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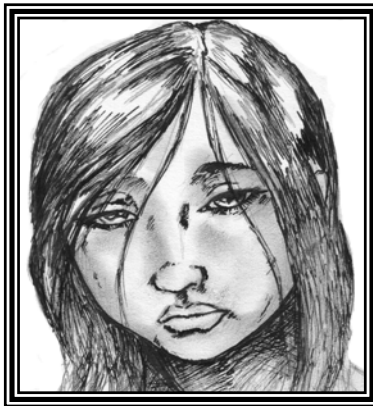
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Lost Children:

Addressing the Under – Identification of Trafficked Alien
Minors in Los Angeles County

Gilbert Kim

Lost Children: Addressing the Under – Identification of Trafficked Alien Minors in Los Angeles County



**UCLA School of Public Affairs
Applied Policy Project
Winter 2006**

By Gilbert Kim

With Case Studies Contributed by Sofia Gomez and Jennifer Kwon

April 24, 2006

This report was prepared in partial fulfillment of the requirements for the Master in Public Policy degree in the Department of Public Policy at the University of California, Los Angeles. It was prepared at the direction of the Department and of the Coalition to Abolish Slavery and Trafficking as a policy client. The views expressed herein are those of the authors and not necessarily those of the Department, the UCLA School of Public Affairs, UCLA as a whole, or the client.

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Executive Summary:

An estimated 7,000 alien minors are trafficked into the United States annually. Recognizing this problem as a national priority, the federal government passed the Victims of Trafficking and Violence Protection Act (VTVPA) in 2000 to combat human trafficking. The law increases penalties for human traffickers, provides legal protections and benefits to victims, and promotes prevention efforts overseas. However, the number of victims identified is drastically lower than estimated. A recent *Los Angeles Times* article reported that the federal services and benefits provided for by the VTVPA were underused.

The Coalition to Abolish Slavery and Trafficking (CAST), in addition to providing direct care services, offers training on human trafficking issues to other public and private agencies and attempts to coordinate their efforts in the fight against human trafficking. CAST is concerned that the discrepancy between the number of cases involving alien minors it encounters (1% of all cases) and the number seen by the federal government (13% of all cases) is an indicator of under-identification in the Los Angeles area. This report seeks to advise CAST in addressing the under-identification of trafficked alien minors in Los Angeles County.

The analysis employed interviews, a review of publicly available documents, and internet searches to assess the trafficking of alien minors in LAC, ascertain the factors contributing to the under-identification of trafficked alien minors, and identify policy solutions to address the problem.

The analysis found that the training materials most commonly used to train individuals in human trafficking do not include child-specific material.

The analysis also found that public agencies most likely to encounter alien minors were not trained to identify trafficking victims.

To address these problems, CAST should actively seek to train DCFS and other child welfare providers in human trafficking issues. This will increase the probability of successful identifications of trafficked alien minors in the community.

I. Introduction

“When a woman or child is trafficked or sexually exploited by force, fraud, or coercion for commercial gain, she is denied the most basic human rights enumerated in the Universal Declaration of Human Rights and numerous international human rights agreements – namely, her rights to liberty and security of person, her right not to be held in slavery or servitude, and her right to be free from cruel or inhumane treatment. In the worst cases, she is denied her right to life.”

- Congressman Christopher H. Smith¹

Children are being trafficked in the United States for commercial and sexual exploitation – many of them from overseas. In April of 2002, a young Egyptian girl was freed by federal authorities from a couple’s home in Irvine, California, where she was forced to work as a domestic servant for two years.² During those two years, she lived in “squalid conditions.”³ She was denied access to a formal education and was threatened with physical harm by the couple. In 2005, seven individuals were charged by federal authorities for smuggling children across the U.S.-Mexico border for the purposes of selling them to American families looking to adopt foreign children.⁴ In New Jersey, the Russian Mafia transported under-age girls from Eastern Europe to the U.S. and forced them to work as dancers in exotic dance clubs.⁵ There are many more stories of foreign children being sold, rented, and enslaved in the U.S.

Human trafficking is an offense recognized by the international community as a violation of human rights: slavery recast for modern times.⁶ President George W. Bush characterized human trafficking as a “humanitarian crisis.”⁷ The President declared, “America will not tolerate slave traders who bring women and children into our country for abuse.”⁸ Embracing this view, the administration has made the fight against trafficking in persons a national priority. The centerpiece of the U.S. government’s efforts against human trafficking is the Victims of Trafficking and Violence Protection Act (VTVPA), which was signed into law in 2000.⁹ The VTVPA “expanded the crimes and penalties” of practices relating to human trafficking; established programs to prevent human trafficking internationally; and increased the protections

¹ U.S. Commission on Security and Cooperation in Europe (U.S.C.S.C.E. Report), *The Sex Trade: Trafficking of Women and Children in Europe and the United States, 1999* (Washington, DC: U.S. Government Printing Office, 1999), p. 1

² U.S. Department of Justice, Press Release, February 2, 2005, “Irvine couple indicted on involuntary servitude charges for holding girl as virtual slave to serve their family,” <http://losangeles.fbi.gov/dojpressrel/pressrel05/ibrahimabdel020205.htm> (accessed on March 22, 2006).

³ Ibid.

⁴ Cearley, Anna. “7 Charged with trafficking children.” *San Diego Union-Tribune*, November 26, 2005, p. B5-7.

⁵ Richard, Amy O’Neill. International Trafficking in Women to the United States: A Contemporary Manifestation, of Slavery and Organized Crime, 1999, <http://www.cia.gov/csi/monograph/women/trafficking.pdf> (accessed on March 22, 2006), p. 13.

⁶ U.S.C.S.C.E. Report, p. 1.

⁷ U.S. Department of Justice. *Assessment of U.S. Government Activities to Combat Trafficking in Persons 2004*, June 2004. http://www.usdoj.gov/crt/crim/wetf/us_assessment_2004.pdf (accessed on April 22, 2006), p. 4.

⁸ U.S. Department of Justice. *Report to the Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004*, July 2005. <http://www.usdoj.gov/ag/annualreports/tr2004/agreporthumantrafficking.pdf> (accessed on April 22, 2006), p. 5.

⁹ Public Law No: 106-386

and assistance available to victims.¹⁰ Under this law, human trafficking victims without legal status in the United States are eligible for refugee social services and benefits (federal assistance) that are inaccessible to other undocumented aliens. The VTVPA also provides trafficked alien minors access to the Unaccompanied Refugee Minors (URM) program – the federal foster care system for refugee children. The goal of the federal government is to rescue and protect human trafficking victims, prosecute their traffickers, and prevent the practice of human trafficking.¹¹

The U.S. State Department estimates that 14,500 to 17,500 foreign nationals are trafficked into the U.S. annually for commercial labor, sex work, and other forms of exploitation.¹² However, the number of victims identified is drastically lower than estimated. A recent *Los Angeles Times* article reported that the federal services and benefits provided for by the VTVPA were underused.¹³ The VTVPA limits the number of recipients of T-Visas, immigration relief that enables trafficked aliens to stay in the U.S for up to 3 years, to 5,000 each year.¹⁴ The Congressional Budget Office (CBO) estimated that 2,000 victims would be set free annually and thus be able to take advantage of this provision of the VTVPA.¹⁵ According to the federal government, a total of 611 victims – a number significantly less than what the CBO estimated – since 2001 have received federal assistance, which represents an approximate 3% of the total number of recipients allotted for by the VTVPA between 2001 and 2005.¹⁶ Alien minors accounts for 82 or an approximate 13% of the total number of identified recipients.¹⁷ There is a striking disparity between the estimated number of victims trafficked into the U.S. and the actual number of victims identified by the federal government.

The Coalition to Abolish Slavery & Trafficking (CAST), a private non-profit organization operating in Los Angeles County (LAC), is concerned over this disparity.¹⁸ CAST provides social services to victims, trains individuals/groups in human trafficking issues, and engages in issue advocacy. CAST is a leading figure in the anti-trafficking community, pioneering many of the efforts used to combat human trafficking within the U.S. CAST established the first anti-trafficking task force in the country as well as the first shelter to exclusively serve trafficking

¹⁰ U.S. Department of Justice. *Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004*. July 2005,

<http://www.usdoj.gov/ag/annualreports/tr2004/agreporhumantrafficking.pdf> (accessed on April 22, 2006), p. 5.

¹¹ U.S. Department of Justice (DOJ). *Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005*. February 24, 2006. p.13.

¹² U.S. Department of State, *Trafficking in Persons Report (TIP Report)*, June 2004.

¹³ Gorman, Anna, “Program to Fight Human Trafficking is Underused.” *Los Angeles Times*, December 19, 2005.

¹⁴ To be more precise, the VTVPA allots 5,000 T-visas. Since trafficking victims applying for federal social services and benefits must also apply for T-visas, this necessarily limits the number of recipients theoretically possible.

¹⁵ U.S. Congressional Budget Office (CBO). November 6, 2000. “Pay-As-You-Go Estimate for H.R. 3244 Victims of Trafficking and Violence Protection of 2000.” <http://www.cbo.gov/showdoc.cfm?index=2679&sequence=0> (accessed on April 14, 2006).

¹⁶ U.S. Department of Justice. *Assessment of U.S. Government Efforts to Combat Trafficking Persons in Fiscal Year 2004*. September 2005. <http://www.usdoj.gov/ag/annualreports/tr2005/assessmentofustipactivities.pdf> (accessed on April 22, 2006), p. 4.

¹⁷ Data on minors identified were derived from Annie Sovcik, Program Coordinator for the Trafficked Children Initiative of the Lutheran Immigration & Refugee Services (LIRS), e-mail correspondence with author, February 8, 2006. The estimate was calculated using 20,000 as theoretical number of recipients between 2001 and 2005.

¹⁸ For more information on CAST, please consult their website at www.castla.org.

victims.¹⁹ The central mission of CAST is to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations. Since its inception, CAST has received over 300 hundred referrals, but only an approximate 1% of these cases involved minors – a proportion significantly lower than the 13% of the total number of victims identified by the federal government. CAST is concerned that the disparity between the number of child trafficking cases it has seen and the estimated number of minors being trafficked into the U.S. is an indication that trafficked minors are being under-reported in the Los Angeles area. .

CAST does not have the facilities or licensing to directly care for children, but does serve a small pool of minors through co-case management services and technical assistance. CAST receives federal funding to provide immediate and acute direct care services to trafficking victims while their applications for federal assistance are processed. These services include legal representation, case management, information referral, and emergency sheltering for adult human trafficking victims. The federal government also provides grants for organizations, such as CAST, to conduct training in human trafficking issues and provide technical assistance to groups or individuals working with or potentially working with human trafficking victims. This grant enables CAST to train service providers, government officials, and other interested groups on human trafficking issues, such as how to identify a victim, how to work with victims, and how to procure federal assistance for victims.

CAST plays a central role in the social service response to human trafficking in LAC. It works with local government, law enforcement agencies, and other social service providers in finding, protecting, and serving human trafficking victims. It has encountered and served many adult victims of human trafficking, but have yet to encounter alien minors in the numbers suggested by national statistics. CAST has requested that the investigator study the nature of the disparity and to assess viable policy solutions that may promote the identification of trafficked minors in LAC.

Through interviews, a review of the literature, and an examination of publicly available documents, the report's first task was to ascertain the nature of the disparity as it applies in LAC.

II. Background Information

The VTVPA establishes the legal definition of severe forms of human trafficking for the purposes of criminal prosecution and the determination of eligibility for federal assistance as:

(a) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such acts has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.²⁰

The U.S. government has made trafficking in persons a national priority. In 2001, then Attorney General John Ashcroft declared that human trafficking would be a priority for the Justice Department.²¹ In 2002, President Bush signed Executive Order 13257, which established a

¹⁹ U.S. DOJ. Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005, p. 44.

²⁰ Public Law No: 106-386

²¹ U.S. Department of Justice. "Attorney General Prepared Remarks Human Trafficking New Conference

Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons.²² A few days later, the President signed a National Security Presidential Directive that states: “The United States is committed to the eradication of human trafficking both domestically and abroad.”²³ The federal government, through the VTVPA, adopted a victim-centered approach in combating human trafficking. This approach is based on the “understanding that the mission of government is to remove victims from the abusive setting, place them into safe programs of restorative care, and hold the perpetrators accountable.”²⁴ Federal agencies have been given both a legislative mandate and an executive order to find, assist, and protect trafficking victims, but have yet to identify them in the large numbers estimated to be entering the country annually.

Trafficking of Alien Minors into the U.S.

