

SLAVERY NO MORE 2012 GLOBAL HUMAN TRAFFICKING CONFERENCE

August 10-11 ~ LOS ANGELES, CA

Victim Identification, Resources and Remedies

Jocelyn White: We need to look at how victims are identified, what remedies and resources are available to them. Without further ado please join me in welcoming Dalia Setareh from the Legal Aid Foundation of Los Angeles, also known as LAFLA and from the FBI Victim's Specialist Debra Deem.

Dalia Setareh: Hi. Good afternoon everybody. My name is Dalia Setareh, and I'm an attorney at the Legal Aid Foundation of Los Angeles. LAFLA is a law firm that provides free legal services to low income persons in the Los Angeles area. We have an array of legal services that we provide in six different offices and self-help centers ranging from family law issues to employment based remedies, landlord tenant, eviction defense. I'm in the immigration unit, so I'm an immigration attorney. Most of the cases that I deal with are trafficking victims that are brought in internationally. We also in our immigration unit work with victims of human trafficking, victims of torture, victims of domestic violence, so we see an array. Today we're going to talking about specifically trafficking. We're going to cover identification and outreach, some remedies and resources.

Debra Deem: I'm [Debbie] Deem. I'm the Victim's Specialist for the FBI here in Los Angeles. I was kind of roped in at the last minute to help to cover more of the domestic trafficking angle on some of this and discuss a little bit more about the resources.

Dalia Setareh: What is human trafficking? Human trafficking was defined in 2000 and was codified through the Trafficking Victims Protection Act which defined a victim of human trafficking as *"any person who by force, fraud, or coercion was forced to either engage in labor services or into the commercial sex trade. If the person who was induced to work in the commercial sex trade and the person is under 18, they do not need to show force, fraud, or coercion. For everybody else over 18, those are essential elements that have to be met."*

What we see in our work, and we've been doing this since 2000, we've seen maybe 50/50 or 60/40 division between cases that we see that have been brought in for labor and for sex purposes. 60% being more labor oriented. Maybe even higher than 60%, and we also see in the labor a lot of men and boys who have been victims. It's really important to keep that in mind while identifying and looking for victims.

Who are the traffickers? The traffickers could be a range. It could be crime rings and networks which we saw in the case of Vasquez Valenzuela which was one of the hugest cases that the Los Angeles Task Force worked on that was a federal criminal case. The traffickers were a group of nine women who had trafficked young girls and women from Latin American countries from small, small, small villages and brought them over here for prostitution. They worked here in Los Angeles closely with the gangs to keep the girls under control, to threaten them, and to use violence against them.

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Debra Deem: One of the things they used also in that case was witch craft which was something that a lot of the victims in that case were really, really afraid of, and there were obvious things Latin American based, witch craft religions, that really had these girls terrified and afraid to leave.

Dalia Setareh: You also could have employee barriers such as we just saw in the *Global Horizon* case that was just closed in Hawaii. That was going to be another big criminal case, but they just terminated it and decided not to go forward, but they brought hundreds of men from Thailand with actual work visas to the United States. Once they came here, they were forced to work in inhuman conditions and work in situations that they had not agreed to, were not paid properly, and they became victims of human trafficking.

We also have private families that may bring a domestic servant to work for them and do not pay them. For example, I just had a case. A woman from Africa who has worked for four years for a family here and in four years was never paid one dollar. We had the case coming out of Long Beach where there was a nursing home that had hired mostly Filipina workers and Filipino workers to work with the elderly. We also have government officials who are traffickers. We've had several cases where it was consular officials who brought in their nannies and house keepers who became traffickers, and sadly, we also have family members who sell their children into trafficking. [Debbie's] just working with one of my colleague's on a case. Do you want to talk about the case?

Debra Deem: No not right now.

Dalia Setareh: How are the foreign nationals trafficked into the United States? There's many different ways. It could be either legitimate means such as in the *Global Horizon* case where the organization Global Horizon actually applied for work visas for the Thai workers to come here, but then once they came here, they used force, fraud, and coercion to induce them to engage in the type of labor that they had not agreed and living conditions that they had not agreed to.

They may come as students or any other kind of legal immigration way and then once they're here fall into the hands of traffickers, or they may be brought fraudulently which for example the African case that I just talked about where she worked for four years. The trafficker, a woman in Los Angeles, went to a country in Africa and specifically looked for someone that she thought was very vulnerable. She found my client who had no education, did not know how to read and write in her own language, and told her do you want to come work in America? She agreed, so she got her false passports. Once the client came here, the trafficker used that information saying nobody knows who you are. You don't have a passport. Nobody knows that you're even here, so you better do what I'm telling you to do. She was able to use that as another way as keeping power and control over her.

