation, who do you list on a resume for prior work experience as a reference? Or talk about your relevant work experience? So, that's something that we always talk about as a huge need. (site 1, attorney 1)

One long-term outcome we were interested in assessing was whether labor trafficking survivors experienced any forms of labor exploitation in their current jobs (at the time of the interview). The majority of individuals replied that they felt protected from exploitation because they had legal documents. A female survivor of domestic servitude who was brought to the United States on a visa tied to her employer described how even though she continued to do domestic work after the labor trafficking experience, she did not face any labor exploitation or labor trafficking because she felt that having legal documentation (not tied to an employer) protected her.

Yeah, that way they [service provider] help me to get my green card. Now I can apply for green card and get my paperwork. I can work, I get, it's like I earning like \$2,000 [USD per month] if I really work good. I not earnings like \$100, \$200 [amount promised in previous labor trafficking]. .. And I don't work all day. ... They pay me more so I can go, I can say "I want this much money, I will clean the house." And, yeah, they pay that much because I have my paperwork and other things. ... So, yeah, that is better than [labor trafficking situation], like 10 times. (site 2, survivor 3, female, domestic servitude)

However, survivors and service providers did speak about instances of labor exploitation. Although the survivor below had work authorization, she describes mistreatment she suffered at her first job, cleaning in a hospital, nine months after the trafficking situation. She believed that because she is Hispanic, her employers retaliated against her with the belief that she was an unauthorized immigrant. She recounted multiple forms of labor violations against both herself and her coworkers (many of whom were unauthorized immigrants).

**Survivor:** I started working in the hospital and they fired me from the hospital because a person hit me. . . . They manipulated everyone from the hospital because they thought I didn't have papers and I didn't know anything. And they have had a lot of lawsuits regarding workers' abuse but because they are a big business, they don't do anything to them . . .

**Interviewer:** And when you worked in the hospital, did they pay you?

**Survivor:** Yes. Yes, they paid me. I had a few problems with my checks. The company that I worked for were too inflexible. . . . Like, for example, we would be missing hours and they didn't pay them. They didn't pay us our hours. . . . When I was working there, I was there for almost two years, from 2009 to 2010. When I was working there, various incidents happened. Precisely, there is an incident happening with a person worked with me. And that person, when they hit me, she called the hospital police so they could come and help me. And they made life impossible for her for six [or] seven months until they fired her.

**Interviewer:** Who made her life impossible?

**Survivor:** The managers, the supervisors. They would change her shift, constantly. She was supposed to work the afternoon shifts and all of a sudden you would look at the schedule, and they had her in the third shift or the second shift. They changed her schedule every day. (site 3, survivor 5, female, restaurants)

## Labor Trafficking Survivor Experiences with the Civil Justice System

As demonstrated in chapter 6 on victimization, labor trafficking victims experienced both civil and criminal violations. Labor trafficking victims may seek various civil remedies (e.g., back wages, discrimination claims, class action lawsuits, civil actions against traffickers). Interviews with survivors, service providers, and law enforcement officials indicated that in general across sites, survivors rarely received compensatory relief in the form of back wages or civil damages. Survivors provided rich detail regarding their experiences with the civil and criminal justice systems and their sense of whether they felt justice had been served. Criminal restitution was also rarely granted to survivors. Chapter 9 describes in depth the challenges that survivors face with the criminal justice process. In this chapter we focus on the challenges and potential benefits of the civil justice system.

If labor trafficking cases are not pursued criminally, civil damages may be a survivor's only option to receive remuneration. However, civil litigation is rare primarily due to limited and restricted use of funding streams and a lack of attorneys and other resources needed to bring these cases forward. Attorneys cited funding for affirmative civil litigation as a need to better serve their clients. When asked how common it was to bring civil cases for labor trafficking, one attorney described the overall landscape in the United States:

There have only been 73 cases brought federally in the last 10 years. So, they are not being brought. And I've been trying to talk to other advocates about why they think that is. I think there's a range of reasons. One, it's really hard under current legal services funding to do class actions or any impact litigation because there's restrictions to what you can use the money for, the legal services. And also because if you're doing this sort of immigration relief, you don't have as an NGO the resources to do a big federal or like a big civil action. So, you see them being brought by law firms taking on pro bono cases. (site 1a, attorney 1)

As a result of these funding restrictions, no service providers nationwide are funded to solely bring civil cases on behalf of labor trafficking survivors for back wages or for harm caused by the labor trafficking.<sup>58</sup> One attorney in our sample was able to bring a few cases and achieve significant compensation, but she was one of a few individuals nationwide working on these cases.<sup>59</sup> The attorney explained the impact these restrictions have on survivors:

They [survivors] are entitled to so much more than back wages. They can bring a claim for the trafficking. . . . And they are left in such a financially precarious position that it really does—so my whole spiel is even with an approved T, these are still low-wage workers. They are still immigrants and people of color. So they are ripe for reexploitation, and even if they are not retrafficked, which sometimes happens, they are likely going to find themselves in another exploitative labor situation. So, the only way to do that is to get them on their feet and give them stability. Sure, immigration status is great, but we also need to give them what the products of their labor. We need to pay them their lost wages. Where would any of us be if we weren't paid for a year or 5 or 10 or 20? (site 1a, attorney 1)

Some survivors were able to receive civil compensation. These cases were more common with the larger H-2B guest worker labor trafficking cases brought by organizations such as the Southern Poverty Law Center or government agencies such as the Equal Employment Opportunities Commission. Both organizations have advocated on behalf of workers in labor trafficking cases, many times in cases that have failed to move forward criminally. These organizations have used class action lawsuits and violations of the Civil Rights Act of 1965 to bring these cases forward, bringing both compensation and a sense of justice to survivors. Although civil penalties are an important form of justice, they are not a form of criminal justice. As one young man in our study indicated, even though he and other survivors had won a civil case, because the company that used their trafficked labor and the contractors directly trafficking the workers were never held criminally liable, they continued to operate and could exploit

countless other victims. In another H-2B labor trafficking case, a survivor described how although other victims received a little bit of compensation, he believed the traffickers were still at large and that a female victim was now in a relationship with one of the traffickers in an effort to help protect herself from the traffickers' threats of being reported to immigration.

For many survivors, even when civil or criminal monetary damages are awarded, collecting the money can be very difficult. Survivors and service providers described how it is not uncommon for money awarded to survivors not to be dispersed, either due to the company or trafficker declaring bankruptcy or traffickers fleeing the country or being deported. Other interviewees described how companies may close and reopen under different names or countersue victims to avoid payment. The young Eastern European woman quoted below describes how she never received the payment she was owed for her work, even though she was extremely diligent about following up and cooperating with investigators in this case.

Yes. Yes. I mean, I didn't know that it was going to be okay, but I told her [victim's mom] it was going to be okay because she was like crying at me and she is like, "Well, even though I don't have money, I write check." I was like, "No." I mean she was like, "If you need, I can find for you." But I was like, "No. Let me see what I can handle this and what can I do to change it and be able at least to get my money back." As I told you they still owed me. They didn't pay me anything, but government told me the financial situation was very bad in the United States right now as far as the money that they owe me. Maybe one day I'm gonna get that, but . . . (site 3, survivor 3, female, hospitality)

A service provider in one site explained how civil judgments can be more promising avenues for victims to receive compensation compared with criminal restitution because criminal cases rarely go forward and if they do, restitution may be small and only include back wages, but no calculation for interest or pain and suffering. However, as she describes below, civil judgments are also difficult to obtain for labor trafficking victims, particularly when cases may be charged under nontrafficking charges and victims may have been arrested for being unauthorized immigrants.

So a civil judgment can be much higher than restitution might be because restitution is just their back wages. But anyway, in this case, so it was not trafficking charges it was the immigration violations, and no restitution was ever sought cause they were, our clients were seen as quote, "complicit" and were not seen as, you know, being victimized. Granted, you know this was, the perpetrator was already deported so you know they're not going to collect this amount, but, um, hopefully it sends a message. (site 3, attorney 1)

## Sense of Justice

Survivors in our sample had various experiences interacting with the civil and criminal justice system. Some received back pay, some received a civil settlement in exchange for not pursuing criminal charges, others participated in trials against their traffickers (with divergent outcomes), and still others never saw civil or criminal justice served. Regardless of whether cases were successful in the civil or criminal justice system, survivors were asked about their feelings of whether justice had been served. Responses varied. For some survivors, holding traffickers accountable in the criminal justice system was extremely important, both in terms of justice and in terms of their own healing process. For others, having their freedom back was more important than justice against the traffickers or their own participation in civil or criminal justice proceedings. The male survivor quoted below, who was placed in jail as a result of his trafficking, described how it was important to him that the trafficker be held accountable for what she did and be imprisoned.

This lady [lawyer/service provider] really, really changed my life. One day over here in this office someone [asked] me, "You think you go to the court and point to the lady [trafficker]?" And I said, "Yeah, why not." That's what I want. She to pass something what I passed in the jail. This is no correcting the feeling what I feel right now. It's hard when someone play with your heart and your life like that. (site 2, survivor 5, male, other)

Another survivor, also placed in immigration detention, recounts her initial decision not to pursue a criminal case against her trafficker because it would have jeopardized her ability to provide for her family. After learning about services she could receive, she eventually chose to continue the process, seemingly out of an ultimate sense of wanting to see justice against her trafficker.

Well, my concern was that before I left immigration jail they told me that I could most definitely not work outside until I had an authorization. So, when the lawyer told me this, I told him it would be preferable that my case not be processed. That I couldn't continue because how was I going to survive to pay my rent, to buy my food, and to be able to help my family in everything they needed if I wasn't going to be able to work? If we lived off what I make, there is no one else who could help us. So, she explained to me that there was the [service provider], that there they were going to give me a place to live, buy me clothes, give me food and medical costs if I needed medical assistance or whatever help I needed, I would be able to get it from them.

So, I didn't know all of this existed so I said, well. And they also explained to me that I could take the opportunity to stay and continue my case and to see what could be done so I could have legal documents in this country. And the truth is, I became interested because after all I suffered, the psychological and physical harm, because it was also physical harm, I said, I am going to have a good opportunity, like a door opened and I said, "It's a blessing from God. I am going to have people who are going to help me." And I think of continuing to see what can be done so those people [traffickers] who do all these things to us, that person who would tell us that we weren't worth anything, that the laws for us in America didn't exist, so now we are demonstrating that yes, there is help for us and that we also have rights and that we are worth something to some people although perhaps not for all. (site 4a, survivor 1, female, domestic servitude)

An attorney in one site described how all her clients, except those faced with severe forms of trauma, expressed an interest in cooperating with law enforcement and seeking justice against their traffickers. Despite this, she stated that during the month before our interview law enforcement officials had interviewed only one survivor of the 20 cases she had brought to their attention. She reflected on how she prepares clients to face the news that law enforcement may not pursue their case:

I mean, it's a really hard conversation to have with your client because—one, they often feel as though if there isn't an investigation or they are not moving forward then that's it for them. So there's just—in reporting I always have this prefatory conversation that it . . . doesn't matter what decisions the US Attorneys make or ICE makes. We will move ahead with their case. So prepping them for that seems to be pretty effective. And then we also discuss civil remedies and just a host of remedies available to them, even if it's not going to be from a prosecutorial standpoint. . . . Some of our clients have a very deep sense of justice and they want to see someone tell these people that what they did was wrong. (site 1a, attorney 1)

One difference in seeking justice was noted with some domestic servitude survivors. Some of these survivors recounted struggling with their feelings of justice on the one hand and sorrow that any of the children they had cared for while being trafficked would lose one or both of their parents if they went to prison. In the following case, law enforcement describes how a survivor, held for over 10 years and abused and trafficked, did not want the traffickers to go to jail for the crimes committed against her. Instead, law enforcement worked with her and was able to get the traffickers to pay a civil settlement to the victim. This helped the victim recover some, though not nearly all of the wages of her years of indentured servitude, and helped meet the victim's wish that the trafficker not be punished.

[Survivor] was already back home in the Philippines. It just took some convincing. "This is not fair what they did to you." "I don't want them in jail." "Okay, well one way we can keep them out of jail is, you know? They can offer a settlement. Would you want to work with [civil attorney's] office for that?" And so they did. We can't do it as law enforcement because we don't want it looking like a bribe or anything if it's a settlement between them. And then [civil attorney's] office accepted the check, made sure it cleared, set up an account in the Philippines for her so she could access the money. (site 3, law enforcement 3 and 4)

Domestic servitude cases are often difficult to take to trial because often the victim is the only witness. In addition, these cases may not always receive support from federal law enforcement who may view them as small cases not worth the resource investment. Cases of domestic servants abused by diplomats are never prosecuted. In addition, domestic servitude cases may prove particularly difficult given that domestic work is unregulated and therefore workers have few, if any, protections under labor law. Despite these challenges, a case of a woman held as a domestic servant for several years and traded back and forth by two families did go to trial in one of our sites. Although prosecutors believed they had strong supporting evidence, the case was lost. In addition, the survivor never received back

wages for her years of labor. The survivor's story illustrates her struggle with wanting to seek justice against her abusers and her feelings about losing the case:

**Interviewer:** And did they prepare, you know, before you went to court did they talk to you about you know, what was going to happen?

**Survivor:** Oh, yeah, yeah, they talk about, yeah I was very, I was very, I thought okay I will win the case because I know on my side is million of things are right. I can only tell whatever things what happened to me right. So there is nobody saw all this things because I am the one get abused, there's God is know, but God cannot come and tell but I tried to tell them whatever I can but still I'm, I didn't win the case.

**Interviewer:** How does that make you feel that you know it didn't . . . ?

**Survivor:** I feel really, really, really bad because I want these kind of people at least get punishment but same time that [recruiter and abuser/mother of trafficker] and [main trafficker] if they get punishment I will be so happy because they are the ones brought me here, they are the ones dropped me with that other family house. But I'm a little bit okay with this but because every time I remember that I feel crying, you know, why I lose the case, I don't want to punish them, but I, I don't know whatever they ask me do you remember like I remember, I remember, I get tired. Sometime it's like my, complete in my mind is out of . . . I keep thinking too much about it.

They should not do this kind of thing to another girl, right? But I'm little bit okay because that family, that who they come to court they are six babies—but because of that that I said okay, they, because the kids they not live without mother and father if they go to jail, the kids will suffer. I think about that I'm feel sad, so I said that family is okay, but the other two family people, they should get punishment. (site 2, survivor 3, female, domestic servitude)

Although domestic service victims faced several unique roadblocks on their road to justice, obtaining back wages was rare across all victimization types. Trafficking survivors in other, more regulated industries were just as likely to not receive civil damages. A male survivor of labor trafficking in agriculture explained how working with the service provider helped seek justice against the trafficker, but that he still had not received any money owed him from his years of work:

Well, I think the [service provider] do their job very well. We have had really good help. And I also think there are a lot of people who become interested in clarifying if everything one goes through is true, although some say that justice is illegal, just looking at what happens in jails, but I understand all this, because I think how many people don't file a report and sometimes not all of them are true. So, this is all really difficult because I would like for justice to happen. For example, I am waiting for him to pay my salary, for which I worked really hard for, almost never slept. The Department of Labor did a calculation of how many hours I worked and I worked between 114 and 130 hours a week and so, like you can imagine, it is a lot of hours of work and I never got paid, so I think, why don't they just go and charge him and then all of this is over? He has the money to pay me. (site 4a, survivor 2, male, agriculture)

Another survivor, who had been trafficked with her husband in an assisted living facility, was extremely frightened of the traffickers, who to her knowledge had not been arrested. She and her

husband didn't have enough money to leave the town where they had been trafficked, and she spoke of how she changed her name and tried to remain under the radar. As it had been about a year since she and her husband escaped and no arrests had been made, she was disheartened that her traffickers would ever be brought to justice:

**Interviewer:** Do you want to see justice done? Do you want to see the people punished?

**Survivor:** Yes. I pray to the Lord that they will be punished, but maybe the Lord will be the one to do something. (site 2, survivor 4, female, assisted living facility)

When survivors for whom justice was important were faced with the fact that their cases would not move forward in the civil or criminal justice system, the impact was significant. One survivor who had been brought to the United States with false documentation as a child and labor trafficked by relatives during her childhood explained how important justice was to her and how she felt when she was told the case couldn't move forward:

He [federal investigator] basically said, "You know, with this investigation I am basically going to have to stop it here because your aunt and uncle"—I'm assuming he went there, I don't know—he was like, "They basically flew to a nonextradition country," which is [country]. [Country] is a nonextradition country, but he said, "And we cannot pursue a case because we cannot go there and get them." So it was heartbreaking because I knew that these people would be getting away with years of abuse, years of crime, and it took me a while to get over it, to be honest with you, and cause I felt like justice was not being served. And you know he said, "I'm very sorry," and that was that actually. So they basically on that day they shut down my case and at that point what I was waiting for was my T visa to come in the mail and they told me and explained to me, you know, how that whole process would work. (site 2, survivor 7, female, domestic servitude)

Some survivors were not interested in civil damages or bringing traffickers to justice. They just wanted to move on in their lives. For them, freedom from the trafficker was the most important outcome. These survivors described how continuing to push cases forward in the civil or criminal justice system would have made them feel tied to their traffickers.

**Interviewer:** And is that something that you wanted to do? Were you happy that they were prosecuted? That they were arrested?

**Survivor:** Actually, a month ago or two, one of the human trafficking survivors told me to kind of be a part of a civil case against the owner of the hotel, the [big chain hotel]. And, for me, I . . . I told you, I think I don't want to be part of it. I got my freedom back and that's what matters to me. I don't care what they do with the traffickers. They are in jail. I don't . . . I don't care . . . I just want to forget that. You know? That's what I told them. And all the lawyers are telling me, are telling us, that we might get compensation from them. I don't care about that anymore. As long as I'm free and as long as I don't work for them anymore, I'm good. (site 3, survivor 1, male, hospitality)

# Impact of Labor Trafficking Experience on Survivors

Survivors were asked to reflect on the impact their labor trafficking experience had on them and their families. These impacts were innumerable and immeasurable in terms of time separated from family members, physical and emotional abuse, enormous debts compounded by wage theft, violence and threats against family members, and the personal and financial difficulties incurred by family members as a result of the labor trafficking. Although some survivors described how they were able to channel the experience in a positive direction, most described the negative psychological impact it had on them and the difficulties they had with personal and sometimes familial relationships.

## Psychological and Physical Impact

The labor trafficking survivors in our sample suffered both physical and psychological trauma. Across case data and interviews with survivors there were reports of tumors, cancer, untreated broken bones, stab wounds, rape, sexual abuse, bed bugs, untreated rashes, and physical and psychological torture of the most severe forms, including brainwashing. Some survivors had chronic health conditions (e.g., asthma, diabetes, and heart disease) before the trafficking that were worsened by their lack of access to medical care during the labor trafficking victimization. Service providers in our sample coordinated access to various health care providers for labor trafficking survivors, but they reiterated the need for more trauma-informed psychological support in multiple languages.

Survivors who received a T visa had access to Medicaid and Medicare for their physical health care. Survivors who had not received a T visa and remained unauthorized were able to seek assistance through free clinics, or they remain untreated. One rare case in our sample involved repatriating a survivor to her home country. The survivor had been kept in domestic servitude for 10 years and suffered from severe malnourishment, an untreated broken bone, and significant dental issues. While waiting for the survivor's documents from her home country, local law enforcement coordinated treatment for her health issues. However, because the survivor lacked documentation or certification as a trafficking victim, it proved nearly impossible for them to find treatment. A local citizen who had been initially involved in referring the victim to law enforcement stepped in and offered assistance. During this time, law enforcement kept the survivor in what they called "unofficial witness protection" in response to the victim's fear of divulging her personal information on medical forms.

So the whole time we're trying to get her back on her feet medically and making sure she's ... because she had vitamin deficiencies too that cropped up in her blood. So those were all recognized and treated. She had some pretty significant mineral and vitamin deficiencies.

[Citizen]'s daughter worked for a dentist. That's who . . . and he stepped up. She was like, "My daughter works for a dentist. Would that be okay?" "I'm like, 'Well, let's ask [survivor].'" So she said, "Sure." And they kind of got some dental treatment for her with the dentist that wouldn't require her to fill out forms and no tracking of who she is and her personal information, who's housing her. Because that stuff is hard to get around. Even to make an appointment with someone. (site 3, law enforcement 3 and 4)

In addition to physical trauma, labor trafficking survivors suffer psychological trauma. This trauma was compounded for survivors who were jailed as a result of their victimization. Two psychologists interviewed for the study explained that a trauma-informed approach is just as needed for their labor trafficking clients as it is for the domestic violence clients they serve and that there is a need to offer services long-term.

**Service provider 1:** Yeah, sometimes with the more serious cases you will get PTSD, depression, anxiety. But mainly there is just a lot of dealing with self-esteem issues and shame and guilt and fear . . . confusion. But a lot of the time with our trafficking clients is that more than even DV [domestic violence] clients, the basic needs are not there yet. So that's another reason I feel like counseling is a later thought for them or not as important in the moment. They are still trying to secure shelter or be safe from a trafficker or anything like that.

**Service provider 2:** Lots of fear. (site 2, psychologists 1 and 2)

A service provider in another site described the mental health needs of her labor trafficking clients, most of whom were domestic servitude victims. Her observations may not pertain to victims of all forms of labor trafficking, but they are important to consider when structuring mental health programs for survivors. These observations indicate that mental health programs for human trafficking survivors may need to be tailored differently depending on whether an individual suffered labor or sex trafficking.

**Service provider:** Most of the labor cases are domestic workers and they are stuck in the house, and they are not allowed to talk to anybody, not even another worker in the house if there is another worker. Something about all of the isolation really damages them. You hate to say "damage," but really causes a lot of adverse effects that take a lot longer to get over. For example, all of my longest-term therapy clients are labor trafficking. Sex trafficking clients come in, they have their crisis, and they have their intense sessions. Maybe after a few months, a year, a year and a half, you see them less often. They will still come in, but it's not weekly. But my devoted weekly or biweekly clients, those are all labor trafficking [victims] that have been with me for . . .

**Interviewer:** Is it depression? Anxiety?

**Service provider:** Sure. It's a lot of depression, anxiety, PTSD—yes, we see a lot of those in most clients. But we have some clients really develop a psychosis. One is schizophrenic. We don't know did it trigger schizophrenia, was she going to have it anyway? If she was in a different environment, would she have developed schizophrenia? We don't know. We have a few clients with severe, major depression. We have a lot of clients who just—it's not a disorder. They just don't have social skills and it really affects them. They are just mad at everybody—mad at the whole world. They go through the world furious and angry. These are not disorders, but it's called

in psychology a repetition compulsion—so they will be compelled to go in the same situation over and over, even if it's not trafficking and even if the person is not victimizing them at all. They have to feel like a victim to feel secure. So, they will come in and complain, "The lady in the social security office said this." It's small things that happen to you and I every day. And we will be annoyed, but it will be over. But they will in therapy about it for three, four, five weeks about what the lady in the social security office said. It's not annoying. Well, it can be, I guess. That's caused by the isolation. A lack of a—just an inability to navigate social situations. A lot is also anxiety, replaying the same conversations 300,000 times, and that's an anxious thought process. (site 1a, outside social worker 1)

A survivor of domestic servitude described the impact the psychological abuse of the trafficker had on her and how over time she began to believe it:

It was psychologically—it really affects you cause when somebody tells you you dumb and really you work for her and do all the things and she tells you you dumb, there's no way you will grow up if you keep on thinking the African way and she's African, then you think really I'm dumb. You see, she can tell me this and I'm still in her house, and I still do all these things for her and my kids nobody does for them anything, I am and you believe really you're dumb and you work scared. You can't go anywhere and ask for anything, you can't go in any office because you are afraid. You just think I am what they always say I am. (site 4a, survivor 1, female, domestic servitude)

Suicidal ideation and/or attempts were described in case files, survivor interviews, and interviews with service providers. One survivor described her struggles with suicidal ideation:

It was important that I get into counseling. It was very hard. It is still very hard. I think to myself how I should just die. How can I see my children without having a future to offer them? It was very hard to sleep, and I had lots of nightmares. I was afraid and fearful of everybody. They offered counseling. It helped a lot to help us move on. (site 2, survivor 4, female, assisted living facility)

In the context of responding to whether survivors want justice against their traffickers, an attorney related a case of a male client trafficked by his sister and how he attempted suicide:

Some do, some like want this to change. Like the [country] case, he wants to make his sister [trafficker] suffer, which is unique culturally. He wants his money back, he wants his life back, he actually got so depressed about what was going on that he tried to commit suicide in his sister's yard by hanging himself. Thankfully he wasn't successful at it. So like he wants her to pay for ... (site 2, attorney 1)

Access to Medicaid and Medicare through T visas was helpful in providing the counseling and physical health care the labor trafficking survivors needed. Case managers provided support navigating these often bureaucratic systems. Some survivors did not feel the psychological effects of their victimization and seek mental health care services until some time had elapsed after their basic needs were met. Although some survivors admitted to experiencing trauma but did not seek counseling for personal reasons, others found counseling to be critical in moving on in their lives. Survivors reported gaps in access to mental health services, including a lack of trauma-informed, linguistically, and

culturally competent providers and a loss of access to health care benefits when survivors moved to other cities or states.

Access and use of mental health services varied. Some survivors hadn't yet felt the effects of the trauma at the time services were offered; they didn't feel they needed the services; or they didn't feel comfortable speaking with someone, especially if the person was unable to speak their language. A survivor who had been placed in jail and admittedly suffered trauma in addition to the labor trafficking explains why he chose to forgo mental health services

The truth is I think I didn't receive it because I didn't accept it because of lack of information. I will be honest and say that in that moment, I thought that seeing a psychologist was to treat a person who was crazy. And I sincerely had traumas that I needed to, I needed to vent, that made me feel bad, because my self-esteem was to the floor and everything that had happened to me, I felt great fear in my heart and also had a lot of nightmares. But I knew that what had happened wasn't difficult, and I knew that I could overcome it by talking to my wife, my brothers, and trying to get that all out. And so I said, "I don't really need a psychologist," although [name] recommended it to me. But I said, "Well, I am not crazy," and I told her to give me time to think about it, if I really needed that, but I came to the conclusion that no, I didn't need it. (site 4a, survivor 2, male, agriculture)

Barriers resulting from a lack of culturally and linguistically competent mental health service providers were reported by survivors and service providers across sites. When asked about the mental health care available to survivors, one caseworker explained that it needed to be both more trauma-informed and available in languages such as Spanish.

I just think that there are not enough therapists who do trauma work, who speak Spanish, and who don't have a savior complex. And I just feel like this field in general doesn't really address the clinical . . . like we get to some like really basic level of looking at the clinical needs of our clients, and then we like stop. And I'm not really sure why, because we're like happy to say they're extreme victims, but then, how does that affect our programming, how does that affect how we interact with clients? I feel like it hits some mud. (site 1a, caseworker 1)

## Impact of Labor Trafficking on Survivors' Family Members

When the crime of labor trafficking is committed against a person, the impact of the victimization may be far reaching. We were interested in exploring the impact of the crime on the families of survivors.

Some survivors described losing time with their families and a sense of trust with people.

It has been like, how do I say it, I miss my family a lot and that is why I think it made me lose the most. The time with my family. And I came over here and those people took advantage of me. Also, knowing that in this world there are very bad people that can—you can't trust, sometimes. To not trust people sometimes. But also knowing that justice is made and that well, not

everything can be hidden, because everything they had . . . and I thank God that I had the help I needed. (site 2, survivor 6, female, domestic servitude)

The following labor trafficking survivor describes the impact being put in jail had on his wife and children:

[Service provider] helped me a lot. [Service provider] helped me to restore my family because I was over here to talk to some lady . . . for everything that happened in my life, because I had never really answered and I was mad for what happened. I almost lost my family, like my wife. Let me tell you this, because I know this will change somebody else's life. While I was in the jail for nine months, my wife and kids were by themselves. There was no family to help her. There is no my family. There is no her family. Only she and my kids. This time was really hard for her. I almost lose my family. She came to the last court in November and she told me that this was the last court and she couldn't wait 10 more years. And at this time she already had somebody else because she was looking for somebody to support my family. (site 2, survivor 5, male, other)

Some survivors had been separated from their children for months or several years. (Recall that 65 percent of our sample had children.) Reunion with their children was difficult for some survivors, and this difficulty was sometimes compounded by the effects of the trauma they had experienced, as one female survivor, trafficked by a family member, describes:

Well, it has been difficult because it [trafficking] was my family. It has been frustrating. I don't know, for example, now with my son, I have problems because I don't know how to interact with people. It is not easy for me to express how I feel. I feel that way. Sometimes I am scared that they will hurt me, people that I don't know. It is difficult interacting. (site 3, survivor 5, female, restaurants)

A husband and wife who were separated from their teenaged children for a few years during their labor trafficking were able to bring them to the United States once they received their T visas. The female survivor explained that she does not want to tell her children what happened to them, and the children struggle with adjusting to life in the United States and having a standard of living less than the one they enjoyed in their home country. The female victim's mother passed away without knowing what happened to her daughter and her daughter was unable to travel home for the funeral.

**Interviewer:** And your children are now here with you in the US?

**Survivor:** Yes, they came when my mom died. There was no one to take care of them at home.

**Interviewer:** That must have been difficult for them.

**Survivor:** Yes. They are now 13 and 14. Already they go to school here. They came here two years ago. They want to go back home. They are not happy here. They don't understand why we have to struggle here when things were easier back home. They don't understand what we have been through.

**Interviewer:** Were you able to tell them about your experience?

**Survivor:** No, I don't want them to know. We just deal with it ourselves, but it is hard because they are angry at us for bringing them here. (site 2, survivor 4, female, assisted living facility)

In addition to the emotional impact of the trafficking on family members, trafficking has a clear financial impact. Family members may have to pay back recruitment fee debts incurred to finance the job that turned into labor trafficking. These debts are then compounded by months or years of lost wages and difficulty obtaining any criminal restitution or civil damages. The financial impact labor trafficking has on survivors' family members can result in lost family property (sometimes mortgaged or sold to pay for recruitment fees), shame and guilt associated with becoming debtors, and sometimes violence and retaliation against family members by traffickers or their associates.

Other survivors described family members who experienced violence and threats from traffickers or associates of the traffickers in their countries of origin. A female labor trafficking survivor who was smuggled under false pretenses by her aunt when she was young and then labor trafficked in her aunt's restaurant (where the aunt also sex trafficked other young women) explained the violence her family suffered after her escape. The aunt eventually was jailed on nontrafficking charges. Even though the survivor claims she didn't report her aunt, she was still blamed for it, and her family was retaliated against in her home country.

**Survivor:** Well, one time, there was an attack against my dad. Because they think I reported my aunt and that because of me she was in jail. But that is not true because as far as I know, it was because they got the other girl and the other girls spoke up. Like this has been a little confusing for me, because I don't know if they got her because of me or because of who they got her or what happened. They beat my dad pretty bad one time and I am afraid of going to [city in home country].

**Interviewer:** And the persons who beat him, were they friends or family of your aunt?

**Survivor:** My aunt's husband. And I don't have a relationship with my dad's family because of everything that happened. But nonetheless, with my family, with my mom, my brothers, it has also had a strong impact. I don't have a good relationship with my mom because, nor with them, because for them, it is difficult to believe all of the, that things have happened to me. I don't understand. No. Truthfully, it is difficult. They don't understand the situation. . . . It's as if, it's as if I didn't form part of my family anymore, you know what I mean? Like they don't believe what happened and that I was really not okay during that time. No, no. They don't believe it. (site 3, survivor 5, female, restaurants)

Although the family of the survivor quoted below was never physically harmed, they received threats of retaliation, and as a result, her mother and brothers live in fear of whether or when they might face retaliation.

Last year, I found out that the man and the woman, the man and the woman whom I worked for here [traffickers], were asking about my family, but thank God, I haven't heard anything more. And my mom was partly, at first scared because she thought the man and the woman could do

something to them over there and they have lived with that and to this day, they are that way. But thank God, no, no they [the traffickers] haven't said anything and I don't know if they are waiting more time, but thank God, everything is good and for my family, it has really affected them and my brothers as well. (site 2, survivor 6, female, domestic servitude)

## Hopes and Plans for the Future

What was undeniably clear from our interviews with survivors was their resilience and their desire not only to better their own lives and the lives of their family members, but to give back to their communities and help others. These hopes became especially clear when survivors were asked to describe their current lives and hopes and plans for the future.

Survivors often balanced multiple jobs, English classes, General Educational Development (GED) classes, bachelor's and master's level college classes, vocational training, and child care to advance their lives and the lives of their family members. Survivors sought advanced education in fields such as electrical engineering, journalism, teaching, and nursing. A common theme expressed by survivors was a desire to seek employment and advanced education and training in "helping" industries such as health care/nursing, social work, and caregiving. Survivors expressed a desire to give back to their families, communities, the US government, service providers, and to other victims of human trafficking. A few survivors in our sample also participated in human trafficking advocacy groups and spoke at events and conferences across the country about their experiences.

Although most survivors recounted positive plans for their future, a common concern expressed by those with T visas was worry over the future of their immigration status and whether they would be able to adjust their status to remain permanently in the United States. Survivors also described working to provide for their own and their families' basic needs and to pay off remaining debts incurred as a result of their trafficking while simultaneously trying to receive the extra training or education they needed to advance their careers.

The dreams and plans of survivors who were parents often revolved around creating a better life for their children. One male survivor poignantly remarked:

Well, one of the things I would like, and I always talked to [name] about this, that one of my biggest dreams is that I would be able to get the visa and be able to bring my family, because they say it is the only visa that my family can come here with. So I would love to be able to get that and have my family come here, for the reason that my daughter, I left her at maybe three or four months when I came here. Now she is older, and can talk and we talk on the phone and she tells me, "Daddy, I love you. Daddy, I want to be with you. I want to meet you." And it is something that is very difficult. And I would love for her to come to this country, for her to be able to go to school

here and that she could learn the language and for me to one day feel like a proud father knowing that I know that my daughter is someone important. (site 4a, survivor 2, male, agriculture)

Another theme expressed by parents in our sample was a desire to ensure that their children did not suffer abuse as they had.

My hopes and my dreams is that I have two sons and I have two daughters. I hope that one of my sons becomes an auto mechanic and I'm hoping that all of my kids, they get an education so they don't have to go through what I went through. (site 3, survivor 4, male, agriculture)

In my case, I am bringing a younger daughter. She is going to school in [home country] and upon getting this news that they are going to be able to have the opportunity to come, for me, my biggest dream is to give them an education. And perhaps if they are here, it is to give them the best and to give of myself so they don't suffer like I did. That is my biggest dream and to take advantage of this, the permit that we have for four years without going back to our country and so as long as I have this opportunity, I plan on staying here. (site 3, survivors 8 and 9, male, agriculture)<sup>60</sup>

My long-term plans are, and my daughter is included, are to work, have my own house for my daughter and I. And I think about her, I think of her schooling. Make a savings for her. And to tell her that, come tomorrow, I know that she is going to grow up, she is going to marry, and that if any man tries to put a hand on her, to speak, to speak up, that I will be her mother, her friends so she can trust me and to tell me things. And that no one, and that she shouldn't let anyone belittle her, because she is worth a lot. (site 2, survivor 2, female, domestic servitude)

The T visa allows survivors to bring spouses and dependent children to the United States. However, the practice is to wait until survivor T visas are granted before applying for family members. Survivors can only bring children who are under the age of 21. For some of the elderly survivors in our sample, this restriction meant they would not be reunited with their adult children. An additional hardship related by survivors with children or spouses abroad was that they could not leave the United States until the T visa was granted and they received permanent residency. As survivors cannot apply for permanent residency until three years after a T visa is granted and it takes time for an application to be approved, the years add up.

Some survivors expressed worry over whether they would be able to adjust their status to permanent resident at the end of the three-year T visa period. As stated earlier, more research needs to be done to examine the adjustment of status process for labor trafficking survivors. Although some survivors in our sample were able to have their status adjusted for free, others were told they needed to pay for private attorneys. The uncertainty over their long-term residency proved stressful for survivors who held T visas at the time of our interview.