The estimates on the number of alien minors being trafficked into the country annually range from 7,000 to 17,000.²⁵ An exact estimate is difficult to obtain given the scarcity of objective data and the common practice of including women and children into one category. For example, John Miller, the Director of the U.S. Office to Monitor and Combat Trafficking In Persons, stated that 16,000 to 20,000 women and children were being trafficked across the U.S. border annually.²⁶ Alien minors are trafficked into the U.S. for a variety of reasons, including domestic servitude, commercial labor, sexual exploitation, and foreign adoption.²⁷ Trafficked minors commonly experience physical abuse, rape, neglect, substance abuse, and disease during the course of their exploitation.²⁸ They are also often denied access to healthcare services, education, and recreational activities, which are all crucial to healthy child development.²⁹ After they are rescued, trafficked children require services to meet their immediate needs, such as shelter, protection, food, and sometimes medical care. Once these immediate needs are met, they require counseling, legal representation, immigration relief, and other social services to help rebuild their lives.

Los Angeles, California.” July 23, 2001. <http://www.usdoj.gov/archive/ag/speeches/2001/0723lanewsconf.htm> (accessed on April 22, 2006).

²² The U.S. White House. February 25, 2003. “Trafficking in Persons National Security Presidential Directive.” New Releases: February 2003. <http://www.whitehouse.gov/news/releases/2003/02/20030225.html> (accessed on April 22, 2006).

²³ Ibid.

²⁴ U.S. DOJ. Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005, p. 12.

²⁵ The lower end range was cited from a letter dated July 26, 2005, from U.S. Senator Sam Brownback, Congressmen Christopher Smith, Frank Wolf, Tom Lantos, and Joseph Pitts to the Secretary of the U.S. Department of Health and Human Services Michael O. Leavitt. The upper end range was cited from Estes, Richard, and Neil Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. University of Pennsylvania, September 18, 2001, p. 157.

²⁶ Staff Reporter. “Human Trafficking on Increase in Mexico.” *San Gabriel Valley Tribune*, October 5, 2004.

²⁷ For more information on this topic, please refer to Dottridge, Mike. *Kids as Commodities?: Child Trafficking and what to do about it* (Luusanne, Switzerland: International Federation Terre des Hommes, 2004).

²⁸ Dottridge, p. 35.

²⁹ Dottridge, p. 36.

Cases of Child Trafficking in the U.S.

Plainfield, NJ: Four teenage girls, ages range from 14 to 18, were lured from their homes in Mexico by two Mexican nationals and forced to work in a brothel.³⁰

Austin, TX: In 2003, two individuals were convicted for sex trafficking of children, along with other related crimes, for recruiting, smuggling, and forcing young girls from Mexico into prostitution.³¹

Silver Spring, MD: A Maryland couple was convicted for enslaving a young Cameroonian girl as a domestic servant for a 3-year period, during which time she was physically and sexually abused.³²

Human Trafficking in Los Angeles

The Los Angeles area is considered one of the most heavily affected regions in the country in terms of human trafficking.³³ In one recent study, 554 human trafficking victims were identified in California from 1998 to 2003; approximately 45% (252 victims) were identified in the Los Angeles area alone.³⁴ In a study on child sexual exploitation in the U.S., Los Angeles was identified as a major point of entry and departure for trafficked alien minors.³⁵ The analysis did not uncover any estimates on the number of alien minors being trafficked into the Los Angeles area. The literature does not present much information on the nature and extent to which alien minors are being trafficked in LAC, though there are some circumstantial evidence that should be considered.

Recent arrests in Southern California involving forced prostitution, organized sex rings, and forced domestic servitude reveal that the demand for prostitution and cheap labor – markets in which alien minors are often exploited in – exists in the Los Angeles area. Recently, a young Russian girl was rescued by local authorities from her aunt, a West Hollywood resident, who had deceived and forced the niece into prostitution.³⁶ In June of 2005, a large prostitution ring was

³⁰ U.S. Department of Justice. August 7, 2003. ““Madams” Sentenced to 210 Months in Prison for Forcing Mexican Teens into Prostitution in N.J.” Press Release.

http://www.usdoj.gov/usao/nj/publicaffairs/NJ_Press/files/ji0807_r.htm (accessed on April 22, 2006).

³¹ U.S. Department of Justice. December 19, 2003. “Mexican Nationals Operating a Brothel Sentenced for Human Trafficking.” Press Release from U.S. Attorney’s Office Western District of Texas.

http://www.usdoj.gov/usao/txw/press_releases/2003/austin_human_trafficking.sen.pdf (accessed on April 22, 2006).

³² U.S. Department of Justice. December 20, 2001. “Maryland Couple Convicted of Enslaving Teenage Cameroonian Girl in their Home.” Press Release. http://www.usdoj.gov/opa/pr/2001/December/01_crt_661.htm (accessed on April 22, 2006).

³³ Estes and Weiner, p. 114.

³⁴ Human Rights Center, *Freedom Denied: Forced Labor in California*, UC Berkeley, February 2005, <http://www.hrcberkeley.org/download/freedomdenied.pdf> (accessed on March 22, 2006), p. 29.

³⁵ Estes and Weiner, p. 114.

³⁶ U.S. Immigration and Customs Enforcement, Press Release, December 6, 2005, “Los Angeles woman pleads guilty to human trafficking for bringing niece to u.s. to work as prostitute,”

<http://www.ice.gov/graphics/news/newsreleases/articles/051206losangeles.htm> (accessed on March 22, 2006).

broken up by federal authorities in the Los Angeles area.³⁷ This case involved an elaborate criminal organization, smuggling hundreds of young Korean women into the U.S. for the purpose of prostitution. This case reflects the growing involvement of criminal organizations in the smuggling of young girls into the U.S. for sex work. Child exploitation is also found through the Los Angeles area.³⁸ According to the Los Angeles County Department of Children and Family Services (DCFS) 266 child exploitation referrals were made in 2004.³⁹

Obstacles to Identification

The under-identification of trafficked minors is a critical problem facing CAST and other anti-trafficking groups operating in the Los Angeles area. Alien minors need to be identified as trafficking victims before they can gain access to federal assistance. This problem is recognized nationally: “The most urgent issue facing the anti-trafficking community is the improvement of the identification of child victims.”⁴⁰ The federal government acknowledges that the discrepancy between the estimated number of victims being trafficked into the county and the actual number of cases identified can be attributed to the difficulties of identifying a human trafficking victim.⁴¹

It is possible that the estimates on the number of trafficked alien minors entering the U.S are inaccurate and that the practice is actually occurring on a much smaller scale. However, evidence would suggest that alien minors are being trafficked in the U.S. in numbers that are greater than being encountered. There are also several plausible explanations hindering the identification process. Identifying trafficked alien minors is very difficult given that they often do not present overt signs that distinguish them from other alien minors. Alien minors are also easier to hide than adult victims, which contributes to the under-reporting of the problem.⁴² Many of these victims may be avoiding law enforcement officers or other government representatives – making identification more improbable – out of fear and suspicion of authority.⁴³

The literature on human trafficking in the U.S., consisting mostly of reports issued by the federal government and non-governmental organizations, cites other possible reasons for an under-reporting of trafficked alien minor cases. There may be an insufficient amount of awareness on human trafficking issues among community members and government representatives for

³⁷ U.S. Department of State. “Los Angeles Grand Jury Indicts 24 in Human Smuggling Scheme,” USINFO.STATE.GOV, <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2005&m=July&x=20050715153213ajesrom0.5177423&t=xarchives/xarchitem.html> (accessed on March 22, 2006).

³⁸ DCFS defines exploitation as “any unethical use of [children] for one’s own advantage or profit.” See Los Angeles County Department of Children and Family Services (DCFS). “Assesment of Exploitation.” Microsoft Word File. <http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/0070-535-10.doc> -36kb (accessed on April 23, 2006).

³⁹ Los Angeles County DCFS. “Fact Sheet: Calendar Year 2004.” DCFS. http://dcfs.co.la.ca.us/aboutus/fact_sheet/DRS/Dec_2004/CY_2004_Fact_Sheet.htm (accessed on April 23, 2006).

⁴⁰ Bump, Micah N., and Julianne Duncan. “Conference on Identifying and Serving Child Victims of Trafficking.” *International Migration* 41, December 2003, p. 208 (201-218).

⁴¹ U.S. Department of Justice. Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005. February 24, 2006, http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf (accessed on March 22, 2006), p 10

⁴² ICE agent (anonymous), telephone interview with author, February 14, 2006.

⁴³ Ibid.

identification to take place.⁴⁴ Community-based organizations may not be reporting trafficking cases to government authorities, because they fear that to do so could risk deportation for their clients.⁴⁵ These groups may also be choosing not to seek federal assistance in respect of their client's wishes. Trafficking victims also may not be aware of the assistance available to them and thus do not seek help from local authorities or service providers.⁴⁶ Many trafficking victims are prevented from revealing their status by their traffickers.⁴⁷ Another consideration that the literature presents is that minors, experiencing or exposed to traumatic event, may not be able to cooperate or offer accurate testimonies necessary for identification purposes to service providers or government officials.⁴⁸

Purpose of Analysis

CAST and its partners in the fight against human trafficking possess the means to help trafficked alien minors, but are unable to do so unless these victims are identified. Without intervention, many trafficked alien minors will continue to be exploited by their traffickers. The purpose of this analysis is to identify problems that have contributed to the under-identification of trafficked alien minors in Los Angeles County and to recommend policy remedies to address those problems. The following sections include a description of the methods use to research the issue, a summary of the findings, policies alternatives available to CAST, and recommendations.

III. Methodology

The analysis employed interviews, a review of publicly available documents, and internet searches to assess the trafficking of alien minors in LAC, ascertain the factors contributing to the under-identification of trafficked alien minors, and identify policy solutions to address the problem of under-identification. .

Research Design

The analysis employed telephone interviews, live in-person interviews, and email correspondence with direct care service providers, government officials, and a representative from federal law enforcement. The analysis also examined publicly available documents that provided information on policies impacting trafficked alien minors. The research questions that guided the study were:

- What is the nature and extent to which alien minors are being trafficked in LAC?
- What are the barriers to impede or prevent successful identification of trafficked alien minors by public agencies, private citizens, law enforcement, and social service providers?

⁴⁴ U.S. Department of Justice. Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005. February 24, 2006, http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf (accessed on March 22, 2006), p 10.

⁴⁵ Chanchanit (Chancee) Martorell, Executive Director of the Thai Community Development Center, telephone interview with author, January 27, 2006. Chancee informed the author that her organization would not take actions that may lead to the deportation of their clients.

⁴⁶ City of Los Angeles Commission on the Status of Women. Human Trafficking & Child Prostitution Task Force Report. Revised August 2005, p. 4.

⁴⁷ Gorman, Anna, "Program to Fight Human Trafficking is Underused." *Los Angeles Times*, December 19, 2005.

⁴⁸ Illinois Legal service provider (anonymous), telephone interview with author, February 9, 2006.

- What policy remedies or practices are being used by organizations and/or public agencies in other jurisdictions to address the problems impeding identification?

Focus groups, surveys, and interviews with victims were considered, but eventually were excluded from the design because the resources needed to successfully carry out these methods exceeded the resources available to the project.

Study Sample

The scope of the project was limited to the geographical area of Los Angeles County and to trafficked alien minors. Domestic cases of child trafficking were excluded from the analysis because the project is focused only on the issues involving alien minors. The design, however, sought interviews with individuals outside of LAC for two reasons: (1) not enough potential research participants were identified in LAC as having direct work experience or expertise on trafficked alien minors, and (2) one of the objectives of the study was to identify best practices in other jurisdictions.

Participants in the study were selected for their expertise in the field of human trafficking and their experience working with alien minors. They were selected from a list compiled from various sources for this study. These sources included federal websites containing information about VTVPA grant recipients, organizations and individuals identified by the literature as experts on human trafficking, references from CAST and other anti-trafficking groups contacted for this study, and organizations affiliated with anti-trafficking task forces funded by federal grants. The analysis focused on recruiting representatives from federal law enforcement agencies (the FBI and ICE), the Office of Refugee Resettlement (ORR), and the URM programs to participate in the study. More than 260 contacts were identified. All 260 organizations/individuals were either contacted directly or further researched on the internet. The investigator excluded organizations that did not have accessible contact information, had no official or stated working relationship with minors, or operated in areas outside of the United States. This narrowed the list to 60 possible contacts. Some of the contacts belonged to the same agency, but were included because they worked in different departments. The contacts can be broken down into 7 categories: law enforcement officers, local private social service providers, local public agencies, federal social service agencies, legal service providers, advocacy groups, and elected officials.