The U.S. Justice Department said that there's no state or territory that's free of human trafficking. We all have heard the statistics that approximately 16,000 to 18,000 men, women, and children are trafficked into the United States every year and that Los Angeles is

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a major hub. The statistics, interestingly, for trafficking for the T Visa which is for victims of trafficking show that in 2009, there only were about 313 approved T Visa cases which makes you think where are all these victims? Where are they? Is it that we have false statistics or is it that we're not finding them, we're not looking for them properly? Where are they?

Why is it so challenging and difficult for them to find these victims? There's several answers. One is that it's a very hidden group, especially if it's a foreign national. As an example, I had a client from Afghanistan. She lived in an Afghani community where everybody in the apartment building was from Afghanistan. She would not dare tell anybody else, because the family she worked for was very highly regarded. She didn't know who to trust, who to turn to. She didn't speak the language. Didn't know where she even was, what her rights were. It's completely hidden, and for somebody from the outside, it's very difficult to find entry into that community and actually location that victim. Another one might be actually physical hiding. For example, in the case where the Thai workers were brought in, they were actually living in containers in the woods out in the field so very difficult for anybody to actually find and identify them.

Debra Deem: On the domestic front one of the things we're seeing more, and in some cities perhaps more than Los Angeles, is the sex trafficking going online which makes it much harder to identify and a tougher issue sometimes for law enforcement. When you're making your so called dates by text, by tweeting, Facebook, and other kinds of back page, it's a much more hidden kind of crime. The victim's much more invisible.

Dalia Setareh: Another factor for challenging for finding the victims is unawareness of society in general, of law enforcement, but also the victims. A lot of times, the victims may not even know they are victims of human trafficking. For example, in the *Vasquez Valenzuela* case where the Latina workers were brought here for prostitution, once they were identified, and the FBI and DHS went to interview them, the girls denied that they were actual victims. In their minds, they did not think of themselves as victims. They felt that they had an obligation to these traffickers. They owed them money, and they were being threatened. They felt that they owed it to them. They didn't even think of themselves as victims, and this we see often.

The traffickers also are becoming smarter. They are changing their tactics. For example, one of the red flag issues we always have been taught is if the trafficker takes away their passport, that's a red flag issue. The traffickers are becoming smart, and they may not take away their passports. Or they may not pay them nothing. They may pay them something. They keep quiet, so it doesn't look like trafficking. They might actually take them to church every Sunday or to the mosque on Fridays to mask the human trafficking.

How are the victims kept in control? Some of the obvious ones are physically. Like in the *Vasquez Valenzuela* case where there was actual, physical restraints where the windows there were shutters from the inside, locks from the inside, but also what [Debbie]

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mentioned witchcraft. Interestingly in the African case that I was also mentioning, the traffickers are very smart. They will investigate and find the weaknesses in the victims and find out what is it that we can control them with. This particular case, sorcery and witchcraft is also a very big deal in her home country in Africa, so they were able to use that also against her, accusing her. If you do this and this, we'll accuse you of being a witch.

Debra Deem: I think also one of the factors is concerns you see both on domestic and the international victims where perhaps family or people back in their home country are being threatened and likewise with the domestic trafficking, especially with our kids. It's not uncommon for especially the gang involved pimps to be threatening family members or children of the victims that they might have in common with the pimp or others. All of that, again, has some long term impacts and makes them almost invisible kinds of crime.

Dalia Setareh: Since we also work with torture victims, we've started seeing an overlap between torture victims and human trafficking. The traffickers will go and look for vulnerable persons who may be coming from a war torn country or maybe come from a place where they're being persecuted by the state and then use that a way of coercing them. Will use that saying, we're going to deport you if you don't comply. The victim is afraid of returning to their home country, because they'll be persecuted.

Also economic abuse. In the *Global Horizon* case, for the victims to be returned to Thailand would have meant for their whole family to be destitute. Many of them were contemplating suicide. We heard earlier in the panel that sometimes, the victims have to pay recruitment fees to be able to get these jobs. Some of the clients from *the Global Horizon* case in Thailand paid fees that would amount to ten years of working in Thailand to a recruiter to be able to come here to work. If they were to be deported, there's no way they could ever pay back these recruitment fees that they owe, the loans that they've taken out. They would lose everything in their lives.

Where to look for victims. Hotels, restaurants, spas, saunas. I've actually become a little bit I was telling [Debbie] hyper vigilant about where are they? My friend invited me recently to get a foot massage, and it's one of those places \$20 for an hour foot massage. I'm like wait who are these people? How is that possible? Why is it only \$20? They speak Chinese, so I'm like I can't even communicate with them. Maybe they're victims, but actually I think it's good to be conscious and look for some indicators.

Reaching the victims. One of the most important things, obviously, is for everybody to be aware in whatever field that we're in and to look deeper. We heard in the previous panel that it's only in the last few years, for example, that the probation department started looking at some of these girls that have been brought in as victims. Similarly, we just did a training that was videotaped for law enforcement here in California, and they showed that really law enforcement is the one that comes most in contact with trafficking victims through regular 911 calls, domestic violence calls, traffic stops. When they do a traffic stop for them to be vigilant. Why are there two girls and a laptop in the back? Why is the driving

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holding onto all the money and the documents of the girls in the back? Look a little bit further.