They [service provider attorney] explained that after three years we get a private lawyer to get the green card. Our children already dependent through T visa. They are no longer here on visitor visa. . . . I hope we can get a green card so we can move on with our life without all the

suffering we have been through. We want to enjoy things again like we did when we were back home. (site 2, survivor 4, female, assisted living facility)

To know if I one day I will be able to be calm once all my immigration papers are good, that is what worries me. Or if I, I'll be able to move forward here. I know it is all ending. I know that I will be able to achieve this, but sometimes, there are times when I start thinking about it and more in this country, I need to keep working to be able to push ahead. (site 2, survivor 6, female, domestic servitude)

My family is doing good right now. We are scared right now because the T visa is only for four years and we don't know what the government will decide when we put the papers on the table. . . And I don't know what they will say. Maybe yes, maybe no. (site 2, survivor 5, male, other)

Whether the survivors quoted above and the majority of survivors interviewed in our sample were able to adjust their status to permanent residency and ultimately file for citizenship remains unknown. One survivor interviewed in our sample, one of the few survivors to become a permanent resident, detailed the challenges she faced adjusting her status. These challenges, which were significant, raise the question of how many survivors are able to adjust their status after the four-year time limit of the T visa expires. These questions are particularly pertinent in light of earlier findings that after their escape survivors faced barriers with immigration attorneys who lacked knowledge about human trafficking and T visas. Data and research on the percentage of labor trafficking survivors who are granted a T visa and later adjust their status are needed. As is more in-depth, first-hand research with survivors about their experiences. The young woman who adjusted her status to permanent resident described her difficulties with the process:

It's just an extremely long process and getting the T visa, it's like you can take a breath. Now it's like, okay now I can live my life, but then after, you know, a couple years, you also have to go through the process of getting a green card. And now you, for example [service provider] does not pay for or does not provide lawyers in order to apply for a T visa or in order to apply for a green card. So you have to hire a lawyer, yes, you have to hire a lawyer.

I ended up writing letters to all these different law firms saying, you know, I couldn't really afford a lawyer at the time, I was still in college. . . . I mean and you can imagine being in college and you're still trying to and I didn't have the option to not work while in college, so I was also working a full-time job at the same time and trying to get a lawyer, and of course every law firm is like, "No, this is how much it costs, the average cost for an immigration lawyer is \$1,200." (site 2, survivor 7, female, domestic servitude)

Another requirement to adjust to permanent resident is a medical exam and shots by an immigration doctor. Although this survivor was one of the few to have a job that included health insurance, these costs were not covered:

I don't know if you know this, but immigration doctors are not covered by insurance, because it's not considered a medical necessity. . . . Yes, and so when I asked my lawyer like will they, cause I have insurance, great insurance through the district [survivor working as a school teacher], so I'm

thinking, this should be free, right? No! Or at least I should pay some type of deductible, something small right? Oh no, its \$300 to see an immigration doctor plus the shots that you have to have, which are at least \$110 a pop. So I have to pay, so all together we could say for this entire process I am going to shell out of pocket \$3,000 for this entire process and again fortunate for me, do I, you know, does it suck that I have to pay that much? Yes. Fortunate for me I can actually afford it and I don't like being handed things if I know that I can afford to get whatever it is that I need. (site 2, survivor 7, female, domestic servitude)

This survivor was networked with other survivors of labor trafficking and went on to explain her knowledge of the outcomes for others who less able than she to afford the costs of the required immigration medical appointment, shots, and application to adjust her status to permanent resident.

So, fortunate for me I can do that, but for other trafficking victims, they have to wait until they raise the money for the shots, and they have to wait. Because now once you get that T visa, they're like, "Well, you can begin working now and you can do this now," so that's why most organizations won't pay for an adjustment of status because you should be able to do it now because you have a job. But a lot of them are working minimum wage and you have to visit that doctor and that's like \$300 plus the tests they have to do, the physical and all that. You are spending a lot of money and a lot of them cannot afford it, and my lawyer [name], she said, "Honestly, you are the first person that's actually asked me if it's covered under insurance, and it should be." It should be. So I think that's probably the biggest recommendation that I can make. They should be, they should have a designated section where if it is a trafficking survivor that the fees for the doctors should be waived and the shots need to be waived as well. (site 2, survivor 7, female, domestic servitude)

In addition to challenges in affording the cost of the application and immigration medical exam fees, the survivor quoted above described added challenges in proving continuous presence.<sup>61</sup> She details her impression that many labor trafficking survivors may not be able to meet the burden of proving continuous presence (especially if they are stuck in low-wage and/or under-the-table work), and she offers a recommendation to overcome this challenge:

Another thing is, in order for apply for the green card you have to prove continuous presence. Fortunate for me I can prove continuous presence because I have tax returns; you know, I have cell phone records and all that. But for other trafficking victims who basically go to their normal life, they just kind of work at a regular job, it's very difficult to prove continuous presence because you have to show so many sets of documentations. So for example, cell phone records, tax records, all these things you have to show in order to prove continuous presence. And you think that they would have some kind of a tracking that yes, this individual never left the country. (site 2, survivor 7, female, domestic servitude)

Finally, on top of all the challenges listed above, this survivor explained that she later realized she was never informed she could have adjusted her status two years earlier. A lack of service provider knowledge about adjustment of status procedures and a lengthy procedure to coordinate supporting documentation from ICE and the Department of Justice were also barriers faced by this survivor in adjusting her status. Through reading the laws the survivor realized she had been eligible to adjust her

status two years earlier than she was told. From the time the survivor brought this to her advocate's attention, it took four months to receive the required responses from ICE and the Department of Justice so that the survivor could file for permanent residency. The lack of a streamlined process and reliance on the survivor to push her service provider, who then pushed Department of Justice and ICE, speaks to a need for a more coordinated approach. The delays and lack of coordination again raise the question of how many other human trafficking survivors experience these barriers and are unable to move forward in adjusting their status. The significant challenges the survivor had to overcome strongly suggest that survivor concerns over their ability to remain permanently in the United States are warranted and should be further investigated.

The subset of labor trafficking survivors interviewed in our sample did not let their concerns over their long-term immigration status in the United States prevent them from forging ahead. At the time of our study, the working situations of survivors ranged from being unemployed to working under-the-table as informal caregivers to working toward a master's degree in education. Although more research needs to be conducted, employment outcomes seemed to vary based on a survivor's age, status as sole breadwinner, size of family, physical and mental health outcomes, and level of prior education.

The case data showed that domestic servitude victims in our sample had the lowest levels of education, on average. Many of these survivors reported difficulty moving up the career ladder. More research is needed to ascertain whether and to what extent gender, age, and the psychological impact of their victimization, as well as low educational level, may make improving their employment opportunities difficult for these survivors. An elderly woman victimized in a domestic servitude case involving severe forms of torture reflected on her current living situation and her hopes and plans for the future:

Well, with the paper [T visa] and everything I am happy. But deep inside my heart it is very painful for me, I am not happy at all. My biggest right now desire is to get a food vendor license and work with my two hand, and then if I can survive with my own effort and die, then I have no regret. (site 1b, survivor 3, female, domestic servitude)

Another, younger female domestic servitude victim, a newly single mother who had a minimal elementary school education and had been trafficked for several years, explained the difficulty she had moving her career forward. She worked informally as a caregiver for two families, was paid minimum wage, and worked about 40 hours per week.

I want to finish my GED because I didn't complete my school. I want to finish my GED and I want to make sure, I want to take care of my baby very good, and I want to get better job than this. I'm trying to do that, actually nowadays I do one computer class, computer there's something, Photoshop thing, I learned that one a lot. . . . So I'm trying to, I want to study, but with my baby I cannot go to school, but maybe I'll go later. (site 2, survivor 3, female, domestic servitude)

Survivors labor trafficked in other industries in our case data sample had fairly high levels of education. This factor was partially a result of the high incidence of survivors victimized through temporary work visa programs, some of which specifically recruit candidates with higher levels of education. Even given their higher levels of education, some survivors struggled to both work and afford the cost of going back to school. One female survivor of a hospitality guest worker labor trafficking case had advanced degrees from her country, but felt mired in her job working in a restaurant. She explained that she hoped to be able to become a social worker so that she could help people the way she was helped.

Well, I want to kind of be like a social worker, you know? To work similar to what people are doing at [service provider] so I can help people, you know, to help somebody and to make them smile instead of crying. When people like come to you and thank you for everything, I think that's when you have to, so that's how you make sure you do something right in your life because to help others, that's very important. (site 3, survivor 3, female, hospitality)

For others in our sample, their position as sole breadwinner made it difficult for them to realize their own dreams of pursuing higher education. The male survivor below had a bachelor's degree but was stuck in low-skilled, low-paid work. His role as sole breadwinner was a barrier to pursuing further education:

I want to pursue my degree but I don't know how. . . . But right now I cannot go to the school because I am only the one that full-time working in my family. My wife only is high school graduate so only part-time is working in Dunkin Donut because nobody take care of our children. (site 1a, survivor 3, male, trafficking venue unassigned)

The theme of giving back was strong throughout the interviews with survivors. Similar to the young woman above who wanted to become a social worker, others desired to become nurses, teachers, servicemen, journalists, and to speak out as advocates to share their experiences with others. One young woman explained how her prior victimization experiences in labor trafficking, sexual assault, and labor exploitation motivated her to become a journalist so that she could not only help herself, but help others. When asked about her goals for the future, she said,

Finish my degree, have a better relationship with my son, help other people if I can. Try to, I don't know—inform more Hispanic people or people in general that this is happening and that it is true, but that we can find help. That—that the police is not just there to be there. I think that my biggest interest right now are to finish college and really be a mom for my son and, well, when I finish, well, to try to help people. (site 3, survivor 5, female, restaurants)

A male survivor labor trafficked in the hotel industry put himself through nursing school and felt compelled to join the Navy in order to give back to the United States government:

When the recruiter asked me, I said that was the only way to pay back, you know, pay you back. I mean, I got my freedom back and I just want to serve. (site 3, survivor 1, male, hospitality)

All the survivors who were able to attend school needed to take out student loans. Some asked if we knew of any scholarship programs or waivers for survivors of human trafficking. One school in one site had a program that we knew about, but interviews with survivors in that site revealed they were unaware of it. Some survivors in our sample joined advocacy groups to help spread awareness about labor trafficking by speaking publicly about their experiences. The domestic servitude survivor below, who is currently a middle school teacher, put herself through college and is now pursuing a master's degree with the hope of becoming a high school principal. She speaks out about her experiences:

I love the work that I do, you know, I love speaking about my past, I love encouraging other trafficking survivors because they are going through a lot. I hope one day, you know, I could have some kind of service you know to really train them to have a new life, how do you function in society such as America. Because America can be a little bit intimidating for the person who has never been let out of the house, has been locked in a house, locked in a closet. It can be, it can be, you know, difficult. And so I'm just, fortunately I'm really blessed to, to be able to, so to speak, use my change . . . for the advancement of, you know, laws to be changed because they need to be.  
(site 2, survivor 7, female, domestic servitude)

Another survivor shared the impact his labor trafficking victimization had on him and how he used his experience to raise awareness:

First, it made me realize that trafficking is . . . it doesn't matter if it's a first . . . first-world country or the number one country in the world, trafficking happens everywhere. Even the poorest country or the richest country. It happens everywhere. That's the first thing I realized. And I also realized that not a lot of people know anything about trafficking. Like, when I . . . when I shared my story to my classmates, they were like, "Oh, really? I didn't realize it's happening in the US, in America." And I was like, I told them that was my reaction, too. You know? When I finally found out that I was in trafficking. And I think . . . I don't know but there's not much awareness going on, unlike other . . . like you know, the everyday issues here in the US, they are getting more attention than trafficking. I wish there is more awareness in trafficking. (site 3, survivor 1, male, hospitality)

Both survivors quoted above later described how their experiences have enabled them to better identify other potential victims of trafficking and refer them for assistance. Interviews with service providers indicated that they now receive referrals from past clients who not only are able to identify current victims across a wide variety of labor trafficking experiences, but refer them to appropriate services. Survivors have a powerful ability to pick up on situations and ask the right questions to help identify and refer labor trafficking victims other observers may not recognize.

It helped me quite to be vigilant about the people, not really around me but people like, you know, when they tell you something about jobs or about opportunities that are too good to be true, or . . . it just makes me feel cautious about these kind of people. And, um, actually I share my experience to others. I think that really . . . that helps them understand what it feels like or how it is like to be in a trafficking business. . . . You know, sometimes when you go out, when you eat out or when you travel and you see hotel employees or restaurant employees that look the way we

were, you kind of want to help them, you know? Now it makes us cautious for it, about it for others as well. (site 3, survivor 1, male, hospitality)

I love them to death, I love them[students], I enjoy teaching them, but I, you know, because of my past it has allowed me to really, I can identify a kid that's being abused like that [snaps fingers]. And I have helped in certain things in the school, working in the school I've said, you know, "That kid is not normal," and teachers would say, "Why would you think that?" And of course they don't know my past, but nine times out of ten I've been right because I work in a predominantly urban school. (site 2, survivor 7, female, domestic servitude)

Lastly, survivors were asked to reflect on what advice they would offer to individuals who may currently be in a situation of trafficking and what recommendations they would suggest to improve responses to labor trafficking. Their advice is presented in box 8.1, and their recommendations are presented in chapter 10.

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#### BOX 8.1.

#### **Survivors' Advice to Labor Trafficking Victims**

To be careful and to know for sure before you go travel abroad. You need to make sure what your situation is going to be, whether you will be provided with food and shelter. Don't just repeat the same mistake that I did: stayed quiet. Right away, run away and report it to people. (site 1, survivor 4)

That there is hope. That there is a way that everything is definitely going to be, maybe not okay, but better than they are in the trafficking, than they were with the traffickers. That . . . that there is . . . the government is really going to help them get back on their feet and get their freedom back. That there's still hope. That there is hope. (site 3, survivor 1)

I would go to immigration and police no matter what because even though they would find something wrong in your papers, I don't think they would go ahead and deport you right away. (site 3, survivor 3)

The one thing that I say to my experience is that even though we don't speak the language, or some of us in this case, we have our native language. But we should not be afraid. We should be able to tell the police if there's something that's gonna harm us. Not to be afraid. (site 3, survivor 4)

The advice that I will tell them that they have to be brave. They have to be aware of what's going on for the employment that they will have. They have to be vigilant. They have to know and they have to be aware of the employer that they will have. They have to seek advice from legal counsel or whoever. If there's a red light already, they have to seek help. Because for me, I just kept quiet. (site 1, survivor 5)

I would ask them to speak [to] the police, they would really help. Cause even though when we come everybody says, they threaten, they tell you if you ever say, it's you who will be in trouble. In the end they have nothing to lose, they have, they have confidence and because most of the countries where,

with this, people who are here, most of the countries policeman are really corrupt. They go, "What did you give them?" So we are always afraid, even maybe American policeman are like, if you give them something then you be on the safe side even if you are wrong. (site 4, survivor 2)

I think investigating for oneself, to not become close minded, because I think when one is poverty and one wants to—what one wants is to get ahead, so, I think one takes very quick decision and act like—I accepted to come here because I wanted to help my family without knowing the consequence. So then, the more one investigates, the more one believes if it true what they promise or because there are times—there are very bad people who only think of themselves. It is happening, it is happening but there has to be a way one can—how do I say it—investigate and to have time to see how the people are. (site 2, survivor 6)

## Conclusion

Through our case data analysis and interviews with survivors and service providers, we learned that labor trafficking survivors often went for months or years after their escape before being connected to service providers. During this time, they were commonly unauthorized. Some survivors sought assistance from immigration attorneys and were turned away owing to a lack of attorney knowledge and awareness of human trafficking and available forms of immigration relief. Other survivors remained hidden and lived under the radar, afraid of being found unauthorized. Some survivors were placed in immigration detention and deportation proceedings.

When survivors were connected to service providers, their greatest needs were immigration assistance, short-term and long-term housing, physical and mental health care, and employment authorization and assistance. Shelter needs were acute, and continued presence was rarely granted by federal law enforcement. Survivors had a strong need to begin working again as soon as possible, but funding streams did not cover advanced career assistance. As a result, many survivors returned to work in low-wage, low-skilled industries regardless of their previous levels of education.

T visas were an important form of relief for survivors; service providers did not report significant barriers to obtaining these visas. However, survivors reported numerous challenges accessing services they qualified for after they received T visas, primarily owing to a lack of services agencies' awareness of human trafficking and T visa qualification. Many survivors moved on after their trafficking without monetary compensation for their trafficked labor as civil damages; back pay was rarely awarded. Removing restrictions on service provider funding streams to allow for filing of civil relief would help. Some survivors went on to further education or training and joined advocacy groups, while others

struggled with the physical and mental health effects of their trafficking. Survivors expressed concern over their ability to adjust their status to permanent resident. The few survivors in our sample who achieved permanent resident status did so with great difficulty. Although our study provides a rich glimpse into the lives of labor trafficking survivors after their escape, additional research is needed to fully assess long-term outcomes. In the following chapter, the criminal justice response to labor trafficking is explored.

# Chapter 9: Criminal Justice Process

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## Research questions addressed in this chapter

- How do law enforcement officials in local communities define labor trafficking? How is this definition distinct from smuggling or other forms of labor exploitation?
- What is the role that law enforcement plays in investigating labor trafficking cases?
- What are the cultural and structural factors that promote the identification and investigation of labor trafficking cases, and what factors inhibit the identification and investigation of labor trafficking cases?

## Main findings

- Labor trafficking investigations were not prioritized by local law enforcement agencies.
- Local and federal law enforcement agencies had difficulty defining labor trafficking and separating labor trafficking from other forms of labor exploitation and workplace violations.
- Law enforcement struggled to investigate labor trafficking cases that they believed had little evidence to corroborate victim statements. Dependence on victim testimony necessitates interview techniques, including the use of culturally competent forensic interviewers, designed to promote victim well-being, reduce trauma, and promote honest disclosure of information.
- When involved in cases, law enforcement sometimes played a critical role in securing victims and facilitating victim services. This role was most common in domestic servitude cases.
- Local law enforcement was reluctant to pursue immigration relief for various reasons, including anti-immigration sentiment, lack of belief of victim statements, and challenges of working collaboratively with Homeland Security.

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Previous research confirms that law enforcement faces numerous difficulties identifying and investigating human trafficking (Farrell et al. 2012). These difficulties are exacerbated in the case of labor trafficking. Even when local law enforcement agencies are aware of human trafficking and commit resources to identifying victims and holding offenders accountable, they identify very few labor trafficking cases. Research has posited various potential explanations for the low number of labor trafficking cases identified by the police. First, local police do not understand what human trafficking is (Newton, Mulcahy, and Martin 2008). They are unsure how to identify labor trafficking and do not believe it is something they would encounter in the normal course of their duties. When they do

recognize human trafficking, they define the problem as sex trafficking and focus on sex trafficking of minors (Farrell and Pfeffer 2014). This practice is exacerbated by the location of investigatory specialization within units that deal with sex crimes and vice. Second, local law enforcement do not see enforcement of labor code violations as part of their mission. They believe that the responsibility for investigating labor trafficking lies with other agencies, such as regulatory agencies or federal law enforcement. Finally, the local police do not receive calls about labor trafficking. Although they believe it may occur in their jurisdiction, they take a reactive approach to these investigations (Farrell et al. 2012; Barrick et al. 2013).

Studies that have used law enforcement as the starting point to examine human trafficking have encountered challenges. Researching the extent of labor trafficking in agricultural industries in North Carolina, Barrick and colleagues (2013) found that across 17 study counties nearly all the local law enforcement agencies contacted for interviews either declined requests to answer questions about labor trafficking, claiming that no labor trafficking existed in their jurisdiction, or failed to respond completely to requests for information. In the three counties where Barrick and colleagues were able to conduct interviews, local law enforcement officials indicated that they had never investigated a case of labor trafficking, despite the fact that surveys with migrant farmworkers and interviews with service providers and legal advocates suggested a large number of human trafficking victims in the area. Farrell and colleagues (2012), who examined the barriers to police investigation and prosecution of human trafficking, found that in 12 study counties in the United States no labor trafficking cases were prosecuted in state courts, and local law enforcement had very little experience investigating labor trafficking cases.

If law enforcement identifies very few cases of labor trafficking It is difficult to learn much about the nature of labor trafficking or truly understand if and how the police are missing labor trafficking occurring in their communities. it is difficult to know the extent to which the few cases that come to law enforcement attention are representative of the universe of labor trafficking cases. Unlike previous studies that rely on the police for primary information about labor trafficking, the research described in this chapter comes from data collected in four communities in the United States where numerous labor trafficking cases had been identified by victim service providers and legal advocates who work with trafficking victims. In-depth interviews with 28 victims, 36 victim service providers and legal advocates, and 24 state, local, and federal law enforcement agents across the four study sites inform our findings. Law enforcement agencies in all four study sites were currently participating or had recently participated in federally funded human trafficking task forces. As a result, they were likely more educated about human trafficking and had more organizational support to investigate human

trafficking cases than a traditional law enforcement agency. Interviews with local and federal law enforcement officials in each of the study jurisdictions were intended to provide additional information about the nature of labor trafficking that might be unknown to victim service providers or victims. Law enforcement interviews also helped us evaluate the degree to which police were aware of the labor trafficking cases identified in their jurisdiction and understand the challenges they faced investigating these cases.

## Definition of Labor Trafficking

All states now have laws that criminalize human trafficking, and many state codes distinguish sex trafficking offenses from labor trafficking offenses.<sup>62</sup> However, like previous researchers, we found that local and federal law enforcement officials had trouble navigating human trafficking laws. In addition to the laws being relatively new and not widely tested in court, state trafficking laws commonly include ambiguous concepts such as “coerced labor.” Coercion often includes both physical and psychological harm, but the standards for what actions constitute coercion or how victims interpret acts as coercive have been left purposefully vague to allow law enforcement more room to identify potential perpetrators (Polaris Project 2014). But as one law enforcement interviewee explained, the broadness of the statutory language is difficult to operationalize in practice:

Trafficking laws need to be defined, period. Not a nebulous, cotton candy definition. These particular statutes are written overly ... they allow too much leeway for interpretation. And I'm sitting there as a cop thinking, "Okay. The way I read this, I've got the elements." Then you get the DA that reads this and says, "Well ..." Then you get the defense attorney that says, "Oh no, no, no, no, no. That's not what it meant." Laws, especially for these types of situations, need to be very clearly defined. (site 3, law enforcement 3 and 4)

Despite the existence of new laws, the concept of labor trafficking is still ambiguous to many law enforcement officials. In addition, relatively simple terms such as “work” or “services” can be challenging to apply, particularly when the police identify people “working” in informal economies such as drug markets, hustling, or commercial sex industries. Other investigators struggled to determine how much harm victims needed to suffer and for how long to qualify as a trafficking victim. Interviewees described situations in which a victim clearly was coerced or defrauded into labor, but the person only worked under those conditions for a few days or a few weeks. In some of these cases, investigators were reluctant to pursue the cases as labor trafficking. Discussing tactics that perpetrators use to diminish a victim’s resistance, one investigator provided the example of not having clear definitions about whether adequate food or water was provided to potential victims:

There are no guidelines for what is adequate. Are five cans of beans for five days adequate? (site 3, law enforcement 3 and 4)

The necessity of developing operational definitions for ambiguous legal concepts is not unique to human trafficking. In most crimes, law enforcement receives guidance about how to interpret statutory language from prosecutors with experience trying such cases and from previous court rulings. Without this experience and guidance, local and state law enforcement agents struggled to determine whether cases met the definition of labor trafficking. As one detective noted,

Well, when we have a prosecutor that sits there and tells you, "I can't define this well enough to even do opening arguments," you know you've got a problem with how the law is written. (site 3, law enforcement 3 and 4)

Federal and state law enforcement similarly struggled with defining concepts in federal trafficking laws. One of the greatest definitional challenges the police faced was determining when exploitative or unfair labor practices rose to the level of human trafficking. Exploitation was commonly described by law enforcement interviewees as potentially being "just hard work." Law enforcement interviewees explained that they receive pushback from supervisors or other officers about the fact that many people, including those in law enforcement, have been in working situations that were unfair or difficult. One federal agent described the challenge of training other agents in his unit to identify labor trafficking:

They know what labor trafficking is, but again I think it's a little bit difficult because sex is so much easier. This woman is being raped 30 times a night. We have a case. With labor trafficking, I've heard comments where agents will say, "My dad had a farm. I picked tomatoes on his farm when I was a kid. Am I victim of labor trafficking?" It's a little bit like we all work hard. It's easier to dismiss people working really hard as victims of trafficking as opposed to people who are forced to have sex and [are] controlled. (site 1, federal law enforcement)

Often, law enforcement had an image of what a labor trafficking case looked like and dismissed events that did not resemble that description. Their confidence that other agencies, such as the Department of Labor, would take note of the issue created further barriers. As the quotation below illustrates, there was often debate about the jurisdiction of labor trafficking cases, given the intersection of other issues, including labor violations:

A high-severity case that would be a priority would be a sweatshop case and people being held against their will. If we got one of these cases, then yes, it would be a priority. But otherwise, it's a gray area and besides, other agencies like DOL would probably investigate. (site 3, ICE 1)

A victim service provider further described this challenge:

There are very few law enforcement officers in the criminal justice system who are trained to identify [labor trafficking]. . . . It is so masked by what is seemingly legal, like legal work scenarios,

and oftentimes they are intermixed, whether in the sexualized labor industry or in any other formal or informal industry. (site 1, service provider attorney 1)

Law enforcement agents found themselves making judgment calls with little guidance from supervisors or prosecutors about how much abuse was necessary to constitute trafficking. In the same jurisdiction as the attorney quoted above, a chief prosecutor confirmed the challenge of determining whether abusive working situations constituted labor trafficking. He tried to steer clear of cases that were “on the gray line,” which he described as cases in which people are brought to the United States under fraudulent promises, are underpaid, and work in poor conditions but do not suffer physical abuse. This prosecutor clarified that part of the fear in taking labor trafficking cases was that juries would not perceive exploitative conditions as a crime:

You’re talking about people nowadays who can’t find a job, it’s sort of like, these cases meet the definition I’m sure, but they’re not egregious enough. I know that sounds terrible but in the area of forced labor you kind of have to get a little bit more egregious. (site 1a, US Attorney)

Local and federal law enforcement reported that they received little guidance from agencies responsible for enforcing labor code violations, such as the Department of Labor, about how to distinguish labor code violations (for which law enforcement likely does not have jurisdiction) from trafficking (for which law enforcement does have jurisdiction). It was not clear, however, how often law enforcement actually sought such guidance from labor or regulatory agencies. Only one of the victims in the cases we reviewed was referred to a service provider by the Department of Labor, and it was not clear in this case whether the Department of Labor also forwarded the referral information to law enforcement.

Law enforcement interviewees expressed concern that prosecutors or jurors would not understand why a victim would feel compelled to stay in a situation of servitude. As one federal agent noted,

The concern by the US Attorney’s Office was to get a conviction for forced labor. At least the jury instructions, you need to show that a reasonable person would be fearful to leave. It’s a reasonable person standard. Would they be able to leave his employment? Would a reasonable person feel that they could leave? (site 3, ICE)

In situations of ambiguity federal and state law enforcement looked for situations with multiple victims who confirmed experiencing abuse. A benefit of multiple victim cases was that law enforcement felt justified that a reasonable person (or at least a group of victims) perceived the situation to be coercive or threatening. Victim service providers similarly perceived that law enforcement was most interested in pursuing multiple victim cases.

Despite expressing confusion about the specific technicalities of labor trafficking, a majority of the specialized investigators we interviewed understood the general parameters of labor trafficking,

particularly as defined by the Victims of Trafficking and Violence Protection Act. One local investigator noted “I would say an individual who is coerced into illegal exploitation and labor situation with the use of force, fraud, or coercion would be my definition.” Another investigator explained,

We’re looking to see if these people are being abused. Are they being threatened by, you know, “If you don’t do your work here we’re calling the cops, we’re going to notify ICE.” The major factors with human trafficking and situations I investigate is force, fraud, and/or coercion. Are you being coerced to work here? Are your families back home being threatened? If you don’t do this particular job are you getting beatings? Are you allowed to get out of your establishment? . . . Illegal deductions, and nine times out of ten there’s no IRS deductions, there’s no health benefit deductions, there’s none of that. It’s just, “Here’s your check, sign it, and here’s your money, and if you have a problem with that we’ll, we’re just going to notify the police and ICE that you’re here illegally.” (site 1a, law enforcement 1)

Although human trafficking investigators and detectives had some basic training to help them identify labor trafficking, they feared that the patrol officers they depended on for leads and tips about labor cases were not able to define and identify trafficking.

I think step one from my perspective as a cop is we need to have the patrol officers be more aware of the presence of this . . . For every deputy in this county that you find that doesn’t know [what human trafficking is], you’ve got to pay me a dollar. For every one that you find that does know, I’ll give you a hundred bucks. (site 3, law enforcement 3 and 4)

The comments from law enforcement mirrored what we heard from some victims who tried to escape and sought help from law enforcement (see chapter 7). They encountered local law enforcement officials who did not recognize the signs of trafficking and returned labor trafficking victims to the “care” of the trafficker. Language barriers were sometimes the cause for misidentification, but despite victim injuries and clear emotional protests, the police did not recognize risk factors for trafficking. In one case a woman who was eventually identified as a labor trafficking victim was told by the police who responded to a call she made to 911 for help that she should not call the police again unless she wanted to be arrested. In this case, the victim spoke limited English, but was able to communicate that she was being hit, not being paid, and had to work all the time in the house as a domestic worker. However, the responding officers believed the traffickers, who were wealthy individuals in the community and told the police the victim was making it up and had herself abused one of the traffickers.

Specialized investigators were concerned that patrol officers commonly confused human trafficking and smuggling: “They [patrol officers] say, ‘Oh, up and down the highway.’ Sure, ‘in the vans.’ Because that’s what everyone thinks. The definition there isn’t really clear to a lot of people.” In one study site the law enforcement agency with jurisdiction over human trafficking was housed in a unit that focused on interdicting smuggling of unauthorized immigrants. Not surprisingly, many of the officers in that unit were unclear about what constituted labor trafficking. A supervisor at another

agency (site 2) explained that patrol officers, like the general public, do not understand what labor trafficking is. Echoing a sentiment we heard in other study sites, he explained that because the public was concerned about unauthorized immigrants there was little support for labor trafficking investigations, and patrol officers had little incentive to seek information that could help identify labor trafficking cases when unauthorized immigrants were victimized.

To cope with the general ambiguities and controversy around human trafficking, some of the law enforcement agents we interviewed suggested that they focused on sex trafficking. Sex trafficking cases are perceived as easier to define, and officers do not have to address questions about whether the exploitation rose to the level of a crime because the harms of sex trafficking are perceived as clearer. Investigators in all four study sites had established partnerships with victim service agencies that identified sex trafficking cases and claimed not to have the resources to pursue labor trafficking. As one site 2 ICE supervisor noted, "We've got more work dealing with the minors locally being trafficked in commercial sex than we can handle, and that's where we stop."

## Role of Law Enforcement in Identifying and Investigating Labor Trafficking Cases

### How Do Police Get Involved in Law Enforcement Investigations?

Law enforcement officials may begin investigations into situations involving labor trafficking under various circumstances. How police first come into contact with labor trafficking situations depends greatly on the type of investigatory strategies that individual departments and units employ. Because most known and practiced enforcement strategies targeting the problem of human trafficking tend to be reactionary, law enforcement officers frequently learn about the labor trafficking situation after the victim has already escaped. Less often, police may encounter an ongoing labor trafficking situation, but this awareness requires knowing what constitutes labor trafficking, which, as described above, may be difficult for individual officers and which may not be an institutional priority.

For the law enforcement agencies included in this study, the paramount method of police identification of labor trafficking cases was through referrals. These referrals came from a wide range of sources, including tips from good Samaritans, concerned parents or other family members, border patrol, hotline calls, and the general public. However, just as law enforcement officers have difficulty

with the operational definition of labor trafficking, so too do community members. Certain forms of labor trafficking are more obvious to community members; it follows that these are the types of cases reported to law enforcement. As the following quotation demonstrates, forms of trafficking that have a similar appearance to legal employment practices are harder for community members to recognize:

With regard to labor trafficking, they receive tips about cantinas. There is public outcry about cantinas. They don't have anything related to agriculture. (site 2, law enforcement 1)

Area victim service providers were a major source of labor trafficking case referrals for many law enforcement agencies. However, the number of referrals that police received from these agencies was directly correlated with the level of trust and communication between the victim service agencies and state and local law enforcement organizations. In many cases victims did not want the service providers to inform law enforcement about their victimization. Trusting relationships between law enforcement and service providers helped the providers communicate more honestly with clients about what they could expect if they agreed to speak with the police. Law enforcement agencies that prioritized the building and maintenance of strong, functional working partnerships with local service providers received many more referrals than agencies that worked selectively with area nongovernmental organizations. A weak law enforcement–victim service agency relationship was mutually dissatisfying and resulted in very few or selective referrals to law enforcement. An ICE agent to whom we spoke described the challenges he faced in his relationship with a local victim service provider:

They [victim service provider] have victims of labor trafficking, but they're not pushing any leads our way. And we understand too that it's a confidentiality thing, but at the same time, that can never go away unless they're willing to give us the information. [The local social service agency], they want everyone that we can send their way and we do . . . but it's very rare that they give us a lead. It's very rare that the lead actually is something we can substantiate and go with. They're our number one associate in this situation with the victims, but if they are seeing [trafficking], we would love to have at least the intel on it. I mean there has to be a way where they could give it to law enforcement and not violate their client–counselor privileges. (site 2, ICE)

A pattern that emerged across study sites was that when labor trafficking victims were unauthorized (whether they had legal status at the time they entered the United States and that status had expired or they were unauthorized upon entry to the United States ), they were less willing to participate with law enforcement investigations, particularly those led by ICE. When the same agency is tasked with the detention and removal of unauthorized immigrants as well as responding to crimes against this population, it is crucial that the agency make their mission of serving victims clear. Several ICE agents that we spoke with recognized this conundrum and described the strategies they employed to clarify their role as serving victims of human trafficking. As one agent noted,

That's the sad thing about this, is that you want people to understand like, look if you're the victim we're not the big bad immigration that's going to kick everybody out. So I think that's part

of the genius behind the idea to get some of these NGOs out to the rural communities and some of these vulnerable populations to kind of explain that to them, that you do have rights and that if immigration becomes involved we're not going to automatically just kick you out; if there are truly victims, that there are those mechanisms in place. (site 3, ICE 2)

This agent explained that he personally took responsibility for outreach. He attended meetings with local community members and NGOs to raise awareness about human trafficking in the region in the hope of receiving tips about trafficking situations.

There's a lot of confusion about what Homeland Security does and that we're even involved in anti-trafficking efforts. So last night we were down in [local city] and we did . . . it's in a church, and most of it is NGOs and citizens who want to get involved in it. Now as the public is more aware of it, people want to help out and donate resources. And so we just did a presentation last night on, "Here's what we are and here's what we do. Call us. Call the Bureau. Call your local PD. Call somebody." (site 3, ICE 2)

These trainings not only inform local community groups and service providers about the issue of labor trafficking, but also provide attendees with a direct contact at ICE whom they can reach if they encounter a potential trafficking victim. Equally important, these trainings are an opportunity for local ICE agents to explain and promote their policies regarding victims of human trafficking.

A number of law enforcement referrals also came from medical personnel, ranging from emergency room staff to employees of small clinics targeting migrant farmworkers. Many of the labor trafficking victims in this study were denied medical care during the course of their servitude, even when facing significant illness or injury. In the few cases in which victims were able to seek medical attention, medical personnel recognized some indicators of human trafficking and alerted law enforcement, either directly or indirectly by calling a service provider with law enforcement contacts. An ICE agent describes how one such case came to his attention:

This case actually involves a Mexican foreign national. She was forced to clean office buildings at night. And then one of the traffickers had his own construction business and she was forced to also work construction as well as cleaning the house and making food. She was mowing the backyard and she got poison ivy and they wouldn't take her to the doctor. So finally after like two weeks she was in so much pain that she ran out of the house and got someone to take her to the hospital. And that's when she made her outcry and we got her information. (site 2, ICE 1)

Sometimes law enforcement officers stumbled on cases of labor trafficking in the course of their normal professional duties. In a small number of cases, police trained about the signs of trafficking were able to recognize potential victims of labor trafficking during immigration raids and during interviews with individuals being held in detention. However, due to a number of factors, including victim fear and mistrust of law enforcement, there were significant barriers to learning about human trafficking victimization in these settings. One site 3 service provider whom we interviewed explained why

interviews in removal facilities were not a successful strategy for identifying cases of labor trafficking: “The state police did most of their interviews of potential victims in ICE immigration and removal facilities. The people were in some sort of detention situation. It was difficult for victims to admit their victimization in that setting.”

A final way that labor trafficking cases came to the attention of law enforcement was when victims were willing to self-report their victimization experiences. Our review of victim case records indicated that only 14 percent of the victims reported their victimization to the police. In the majority of cases in which victims contacted the police to report their victimization, they had already managed to escape the trafficking situation. Reporting after escape had important implications for investigations, particularly when there was a significant amount of time between the victim’s escape and first contact with law enforcement. Many law enforcement officers expressed that they did not actively try to identify and disrupt situations of labor trafficking; rather, they waited for victims to file a police report. However, we know that many factors prevented individuals from reporting victimization to the police. For example, victims who were smuggled into the United States, those with expired immigration documents as a result of their trafficking, those who lacked the ability to speak English, and those without an understanding of their rights under American law were not likely to voluntarily file a report with the local police.