Data Collection

The primary method of data collection was through telephone interviews. Participants were given the option of participating through email correspondence, and when possible, through in-person interviews. A semi-structured questionnaire was designed to collect information that would shed light on the research questions posed by the analysis. The questions were also designed to be specific to the participant's area of expertise. For example, law enforcement representatives were not asked questions concerning service delivery. A pilot interview was conducted on a volunteer associated with CAST to test the semi-structured questionnaire format,

assess the clarity and understanding of questions, and to determine the adequacy of the procedures guiding the interviews. All 60 identified persons were contacted directly either by telephone or through email. Of these contacts, 19 agreed to participate, 6 requested more information but never followed up with the investigator, and 35 did not respond to the inquiries. In terms of the categories described above, the participants were assigned as follows: law enforcement officers (1), local private social service providers (8), local public agencies (2), federal social service agencies (5), legal service providers (1), advocacy groups (0), and elected officials (2).⁴⁹ In the interest of preserving the confidentiality of the victims presented in the case studies, the names and affiliations of many of the participants interviewed were excluded from the study. Though many of the participants granted permission to include their names and affiliations, the author felt that the inclusion of such information could be used to compromise confidentiality.

Internet searches were used to identify possible case studies, pertinent news articles and press releases concerning child trafficking cases, and publicly available documents to cross reference the statements made by the participants.

IV. Findings

The analysis attempted to determine the extent to which trafficking of alien minors is occurring in Los Angeles County and the factors that have contributed to the under-identification of this group. This section is broken down into two sub-sections. First deals with the findings concerning the prevalence of alien minor trafficking in LAC, while the second deals with the factors that may impede identification uncovered by the analysis.

Trafficking in Los Angeles

Findings: *The analysis confirmed only 4 known alien minors who were victims of human trafficking.*

Estimating the number of trafficking minors in LAC is beyond the capabilities of this project. However, the analysis assumed that prevalence rates should closely reflect national statistics, which may be conservative given that Los Angeles is considered a major human trafficking area. As previously stated, the federal government has identified 82 alien minors as trafficking victims, which is roughly 13% of all

Federal Statistics on Identified Trafficked Alien Minors

Country of Origin

- 76% are from Mexico and Central America
- 13% are from China
- 11% are from various parts in Africa, Caribbean, and South America

Type of Exploitation

- 65% were victims of sex trafficking
- 10% were subject to domestic servitude and sexual exploitation
- 9% of cases involved domestic servitude
- 9% of cases involved forced labor
- 7% of cases were trafficked for other purposes

Origin of Referrals

- 48% of victims were rescued from brothels
- 22% were referred to by Immigration officials
- 9% were referred to by lawyers
- 4% were referred to by medical personnel
- 4% were self-referred
- 2% were referred to by private citizens
- 13% were referred to by other sources

Source: Interview with LIRS

⁴⁹ Please refer to appendix ___ to see the selection criteria assigned to each category.

trafficking victims identified by the federal government.⁵⁰ According to this assumption, CAST, given its primacy in the social service response to human trafficking events in LAC, should also see roughly the same percentage of referrals involving alien minors. It does not. Minors constitute less than 1% of referrals made to CAST since 1998.

In total, only four trafficked alien minors have been confirmed by this study. Three of the minors were discovered and identified by federal law enforcement officers. The fourth was identified while in the care of a social service agency. This figure may not accurately portray the true number of cases identified. Legal and ethical barriers have limited data collection and thus a more accurate account of trafficked alien minors cannot be obtained by this project. The evidence does suggest two possibilities. The first possibility is that trafficking of alien minors is not prevalent in the Los Angeles area. The second possibility is that the discrepancy is a function of various factors that contributes to the under-identification of alien minors as trafficking victims.

Impediments to Identification

Publicity campaigns, technical training, and information referral are methods used to increase the identification rate for trafficked alien minors. However, it is uncertain how these methods influence identification rates. The analysis uncovered potential impediments to identification, but the degree to which each variable may influence the overall identification rate in LAC cannot be determined by this project. Thus the analysis relied heavily on the expertise of those interviewed, coupled with the experiences drawn from those individuals who have direct work experience with this population. The potential impediments are described further.

Finding: *The analysis discovered that the training materials used to train a significant percentage of those being trained do not include information specific to issues involving alien minors.*

Identifying trafficked persons is difficult, because of the complex nature of human trafficking.⁵¹ Victims may be labeled incorrectly as criminals, misperceived as not being victims of abuse, or simply be ignored by the community. Training is needed to help individuals recognize the signs of human trafficking. Both government and private agencies have developed training materials and information packets to educate and train individuals on human trafficking issues. According to many of those individuals interviewed for this study, a problem impeding identification is the lack of knowledge specific to underage victims.

The analysis identified two standard sources of human trafficking information and training materials used by anti-trafficking groups in LAC. Though by no means an exhaustive list of training courses available to the public, the curricula presented are materials that are used to train Los Angeles city officials, federal law enforcement agents stationed in LAC and a significant

⁵⁰ Annie Sovcik, Program Coordinator for the Trafficked Children Initiative of the Lutheran Immigration & Refugee Services (LIRS), e-mail correspondence with author, February 8, 2006.

⁵¹ City task force report, p. 4.

number of local providers and private citizens.⁵² The curricula commonly used in Los Angeles are:

- **The Rescue and Restore Campaign (RRC):** The RRC is an outreach campaign that is intended to spread issue awareness in local communities and provide the public with information concerning human trafficking. Though the RRC does not include a training curriculum, it does provide information and tips on how to identify human trafficking victims.
- **The Freedom Network Training Institute:** The Freedom Network (FN) is a coalition of 25 non-governmental organizations working on human trafficking issues.⁵³ The FN devised a human trafficking curriculum based off of their collective expertise and knowledge.

The analysis found that these two general curricula did not contain information on:

- Information concerning the impact that abuse, trauma, and sexual assault may have on the behavior and memory of trafficked minors
- Information on methods involved in hiding or disguising trafficked minors from authorities
- Information concerning signs or characteristics that are specific to alien minors.

Without more detailed information concerning minors, the curriculum used to train individuals in human trafficking issues may not be sufficiently preparing them to identify trafficked alien minors.

Finding: *The analysis uncovered that DCFS, a public agency likely to come in contact with alien minors, are not training its employees in identifying human trafficking victims.*

The identification of alien minors as trafficking victims within LAC requires both effective training for the identifier and a comprehensive network of social service providers, law enforcement agencies, and other concerned groups to screen for these victims. Participants in a child trafficking conference identified 16 settings where child trafficking victims could be encountered:

(1) emergency rooms in hospitals, (2) child protective services, (3) state and local juvenile justice departments, (4) domestic violence center, (5) Covenant House type shelters, (6) ethnic community-based organizations, (7) churches and religious leaders, (8) health care providers, (9) school counselors, (10) refugee and religious leaders, (11) labor unions/garment industry workers, (12) legal aid agencies, (13) street outreach programs, (14) soup kitchens/homeless shelters, (15) work with domestic servants, and (16) work with adult prostitutes. Training local law enforcement and social service personnel is key to improving identification through these avenues.⁵⁴

The analysis uncovered that DCFS, the two task forces set up by the LAPD and the city of Los Angeles to combat human trafficking in LAC, and most of the organizations trained by CAST do

⁵² Please see Appendix B for more information on the training curricula.

⁵³For more information on the Freedom Network and its training material, please refer to their website at <http://www.freedomnetworkusa.org/>.

⁵⁴ Bump and Duncan, p. 209.

not or have not received training specific to child trafficking issues. Based on this information, coupled with the list provided above, the analysis concluded that those agencies most likely to encounter trafficked alien minors in LAC are not being trained in issues specific to child trafficking victims.⁵⁵

DCFS: The analysis revealed that trafficked alien minors have been identified while in child protective custody or had come in contact with a CPS worker.⁵⁶ The analysis concluded that DCFS, given its involvement in the community and the number of alien minor it sees, has a higher probability of encountering a trafficked alien minor than any other public agencies in LAC.⁵⁷ DCFS has no standing policy to train its employees to identify human trafficking victims, nor does it have a policy to assist alien minors in applying for federal human trafficking assistance.⁵⁸ DCFS does have a special department that works with alien minors – the Special Immigrant Status Unit (SISU). When asked if her unit encountered any trafficked alien minors, a DCFS worker in the SISU responded, “I am sure that we received cases like that, but I haven’t seen any.”⁵⁹ The DCFS worker interviewed also added:

I don’t think the department [DCFS] is aware of any specific services for children who are victims of commercial exploitation. They will send [victims of commercial sexual exploitation] to sexual abuse counseling, place them in a foster home, protect them and develop a case, but they will not do so under any particular issue. It will not be addressed as [a human trafficking case] because the department does not have the training or know the regulations.⁶⁰

V. Possible Solutions and Recommendations

Selection Criteria

The goal of the policy solution is to increase the number of identifications of trafficked alien minors in LAC. Unfortunately, a cost/effectiveness analysis could not be employed, because of a lack of information concerning the actual practice of trafficking of alien minors in LAC, the impact of various methods used to increase identifications, and other external factors that may impede or promote identification. In lieu of this data-scarce environment, the analysis used a best-practice approach. Individuals representing organizations that work with trafficked youths from Oregon, New York, Washington, and Illinois were interviewed to examine their current practices in increasing identification rates of trafficked alien minors. The two focal areas of this inquiry were:

- The content of training material used by the organization
- The involvement of Child Protective Services in the organization’s training and outreach program.

⁵⁵ This information is based on Interviews with anonymous City of Los Angeles councilmember staff person (councilmember staff), telephone interview with author, February 22, 2006 and with Imelda Buncab, CAST National Program Direct, telephone interview with author, March 2, 2006.

⁵⁶ Please see Appendix J to view case studies involving Child Protective Services.

⁵⁷ Please see Appendix B for more information on DCFS.

⁵⁸ DCFS worker interview.

⁵⁹ Ibid.

⁶⁰ Ibid.

After consulting with CAST, the investigator developed this set of criteria in selecting possible policy solutions:

- **Effective:** Policy should impact identification rates in LAC
- **Resource Sparing:** Policy should be resource sparing given the limited funding, resources, and personnel available to CAST
- **Malleable:** Policy should be flexible enough to be adapted to changing funding and resource constraints
- **Politically Palatable:** Policy should be acceptable to CAST's community partners, Board members, and other major stakeholders
- **Technically Feasible:** The implementation of policy should not exceed the capabilities or legal authority of CAST

Possible Solutions

1) Status Quo: Current Practices to Promote Identification

The analysis found that the technical training received by the majority of participants in LAC did not include material that covered child trafficking issues. The analysis also found that DCFS and other child welfare agencies are not receiving technical training in human trafficking issues.

CAST personnel employ the Freedom Network training material, modifying to fit the needs of the audience. They also have a modified training curriculum that incorporates information on child trafficking issues. This course is not considered standard and is used on an ad-hoc basis. CAST trains individuals or groups either through sponsored events, such as conferences, or organized workshops and training sessions. CAST is often invited to conduct trainings, but it also invites community groups and other interested parties to participate in its training activities.

Short-Term Effects: The current strategy on increasing identification rates seem to impact only adult victims given that only 1% of referrals involve minors. The training material used in LAC is not sensitive to issues involving minors. DCFS and other child welfare providers are also on average not being trained to identify human trafficking victims. Though it is uncertain how these two variables impact the identification rate, a plausible argument can be made that without sufficient training, individuals likely to encounter a trafficked alien minor will not be prepared to identify them properly.

Long-Term Prognosis: There are no indications that the current policies and practices describe will lead to greater identifications of trafficked alien minors over time.

2) Direct Outreach to DCFS and Child Welfare Providers: *CAST directly solicits DCFS and other child welfare providers to participate in human trafficking-related activities, such as workshops, trainings, symposiums, etc.*

Short-Term Effects: Devoting resources to training DCFS and other child welfare workers will limit the number of trainings CAST can offer to other groups. The exact impact of this tradeoff, however, cannot be determined by the analysis. The number of

training sessions and the number of participants vary per year depending on various factors, including the number of conferences CAST is invited to speak at and the number of training solicitations it receives. It is also uncertain how trainings impact identification rates. Organizations in other states have targeted child protective service personnel for training, but only within the past year or two. More time is needed to assess the effectiveness of this strategy.

As reported to the investigator, several barriers have hindered efforts to train child protective service workers en masse. Unfamiliarity with human trafficking issues, overburden by work load, institutional resistance to adopt new mandate, and the sheer number of workers involved were all cited to be barriers that impede anti-trafficking organization from training these workers.

Long-Term Prognosis: DCFS is a large bureaucracy with over 6,000 employees. It would take years to train all DCFS personnel in human trafficking issues. It is unknown how many employees would need to be trained to produce an increase in identification. DCFS personnel could potentially screen the hundreds of alien minors it encounters per year and thus increase the probability of identification. However, there is no data to confirm this hypothesis at this time.