Also a lot of the cases that have come to us besides being through law enforcement have been through vigilant neighbors. For example, the Long Beach case was a neighbor that started noticing why are none of the nurses that work at this nursing facility walking around? Why do we never see them driving to go get lunch or taking a walk in the neighborhood. They're always inside.

Debra Deem: Why are they on duty seven days a week with never a day off? Those kind of indicators.

Dalia Setareh: What are some of the resources?

Debra Deem: Of course one of the places that we're urging everybody to report, and I will have a handout of what we're developing in Los Angeles. It's kind of a work in progress. Polaris is a wonderful project. They have a national hotline. We also on our little thing we have to contact your local police, sheriff's office, FBI, ICE, any of those agencies, but also if you're not sure what your area is doing get involved in some of the task forces that are going on. You can go on that Polaris website, and it'll tell you where some of those are. If you're in a different state or another part of California, the Attorney General for the state of California has a website now that lists a lot of the major programs for trafficking in the state of California. Another good website to see how to get involved.

What you can do is also if you don't have a group that's working on this collaboratively start one. Invite your own probation officer or DCFS in your faith based communities and your school people and whoever else it is that you feel are important in dealing with this issue. Get one going in your own community. I think it's really, really important. Take a look at where are the issues? Where are the kinds of victims that we have? What kind of work do we need? Let's get the sexual assault centers involved. Let's get the domestic violence centers. Let's get the child advocacy centers and get them all looking onto what we call these 21st century victims and include them. You do a pretty good job now once we identified a victim of a sexual abuse crime whether it's the soccer coach or the stepdad whose been molesting.

What we're not so good at is dealing with that same kind of delivery system for victims when there's cases involving sexual exploitations by trafficking or online kinds of things, so I urge you to get involved in those and create those short term and long term kinds of solutions. Don't leave out the legal. Don't leave out the mental health programs. I think what we're looking at in Los Angeles is developing more drop in centers for girls as well as boys and women that are involved in these things. Don't leave that out as an option. Of course the medical concerns, the psychological support groups for parents is something that my parents were involved with, children who have been trafficked, have been asking for it for a long time. We really need to get better training on the mental health providers to get them, so they feel comfortable in working with these victims. That's a start on that.

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Dalia Setareh: What remedies are available for trafficking victims? There are both federal and state remedies, both criminal and civil remedies available. The first remedy I want to talk about is immigration relief, so under the *Trafficking Victims Protection Act*, we have the T Visa and the U Visa. The client may also be qualifying for asylum or Special Immigrant Juvenile Status which I will go more into detail at the breakout session tomorrow. Continued presence which is for persons who are cooperating with law enforcement, in the investigation or prosecution of a trafficking crime and have been cooperating, may be able to get continued presence issued through law enforcement which allows them to be here for one year with a work authorization during the investigation and prosecution of the crime.

Some clients or victims may want to be repatriated. They may not want to stay here for various reasons. They may be too scared, or they may have children or family abroad that they want to return back to. Also government benefits are available for trafficking victims. We have federal benefits that are available to same extent as refugees which would cover cash assistance; CalWORK's if the family qualifies food stamps. That's for adult victims who cooperate. Again the cooperation is very vital with law enforcement. Also we have the California SB 1569 which also provides for California government benefits before the person is certified, before they get that law enforcement certification.

Debra Deem: Another thing that they would have, of course, is crime victim compensation. That is something that is available for victims of Human Trafficking. That can now also include the relocation expenses. I talked to the people at the F.A.C.E.S.S program; it also includes sometimes inpatient treatment for victims of human trafficking so a good program to know about.

Dalia Setareh: There's also criminal prosecution which for some of the victims might be very vindicating to be able to have their day in court and be able to testify and talk about what happened in front of a judge or in front of a jury. The drawback with that sometimes might be that the process is really driven by the prosecutor, and they are just a witness in the case. They don't have that much say in the case. It may bring about safety for them if there's a jail sentence for the trafficker, and they may be able to get a restraining order.

There are civil remedies also which in case there's no criminal case brought forward, this might again be another way in which the victim has their day in court and may get a feeling that justice is being served. It may compensate them for wages and for damages, and it's also a vehicle of discouraging traffickers. There are many different causes of action which I understand we're going to have another speaker John Richmond from the DOJ who's probably going to go more into detail all the civil remedies. As I said the T Visa and the U Visa I will cover more in the breakout session.

Debra Deem: If you're law enforcement or advocating for these victims, thing about things like restraining orders and the important of just those basic kinds of things and

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the safety things. Whether it's your own informal witness protection programs, something you can do other ways, but those are remedies that can also be really meaningful for victims in helping them get that fresh start. Thank you.

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