The police recognized and interviews with victim service providers confirmed that victims commonly had deep levels of trauma that made talking about their experiences extremely difficult. Victims interviewed for this study provided additional insight into the general unwillingness of labor trafficking victims to self-report their experiences to law enforcement. It was common for victims to have had previous encounters with law enforcement when officers had not come to their aid, either taking them back to their traffickers or threatening them with deportation or other harm. This study found that many victims who came forward to the police often had a notion that something bad had happened to them and that they may have been a victim of a crime and had some rights under American law. As one male survivor of labor trafficking in the hospitality industry explained, “I did not think about trafficking or whatever, but I did know that I was being tricked.” Sometimes this understanding came from pamphlets and other materials distributed at embassies in their home countries, and in other cases it came from victims watching media reports about other human trafficking cases and realizing they were in similar situations. However, self-reporting as a human trafficking victim to the police requires a combination of a sophisticated level of awareness of personal and legal rights in the United States and a level of confidence in American law enforcement that was not common among victims.

The way that a case came to the attention of law enforcement affected the process of the investigation. Delays in notifying the police were often in response to the direct request of the victim, and some victims chose not to contact the police. A victim service provider explained why some people who were identified as potential trafficking victims during intake did not want to share their victimization with the police:

**Interviewee:** So through all those screenings, maybe 30 percent just don't want to do anything with it, and sometimes it's not expressed as, "I'm afraid of law enforcement or I'm afraid of the trafficker." Sometimes it's just, "I don't want to cause any trouble." Or they don't know, we certainly don't ever guarantee there will be a certain outcome, and it's just all too much uncertainty for them.

**Interviewer:** And so then what happens to those clients?

**Interviewee:** They just kind of move on. We try to be available and answer questions, let them know what their options might be otherwise. Sometimes they can get some support while they are undecided, the way the funding is, so we try to encourage them to keep talking while they sort of stabilize. (site 3, attorney 1)

Although the police expressed gratitude when they received referrals from victim service providers, victim service provider involvement with the victim could cause problems in the investigation and prosecution. The police expressed concern about information received from victims who had been working with service providers, who often conducted interviews with victims before letting the police know they were working with a victim. As one law enforcement officer lamented,

There are now these interviews where a victim may have said one thing and now is saying something different. They get the idea of what they should be saying and they change their story. Or maybe they are now just being more honest. It is a problem if they have been interviewed many times. There is not a protocol to help guide how victim service providers and law enforcement will respond when they identify a potential victim. (site 3, law enforcement 5)

From the victim service provider perspective, having victims interviewed by law enforcement before the victims were screened for trauma or without the support of a service provider had potentially negative ramifications for victims. Providers expressed concern that victims would have to undergo multiple interviews, which could aggravate victim trauma. Service providers also were concerned that victims had not been provided with full information about the criminal justice process before being interviewed by law enforcement. An interview with a legal advocate illustrates both the potentially positive and negative aspects of victims participating in the investigation of a human trafficking case:

You know when you see the effects of trauma sort of rearing its head in the middle of an interview (with the police) and you are like, "Why are you here?" "Is this really worth it?" "What are you doing?" "Can we stop, immediately?" You know? And I would always stop meetings and have law enforcement leave and say "We can leave, we can go. We can—you don't have to do

this, you can always step away." And obviously that would have ramifications for the victim, but you can physically step away. And you know, I feel like I had a lot of clients who were stronger and who were [more] resilient than I can imagine being and I had clients who knew there were other people in the situation still or could still be hurt or who were just really angry that this happened to them and wanted to have, wanted to not have these people as a part of the fear dialogue in their life. You know that this person is always out there and could always come back and haunt them. I think whether it is right or wrong, the criminal justice system made them feel like, if the trafficker could be found guilty, the victim come somehow be really free. Now, that doesn't—I think through these long processes where you are walking people through the system, there were times when, you know, it didn't work out that way. Or where people really, you know, it got too hard; the moment where they had to go in the court and know they had to see the person, you know, or when their children are being threatened in their home country. You know, there were a lot of moments in the process where people were forced to make what I found, completely, you know, unreasonable decisions about, you know, when your decision to protect your family has the potential to harm your family before it protects them, you know, I don't know that is a pretty impossible situation to be in. And so, I don't think there is a clear trajectory of, "I've made this decision and I know I am helping people and justice is going to win out and these people aren't going to hurt others anymore," and that sort of takes you through the whole process. I think it's what people usually come back to at the end to keep going, you sort of go through those cycles of "Can I really be doing this?" (site 1a, former service provider 1)

The previous quotation illustrates how cooperation with the criminal justice system process can be simultaneously empowering and overwhelming for victims. Service providers were mixed in their support of victim participation in the investigation and prosecution of criminal cases. Most claimed that they tried to remain neutral. They provided clients with information about the process and the potential risks and benefits and let clients decide if they wanted to have their case referred to law enforcement.

Investigations initiated by law enforcement were often restricted by law enforcement and prosecutorial priorities. For example, in some jurisdictions, the police reported that potential labor trafficking cases involving a single victim were less likely to be pursued by prosecutors than those involving multiple victims. Similarly, it was not uncommon for agencies to prioritize cases involving elements of sex trafficking above those involving strictly labor trafficking, or to prioritize the trafficking of children over adults. A prosecutor in site 3 expressed how law enforcement priorities in her jurisdiction directly affected the victims served in the community: "I think law enforcement is focusing on domestic youths (sex trafficking victims) more. So law enforcement is not really a source of referrals on adults." In contrast, victims who first turned to local service providers for assistance were likely to have their individual needs met regardless of victim or case characteristics.

## The Role of Police in Labor Trafficking Investigations

The way that law enforcement proceeded with an investigation after a case was identified had a tremendous impact on both the resolution of the case and the well-being of the victim. A victim-centered approach to case resolution focused much more on victim recovery and restoration than an approach directed primarily at the prosecution of suspected traffickers. These two approaches are not mutually exclusive. Although the traditional goal of law enforcement is to gather enough evidence to file charges against suspected offenders, we found that in the crime of labor trafficking, there were circumstances in which that goal was secondary to first securing and stabilizing victims. For law enforcement agencies that rarely come in contact with labor trafficking victims, this approach may seem counterintuitive, but this study found that taking a victim-centered approach to labor trafficking investigations is important.

The first step of a successful investigation is the proper identification of a situation involving labor trafficking. As described above, identification can be challenging for law enforcement officials, who are not frequently trained to differentiate between labor exploitation and labor trafficking and do not often have a role in responding to workplace grievances. The identification of labor trafficking can also be complicated by societal and personal biases against immigrants and certain types of employment. Adding to the problem of identification is that frequently victims of labor trafficking are fearful to come forward to law enforcement. When victims are afraid to approach law enforcement about their situations and law enforcement is unable to properly identify labor trafficking, a double blindness ensues that acts as a significant barrier to the identification of cases.

Beyond being able to identify situations of trafficking, law enforcement must be willing to take on an unfamiliar type of investigation that is time and labor intensive. For some officials, it did not seem worthwhile to expend a great deal of time and resources on a case that might not even be accepted by prosecution. An ICE officer with whom we spoke explained this perspective:

There are cases to be built, but it's just, do we have people to go build them. Trafficking cases—my supervisor did drugs and narcotics and now he's doing human trafficking. He said, "The drugs—I confiscate it, you send it to the DEA, they burn it, and it's gone." Arms is the same thing. With human trafficking, it's so complicated. There's human beings, there's lives, there's trauma, there's therapy, there's a kid in Mexico, there's paperwork. It is so hard; the work is so hard. It's so labor intensive; it's so paper intensive. It's so emotionally draining. I think if we want to work more labor trafficking cases, there has to be push for prosecutors who are interested in prosecuting these cases and investigators who are committed to investigating these cases. It seems like the NGO community stepped up to the plate, but there hasn't been this translation in terms of high interest level in investigating and prosecuting. (site 1a, ICE )

When law enforcement was able to identify cases of labor trafficking and willing to work with the victims during the investigatory phase, we found several strategies that positively affected the investigation and the victim's experience during this phase of the criminal justice process.

First, police have a role in making sure the victim is safe and secure. The first interaction a victim has with police can greatly affect the entire victim–law enforcement collaboration during investigation. In successful cases, we found that police anticipated and responded to victims' fears. In cases involving foreign national victims, it was essential that law enforcement began by assuring the victims they were safe and that they would not be returned to the trafficking situation or deported. A police officer with whom we spoke explained how one victim's fear affected her interactions with the police for an extended period of time and their strategy for trying to reassure her. This victim had been brought to the United States on a temporary visa and then held in domestic servitude for several years (during which time the visa expired and was used to threaten and control the victim) by a wealthy family.

She kept saying that she had done something wrong and . . . and the officer was very reassuring and kept telling her, "You're not in trouble. You're not in trouble." She had been threatened because she's here illegally. "You don't have any papers. The cops are going to throw you in prison." That took a long time, that process, probably months to get her to realize that it was not her fault. (site 3, law enforcement 3 and 4)

Similarly, an ICE agent described how she attempted to reassure labor trafficking victims during her initial interactions with them, acknowledging the assumptions they might have about the agency:

With us, they are thinking, "Oh, ICE, they deported my uncle, so I'm getting deported." Now when I talk to a victim I am putting myself in their shoes and second guessing. So what is going on? She is looking at me and seeing this—even our brochures that we give out have these [pointing to ICE logo]—how effective is that? We have these in Spanish as well because the majority of our victims are Spanish speaking. I have a conversation and say, "You are probably thinking you are going to be deported. I want you to know that's not going to happen. In fact, we have a very strong law in this country that may be very different from your country. I know there's a lot of public corruption in your country. That doesn't happen here. We do deport people, but it's only criminals that we deport. People like you, we treat as victims. I'm not just making this up. Look—here's a brochure in Spanish. It says everything I've said to you. We can really help you." Then there has to be a little give and take. Depending on what he or she says to me, that would influence what I say next. There's a lot of "Do you want some water? Can I get you some cookies? Are you comfortable? You are in charge here. This is going to be process." (site 1a, ICE)

After reassuring the victims that they are safe, law enforcement must ensure immigration status in the form of securing continued presence or addressing immigration concerns with the appropriate victim service provider. Continued presence benefits both law enforcement and victims because law enforcement can have the time they need to build a successful case, and victims may have better access to the services and employment they need during their recovery process. Informally, law enforcement

cooperation with continued presence certification also seemed to signify to victims and victim service providers that the police believed the victim's story and would be willing to continue working on behalf of the victim. Despite the fact that offering the victim continued presence is an important step in building a trusting relationship between a victim, police, and victim service agencies, obtaining continued presence was not a standard procedure across the sites we visited. Local law enforcement was reluctant to pursue immigration relief for various reasons, including anti-immigration sentiment, lack of belief of victim statements, and challenges of working collaboratively with Homeland Security. A victim service provider described the institutional culture of a nearby police department in regard to signing continued presence certifications:

The other day I had a chief of police tell me flat out that, "I'm not going to sign anything. I don't think that's the right way to migrate into this country." What can you do? When you encounter that, that's the end of it. That person has no recourse. (site 3, paralegal 1)

An attorney from the same site as the paralegal quoted above reflected on how little standardization exists in how law enforcement agencies perceive continued presence:

It's really remarkable when I've interacted with agents in other states, just how different the outlook is. To have a victim advocate ask, you know, so your client, you haven't mentioned CP. It seems like your client might already have a T visa. Let me know if she needs anything. . . . [Here] a willingness to support CP is obviously still an issue. It's still pretty rare. Overall there is a sense they're going to see somebody as a perpetrator before they are going to see them as a potential victim. (site 3, attorney 1)

In many cases we reviewed, law enforcement began working with a victim after the victim had been stabilized through the assistance of a victim service provider. However, law enforcement officials who encounter a victim who has just escaped the trafficking situation have a responsibility to assess the victim's immediate needs and connect the victim to local victim service providers who can help stabilize the victim and evaluate the victim's long-term needs. This scenario requires an awareness of victim trauma, which may or may not be acutely obvious, and also demands that law enforcement maintain a standing partnership with local service providers. One ICE agent described the shared responsibility of stabilizing a labor trafficking victim:

[Our] role I would say is not so much direct services but emergency services, so once a victim is identified, talking to them, stabilizing them, and seeing if they need to go to hospital—taking care of those immediate medical needs. And then really for long-term services, sending them to an NGO for the food, clothing, shelter, and such. Our role is much more for the human trafficking cases: the immigration benefits, the continued presence and such. So I do a lot of that paperwork. (site 1a, ICE)

In some cases, law enforcement played a more important role in ensuring the safety and security of the victim than in building cases that could be successfully prosecuted. In one of the most successful

cases we reviewed, law enforcement recognized that the victims they encountered had serious immediate needs, and they rose to the challenge of responding to their trauma, health, and safety needs before concerning themselves with gathering evidence for the case. Although this course of action may not always result in successful prosecution of cases, it almost always results in more favorable recovery outcomes for the victims. Some law enforcement professionals we interviewed prioritized victim assistance. As one investigator said,

It's not my justice I'm seeking. It's the justice of the victim. So that's the driver. Not me. The victim is the driver and you can't lose sight of that. (site 3, law enforcement 3 and 4)

Officers like the one quoted above put the victim's desire to heal and move forward above their own (and their institution's) need to make arrests and secure convictions. In many cases, this meant going beyond the typical call of duty and investing extra hours and emotional and fiscal resources.

Victims expressed great appreciation for law enforcement officers who stayed involved in their recovery after their initial escape from the trafficking situation. In the case of one victim we interviewed, law enforcement could not pursue the case criminally because the suspects fled to a country from which they could not be extradited. Despite the fact that the case could not move forward, law enforcement involved with the investigation worked hard to ensure the victim was provided with the services she needed to recover.

So basically he [federal law enforcement agent] told me, "I know you're disappointed but we are not pursuing, you know the United States government, we are not pursuing the case." And he said, "My main thing with you, if I was like give you your life back at that point, I want to do it for you." (site 2, survivor 7, female, domestic servitude)

Officers were often not only concerned with rescuing victims and pursuing perpetrators; they also expressed an understanding of the victims' experiences and needs, and further, showed an investment in the victims' feeling of safety over the course of their recovery.

Although the police played an important role in providing for the safety and security of labor trafficking victims, they also pursued criminal investigations when positive outcomes looked plausible. Many detectives tasked with investigating these cases were doing so for the first time and had to navigate gathering evidence to prove criminal activity that is hard to define and understand. We found that because labor trafficking cases so rarely came to the attention of law enforcement officers, they often unsuccessfully attempted to apply their existing investigative routines to labor trafficking crimes. This strategy was ineffective due to the complexity of crimes involving labor trafficking. Not only are labor trafficking cases complex to investigate, but there are no templates for successful investigation strategies. As one investigator described,

For a lot of cops investigations are just a checklist, a form. Did you do every single step? You're not going to find that in one of these cases. You're not going to find, "Oh, here's a Mr. Patrol Officer's checklist for human labor trafficking. Oh, okay, so this is what I do next. This is what I do and this is what I do."

You're not going to have that. If you're not a multitasker and you can't creatively problem solve under the red tape or over the red tape, you're not going to get very far. (site 3, law enforcement 3 and 4)

Victim service providers understand this difficulty facing law enforcement. One legal service provider we spoke with added the following insight:

I think there is so little recognition of how coercion happens when there is not violence. I think there is a desire to have slam dunk cases for the US Attorney's office. I think they want to have slam dunk cases so if there is any gray area, like psychological coercion, they don't want to deal with it. (site 3, attorney 1)

Police and prosecutors are not the only parties lacking a strong understanding of what constitutes labor trafficking. They also understand that the general public and potential jury members are unlikely to completely understand the phenomenon of labor trafficking. Consequently, police and prosecutors often focus on particularly egregious labor trafficking cases that contain clear elements of abuse or assault that are morally repugnant. This narrow focus is a significant issue because, as a victim service provider explained, the majority of cases of labor trafficking involve psychological coercion, which is harder to prove:

I think very rarely do we have—I'm trying to think. They get one or two cases where anybody was ever physically abused. I wouldn't even say a couple of cases where people were pushed around and physically touched but not necessarily beaten. So the vast majority of what you are looking at or what we've seen is psychological coercion. It's so contextual . . . I think for your average person, whether it's your juror in a civil case or law enforcement, who might even be more sophisticated about these things from training, there's this real idea of a canonical way that people are trafficked. If they don't fit that, it then gets questioned. That's hard because with labor stuff there is always . . . I know sometimes with labor there are very clear lines. That's what you hear about in the press. But my experience has been that it's always borderline, and it's hard because you get a sense of somebody who is being forced to labor involuntarily, but how that's happening and why that's happening can be difficult to show because there really isn't—a lot of times you don't have corroborating evidence. (site 3, attorney 2)

Despite the challenges of obtaining corroborating evidence, we were able to learn about some evidence that law enforcement has used to prove elements of labor trafficking. Photo evidence can be used to document physical abuse and can be used to prove that victims have been malnourished or deprived of food during their period of servitude. A detective with whom we spoke said this strategy is particularly effective if victims can provide a photograph of themselves before the trafficking began, which can demonstrate the contrast in physical appearance before and after the trafficking.

Another law enforcement officer shared that when law enforcement is involved in the initial rescue of a victim from a trafficking situation, they make sure to take photos of every item the victim takes with them from their residence. This photographic inventory helps to counter any assertions on the part of the trafficker about what the victim had in his or her physical possession and to prevent any accusations of theft. The detective described a situation in which photograph evidence proved a useful strategy:

Whoever goes to the house to take the victim out of the house, they take property out of the house. Photograph it. Because one of the claims that they [traffickers] made later on was that she [victim] stole all kinds of jewelry and stuff like that. So because we had photographic evidence and proof of what she had removed from that house, that helped destroy . . . that was another one of those things that hurt their credibility. (site 3, law enforcement 3 and 4)

These cases are challenging to prosecute, even with evidence of physical abuse. Law enforcement interviewees indicated that if victims were assaulted in the past, scar tissue would already have formed (depending on the type of assault), and it would be difficult to determine how old the wound was. They were concerned about presenting a jury with pictures of injuries of an indeterminate date. In cases in which victims are malnourished or deprived of food, law enforcement needs to obtain photos of the victim before the abuse; such photos are not always easy to find for foreign national victims.

As noted above, investigators faced uncertainty about how much evidence they needed to prove a bad working situation was human trafficking. Obtaining the necessary evidence was difficult. Law enforcement was more likely to pursue cases in which there was independent corroboration of victim statements, such as contracts that confirmed the terms under which the victim was originally hired. We found that evidence such as victims' pay stubs with recorded deductions, contracts, and written communication between victims and employers were more common in the larger workforce staffing cases involving work in hospitality or construction. However, labor trafficking victims, particularly those in domestic work situations, were commonly not paid with a paper trail. One legal advocate, speaking about why labor trafficking investigations fell apart, explained, "Either it's like they [law enforcement] don't see the facts being egregious enough, or it's a resource issue because it's a single-victim case without much corroboration. They have definitely done legwork, like we did report an individual domestic servitude case and the agent did do some legwork in terms of speaking with neighbors. Sometimes they invest quite a bit in working with a case but it won't . . . the US Attorney won't take it." (site 3, legal advocate 1)

Even when victims keep records of what they are owed or what happened to them, law enforcement is unlikely to pursue the investigation without independent corroboration. A victim service provider described what happened in an agricultural case in which the victim had kept lengthy records: "I remember this one guy. By the time that we really did get an officer out to interview him, he

just had pages and pages of like of what he had kept that he wanted. That was actually the last time that law enforcement would take a labor case from us. Then they started trying to send us to FBI, and FBI was like, you know, ‘Unless it’s a couple people coming from the same crew who want to prosecute, don’t even really bother with this.’” (site 3, victim services provider 1). Prosecutors were concerned about building cases involving a single victim because they perceived labor trafficking victims to be unreliable witnesses. With only a single victim, proof of the elements necessary to meet the definition of trafficking is dependent on the credibility of that victim’s testimony.

Victim service providers and law enforcement have begun to develop strategies to promote the investigation of labor trafficking cases when physical evidence and independent corroboration are difficult to come by. For example, officers noted that medical exams doubled as evidence collection. Exams make sure victims are healthy and that they receive appropriate services, but they also provide an opportunity to gather evidence related to injuries.

Another strategy employed by law enforcement was finding evidence of whether the victim was paid, and if so, how much they were paid. However, it was common for law enforcement to turn the duty of ascertaining back wages over to the Department of Labor. The evidence found by law enforcement and/or Department of Labor investigators, such as ledgers and informal accounts of money received by victims, was often enough to satisfy the burden of proof for a civil case but not strong enough to support a criminal case. As one legal advocate explained,

**Interviewee:** That’s where DOL can do the most, because once you’ve got somebody in there, DOL will go in and if there’s money to be gotten, they can get it. And because they’re visible cases, they’re more apt to act on it.

**Interviewer:** And you said those sort of ledgers or those handbooks that you give out to folks ...

**Interviewee:** Yeah, rights books.

**Interviewer:** Those must be really helpful in ...

**Interviewee:** Yeah, it’s good for us if we’re pursuing a civil complaint and also if DOL has it, because then they can compare it to records that the person’s keeping.

**Interviewer:** I didn’t realize that it was on the defendant to actually prove that ...

**Interviewee:** If you have the proof, they’re going to have to show that they paid it. If there’s a dispute over hours and there’s a preponderance that “Look, we did these hours,” and these guys show these hours, they have to show that that’s not happening. (site 4, legal advocate 1)

Victim services interviewees indicated they commonly turned to the Department of Labor to secure back wages and compensation for victims regardless of whether law enforcement would investigate the trafficking situation.

Investigators repeatedly explained that they depended on statements gathered from victim interviews, especially given the challenges (described above) with collecting other forms of evidence. However, because of the severe trauma some victims experience, the process of successfully interviewing a victim of trafficking differs greatly from the traditional interview process. Without being able to recognize that victims have experienced trauma, even if they do not appear traumatized, and without an understanding of how to approach interviews with highly traumatized victims, law enforcement officers will face difficulty eliciting victim testimony by using traditional interview techniques. In addition, victims of labor trafficking might have language barriers, cultural barriers, and deep-seated fears of their traffickers and of law enforcement that prevent them from being forthcoming in initial interviews with law enforcement (Farrell and Pfeffer 2014).

Some of the detectives we spoke with understood the level of trauma victims had endured and expressed an understanding of the effects trauma might have on the interview process. These detectives understood that it takes multiple interview sessions and the development of a level of trust between the victim and investigators before testimony can reliably be gathered. Specialized interview techniques were needed in many labor trafficking victim interviews. One investigator in site 3 noted, “Forensic interviewing helps out. You don’t ask questions that can be answered in one word. So that’s a benefit, I think.” Successful investigators also understood the importance of conducting interviews with victims in their native language, and above all, emphasizing to the victims that they were safe and that the interviews would take place on the victims’ terms. These interview techniques mean that sometimes law enforcement officers needed to find ways to remove themselves from the immediate interactions during interviews with victims, sometimes arranging for an interpreter to lead the conversation and do most of the questioning without any interruptions from the officer. There were multiple interview strategies employed by officers that focused on being sensitive to victim needs and English proficiency. A detective with whom we spoke explained,

When I got there and started talking to [name of victim] she was very nervous and hesitant to talk to anybody about anything. So I probably spent the first hour just talking to her and trying to get her relaxed. And there aren’t a whole lot of Tagalog interpreters in [city], by the way. But we were able to get her relaxed and reassure her very quickly. We reassured her that she was not going back to the house. She was going to be in a safe place. That was one of our key things, in my recollection, was to make sure that she knew that she was safe. (site 3, law enforcement 3 and 4)

The most successful investigators understood both the information they needed to gather from victims and how to get that information without retraumatizing victims. As labor trafficking victims have often experienced significant and long-lasting trauma, we posit that law enforcement may draw from experience working with victims of other crimes in their formulation of policies of questioning and serving victims. For instance, existing procedures for dealing with victims of kidnapping or hostage may

provide a useful starting point to understanding the psychological needs of labor trafficking victims during questioning and their recovery.

In some cases of labor trafficking, it seemed as though it was easier for law enforcement to recognize the profound needs of victims with certain characteristics or from specific venues. These cases tended to be those with only one or two female victims, often of domestic servitude. In contrast, cases involving groups of victims or primarily male victims were often processed differently and without as much attention to the psychological needs of victims. A Department of Labor employee whom we interviewed was able to further articulate variables that influenced how investigators responded to victims of labor trafficking. Generally, he said, investigators don't see males as victims. But an even greater predictor of how investigators will treat a potential victim is that person's current immigration status in the United States:

As soon as they realize someone is undocumented, and showing signs that they are labor trafficked, they think this person was smuggled and it was a choice. It is preconceived notions. [The] gender of the investigator plays a role—some of us are more open-minded and look at facts in different ways. (site 1a, Department of Labor employee).

Interviewees with victim service providers confirmed the perception that law enforcement often finds it difficult to understand victimization of men in labor trafficking situations and struggles to connect these victims with appropriate services. As one service provider noted,

I actively refer to those who [are] working on those cases right now, but my memory of what I saw a lot had to do with, you know, I think, very clearly male victims of trafficking, whether it was sex or labor. But obviously we saw more male victims of labor trafficking. Lack of shelter options and lack of any services or support groups that were for men by men . . . it was often hard to find specific support, services. And especially for men who had been victims of some form of sexual violence. That is harder to find support for. (site 1a, former service provider 1)

## Victim Perceptions of Law Enforcement

Interviews with victims indicated that they appeared to experience the criminal justice system in one of two ways—either as a period of intense difficulty and strain or as a period of great relief and safety. Well-trained law enforcement agents who were sensitive to the particular needs of victims were perceived with an almost hero-like worship. They tended to create a sense of immediate safety for victims and offer protection immediately after escape. One victim, who was advised to travel across several states to receive help, reported her experience with law enforcement in this way:

So they interviewed us and then the guys from law enforcement came. This guy, that kind of people have to be everywhere because he was so helpful. He was like, "Okay. Let me tell you the

plan." So he was telling all of the information that he had. He told us what to do, what to expect, what they were trying to do. So they helped us a lot. They had a house in [state] where they were keeping people like us to the next step they knew they were going to do. So they brought us to that house, to that home. They brought us food and everything. They asked us if we need something. They make sure that we're okay. (site 3, survivor 3, female, hospitality)

By providing basic needs and ensuring victims' safety, law enforcement agents created trust, helping victims overcome their fears and move through the criminal justice process. In some ways, US law enforcement agents had to work harder to build that trust, since many victims had migrated from countries fraught with corruption. When asked how she would advise other victims, one victim responded,

The police, they would really help because even though when we come everybody says, they threaten, they tell you if you ever say it's you who will be in trouble. In the end they have nothing to lose, they have, they have confidence and because most of the countries where, with this, people who are here, most of the countries policeman are really corrupt. They go, "What did you give them?" So we are always afraid even maybe American policeman are like, if you give them something then you be on the safe side even if you are wrong. (site 4a, survivor 1, female, domestic servitude)

Other groups of victims reported having negative interactions with the police, both during and right after their exploitation (see chapter 8 for further discussion). Some victims experienced difficulties with the police across all venues of work, but difficulties were most often associated with victims' legal status, and unauthorized workers seemed to face more difficult transitions. Although traffickers routinely confiscated documentation to control victims, law enforcement agents didn't always have the training or expertise to factor this into a victim's narrative about exploitation. One victim, who was threatened with going to jail if she didn't sign particular papers, explained her experiences in this way:

I knew that my visa had expired, but I told him I got a new one and I didn't know that it was fake. He's like, "It doesn't matter right now. All that matters [is] that I have bunch of papers against you and blah, blah, blah." I was really, I know it's his job, but he's not human at all. . . . Because it was a little bit later when they opened this case about us being victims of everything. But it was kind of a week after they got arrested. So it wasn't until the papers that I was a victim. So at that time it looked like I am not a victim, but I am like a person who broke all of the laws, the immigration laws to them. That's how it looked like. (site 3, survivor 3, female, hospitality)

Beyond these initial interactions with police, some victims also felt as though their cases were dismissed by their lawyers. One victim, who was arrested after being forced to run drugs for his exploiter, had a lawyer assigned to his case who not only disregarded his innocence but tried to exploit large sums of money from him while he waited for justice.

Uh huh. My lawyer told me not to sign it because it's too high. He said, "Let me work for (inaudible) and maybe get you 10." I said, "Are you crazy? I am not guilty." I told him to go to my wife and ask her. She can tell you everything because I'm not guilty. And he said, "No, no, the

drugs were in your truck and you were the only one in the truck, so that's your fault." And he told me, "Maybe I can get you 10 years, you will be all right. You might get out in 5." I said, "Are you crazy? I've done three months already, and you didn't start doing anything." And he asked me if my wife could get him \$10,000. And I said, "You know what, I don't need you." (site 2, survivor 5, male, other)

Although immigration status was often reported as the greatest source of victim conflict with the criminal justice system, other factors played a role in how the victims perceived their experience after escape. Language barriers between victim and law enforcement agents and prosecutors could make the transition to freedom more difficult, as well as the intensive and long interview and court process. Victims seemed more willing to talk with law enforcement and prosecutors when they were provided with a translator and when they were given the opportunity to spread questioning out over a period of time. When the capacity to provide these measures didn't exist, or when unauthorized immigrant victims were blamed for their exploitation, the criminal justice process could operate as a secondary traumatization in which victims were made to feel as if they were "in trouble" for their exploitation. However, when officers spent the time to build one-on-one relationships and gained victim trust, the criminal justice process could be a transformative experience that empowered victims to seek the justice they deserved.

## Structural and Cultural Organizational Factors That Facilitated or Inhibited the Identification and Investigation of Labor Trafficking Cases

### Dependence on Referrals

Although local and federal law enforcement officials interviewed for this study believed there were labor trafficking situations occurring in their community, they received few referrals about cases that could be investigated. In all four study sites law enforcement had partnerships with nongovernmental organizations (NGOs) that the police believed would come into contact with labor trafficking victims. But the police indicated that NGOs generally had not been a good source of information about potential victims. Both law enforcement and victim service and/or legal advocate interviewees acknowledged that the police and NGOs sometimes had oppositional goals that prevented sharing information on potential victims. Law enforcement interviewees noted that service providers may not always be able to share information about clients who do not want to cooperate with law enforcement or who are not yet

stable enough to meet with law enforcement. Despite this acknowledgement, law enforcement interviewees questioned whether their NGO partners actually had real labor trafficking cases to refer. An investigator lamented that although the victim service provider they worked with claimed to have many labor trafficking victims, they had not received referrals about cases that had developed into investigations. They suggested that some victim service providers classified everyone who was in “a bad situation” as a victim of trafficking, but if the victims were able to leave and there was no debt and no abuse, law enforcement, and particularly prosecutors, would not characterize these cases as trafficking.

It isn’t a question of whether there might be force, fraud, or coercion. The government needs to know that there is. (site 4a, law enforcement 2)

Law enforcement had few partnerships with agencies responsible for monitoring and regulating working conditions, such as the federal and state Departments of Labor and state regulatory and licensing agencies. Agency representatives sometimes came to task force meetings or events about human trafficking sponsored by law enforcement, but they did not regularly communicate with law enforcement about ongoing investigations and did not refer labor trafficking cases to state or federal law enforcement. Interviews with both law enforcement and regulatory agency representatives in our study sites illuminated the challenges that regulatory agencies faced sharing information with the police about ongoing labor investigations, particularly when those investigations involved unauthorized immigrant workers. Law enforcement interviewees indicated that they presumed regulatory or inspectional agencies monitored worksites and would notify the state or federal law enforcement authorities if trafficking was uncovered, but they were not hopeful that information would really be shared. As one investigator explained,

I can’t say that I have seen law enforcement passing the buck to the Department of Labor. I will say that we are just so crazy busy with the sex trafficking cases that really that has become our niche and our area of expertise. One case leads to another case and leads to a third. If and when the labor trafficking cases come, I think people here are very cognizant of the fact that it’s not our area of expertise. (site 1, federal law enforcement 1).

In site 1, identified labor trafficking cases were referred automatically to a federal prosecutor who took the lead on developing the investigation. In two study sites, interviewees from the Department of Homeland Security were frustrated by a lack of information sharing within their own agency. For example, investigators in Homeland Security Investigations (HSI; the criminal investigation division of Homeland Security) tried unsuccessfully to develop programs in which agents in the enforcement and removal division screened for potential human trafficking victimization and notified HSI of potential victimization. In another site, HSI officers responsible for human trafficking were trying unsuccessfully to get agents in other criminal investigation divisions to screen for trafficking:

We want to be able to exploit the intelligence over there for us, be it whatever crime, narcotics, arms smuggling. What quick questions can they ask with these people in front of them? Where did you work? What happened? (site 2, ICE)

Although interviewees noted some issues of territoriality across law enforcement agencies and between law enforcement agencies and other government and nongovernment agencies that impeded the type of information sharing necessary to identify labor trafficking cases, lack of formal structures to facilitate communication across the various partners was the biggest impediment to information sharing. Coordination and information sharing was even more critical once victims were identified. Law enforcement and NGO interviewees provided numerous examples of how cases were undermined and in other cases victim safety was compromised due to a failure of partners to communicate. For example, in one labor trafficking situation, facts that were included in a T visa application contradicted statements that the victim testified to at trial. After that situation the federal prosecutor and victim service providers agreed to coordinate T visa applications. Task forces and colocated law enforcement helped overcome this natural barrier by creating formal structures (e.g., meetings, development of protocols) that promoted sharing information. Interviewees who participated in programs that structured information sharing and communication across agencies acknowledged that although communication was most successful in situations in which personal trust and an established relationship existed between partners, structures helped them develop the kinds of relationships that allowed them to feel more comfortable sharing client information that facilitated victim identification and support. The structures were a tool to facilitate communication, but they were not an end in themselves. Ultimately trust and relationships promoted communication.

## Limited Resources

Law enforcement's limited efforts to investigate cases of labor trafficking was not only the result of a minimal understanding of the range of labor trafficking cases, but also of strained resources. Small municipalities with limited budgets did not have the privilege of having specialized units. Many agents working in local law enforcement departments were forced to juggle several responsibilities. As one law enforcement agent noted,

We're trying to be as active as possible, but with this is not, that is not our fulltime focus, unfortunately. (site 1, law enforcement 2)

Other law enforcement officials echoed similar sentiments:

With our office we don't really have the chance to be proactive with a whole lot of anything because we are such a small office, and we all have so much on our plate, that it's hard to dig into

anything other than the leads that you've got and covering what you've got on the plate right now, so . . . (site 3, ICE 1)

Coming from the NGO world, I know that I was exposed to the fact that there's probably stuff going on in Chinatown; there is probably stuff going on in [area of city]. There's a lot of it. We don't have the resources to move forward on it, so I don't really explore it. (site 1, law enforcement, ICE 1)

And a lot of these times you've got to talk to people more than once. The first time . . . they don't want to talk to you. They don't want to talk to you the first time. And sometimes there's no follow-up because you've got to call and get a translator and all of that. (site 1, local law enforcement 1)

Beyond limited resources, law enforcement also admitted they had limited language abilities to adequately investigate labor trafficking cases. As one law enforcement official said:

Mandarin, Korean, Fujianese . . . that would help a lot. None of us speak any of that and wouldn't even know how to interact with them. And we would have to get somebody. It's a bit of a pain to call our operations and to actually be able to find somebody that even speaks the language. So that's one of our biggest problems. So we wouldn't even be able to recognize if it was to come across. (site 1, local law enforcement 1)

Across interviews there seemed to be a consensus of the language diversity among victims and the inability of law enforcement to suitably meet those demands. Law enforcement's limited resources and linguistic capacity put a lot of responsibility on victims to initiate contact.

## Lack of Prioritization

The general sentiment of law enforcement interviewees in all four study sites was that labor trafficking was likely more widespread than they had the capacity to address. Interviewees cited venues they perceived as ripe for exploitation, such as agriculture industries known to employ large numbers of unauthorized immigrant workers with little oversight and businesses embedded in ethnic enclaves. Our interviewees lamented that without referrals about specific cases they did not have the resources to identify labor trafficking victimization. But it was not clear from our interviews that resources were the most significant impediment. A bigger impediment was that there was little incentive for state and federal law enforcement to proactively identify labor trafficking cases, particularly when they had sufficient work with ongoing sex trafficking investigations. As one site 2 interviewee noted, "Labor trafficking keeps getting bumped down on the priority list. It would be great to have folks to go out into those areas and to try to dig out cases. The fact is that we do not have near enough resources to deal with that . . . sure, if a case comes, we're going to work it as hard as we can." As noted above, this agency claimed to have more than enough work responding to sex trafficking referrals. An investigator at

another site noted, "I think as a unit, we got sex trafficking pretty well nailed down on how to do a case, and we're doing a lot of good cases. But the labor trafficking, which is what I heard you guys were coming to speak about that, I said, 'Oh. We don't do much.'" (site 1a, task force detectives).