3) Develop Formal Protocols for DCFS to Integrate it into Response: *CAST, in conjunction with DCFS, develops protocols and procedures that would institutionalize the human trafficking identification process into the child welfare system in LAC. DCFS personnel would receive training on child trafficking issues and referral procedures will be in place in the event of identification of trafficked alien minors.*

Short-Term Effects: Start-up costs to implement this policy would be high. Considerable amount of time and energy would be needed from both DCFS and CAST to design a policy that would be acceptable to both parties' major stakeholders. One organization has spent nearly a year working on a draft proposal for a similar policy. DCFS and CAST would have to overcome state and county child welfare regulations, institutional bias against change, and invest resources in administering policy.

Long-Term Prognosis: Implementation of this policy could take years to complete. However, once this policy has been implemented, a steady source of information concerning alien minors in LAC could be produced to better inform future outreach campaigns. It also establishes a potentially large screening resource for identifying trafficked alien minors both within DCFS custody and in the community. There is insufficient information to verify this hypothesis.

4) Inclusion of New Material into Standard Curriculum: *This policy seeks to incorporate child trafficking information into the standard training regiment.*

Short-Term Effects: The costs of obtaining new material are minimal, since CAST has already developed a separate curriculum. Time and effort would be needed to incorporate the new material into the standard training regiment. The new section would also detract time from other issues covered in the standard training regiment or increase

the time needed to complete the training. Either cost may diminish the effectiveness of the training in respect to identifying adult victims. There is insufficient data to determine the impact of this policy on identification rates.

Long-Term Prognosis: There is insufficient data to confirm the hypothesis that increase awareness on child trafficking issues would yield increase identifications.

Recommendations

Since there is insufficient data to predict the impact that these policies have on the rate of identification for trafficked alien minors, the recommendations were based on criteria in ranking order:

1. Require minimum start-up costs or resource investment
2. Provide ancillary benefits other than fulfilling stated policy goal

Designing and implementing new identification procedures for DCFS personnel would be a costly venture. Given its high cost, coupled with the uncertainty of the policy's impact on the rate of identification, this solution was rejected.

Including new material into the standard regiment would require minimum start-up costs, but could have higher costs per training due to the trade-off between time and content. The uncertainty over what benefits could be conferred from adding new material to the training regiment also made it a less desirable option. However, more data is needed to assess the overall effectiveness this policy has on identification rates – data not currently available for this investigation.

CAST should then adopt the option of actively pursuing DCFS personnel for training. The time and effort needed to organize training sessions could be minimized through cooperation with interested party in DCFS identified by this study. This option also has the benefit of increasing the professional contacts available to CAST personnel, which could facilitate the flow of information from an agency in steady contact with alien minors. Trainings could be targeted to DCFS personnel or departments in direct contact with alien minors.

VII. Conclusion

Trafficked alien minors have largely been under-identified and under-provided for in the U.S., especially in Los Angeles County. Hundreds of adults have been identified and rescued in the Los Angeles area, but this report only uncovered four cases of trafficked alien minors since 2000. The evidence suggests that there should be many more trafficked alien minors in LAC, but they have yet to be identified. The analysis sought to recommend policy solutions to address the problem of under-identification in Los Angeles County.

The analysis found that there are several factor impeding the identification of trafficked alien minors. Two such factors include the lack of child-specific content in technical training courses and the lack of trained DCFS personnel in human trafficking issues. The focus fell on these two factors, because they were actionable problems that CAST could directly address as a private organization.

The report recommends that CAST should directly solicit DCFS and other child welfare providers to participate in trainings, workshops, symposiums and public forums that spread awareness on human trafficking issues.

The report also recommends that CAST support research projects from university students on human trafficking issues. Many of the obstacles encountered by the research term involved the dearth of credible and objective information on human trafficking issues specific to Los Angeles County. Without more concrete data concerning the practice of child trafficking and the private/public sector response to human trafficking, strategies to identify and aid these victims will not be sufficiently informed to be effective. The report also provides CAST with a preliminary action plan to facilitate the implementation of the recommendations.

Preliminary Action Plan

Phase I: Establishing the Goal and Objectives

- Without knowing more on the impact that training DCFS personnel could have on overall the identification rate of trafficked alien minors, CAST should adopt a conservative approach to implementing the policy recommendation.
- The policy goal should be to increase the number of identified trafficked alien minors in Los Angeles County.
- The objective of the policy should be to increase referrals of trafficked alien minors to CAST until it reaches 13% (the national rate) of total referrals annually.

Phase II: Designing a Trial Study

- Contact DCFS staff member (contact information will be provided) to organize training session.
- Conduct a minimum of one session with 40 DCFS personnel (the average number of participants per training session in 2005).
- Monitor referrals for six months before conducting another session – following the same protocol. Record any referrals made by DCFS personnel.

Phase III: Assessment

- After one year, assess policy and examine referrals of alien minors from DCFS.
- Reanalyze state of problem and policy.
- Adjust policy accordingly.

Appendix A: Bibliography

- Campagna, Daniel S., and Donald L. Poffenberger. The Sexual Trafficking in Children: An Investigation of the Child Sex Trade. Dover, MA: Auburn House Publishing Company, 1988.
- Clauson, Heather J. Ph.D. et al. *Needs Assessment for Service Providers and Trafficking Victims*. Fairfax, Virginia: Caliber Associates, Inc. October 2003.
<http://www.ncjrs.gov/pdffiles1/nij/grants/202469.pdf> ..
- Cearley, Anna. "7 Charged with trafficking children." *San Diego Union-Tribune*, November 26, 2005, p. B5-7.
- Cicchetti, Dante, and Michael Lynch. "Toward an Ecological/Transactional Model of Community Violence and Child Maltreatment: Consequences for Children's Development." *Psychiatry* 56 (1993): 96-117.
- City of Los Angeles Commission on the Status of Women. *City of Los Angeles Human Trafficking and Child Prostitution Task Force Report*. Los Angeles, CA: City of Los Angeles, 2005
- Commission on Security and Cooperation in Europe. *Hearing Before the Commission on Security and Cooperation in Europe, One Hundred Sixth Congress First Session. The Sex Trade: Trafficking of Women and Children in Europe and the United States*. Washington, D.C.: GPO, 1999.
- Dottridge, Mike. *Kids as Commodities?: Child Trafficking and what to do about it*. Luusanne, Switzerland: International Federation Terre des Hommes, 2004.
- Estes, Richard, and Neil Weiner. *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico*. University of Pennsylvania, September 18, 2001,
http://caster.ssw.upenn.edu/~restes/CSEC_Files/Complete_CSEC_020220.pdf.
- Flisher, Alan J. Ph.D., F.C.Psych.(S.A.) et al. "Psychosocial Characteristics of Physically Abused Children and Adolescents." *Journal of the American Academy of Child & Adolescent Psychiatry* 36, no.1 (1997): 123-131.
- Garrison, William T. Ph.D. "Aggression and Counteraggression during Child Psychiatric Hospitalization." *Journal of the American Academy of Child & Adolescent Psychiatry* 29, no.2 (1990): 242-250
- Garbarino, James. "The Human Ecology of Child Maltreatment: A Conceptual Model for Research." *Journal of Marriage and the Family* (1977): 721-735.
- Goodman, Gail S., Simona Ghetti, Jodi A. Quas, Robin S. Edelstein, Kristen Weede Alexander, Allison D. Redlich, Ingrid M. Cordon, and David P.H. Jones. "A Prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory controversy," *Psychological Science* 14, no. 2 (2003): 113-118.
- Gordon, Betty N., Lynee Baker-Ward, and Peter A. Ornstein. "Children's Testimony: A Review of Research on Memory for Past Experiences," *Clinical Child and Family Psychology Review*, 4, no.2 (2001): 157-181.
- Gorman, Anna, "Program to Fight Human Trafficking is Underused." *Los Angeles Times*, December 19, 2005.
- Human Rights Center University of California Berkeley. *Freedom Denied: Forced Labor in California*. Berkeley, CA: University of California Berkeley, 2005.

- Jensen, Peter S. M.D. et al. "Children at Risk: I. Risk Factors and Child Symptomatology." *Journal of the American Academy of Child & Adolescent Psychiatry* 29, no.1 (1990): 51-59.
- Nelson-Gardell, Debra, and Deneen Harris. "Childhood Abuse History, Secondary Traumatic Stress, and Child Welfare Workers." *Child Welfare League of America Journal* LXXXII, no.1 (2003): 5-26
- Pollak, Seth, Dante Cicchetti, and Rafael Klorman. "Stress, memory, and emotion: Developmental considerations form the study of child maltreatment," *Development and Psychopathology*, 10 (1998): 811-828
- Richard, Amy O'Neill. International Trafficking in Women to the United States: A Contemporary Manifestation, of Slavery and Organized Crime, 1999, <http://www.cia.gov/csi/monograph/women/trafficking.pdf>
- Rosenfeld, Alvin A. M.D. et al. "Foster Care: An Update." *Journal of the American Academy of Child & Adolescent Psychiatry* 36, no.4 (1997): 448-457
- Spangenberg, Mia. "International Trafficking of Children to New York City for Sexual Purposes." ECPAT-USA. <http://www.hawaii.edu/hivandaids/International%20Trafficking%20of%20Children%20to%20New%20York%20City%20for%20Sexual%20Purposes.pdf>.
- Staff Reporter. "Human Trafficking on Increase in Mexico." *San Gabriel Valley Tribune*, October 5, 2004.
- Stoecker, Sally, ed. *Human Trafficking and Transnational Crime: Eurasian and American Perspectives*. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005.
- U.S. Commission on Security and Cooperation in Europe. 1999. *The Sex Trade: Trafficking of Women and Children in Europe and the United States*. Washington, DC: U.S. Government Printing Office.
- U.S. Congressional Budget Office (CBO). "Pay-As-You-Go Estimate for H.R. 3244 Victims of Trafficking and Violence Protection of 2000." November 6, 2000. <http://www.cbo.gov/showdoc.cfm?index=2679&sequence=0>.
- U.S. Department of Justice. *Assessment of U.S. Government Efforts to Combat Trafficking Persons in Fiscal Year 2004*. September 2005. <http://www.usdoj.gov/ag/annualreports/tr2005/assessmentofustipactivities.pdf> (accessed on April 22, 2006).
- U.S. Department of Justice. *Assessment of U.S. Government Activities to Combat Trafficking in Persons 2004*, June 2004. http://www.usdoj.gov/crt/crim/wetf/us_assessment_2004.pdf (accessed on April 22, 2006).
- U.S. Department of Justice. "Attorney General Prepared Remarks Human Trafficking New Conference Los Angeles, California." July 23, 2001. <http://www.usdoj.gov/archive/ag/speeches/2001/0723lanewsconf.htm>.
- U.S. Department of Justice. *Report on Activities to Combat Human Trafficking: Fiscal Years 2001-2005*. February 24, 2006, http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf.
- U.S. Department of Justice. *Report to Congress from Attorney General Alberto R. Gonzales on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004*. July 2005, <http://www.usdoj.gov/ag/annualreports/tr2004/agreporthumantrafficking.pdf>.

U.S. Department of Justice, Press Release, February 2, 2005, “Irvine couple indicted on involuntary servitude charges for holding girl as virtual slave to serve their family,” <http://losangeles.fbi.gov/dojpressrel/pressrel05/ibrahimabde1020205.htm>.

U.S. Department of State, *Trafficking in Persons Report* (TIP Report), June 2004.

The U.S. White House. February 25, 2003. “Trafficking in Persons National Security Presidential Directive.” *New Releases: February 2003*. The U.S. White House. <http://www.whitehouse.gov/news/releases/2003/02/20030225.html>.

Williams, Phil ed. *Illegal Immigration and Commercial Sex: The New Slave Trade*. Portland, OR: Frank Cass Publishers, 1999.

Appendix B: A Primer on Federal Assistance to Trafficked Alien Minors

This section provides an overview of the needs of child trafficking victims, the public response to human trafficking, and the agencies and organizations involved in the anti-trafficking community in LAC. It is intended for those unfamiliar with child trafficking issues and the agencies and programs involved in providing for the needs of trafficked minors. For the purposes of this report, all mention of trafficked minors refers to unaccompanied alien minors.

Trafficking Experience on Child’s Well-being

Children are trafficked into the U.S. for a variety of reasons, including domestic servitude, commercial labor, sexual exploitation, and foreign adoption.⁶¹ Trafficked minors commonly experience physical abuse, rape, neglect, substance abuse, and disease during the course of their exploitation.⁶² Research has revealed that abuse and exposure to other forms of trauma are correlated with psychological and social consequences, such as depression, suicidal behavior, and other impairments to normal living.⁶³ Trafficked children are often denied access to healthcare services, education, and recreational activities, which are all crucial to healthy child development.⁶⁴ After they are rescued, trafficked children require services to meet their immediate needs, such as shelter, protection, food, and sometimes medical care. Once these immediate needs are met, they require counseling, legal representation, immigration relief, and other social services to help rebuild their lives.

The Child Welfare System

The services a trafficked alien minor receives are influenced by variables that include law enforcement involvement, nature of exploitation, age, gender, location of discovery, and other factors specific to the case. These factors also influence the quality of care trafficked children receive from the social welfare system. In many cases, trafficked minors detained by

⁶¹ For more information on this topic, please refer to Dottridge, Mike. *Kids as Commodities?: Child Trafficking and what to do about it* (Luasanne, Switzerland: International Federation Terre des Hommes, 2004).

⁶² Dottridge, p. 35.

⁶³ Jensen, Peter S. M.D. et al. “Children at Risk: I. Risk Factors and Child Symptomatology.” *Journal of the American Academy of Child & Adolescent Psychiatry* 29, no.1 (1990): 53

⁶⁴ Dottridge, p. 36.

immigration officials are deported back to their home countries without ever receiving any care. Child protective services are usually unaware of the special needs of trafficked alien minors, so do not accommodate all their needs.⁶⁵ In most cases, trafficked alien minors will not receive the care they need unless they are identified as human trafficking victims and made eligible for federal assistance. In some instances, an entrepreneurial service provider may be able to arrange the necessary services from the public and non-profit sectors to accommodate all the needs of a trafficked alien minor. However, arranging for services and overcoming obstacles common with trafficking cases is a major undertaking, limiting the extent to which this is practiced.

Alien minors have limited access to social services, because of their unaccompanied and immigration status. Federal funds cannot be used to provide alien minors with social services, because they have no legal status in the U.S. Eligibility requirements also prohibit many service providers from serving clients outside their specified clientele base. For example, domestic shelters may not take trafficked minors if they are not considered domestic violence victims. Many social service providers also lack the cultural or linguistic capabilities required to effectively work with many foreign children. Without a legal guardian present, many service providers are unable to provide services to unaccompanied minors, because they risk being held financially liable in the event that the child is hurt. Trafficked alien minors may also runaway and go underground without proper assistance, an outcome social service providers work hard to avoid.

Trafficked Children have Multiple Needs

Unaccompanied alien minors who have been trafficked do not have the same access to services and benefits available to children with legal status. Trafficked children endure traumatic events, are involved in criminal activities, and are often illegally in the country. Like refugee children, they require a broad range of services to address their needs that is culturally and linguistically appropriate. In addition to translation/interpreter resources, trafficked children need:

- **Legal Representation:** Trafficked minors require legal representations for a variety of reasons. Many children end up in immigration proceedings and require legal representation to argue their case or face deportation back to their home country, where they will face intolerable hardships and run the risk of being re-trafficked. Many of these children are also involved in the juvenile justice system and require legal representation to argue their case in both family and immigration courts. Lawyers often help file applications for federal benefits and services for trafficked alien minors. Since there are so few workers with direct knowledge on the process, many lawyers have filled this gap.
- **Immigration Relief:** Alien minors may not be able to return to their home country so require immigration relief to stay in the U.S. They may also need to bring their families to the U.S. to protect them from their traffickers. Traffickers have often coerced minors into compliance by threatening their families.
- **Social Services:** Child trafficking victims require immediate and long-term care and services. They require shelter, food, clothing, counseling, medical care, psychological treatment, and case management services. These services are necessary to help children

⁶⁵ Author's conclusion after interviewing with anonymous DCFS personnel, telephone interview with author, February 28, 2006.

acclimate to life after their exploitation. They also require services to cope with their traumatic experiences, improve their quality of life, and develop the skills they need to achieve self-sufficiency as adults.

- **Victim Protection:** These children are witnesses to criminal activities. Traffickers have been known to come after their victims to coerce them from cooperating with law enforcement. Many traffickers are also members of criminal syndicates, increasing a victim's vulnerability to reprisals and intimidation.
- **Advocacy:** The response to a trafficking event by society is complex. It involves a variety of federal, state, and local laws; multiple agencies with different goals and interests; and is governed by fluid norms and practices that complicate the situation. Trafficking victims need trained and well-connected individuals who can advocate their interests and navigate them through the complex process of obtaining federal assistance.

VTPVA Provides Benefits and Access to Services

The law established the definition of "severe forms of trafficking in person" for the purposes of criminal prosecution, civil litigation, and entitlements as:

(a) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such acts has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁶⁶

The federal government recognized that trafficked persons without legal status require immigration relief, victim protection, and social services. The VTPVA provides legal protections and relief that include:⁶⁷

- **Continued Presence:** trafficked persons without legal status may seek immediate immigration relief or "continued presence" in the U.S. and have their spouses or children come to the U.S. if they fear reprisals from their traffickers if they were to return to their home country or cooperate with law enforcement.
- **T-Visa:** allows trafficked persons without legal status to stay in the U.S. for a period of three years if their trafficking status has been verified and are cooperating with law enforcement. After three years, they may apply for permanent residency.
- **Victim Protection:** the federal government is required to offer witness protection to trafficked persons in its custody, and provide shelter, medical care, and other forms of assistance conferred to them by law.
- **Information:** trafficked persons must be informed of their rights, and be given reasonable access to translation and /or interpreter services.

The VTPVA also enables trafficked persons without legal status to seek benefits and services available to refugees. Refugees can "receive cash and medical assistance, employment preparation and job placement, skills training, English language training, social adjustment and

⁶⁶ Public Law No: 106-386

⁶⁷ Spangenberg, Mia. "International Trafficking of Children to New York City for Sexual Purposes.,"ECPAT-USA, 2002, http://www.ecpatusa.org/pdf/trafficking_report_final.pdf (accessed on March 22, 2006), p. 4.

aid for victims of torture.”⁶⁸ Federal refugee assistance is administered by the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services (DHHS). The ORR must *certify* a trafficking victim before they may receive federal assistance. Certification requires verification of trafficking status, cooperation with law enforcement, and the trafficked person must either have made a “bona-fide application for T non-immigrant status” or “is a person whose continued presence in the U.S. is ensured in order to effectuate prosecution of traffickers.”⁶⁹

The law does not require minors to cooperate with law enforcement to receive refugee assistance. To access federal assistance, minors must obtain a letter of eligibility from the ORR, which verifies their trafficking status. Minors age 15 to 17, however, must cooperate with law enforcement if they are to obtain immigration relief. Children 14 and younger are exempt from this requirement and may obtain immigration relief from the U.S. Citizenship and Immigration Services (Vermont Center), the federal agency responsible for administering immigration services to trafficked persons.⁷⁰ The Vermont Center is under the U.S. Department of Homeland Security (DHS). Once the ORR issues a letter of eligibility to a trafficked alien minor, the child can access the federal foster care system for refugee children.

Unaccompanied Refugee Minors Program

The federal foster care system is known as the Unaccompanied Refugee Minors Program. The URM program is under the auspices of the ORR. The ORR contracts the administration of this program to two volunteer service providers: the Lutheran Immigration & Refugee Services (LIRS) and the U.S. Conference of Catholic Bishops (USCCB). These two organizations contracts out to local providers to operate the 17 URM programs in the U.S. The URM was originally created to care for the influx of Vietnamese refugee children entering the country during the 70’s. The program now caters to refugee children from all over the world. The URM program provides comprehensive services needed for the healthy development of the child, including family counseling, mental health treatment, and other social services that the minor may need. The URM program also has a special therapeutic foster care program in Boston, which is designed to provide intensive therapeutic services to foreign-born children with severe emotional issues.

In 2004, a URM program was established in San Jose, California by Catholic Charities. It abides by all the same regulations and licensing requirements that are imposed on other foster care providers. In California, foster care is overseen at the county level, so the San Jose program is compliant with its county’s requirements. Currently, it has about 10 family placements, but hopes to double its capacity by the end of this year. The San Jose program has access to all other Catholic Charities services in the region, which includes the services within its informal network of partners.

⁶⁸ U.S. Office of Refugee Resettlement. “Eligibility for Refugee Assistance and Services through the Office of Refugee Resettlement,” U.S. Department of Health and Human Services, <http://www.acf.hhs.gov/programs/orr/geninfo/index.htm> (accessed on March 22,2006).

⁶⁹ Spangenberg, p. 3.

⁷⁰ From here on, the U.S. Citizenship and Immigration Services (CIS) will be referred to as the Vermont Center, because this is the office that handles T-Visa applications.

Division of Unaccompanied Children Services

When federal law enforcement agents come across unaccompanied alien minors who do not appear to be eligible for the URM program, they are usually sent to facilities operated by the Division of Unaccompanied Children Services (DUCS), which is housed under the ORR. It is responsible for providing care to unaccompanied alien minors (UAM) intercepted by federal law enforcement agencies until they are either released from custody or deported to their home countries. Nearly 20% of all referrals to the URM program came from the DUCS program.⁷¹ DUCS has a contract with Catholic Charities in Los Angeles County to provide shelter for children under its custody. Angel's Flight, a runaway youth emergency shelter is the department that delivers care to DUCS children in Catholic Charities. CAST refers all its youth cases to Angel's Flight.

The DUCS program was originally part of the Immigration and Naturalization Service (INS), and served as a detention program for undocumented minors intercepted by INS. In 2003, the DUCS program was transferred from the INS to the DHHS, as part of the reorganization of federal agencies that occurred with the passage of the Homeland Security Act of 2002.⁷² Here are some 2004 statistics provided for by the ORR:

- The DUCS program served 7,787 minors.
- At any given time, DUCS may be providing for 700 to 1,150 minors throughout the country.
- 73% of minors are male and 27% female
- 10.5% below the age of 12

The DUCS program is intended to provide immediate and transitional services to unaccompanied alien minors. There have been reported cases in which child trafficking victims have been identified in the DUCS program.⁷³ This serves as evidence that child welfare systems may potentially be serving unidentified trafficked alien minors. The analysis focused on DCFS, because this evidence suggests that alien minors served in the county could potentially be trafficking victims.

The Anti-Trafficking Effort in LAC

The VTVPA provides federal funding for anti-trafficking related activities. These grants are directed towards local service providers, advocacy groups, and police departments. The three categories of grants provided for the VTVPA are:

- 1. Comprehensive service sites:** These are grants awarded to organizations (trafficking grantees) that provide comprehensive services to trafficked persons pre-certification. These services included emergency shelter, language services, counseling/mental health treatment, information referral, and legal services. CAST is a trafficking grantee. These grants are administered by the Office of Victim Assistance (OVA) within the Department of Justice (DOJ).

⁷¹ Annie Sovcik, telephone interview with author, February 9, 2006.

⁷² U.S. Office of Refugee Resettlement. "Unaccompanied Alien Minors," U.S. Department of Health and Human Services, <http://www.acf.dhhs.gov/programs/orr/programs/uac.htm> (accessed on March 22, 2006).

⁷³ Annie Sovcik interview

2. **Outreach and Training:** These grants are awarded to organizations that provide technical assistance, human trafficking training, and outreach awareness campaigns to their respective communities. It does not enable organizations to provide direct services to victims. These grants are administered by the DHHS.
3. **Task Force grants:** These grants are awarded to local law enforcement agencies to set up task forces to coordinate and centralize the response to a human trafficking event. Task force members are to include representatives from federal and local law enforcement agencies, service providers, and other interested parties involved in the community's anti-trafficking efforts.

The Los Angeles Police Department (LAPD) received a task force grant that enabled it to form the Los Angeles Metropolitan Area Task Force on Human Trafficking (metropolitan task force).⁷⁴ The LAPD, the U. S. Attorney's Office, CAST, the Legal Aid Foundation of Los Angeles (LAFLA), U.S. Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI) and the U. S. Department of Labor's Office of Inspector General are task force members. Its first meeting was held in December of 2005. The task force is charged with training law enforcement officers in identifying human trafficking victims, coordinate law enforcement response with social service providers, and establish protocols and procedures to govern the human trafficking response among members.