Labor trafficking was just one of many of the duties of most investigators we interviewed. Agencies often did not have the resources or capacity to provide victim witness assistance to investigators. As one investigator noted,

No. We didn't even have victim witness coordinators until probably two or three years ago. And at that point it was a collateral duty, too, so they'd take an agent, throw him in training, and sometimes with any collateral duty people don't want to do it. (site 3, law enforcement 2)

Training for patrol officers and non-specialized investigators was extremely limited. Training was generally done at roll call or was included in the dizzying array of materials covered in the academy. As one seasoned investigator noted,

We have to be cautious about how much faith we put in the ability of patrol officers to identify trafficking if it is not adequately supported beyond a basic training. They have to be realistic that only some percentage of folks are paying attention during a training and actually listen to what you are saying, then a smaller percentage will remember what you said, and an even smaller percentage will be able to apply it when they are out in the field. They are doing well if they have some troopers who remember something from a two-hour training when they are out on the road. Trafficking investigations are not on their (troopers') radar screen. It is not even on page 10 of their to-do list. (site 3, law enforcement 2)

We uncovered some potentially innovative initiatives in study sites that have not been adequately supported. In one study site, a federal agent had mapped locations with large numbers of visa holders who may be at risk for trafficking. State and federal investigators think it would be a good idea to gather some intelligence on these locations to ensure there is no trafficking occurring and develop intelligence that may lead to future labor trafficking investigations, but to date work on the initiative has not begun.

## **Difficult to Prosecute and Implications of Prosecutorial Decisions**

Confirming previous research on police responses to human trafficking (Farrell et al. 2012), law enforcement officials we interviewed expressed frustration with federal prosecutors for their reluctance to take labor trafficking cases forward to prosecution. When prosecutors refused to charge labor trafficking cases the police claimed that they had to work harder to convince their supervisors and the other officers in their unit that they should be investigating labor trafficking.

But it's going to be very frustrating if they [labor trafficking cases] continue to not be prosecuted. Eventually you get to the point, "Well, why bother?" So when patrol officers hear, "Oh, that one

case that we were called out, what happened? Oh, they did nothing after we were on it for six months." You know, or over a year and you guys . . . because after she left, my contact was mainly just run and point. People are not going to want to put that effort forth if it continues to not go forward. There is a lot of "that is not worth our time." (site 3, law enforcement 3 and 4)

An officer from another agency in the same jurisdiction described the wider implications of decisions not to pursue cases for prosecution:

There is a domino effect. The prosecutor says it is not a great case and they won't take it, falls down to the law enforcement agent who only has so many hours in a day and doesn't want to spend time on investigations that aren't going to go anywhere. I will try to see if I can get the victim help, but this isn't a trafficking case I can prove. . . . This puts strains on the relationship with victim service providers who want you to investigate each case they think might involve a trafficking victim. They don't understand what it takes to make a criminal case. The best NGO relationships are with former law enforcement who work for service providers who understand how the system works. (site 3, law enforcement 5)

In another study site, law enforcement interviewees were frustrated with the pushback they received from federal prosecutors. Sometimes prosecutors saw evidence differently than the police and victim service providers. For example, even though leaving would have made victims homeless and put their immigration status in jeopardy (because their visas were tied to their employer and therefore leaving the employer would have rendered them unauthorized) in one case an assistant United States Attorney claimed that victims chose to stay in an exploitative situation. The attorney viewed the victims as having choices and therefore did not see the situation as constituting trafficking. Law enforcement interviewees were extremely skeptical that prosecutors would accept domestic servitude cases in which there was only one or a small number of victims. These cases were perceived as being "he said/she said" cases, particularly when there was no evidence that the victims suffered physical abuse. One set of law enforcement officials we spoke to had pursued a labor trafficking case against diplomats in the region. After building what they thought was a strong case, the federal prosecutor declined prosecution, arguing that there were other public officials in the region in similar situations and prosecution was not "politically expedient." Diplomats were involved in 14 percent of the domestic servitude cases (6 of the 43 cases) we reviewed.

Law enforcement interviewees also discussed the challenges they faced when prosecutors wanted additional evidence, and potentially defendant confessions, before they would pursue labor trafficking charges. As one federal agent noted,

They [federal prosecutors] want the bow on it. They want it 99 percent done. "Go talk to the defendants and see if they'll confess." "Well, jeez, why didn't we think of that? We should have done that two years ago." Maybe we're at the 50 percent mark with these cases, not the 99 percent where they like them, where they feel warm and fuzzy. It's dealing with a human, and 50

percent is good enough for us. Let's take a swing and maybe we can get up to 80 percent. Let's get it before a jury. We believe that juries, if they go, they're going to suck this up. (site 2, ICE 1 )

But prosecutors' concerns about needing more evidence are not without merit. Juries have not always returned favorable verdicts when labor trafficking cases have gone to trial. In the same jurisdiction as the ICE interviewee quoted above, a federal prosecutor took a relatively weak labor trafficking case forward to prosecution on forced labor and trafficking charges. The jury decided that the defendant (an accomplice of the trafficker; the trafficker had fled the country) was not guilty of trafficking. As a law enforcement interviewee in this study site noted, for a federal prosecutor an acquittal is the "kiss of death." Not surprisingly, no labor trafficking charges have been filed in that federal district since the acquittal.

With the passage of new state human trafficking laws and the perception that some federal prosecutors are reluctant to accept labor trafficking cases, law enforcement has increasingly turned to state prosecutors. Although law enforcement interviewees thought state prosecutors were less aware of human trafficking, they perceived state agencies as being more willing to pursue charges. As one ICE agent in site 2 noted, "We are going state. They'll take anything. If it is a ham sandwich they're willing to do it. They're willing to take that risk." Too few labor trafficking cases have been prosecuted in state courts to determine if state prosecution is the right venue for labor trafficking charges. In the jurisdiction where the interviewee above is located, a state prosecutor recently took the state's first labor trafficking case to trial after federal prosecutors refused to charge because they perceived that the level of abuse did not constitute trafficking. The defendant was ultimately acquitted of labor trafficking by a county court jury.

Despite the fact that legal structures are now in place for state prosecutors to charge labor trafficking in state courts, few labor trafficking cases are identified, and a majority of those cases that are investigated are referred to federal prosecutors. In our study sites, state prosecutors were beginning to learn about labor trafficking, a very small number of labor trafficking cases had been brought forward to state prosecution, and it was not clear that state juries would embrace labor trafficking. Victim testimony is critical to the successful prosecution of labor trafficking (Farrell et al. 2012), particularly as labor trafficking cases commonly hinge on psychological coercion and fraud, information about which must be provided by victims. The challenge of proving these elements was illustrated in one domestic servitude case we reviewed in which the victim attempted to testify about the coercion she faced but felt the interpreter was not interpreting her words correctly. In the end she did not think her testimony as interpreted clearly articulated her experiences. The challenge of ensuring victim testimony at trial is further complicated by the length of time most human trafficking cases take

to go to trial, necessitating comprehensive victim services if the victim is to stay involved throughout the entire process.

## Necessity of Victim Services

Victim case records and interviews included situations in which victims were threatened by traffickers directly after their removal or escape regardless of their cooperation with the police. When law enforcement can immediately facilitate victim services, they play a significant role in ensuring victim safety and security. Furthermore, if law enforcement can secure a victim's safety and establish trust they are much more likely to acquire the information necessary to build a human trafficking case. As one agent noted, "If you don't have the services in place you don't get the cooperation. If you don't have the cooperation, you don't get the case, and if you don't have the case, you can't get the services because it looks like there aren't any cases" (Site 1a, task force detectives). However, to accomplish this critical task, law enforcement must rely on victim specialists within their own agencies and/or with partner NGOs to provide services that victims need during this critical period. Providing these services requires agencies to have access to victim witness specialists who understand labor trafficking. As one investigator noted,

I think early attempts at it were pretty unsuccessful because you're forcing people to do it. And now we actually have full time, that's what they do. They work with the NGOs because we have very limited resources too if we come across someone that's a victim. I mean we can do immediate stuff. We can for 24 hours. We can put them up in a hotel and get them food and a change of clothes and stuff, but after 24 hours we don't really have anything to do with them so she's had to really partner with the NGOs to make sure that we have some resources for when we do come across them. (site 3, law enforcement 3 and 4)

When done well, the transition from victimization to safety is one of the most important roles law enforcement can provide. Though victims may depend on law enforcement for this sense of security, it's often an expectation law enforcement cannot easily fulfill. Without trained victim witness coordinators or victim specialists within law enforcement, investigators or agents must step in to coordinate victim services, a role for which they are untrained and sometimes lack the necessary skills to successfully undertake. Even when law enforcement officials have specialized training and possess the good intentions necessary to go beyond their required role, they often face a social service system largely unequipped to handle the specific needs of labor trafficking victims.

One of the most serious victim services challenges the police encountered in the sites we studied was housing, particularly for male victims. When asked how they would handle a case with multiple male victims, one law enforcement interviewee said,

We wouldn't have placement for them unless I'm bringing them back to my house and put them up myself. I'm telling you right now that there's going to be no place. (site 1, police department task force detectives)

Another agent noted,

I would say the biggest challenge, especially when there's men, is shelter. Where do you put men? Where do you put women? You put women of sex trafficking in domestic violence shelters. If you can prove that there's a nexus, if the trafficker had a romantic relationship with the woman, we can argue that it's domestic violence, and we can take care of that problem. But with men, where [do] you put them? Where are the shelters for men in [study city], where real estate is the biggest challenge? For that case, I know, for example, that we ended up putting them in a hotel for a couple of days while we were talking to them and figuring out whether they were victims, what the AUSA was going to do, how we were going to move forward. The hotel worked for three or four days. We did a couple of days; the victim service provider did a couple of days. We actually had to ship some of them to [another city across the state] because that was the closest place that had a shelter for men. So I would say shelter is a huge issue. (site 1a, federal law enforcement 1)

## Victim Trust Issues Related to Immigration and Fear of Deportation

For victims without legal authorization in the United States, fear of being deported to their home countries is a paramount concern. Many victims of labor trafficking have come to the United States in search of opportunity because such opportunity does not exist in their home countries. It is common for these individuals to have acquired significant debt along the way, some even using their property or homes as leverage, and they cannot afford to return home until these debts are repaid. Traffickers are aware of the financial circumstances of most victims and exploit this vulnerability. To be deported means failure: failure to repay debts and failure to support family members. This failure has serious consequences for victims.

Traffickers are able to exploit this fear of deportation because, for the most part, victims of labor trafficking are not aware that they are entitled to certain rights as victims of crime in the United States, even if they are unauthorized either before or as a result of their trafficking. In some situations, traffickers actively use the threat of deportation and of calling the immigration authorities to report victims to coerce their continued labor. Other victims may not have been explicitly misled, but they have experienced vicariously the deportation of other unauthorized immigrants and do not know that due to their victimization, they fall into a protected category under US law and should not have that

same experience. This distinction is, of course, complicated by the fact that the way immigration officials respond to victims of labor trafficking across the United States is far from standard. In the best circumstances, however, when immigration officials are aware of the rights afforded to victims of trafficking and their legal entitlements, it is possible for immigration officials to provide critical support for trafficked persons. Two ICE agents explained how they were able to leverage their employment with ICE to help victims of trafficking:

Like I said, we're trying really hard to get the word out there not only about actually what we do, and also the continued presence program. It's very easy to get and we can actually bring family members in too, because we have a lot of cases where they say, "My mom back in wherever, and it's a small town and there's a lot of influence and we're afraid for her." And so it's a very easy mechanism to get the person some kind of status and also bring family members over if it's appropriate and then eventually put them on a track to some kind of citizenship. (site 3, law enforcement 3 and 4)

Victims' fear of deportation is one of the biggest barriers facing law enforcement and prosecutors. Unfortunately, the fear of deportation or detention for immigration violations is often realized for labor trafficking victims. One victim service provider explained the challenge of helping victims who are unwilling to trust law enforcement:

The victim eventually applied for a T although I'm not sure I ever saw him as a victim. And you know, this is where again I feel like ICE is here (gesture to one side) and the legal advocate is here (gesture to other side) and we're like here (gesture to middle). But these men were not at all forthcoming about, you know, they hated ICE, they did not trust ICE for very good reason. But also I think they told the legal advocate and I think they told us some things that they never shared with ICE about their exploitation. A case could be made that ICE didn't do a very good job of interviewing them. (site 4b, victim service provider 1)

It is important that immigration officials be well trained to recognize and respond appropriately to victims of labor trafficking. When victims and victim service providers can expect a receptive and helpful response from ICE, no matter which jurisdiction, they will be more willing to bring cases forward.

## Conclusion

We identified various structural and cultural challenges to law enforcement officials' ability to identify labor trafficking investigations in the four sites we studied. When cases were identified, law enforcement played a critical role in securing the safety of victims. Often the police were more successful at navigating coordination of victim services and helping to ensure victims felt secure enough to begin working with victim service providers on their recovery than they were at building a criminal case. Such coordination is an unconventional role for law enforcement, but if done correctly it could be

critical for victim recovery. Law enforcement struggled more with the more traditional roles of developing cases that could be successfully prosecuted. Although bringing strong cases forward for prosecution is the measure against which we commonly evaluate the success of law enforcement, interviews with victims, service providers, and the police suggest we should not gauge law enforcement success in labor trafficking investigations primarily on criminal prosecutions. The challenges of prosecuting these cases are great. There is much that can be learned to improve prosecution, but the police also should continue to be supported to provide the assistance and security victims need to help ensure their successful recovery.

# Chapter 10: Conclusion and Recommendations

## Discussion

This study is the first of its kind to examine the organization, operation, and victimization process of labor trafficking in multiple industries in the United States. It is also the first study to measure the use of force, fraud, and coercion throughout the continuum of recruitment and movement in pursuit of a job, to the labor trafficking victimization itself, to victims' efforts to escape and seek assistance. Through service provider case reviews and interviews with survivors, service providers, and law enforcement, we uncovered detailed contextual information regarding survivors' long-term outcomes after their escape and their experiences with the criminal justice system. We also interviewed local and federal law enforcement officers and prosecutors to understand the barriers to investigating and prosecuting labor trafficking cases.

Labor trafficking was uncovered in multiple venues: domestic work, agriculture, hospitality, restaurants, construction, fairs and carnivals, nursing homes, strip clubs, and massage parlors. These venues are formal and informal, regulated and unregulated, isolated and public, and in sexualized and nonsexualized industries. One hundred percent of our sample comprised immigrant men, women, and children. Approximately 50 percent of our sample had never attended high school. However, approximately one-third (33 percent) had some college or higher.

The common human desire to make a better life for oneself and one's family, coupled with a lack of economic mobility (characterized by poverty and a lack of employment opportunities) in their home countries motivated our sample of labor trafficking survivors to look elsewhere for employment opportunities. These push factors, in addition to the force, fraud, and coercion often used during the recruitment and movement for a job opportunity, created opportune conditions for individuals and companies to commit labor trafficking.

In our sample, 71 percent of victims arrived in the United States on a temporary visa and were labor trafficked, but by the time they escaped and reached a service provider, 69 percent were unauthorized. The most common temporary work visas included H-2A or H-2B visas for work in agriculture, hospitality, construction, and restaurants. Other visas used by recruiters and traffickers to bring

individuals into the United States included tourist visas, business visas (B1/B2 visas), or diplomat “domestic servant” visas (G-5 visas). Individuals who came to the United States on temporary work visas typically paid high recruitment fees to third- or fourth-party recruitment agencies working on behalf of US companies. Fees averaged \$6,150, an amount far greater than the per capita income in most of the top six countries of origin for survivors in our sample. Trafficking survivors mortgaged family land for collateral or took out high-interest-rate loans to pay these fees. All individuals arriving on a visa first met with US officials at a US consulate or embassy to obtain the visa. Our study revealed that information regarding workers’ rights and numbers to call in case of an emergency were not communicated, and in some cases, workers were interviewed in the presence of traffickers or not interviewed at all.

Control over a worker’s immigration status (whether in the United States on temporary visas or unauthorized) was one of the most powerful mechanisms used to keep workers in forced labor. Victims would continue laboring in abusive conditions because they were told their visas would be extended or that they would be unauthorized if they tried to leave and the trafficker would threaten to call immigration and have them deported. In many cases, the traffickers’ threats had some truth to them.

Labor trafficking thrives in environments in which a workers’ vulnerabilities intersect with individuals and companies who seek to exploit their labor for profit (i.e., certain individuals are targeted because their labor can be forced and provide an opportunity for a trafficker’s profit). Individual vulnerabilities can include disabilities, a lack of full rights under immigration or labor law, inability to exercise those rights, a lack of awareness of protections and rights guarantees, the strong desire to remain a law-abiding individual, limited English-language capacity, and limited social networks in the United States. What was revealing to the research team was the extent to which US systems facilitate conditions that amount to forced labor. As we found in our study, even in states with labor trafficking laws, loopholes in immigration law and weak state labor code provisions, such as exemption of independent contractors and certain types of employment from protection under the Fair Labor Standards Act, may contradict state and federal antitrafficking laws and hinder the ability of authorities to identify, dismantle, and prosecute labor trafficking syndicates and provide services to victims. For example, provisions that may legally allow employers to provide housing and food for employees (such as agriculture workers) and to deduct those expenses from employee paychecks may facilitate conditions that legally increase an employer’s control over their employees. At the same time, an employer’s control over an employee’s living conditions and movement to and from work are common elements used to compel a person to remain in a forced labor situation. These findings were consistent across industries and affected both workers with temporary visas and unauthorized workers.

Several provisions and practices of temporary work visa programs facilitate labor trafficking. For individuals recruited to work in agriculture (H-2A) or construction, hospitality, or restaurants (H-2B), these program provisions include a lack of visa portability (i.e., workers' lawful immigration status is tied to their employers), a lack of oversight and inspection (such as tracking and follow-up with individual workers) of companies that bring workers to the United States on temporary work visa programs, and lax laws that allow companies to use recruiting agencies that charge recruitment fees that can amount to conditions of debt bondage once the worker arrives in the United States. In addition, either labor law or visa regulations allow employers in industries such as agriculture, construction, hospitality, and certain forms of domestic work to house their employees. Although housing may be seen as a logistical benefit to those recruited for temporary work, in our sample, it was abused to further profit from and control unsuspecting workers.

For the domestic servitude victims in our sample, these systems include overall lack of protections and regulation of such work under US labor law and a lack of oversight and inspection of working conditions for domestic workers. In the cases that we reviewed, individuals who hired and then trafficked domestic workers did so in one of three main ways: smuggling them or having them smuggled into the United States unauthorized and then extorting their labor; bringing them into the United States on a nonwork visa such as a tourist visa and then compelling their service and threatening to keep them in forced labor when their documents expired; and recruiting and bringing domestic workers to the United States on special "domestic servant" visas for diplomats and government officials and then trafficking them once they arrived. These visas tied workers to the diplomat such that if they faced abuse, they had no recourse to complain. Diplomat domestic workers were not checked on by the US Department of State or the US Department of Labor after they arrived in the United States, further limiting oversight of these programs and lessening available options for victims to seek assistance when abused. We found in our case reviews that when the domestic workers of diplomats did escape, often under harrowing circumstances, the diplomats were provided with immunity, and victims were rarely compensated for their unpaid wages. Given that domestic work is unregulated and performed in relative isolation, domestic workers working for nondiplomat private families faced similar challenges receiving back wages or having their traffickers prosecuted. Individuals recruited for domestic work were primarily female and had lower levels of education, on average, compared to individuals victimized through temporary work visa programs.

At the time they entered the United States for work, 29 percent of the sample was unauthorized. Some of these individuals paid to be smuggled into the United States; their smuggling debts were bought by employers (commonly agriculture contractors, some of whom had arranged for their

smuggling), who then trafficked them. Other individuals were smuggled into the United States and then their labor was forced by a person connected to their smuggling as a means of paying fictitious smuggling debts that never decreased. Labor was forced across multiple industries, sometimes in the private businesses of the traffickers and/or their associates (e.g., farms, restaurants, car washes, massage parlors) and sometimes in very public companies unaware that an employee's labor was being forced by a trafficker (e.g., hotels and resorts). In other cases, however, companies were fully complicit in the forced labor of unauthorized workers; this situation occurred most commonly in the agriculture and restaurant industries. Compared to labor trafficking survivors entering the United States on a visa, survivors who were smuggled faced a far greater incidence of violence, extortion, abuse, and exploitation during their movement to and within the United States by smugglers and traffickers.

Labor trafficking victims faced a multitude of civil and criminal forms of abuse committed against them, including, but not limited to, wage theft; being paid less than minimum wage; employer control of housing, food, and transportation; document fraud; extortion; sexual abuse and rape; discrimination; psychological manipulation and coercion; torture; attempted murder; and violence and threats against themselves and their family members. Threats of blacklisting were also used to force labor within industries. As a result of these multiple forms of abuse, labor trafficking survivors' escape from their victimization often took the form of running away, often in distressing conditions. At times, bystanders would bear witness to a victim's abuse, but they rarely acted due to a fear of the traffickers or lack of awareness of the trafficking situation. Although these encounters sometimes played a critical role in the victim's escape, many of these interactions resulted in an unrealized opportunity for rescue.

Victims were keenly aware that they faced abuse, fraud, and exploitation; however, very few understood that the situation was the crime of labor trafficking and that there were legal protections and services afforded to them if they came forward. Although the promise of protections for all victims of trafficking, regardless of immigration status, is elucidated under law, our study revealed that victims' overriding fear of being found unauthorized was pervasive. Both authorized and unauthorized immigrant workers reported a lack of knowledge and understanding of their rights and protections under United States law as crime victims. Limited interaction with labor inspectors and law enforcement in regulated industries such as agriculture, construction, and hospitality and isolation and a complete lack of oversight for domestic workers compounded this lack of knowledge and information.

It was common for survivors in our sample to go for several months or years until they were properly identified and connected to specialized service providers. By the time survivors were connected to a service provider, 69 percent were unauthorized (most of them as a result of having their work visas expire due to the trafficking). Secure emergency shelter and long-term transitional housing

were the greatest needs and the greatest challenges reported by service providers, survivors, and law enforcement. As a consequence of being unauthorized, some labor trafficking victims were placed in deportation proceedings, threatened by immigration officials, and/or arrested and placed in detention centers. Obtaining continued presence (CP) for labor trafficking survivors was extremely rare across our study sites. Service providers reported that law enforcement rarely approved CP requests due to a lack of awareness about the definition of labor trafficking; lack of sympathy and support for survivors; lack of trust with service providers, who some law enforcement officials believed were coaching victims; and a lack of support from agencies in cases in which individual officials might be willing to sign CP. Service providers reported high success rates in obtaining T visas for survivors. However, because CP is rarely granted as a form of temporary immigration relief, and T visas may take several months or years to be approved, survivors were forced to live in the United States without authorization. During this time survivors did not qualify for job training programs and were not able to work legally. Given the often large debts they had taken to obtain the jobs that turned into trafficking, wage theft during their labor trafficking victimization, and the financial needs of their families (64 percent of our sample had children), survivors had an acute need to begin working again as soon as possible after their escape. Because delays in T visas and work authorization compounded this need, some survivors did not wait for immigration relief and instead remain unauthorized and moved to wherever they could find work. Once survivors were able to begin working again, many remained mired in low-wage work in the same industries in which they were labor trafficked due to a lack of work history, references, and job training programs. This finding was fairly common for all survivors; however, some of them pursued higher education or advanced training.

The mental and physical impact of labor trafficking on survivors was severe. Labor trafficking survivors suffered from posttraumatic stress disorder, anxiety, depression, psychosis, suicidal ideation and attempts, fear, and difficulty forming trusting relationships as a result of their victimization. A lack of trauma-informed mental health services was reported, and some survivors reported challenges accessing social benefits they qualified for through their T visa (e.g., driver's licenses, social security cards) due to a lack of program administrator awareness of T visas and human trafficking. Other survivors lost access to benefits such as Medicare or Medicaid when they moved to cities or states away from the initial site of service provision. The majority of survivors in our sample had newly acquired T visas, but only a few had gone through the process of adjusting their status to permanent resident (with numerous reported challenges and financial hardships). Those who had not yet adjusted their status expressed concern over whether they would be able to adjust their status and remain in the United States. The long-term outcomes of these survivors remain unknown.

By and large, labor trafficking investigations were not prioritized by local law enforcement agencies. This lack of prioritization was consistent across all study sites and across all industries. We originally set out to review law enforcement investigative case files for labor trafficking and compare them with the labor trafficking cases known to service providers in the same jurisdictions. What we found, however, was that local law enforcement agencies rarely investigated labor trafficking cases. This lack of investigation was noted across all four study sites, including the two sites that had federally funded task forces (472 victims were identified by service providers across those sites). In the few cases in which local law enforcement agents were involved, they played a central role in securing domestic servitude victims and facilitating services in a victim-centered fashion. Although federal law enforcement was involved in more cases than local law enforcement (most often in response to outreach by victims or service providers), federal law enforcement agents were not involved in the great majority of cases known to service providers. Both local and federal law enforcement had difficulty defining labor trafficking and distinguishing it from labor exploitation and workplace violations. Neither local nor federal law enforcement is tasked with investigating workplace violations (common in the vast majority of studied labor trafficking cases), because these violations are civil matters. However, as we found, the Department of Labor was absent as a partner in identifying and referring potential cases of labor trafficking to local and federal law enforcement. The Department of Labor lacks criminal authority, and in some sites, the training to identify and investigate labor trafficking. As a result of these gaps in training and authority, there is a black hole of enforcement around labor trafficking, with neither local law enforcement, federal law enforcement, nor the Department of Labor responsible for proactively identifying and investigating cases. To compound this problem, a low level of public awareness about labor trafficking also means that potential tips are not being regularly reported to law enforcement.

Criminal and civil justice system responses to labor trafficking were not the only form of justice for survivors; however, they were important pieces in a more holistic, survivor-centered response to labor trafficking. Even with these responses, survivors in our sample often went without back pay for their wage theft, received no criminal restitution, and were denied the justice they felt they deserved when their traffickers were not arrested and prosecuted. Although not all the victims we interviewed were concerned that their trafficker be prosecuted, many expressed a belief that criminal prosecution would help give them comfort and closure on their victimization experience and ensure that potential victims with similar vulnerabilities were not harmed. Prioritizing labor trafficking cases and increasing the number of suspect arrests and prosecutions could increase victim identification. Currently, labor trafficking victims have little incentive to come forward to the police. Like victims of sexual assault, many labor trafficking victims do not report their victimization because they believe their claims will

not be pursued by the police. Risk of exposure, deportation, or substantial loss of income outweigh the benefits of reporting victimization for many victims. Still other survivors in our sample were willing to cooperate with law enforcement, but their cases were not pursued. Certainly more needs to be done to support victim claims of exploitation. Active investigations, arrests, and subsequent prosecutions, coupled with coordinated service provision, could help victims feel more secure in coming forward to law enforcement.

## Recommendations

Below we detail 15 main findings followed by various policy and practice recommendations.

Recommendations for policy changes suggested by survivors of labor trafficking interviewed for our study are included, as well as recommendations for further research.

- 1. Control over a worker's immigration status was a powerful tool used by traffickers to keep victims in situations of labor trafficking. Victims who were on temporary visas at the time of employment, as well as unauthorized workers, were threatened with deportation and being reported to authorities if they tried to complain or leave their trafficked employment.**

The majority (71 percent) of labor trafficking victims entered the United States on a lawful visa, most commonly for work in agriculture (H-2A); hospitality, construction, or restaurants (H-2B); or as domestic workers for foreign officials (G5, A3, B1 or B2).

Immigration law should be amended to remove the lack of visa portability associated with the commonly abused visas in our study (and perhaps all visas). The Department of State, Department of Labor, and local and federal law enforcement should coordinate efforts to track and oversee workers coming into the United States on work visas and ensure compliance with the regulations that accompany visa sponsorship.

More awareness raising and outreach to unauthorized workers and immigrant communities about their rights under labor law and as possible victims of crime should be conducted to ease victims' fear of deportation for being unauthorized and encourage reporting. More coordination and training of workers' rights groups, immigrants' rights groups, and the service providers that serve labor trafficking victims are needed. Foreign embassies in the United States should engage in more outreach and awareness raising within their immigrant communities in the United States and serve as a safe space for

reporting abuses. Embassies should coordinate with local and federal law enforcement and labor trafficking service providers to create referral networks.

Additional and ongoing training of immigration enforcement officers, border patrol, immigration judges, and US Citizenship and Immigration Services staff is needed to properly screen for labor trafficking and make appropriate referrals.

**2. Fraud and coercion were prevalent during the recruitment process. Recruiters worked on behalf of third- (or even fourth-) party employment agencies, which were often located in the victim's home country.**

US companies should not be allowed to charge recruitment fees for jobs. Even if laws prohibit recruitment fees, companies should be held responsible for ensuring that neither they nor third- or fourth-party recruitment agencies have charged workers recruitment fees. Company representatives recruiting temporary labor overseas should be directly involved in the recruitment (to ensure they be held legally accountable for preventing fraud and coercion during the recruitment process) as a requirement of obtaining foreign labor.

Laws should be amended to ensure all companies must certify a lack of slavery or forced labor in their supply chains. Examples of existing laws that could be adopted or adapted include the California Transparency in Supply Chains Act of 2010<sup>63</sup> and Executive Order—Strengthening Protections Against Trafficking in Persons in Federal Contracts.<sup>64</sup> The California Transparency in Supply Chains Act is the only US state law requiring US companies to disclose their efforts to ensure their supply chains are free of human trafficking. Other states should consider adopting similar laws. State governments could also look to the federal government's executive order on trafficking in federal contracts and adapt similar laws applicable at the state level.

It is recommended that US embassy and consulate staff be involved in investigating the practices of recruitment agencies used by American companies overseas. Agencies (and individuals tied to agencies) that are found to engage in fraud and coercion should be blacklisted. Companies should publicly list if they use contracted labor or guest workers and the steps they take to ensure this process is free of slavery along the continuum of recruitment, movement to the United States, and working conditions. Companies and individuals who commit labor trafficking should be listed in a public database so that consumers can make more informed choices and so that future potential workers are informed.

Finally, although we acknowledge US citizens have been victims of labor trafficking<sup>65</sup> in the United States, our study found an international nexus in 100 percent of the cases studied. Either foreign

national workers were recruited abroad for jobs in the United States that became forced labor through temporary work visa programs, or foreign national workers were smuggled into the United States and were subsequently trafficked. Thus, the cases described in our study involve not only the violation of US criminal and civil laws, but they have implications for various United Nations protocols, not limited to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol).

**3. The majority of victims met with US embassy or consulate staff to obtain visas, flew to the United States, and passed through border checkpoints. Survivors were rarely given information regarding their rights in the United States or where to go or how to call for help in cases of emergency.**

All individuals obtaining visas to the United States should be given information regarding their rights and numbers to call for help (911 and the National Human Trafficking Resource Center) by US embassy and consulate staff and by border officials. Information could include potential indicators of labor and sex trafficking and communicate that if individuals are victims of any crime, regardless of their immigration status, they will be protected and receive assistance. This information should be provided in multiple languages and include pictures for individuals who may be illiterate or have lower levels of education (e.g., the majority of domestic workers in our sample).

Training of US embassy and consulate staff and border officials is pertinent to recognizing potential indicators of trafficking (e.g., payment of recruitment fees, immigration benefit promises). Staff should always privately interview those applying for visas and crossing US border inspection. Some survivors, specifically of domestic servitude, reported that they would have been more forthcoming to embassy staff and border officials had they not been interviewed in the presence of their recruiters and/or traffickers.

Informational pamphlets should be distributed along with customs forms, and major commercial airlines should develop, in consultation with antitrafficking experts and survivors, short awareness-raising videos to be played on airplanes arriving in the United States. These videos and pamphlets would not only raise awareness about potential labor and sex trafficking, but they would also communicate workers' rights in the United States and provide information about how individuals can call for help (National Human Trafficking Resource Center). Videos and pamphlets should be translated into the most common languages spoken by labor trafficking victims (i.e., Spanish, Tagalog, Thai, Bengali, and Hindi). It is also important to portray police officers positively in these materials. It is imperative to

communicate that all victims of human trafficking, regardless of immigration status, are protected under law.

**4. Labor trafficking investigations were not prioritized by local law enforcement agencies, and the Department of Labor was not involved in proactively identifying and referring cases of labor trafficking to law enforcement.**

Local and federal law enforcement should be specifically tasked and units designated for the proactive investigation of labor trafficking. It is important to train agents on the differences between labor exploitation and labor trafficking and the evidence collection techniques necessary to substantiate labor trafficking cases. To overcome the civil and criminal justice challenges of investigating labor trafficking, local and federal law enforcement could be cross-trained with Department of Labor inspectors. Such cross-training would allow law enforcement to better understand the nuances of labor exploitation, as well as give them the ability to conduct undercover workplace inspections posing as labor inspectors. This model would give law enforcement access to workplaces unique to the Department of Labor, while at the same time allowing the identification and investigation of cases that reach a criminal or labor trafficking level.

Labor trafficking-specific task forces should be created. Under these task forces, local and federal law enforcement working with the Department of Labor, the Department of State, and US Citizenship and Immigration Services could share information on the number and location of companies employing temporary guest workers (e.g., H-2A and H-2B workers).<sup>66</sup> Lists of workers' names could be provided to task forces to coordinate inspections and oversight of companies. Task forces should specifically employ officials with language capabilities in the main languages spoken by labor trafficking victims. Further information that could be used to inform proactive investigations into potential labor trafficking include analyses of the number and type of Department of Labor violations of companies across the main industries employing unauthorized and temporary foreign workers, the number of a company's temporary foreign workers overstaying visas, and local incident reports filed by police. We recommend that law enforcement conduct undercover operations within common industries engaged in labor trafficking and coordinate with local service providers to provide services for identified victims.

Local and federal investigators and prosecutors should receive coordinated training on the evidence necessary to support moving labor trafficking cases through the criminal justice system. Specific training could include the use of culturally and linguistically competent forensic interviewers and interview techniques designed to promote victim well-being, reduce trauma, and promote honest disclosure of information. Local and state prosecutors should be assigned to handle labor trafficking

cases. Prosecution performance measures on labor trafficking and tools to support prosecutors moving cases through the criminal justice system should be developed. Increasing the number of cases prosecuted through the criminal justice system could also lead to an increase in the number of victims willing to self-identify and create a possible deterrent effect for traffickers. By prioritizing labor trafficking cases and responding effectively to the victims who do report, law enforcement could help shift how victims perceive coming forward and address issues of isolation and secrecy.

We recommend that national, state, and local Department of Labor websites be redesigned to include clear, specific information in multiple languages on labor trafficking indicators, with direct contact information so victims can call, e-mail, and/or text. Although this information will not reach all individuals, it would have reached some victims in our sample who attempted to receive assistance from the Department of Labor but were unable to. All Department of Labor staff should receive training on labor trafficking.

**5. The exploitation of domestic workers differed from the labor trafficking experiences of other victims in that the industry is unregulated (in contrast to agriculture, construction, and hospitality) and workers were frequently isolated. Diplomatic immunity ensured that diplomats who engaged in labor trafficking were never held accountable for their crimes.**

It is imperative that domestic work be regulated and covered by labor law. States should pass legislation recognizing domestic workers' rights. Efforts to raise awareness about labor trafficking and workers' rights among immigrant populations commonly employed as domestic workers in the United States could make a significant impact. Awareness-raising campaigns should be conducted in the common languages of domestic workers and be played on radio and television. One way for service providers to identify potential victims is to conduct outreach and awareness raising in parks, schools, and churches. These three venues were almost the only places domestic workers in our sample were allowed to go, if they were allowed out at all.

The US government should reexamine policies surrounding diplomat and foreign official use of domestic workers and their relative immunity from being held accountable for labor trafficking. If the criminal justice process is not a viable option, alternate forms of justice should be pursued, including payment of back wages to the victims and deportation and nonrenewal of visas for the perpetrators.

US embassy and consulate officials should pay specific attention to recruitment of domestic workers by foreign officials overseas. We recommend that information be gathered on the employment agencies, if any, used to recruit domestic workers and that these agencies be inspected. Individuals applying for domestic worker visas should be interviewed in private. Like all workers, domestic workers

should be provided with printed and oral information that outlines their rights in the United States and where to go for help.

- 6. Multiple forms of force, fraud, and coercion occurred throughout the continuum of labor trafficking, including during recruitment for a job, movement to the job location, victimization at the job location, and during and after escape. Even in cases involving the arrest of traffickers, survivors reported knowledge of additional traffickers and associates still at large (often in their home countries.)**

Local and federal law enforcement should be trained to investigate and uncover instances of force, fraud, and coercion that may occur before and after labor trafficking. This includes during recruitment and any movement for work, and after a victim's escape. They should also be trained to uncover elements of both labor exploitation, as well as force, fraud and coercion during labor trafficked employment. Cases should be built over space and time to include as many actors connected to a person's labor trafficking as possible and to determine actors' connections with one another. Cases involving foreign nationals will likely involve connections to recruiters and traffickers in a victim's country of origin, as well as traffickers and associates in the United States. We recommend that international task forces, cross-trainings, and working groups be established between the United States and primary sending countries (e.g., Mexico, Philippines). Developing memorandums of understanding between the United States and common labor trafficking victims' countries of origin regarding investigations, sharing of information, and coordinated repatriation of identified victims if they so choose would help promote international partnership and cooperation in labor trafficking cases.