The City of Los Angeles (L.A.) established a separate task force: The City of Los Angeles Human Trafficking and Child Prostitution Task Force (city task force). Councilmember Tony Cardenas introduced the motion to form the task force. The task force was established to investigate the problem of human trafficking in L.A. and to report its finding and recommendations on how to help trafficking victims back to the city council.⁷⁵ Its membership roster is more extensive than the metropolitan task force, reflecting its current mission of conducting educational and outreach activities in the larger Los Angeles community.⁷⁶

The Department of Children and Family Services

DCFS is the public agency responsible for the protection and preservation of child welfare in LAC.⁷⁷ DCFS is a huge bureaucracy. It employs 6,326 personnel and has a total annual budget of over \$1.4 billion.⁷⁸ In 2004, it received a total of 154,993 child referrals and served over 37,885 children.⁷⁹ Along with its community partners, it provides foster care and adoption services, family maintenance programs, and other related child welfare services.⁸⁰ Many of the

⁷⁴ U.S. Department of Justice, Press Relief, "Human Trafficking Task Force Formed in Los Angeles," January 24, 2005, <http://www.usdoj.gov/usao/cac/pr2005/014.html> (accessed on March 22, 2006).

⁷⁵ City of Los Angeles Commission on the Status of Women (City Task force report). *Human Trafficking & Child Prostitution Task Force Report: Revised, August 2005*.

⁷⁶ Please refer to Appendix C for full roster.

⁷⁷ Los Angeles County Department of Children and Family Services (DCFS). "About Us," DCFS, <http://dcfs.co.la.ca.us/aboutus/index.html> (accessed on March 21, 2006).

⁷⁸ Los Angeles County. The County of Los Angeles Annual Report 2005-2006, <http://cao.co.la.ca.us/pdf/Anl%20Rpt%2005-06.pdf> (accessed on March 20, 2006).

⁷⁹ DCFS. "Fact Sheet," Los Angeles County, http://dcfs.co.la.ca.us/aboutus/fact_sheet/DRS/Dec_2004/CY_2004_Fact_Sheet.htm (accessed on March 20, 2006).

⁸⁰ for more information on their services, please refer to the DCFS website at www.dcfcs.co.la.ca.us

services that are covered under the DCFS umbrella are provided for by community partners. These non-profit organizations provide services such as emergency youth shelters, group homes, and mental health treatment. This constellation of service providers expands DCFS' capacity to address the many needs of children in LAC.

Special Immigrant Status Unit

The Special Immigration Status Unit (SISU) is a department within DCFS that handles undocumented children. According to the SISU, DCFS and many social service providers do not inquire about a child's legal status as a matter of course.⁸¹ There are times, however, when it becomes necessary to do so. Federal funding does not cover the expense of providing services to undocumented children, leaving the burden to the state. DCFS can pay service providers using funds dedicated by state and local funding sources to meet the needs of undocumented people. Many service providers are also funded through grants that do not have eligibility requirements, allowing undocumented children to access those services.⁸² SISU works with the U.S. Citizenship and Immigration Service to provide permanent legal status to dependent undocumented children in the child welfare system.⁸³ This is not the same benefit afforded to trafficking victims. SISU has not come across cases that involved child commercial exploitation.

Training Material Sources

- **The Rescue and Restore Campaign:** The goal of the federal government's Rescue and Restore campaign (RRC) is "to increase the number of identified trafficking victims and to help those victims receive the benefits and services needed to live safely in the U.S."⁸⁴ It is administered by DHHS along with community partners, local governments, and other interested parties. The city task force uses RRC materials for its outreach and training efforts. The RRC provides fact sheets, information on identifying human trafficking victims, and other outreach material used to spread awareness of human trafficking to the public. It also established a national information and referral hotline.⁸⁵ However, the RRC materials do not provide information that is specific to child trafficking victims.
- **The Freedom Network:** The Freedom Network (FN) is a coalition of 25 non-governmental organizations working on human trafficking issues.⁸⁶ The coalition developed a human trafficking training curriculum, which CAST employs during its training sessions. The training is broken down into four modules: (1) Dimensions of Human Trafficking and Slavery, (2) Identifying Trafficked and Enslaved Persons, (3) Providing Social Services, and (4) Understanding the Legal Framework. The FN course does not provide materials specific to child trafficking issues

⁸¹ DCFS worker (anonymous), telephone interview with author, February 28, 2006.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ U.S. Department of Health & Human Services. "About Rescue and Restore," Administration for Children and Families, http://www.acf.hhs.gov/trafficking/rescue_restore/index.html (accessed on March 22, 2006).

⁸⁵ See Appendix B for hotline numbers.

⁸⁶ For more information on the Freedom Network and its training material, please refer to their website at <http://www.freedomnetworkusa.org/>.

Appendix C: Human Trafficking Hot Lines

Coalition to Abolish Slavery and Trafficking:
213-365-1906

Office of Refugee Resettlement toll-free Human Trafficking Referral Hotline:
1-888-373-7888.

Trafficking in Persons and Worker Exploitation Task Force Complaint Line:
1-888-428-7581

Office of Refugee Resettlement toll-free trafficking victim verification phone line:
1-866-401-5510.

Office of Victims of Crime Resource Center (for information on resources available to trafficking victims): **1-800- 627-6872**

Appendix D: City of Los Angeles Human Trafficking and Child Prostitution Task Force Participants

Federal Agencies

Janet Shanks, Department of Homeland Security, Immigration and Customs Enforcement (ICE)
Gigi Joyer, US Department of Justice, federal Bureau of Investigations (FBI)
Jennifer Downes, US Department of Justice, Federal Bureau of Investigations (FBI)
Sean Gordon, US Department of Justice, Federal Bureau of Investigations (FBI)
Susan O'Brien, US Department of Justice, Federal Bureau of Investigations (FBI)
Ingrid Aguilar, US Department of Labor, Office of Inspector General (DOL-OIG)
Erin Murray, US Department of Labor, Wage and Hour Division (DOL-W&H)
Kimchi Bui, US Department of Labor, Wage and Hour Division (DOL-W&H)
Heidi Rummerl, US Attorney's Office
Anna Park, US Equal Employment Opportunity Commission (EEOC)
EMPLEO Project, DOL

County Sherriff's Department

Captain Bob Osborne, Los Angeles County Sheriff's Department

City of Los Angeles

Naomi Rodriquez, Office of Mayor of Los Angeles
Stacy Bellew
Eddie Farias, City of Los Angeles Commission on Children Youth and their Families
Patricia Villasenor, City of LA Human Relations Commission
Rabbi Allen Freelingh, City of LA Human Relations Commission
Victoria Minetta, City of LA Human Relations Commission
Marisela Caraballo, Port of Los Angeles
Robert Henry, Port of Los Angeles
Mark Adams, Los Angeles World Airport

Commission on the Status of Women

Veronica Hendrix, Commission on the Status of Women

Paula Petrotta, Commission on the Status of Women

Dr. Julie Heifetz, Commission on the Status of Women

Janice Raines, Commission on the Status of Women

Alana Bowman, Los Angeles City Attorney's Office

Los Angeles Fire Department

Captain II Greg Reynar, Los Angeles Fire Department

Captain II Jose L. S-Cronenbold, Los Angeles Fire Department

Captain II Ronnie Villanueva, Los Angeles Fire Department

Los Angeles Police Department

Gary Guevara, Robbery and Homicide Division, Vice Division

Lt. Carlos Velez, Robbery and Homicide Division, Vice Division

Monica Anas, Robbery and Homicide Division, Vice Division

Lt. James Litton, Robbery and Homicide Division, Vice Division

Community-Based Organizations

Samer Rabdi, Amnesty International

Janie Skaluba, Amnesty International

Toni Nassif, Cedars Cultural and Educational Foundation

Marissa Ugarte, Bilateral Safety Corridor Coalition

Pradeepta Upadhyay, South Asian Network

Ruabiyat Karim, South Asian Network

Prapti Upadhyay, Nepal-SEWA

Gail Abarbanol, Rape Treatment Center- Santa Monica-UCLA Medical Center

Kelley A. Brown, Kelley A. Brown Cosulting, LLC

Greg Simans, CHIRLA

Captive Daughters

Diana M'ladinich, Captive Daughters

Kirsi Ayre, Captive Daughters

Sandra Hunnicut, Captive Daughters

Legal Aid Foundation of Los Angeles (LAFLA)

Ann Park

Nancy Reyer-Rubi

Sheila Neville

Susana Martinez

Coalition to Abolish Slavery and Trafficking (CAST)

Bich-Ngoc Do

Charles Song

Imelda Buncab

Kay Buck

Namju cho

Suzy Lee

African Community Resouce Center (ACRC)

Dr. Nikki Tesfai

Dr, Gerrie Rosen

Shawna Plunkett

Appendix E: Verification of Trafficked Minors

Identification is only half of the process in obtaining federal assistance for trafficked alien minors. The other half involves verification. The ORR must verify the trafficking status of an alien minor before a letter of eligibility can be issued, which is handled on a case-by-case basis.⁸⁷ In 2004, an interagency memorandum of understanding (MOU) was agreed upon by the DOJ, DHS, and DHHS.⁸⁸ The MOU outlines that the DHHS will seek the recommendations of the DOJ and DHS, before issuing a letter of eligibility or certification to human trafficking victims. This would include providing confidential information pertaining to child trafficking cases to federal law enforcement agencies. Many in the anti-trafficking community are against this practice, because it could lead to the ORR rejecting applications from trafficking victims who refuses to cooperate with law enforcement, which is a clear violation of the VTVPA.⁸⁹ Regardless of these concerns, the ORR often relies on federal law enforcement to verify the trafficking status of alien minors, because it lacks the capacity to do so.

By requiring verification, the government – in practice – places the burden of proof on many victims and the social service providers/attorneys representing them in the application process. An approximate 150 to 200 trafficked alien minor cases have been referred to the ORR since 2001, 82 were verified and made eligible for federal assistance.⁹⁰ The majority of cases approved was endorsed or referred by federal law enforcement sources (brothel raids and immigration officials) representing 70% of all approved cases. This statistic reflects the ease in which federal agents are able to procure federal assistance for trafficked minors, while highlighting the difficulty of social service providers and other concerned parties to do the same.⁹¹ According to Annie Sovcik, a national coordinator for the federal foster care system for refugee children, “it’s difficult to get eligibility if it’s not federal law enforcement that’s requesting [a letter of eligibility].”⁹²

For social service providers and other non-federal law enforcement agencies, the emphasis placed on endorsements from federal agents for verification complicates the application process in two ways. First, federal agents may not be trained or sensitive to issues that could impede their investigation of a trafficking claim, making it difficult to gain their endorsement even if the trafficking case is genuine. Second, many providers and victims are wary of the consequences of working with federal agents, discouraging them from applying to federal assistance. In either case, the involvement of federal law enforcement impacts the utilization of federal assistance to trafficked alien minors.

Federal Agents may not be Sensitive to Child Trafficking Issues

⁸⁷ Annie Sovcik interview.

⁸⁸ “Interagency Memorandum of Understanding between the Department of Health and Human Services, The Department of Homeland Security, and the Department of Justice.” It was signed by the deputy secretaries of DHHS and DHS, and the secretary Attorney General of the DOJ on 7/9/04.

⁸⁹ Please see Appendix D for more on this controversy.

⁹⁰ Annie Sovcik interview.

⁹¹ This statement is supported by the views presented in an interview with Margaret MacDonnell, the Children’s Service Specialist for the U.S. Conference of Catholic Bishops (USCCB). She is the coordinator for the URM program for USCCB. Telephone interview with author on February 13, 2006.

⁹² Annie Sovcik Interview.

Many human trafficking cases are difficult to verify, because they present little evidence to corroborate a victim's testimony. In many instances, a victim's story may be inconsistent or contradictory. This may lead some federal agents to conclude that there is insufficient evidence to verify the victim's trafficking status, which most likely will result in the ORR rejecting the victim's application for federal assistance. However, this assessment may not be valid. An alien minor may have experienced severe trauma from her exploitation, such as rape and physical abuse, which could affect her recall of events.⁹³ There are also cultural and linguistic barriers that may impede an investigation. The analysis uncovered cases that reflect some of the issues that may impede federal agents from verifying an alien minor's trafficking status even when that minor is a genuine victim of human trafficking.

New York State Case: A young boy had been brought to this country to work in a store for a family in New York State. He worked six days a week, 8-hours a day, and was given little time for himself. He was denied access to formal education and was eventually discarded by the family. He was stranded in a foreign country and without legal status. Later, he found himself in the services of an organization that works with trafficking victims. His case manager believed her client was eligible for federal assistance. The FBI was contacted by the minor's attorney as a strategy to shore up his T-Visa application, which is a separate process from the one used to obtain a letter of eligibility from the ORR. The FBI did not pursue an investigation, because of a lack of evidence. The minor was willing to cooperate with the agent, but was unable to remember certain key facts. The minor was unable to recollect the exact location of the store that he had been exploited in or the last name of the family members involved. Soon thereafter, the ORR rejected the minor's application for federal assistance. The process had lasted nearly a month.⁹⁴

The New York State case illustrates some of the cultural and situational issues that complicate child trafficking cases. Federal agents may find it difficult to accept the minor's inability to recall seemingly simple pieces of information as genuine, thus concluding that either he is falsifying his statements or not fully cooperating with the investigation. Yet, there are mitigating circumstances that the agent may not have considered. The minor belongs to a culture that disapproves of children referring to adults by their given names. This is a common practice among Koreans and other Asian cultures. Trafficked children are also often denied freedom of movement, making it difficult for them to know their surroundings. This is especially the case for children stranded alone in a foreign land. There are plausible explanations for the minor's inability to remember key facts that could verify his trafficking status, but the agent sent to verify his case may have been unaware of these issues.

Illinois Case: A young girl was discovered in a brothel during a law enforcement raid. When she was interviewed by a law enforcement officer, she had told him that nothing had happened to her. She was initially labeled an unaccompanied alien minor and not a trafficking victim, because of the responses she gave to the officer during her initial interview. There was some disagreement among the officers on whether or not she was a trafficking victim. The ORR referred the case to an immigration attorney

⁹³ There is a body of research into the effects of abuse and trauma on memory and cognitive functioning. Please refer to Goodman, Gail S., Simona Ghetti, Jodi A. Quas, Robin S. Edelstein, Kristen Weede Alexander, Allison D. Redlich, Ingrid M. Cordon, and David P.H. Jones. "A Prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory controversy," *Psychological Science* 14, no. 2 (2003): 113-118.

⁹⁴ New York Service Provider (anonymous), telephone interview with author, March 1, 2006.

who had experience working with trafficking cases. The attorney, recognizing the signs of human trafficking, was able to successfully obtain a letter of eligibility for her.⁹⁵

This case reveals how law enforcement officers may misinterpret non-compliance and other behaviors consistent with trafficked alien minors, which could have serious implications in verifying the child's trafficking status. According to the attorney, one challenge of working with federal agents on trafficked minor cases involves their "interviewing tactics."⁹⁶ Federal agents may not be using interviewing tactics that are sensitive to the effects of trauma on children's memory and testimonies.⁹⁷ This may lead federal agents to attribute inconsistencies or contradictions in the minor's statements as signs of non-cooperation or falsehoods. Without endorsements from federal agents, alien minors are not likely to obtain letters of eligibility from the ORR.

Oregon State Case: A local service provider encountered a young girl in need of aid. The provider soon learned that the girl was trafficked into the country for the purposes of commercial sex. An application for both a T-visa and a letter of eligibility was made. Federal agents came and interviewed her, but there was insufficient evidence to open a case. She was denied a letter of eligibility by the ORR, but received a T-visa from the Vermont center. This was a case in which one federal agency recognized her trafficking status, but not the other.

The analysis was unable to determine how the ORR and the Vermont Center came to this paradoxical outcome. This case was included because it highlights a very important concept: verification is not judged on objective criteria. The process that determines eligibility for federal assistance is susceptible to any number of subjective factors that could impact the final decision. This susceptibility then implies that applications can be either disadvantaged or advantaged by factors other than the endorsements of federal agents. Well-connected or experienced attorneys and service providers may be able to bolster an application's chances of success through their reputations or the strength of the arguments that they crafted in the application.⁹⁸

Consequences of Federal Law Enforcement Involvement

Many anti-trafficking groups cite the fear of deportation as the dilemma they face with the verification requirement.⁹⁹ Though they may be able to procure a more beneficial outcome for their clients through federal assistance, providers may choose to forgo such assistance if they feel that their clients are at risk or if it is what the client desires. The executive director of a local ethnic community-based organization stated in an interview that they would not seek federal assistance for a trafficking victim unless they were a "100% sure that the client would not be

⁹⁵ Chicago legal provider (anonymous), telephone interview with author and research assistant, February 27, 2006.

⁹⁶ Ibid.

⁹⁷ A great deal of research has been done on the affects of abuse and other high stress exposures have on the memories and eyewitness testimonies of children and youth. For more on this topic, please refer to Pollak, Seth, Dante Cicchetti, and Rafael Klorman. "Stress, memory, and emotion: Developmental considerations form the study of child maltreatment," *Development and Psychopathology*, 10 (1998): 811-828 and Gordon, Betty N., Lynee Baker-Ward, and Peter A. Ornstein. "Children's Testimony: A Review of Research on Memory for Past Experiences," *Clinical Child and Family Psychology Review*, 4, no.2 (2001): 157-181.

⁹⁸ Though not explicitly stated, the Chicago legal provider mentioned that even though federal agents did not identify her client as a trafficking victim, she was able to devise a persuasive argument in the application for federal assistance to win approval.

⁹⁹ Gorman, Anna, "Program to Fight Human Trafficking is Underused." *Los Angeles Times*, December 19, 2005.

deported.”¹⁰⁰ However, this fear may be overstated. The analysis was unable to uncover any cases in which a minor was deported after failing to obtain federal assistance. At most, alien minors would no longer be eligible for services provided for by trafficking grantees after their application was denied. In one case, the service provider was able to arrange immigration status through the child welfare system and services through community resources.¹⁰¹ In Los Angeles, DCFS, through the SISU, may offer an alternative for human trafficking service providers seeking immigration status for their alien minor clients. This alternative may not be appropriate for all cases. It should be noted, however, that alien minors are being deported from the U.S., so the fear of deportation is not baseless.¹⁰²

Another concern that may dissuade providers and/or victims from pursuing federal assistance is the threat of violence that traffickers pose on victims and their families. Rohida Khan, Residential Director for the Women’s Transitional Living Center, stated in her presentation at a local human trafficking conference that one of her clients had a relative murdered by her traffickers’ associates in her home country as a result of her cooperation with federal agents.¹⁰³ However, this concern only applies to certain cases. In any event, provisions in the VTVPA enable federal agents to bring families into the U.S. and provide them for immigration status in exchange for victims’ cooperation in criminal prosecution. Experienced advocates may be able to dispel any fears or rumors that keep service providers from seeking federal assistance. Experienced advocates could also advise providers on how best to approach federal assistance to minimize risk to the client in case of rejection.

Successful Application Factors

According to Ms. Sovcik, “[The human trafficking response] is a system [that focuses] disproportionately on prosecuting the crime of trafficking; as opposed to a system focused on meeting real needs of victims of this crime.”¹⁰⁴ Given this situation, many service providers face an uphill battle when applying for federal assistance. This report uncovered three key ingredients that could help service providers procure federal assistance for their clients:

- Seek favorable endorsement from federal agents
- Seek consultation from experienced immigration attorneys or service providers who know how to craft the arguments in applications to increase chance of success
- Seek guidance from the ORR when applying for federal assistance

According to the VTVPA, trafficking victims under the age of 18 do not need to cooperate with law enforcement to receive a letter of eligibility from the ORR. In 2004, an interagency

¹⁰⁰ Ethnic community-based organization (ethnic CBO) in Los Angeles (anonymous), interview in person with author, January 18, 2006.

¹⁰¹ Citing confidentiality issues, the interviewee requested that this information not be included with the case study that it originated from. However, it could be used if it could not be traced back to the original case study. It was excluded from the case study in compliance with the interviewee’s request. This particular case study may or may not be included in this report.

¹⁰² This statement is based on the interview with DCFS worker, and a review of the DUCS program statistic. Though the analysis was unable to find the number of alien minors removed from the U.S., given that the DUCS program is only a transitional setting for alien minors undergoing removal proceedings, it is safe to assume that many alien minors from DUCS program are being removed from the U.S.

¹⁰³ Rohida Khan. “Human Trafficking Presentation.” UCLA Human Trafficking Conference, Youth For Human Rights International. UCLA Campus, Los Angeles. 18 January 2006.

¹⁰⁴ Annie Sovcik interview.

memorandum of understanding (MOU) was agreed upon by the DOJ, DHS, and DHHS.¹⁰⁵ The MOU outlines that the DHHS will seek the recommendations of the DOJ and DHS, before issuing a letter of eligibility or certification to human trafficking victims. This would include providing confidential information pertaining to child trafficking cases to federal law enforcement agencies. Many viewed this practice as a violation of the VTVPA. In 2005, several congressmen issued a letter to Secretary Michael O. Leavitt requesting DHHS to rescind the MOU, because they felt that involving federal law enforcement agencies would have undue influence on the verification process.¹⁰⁶

Secretary Leavitt responded to the congressional letter.¹⁰⁷ The response letter stated that DHHS sought the recommendation of the FBI and ICE, because it does not have the resources or expertise in ascertaining the validity of a trafficking claim. He also stated that the FBI and ICE recommendations hold no veto power over the eligibility process and that the discretion to issue letters of eligibility remains entirely with the ORR.

However, many service providers still disagree with the MOU policy. In a letter signed by 35 non-profit organizations and 14 individuals, it argued that even though the Secretary had stated in his response letter that federal law enforcement involvement did not obligate children to cooperate with officers – in practice – children were being “coerced” to cooperate.¹⁰⁸ The letter also stated other concerns:

- Lengthy investigations delay federal assistance, leaving providers with few options to care for the child during the interim period.
- Children should not be forced to cooperate with law enforcement to receive needed social services.
- Cooperating with law enforcement could potentially be traumatic for the child.
- Trafficked children must endure the burden of endangering their families if they cooperate with law enforcement.

¹⁰⁵ “Interagency Memorandum of Understanding between the Department of Health and Human Services, The Department of Homeland Security, and the Department of Justice.” It was signed by the deputy secretaries of DHHS and DHS, and the secretary Attorney General of the DOJ on 7/9/04.

¹⁰⁶ July 26, 2005. Signed by Congressmen Joseph Pitts, Tom Lantos, Frank Wolf, Christopher Smith, and Senator BrownBack.

¹⁰⁷ Response letter signed on September 23, 2005.

¹⁰⁸ Please see appendix ____ for a copy of the letter.

Appendix F: Congressional Letter to Sec. of Health and Human Services

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ID: 2022254394

PAGE 2/3

Congress of the United States

Washington, DC 20515

July 26, 2005

Secretary Michael O. Leavitt
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

We write to request an immediate rescission of your policy and practice requiring child victims of trafficking to cooperate with law enforcement for purposes of receiving letters of eligibility for benefits and services under the Trafficking Victims Protection Act of 2000 (TVPA), P.L. 106-386. Conditioning a child's eligibility for benefits and services on the child's cooperation with law enforcement clearly violates the TVPA.

Based on current U.S. Government estimates, more than 7,000 children are likely being trafficked into the United States each year. Notwithstanding this substantial number of victims, the Department of Health and Human Services has provided benefits and services to fewer than 100 child victims since enactment of the TVPA.

We are aware that a Memorandum of Understanding concluded in July 2004 between HHS, the Department of Homeland Security, and the Department of Justice requires that child trafficking victims receive a recommendation from DHS or DOJ prior to HHS issuing a letter of eligibility for benefits and services. Moreover, HHS reportedly must forward to these agencies any and all evidence concerning the child victim, including affidavits concerning her or his trafficking experience, before DOJ or DHS will provide HHS with a recommendation.

By requiring a child to obtain a recommendation from a law enforcement agency prior to receiving a letter of eligibility, this MOU has created a de facto law enforcement cooperation requirement for child victims, akin to that which is required of adult victims under the TVPA. This policy clearly contravenes section 107(b) of the TVPA which explicitly exempts child victims of severe forms of trafficking from being required to cooperate with law enforcement for purposes of receiving benefits and services. Reflecting the importance that Congress attaches to providing life-saving assistance to child victims, the TVPA Reauthorization Act of 2003 raised to 18 years the minimum age at which victim assistance could be conditioned on cooperation with the investigation and prosecution of an act of trafficking.

The policy and practice established by the MOU undermines the protection which child victims of trafficking need and deserve. We have heard from advocates that many child victims of trafficking remain trapped in harmful and life-threatening situations since the children do not seek assistance from HHS out of fear of being interrogated by law enforcement authorities who

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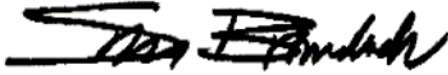
Secretary Michael O. Leavitt
July 26, 2005
Page Two

seek to use them as witnesses in criminal cases. Child advocates firmly believe that this policy chills child victims from seeking benefits and services and explains, in part, why HHS has found so few child victims to protect.