- 7. Labor trafficking survivors come into contact with individuals other than their traffickers during and after their labor trafficking (e.g., first responders, utility workers, nontrafficked coworkers, immigration attorneys). Many of these people failed to identify the survivors or provide the assistance they sought. As a result, some survivors went for years before being connected to specialized service providers.**

Public awareness campaigns about labor trafficking are needed. Campaigns could feature survivors' voices, highlight a few of the major forms of labor trafficking, and indicate that labor trafficking can involve US citizens, as well as unauthorized and authorized immigrant workers in the United States. It is important that local-level campaigns be created. These campaigns could feature local service providers, law enforcement agencies (investigators and prosecutors), and politicians to ensure messages are locally specific and that the general public is aware of where to go for assistance. Awareness-raising materials should also be developed for print, radio, TV, and the Internet (especially targeting social

media). Materials should be developed in multiple languages and include indicators of labor trafficking and the National Human Trafficking Resource Center number.

More specialized labor trafficking service providers should be funded nationwide. We recommend that dedicated monies for proactive outreach to potential affected populations (e.g., farmworkers, domestic workers, hospitality workers) be included in service provider funding. Service providers should train local utility workers, law enforcement, and staff (e.g., human resources) within major industries such as hospitality, construction, and restaurants and immigrant and workers' rights groups on labor trafficking and create local referral networks. Efforts should be made by service providers to hire survivors and/or include their perspectives when developing outreach, trainings, and services.

Immigration attorneys and immigration officials should be provided training on human trafficking and the multiple forms of immigration relief available to victims (e.g., T visas, U visas). These trainings could be conducted by experienced attorneys working at service provider agencies dedicated to assisting victims of human trafficking.

State laws should be amended to require posting of workers' rights and labor trafficking awareness materials in workplaces (alongside the requirements to post information regarding Occupational Safety and Health Administration and Fair Labor Standards Act regulations).

#### **8. Secure short-term shelter and transitional housing were the greatest needs and greatest challenges reported by service providers.**

Funding is needed for secure short-term housing and transitional long-term housing. Male and female labor trafficking survivors should be included in the design of housing options. Housing should be gender-specific because currently there are no emergency shelters dedicated solely to male victims of labor trafficking.

We recommend the creation of a national network and database of apartment buildings willing to work with service providers to rent apartments to trafficking survivors. Given that survivors lack credit history and are often unable to work legally for months, service provider organizations could directly pay the cost of the apartment and then use a sliding scale of payment until survivors are back on their feet. Funding agencies could consider amending the requirements of victim assistance grants for housing to allow grants to be used in this way.

**9. Immigration relief in the form of continued presence was rarely granted to labor trafficking survivors, and a T visa and work authorization could take several months or years to be granted.**

We recommend that a thorough review and audit of continued presence policies and practices for human trafficking be conducted by an independent agency in cooperation with the Department of Homeland Security. The number of continued presence requests should be tracked and compared to the number of continued presence requests granted. If requests are declined, a valid reason should be recorded. Declinations should be subject to an annual random audit. It is important that federal investigators receive training and that clear policies be directed from headquarters to all staff regarding support for granting continued presence. In the event continued presence is not a suitable form of temporary immigration relief, alternate approaches to granting temporary immigration relief and work authorization to unauthorized immigrant trafficking victims should be considered (e.g., fast-tracking the T visa process).

**10. The mental and physical impact of labor trafficking on survivors was severe, and trauma-informed, culturally and linguistically appropriate mental health services were limited.**

More trauma-informed mental health services should be funded for survivors of labor trafficking. Because interviews with survivors and service providers indicated that trauma can be long term, funding for mental health services should support long-term forms of therapy. More therapists with linguistic and cultural competencies that align with common countries of origin for survivors are needed. Given that approximately half our sample was male and half was female, gender-appropriate forms of therapy should be examined. Survivor advocacy groups should continue to be supported, as such groups formed an important form of support for some of the survivors in our sample.

**11. Labor trafficking survivors rarely receive back wages, civil damages, or criminal restitution.**

Despite the amendment of the Victims of Trafficking and Violence Protection Act to include a civil cause of action for trafficking victims, very few civil lawsuits are filed on behalf of trafficking victims. We recommend that funding through the Office for Victims of Crime or an alternative federal funding stream be specifically dedicated to support civil litigation for trafficking survivors so they can collect back wages and damages. Efforts should be made to better coordinate with the Department of Labor to file back wage claims for trafficking survivors. Dedicating responsibility to local Department of Labor officials assigned to labor trafficking back wage cases would be helpful. Back wage and overtime laws should be amended so that all foreign workers are fully covered and compensated for their work, in line with US workers—specific attention should be paid to strengthening protections for H-2B workers and

domestic workers. Class action and discrimination lawsuits are important tools in restoring victims in labor trafficking cases. Laws should be strengthened so that companies cannot declare bankruptcy or reincorporate themselves under a new name to prevent liability.

**12. Labor trafficking survivors had poor long-term employment outcomes and often returned to the same industries in which they had been trafficked.**

Labor trafficking survivors sometimes remained mired in low-wage work in the same industries in which they were trafficked due to a lack of work history, references, and job training programs; this outcome was true for those with higher and lower education levels. For survivors to attain higher rates of fair, long-term employment, the United States would need to make a major public and political shift by taking a larger role in improving the longer-term outcomes of trafficking survivors. We do not know the extent to which this lack of support affected human trafficking survivors' ability to remain lawfully in the United States (among other long-term outcomes). We found that adjustment of status from T visa to permanent resident was rarely covered by service providers (and available funding streams). The few survivors in our sample who were able to adjust their status reported challenges, and others awaiting adjustment reported concern and fear over whether they would be able to change their status.

It is important that vocational training opportunities are created for survivors. For example, some survivors expressed a desire to go into nursing professions or to pursue further technical or advanced education. Scholarship programs could be created to assist survivors wishing to pursue higher education or vocational training.

Existing job training programs do not allow labor trafficking survivors to enroll during the time they are waiting for a T visa, which may be several months to years. This restriction should be changed to allow labor trafficking victims who have filed for a T visa (or other immigration relief) to qualify for job training during the waiting period. Federal match grant programs are too restrictive, and as a result, only a small percentage of labor trafficking survivors applied for them. To increase utilization, a monthly allowance equivalent to at least a living wage salary should be provided to survivors.

A network of professional mentors (similar to Big Brothers/Big Sisters) could also be created to provide support to survivors in navigating living and working in the United States. This network would be volunteer-based, and volunteers would be vetted and available in survivors' native languages.

**13. Although T visas were successfully acquired by the majority of survivors in our sample, challenges were reported in accessing benefits and adjusting T visas to permanent resident status. T visa requirements proved too stringent for some survivors.**

Trainings on T visas and human trafficking should be conducted for public benefit administrators. Agencies targeted for trainings could include the Department of Education, Free Application for Federal Student Aid administrators, state departments of motor vehicles, the Social Security Administration, and Medicare and Medicaid providers. We recommend that state laws be amended to ensure that trafficking victims do not lose access to federal public benefits if they move between states.

Survivors reported that adjustment of immigration status applications were not covered by service providers. Because most survivors went on to work low-wage jobs or were legally constrained from working, the costs of adjusting their status and their ability to connect with knowledgeable immigration attorneys should be examined. Funding should be provided to specialized service providers to work with trafficking survivors to adjust their T visa to permanent residency, and/or a network of certified pro bono attorneys could be created to work on adjustment of status applications. Medical costs associated with required immigration medical exams and immunizations are not covered by insurance and may be cost prohibitive for survivors. These fees should either be fully covered by insurance or the fees should be waived for T visa holders.

Survivors also reported challenges adjusting their status to permanent resident due to a lack of coordination between the Department of Homeland Security and the Department of Justice in communicating labor trafficking cases that were closed for investigation. This process should be reviewed, and changes should be incorporated to streamline the sharing of information so that survivors do not face delays in the processing of their permanent resident applications.

We recommend that policies requiring cooperation with law enforcement in order to obtain a T visa be eliminated. Service provider screening of a client and assessment that they meet the definition of a labor trafficking (or sex trafficking) victim should be all that is required to file for a T visa. The option could be provided to survivors wishing to cooperate with law enforcement and seek justice against their traffickers, but participation should not be required. Requiring participation perpetuates the exploitation and creates a certain class of trafficking victims seen as more worthy of protection. Allowing victims to come forward and receive immigration relief regardless of cooperation with law enforcement may actually encourage more reporting and cooperation (especially once survivors are able to access basic services and receive immigration status).

Under current T visa provisions, derivative applications for family members may only be filed for children under the age of 21. We recommend the age limit be lifted, giving survivors the right to bring children of any age to the United States.

**14. Ten percent of the survivors in our sample were minors when they were labor trafficked.**

**Service providers reported knowledge of minors forced to work off smuggling or parental debts in restaurants and other venues, but they faced difficulty pursuing these cases.**

Special attention should be paid by labor inspectors to determine whether elements of force, fraud, or coercion are used to compel labor-trafficked minors' employment. Cases should be coordinated with law enforcement and specialized service providers. Child labor laws, the Victims of Trafficking and Violence Protection Act, and state labor trafficking laws should be further examined to enhance protections for labor-trafficked minors.

Sites serving unaccompanied minors reported they were not being assigned legal guardians and were representing themselves in front of immigration judges. This program should be reviewed and all unaccompanied minors should be screened for trafficking and other forms of abuse and immediately assigned a legal guardian and a legal advocate.

**15. Labor trafficking survivors may have criminal records as a result of their trafficking.**

State laws often grant survivors of sex trafficking the ability to expunge their records if they were arrested and charged with prostitution. Labor trafficking victims may also be arrested for crimes or violations committed pursuant to their labor trafficking victimization, such as operating as a food vendor without a license, quality of life crimes, stop and frisk violations, nonpayment of child support, or for being unauthorized immigrants. State laws should be amended to allow a labor trafficking victim's criminal record to be expunged if the crimes committed were a direct result of being labor trafficked. Such amendments should include any immigration violations against victims of labor trafficking.

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**BOX 10.1**

## **In Their Own Words: Recommendations from Labor Trafficking Survivors**

### **Public Awareness**

I think more awareness. Unlike, you know, when people talk about torture, it's all over the media, you know, everybody talks about it. But with trafficking, you rarely see it, even on the news. I think if the government, or even the nongovernment organizations, they spend the commercial, infomercials, or through the Internet, or the TV, or the radio, about . . . about trafficking, maybe people will be more aware about this. (site 3, survivor 1)

People sometimes don't notice what the situation is because normally the superiors at a job they like to humiliate the person that has the worst job—the bottom job. People in the public need to understand that there is a difference between discrimination and mistreatment. There should be a campaign that communicates to people what are the limits. They should teach people the difference between someone being mistreated at work—someone that's rights are being violated. (site 1, survivor 2)

I think, informing people more so that this can stop happening, this human trafficking stuff. People should be more informed, those who live here in the United States as well as those who—they need to work with Mexico, I think. The government from here and the Mexican government to inform others of what is happening and to not be fooled and once they are here, well, to have access to that information. I think there should be people that visit bars, because this continues to happen. I know that there are other bars nearby, and this continues to happen, what happened with me—that they bring people from Mexico, girls, young girls, to work over here, illegals. . . . I think in small villages, in small towns, where there is not a lot of access to media [people need to] go and talk about what happens or to have a big campaign in Mexico about this, a strong one, because as far as I can see, it happens very frequently. It is something that is very normal and people are not informed about what happens. A lot of times the women that come don't go back because they are murdered, they are exploited, and they don't understand that is not right what is happening to them. (site 3, survivor 5)

### **Workers' Rights Education Programs and Resources**

If they would have given me information, maybe a phone number where I could have asked for help. It took me four months to get help, and not because I wasn't looking for it but because I didn't know where to look for it. If it would be a requirement that the consulate gives every person that comes in here this type of information—a phone number that somebody can call. That you can identify how you are a victim; how you are being victimized. You will find yourself in these types of situations, if you can identify that you are a victim of the situation, then you can know where to look for help. (site 1, survivor 2)

It is something really difficult and I would like for there to be more programs here in America that focused more on informing people who have not gone through this, not the people who have gone through this. Because I think we lack information. For example, I didn't know I couldn't file a report with the police for someone who treated me poorly and tried killing me, without having papers here in

America. This was the error I made, I went to the police to file a report and the police, what they did was check my immigration status instead of helping me because of what I had experienced. They said, "The first thing we are going to check [is] your status. Are you American?" And I said, "No." And they said, "Okay, so you are going to Immigration." And Immigration closed my case and said, "We are going to deport you," end of story. And so, I would like there to be more programs to inform people about what they could do, what are their rights, that we can have better information so we don't make the mistake I made of going to the police to file a report and for them to arrest me instead of the person who had harmed me. . . . There could be more information, where people could be informed about what really are the rights we have and what is the information we need to give to our employers and what information should we not. What information should employers be asking for and what information we should not be giving out. Because that is the mistake we make. We lack information. We need to be informed of the rights we have in this country and the things that hurt us and also what institution can help us. (site 1b, survivor 2)

### **Policy and Procedure Changes**

So it would be better, like, you know, if they would . . . if they would ask me questions in a private place away from the family. Perhaps then at that time I would tell them things that I would not have said when they were standing in front of me. But since there was no confidentiality going on and the guy was in front of me, I could not really tell. It would be better to kind of go into a private room one-on-one and maybe at that time I would be able to say more things. (site 3, survivor 6)

After all of this happens I think the victim should be informed of the process they have followed, what has happened to the people who harmed them. Because I, for example, I don't know what happened with my [trafficker]—if they accused her—if it is my fault, if it is not my fault. And better protection because after all of this happens. (site 3, survivor 5)

The ambassadors—don't give them the immunity. Because of the immunity that's why they have the guts to do whatever they want because of that, they abuse people. (site 1, survivor 5)

I hope that the US government strengthens their laws when it comes to human trafficking. Like the trafficker, they should give them the penalty or something like that. Or more than that. I guess for all of the damage that they have caused the victims, whether it's prostitution, human trafficking from labor trafficking or anything, they should be more straight with the laws. And they should help the victims. I think financially would be a good help. (site 3, survivor 2)

### **More Oversight**

Investigate the job one is coming into, keep visiting them. For example, If I come over here, to put someone to see if things are really going the way they are in the house where one lives. Or to be in contact with them. (site 2, survivor 4)

Well, I think there are a lot of institutions . . . they are dedicated to helping people who are unemployed find jobs. But the mistake sometimes is, not in a malicious way, because they do it in good faith, trying to help, but the problem is that there are a lot of people who announce jobs in those institutions because

they know there are people there who are interested in working. And so the error that is made is that these people do not know what type of employers they will be. And there was never even an inspection where they said, "We are going to go over there, he has a job, let's verify that everything is okay." No, they waited until I called them from jail and told them what had happened to me. They found out that the person who they had referred me to was a bad person. And so, my advice would be to verify where they send people to work who they help find jobs for because in my case, while trying to do me a favor, they made me experience a terrible situation. (site 4, survivor 2)

Well, probably on the H-2B visa, these are policies of the government. They really have to regulate that well because I don't think it is quite regulated. Like what will happen to this agency? This agency has to be very responsible and take a look at that, but I think it needs laws or provision of the law to do that. Because they are trying to take advantage of the weakness of the program, the H-2B program which I unfortunately became a victim of that. (site 1b, survivor 5)

## Recommendations for Further Research

Research on labor trafficking in the United States has primarily focused on identifying the incidence of labor trafficking among unauthorized immigrant workers. Our study took a different approach and analyzed cases of labor trafficking that had come to the attention of service providers, and to a lesser extent, law enforcement. Our approach revealed that in addition to unauthorized immigrant workers, immigrant workers on temporary visas fall victim to labor trafficking. In comparing the results of our study against earlier work, we suggest several further areas of research inquiry:

- Continue to examine why service providers report high percentages of T visas for individuals who were labor trafficked while in the United States on a visa and lower percentages of T visas for individuals who were unauthorized in the United States at the time they were labor trafficked.
- Examine the prevalence of labor trafficking within unauthorized immigrant worker populations; further explore the overlap between smuggling and the incidence of eventual labor trafficking and analyze outcomes by gender, age, and industry.
- Analyze T visa processing times and case outcomes to identify patterns in case outcome by trafficking case facts.
- Conduct prevalence studies and/or studies to screen for labor trafficking among unauthorized immigrants held in detention centers and unaccompanied refugee minors.

- Include questions that measure indicators of labor and sex trafficking on nationally representative surveys on workplace labor violations. These surveys should also collect and report information by immigration status and specific visa types.
- Gather data for analysis on the manifestation of labor trafficking among minors in the United States and within vulnerable US citizen populations (e.g., individuals with disabilities).
- Conduct further research on labor traffickers and their networks. Although we were able to uncover some information about labor traffickers and their networks, we were limited to those few cases for which police had information and the limited information from victims, who commonly didn't fully understand the network. Interviewing traffickers and their associates could also provide important information on the criminal networks and modus operandi of labor traffickers. Our findings suggest there are different types of labor trafficking networks—from more organized criminal networks to loosely coupled or single traffickers—and that the organization of traffickers varies by industry and venue.
- Conduct legal analyses to assess whether and how US labor laws, immigration law, and aspects of corporate law facilitate labor trafficking, as well as inhibit holding offenders accountable. The legal complexity involved in prosecuting and holding corporations accountable for labor trafficking (companies involved in labor trafficking have closed down and reincorporated under different names to avoid prosecution and culpability) should be examined.
- Ascertain the extent to which survivors are able to access, and do access, the services they are qualified for under the T visa.
- Conduct longitudinal studies to track labor trafficking survivors over time to determine the percentage of survivors able to adjust their status to permanent residency or citizenship. Differences in immigration status at the time of trafficking, gender, education level, and physical and mental trauma should be compared against immigration adjustment outcomes.

# Notes

1. International Labour Organization, "Forced Labour, Human Trafficking and Slavery," accessed September 28, 2014, <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.
2. Movement is not a required element to legally prove labor trafficking.
3. A seeming paradox exists when comparing the legal definitions and standards to prove sex trafficking of minors versus labor trafficking of minors. For sex trafficking of minors, the use of force, fraud, or coercion is not a required legal element to prove given a minor's inability to consent to commercial sex. However, for labor trafficking of minors, the same logic does not apply: the elements of force, fraud, and coercion must be proved. This paradox likely stems from existing child labor laws that regulate the ability of minors to work legally under certain conditions.
4. US Department of Agriculture, "United States Department of Agriculture Economic Research Service: Farm Labor," last modified February 14, 2013, accessed September 29, 2014, <http://www.ers.usda.gov/topics/farm-economy/farm-labor/background.aspx>.
5. American Hotel & Lodging Association, "2013 Lodging Industry Profile," accessed September 28, 2014, <http://www.ahla.com/content.aspx?id=35603>.
6. US Department of State, Bureau of Consular Affairs, "Temporary Worker Visas," accessed September 28, 2014, <http://travel.state.gov/content/visas/english/employment/temporary.html>.
7. Bureau of Labor Statistics, "Characteristics of Minimum Wage Workers," table 5, last modified February 26, 2013, accessed September 29, 2014, <http://www.bls.gov/cps/minwage2012.htm>.
8. US Department of Labor, Bureau of Labor Statistics, "Industries at a Glance: Construction," last modified September 24, 2014, accessed September 29, 2014, <http://www.bls.gov/iag/tgs/iag23.htm>.
9. Although we also intended to answer this question with reviews of law enforcement case files, these case files rarely existed (with respect to local law enforcement) or we were unable to access them (with respect to federal law enforcement). This lack of access is discussed in the limitations section in chapter 2.
10. In certain instances, cases may have involved elements of both labor and sex trafficking. These files were included in the universe of cases.
11. This number represents the number of individual client case files; some of these clients may be part of the same case incident.
12. This pledge was in addition to the staff confidentiality pledge signed by all research team members as required by their Institutional Review Board.
13. One research team member, Isela Bañuelos, interviewed several clients in Spanish, which she speaks fluently. She transcribed the interview in Spanish and then translated the transcription into English.
14. The individuals who participated in the migrant farmworker focus group had not been identified as labor trafficking victims, although they may have experienced labor trafficking victimization or other forms of victimization. However, our human subjects review boards prevented the research team from asking detailed questions about their potential victimization experiences.
15. It is possible that such connections existed, but the victim may not have known of the connections and information was not available from law enforcement that would help establish these connections in many cases.
16. In response to the William Wilberforce Trafficking Victims Protection Reauthorization Act (Public Law 110-457), the US government created a pamphlet for temporary workers on their rights and protections that they began distributing a few years after the reauthorization. (See US Department of State, Bureau of Consular Affairs, "Rights and Protections for Temporary Workers," accessed September 28, 2014, <http://travel.state.gov/content/visas/english/general/rights-protections-temporary-workers.html>.)
17. This viewpoint is also not consistent with the fact that the majority of victims identified in this study entered the United States lawfully through border checkpoints with valid visas and were subsequently victimized.

During their victimization or following their escape from trafficking, many of these previously authorized immigrant workers became unauthorized.

18. One victim was recruited outside the United States, but the research team could not determine whether the recruitment took place in the victim's home country or in another country.
19. The most detailed information regarding how survivors learned about jobs came from our interviews with survivors. This information was discussed in 15 of the 28 survivor interviews. In 12 of the 15 interviews, survivors learned about the job opportunities through their social networks.
20. In some cases, the promised wages were recorded as monthly rather than hourly figures. In these instances, the wage was compared to the minimum wage at the time of recruitment, assuming four 40-hour workweeks a month. For example, in 2007, monthly salaries less than \$1,160 ( $\$7.25 \text{ per hour} \times 40 \text{ hours} \times 4 \text{ weeks}$ ) were considered less than minimum wage. If the date of recruitment was missing but the promised wage was clearly above or below the minimum wage salary range (e.g., \$18 an hour or \$100 a month), the variable was coded as appropriate.
21. These data are based on 69 of 122 victims (only 56 percent) for whom we had data.
22. The average recruitment fee charged was greater than the average per capita income in the top six countries of origin for victims in our sample.
23. Currencies are in US-dollar-equivalent in 2014 dollars.
24. This survivor's experience also speaks to the amount of money made by recruitment agencies even from individuals never approved for visas to the United States.
25. Movement to or within the United States is not a necessary condition to legally prove labor trafficking, but most cases in our study involved a journey to America because the victims were typically recruited in their home countries.
26. The most common countries in which movement originated were Mexico (25 percent), Philippines (14 percent), India (11 percent), and Thailand (7 percent). Other countries in which movement originated included China, United Arab Emirates, Indonesia, South Korea, Bangladesh, Chile, Ukraine, Guinea, Guatemala, Kenya, Rwanda, Uganda, Ethiopia, Benin, Peru, Russia, Serbia, Honduras, Lesotho, South Africa, Dominican Republic, Mali, Hungary, and Ecuador.
27. That is, for individuals recruited for a job (that became labor trafficking) after entering the United States, their movement to the job was typically limited to transportation within the United States.
28. Valid immigration documents included temporary visas for all but one case that involved a legal permanent resident.
29. According to Department of State regulations, "You may apply for a B-1 visitor visa to work in the United States as a personal or domestic employee for your employer in limited situations. You may work in the United States on a visitor visa if your employer is: 1) A US citizen who has a permanent home or is stationed in a foreign country, but is visiting or is assigned to the United States temporarily; or 2) A foreign citizen who is in the United States on one of the following nonimmigrant visa categories: B, E, F, H, I, J, L, M, O, P, or Q." See "US Visas: Visitor Visa," US Department of State, Bureau of Consular Affairs, accessed October 2, 2014, <http://travel.state.gov/content/visas/english/visit/visitor.html>.
30. The P3 is intended for artists and entertainers. In one case, this visa was used to bring child athletes into the United States and then labor traffic them in domestic work (in addition to their forced performances). The C1D visa was used to bring a domestic worker into the United States, but the trafficker/recruiter coached her to falsify the reasons for her entry.
31. For further research on smuggling, see Carriquiry and Majmundar (2013) and Orrenius (2001).
32. This smuggling fee is based on the experience of only 10 victims and reflects the original cost of the smuggling fee. In some cases, individuals paid additional interest or were forced to work off smuggling debts that never decreased.
33. Cities and states that were not study sites are listed by name. All study site cities and states are redacted.

34. Some H-2A visa holders trafficked in agriculture from Mexico journeyed to the United States by foot and/or car.
35. Industries with five or fewer observations are not reported.
36. It is important to highlight that there was a lot of missing information in the case files for the experiences that make up the various forms of indeterminate labor trafficking.
37. See US v. Calimlim and US v. Dann.
38. We also reviewed cases in which sexual abuse occurred in restaurant and agriculture work.
39. The percentages do not total 100 because methods of escape were not mutually exclusive.
40. Office of Foreign Labor Certification FY 2012 Annual Report.
41. A Notice to Appear is issued to initiate removal proceedings. See [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/NTA%20PM%20%28Approved%20as%20final%2011-7-11%29.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/NTA%20PM%20%28Approved%20as%20final%2011-7-11%29.pdf).
42. Data on escape were available for 103 of 122 cases.
43. This quotation is from a survivor of domestic servitude who was victimized with another victim who escaped after being severely abused. After the other victim had run away, the police came and rescued the interviewed woman. Here she recounts how she managed to show them a lot of evidence (bloody umbrella, holes in the wall, a door with the bloody handprint of the other victim, the knife used to cut the other victim that the trafficker had thrown in the trash and so forth) and how she was very grateful to the police and felt well treated by them.
44. Reaching out to the human resource department was limited to labor trafficking venues that had such departments (e.g., the hospitality industry). In such cases, workers were not overseen by the human resource department because most of them were employed as contract workers.
45. Although the service provider in this case lived in a state that allowed access to farms, other states have access laws that prevent even volunteer groups from entering farms. This restriction significantly decreases the ability to conduct effective outreach.
46. Given that the victim case records analyzed in our sample often lacked complete information regarding services provided and accessed, the richest source of information regarding the long-term outcomes of survivors was the interviews with survivors themselves. As a result, interviews with survivors, service providers, and law enforcement officials provided a significant amount of information to answer the research questions addressed in this chapter.
47. Continued presence (CP) is a “temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims to remain in the United States temporarily during the ongoing investigation of the human trafficking-related crimes committed against them. CP is initially granted for one year and may be renewed in one year increments.” When CP is issued, temporary employment authorization is also issued that allows the immigrant to work during the CP period. See US Department of Homeland Security, US Immigration and Customs Enforcement (2010).
48. “The T Nonimmigrant Status (T visa) is a set aside for those who are or have been victims of human trafficking, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking.” See US Citizenship and Immigration Services, “Victims of Human Trafficking: T Nonimmigrant Status,” last updated October 3, 2011, accessed October 17, 2014, <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.
49. In cases in which law enforcement was involved and arrests were made, trafficking associates may still be at large. Even when law enforcement guaranteed to survivors that they were no longer at risk, some survivors still expressed fear and a preference to live in secure housing.
50. The service provider was asked to clarify if there was a separate DHS shelter system for labor trafficking victims; she replied that there was not and that she was referring to the general system of housing unauthorized immigrants.

51. U visas are for "victims of certain crimes who have suffered substantial mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity." Human trafficking is one of many crimes covered under a U visa. U visas are capped at 10,000 per fiscal year. See US Citizenship and Immigration Services, "Victims of Criminal Activity: U Nonimmigrant Status," last updated January 9, 2014, accessed October 17, 2014, <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.
52. This number is based on 103 of 122 case files for which we had information.
53. The survivor later recounted that the officer never paid her gas, as promised, and as a result she had to borrow money to pay for her drive from the state of her victimization to the state she was told the investigation was being conducted and she could receive assistance.
54. Formerly referred to as Immigration and Customs Enforcement (ICE).
55. Families face financial hardship in the form of wages that were unpaid during the labor trafficking experience and being unable to visit their loved ones during the required three years of residence. If a debt was taken on to finance the job that turned into labor trafficking, families may be on the hook with loan sharks or threatened by traffickers' associates in their home country.
56. The requirement to cooperate with law enforcement is waived if evidence is presented that survivors have suffered physical or psychological trauma.
57. See US Citizenship and Immigration Services, "Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status," accessed October 17, 2014, <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status-0>.
58. See 18 U.S.C. § 1595 – Civil Remedy, which states that "An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorney's fees."
59. Another attorney has been able to bring civil cases forward, but she is funded through a short-term fellowship.
60. This interview was conducted with two brothers victimized in the same case.
61. Continuous presence is defined as follows: "Be physically present in the United States for a continuous period of at least three years in T nonimmigrant status, or a continuous period during the investigation or prosecution of the acts of trafficking, provided that the Attorney General has certified that the investigation or prosecution is complete, whichever time is less." See US Citizenship and Immigration Services, "Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status."
62. Alabama, Alaska, Arizona, California, Connecticut, Florida, Indiana, Maine, Nevada, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, and Virginia have enacted statutes that specifically define a crime of labor trafficking (Polaris Project 2014).
63. For more information on the California Transparency in Supply Chains Act of 2010, see <http://www.state.gov/documents/organization/164934.pdf>.
64. Exec. Order No. 13627, 78 Fed. Reg. 9918 (2013).
65. For more information regarding a case of labor trafficking of dozens of mentally disabled US-citizen men at a turkey-processing plant in Iowa, see Dan Barry, "The 'Boys' in the Bunkhouse: Toil, Abuse and Endurance in the Heartland," *New York Times*, March 9, 2014, [http://www.nytimes.com/interactive/2014/03/09/us/the-boys-in-the-bunkhouse.html?\\_r=0](http://www.nytimes.com/interactive/2014/03/09/us/the-boys-in-the-bunkhouse.html?_r=0).
66. US Citizenship and Immigration Services, "Cap Count for H2b Nonimmigrants," last modified September 18, 2014, accessed September 29, 2014, [http://www.uscis.gov/h-2b\\_count](http://www.uscis.gov/h-2b_count).
67. This information was collected in Excel.

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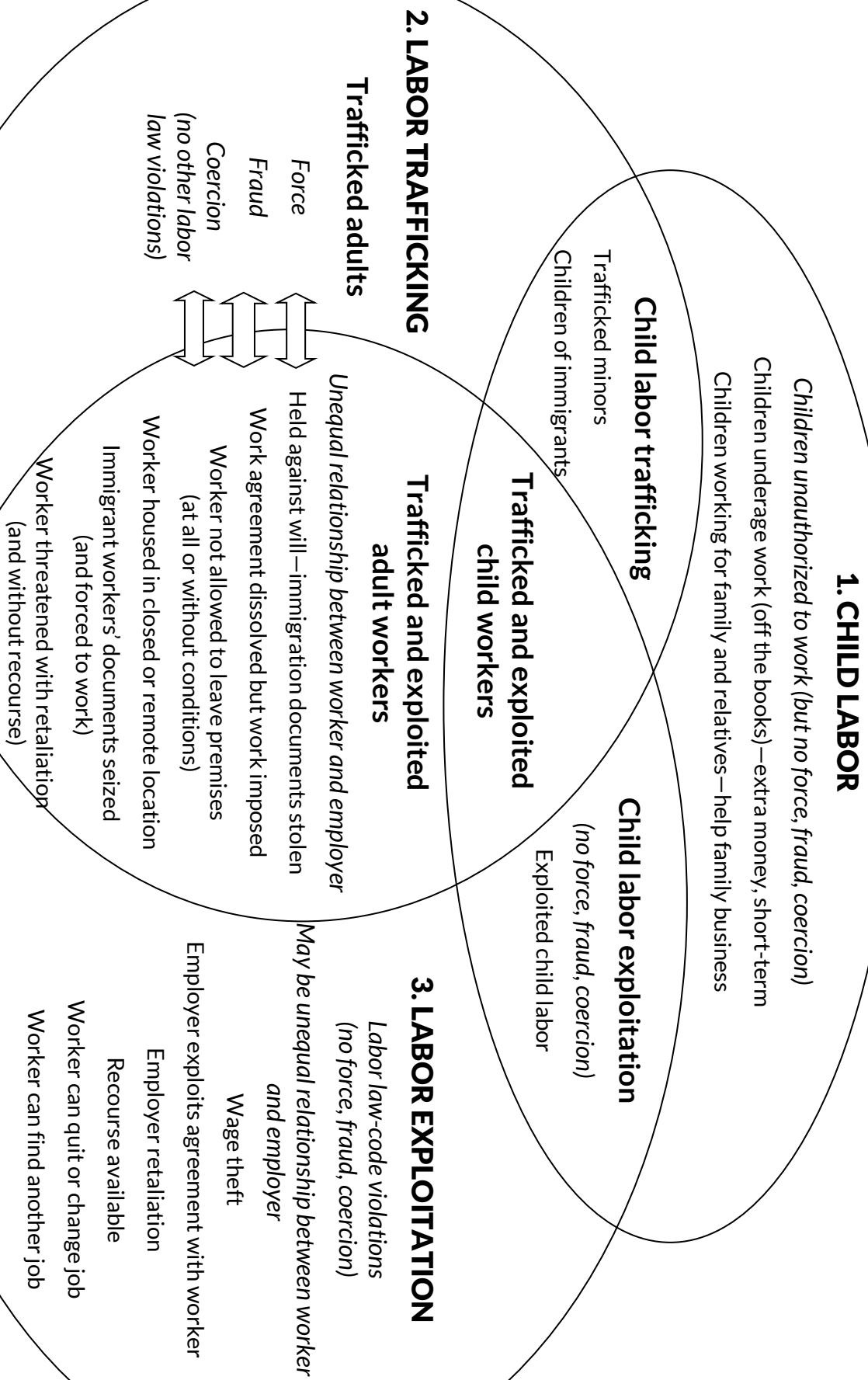
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# Appendix A: Venn Diagram of Labor Exploitation, Child Labor, and Labor Trafficking



# Appendix B: Site Selection Screening Protocol

## UNDERSTANDING THE ORGANIZATION, OPERATION, AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### SCREENING INTERVIEW

Background: The screening telephone interview is designed to gather basic information about your agency's experience working with victims of LABOR TRAFFICKING information about the types of victimization you have seen in the local area and the outcomes of your agency's interventions with labor trafficking victims. This information will be used to select the final sites for study and provide the research team with background information to help prepare for the onsite interviews and case reviews.

Hello, my name is [XXXX], I am a researcher from Northeastern University in Boston, MA [Urban Institute in Washington DC].

I am working on a project that is funded by the Department of Justice that is trying to better understand the components of Human Trafficking for labor, including the industries and venues where it takes place. Your organization is among a select group that has been chosen to potentially participate in this study. You may have received a project description from us recently that described the goals of the study. Did you receive this letter? [Note: letters were shared with executive directors of victim service providers]

Although we will not go into the details of the study during this call, I want to take a moment to describe what we want to study. The Department of Justice has tasked us with gathering information about the labor trafficking victimization process, including victim (a) recruitment, (b) entrapment such as document acquisition and fraud, (c) transportation, (d) efforts to seek help, and (e) extrication from exploitation and abuse. Our team will also document related crimes by third-party facilitators and links to other illicit activities. No active cases including current victims will be involved in the study.

Your organization is one of a select number of organizations across the country identified as providing services to victims of labor trafficking. As a result we would like to find out some basic information about the cases of labor trafficking that your agency has been involved with since 2000. The purpose of gathering this general information is to help us select the final service agencies that would be most appropriate for a more detailed study of labor trafficking. None of the information provided by you during this call will be published or reported externally. This is for internal use only to help us identify the most appropriate sites to be included in the study.

I anticipate that answering these questions should take about 15 to 30 minutes. Would you be able to help us answer some questions, or is there someone else in your organization who you would recommend we should speak with instead?

If the interviewee agrees to go ahead with the interview, continue to the next line.

If the interviewee does not want to do the interview, try and set up another date and time to call back and complete the interview.

If the interviewee suggests someone else would be more appropriate for the interview, get that person's name and contact information and follow up with him/her.

I know that you may already be familiar with labor trafficking, but to review, for the purposes of this interview, we define labor trafficking, in accordance with the TVPA and its reauthorizations, as:

<Labor trafficking is any situation that involves force, fraud or coercion where victims believe they cannot escape from their traffickers. They could have been a victim of fraud, where they believe they will be working normal hours for normal pay but instead find that they are working long hours for little to no pay and living in inhumane conditions. They also believe they are unable to leave their trafficking situation because they are either physically restrained or coerced into staying with their traffickers who may use threats of deportation or tell them that harm will come to their family members if they leave. Forms of forced labor can include domestic servitude, agricultural labor, sweatshop factor work, forced begging, or restaurant work>

Note: This definition does not require that victims be physically transported from one location to another. It can happen in any industry and across a range of venues.

Do you have any questions about this definition before we start the interview?

If no, continue to the next page.

1. What forms or venues of labor trafficking have you seen in this area and how prevalent are these problems?
2. Are there any characteristics of this region or region-specific industries that might encourage labor trafficking?
3. Which local communities does your organization serve? Does your organization have multiple sites?
4. Approximately how many individual clients (of any type) does your organization serve per month/year?
5. Since around 2000, approximately how many labor trafficking victims has your organization served?
  - Of those victims, how many “cases” are either closed or victim services complete
  - When do you consider a client’s case closed?
  - Can you tell me a little about the types of services your agency provides to a typical labor trafficking victim?
  - Approximately how long does your organization stay involved in serving typical labor trafficking victims?
6. Can you describe the general characteristics of the labor trafficking victims you and/or your organization most often work with? (age, race, sex, country of origin, criminal history, history of victimization, location/state/city/country of victimization, venue of victimization)
7. What are the most common languages spoken by your clients?
8. Does your organization have any funding or other restrictions on the number or type of labor trafficking victims that can be served? (probe for only adult, child, certain nationalities, certain venues or types of labor trafficking)
9. What details are included in your clients’ case records (e.g., country of origin, type of trafficking, recruitment, transportation etc.)?
10. Do you or your organization collaborate with a legal services agency?
  - If so, is that agency co-located or affiliated with your organization?
11. Do you or your organization keep electronic or hard copy case files of the labor trafficking clients you provide services to?
  - What kind of permissions would you require for us to be able to review your client case record?
  - What kinds of permissions would be required to review the legal advocacy file/record?
12. Of you and/or your organization’s caseload of human trafficking clients, approximately what percentage of clients provide information to law enforcement and are involved in the prosecution of the criminal cases against traffickers?
  - Are any still receiving services from your organization?
  - Did any find long-term housing?
  - Did any secure T-visas?
13. Do you or your organization collaborate with local, state and/or federal law enforcement or prosecutors during investigations or prosecutions of labor trafficking?
  - If so, could you describe the most common types of collaboration?

- If yes, which law enforcement and prosecutors do you most often interact with, both local and federal?

14. Do you or your organization collaborate with other organization to provide services to victims of labor trafficking?

Prompt for information about (a) law enforcement (local, county, state, federal) agencies involved, (b) nonprofit or community-based victim service agencies, (c) labor department personnel, or (d) worker rights organizations (including labor unions and immigrant-serving organizations)

15. Is there anyone else within your organization or who used to work for your organization who would have information on potential labor trafficking cases or incidents that you think we should speak with?

If yes, prompt to ask for contact information, including phone number and email address.

Thank you very much for taking the time to answer these questions. In the next few weeks we will be using the information you provided to help us make final decisions about the sites that will be selected for this study. We will be back in touch within a month to update you on any decisions.

**Use the closing time to gauge their interest and response to the study.**

If you have any additional questions about the study you can contact:

Colleen Owens  
Urban Institute

Meredith Dank  
Urban Institute

Amy Farrell  
Northeastern University

Jack McDevitt  
Northeastern University

# Appendix C: Client Case Coding Instrument

## LABOR TRAFFICKING CASE CODING INSTRUMENT<sup>67</sup>

### **Victim Info (tab 1)**

- Unique ID
- Coded by:
- Year of Birth
- Was victim under age 18 when trafficking occurred?
- Gender
- Country of Birth      Country of Citizenship
- Passport?
- Passport - Country of Issuance
- Immigration Status (before t-visa application)
- Current Marital Status
- Marital Status- If other, describe
- If married, spouse's country of birth? (T-visa part E)
- Number of Children
- Years of Birth of Children
- Country of Birth of Children
- Current Location of Children
- City where victim services took place
- City where criminal case was pursued
- Language(s) spoken
- Information about family (parents & siblings)
- Past history of abuse, victimization or exploitation?
- Highest level of education completed
- Job or profession before coming to the US
- Literate?      What language(s)
- Disability/mental health/health issues?
- Description of disability/health issues
- Notes

### **Recruitment (tab 2)**

- Unique ID
- Date of recruitment
- Was victim recruited in their home country?
- If not recruited in home country, where?
- Was victim recruited as part of a group or individually?

- Details
- Was force involved in recruitment?
- Details
- Was fraud involved in recruitment?
- Details
- Was coercion involved in recruitment?
- Details
- How many recruiters?
- Relationship of recruiter to victim
- Details
- What was the victim recruited for?
- What was the recruitment offer?
- Were there any recruitment fees?
- If yes, what was the fee?
- Stated compensation for labor
- Stated employment industry
- Any other promises made?
- Was the recruiter involved in any other stage of the trafficking experience?
- If yes, describe.
- Notes

### **Movement (tab 3)**

- Unique ID
- Date of movement
- Did victim come to the US willingly, at least initially?
- Was victim sold?
- Was force involved in the movement?
- Details
- Was fraud involved in the movement?
- Details
- Was coercion involved in the movement?
- Details
- Where did movement start?
- Where did movement end?
- Was victim deceived about what their immigration status would be in the US?
- Details
- Was victim told they would eventually become a legal permanent resident?
- Was victim told they had legitimate visiting documents when in fact they did not?
- Method of transport to the US (check all that apply) - airplane
- Method of transport to the US (check all that apply) - boat
- Method of transport to the US (check all that apply) - train
- Method of transport to the US (check all that apply) - car/van
- Method of transport to the US (check all that apply) - bus
- Method of transport to the US (check all that apply) - walking

- Method of transport to the US (check all that apply) - flotation device
- Method of transport to the US (check all that apply) - other      Details of journey
- Was victim smuggled into US?
- Was money paid for smuggling?      If yes, how much?
- Was there an additional interest charged?      If yes, how much?
- Did victim pay the smuggling fee?
- Was victim or victim's family required to pay more smuggling fee than originally agreed or bad things would happen to the victim or family? (i.e. be abandoned halfway, turned over to border control, or family members hurt?)
- If yes, how much more?
- Details
- What was the method of entry into the US?
- If other, specify
- Did victim enter the US as part of a group?
- If yes, was everyone in the group recruited in the same place?
- Did the group split when they arrived in the US?
- Details, if known
- Was victim given documents upon entry to the US?
- Details
- If yes, were the documents real?
- Did victim have a nonimmigrant work visa?
- If yes, which?
- Did victim lose possession of their immigration or identification documents?
- At what point were the documents taken?
- Who took the documents?
- Was the victim told there were conditions under which s/he could get them back?
- Details
- Were the documents ever returned?
- Notes

#### **Victimization (tab 4)**

- Did the employer control the victim's movement to and from work?
- Did employer provide safe drinking water, toilets, and hand-washing facilities at no cost?
- Did victimization include the use or threatened use of actual physical or nonphysical harm which compelled victim to perform labor or services to avoid harm?
- If yes, what type of harm? Describe (physical, sexual, psychological, financial, reputational, harm to family)
- Did victimization include the use or threatened use of law to exert pressure on another person to perform labor or services?
- If yes, describe. (Threats to get victim deported, threats to get victim arrested, threats to turn victim over to police or immigration)
- Did victimization include demeaning and demoralizing the victim? (verbal abuse, humiliation)
- If yes, describe

- Did victimization include disorienting and depriving the victim of alternatives? (isolation, restricted communications, manipulation of debts, monitoring or surveillance)
- If yes, describe
- Did victimization include diminishing resistance and debilitating? (substandard living conditions, denial of food, water, medical care, weakening with drugs or alcohol)
- If yes, describe
- Did victimization include deception about consequences? (overstate risks of leaving, overstate rewards of staying, feigning power or ties to authorities or hit men/gangs)
- If yes, describe
- Did victimization include domination, intimidation, and control? (abuse, atmosphere of violence, displaying weapons, rules and punishments)
- If yes, describe
- Did victimization involved a person who knowingly recruited, enticed, harbored, transported, provided, obtained, or maintained a person for purposes of a commercial sex act? (presence of a pimp)
- If yes, describe
- Did victimization involve a person who knowingly benefited, financially or by receiving something of value, from participating in peonage, slavery or trafficking in persons?
- If yes, describe
- Did the victimization involve a person who knew or recklessly disregarded that force, fraud or coercion would be used to cause the person to engage in commercial sex acts?
- Did the victim incur a debt?
- Notes

#### **Extrication/Escape (tab 5)**

- Unique ID
- # of times/dates victim(s) sought help while in exploitative situation
- Date of final victim escape from labor trafficking
- Event that triggered escape
- How did the victim escape the exploitative situation?(Check all that apply)-ran away
- How did the victim escape the exploitative situation?(Check all that apply)- reported to police
- How did the victim escape the exploitative situation?(Check all that apply)-sought help from service provider
- How did the victim escape the exploitative situation?(Check all that apply)-sought help from community member (good Samaritan, church, etc.)
- How did the victim escape the exploitative situation?(Check all that apply)-sought help from a friend
- How did the victim escape the exploitative situation?(Check all that apply)-arrested by authorities in a raid
- How did the victim escape the exploitative situation?(Check all that apply)-identified as a victim by authorities in a raid
- How did the victim escape the exploitative situation?(Check all that apply)-other
- Describe escape:
- Was force involved during or after the escape?

- If yes, explain.
- Was fraud involved during or after the escape?
- If yes, explain.
- Was coercion involved during or after the escape?
- If yes, explain.
- Reasons for extreme hardship upon removal
- Notes

### **Criminal Justice System (tab 6)**

- Unique ID
- Is victim cooperating with law enforcement?
- If yes, list agency/ies
- List all agencies victim cooperating with (law enforcement, services, prosecution, etc.)
- How is victim cooperating? (e.g., as a witness)
- Was victim arrested by police?
- If yes, arresting police agency:
- If yes, date of arrest:
- If yes, location of arrest:
- If yes, charge at arrest:
- If yes, outcome:
- Was victim detained by immigration authorities?
- If yes, federal agency (FBI, HSI):
- If yes, date of detention:
- If yes, location of detention:
- If yes, reason for detention:
- Notes:

### **Victim Services (tab 7)**

- Unique ID
- How was victim referred to victim service provider?
- Was law enforcement involved in escape/rescue?
- Was victim referred to victim services by law enforcement?
- List all service providers victim received services
- Length of time services received (dates)
- What services did victim receive after escape? (check all that apply)--housing
- What services did victim receive after escape? (check all that apply)--criminal legal counsel
- What services did victim receive after escape? (check all that apply)--immigration
- What services did victim receive after escape? (check all that apply)--continued presence
- What services did victim receive after escape? (check all that apply)--T Visa
- If applied for a T Visa, what year?
- Did victim receive certification?
- If yes, what year?
- What services did victim receive after escape? (check all that apply)--U Visa

- What services did victim receive after escape? (check all that apply)--Other type of visa (list- e.g., VAWA self-petition, etc.)
- What services did victim receive after escape? (check all that apply)--back wages
- If yes (back wages), amount requested:
- If yes (back wages), amount received:
- What services did victim receive after escape? (check all that apply)--family reunification
- What services did victim receive after escape? (check all that apply)--counseling/mental health
- What services did victim receive after escape? (check all that apply)--medical services
- What services did victim receive after escape? (check all that apply)--dental services
- What services did victim receive after escape? (check all that apply)--employment assistance
- What services did victim receive after escape? (check all that apply)--job training
- What services did victim receive after escape? (check all that apply)--language classes
- What services did victim receive after escape? (check all that apply)--victim compensation
- If yes (victim compensation), amount requested:
- If yes (victim compensation), amount awarded:
- Notes

#### **Labor Trafficking Criminal Networks (tab 8)**

- Unique ID
- Were weapons present at any time during the labor trafficking?
- Were drugs present at any time during the labor trafficking?
- Evidence that those involved in labor trafficking also involved in- money laundering
- Evidence that those involved in labor trafficking also involved in-document fraud
- Evidence that those involved in labor trafficking also involved in-drug trafficking
- Evidence that those involved in labor trafficking also involved in-weapons trafficking
- Evidence that those involved in labor trafficking also involved in-smuggling
- Evidence that those involved in labor trafficking also involved in-kidnapping
- Evidence that those involved in labor trafficking also involved in-attempted kidnapping
- Evidence that those involved in labor trafficking also involved in-sexual abuse
- Evidence that those involved in labor trafficking also involved in-attempt to commit sexual abuse
- Evidence that those involved in labor trafficking also involved in-attempt to kill/murder
- Evidence that those involved in labor trafficking also involved in-murder
- Evidence that those involved in labor trafficking also involved in-sex trafficking
- Evidence that those involved in labor trafficking also involved in-prostitution
- Evidence that those involved in labor trafficking also involved in-other crime
- Evidence of financial gain of traffickers?
- Estimated amount of financial gain of traffickers
- Trafficker relationships to other people in the network
- Relationships to other criminal syndicates
- Notes

#### **Labor Trafficking Suspect Info (tab 9)**

- Case/Victim ID

- Suspect Unique ID
- State Residence/Drivers' License
- Citizenship status
- Country of origin
- Race
- Ethnicity
- Gender
- Age at date of offense
- Role in labor trafficking incident (e.g., recruiter, transporter, employer, document fraud)
- Relationship to other suspects, victims, others
- Suspect originally identified as victim?
- Prior criminal activity listed and type
- Suspect arrested?
- If yes, arrest date
- If yes, arrest offense description
- If yes, arrest type
- If yes, bail status
- Notes

# Appendix D: Service Provider Interview Protocol

## UNDERSTANDING THE ORGANIZATION, OPERATION, AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### VICTIM SERVICE PROVIDER INTERVIEW GUIDE

Position Title:

Location:

Interview Date:

Researchers at the Urban Institute's Justice Policy Center and Northeastern University's Institute on Race and Justice have been tasked by the Department of Justice to study the organization, operation and victimization of labor trafficking in the United States.

To conduct the study, we will use an in-depth case study method including reviews of closed victim service provider case files and law enforcement investigative records to analyze the stages or components of the labor victimization experience from recruitment and entrapment, to transportation, documents acquisition, the victimization itself, victim efforts to seek help, and the process of victim extrication from the exploitative situation. These data will also be supplemented with information gathered through interviews with service providers, former labor trafficking victims, and law enforcement. These findings will provide much needed information on the nature and characteristics of labor trafficking in the United States, including information about how labor traffickers carry out their operations. At the conclusion of the study, we will publish major findings in relevant scholarly and professional publications, and develop guides for service providers and law enforcement.

Thank you for participating in our study. Your participation is completely voluntary and your responses will be kept confidential. This interview should last approximately 1 hour. Do you have any questions before we begin?

1. What is your current position/title?
2. How long have you been in your current position?
3. Were you involved in service provision for victims of trafficking prior to joining your current organization?
4. Please describe your current role.
5. What are the goals of your organization?
6. What services and/or activities does your organization provide both in general and specific to labor trafficking?
7. How and in what capacity does your organization interact/collaborate with other stakeholders to address labor trafficking?
8. Do you know of any federal, state or local human trafficking task forces operating in your state or jurisdiction?
  - a. If yes, are you a member of a task force? If yes, for how long?
  - b. How often does the task force meet?

- c. Is labor trafficking focused on by the task force?
- 9. Have you attended or given trainings on labor trafficking?

## **Part II. General Questions about Labor Trafficking**

We are going to talk about specific cases in a few minutes, but first we would like to ask some general questions about labor trafficking cases.

- 10. How would you define labor trafficking?
- 11. In what ways is labor trafficking different from sex trafficking?
- 12. How do you distinguish labor trafficking from labor exploitation or smuggling?
- 13. At what point would a labor code violation or labor exploitation turn into labor trafficking?
- 14. Does your agency utilize an intake or screening protocol to identify potential victims of labor trafficking?
  - a. If yes, could we see a copy of the protocol?
  - b. What are the elements of the protocol?
- 15. Approximately how many clients (of any type) does your organization serve per month/year? Are these unique clients (or include some recurring clients)?
- 16. Of your total client population, approximately how many labor trafficking victim clients does your organization serve per month/year? Are these unique clients (or include some recurring clients)?
- 17. How do cases of labor trafficking most commonly come to your attention? What type of outreach activity does your organization engage in to identify victims of labor trafficking?
- 18. Does your organization have any funding or other restrictions on the number or type of labor trafficking victims that can be served? (probe for only adult, child, certain nationalities, certain venues or types of labor trafficking)
- 19. Can you describe the general characteristics of the labor trafficking victims you and/or your organization most often work with? (age, race, sex, country of origin, criminal history, history of victimization, location/state/city/country of victimization, venue of victimization)
- 20. At what point do labor trafficking victims realize (if at all) that they are in a labor trafficking situation or being victimized? Does this differ by victim characteristics (country of origin, citizenship) or type of venue (e.g., agriculture vs. domestic servitude, etc.)?
- 21. How common is it for labor trafficking victims to have friends, family members, and /or co-workers who are victims of labor trafficking?
- 22. What forms or venues of labor trafficking have you seen in this area and how prevalent are these problems?
- 23. Are there any characteristics of this region or region-specific industries that might encourage labor trafficking?
- 24. In your experience, do you know of any other illegal enterprises connected to labor trafficking?
- 25. In your experience, how connected are traffickers to other individuals that facilitate trafficking (e.g. transporters, document fraud experts, money launderers, etc.)?
  - a. Are these actors geographically clustered in your jurisdiction/state?
  - b. What is the extent of this network?

26. What service provision needs do the labor trafficking clients you work with have? (probe for variations in needs by type of victim – adult, child, citizen, foreign national, co-occurring sex trafficking or sexual abuse/assault, any differences by type of venue of trafficking)
  - a. Are there certain needs that you or your organization are unable to provide for directly? If so, are referrals made to other organizations?
27. What challenges (organizational, structural or cultural) do you face as a service provider for victims of labor trafficking?
28. How are these challenges overcome?
29. Are there needs you or your organization or other partners have that would help overcome challenges providing services to victims of labor trafficking?
30. Do you have cases where victims come directly to you without having gone to the police? If so, do you report them or only report them if the victim agrees to speak with law enforcement? Do you encourage the victim to speak with law enforcement? Is victim involvement in a law enforcement investigation or prosecution a requirement to receive certain services?
31. Of you and/or your organization's caseload of human trafficking clients, approximately what percentage of clients provide information to law enforcement and are involved in the prosecution of the criminal cases against traffickers?
32. Do you or your organization collaborate with local, state and/or federal law enforcement during investigations of human trafficking?
  - a. If yes, which law enforcement entities do you most often interact with?
  - b. If yes, please describe the nature of your collaboration. Does a formal MOU guide this collaboration?
  - c. If yes, are there challenges to this collaboration? Please describe.
33. Do you or your organization collaborate with state or federal law enforcement or prosecutors during human trafficking case prosecutions?
  - a. If yes, which law enforcement entities do you most often interact with?
  - b. If yes, please describe the nature of your collaboration. Does a formal MOU guide this collaboration?
  - c. If yes, are there challenges to this collaboration? Please describe.
34. Is encouraging client involvement in the investigation or prosecution of a criminal case related to their trafficking experience encouraged by your organization?
  - a. If yes, how? What are the benefits of clients participating in criminal cases?
  - b. If not, why not? What are the risks of clients participating in criminal cases?
35. What are the main barriers or challenges your human trafficking clients face during the investigation or prosecution of a case?
36. If one of your clients has a case that goes forward to prosecution, are you privy to information and updates about the case?
  - a. If yes, how?
37. Are there specific things about your state human trafficking law that impede the identification and prosecution of labor trafficking cases?

38. What other types of state or federal legislation facilitate or impede your ability to identify and serve victims and have their cases move forward to prosecution (if desired by victims)?
39. Are there other remedies outside of the criminal justice system that you think could be utilized to help restore victims?
  - a. Probe: have your clients utilized any civil remedies (e.g., unpaid wages) to hold traffickers accountable for their victimization?
40. What is your assessment of how well law enforcement in your jurisdiction is doing investigating cases of labor trafficking?
  - a. If unfavorable, how can it be improved?
41. What is your assessment of how well your local Department of Labor is able to identify companies that are trafficking or potentially trafficking workers?
42. What is your assessment of how well prosecution (state and federal) is at prosecuting cases of labor trafficking in your jurisdiction?
  - a. If unfavorable, how can it be improved?

### **Part III. Specific Case Questions**

Now we'd like to speak with you specifically about case/s X.

43. Was X case the first case of labor trafficking you provided services for?
  - a. If no, approximately how many labor trafficking cases did you work on prior?
44. How did X case first come to your attention?
45. Was X case first identified by your agency (through intake/screening) as a case of labor trafficking?
46. What elements of exploitation were involved in X case?
47. How were the victims in X case recruited/forced into the trafficking situation?
  - a. Were the individuals involved in facilitating the trafficking known to the victim?
  - b. What routes did the victims in X case travel before reaching the destination of their exploitation?
  - c. Had they been exploited in other destinations previously?
48. What forms/methods of intimidation or threats did the traffickers use in X case to keep victims in conditions of exploitation?
49. Did X case involve criminal activity other than labor trafficking?
  - a. If yes, what kinds?
50. Did X case ever include law enforcement investigation?
51. Were there other victims in X case that were not served by your agency?
  - a. If so, do you approximately how many?
52. Do you know how many suspects were involved in X case?
53. Were suspects arrested in X case?
  - a. If yes, were the arrests by state or federal authorities?

- b. If yes, do you know what happened to the suspects following arrest? Were they detained, booked and released, or deported?
- 54. Did X case move forward to prosecution (either federal, state or civil)?
  - a. If yes, were the victims willing to testify?
  - b. Did the prosecution of X case provide a burden to the victims or to your provision of services to victims?
- 55. What were the service needs of the victims identified in X case?
- 56. What services were provided to the victims in X case?
- 57. What were some of the challenges you encountered in providing services to the victim/s in X case? (e.g., were there specific needs victims had that your agency was unable to provide for/meet?)
- 58. How were these challenges overcome?
- 59. How long did you work with/provide services to the victims in X case? Are you still providing services to victims in X case?
  - a. If no, do you know what happened to the victims in X case after they stopped receiving services? (e.g., deported, moved to another state, went to school, got another job, etc.)
- 60. Is there any additional information that you would like to provide about X case that would help us understand the victimization of labor trafficking in the United States?

# Appendix E: Recruitment Guide

## ONE-ON-ONE INTERVIEWS WITH FORMER LABOR TRAFFICKING VICTIMS

### INFORMATION FOR LOCAL RECRUITERS JANUARY 2013

*The Urban Institute  
Northeastern University*

#### Purpose of the study and the visit to your area:

Despite growing awareness of **labor trafficking** in the United States, there is not a lot of good information about labor trafficking. We are part of a government-funded project to study forced and exploitative labor. We are part of a research team of people from the Urban Institute and Northeastern University and we are conducting interviews with survivors of labor trafficking to help us understand this experience. The research team is partnering with the Freedom Network and [LOCAL NETWORK MEMBER NAME] to understand labor trafficking in the [x] region. We would like to conduct interviews with approximately 5–10 survivors of labor trafficking that you have served to better understand their experiences. Everything we talk about will be confidential and all interviews are voluntary.

#### The Interview

A researcher from the Urban Institute/Northeastern University research team will conduct the interview, which may take about one and a half hours. The interview can be held in any location that is comfortable and convenient for the respondent. If an interpreter is required, one will accompany the research team. We would be more than happy to work with an interpreter that you use or have used in the past, particularly one that is familiar with the issue.

#### Each respondent will be paid \$50 in the form of a VISA gift card

*It is important to note that the conversation and participant information  
will be completely confidential.*

The Urban Institute/Northeastern University research team will summarize and report on findings from the interviews, but no individual's name will be associated with any comments. The research team will not collect or share any other personal identifying information with any person or entity outside of the research team. Nothing the participants say will be shared with the government or with immigration or any other law enforcement agency. Under federal guidelines, information shared with the research team is protected from possible subpoena.

#### Your role:

As our project partner, we look forward to working together on the items outlined in the MOU.

Given your role in providing services to labor trafficking survivors, we are asking for your assistance in recommending and contacting 5–10 survivors/former clients for us to speak with about their labor trafficking experiences. Including the voices of survivors in research on labor trafficking is important to this research and we appreciate your assistance.

The information provided below is designed to answer any questions you may have regarding planning for the interviews with labor trafficking survivors. We are also open to your suggestions throughout the planning and coordinating process.

### Our role:

The Urban Institute/Northeastern University research team will:

- Meet the respondents wherever they are most comfortable.
  - We appreciate your company to introduce us to people who agree to be interviewed during these trips or directions on where to meet the respondents (though this is not required). We will promise them confidentiality and that only our team or a translator will be present during the interview.
- Conduct the interviews in either English or Spanish (or both).
- If the interviews must be conducted in a language other than English or Spanish, we may ask for your recommendation of a community interpreter/interpretation agency (though your assistance is not required).
- Answer any questions you may have that have not been addressed in these instructions.
- Provide payment of \$50 Visa gift card to each interview respondent.

### **Recruitment and Planning:**

#### Target population:

- *Individuals who are both 1.) former clients of [Organization] and 2.) survivors of labor trafficking. I know that you may already be familiar with labor trafficking, but to review, for the purposes of our study, we define labor trafficking, in accordance with the TVPA and its reauthorizations, as:*

**<Labor trafficking is any situation that involves force, fraud or coercion where victims believe they cannot escape from their traffickers. They could have been a victim of fraud, where they believe they will be working normal hours for normal pay but instead find that they are working long hours for little to no pay and living in inhumane conditions. They also believe they are unable to leave their trafficking situation because they are either physically restrained or coerced into staying with their traffickers who may use threats of deportation or tell them that harm will come to their family members if they leave. Forms of forced labor can include domestic servitude, agricultural labor, sweatshop factory work, forced begging, or restaurant work>**

*Note: This definition does not require that victims be physically transported from one location to another. It can happen in any industry and across a range of venues.*

- Participants can be foreign-born or US-born.
- Participants should be adults over the age of 18 (but could have been under 18 at the time of the victimization)
- There is no minimum level of literacy or education level. However, participants should have a minimum level of comprehension (approximately equivalent to a 3<sup>rd</sup> grade reading level) and should be at an appropriate level in their recovery to be interviewed.
- If participants will be limited English speakers, unable to speak English, or would prefer to speak their native language, we will translate the informed consent form and interview guide prior to going on site. All translations will be conducted by an experienced translator/s who will also accompany us on all site visits. Interviews will be conducted by UI/NU research staff with the aid of the translator. UI/NU staff as well as the translator will sign confidentiality pledges.

Number to recruit:

- We would like to talk to as many as 10 individuals and no less than 5 (when possible).
- Ideally, we would like to talk to people who live in the area.
  - If you have other people in mind that live outside of the area, please let us know and we will do our best to facilitate an interview.
- The research team is willing to coordinate scheduling if easier for you and/or preferred by the former client/survivor. After you refer people interested in the study, we can:
  - Get in touch with them
  - Explain the study and what we are doing
  - Schedule a place and time to meet that works for them
- The research team is also willing to have you coordinate the interviews if that is easier for you and/or preferred by the client who has agreed to speak with us.

Location of interviews:

- The interviews can be held in a location that is easily accessible (by private or public transportation) or in the individual's own home.
- The location should be a place where no one can overhear our conversation.
  - This could be a room in your office if that is comfortable for the clients and there is a space where interviews would not be overheard.
  - If you do not recommend your office, it would be helpful if you could recommend a space nearby that is conducive for interviews
- If interviews are conducted at a location other than the respondent's home, it should be a comfortable environment for participants (e.g., a local school, trusted social service provider agency, a community center, church, park, child care center, hospital, or neighborhood health clinic might qualify).

**Availability of Social Worker/Counselor:**

- We are required by our respective Institutional Review Boards (IRB) to ensure that a social worker/caseworker from your organization with experience working with labor trafficking victims will be available onsite to meet with the respondent anytime during or after the interview, if the respondent experiences anxiety or negative emotions associated with talking about their experiences.
- If a respondent divulges information that leads the research team to believe they are currently in a state of labor trafficking or victimization/harm, the UI/NU research team will encourage the respondent to reach out to the victim service agency social worker/caseworker on call and will also provide the respondent with a list of phone numbers to call to report the crime to law enforcement, as well as local service provision agency contact phone numbers and addresses.

**Timeline/Schedule:**

- We request that you start recruiting people AT LEAST ONE MONTH prior to our visit, so that we can schedule them early enough to plan travel, logistics, etc.
- We can re-confirm or send a reminder to all interviewees a few days in advance.
- We can conduct the interview any day of the week or weekend that is easiest for the participants, and any time of day in order to accommodate work hours.
- We expect to start interviews in the WINTER 2012-2013 and finish in the SPRING 2013.
  - Looking at your calendar, are there any weeks when you're not available?
  - We will be in touch to talk about what time of the year works best for the interviews.

**Provision of Child Care and Transportation:**

Depending on participant needs and the site location, we may need to arrange for child care and transportation to ensure participation.

**What to Tell Potential Participants:**

- They do not need to prepare anything. The interview will be a conversation about their experiences, and we want to know about their story and learn from their experiences.
- We plan to talk to participants before starting the interview to explain the study and what they can expect.
- Please inform potential participants of the purpose of the study and the research generally [as described at the beginning of this document].
- Please inform them that everything they say will be kept confidential, and nothing will be connected to them by name in any way. Stress that we are not a government agency and no personal information will be relayed to immigration authorities.
- Please inform clients that the interviews are intended to provide first-hand information about their experiences, their needs, and access to services. This information will be used to directly inform future policy and programs to assist victims of labor trafficking. They have the benefit of knowing that in speaking with us, they are assisting in this way.
- During the interview we will only ask their first names. The final report will not identify them by name at all but instead will discuss the findings from the conversations generally.
- Please inform them about the \$50 Visa gift card they will receive prior to participating.
- They will not need to write anything to participate in the study.
- Please inform participants that they have the right to skip questions or withdraw from the conversation at any time, without penalty, should they become uncomfortable with any questions.
- Remind them participation is voluntary.
- Thank them for their important contribution to the study!
  - We will also reiterate these points with participants before starting the interview.

We look forward to planning for the interviews with you and please contact us with planning and any questions.

# Appendix F: Spanish and Tagalog-Translated Consent Form and Project Descriptions



**URBAN INSTITUTE**  
Justice Policy Center

**Northeastern University**  
School of Criminology and Criminal Justice

## ENTENDIENDO LA ORGANIZACIÓN, EL FUNCIONAMIENTO Y LA VICTIMIZACIÓN DE LA TRATA LABORAL EN LOS ESTADOS UNIDOS

### INFORMACIÓN SOBRE ENTREVISTAS

Es posible que hace poco haya sido invitado por alguien que usted conoce en [Nombre del Proveedor de Servicios] para participar en una entrevista sobre sus pasadas experiencias, sus necesidades y su acceso a los servicios como parte de un estudio sobre el tráfico de mano de obra. La información de esta entrevista será utilizada para ayudar a otros sobrevivientes de la trata laboral. El estudio está financiado por el gobierno y liderado por investigadores del Urban Institute y Northeastern University. Si decide participar, aquí hay algunas cosas importantes que queremos que usted sepa.

- Como muestra de nuestro agradecimiento por compartir su historia con nosotros, le daremos una **tarjeta de regalo de \$50** al. terminar la entrevista.
- Todo lo que diga durante la entrevista será **confidencial**. Su nombre no aparecerá en ningún informe. No vamos a grabar su nombre en nuestros apuntes o en cualquier otro lugar.
- Su participación es **voluntaria**. Usted puede negarse a contestar cualquier pregunta o parar la entrevista en cualquier momento. Usted no tiene que hablar con nosotros si no lo desea. Es su elección propia

Todos nos ponemos nerviosos antes de una entrevista, sobre todo cuando no sabemos el tipo de preguntas que se van a plantear. A continuación, ofrecemos una lista de los temas y tipos de preguntas que se tratarán durante la entrevista. Estas no son las únicas preguntas que se realizaran durante la entrevista, pero las otras preguntas serán similares y pertenecerán a estos temas.

#### El reclutamiento a la situación de trata laboral

- ¿Dónde vivía cuando se enteró del trabajo por primera vez?

#### Viaje al. lugar de trabajo

- ¿Durante su viaje, alguien, alguna vez, le hizo daño en alguna manera?

#### Empleo/Situación de la trata laboral

- ¿Puede describir el tipo de trabajo que usted hizo?

#### Retiro de la situación de trata laboral

- ¿Cómo y cuándo salió de la situación de tráfico de mano de obra?

#### Prestación de servicios

- ¿La primera vez que vino al. proveedor de servicios, qué tipo de ayuda buscaba?

### **Situación actual y planes para el futuro**

- ¿Puede describir cómo es su vida ahora?

Esperamos que haya encontrado esta página de datos útil y esperamos poder hablar con usted y escuchar sus experiencias. Si usted tiene alguna pregunta sobre el estudio, por favor no dude ponerse en contacto con el representante de [Proveedor de Servicios] quien inicialmente habló con usted sobre la entrevista.

## ENTENDIENDO LA ORGANIZACIÓN, FUNCIONAMIENTO Y VICTIMIZACIÓN DEL TRAFICO DE MANO DE OBRA EN LOS ESTADOS UNIDOS

### INTRODUCCIÓN Y CONSENTIMIENTO ORAL

Para leer en voz alta:

Hola, mi nombre es [Nombre] y nosotros somos investigadores/investigadoras que trabajan para una organización llamada Urban Institute y para una universidad llamada Northeastern University. Estamos llevando a cabo un estudio sobre la victimización de los trabajadores en los Estados Unidos. Estamos trabajando con [organización proveedora de servicios], así como otras organizaciones en tres otros estados que ayudan a personas que hayan pasado por una situación similar a la de usted.

Nos gustaría invitarlo/a a ser entrevistado/a como parte de este estudio de investigación. Si está de acuerdo, la entrevista tendrá una duración de aproximadamente una a una hora y media e incluye preguntas sobre su victimización pasada o explotación por parte de traficantes y otras personas en los Estados Unidos, incluyendo cualquier victimización en su país de origen relacionada. También habrá preguntas relacionadas a cómo fue contratado/a y llegó a los EEUU, su vida y condiciones de trabajo en los EEUU, cualquier contacto con las autoridades estadounidenses, y cómo fue que escapó y buscó ayuda. También nos interesa saber si los servicios que recibió fueron útiles, y cuáles son sus esperanzas y expectativas para el futuro.

La información que usted y otros compartan nos ayudará a entender mejor cómo las personas son explotadas por mano de obra en los Estados Unidos y cómo los proveedores de servicios, como [servicio de organización de proveedores] y la policía puede identificar mejor y proveer ayuda a las personas en situaciones similares a la suya.

Usted no tiene que aceptar hablar con nosotros. Es su decisión propia. La decisión de no hablar con nosotros, no afectará su relación con [organización proveedora de servicios] y no le impedirá obtener referencias o servicios.

Si usted habla con nosotros, le prometemos lo siguiente:

1. **Confidencialidad.** Todo lo que nos diga se mantendrá en estricta confidencialidad. Todos los que trabajan en este estudio han firmado un compromiso de confidencialidad que es un documento que requiere que no le digamos a nadie fuera del equipo de investigación sobre lo que usted nos cuente. No vamos a pedir o grabar su nombre, dirección, información de contacto o cualquier otra información que pudiera identificarlo/a.

Todas las respuestas que usted nos dé a en base a las preguntas que le hagamos están protegidos bajo ley federal. Esta ley protege a toda la información que usted nos dé (en base a las preguntas que hacemos) de ser compartida con cualquier persona, ni siquiera si es ordenado por un tribunal, sin su consentimiento. Es decir, toda la información se mantendrá en privado como un registro médico.

Una excepción a la promesa de la confidencialidad es la información específica sobre el abuso infantil, la intención de cometer un delito futuro, o la intención de hacerse daño a sí mismo. El Urban Institute y Northeastern University no le preguntará acerca de estos temas. Sin embargo, si comparte dicha información, vamos a reportar esta información a las autoridades correspondientes.

Su nombre nunca será utilizada en ningún informe. No vamos a grabar su nombre en nuestros apuntes o en cualquier otro lugar. No vamos a reportar los nombres de cualquier persona que nos cuente. Las respuestas que usted proporcione durante la entrevista se combinarán con las respuestas de muchas personas y se comunicarán sin un enlace a su nombre.

2. **Participación voluntaria.** Aun si usted está de acuerdo en participar, usted puede negarse a contestar cualquier pregunta que usted no se siente cómodo ha responder. Usted puede detener la entrevista en cualquier momento.
3. **Compensación por su tiempo.** Como muestra de nuestro agradecimiento por compartir su historia con nosotros, nosotros le daremos una tarjeta Visa de \$ 50 al. final de la entrevista. Nosotros le daremos una tarjeta Visa de \$ 50 incluso si decide no responder a determinadas preguntas o detener la entrevista.

A pesar de que este estudio representa un riesgo mínimo para usted, nuestras preguntas son muy personales y puede ser difícil de contestar. Recuerde, usted puede decir que usted no desea responder cualquier pregunta y seguiremos adelante. También puede detener la entrevista en cualquier momento. Háganos saber si hay algo que usted necesita para sentirse más cómodo, o si se siente estresado o si desea hablar con alguien sobre cómo se siente. En caso de que se angustie, hay un trabajador social que está disponible para reunirse con usted en cualquier momento durante o después de la entrevista.

Si usted acepta participar, también estamos pidiendo permiso de audio-grabar la conversación para asegurarnos que estamos capturando todo lo que nos diga. La grabación de audio sólo será utilizada por el equipo de investigación para ayudar a llenar los apuntes que se nos puedan pasar por alto. La grabación de audio no será compartida con nadie fuera de nuestro equipo. El archivo de audio se destruyera después de que el estudio se haya completado y está protegido por la ley federal—es decir, no puede ser utilizado por cualquier persona fuera de nuestro equipo de investigación.

Las entrevistas, como la que le estamos pidiendo a participar, son una fuente importante de información. Debido a que se sabe poco sobre el tráfico de mano de obra en los EE.UU., en particular, de primera mano de los sobrevivientes como usted, los resultados de esta entrevista se utilizaran para fortalecer y mejorar la identificación de las víctimas y los servicios disponibles para ellos. La información también se utilizara para ayudar a mejorar la investigación y la acusación de los traficantes de mano de obra. Usted tiene la ventaja de saber que está ayudando en este estudio.

Le he leído todo esto porque quiero que entienda cuando digo que las respuestas a las preguntas que hacemos son confidenciales.

¿Ha entendido todo sobre lo que le acabo de hablar?

- ¿Quién tendrá acceso a la información que comparta?
- ¿Le vamos a dar una tarjeta VISA como muestra de nuestro agradecimiento por su tiempo, incluso si usted se niega a responder preguntas o detiene a la entrevista?

¿Tiene alguna pregunta sobre lo que hemos acabado de hablar?

¿Está de acuerdo en participar en este estudio? (Por favor marque uno)

**Sí**, estoy de acuerdo

**No**, no estoy de acuerdo

Por favor marque **uno**:

Estoy de acuerdo que la entrevista sea grabada en audio

No estoy de acuerdo que la entrevista sea grabada en audio

Entrevistador Firma y Fecha

## **PAG-UNAWA SA BALANGKAS, GAWA AT PAMBIBIKTIMA NG MANGGAGAWANG KINAKALAKAL SA ESTADOS UNIDOS**

### **ILANG KAALAMAN TUNGKOL SA PANAYAM**

Maari pong nakumbida na kayong makapanyam ng isa ninyong kakilala sa [Service Provider Name] tungkol sa inyong mga karanasan, pangangailangan, at pagtanggap ng saklolo. Bahagi ang panayam na ito sa pagsuri ng pagangalakal ng manggagawa. Gagamitin ang mga kaalamang nakalap sa mga panayam upang tulungan ang mga nakaligtas sa pangangalakal. Pinondohan ang pag-aaral na ito ng pamahalaan at pinamumunuan ng mga tagapanaliksik ng Urban Institute at Northeastern University. Kung payag kayong makilahok, nais naming iparating sa ninyo ang ilang mahalagang bagay:

- **Ililihim** ang inyong ibabahagi. Hindi babanggitin ang inyong pangalan sa ulat at hindi itatala ang inyong pangalan sa anumang kasulatan.
- **Hindi sapilitan** ang paglahok sa panayam. Maaari kayong tumanggi sa pagsagot ng anumang katanungan at maaari rin ninyong ipatigil ang panayam kung kailan man ninyo naisin. Kung sakasakaling ayaw ninyo kaming kausapin, kayo ang masusunod.
- Bilang pasasalamat sa inyong paglahok, tatanggap kayo ng **\$50 na gift card** matapos ang panayam.

Sadyang kinakabahan ang lahat bago makapanyam, lalo na kapag hindi batid ang tatalakayin. Para sa inyong kapanatagan ng loob, nakatala sa ibaba ang mga paksa at uri ng mga katanungang napapaloob sa panayam. Hindi ito ang mismong mga katanungan, subalit nahahawig ang mga ito at nasasakop ng mga naturang paka.

#### ***Paghikayat ng manggagawang kakalakalin***

- Saan kayo nakatira nang una ninyong nalaman ang tungkol sa trabaho?

#### ***Pagtungo sa trabaho***

- Sa paglakbay ninyo tungo sa trabaho, kayo po ba ay sinaktan sa anumang paraan?

Kalagayan ng trabaho/pangangalakal

- Ano pong uri ang inyong trabaho?

#### ***Pag-ahon mula sa pangangalakal***

- Kailan at paano kayo nakaligtas sa pagngangalakal?

#### ***Saklolo***

- Noong nagtungo kayo sa sumasaklolo, anong uring tulong ang kinailangan ninyo?

#### ***Kasalukuyang kalagayan at plano sa kinabukasan***

- Paki larawan ang inyong buhay ngayon.

Inaasahan naming nakatulong sa inyo ang mga kaalamang ito, at inaasahan namin makapanayam kayo upang dinggin ang inyong mga karanasan. Kung mayroon po kayong tanong tungkol sa pag-aaral no ito, makipag-ugnayan po sa kinatawan ng [Service Provider] na siyang nangumbidang makapanayam kayo.

# Appendix G: Survivor Interview Protocol (English and Spanish)

## UNDERSTANDING THE ORGANIZATION, OPERATION, AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### INTRODUCTION AND ORAL CONSENT FORM

To be read aloud:

Hello, my name is [NAME] and we are researchers working for an organization called the Urban Institute and for a university called Northeastern University. We are conducting a study on the victimization of workers in the United States. We are working with [service provider organization], as well as similar organizations in three other states that help people who have been in similar situations as yourself.

We would like to invite you to be interviewed as part of this research study. If you agree, the interview will last approximately one to one and a half hours and includes questions about your past victimization or exploitation by traffickers and others in the United States, including any related victimization in your home country, how you were recruited to and came to the US, your living and working conditions in the US, any contact with US authorities, and how you were able to escape and seek help. We are also interested in learning about whether the services you received were helpful, and what your hopes and expectations are for the future.

The information you and others share will help us to better understand how people are exploited for labor in the United States and how service providers, like [service provider organization] and law enforcement can better identify and provide help to people in similar situations to your own.

You don't have to agree to speak with us. It is your choice. Deciding not to speak with us will not affect your relationship with [service provider organization] and will not prevent you from getting referrals or services.

If you speak with us, we promise you the following things:

1. **Confidentiality.** Everything you tell us will be kept in strictest confidence. Everyone who works on this study has signed a Pledge of Confidentiality which is a document requiring them not to tell anyone outside the research team anything you tell us. We will not be asking for or recording your name, address, contact information, or any information that could identify you.

All the responses you provide to us based on the questions that we ask you are protected by federal law. This law protects all information you tell us (based on the questions we ask) from being shared with anyone, even if ordered by a court, without your consent. That is, all information will be kept private like a medical record.

An exception to the promise of confidentiality is specific information about child abuse, intent to commit a future crime, or intent to harm yourself. The Urban Institute and Northeastern University will not ask you about these issues. However, we will report this information to the proper authorities if you share such information.

Your name will never be used in any report. We will not record your name in our notes or anywhere else. We will not report the names of any individuals you may tell us about. The answers you provide during an interview will be combined with answers from many individuals and will be reported without a link to your name.

2. **Voluntary Participation.** Even if you agree to participate, you may refuse to answer any questions you do not feel comfortable answering. You may stop the interview at any time.
3. **Compensation for your time.** As a token of our appreciation for sharing your story with us, we will provide you with a \$50 VISA card at the end of the interview. We will provide you with a \$50 VISA card even if you choose not to answer certain questions or stop the interview.

Despite the fact that this study poses minimal risk to you, our questions are very personal and might feel hard to answer. Remember, you can say you don't want to answer a particular question and we'll just move on. You can also stop the interview at any time. Let us know if there is anything you need to feel more comfortable, or if you feel stressed out or would like to speak to someone about how you are feeling. Should you become distressed, there is a social worker who is available to meet with you at any time during or after the interview.

If you agree to participate, we are also asking permission to audio-record our conversation so that we can be sure we capture everything you tell us. The audio-recording will only be used by the research team to help fill in any notes that we may miss and will not be shared with anyone outside of our team. The audio file will be destroyed after the study is completed and is protected by federal law – that is, it cannot be used by anyone outside of our research team.

Interviews, like the one we are asking you to participate in, are an important source of information. Because little is known about labor trafficking in the US, particularly first- hand accounts from survivors like yourself, the results of this interview will be used to strengthen and improve the identification of victims and the services available to them. The information will also be used to help improve the investigation, and prosecution of labor traffickers. You have the benefit of knowing you are helping with this study.

I have read you all this because I want you to understand when I say that the responses to the questions we ask are confidential.

Did you understand everything we just spoke about?

- Who will have access to the information you tell us?
- Will we be giving you a VISA card as a token of our appreciation for your time even if you refuse to answer questions or stop the interview?

Do you have any questions about what we just spoke about?

Do you agree to participate in this study? (Please check one)

Yes, I agree

No, I do not agree

Please check one:

I agree to the interview being audio-taped

I do not agree to the interview being audio-taped

Interviewer's Signature and Date

## CLIENT INTERVIEW PROTOCOL

### Background Information

Before we begin speaking about the experience that brought you to [service provider], we'd like to learn a little bit about your background.

1. How old are you?
2. Where were you born (city/province, country)?
  - a. Is this the country/city where you grew up?
3. How would you describe your race and/or ethnicity?
4. What language did you speak at home growing up?
5. What is the language you speak at home now?
6. Can you describe what life was like for you growing up?
7. Did you go to school? If so, how many years did you complete?
8. How old were you when you first started working and what was your first job? What types of jobs have you had since then?
9. Are you married?
10. Do you have any children? If so, how many and how old are they? Where do they live?
11. How many family members do you currently care for or financially support?
  - a. Do you send money to family overseas?

(If US born SKIP to RECRUITMENT)

If foreign born:

12. Have you lived and/or worked in any other countries prior to coming to the US?
  - a. If yes, where and when?
13. When did you first come to the US? Have you ever left the US and come back for work?

### Recruitment

Now we'd like to talk about how you first learned about the job working in X industry/for X.

14. Where were you living when you first found out about the job? (Probe: US, home country, or other country, US (city/state))
15. About when was it (month/year) when you first learned about the job?
16. How did you learn about the job?
  - a. Who told you about the job?
    - i. Did you know this person(s) prior to speaking with them about the job?
      1. If yes, how?
      2. If no, how did you meet this person?
  - b. Did this person work for a job recruitment company?

- i. If no: did he or she put in you in contact with a job recruiter?

17. What did they tell you the job would be like?

- a. Job location
- b. Type of work
- c. Salary
- d. Hours
- e. Immigration status (green card, work authorization, etc.)
- f. Housing/food
- g. Other benefits

18. Were there any requirements to take the job?

- a. Education/training/take a test?
- b. Prior work experience?

19. Did you have to pay anyone to take the job?

- a. If yes, who and how much?
- b. If yes, how did you finance this? (probe: loans, mortgage family property, how many other people helped finance this)
- c. If yes, do you still owe money? How much?

20. Did you speak with any family or friends about the job offer?

- a. What did they think about it?

21. Do you know of anyone else recruited for the same job?

- a. If so, approximately how many other people?
- b. Is it common for people where you're from to be recruited for work like this?

22. In order to take the job, did you have to sign anything?

- a. Was the contract in your native language? If not, did someone read it to you?
- b. Were you allowed to read it before signing it?
- c. Were there terms in it that made you feel uncomfortable?

23. Why did you take this job?

24. Did you ever feel forced or threatened to take the job? In other words, did you feel like it was your own decision to take the job?

25. What arrangements did you make prior to traveling to the job location? (apply for a passport, visa, purchase a plane ticket, etc.)

- a. Did you make these arrangements on your own, with the recruiter, or someone else?
  - i. If someone helped, please tell me about the arrangements and their assistance (Probes Below)?
    - 1. Did you pay this person? If yes,
      - a. How did you decide on a price?

- b. Was the total what you expected to pay?
- c. Were you able to pay it up front or did you take on a debt?
- ii. Did you know this person prior to their contacting you?
  - 1. If so, how did you know this person?
  - 2. Did this person work alone or with other people?
  - 3. Do you know if they knew one another well or had done this kind of thing before? (e.g. family, friends, business partners, etc.)

**If living in US, SKIP to TRAVEL TO JOB LOCATION**

26. Did you ever have to go to the US Embassy or Consulate prior to your trip?

- a. If yes, what kinds of questions did they ask you?
- b. Did the Embassy/Consulate give you any information about your rights in the United States and who to contact in an emergency?
- c. Did anyone go with you or instruct you about what to say?

**Travel to Job Location (If exploited in community they lived in, SKIP to Employment/Trafficking)**

So you were told that the job would be in [City/State/USA] and at the time you were living in [City/State/Country]. We are interested in learning about your experience getting from [Origin City or Country] to [job location].

27. Please tell me about your travel to the [job location]?

- a. Where and when did your trip begin?
- b. When and where did your trip end?
- c. Did you stop in other countries/cities along the way?
- d. Was this what you were expecting/told?
- e. Modes of transportation (car, plane, foot for different legs of trip)
- f. How were you treated on the trip?

28. Did the trafficker or anyone working for the trafficker accompany you on your trip?

- a. Did anyone else accompany you on your trip? If so, who? How many people? Were these people also going to the US to work?

29. Did you have to pay more fees for anything along the way or you or your family would be hurt?

- a. If so, who and how much?

30. During your trip, did anyone ever:

- a. Harm you in any way? (probe: verbal, physical, sexual, report to immigration)
- b. Threaten to harm you or your family in any way during your trip? (probe: financial, verbal, physical, sexual, report to immigration)
- c. Make you feel you weren't able to come and go whenever you wanted? (probe: unable to leave a safe house, not told where they were, movement monitored)

- d. Take your identification documents (passport, visa, birth certificate, driver's license/other) and refuse to return them?
- e. Ask you to lie about your identity, the purpose of your trip, or your job?
- f. Prevent you from communicating with other people (family, friends, other people on the journey)? (probe: access to phone, money to call, travel companions speak same language?)

31. Did you encounter any law enforcement officials or other US authorities (e.g. medical personnel, educators, etc.) upon entering the US?

- i. If yes, who and in what context?
- ii. Did a US customs official check your documentation when entering the US?
- iii. What kinds of questions did they ask you at customs? Did they ask you about:
  1. Your employer?
  2. The type of work you would be doing in the US?
  3. Your past work experience?

32. When did you arrive at your final destination/the place you lived and worked?

- a. Did someone associated with the job meet you as soon as you arrived?

### **Employment/Trafficking**

Now we'd like to learn a little bit more about your working experiences with [X] and what your life and living conditions were like during this time. We realize that these questions may be difficult to answer or bring up negative feelings. You do not have to answer any of the questions that make you uncomfortable. You can just let us know if you do not want to answer a question and we can move on. If you would like to stop the interview at any point, that is OK too.

33. When and how did you first start working with [trafficker/s]?

34. Can you describe what type of work you did for [trafficker/s]?

- a. Was this the type of work you were originally promised/expecting?
- b. Were you the only worker or were there others?
- c. Did you sign a contract? If you had signed one prior to coming to the US, did you have to sign a different one directly with the employer?
  - i. If yes, what were the terms?
- d. On average, how many days per week did you work?
- e. On average, how many hours a day did you work?
- f. Were you able to take breaks?
- g. Did the employer provide meals?
  - i. If yes, did you have to pay for them? If so, how much?

35. Were you ever paid for the work you did for [X]?

- a. If yes, how much did you get paid for the work you did for [X]?
- b. If yes, how did you receive the payment? (probe: payment in cash from employer under table, through subcontractor under table, through paycheck)

- c. Did the employer or trafficker impose costs and fines or fees for anything?
  - i. How much were these fees and for what?
  - ii. If you received a paycheck, were these fees documented on the pay stub? Did the pay stub reflect the total number of hours you worked?
- 36. Were you able to send money to family and friends back home?
  - a. How much and how frequently?
  - b. Was it your choice to send money home or did someone force you?
- 37. Can you describe what it was like where you lived?
  - a. Did you live where you worked?
  - b. Could you leave the place you lived whenever you wanted to?
  - c. Did you live with other workers? If so, how many?
- 38. At any point while you were working for X:
  - a. Were your personal documents and belongings taken from you? (e.g. passport, visa, money, clothing, contact information, etc.)
    - i. Under what terms/when were you told you would get them back?
  - b. Did anyone try to prevent you from communicating with other people (family, friends, other people)? (probe: access to phone, money to call, co-workers speak same language?)
  - c. Did you have to pay fees for anything or there would be physical or financial consequences for you and/or your family?
    - i. If so, what for and how much?
  - d. Were you asked or made to do work that was dangerous, humiliating, degrading or you didn't want to do?
  - e. Did anyone harm you in any way? (probe: verbal, physical, sexual, psychological, report to immigration)
  - f. Did anyone threaten to harm you or your family in anyway? (probe: financial, verbal, physical, sexual, report to immigration)
  - g. Did anyone ever prevent you or make you feel you couldn't come and go whenever/wherever you wanted? (probe: unable to leave workplace)
  - h. Did anyone ever ask you to lie about your identity, your job, or your immigration status?
- 39. Was there a point when you realized that something was wrong and you were being treated unfairly/victimized? If yes:
  - a. How long were you working for your employer when you realized this?
  - b. Did you consider going to the authorities [including your church, police or any one in town you trust] about your situation?
    - i. If no, why not?
    - ii. Did you try to go to authorities before rescue/removal?
  - c. Did you seek advice/help from someone?
    - i. If yes, from whom?

- ii. What kind of help did they offer/give?
- iii. If no, why not?

40. Did you encounter any government people such as labor inspectors, law enforcement officials or other US authorities (e.g. medical personnel, educators, etc.) or people you thought might be able to help (e.g. exterminator, postal worker, gardener, etc.) while working for [X]?

- a. Did you ever ask them for help? Why or why not?

41. Did you ever try to contact anyone for help? (friends, family, service providers, church members)

### **Removal from Exploitative Situation**

The following set of questions is about how you escaped/were removed from the exploitative situation and what happened afterwards—the services you received, as well any involvement with the prosecution of a case.

42. How and when did you leave the exploitative situation? (e.g. ran away, sought help, identified by authorities in a raid)

- a. If you ran away, what event triggered your escape?
- b. If you ran away, where did you go?

**If NOT identified in a raid skip to 45**

43. If you were identified in a raid, can you talk a little bit about that experience?

- a. How did the process make you feel? Did you feel that they wanted to help you?
- b. Did you have any warning about the raid?
- c. Do you remember what agency performed the raid? (FBI, ICE?)
- d. Where did they take you once they removed you from the situation? Did you have some place to go? Did you have money, food, clothes?
- e. During this time, did anyone talk to you about services/help you could receive?
- f. At what point in the process did they interview you/take down your statement?
- g. Did they work with an interpreter to conduct the interview? If yes, was the interpreter present at the time or did they use someone over the phone?
- h. What services did they offer to you and/or refer you to?
- i. What happened to other people involved in the raid?

44. After you left, were you ever arrested or detained for a crime or immigration violation as a result of being trafficked?

- a. If yes, do you know who that was (local police, FBI, ICE)?
- b. If yes, do you know what it was for?
- c. Did the police ever threaten to arrest or detain you?

45. How soon after you left were you able to contact family members or friends?

46. Were you or your family ever threatened or harmed after you left?

- a. If so, how?

47. What concerned you the most immediately after you left? (probe: safety, place to live, work, etc.)

48. What concerned you the most after you had been out of the situation for a few weeks?
49. Did you meet with law enforcement or attorneys at all after you left?
  - a. Did you want to meet with them/feel you had a choice?
  - b. If you did not meet with LE or attorneys, did you want to but were told you could not?
50. Do you know if anyone was ever arrested and prosecuted for the crimes committed against you?
  - a. If so, who? Was this everyone that was involved? Were there people back in your home country that were arrested for assisting the trafficker?
  - b. Did [service provider] or another organization assist you with this process?
  - c. Did you cooperate with authorities (statement/testimony) to prosecute this case?
    - i. If so, how was this experience? (probe: frustrating, lengthy, interpreters, emotional, costly)
  - d. If no one was prosecuted, did you want someone to be?

### **Service Provision**

51. How long after you left did you come into contact with [service provider]?
  - a. If not immediately after escape, where did you go? What did you do? Who helped you?
52. Who referred you to the service provider?
53. When you first came to [service provider] what type of help were you seeking/what was your most pressing concern?
54. For about how long did you receive services from [X]?
55. Did you know what human/labor trafficking was before you came into contact with [service provider]?
  - a. Did you know while you were working for X that what was happening to you was a crime?
  - b. Did you know that what happened to you while working for X was a crime once you came to [service provider]?
  - c. Did you know that this crime is called labor trafficking?
56. Describe the services offered to you by [service provider]? (probe: food, clothing, immediate and long-term shelter, immigration relief (T/U visa, CP, work authorization), counseling, physical health)
  - a. Did they provide an interpreter?
  - b. Did they help you apply for continued presence?
    - i. If yes, how long did the process take?
    - ii. Were you approved?
  - c. Did they help you apply for a T-visa, U-visa, or other immigration relief?
    - i. If yes, how long did that process take?
    - ii. Were you approved?
    - iii. If no, why not?
  - d. What long-term services were provided to you?
    - i. Housing?
    - ii. Employment?

- iii. Education?
- iv. Family reunification?
- v. Medical benefits?
- vi. Counseling?
- vii. Safety planning?
- viii. Did they help you contact family and friends?

57. What services were most important in helping you?
58. Were there any services they didn't offer that you needed?
59. What improvements (if any) can be made to the services offered to you (including the process)?
60. How soon after you left the trafficker/trafficking situation were you able to start working again?
  - a. How did you find out about the job?/Who helped you find this job?
  - b. Did you receive continued presence or work authorization if needed?
61. Have you had any difficulty finding employment since then?
  - c. If yes, what do you think the reason is?
62. Since leaving your job with [x] have you ever worked for an employer who:
  - d. Has not paid you for the work you performed?
  - e. Paid you late?
  - f. Has paid you below minimum wage?
  - g. Did not pay you overtime?
  - h. Taken illegal deductions or imposed fines?
  - i. Denied you meal breaks or made you work through meal breaks?
  - j. Has made you work in hazardous conditions without proper protection?
  - k. Has asked you to work more than 40 hours/week?
  - l. Has asked you to live on the job site?
  - m. Has paid you in cash?
  - n. Did not give you a pay stub?
  - o. Treated you negatively for complaining or joining a union or worker's group?
63. What impact has this crime had on you? How do you feel it has changed you?
64. What impact has this crime had on your family?
65. If there were any other people exploited like you were, do you know how they are doing now?

### **Present Situation & Hopes for Future**

The following set of questions is about your current lifestyle and your hopes for the future:

66. Can you describe what your life is like now?
  - a. Are you currently employed?
    - i. If yes, what kind of work are you doing?

- ii. How did you find your current job?
- b. Did you go back to school?
  - iii. If yes, what did/are you studying?
  - iv. What do you hope to do with your education?
  - v. If no, do you hope to go back to school in the future?
- a. Do you still receive services from the organization that helped you when you were removed from the exploitative situation?
  - b. If yes, what services do they provide?
  - c. Are you still in contact with anyone from law enforcement?

67. What is your current living situation? (e.g. house, apartment, shelter, etc.)

- a. Who else do you live with? (e.g. family, friends, roommates, other residents, etc.)
- b. How long have you lived there?

68. What are your hopes/expectations/plans for the future?

69. Given your past experience, what advice would you give to people in similar situations?

70. Do you ever worry about something like this happening to you again? Do you worry about something like this happening to other people?

71. Do you have any advice for changes that can help prevent this from happening to others?

72. Do you have any advice for changes that can be made to better help people after they escape or are removed from a situation similar to yours?

73. Is there anything we didn't discuss or ask that you think is important for us to know/communicate?

Thank you very much for taking the time to speak with us. While we know it may not have been easy to speak about these issues, please know that the information you shared will be used to help people in similar situations and to make recommendations to the government to better prevent this from happening, hold traffickers accountable and provide services to victims. Thank you for sharing your story and being generous with your time. We are grateful to include your perspective in our report.

Here is our contact information if you would like us to send you a copy of the final report; you can feel free to write to us or email.

As a token of our appreciation for your time, we'd like to give you this Visa gift card.

We wish you all the best.

## ENTENDIENDO LA ORGANIZACIÓN, FUNCIONAMIENTO, Y VICTIMIZACIÓN DEL TRAFICO DE MANO DE OBRA EN LOS ESTADOS UNIDOS

### Información General

Antes de hablar sobre las experiencias que lo/la trajo a [organización proveedora de servicios] nos gustaría saber un poco acerca de sus antecedentes.

1. ¿Cuál es su edad?
2. ¿Dónde nació usted (ciudad/provincia, país)?
  - a. ¿Es esta la ciudad/país donde usted creció?
3. ¿Cómo describiría su raza y/o etnia?
4. ¿Qué idioma hablaba usted en casa de chico/a?
5. ¿Cuál es el idioma que habla en casa ahora?
6. ¿Puede describir como era su vida de chico/a?
7. ¿Fue a la escuela? Si es así, ¿cuantos años realizo en total?
8. ¿Qué edad tenía usted cuando empezó a trabajar y cuál fue su primer trabajo? ¿Qué tipo de trabajos ha tenido desde entonces?
9. ¿Está usted casado/casada?
10. ¿Tiene hijos? Si es así, ¿cuántos y cuáles son sus edades? ¿Dónde viven?
11. Actualmente, ¿cuantos miembros familiares cuida o apoya económicamente?
  - a. ¿Envía dinero a familiares en el extranjero?

### (SI NACIDOS EN LOS EEUU, SIGA A LA CONTRATACION)

Si nació en el extranjero:

12. ¿Ha vivido y/o trabajado en cualquier otro país antes de venir a los EEUU?
  - a. En caso afirmativo, ¿dónde y cuándo?
13. Cuando fue la primera vez que vino a los EEUU? ¿Alguna vez dejo a los EEUU y regreso por el trabajo?

### Reclutamiento

Ahora nos gustaría hablar sobre cómo se enteró por primera vez sobre el trabajo trabajando en la industria X por X.

14. ¿Dónde vivía la primera vez que se enteró del trabajo? (averiguar: EEUU, país de origen o en otro país, EEUU (ciudad/estado))
15. ¿Aproximadamente, que era el mes y el año cuando se enteró del trabajo?
16. ¿Cómo se enteró del trabajo?
  - a. ¿Quién le hablo sobre el trabajo?
    - i. ¿Conocía a esta(s) persona(s) antes de hablar con ellos/ellas sobre el trabajo?

1. En caso afirmativo, ¿cómo?
2. Si no, ¿cómo conoció a esta(s) persona(s)?

b. ¿Esta persona trabajaba para una empresa de contratación de trabajo?

- i. En caso negativo: ¿Ella /él lo/la pusieron en contacto con un reclutador de empleo?

**17.** ¿Qué le contaron sobre como iba ser el trabajo?

- a. Ubicación del trabajo
- b. Tipo de trabajo
- c. Salario
- d. Horas
- e. El estatus de inmigración (permiso de residencia, permiso de trabajo, etc.)
- f. Vivienda/comida
- g. Otros beneficios

**18.** ¿Había algún requisito para tomar el trabajo?

- a. ¿Educación/entrenamiento/tomar una prueba?
- b. Experiencia laboral

**19.** ¿Tuvo que pagarle a alguna persona para tomar el trabajo?

- a. Si es así, ¿a quién y cuánto?
- b. En caso afirmativo, ¿ como financio esto? (averiguar: prestamos, hipotecas de propiedad de familia, cuantas otras personas ayudaron a financiar esto)
- c. En caso afirmativo, ¿todavía debe dinero? ¿Cuánto?

**20.** ¿Habla con algún familiar o amigo acerca de la oferta de trabajo?

- a. ¿Que opinaban ellos al. respecto?

**21.** ¿Sabe usted de cualquier otra persona contratada para el mismo trabajo?

- a. Si es así, ¿aproximadamente cuantas otras personas?
- b. ¿Es común que la gente de donde usted es sean contratados para trabajos como este?

**22.** ¿Para tomar el trabajo, tuvo que firmar algo?

- a. ¿Estaba el contrato en su idioma nativo? Si no, ¿alguien se lo leyó?
- b. ¿Se le permitió leerlo antes de firmarlo?
- c. ¿Hubo términos que lo/la hizo sentir incomodo/a?

**23.** ¿Porque tomo este trabajo?

**24.** ¿Alguna vez se sintió obligada o amenazada a tomar el trabajo? En otras palabras, ¿se sintió como si fue su propia decisión aceptar el trabajo?

**25.** ¿Qué arreglos hizo antes de viajar al. lugar de trabajo? (solicitar para un pasaporte, visado, comprar un boleto de avión, etc.)

- a. ¿Hizo estos arreglos por su cuenta, con el reclutador o alguien más?

- i. Si alguien le ayudo, por favor digame acerca de los arreglos y su asistencia (averigüe lo siguiente)
  1. ¿Le pago a esta persona? En caso afirmativo:
    - a. ¿Cómo decidió sobre un precio
    - b. ¿Que era el total de lo que esperaba pagar?
    - c. ¿Fue capaz de pagar por adelantando o tuvo que tomar un deuda?
  2. ¿Conocía a esta persona antes de que lo/la contactaran?
    - a. Si es así, ¿cómo conocía a esta persona?
    - b. ¿Esta persona trabajaba sola o con otras personas?
    - c. ¿Sabe usted si se conocían ellos bien o si habían hecho este tipo de cosas antes? (por ejemplo, familia, amigos, socios, etc.)

#### **Si Vive en EEUU, Siga a Viaje a Lugar de Trabajo**

26. ¿Alguna vez tuvo que ir a la embajada o consulado de los EEUU antes de su viaje?

- a. En caso afirmativo, ¿qué tipo de preguntas le preguntaron?
- b. ¿La embajada/consulado le dio algún tipo de información sobre sus derechos en los Estados Unidos y a quien contactar en caso de emergencia?
- c. ¿Alguien fue con usted le dio instrucciones sobre que decir?

#### **Viaje al Lugar de Trabajo (Si fue explotado/a en la comunidad en que vivía, SIGA a Empleo/Trafico)**

Así que le dijeron que el trabajo *sería* en [Cuidad/Estado/EEUU] y en ese momento usted estaba viviendo en [ciudad/estado/país]. Estamos interesados en conocer sobre su viaje de [ciudad de origen o país] a [lugar de trabajo].

27. ¿Por favor hábleme de su viaje a [lugar de trabajo]?

- a. ¿Dónde y cuándo comenzó su viaje?
- b. ¿Dónde y cuando terminó su viaje?
- c. ¿Se detuvo en otros países/ciudades a lo largo del camino?
- d. ¿Era lo que esperaba/lo que le habían contado?
- e. Modos de transporte (coche, avión, pie por diferentes tramos de viaje)
- f. ¿Cómo lo/la trataron en el viaje?

28. ¿El traficante o cualquier otra persona quien trabajaba para el traficante la acompañó en su viaje?

- a. ¿Alguien más la/lo acompañó en su viaje? Si es así, ¿quién? ¿Cuantas personas? ¿Estas personas también iban a los EEUU para trabajar?

29. ¿Tuvo que pagar más cuotas por el camino o si no a usted o a su familia se le harían daño?

- a. Si es así, ¿a quién y cuánto?

30. Durante su viaje, alguien alguna vez:

- a. ¿Lo/la daño de alguna manera? (averiguar: daño verbal, físico, sexual, reportar a inmigración)

- b. ¿Amenazó con hacerle daño a usted o a su familia de alguna manera durante su viaje? (averiguar: daño financiero, verbal, físico, sexual, reportar a inmigración)
- c. ¿Lo/la hizo sentir que no podía entrar y salir cuando usted quería? (averiguar: no pueden salir de una casa de seguridad, no le dicen dónde estaban, movimiento controlado)
- d. ¿Le quitaron sus documentos de identificación (pasaporte, visa, certificado de nacimiento, licencia de conducir/otros) y se negaron a devolverlos?
- e. ¿Le pidieron que mintiera sobre su identidad, el propósito de su viaje o su trabajo?
- f. ¿Le impidieron comunicarse con otras personas (familiares, amigos, otras personas en el camino)? (averiguar: acceso a teléfono, dinero para llamar, sus compañeros de viaje hablaban el mismo idioma?)

31. ¿Se encontró con algunos oficiales de la ley o otras autoridades de Estados Unidos (por ejemplo, personal médico, educadores, etc.) al. entrar en los EE.UU.?

- i. Si es así, ¿quién y en qué contexto?
- ii. ¿Un funcionario de la aduana de los EEUU comprobó su documentación al. entrar a los EE.UU.?
- iii. ¿Qué tipo de preguntas le preguntaron en la aduana? ¿Le preguntará sobre:
  1. ¿Su empleador?
  2. ¿El tipo de trabajo que estaría haciendo en los EE.UU.?
  3. ¿Su experiencia laboral?

32. ¿Cuando llegó a su destino final/el lugar en el que vivió y trabajó?

- a. ¿Alguien asociado con el trabajo lo/la encontró al. llegar?

### **Empleo/Traficó**

Ahora nos gustaría saber un poco más acerca de sus experiencias trabajando con [X] y como era su vida y las condiciones de vida durante este tiempo. Nos damos cuenta de que estas preguntas pueden ser difíciles de contestar o traer sentimientos negativos. Usted no tiene que contestar ninguna de las preguntas que lo/la hacen sentir incómodo/a. Usted simplemente háganos saber si usted no desea responder una pregunta y podemos seguir adelante. Si desea detener la entrevista en cualquier momento, eso está bien también.

33. ¿Cuándo y cómo comenzó usted a trabajar con [traficante/s]?

34. ¿Puede describir qué tipo de trabajo que usted hizo por [traficante/s]?

- a. ¿Era éste el tipo de trabajo que se les prometió originalmente/que usted esperando?
- b. ¿Era usted el único trabajador o había otros?
- c. ¿Firmó usted un contrato? Si usted había firmado una antes de venir a los EEUU, ¿tuvo que firmar una diferente directamente con el empleador?
  - i. En caso afirmativo, ¿cuáles fueron los términos?
  - d. En promedio, ¿cuántos días a la semana trabajaba?
  - e. En promedio, ¿cuántas horas al. día trabajaba?
  - f. ¿Fue capaz de tomar descansos?

g. ¿El empleador proveía comidas?

- En caso afirmativo, ¿tenía que pagar por ellas? Si es así, ¿cuánto?

35. ¿Alguna vez le pagaron por el trabajo que hizo con [X]?

- En caso afirmativo, ¿cuánto le pagaban por el trabajo que hacía con [X]?
- En caso afirmativo, ¿cómo se recibía el pago? (averiguar: pago en efectivo del empleador, bajo la mesa, bajo mesada a través de subcontratistas, a través de cheque de pago)
- ¿El empleador o traficante imponían costos y multas o cargos por cualquier cosa?

- ¿Cuánto eran estos cargos y de qué?
- Si usted recibió un cheque de pago, ¿estos cargos fueron documentados en el recibo de sueldo? ¿El talón de pago reflejaba el número total de horas que usted trabajó?

36. ¿Fue capaz de enviar dinero a familiares o amigos en casa?

- ¿Cuánto y con qué frecuencia?
- ¿Fue su decisión enviar dinero a casa o alguien lo/la forzó?

37. ¿Puede describir cómo era donde vivía?

- ¿Vivía donde usted trabajaba?
- ¿Podrías dejar el lugar en el que vivía cada vez que quería?
- ¿Vivió con otros trabajadores? Si es así, ¿cuántos?

38. En cualquier momento mientras usted estaba trabajando para [X]:

- ¿Le quitaron sus documentos personales y pertenencias? (Por ejemplo, pasaporte, visa, dinero, ropa, información de contacto, etc.)
  - ¿Bajo qué condiciones/cuando le dijeron que se los regresarían?
- ¿Alguien trató de evitar que usted se comunicara con otras personas (familiares, amigos, otras personas)? (averiguar: acceso a teléfono, dinero para llamar, compañeros de trabajo hablan el mismo idioma)
- ¿Tuvo que pagar cargo por algo si no habría consecuencias físicas o financieras para usted y/o su familia?
  - Si es así, ¿para qué y cuánto?
- ¿Le preguntaron que hiciera o lo/la pusieron a hacer un trabajo que era peligroso, humillante, degradante o que usted no quería hacer?
- ¿Alguien la/lo daña de alguna manera? (averiguar: daño verbal, físico, sexual, psicológico, reportar a la inmigración)
- ¿Alguien lo/la amenaza con hacerle daño a usted o su familia de alguna manera? (averiguar: daño financiero, verbal, físico, sexual, reportar a la inmigración)
- ¿Alguien alguna vez lo/la impidió o lo/la hizo sentir que no podía entrar y salir cuando/donde usted quería? (averiguar: no se puede dejar el lugar de trabajo)
- ¿Alguien le pidió que mintiera sobre su identidad, su trabajo, o su estado de inmigración?

39. ¿Hubo un momento cuando se dio cuenta de que algo estaba mal y que estaba siendo tratado injustamente/victimizada? En caso afirmativo:

- a. ¿Cuánto tiempo estuvo trabajando para su empleador cuando se dio cuenta de esto?
- b. ¿Consideró acudir a las autoridades (incluyendo su iglesia, la policía o cualquier otro lugar en la ciudad de confianza) sobre su situación?
  - i. Si no, ¿por qué no?
  - ii. ¿Trató de ir a las autoridades antes del rescate/retiro?
- c. ¿Buscó consejo/ayuda de alguien?
  - i. En caso afirmativo, ¿de quién?
  - ii. ¿Qué tipo de ayuda le ofrecieron/ dieron?
  - iii. Si no, ¿por qué no?

40. ¿Se encontró con algunas personas del gobierno, como los inspectores de trabajo, funcionarios de la policía u otras autoridades de los Estados Unidos (por ejemplo, personal médico, educadores, etc.) o gente que pensaba que podría ser capaz de ayudarla/ayudarlo (por ejemplo, exterminador, trabajador postal, jardinero, etc.) durante el trabajo con [X]?

- a. ¿Alguna vez se les pidió ayuda? ¿Por qué o por qué no?

41. ¿Alguna vez tratar de contactar a alguien en busca de ayuda? (Amigos, familiares, proveedores de servicios, miembros de la iglesia)

### **Retiro de la Situación de Explotación**

El siguiente grupo de preguntas es acerca de cómo se escapó/fue retirado/a de la situación de explotación y lo que sucedió después - los servicios que recibió, así cualquier relación con el juicio/acusación del caso.

42. ¿Cómo y cuándo salió de la situación de explotación? (Por ejemplo, salió corriendo, buscó ayuda, identificado por las autoridades en un raid/redada)

- a. Si se escapó, ¿que provocó su escape?
- b. Si se escapó, ¿a dónde fue?

#### **Si NO fue identificado/a en una redada SIGA a 45**

43. Si usted fue identificado en una redada, ¿puedes hablar un poco acerca de esa experiencia?

- a. ¿Cómo fue el proceso de hacer que te sientas? ¿Sintió que querían ayudarle?
- b. ¿Tuvo usted alguna advertencia sobre el ataque?
- c. ¿Se acuerda la agencia realizó la redada? (FBI, ICE?)
- d. ¿A dónde la llevaron, una vez que fue extraído de la situación? ¿Tuvo algún lugar a donde ir? ¿Tenía dinero, alimentos, ropa?
- e. Durante este tiempo, ¿alguien hablar con usted acerca de los servicios/ayuda que podría recibir?
- f. ¿En qué punto del proceso la entrevistaron/escribieron su estado de cuenta?
- g. ¿Trabajaron con un intérprete para la entrevista? Si es así, ¿fue la presencia de un intérprete en el momento o usaron a alguien por teléfono?
- h. ¿Qué servicios le ofrecieron a usted y/o refirieron?

- i. ¿Qué pasó con las otras personas involucradas en el ataque?
44. Después de que se fue, ¿fue arrestado o detenido por un crimen o violación de inmigración como resultado de la trata?
  - a. En caso afirmativo, ¿sabe usted quién era (policía local, FBI, ICE)?
  - b. En caso afirmativo, ¿sabes por qué fue?
  - c. ¿Algún vez la policía siempre lo/la amenazó con arrestar o detener la/lo a usted?
45. ¿Qué tan pronto después de que salió fue capaz de comunicarse con sus familiares o amigos?
46. ¿Usted o su familia ha amenazado o dañado después de que se fuiste?
  - a. Si es así, ¿cómo?
47. ¿Qué le preocupaba a usted más inmediatamente después de que se fue? (averiguar: la seguridad, lugar para vivir, trabajar, etc.)
48. ¿Qué le preocupa unas semanas después de haber salido de la situación?
49. ¿Se reunió con las autoridades policiales o fiscales en todo después de que se fue?
  - a. ¿Quería reunirse con ellos/siente que tuvo una opción?
  - b. Si usted no se reunió con las autoridades o abogados, ¿quería, pero le dijeron que no podía?
50. ¿Sabe usted si alguien alguna vez fue arrestado y acusado por los crímenes cometidos en su contra?
  - a. Si es así, ¿quién? ¿Fueron estas personas todas las que estaban involucradas? ¿Había gente en su país de origen, que fueron arrestados por ayudar al. traficante?
  - b. ¿[proveedor de servicios] o otra organización le ayudo con este proceso?
  - c. ¿Usted coopera con las autoridades (declaración/testimonio) para enjuiciar este caso?
    - i. Si es así, ¿cómo fue esa experiencia? (averiguar: intérpretes frustrante, largo, emocional, costoso)
  - d. Si no se enjuició/acuso a nadie, ¿quiere que alguien sea?

## **Servicios**

51. ¿Cuánto tiempo después de su partida se puso entra en contacto con [proveedor de servicios]?
  - a. Si no inmediatamente después de la fuga, ¿a dónde fue? ¿Qué hizo? ¿Quién le ayudó?
52. ¿Quién lo refirió al. proveedor de servicios?
53. Cuando llegó por primera vez a [proveedor de servicios] que tipo de ayuda estabas buscando/¿cuál fue su preocupación más acuciante?
54. ¿Por alrededor de cuánto tiempo usted recibe servicios de [X]?
55. ¿Sabía usted qué era el tráfico de mano de obra (trata laboral) era antes de entrar en contacto con [proveedor de servicios]?
  - a. ¿Sabía usted que mientras estaba trabajando para X que lo que le estaba ocurriendo a usted era un crimen?
  - b. ¿Sabías que lo que le había pasado mientras trabajaba para X era un delito una vez que llegó a [proveedor de servicios]?
  - c. ¿Sabía usted que este crimen se llama tráfico de mano de obra?

**56.** Por favor describa los servicios ofrecidos a usted por [proveedor de servicios]? (Sonda: alimentos, ropa, refugio inmediato como a largo plazo, el alivio de la inmigración (T/U visa, CP, permiso de trabajo), el asesoramiento, la salud física)

- a. ¿Se proporcionará un intérprete?
- b. ¿Lo ayudará a solicitar la presencia continua?
  - i. En caso afirmativo, ¿cuánto tiempo toma el proceso?
  - ii. ¿Fue aprobado?
- c. ¿Lo/la ayudaron a solicitar una visa T, U-visa, o alivio migratorio otro?
  - i. En caso afirmativo, ¿cuánto tiempo tomo el proceso?
  - ii. ¿Fue aprobado?
  - iii. Si no, ¿por qué no?
- d. ¿Qué servicios a largo plazo fueron proporcionados a usted?
  - i. ¿Vivienda?
  - ii. ¿Empleo?
  - iii. ¿Educación?
  - iv. ¿Reunión familiar?
  - v. ¿Beneficios médicos?
  - vi. ¿Consejería?
  - vii. ¿Planificación de la seguridad?
  - viii. ¿Lo ayudará a contactar con familia y amigos?

**57.** ¿Qué servicios fueron más importantes en ayuda?

**58.** ¿Hay algún servicio que no le ofrecieron que necesitaba?

**59.** ¿Cómo se pueden mejorar (si es posible) los servicios ofrecidos a usted (incluyendo el proceso)?

**60.** ¿Qué tan pronto después de haber dejado la situación traficante/trata de personas fue capaz de empezar a trabajar de nuevo?

- a. ¿Cómo se enteró de este trabajo?/¿Quién le ayudó a encontrar este trabajo?
- b. ¿Recibió permanencia o permiso de trabajo si era necesario?

**61.** ¿Ha tenido alguna dificultad encontrando empleo desde entonces?

- a. En caso afirmativo, ¿qué crees que es la razón?

**62.** Desde que dejó su trabajo con [x] ¿alguna vez trabajó para un empleador que:

- a. ¿No le pago por el trabajo realizado?
- b. ¿Le pago tarde?
- c. ¿Le ha pagado por debajo del salario mínimo?
- d. ¿No le pagan horas extras?
- e. ¿Le ha tomado deducciones ilegales o multas impuestas?
- f. ¿Negado descansos para comer o le ha hecho trabajar a través de las pausas para comer?

- g. ¿Lo/la Ha hecho usted trabaja en condiciones peligrosas sin la protección adecuada?
- h. ¿Le ha pedido que trabajan más de 40 horas/semana?
- i. ¿Le ha pedido que viven en el lugar de trabajo?
- j. ¿Le ha pagado en efectivo?
- k. ¿No le ha dado un recibo de sueldo?
- l. ¿Tratado te negativamente por quejarse o afiliarse a un sindicato o grupo de trabajadores?

**63.** ¿Qué impacto ha tenido este delito en su vida? ¿Cómo se siente usted que ha cambiado?

**64.** ¿Qué impacto ha tenido este delito en su familia?

**65.** Si había otras personas explotadas como tú, ¿sabe cómo están ahora?

### **Situación Presente y Esperanzas de Futuro**

El siguiente grupo de preguntas son acerca de su estilo de vida actual y sus esperanzas para el futuro:

**66.** ¿Puede describir cómo es su vida ahora?

- a. ¿Está trabajando actualmente?
  - i. En caso afirmativo, ¿qué tipo de trabajo estás haciendo?
  - ii. ¿Cómo encontró su trabajo actual?
- b. ¿Regreso a la escuela?
  - i. En caso afirmativo, ¿qué estudio o que estás estudiando?
  - ii. ¿Qué espera hacer con su educación?
  - iii. Si no, ¿espera volver a la escuela en el futuro?
- c. ¿Todavía recibir servicios de la organización que le ayudó cuando salió de la situación de explotación?
- d. En caso afirmativo, ¿qué servicios ofrecen?
- e. ¿Sigues en contacto con alguien de la policía/agencia del orden público?

**67.** ¿Cuál es su situación de vida actual? (Por ejemplo, casa, apartamento, vivienda, etc.)

- a. ¿Quién más vive con usted? (Por ejemplo, familia, amigos, compañeros de cuarto, otros residentes, etc.)
- b. ¿Cuánto tiempo ha vivido allí?

**68.** ¿Cuáles son tus esperanzas/expectativas/planes para el futuro?

**69.** Dada su experiencia, ¿qué consejo le daría a las personas en situaciones similares?

**70.** ¿Usted se preocupa que algo como esto le vuelva ocurrir? ¿Se preocupa que algo como esto les ocurra a otras personas?

**71.** ¿Tiene algún consejo sobre cambios que se puedan hacer para evitar que esto le suceda a otras personas?

**72.** ¿Tiene algún consejo sobre cambios que se puedan hacer para mejor ayudar a las personas después de escapar o ser sacadas de una situación similar a la suya?

73. ¿Hay algo que no discutimos o que no pregunte que usted piensa que es importante para nosotros saber o comunicar?

Muchas gracias por tomar el tiempo para hablar con nosotros/nosotras. Sabemos que no ha sido fácil hablar de estos temas, sin embargo, por favor sepa que la información compartida será utilizada para ayudar a personas en situaciones similares a las de usted y para hacer recomendaciones al gobierno con el propósito de mejor prevenir que esto suceda, al igual que hacer traficantes responsables y proporcionar servicios a las víctimas.

Gracias por compartir su historia y ser tan generoso/a con su tiempo. Estamos muy agradecidos de poder incluir su perspectiva en nuestro informe.

Aquí está nuestra información de contacto si desea que le envíemos una copia del informe final - síntase libre a escribirnos o enviarnos un correo electrónico.

Como muestra de nuestro agradecimiento por su tiempo, nos gustaría darle esta tarjeta de regalo Visa.  
Le deseamos todo lo mejor.

# Appendix H: Survivor Consent Form

## UNDERSTANDING THE ORGANIZATION, OPERATION AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### INTRODUCTION AND ORAL CONSENT FORM

To be read aloud:

Hello, my name is [name] and I am a researcher at an organization called the Urban Institute located in Washington, DC. We are conducting a study on the victimization of workers in the United States. The study is being funded by the National Institute of Justice, however, the organization I work for, Urban Institute, is not affiliated with the government and does not profit off of this research. We are working in partnership with [service provider organization], as well as similar organizations in three other states that help people who have been in similar situations as yourself.

We would like to invite you to be interviewed as part of this research study. If you agree, the interview will last approximately one to one and a half hours and includes questions about your past victimization/exploitation by traffickers and others in the United States, including any related victimization in your home country, how you were recruited to and came to the US, your living and working conditions in the US, any contact with US authorities, and how you were able to escape and seek help. We are also interested in learning about whether the services you received were helpful, and what your hopes and expectations are for the future.

The information you and others share will help us to better understand how people are exploited for labor in the US and how service providers, like [victim service organization] and law enforcement can better identify and provide help to people in similar situations to your own.

You don't have to agree to speak with us. It is your choice. Deciding not to speak with us will not affect your relationship with [victim service organization] and will not prevent you from getting referrals or services.

If you speak with us, we promise you the following things:

**Confidentiality.** Everything you tell us will be kept in strictest confidence. Everyone who works on this study has signed a Pledge of Confidentiality which is a document requiring them not to tell anyone outside the research team anything you tell us.

All the responses you provide to us based on the questions that we ask you are protected by federal law. This law protects all information you tell us (based on the questions we ask) from being shared with anyone, even if ordered by a court, without your consent. That is, all information will be kept private like a medical record.

An exception to the promise of confidentiality is specific information about child abuse, intent to commit a future crime, or intent to harm yourself. The Urban Institute and Northeastern University will not ask you about these issues. However, we will report this information to the proper authorities if you share such information.

Your name will never be used in any report. We will not record your name in our notes or anywhere else. We will not report the names of any individuals you may tell us about. The answers you provide during an interview will be combined with answers from many individuals and will be reported without a link to your name.

**Voluntary participation.** Even if you agree to participate, you may refuse to answer any questions you do not feel comfortable answering. You may stop the interview at any time.

**Compensation for your time.** As a token of our appreciation for sharing your story with us, we will provide you with a \$50 VISA card at the end of the interview. We will provide you with a \$50 VISA card even if you choose not to answer certain questions or stop the interview.

Despite the fact that this study poses minimal risk to you, our questions are very personal and might bring stuff up for you or feel hard to answer. Remember, you can say you don't want to answer a particular question and we'll just move on. You can also stop the interview at any time. Let us know if there is anything you need to feel more comfortable, or if you feel stressed out or would like to speak to someone about how you are feeling. Should you become distressed, there is a social worker who is available to meet with you at any time during or after the interview.

If you agree to participate, we are also asking permission to audio-record our conversation so that we can be sure we capture everything you tell us. The audio-recording will only be used by the research team to help fill in any notes that we may miss and will not be shared with anyone outside of our team. The audio file will be destroyed after the study is completed and is protected by federal law—that is, it cannot be used by anyone outside of our research team.

Interviews, like the one we are asking you to participate in, are an important source of information. Because little is known about labor trafficking in the US, particularly first-hand accounts from survivors like yourself, the results of this interview will be used to strengthen and improve the identification of victims and the services available to them. The information will also be used to help improve the investigation, and prosecution of labor traffickers. You have the benefit of knowing you are helping with this study.

I have read you all this because I want you to understand when I say that the responses to the questions we ask are confidential.

Did you understand everything we just spoke about?

- Who will have access to the information you tell us?
- Will we be giving you a VISA card as a token of our appreciation for your time even if you refuse to answer questions or stop the interview?

Do you have any questions about what we just spoke about?

Do you agree to participate in this study? (Please check one)

**Yes**, I agree

**No**, I do not agree

Please check **one**:

I agree to the interview being audio-taped

I do **not** agree to the interview being audio-taped

Interviewer's Signature and Date

# Appendix I: Migrant Farmworker Focus Group Protocol

## UNDERSTANDING THE ORGANIZATION, OPERATION AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### INTRODUCTION AND ORAL CONSENT FORM

To be read aloud:

Hello, my name is [name] and I am a researcher at an organization called [Urban Institute/Northeastern University] located in [Washington, DC/Boston, MA]. We are conducting a study on the victimization of workers in the United States. The study is being funded by the National Institute of Justice, however, the organization I work for, Urban Institute, is not affiliated with the government and does not profit off of this research. We are working in partnership with [service provider organization], as well as similar organizations in three other states that provide assistance to workers.

We would like to invite you to participate in a focus group/group discussion as part of this research study. If you agree, the discussion will last approximately one to one and a half hours. We will ask questions about your past work experiences in the United States. We will not ask for any names of employers or people you worked with. Rather we are interested in learning more about farmwork.

The information you and others share will help us to better understand working conditions for migrant farmworkers in the US and how service providers, like [victim service organization] can better assist workers.

You don't have to agree to speak with us. It is your choice. Deciding not to speak with us will not affect your relationship with [victim service organization] and will not prevent you from getting referrals or services.

If you speak with us, we promise you the following things:

**Confidentiality.** Everything you tell us will be kept in strictest confidence. Everyone who works on this study has signed a Pledge of Confidentiality which is a document requiring them not to tell anyone outside the research team anything you tell us.

All the responses you provide to us based on the questions that we ask you are protected by federal law. This law protects all information you tell us (based on the questions we ask) from being shared with anyone, even if ordered by a court, without your consent. That is, all information will be kept private like a medical record.

An exception to the promise of confidentiality is specific information about child abuse, intent to commit a future crime, or intent to harm yourself. The Urban Institute and Northeastern University will not ask you about these issues. However, we will report this information to the proper authorities if you share such information.

Your name will never be used in any report. We will not record your name in our notes or anywhere else. We will not report the names of any individuals you may tell us about. The answers you provide during an interview will be combined with answers from many individuals and will be reported without a link to your name.

**Voluntary participation.** Even if you agree to participate, you may refuse to answer any questions you do not feel comfortable answering. You may stop participating at any time.

**Compensation for your time.** As a token of our appreciation for sharing your story with us, we will provide you with a \$25 VISA card at the end of the interview. We will provide you with a \$25 VISA card even if you choose not to answer certain questions or stop participation in the focus group.

Despite the fact that this study poses minimal risk to you, our questions are very personal and might bring stuff up for you or feel hard to answer. Remember, you can say you don't want to answer a particular question and we'll just move on. You can also stop the interview at any time. Let us know if there is anything you need to feel more comfortable, or if you feel stressed out or would like to speak to someone about how you are feeling. Should you become distressed, there is a social worker who is available to meet with you at any time during or after the focus group.

If you agree to participate, we are also asking permission to audio-record our conversation so that we can be sure we capture everything you tell us. The audio-recording will only be used by the research team to help fill in any notes that we may miss and will not be shared with anyone outside of our team. The audio file will be destroyed after the study is completed and is protected by federal law—that is, it cannot be used by anyone outside of our research team.

Interviews, like the one we are asking you to participate in, are an important source of information. Because little is known about migrant farmworkers' experiences in the US, particularly first-hand accounts from workers like yourself. The results of this discussion will be used to strengthen and improve the identification of workers that are being exploited/treated unfairly and the help available to them. You have the benefit of knowing you are helping with this study.

I have read you all this because I want you to understand when I say that the responses to the questions we ask are confidential.

Did you understand everything we just spoke about?

- Who will have access to the information you tell us?
- Will we be giving you a VISA card as a token of our appreciation for your time even if you refuse to answer questions or stop the interview?

Do you have any questions about what we just spoke about?

Do you agree to participate in this study? (Please check one)

**Yes**, I agree

**No**, I do not agree

Please check **one**:

I agree to the interview being audio-taped

I do **not** agree to the interview being audio-taped

Interviewer's Signature and Date

## MIGRANT FARMWORKER WORKER FOCUS GROUP QUESTIONS

Before we begin speaking about your work experiences, we'd like to learn a little bit about your background.

1. How old are you?
2. Where were you born (city/province, country)?
  - a. Is this the country/city where you grew up?
3. How would you describe your race and/or ethnicity?
4. What language did you speak at home growing up?
5. What is the language you speak at home now?
6. Did you go to school? If so, how many years did you complete?
7. Are you married?
8. Do you have any children? If so, how many and how old are they? Where do they live?

Thank you, now we'd like to learn a little bit about your working experiences in the United States.

9. How long have you worked in the US?
10. Since living in the United States, what kinds of jobs/industries have you worked in (e.g., agriculture/farmwork, construction, restaurant, etc.)?
11. Are jobs easy or hard to find? Has this changed at all over the years?
12. What other states have you lived and worked in? Do you normally have to travel for work?
13. How did you typically find out about employment opportunities like the job you currently have?
  - a. Probe on recruiter (friend/agency/stranger), role of recruiter
14. Were there any specific requirements for these jobs?
  - a. Probe about fees for training, travel, taking the job/recruitment fee
15. How do you typically get to and from the jobs?
  - a. Probe about transport, transport fees
16. Do you make decisions about where to work based on concerns about the potential for exploitation (being treated poorly, not being paid fairly)?
  - a. Are there certain types of jobs or employers that you would avoid?
17. How did you learn which types of employers were good and which ones were potentially problematic or risky?
18. What would you do in a situation where you had a problem with an employer and you felt you were being treated unfairly/mistreated?
  - a. Probe for, is there someone or an agency you feel you could call for help?
  - b. Probe for do you feel you could call police for help?
19. During any of your jobs in the United States, were you ever visited by labor inspectors (anyone that asked if you were being paid ok or if your working conditions were ok?)
  - a. Probe for how often/at how many jobs

- b. Probe for feel you could report problems with your employer to them (why/why not)
- 20. Do you feel there are organizations in your community that you could reach out to for help or assistance? If so, which ones?
- 21. What are your future career plans?

# Appendix J: Law Enforcement Interview Protocol

## UNDERSTANDING THE ORGANIZATION, OPERATION AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### LAW ENFORCEMENT INTERVIEW GUIDE

Researchers at the Urban Institute's Justice Policy Center and Northeastern University's Institute on Race and Justice have been tasked by the Department of Justice to provide information on the nature and characteristics of labor trafficking in the United States, including how labor traffickers carry out their operations. Additionally, this research will help identify barriers that may prevent law enforcement from recognizing or acting upon cases of human trafficking that have been identified by victim service providers. Throughout the project we will be speaking with law enforcement, victim service providers and victims of labor trafficking.

Your participation in this study is completely voluntary and your responses will be kept confidential. Moreover, your responses, if cited, will never be attributed to you and will be reported only in the aggregate. This interview should last approximately 1 hour.

#### Part I: Background Information

1. What is your current position? What unit/department do you reside within?
2. Please describe your current role and the role of your unit/department (in general and with respect to human trafficking).
3. How long have you been in your current position?
4. Has your agency offered any training on human trafficking?
  - a. Probe: specific to labor trafficking?

#### Part II: General Questions about Labor Trafficking

Most of the law enforcement agents that we're speaking with for this study have had more experience with sex trafficking than labor trafficking. We would like to focus this conversation on your experiences with cases involving some form of labor trafficking.

5. When did you and/or your agency become concerned about the problem of human trafficking generally?
6. When did you and/or your agency become concerned about the specific problem of labor trafficking? (If in fact they are concerned about this problem)
7. How would you define labor trafficking?
8. In your opinion, in what ways is labor trafficking different from sex trafficking?
9. How do you distinguish labor trafficking from labor exploitation or smuggling?
  - a. At what point would a labor code violation turn into labor trafficking?

- b. Is this a personal distinction or is there a standard way of drawing a distinction among officers in your agency?

10. What forms of labor trafficking have you seen in this area and how prevalent are these problems?

- a. Are there any common demographics you have observed in victims? E.g., ethnicity, home country, age, gender, etc.?
- b. Are there any characteristics of this region or region-specific industries that might encourage labor trafficking?
- c. Are there any prevalent industries in this area that might exploit vulnerable workers?

11. Are there any other investigators or investigative units in your agency that you believe have experience with or knowledge of the crime of labor trafficking?

12. How many cases of labor trafficking have you investigated?

- a. Were any of these cases prosecuted? If so, where and for what offenses?

We will return to talk more about the specific labor trafficking cases you have investigated shortly.

13. Can you think of any cases that you encountered earlier in your career, before you were trained to identify human trafficking, that may have involved some form of labor trafficking? What happened to those cases?

14. How are potential labor trafficking cases most commonly brought to your attention and investigated?

15. Do you think most labor trafficking cases discovered by your agency would be funneled to a specific unit?

- a. If so, which one?

Thinking about all of the labor trafficking cases you have investigated....

16. We're interested in whether labor trafficking is ever linked with other, existing criminal networks. In your experience, what other illegal enterprises are connected to labor trafficking?

- a. Can you give an example of a case with these kinds of connections?
- b. Are these connections formally organized or loosely connected?

17. In your experience, how connected are traffickers to other individuals that facilitate trafficking (e.g. transporters, document fraud experts, money launderers, etc.)?

- a. Are these actors generally local?
- b. If not, what is the extent of this network?

18. In your experience, how willing are victims to cooperate during the investigatory phase in labor trafficking cases?

- a. What are some of the specific challenges you face with victim cooperation?

19. What challenges do you encounter investigating labor trafficking cases from the moment of first investigation to bringing the case forward to prosecution?

- a. In your experience, how are/can these challenges be overcome?

20. In your experience, what elements of evidence are needed for the state or federal prosecutor to charge a case as labor trafficking?

21. How many cases involving labor trafficking have you (and/or your department/unit) referred to prosecution?
  - a. Of these, how many were referred to state prosecution vs. federal prosecution?
  - b. Did the charges involve labor trafficking? If not, what were the charges?
  - c. Is there a prosecutor you most often refer labor trafficking cases to?
22. Are state and/or federal prosecutors generally willing to prosecute cases of labor trafficking?
23. Are there specific things about your state human trafficking law that help facilitate the prosecution of labor trafficking cases?
  - a. In terms of legislation, what is the distinction between labor trafficking and other types of labor exploitation and labor violations?
24. Are there specific things about your state human trafficking law that impede the prosecution of labor trafficking cases?
25. What other types of state or federal legislation or policy facilitate or impede the investigation of labor trafficking cases?
  - a. How does federal and local immigration policy affect investigation of labor trafficking?
  - b. How does labor law/codes affect investigation of labor trafficking?
26. Have you attended training on the identification and/or investigation of labor trafficking cases?
  - a. If yes, when, given by whom and on what topics?
  - b. If yes, did other officers from your department/unit also attend?
27. Are there any other entities or groups that you think would benefit from additional training on labor trafficking in your jurisdiction? (probe: judges, prosecutors, victim service providers, code inspection personnel, public)
28. Do you have a working relationship with anyone from the federal or local Department of Labor?
  - a. If yes, what is their role within the DOL?

### **Part III: Specific Case Questions**

Now we'd like to talk to you specifically about a certain case: X

29. Can you describe X case?
30. Was X case the first case of labor trafficking you investigated?
  - a. If no, approximately how many labor trafficking did you investigate prior?
  - b. How many sex trafficking cases did you investigate prior?
31. How did X case first come to your attention?
32. Was X case first investigated as potential human trafficking?
  - a. If no, what was it first investigated as?
  - b. If no, approximately when during the investigation did it become a case of human trafficking?
33. What kind of exploitation was involved in X case?
34. How were the victims in X case recruited/forced into the trafficking situation?
  - a. Were the individuals involved in facilitating the trafficking known to the victim?

- b. What routes did the victims in X case take to reach the destination of their exploitation?
- c. Had they been exploited in other destinations previously?

35. Did the victim(s) have any characteristics that you think made them vulnerable to exploitation?

- a. Prompt – immigration status, disability, language ability, past trauma/victimization, debt

36. What forms/methods of intimidation or threats did the traffickers use in X case to keep victims in conditions of exploitation?

37. Did X case involve criminal activity other than labor trafficking?

- a. If yes, what kind(s)?

38. When in the process of investigation were potential human trafficking victims identified?

- a. How did the police find victims in X case (e.g. raids, victims self-reported)?
  - i. Had the victims come into contact with law enforcement authorities (police, immigration authorities, labor inspectors) prior to their identification as a human trafficking victim?
- b. How many potential victims were identified?
- c. What were the basic characteristics of these victims?

39. Were the victims interviewed by law enforcement immediately after identification?

- a. By whom were they interviewed?
- b. Where were they interviewed?
- c. Did you face any particular challenges interviewing victims?
- d. Were translators needed to interview victims? If so, was the translator from your agency? If not, where did you find the translator?

40. Were other law enforcement agencies contacted to assist with the investigation? If so, when in the investigation process?

41. Were any service providers involved in supporting the investigation of X case of human trafficking?

- a. If so, which service providers and in what services did they provide?

42. Where did the victims go following identification and initial interviewing?

- a. Who was responsible for finding housing and meeting the needs of these victims?
- b. Where were the victims housed?
- c. What services did the victims need?

43. Did you face any specific challenges keeping the victims engaged and trusting of law enforcement as the investigation moved forward?

44. If the case involved foreign national victims, how were immigration issues handled?

- a. Did the victims have lawful immigration status?
- b. Were any of the victims placed in removal proceedings?
- c. If yes, were they deported?
- d. Were any of the victims provided immigration assistance, including continued presence or certification for a T visa?

45. What evidence, if any, did you gather during the investigation of case X in order to prove elements of labor trafficking?
46. What were some of the challenges that you encountered in the investigation of X case?
  - a. Were these challenges unique to this particular case or typical of human trafficking investigations?
47. What were some of the strategies you or others used to overcome these challenges?
  - a. Prompt about the roles of partnerships with victim service providers and other law enforcement in overcoming these challenges.
48. Are you familiar with the criminal histories of the suspect(s) involved in X case?
  - a. If yes, what criminal activities have they been involved in?
49. Were suspects arrested in X case?
  - a. If yes, were the arrests executed by state or federal officials?
  - b. Can you tell me a little about how the arrests were executed? Were there any challenges specific to the execution of the arrests (e.g., obtaining warrants, etc.)?
  - c. If yes, what happened to the suspects following arrest? Were they detained (for how long), booked and released, or deported?
50. During your investigation of X case, did you uncover any connections between the suspects of labor trafficking and other individuals that facilitate trafficking (e.g. document fraud experts, transporters, money launderers)?
  - a. If yes, what is the nature of these connections?
  - b. If yes, were there connections to suspects in other ongoing investigations?
51. Did a prosecutor become involved in the investigation of X case?
  - a. If yes, who, and from which unit?
  - b. Did the case go before a grand jury before the execution of the arrests?
  - c. Did the prosecutor facilitate the investigation (e.g. help to secure warrants)?
  - d. Did the prosecutor help law enforcement identify the types of evidence that would be necessary to secure a prosecution?
52. How was the decision made to take the case through the state or federal courts?
53. How were the suspect(s) in X case charged? (state, federal, both, human trafficking, non-human trafficking, both)
  - a. Are there specific challenges you see to charging human trafficking cases (probe: charging under human trafficking statutes either state or federal)?
54. For X case, were there other potential victims associated with the case that were not represented in the charging documents?
  - a. If yes, how many?
  - b. What prevented these victims from being identified/represented?
55. For X case, were victims willing to testify in court?
  - a. What were the challenges of securing victim testimony?

- b. Did the victims end up testifying?
- 56. For X case, were there other potential suspects associated with the case that are not represented in the charging document?
  - a. If yes, how many?
  - b. What prevented these suspects from being identified/represented in charging?
- 57. For X case, were other non-human trafficking charges applied?
  - a. If yes, what were they?
  - b. If yes, who made the charging decision and why?
- 58. Are you aware of the prosecutorial outcome of the case?
  - a. If yes, how did you learn about the outcome? (media, prosecutor contacted investigator, investigator contacted prosecutor, etc.)
- 59. Is there any additional information that you would like to provide about X case that would help us understand the challenges associated with identifying, investigating and prosecuting labor trafficking cases?

# Appendix K: Department of Labor Interview Protocol

## UNDERSTANDING THE ORGANIZATION, OPERATION AND VICTIMIZATION OF LABOR TRAFFICKING IN THE UNITED STATES

### DOL INTERVIEW GUIDE

Researchers at the Urban Institute's Justice Policy Center and Northeastern University's Institute on Race and Justice have been tasked by the Department of Justice to provide information on the nature and characteristics of labor trafficking in the United States, including how labor traffickers carry out their operations. Additionally, this research will help identify barriers that may prevent law enforcement from recognizing or acting upon cases of human trafficking that have been identified by victim service providers. Throughout the project we will be speaking with law enforcement, victim service providers and victims of labor trafficking.

Your participation in this study is completely voluntary and your responses will be kept confidential. Moreover, your responses, if cited, will never be attributed to you and will be reported only in the aggregate. This interview should last approximately 1 hour.

#### **Part I: Background Information**

1. Please describe your current role and the role of your unit/department (in general and with respect to human trafficking).
2. How long have you been in your current position?

#### **Part II: General Questions about Labor Trafficking**

3. Can you begin by describing the role of wage and hour inspectors generally?
4. When did you and/or your agency become concerned about the specific problem of labor trafficking? Do you know what prompted this change?
5. What specific initiatives (trainings, policies, procedures, ACT teams) have been implemented to address labor trafficking?
6. Has DOL offered any training on labor trafficking?
  - a. Who received this training? What did it cover?
  - b. Was the training helpful?
7. How do you define/distinguish labor trafficking from labor exploitation or a wage and hour violation or other labor violations? Does this vary by industry?
  - a. At what point would a labor code violation turn into labor trafficking?
  - b. Is this a personal distinction or is there a standard way of drawing a distinction among officers in your agency?
8. What forms of labor trafficking have you seen and how prevalent are these problems?
  - a. Are there any common demographics you have observed in victims? E.g., ethnicity, home country, age, gender, etc.?

- b. What factors put someone at risk of trafficking?
  - c. Are there specific industries that might encourage/facilitate labor trafficking or have a higher incidence of labor trafficking?
9. How prevalent do you think labor trafficking is in the US?
10. How are potential labor trafficking cases most commonly brought to your attention and investigated?
11. What procedures are used to identify potential labor trafficking by DOL officers?
  - a. What types of questions are asked?
  - b. Are interpreters or language lines used?
  - c. Are these procedures uniform across DOL agencies?
12. Once a potential labor trafficking case is discovered by your agency would it be funneled to a specific unit or point person/s? What happens next?
13. Is there a protocol for contacting law enforcement or service providers (or other agencies) if a potential labor trafficking victim or situation is uncovered?
14. Does DOL engage in evidence collection for labor trafficking cases? If so, how is this directed? What types of evidence would be collected? Are procedures in line with federal or state anti-trafficking laws?
15. Does DOL collaborate with other agencies on labor trafficking investigations? If so, which agencies and in what capacity? Does collaboration happen in every case?
16. What types of victim support can DOL offer?
17. How many cases of labor trafficking has DOL identified? How many cases of labor trafficking has DOL investigated? Are these statistics recorded anywhere?
  - a. What role did DOL play in these investigations?
  - b. Were any of these cases prosecuted? If so, where and for what offenses?
  - c. In how many of these cases was monetary compensation/back wages awarded?
18. Can you think of any cases that you encountered earlier in your career, before you were trained to identify human trafficking, that may have involved some form of labor trafficking? What happened to those cases?
19. We're interested in whether labor trafficking is ever linked with other, existing criminal networks. In your experience, what other illegal enterprises are connected to labor trafficking?
  - a. Can you give an example of a case with these kinds of connections?
  - b. Are these connections formally organized or loosely connected?
20. In addition to criminal networks, have you seen any trends or overlaps in labor violations and labor trafficking?
21. In your experience, how willing are potential victims to cooperate during the investigatory phase in labor trafficking cases?
  - a. What are some of the specific challenges you face with victim cooperation?
22. In your experience, how willing are employers that may be trafficking workers to cooperate during the investigatory phase in labor trafficking cases?

23. In what other capacities does DOL work/collaborate on labor trafficking cases (i.e., compensation)?
24. What challenges do you encounter trying to identify labor trafficking or collaborate on cases?
25. Does state or federal legislation or policy facilitate or impede the identification and investigation of labor trafficking cases?
  - a. How does federal and local immigration policy affect investigation of labor trafficking?
  - b. How does labor law/codes affect investigation of labor trafficking?
26. Is DOL constrained in any way in terms of how much involvement you can have in identifying and investigating potential labor trafficking?
  - a. Are there certain industries you think/suspect labor trafficking may be happening, but DOL is constrained in uncovering it?
27. Are there certain things (policy changes, resources, partnerships, etc.) DOL would need to enhance its ability to identify labor trafficking?
28. What do you see as promising practices or practices that work well in better identifying labor trafficking cases (either current or practices you would like to see)?