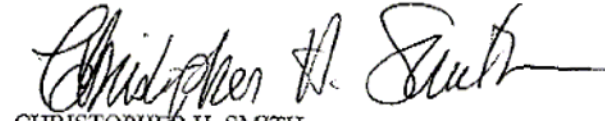
Mr. Secretary, in order to comply with the letter and spirit of the law, HHS must cease from seeking DHS or DOJ recommendations as a prerequisite for issuing letters of eligibility to child trafficking victims. By providing benefits and services to child victims as soon as they are identified, HHS will be in the best position to protect children and provide a safe and stable environment. Whether a child ultimately decides to serve as a witness in the prosecution of his traffickers is a decision the child can make after his situation has been stabilized.

We request your immediate response to our expressed concerns.

Sincerely,



SAM BROWNBACK
United States Senator



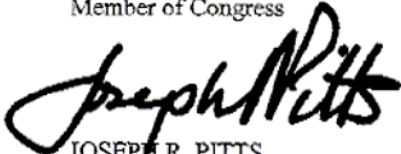
CHRISTOPHER H. SMITH
Member of Congress



FRANK R. WOLF
Member of Congress



TOM LANTOS
Member of Congress



JOSEPH R. PITTS
Member of Congress

Appendix G: Response to Congressional Letter



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20291

SEP 23 2005

The Honorable Christopher H. Smith
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Smith:

Thank you for your letter regarding the treatment of juvenile victims of human trafficking by the Department of Health and Human Services (HHS). I share your concerns that this most vulnerable population receives the care that they need and to which they are entitled as rapidly as possible.

In implementing the Trafficking Victims Protection Act of 2000 (TVPA) (P.L. 106-386), as amended by the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193), HHS has been mindful of the twin purposes of this legislation: "...to ensure just and effective punishment of traffickers, and to protect their victims." I am committed to helping every victim of human trafficking rebuild his or her life while remaining in the United States, as the Act intended. In the case of unaccompanied juveniles, our policy is to utilize the Unaccompanied Refugee Minors (URM) program as the vehicle for providing care to these victims. I am confident that URM provides a very high quality of care in an appropriate environment for unaccompanied juvenile victims of human trafficking.

HHS is prepared to enroll unaccompanied juvenile victims in URM, through the issuance of a letter of eligibility, as soon as we have received reliable information that the juvenile is the victim of human trafficking as defined by TVPA. When such information is provided to us by a credible source with sufficient information for evaluation, enrollment can occur the same day, regardless of the child's willingness to cooperate with law enforcement.

As you noted, HHS entered into a Memorandum of Understanding (MOU) with the Departments of Justice (DOJ) and of Homeland Security (DHS) in July 2004 to set forth the basic functions and interrelationships of the departments in the identification and assistance of adult and minor victims of severe forms of trafficking.

This MOU provides that HHS will issue a letter of eligibility in the case of juveniles after a recommendation of DOJ or DHS. This MOU provision ensures that the appropriate experts have evaluated the facts of each case before an eligibility letter is issued. Juvenile victims are not required to cooperate with law enforcement to receive letters of eligibility. DOJ and DHS assist in the evaluation of facts presented to us, in determining whether the individual is under the age of 18 and the likelihood the individual is a victim of trafficking. We appreciate the assistance of DOJ and DHS in evaluating potential cases of human trafficking. To assist in bringing forward more victims of trafficking, our Trafficking Information and Referral Hotline has forwarded over

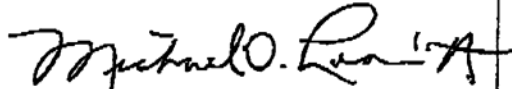
120 leads to DOJ regarding potential cases of trafficking – even though the principal function of the hotline is to facilitate the provision of care for victims.

In practice, HHS will consult with DOJ or DHS prior to the issuance of a letter of eligibility. This does not mean that HHS has given DOJ or DHS a veto over the enrollment of victims in the URM program, that HHS will accept unreasonable delays in the enrollment of the juvenile or that the juvenile must speak with a law enforcement officer.

It may very well be that some in the trafficking victim advocate community have a misapprehension about our procedures, and HHS will endeavor to correct those misunderstandings. I want to assure you that we are keenly aware that TVPA pointedly did not establish a cooperation standard for juveniles, and that services were intended to be provided to juveniles prior to any immigration relief which they may obtain.

Thank you for sharing your perspectives. I also will provide a copy of this response to the other cosigners of your letter who expressed concern. Please call me if you have any further thoughts or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael O. Leavitt". The signature is fluid and cursive, with a large initial "M" and "L".

Michael O. Leavitt

Appendix H: Letter to Sec. of Health and Human Services from Anti-Trafficking groups

January 3, 2006

Secretary Michael O. Leavitt
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

We, the undersigned organizations and individuals, write in response to your September 23, 2005 letter, enclosed for your convenience, to the Honorable Representative Christopher H. Smith reiterating your support for the Department of Health and Human Services' (HHS) policy of referring information about child victims of trafficking to the Department of Justice (DOJ) or the Department of Homeland Security (DHS) and requiring a law enforcement endorsement before issuing eligibility letters for benefits and services. We oppose this policy because it is in direct contravention of section 107(b) of the Trafficking Victims Protection Act of 2000 (TVPA) which prohibits child victims of severe forms of trafficking from being required to cooperate with law enforcement in order to receive life-saving assistance.

Prominent members of Congress have expressed their concern and opposition to this policy in the enclosed July 26, 2005 letter addressed to you. Their letter indicated that Section 107(b) exempts trafficked children from law enforcement cooperation. In enacting the TVPA, Congressional intent was to allow children to receive assistance regardless of their ability or willingness to participate in an investigation and prosecution of their traffickers. Forcing a child to participate in an interview with a law enforcement agent in order to receive certification is equivalent to forcing the child to cooperate with law enforcement.

As outlined in your letter to Representative Smith, you indicated that HHS will consult with DOJ and DHS about the issuance of eligibility letters. You stated that children will not be required to interview with a law enforcement officer. Service providers have identified situations where law enforcement agencies insist upon interviewing the child because of the referral from HHS and where HHS will not make a decision regarding the status of the child until they have received a formal endorsement from law enforcement. HHS provides information to law enforcement such as the child's affidavit and other identifying information. This referral results in a law enforcement investigation where agents will seek to interview the child. Thus, in practice, children are often coerced into working with law enforcement because they have contacted HHS for access to services.

If HHS requires children to endure extensive interviews with law enforcement agencies in order to receive services, fewer and fewer children are likely to receive the benefits available to them. Victims and their advocates may avoid working with HHS because of the child's fear of participating in an investigation of the trafficker. Child victims are likely to stay in their life-threatening situations because they fear interrogation or being forced to testify against their abusers. If a child is forced to cooperate with law enforcement, the child's family could be at risk for retribution. Service providers have identified children who report that traffickers continue to harass their family, inquire into the child's whereabouts, and threaten to "collect the hard way." They are not only terrified because of what they have experienced; they are shouldering an enormous burden to protect the safety and well-being of their family. Requiring a child to talk to law enforcement

about his/her experiences may also result in the prosecution of a close family member and a child should not be forced to testify against his family in order to receive emergency services.

In one example, a child had been recruited and forced to work long hours in a restaurant. Over the years of exploitation, her trafficker repeatedly threatened to deport her if the child ever spoke the truth of her exploitation. Furthermore, the minor was instructed that because she was undocumented, the police would deport her rather than listen to her side of the story. Over the years, her distrust of law enforcement increased daily. Further, the child was part of a very small ethnic community and feared what would happen to her if law enforcement initiated an investigation against her trafficker and the trafficker was not ultimately convicted and jailed. The child's attorney requested benefits on her behalf from HHS. HHS, however, would not grant benefits without approval from the Department of Justice or some form of law enforcement endorsement. The attorney was told that the child would have to submit to a law enforcement interview if she were to receive the benefits she desperately needed. While that interview resulted in the child receiving benefits, it required her to sit in a room with a law enforcement agent carrying a firearm. It also required her to respond to follow-up pressure regarding filing a case against the trafficker.

Children should not be forced to participate in a law enforcement investigation in order to become eligible to receive emergency services such as housing, cash assistance, Medicaid and food stamps. Service providers should have the ability to provide for the child's emergency needs instead of having to persuade the child to speak with law enforcement before her immediate needs have been met. If the child has not yet received an eligibility letter, he or she is not yet eligible for the Unaccompanied Refugee Minors Program and it is not clear where social service providers should house the children during the investigation which could last several weeks or even months.

Your letter indicates that HHS will issue an eligibility letter if it receives credible information regarding the situation of the child. If a child does not wish to work with law enforcement, it is not clear what information HHS would require to issue an eligibility letter. HHS should issue guidance stating that a child's guardian or her attorney can present information to HHS about the child's trafficking situation. HHS should independently evaluate this information without referring the case to law enforcement so as not to force the child to participate in a law enforcement investigation before he or she is stable enough to do so.

To date, only 82 trafficked children have received eligibility letters and only 46 of those have been referred for the Unaccompanied Refugee Minors Program. HHS's policy of requiring children to work with law enforcement further erodes the tenuous trust between child victims and HHS, and makes victims more reluctant to seek the help they desperately need. The impact of this policy on this vulnerable population will continue to be devastating.

We urge you to cease requiring that child victims receive a recommendation from federal law enforcement prior to issuing letters of eligibility for benefits and services from HHS.

Signed by the following organizations and individuals:

National Organizations:

Amnesty International USA
American Immigration Lawyers Association (AILA)
Boat People SOS
Catholic Health Association
Catholic Legal Immigration Network (CLINIC)
Conference of Major Superiors of Men (CMSM)
Covenant House
ECPAT-USA (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA, Inc.)
International Rescue Committee
Kurdish Human Rights Watch, Inc.
Leadership Conference of Women Religious
Lutheran Immigration and Refugee Service
Maryknoll Office for Global Concerns
National Advocacy Center of the Sisters of the Good Shepherd
Sisters of Mercy of the Americas Justice Team
United States Committee for Refugees and Immigrants
United States Conference of Catholic Bishops
World Relief
Women's Commission for Refugee Women and Children

Local Organizations

API Legal Outreach, San Francisco, California
Ayuda, Inc., Washington, D.C.
Break the Chain Campaign, Washington, D.C.
Coalition to Abolish Slavery and Trafficking, Los Angeles, California
Commonwealth Catholic Charities, Richmond, Virginia
Dominican Sisters of Mission San Jose Leadership Team, California
Dominican Sisters of San Rafael, San Rafael, California
Freedom House, Detroit, Michigan
International Institute of St. Louis, St. Louis, Missouri
Leadership Conference of Women Religious
Legal Services to Children, San Francisco, California
Na Loio Immigrant Rights and Public Interest Legal Center, Honolulu, Hawaii
Northwest Immigrant Rights Project, Seattle, Washington
Safe Horizon, New York, New York
Sisters of Mercy of the Americas Justice Team, Illinois
Sisters of the Holy Names, California Province

Individuals:

Bette Gambonini, BVM, Sisters of Charity, BVM West Region

Theresa Caluori, BVM, Sisters of Charity, BVM West Region

Chanpone Okamura, Oregon

Rev. Daniel J. Bergner, SDS, DSW, Executive Director, Commonwealth Catholic Charities,
Richmond, Virginia

Holly S. Cooper, Florence Immigrant and Refugee Rights Project, Florence, Arizona

Janet Hinshaw-Thomas, PRIME - Ecumenical Commitment to Refugees, Lansdowne, PA

Jean Blum

S. Jean Schafer, Sisters of the Divine Savior Anti-Trafficking Project

S. Sheila Novak, Sisters of the Divine Savior Anti-Trafficking Project

Maggie Niebler, Esq., HIAS & Council Migration Service of Philadelphia

Martha Rickey, Children's Attorney, Florence Immigrant & Refugee Rights Project

Mary Carroll

Sister Mary McKay

Theresa E. Barrett, LIRS Ambassador, Baltimore, Maryland

Enclosures

Cc: Daniel Schneider, Principal Deputy Assistant Secretary
U.S. Department of Health and Human Services

Appendix I: Selection Criteria for Categories

The following section describes the selection criteria used to determine how to assign participants for each category:

- Law enforcement: Individuals charged with the authority to enforce local, state, and/or federal law
- Local private social service providers: Individuals or organizations who provide social services to individuals, but do not carry any statutory authority
- Local public agencies: Includes public agencies imbued with statutory authority to provide social services to individuals.
- Federal social service agencies: Federal agencies do not usually provide direct social services, but administers the program through local private and public agencies. This category includes both private and public agencies that are contracted to provide or administer federal programs established by the VTVPA
- Legal service providers: Private organizations and individuals who provide legal services to individuals
- Advocacy groups: Private groups that do not provide any direct care services, but are advocates for anti-trafficking issues
- Elected officials: Individuals in this category are either elected officials or are employed as staff members for elected officials.

Appendix J: Jeffery's Story

Jeffery, 16, was identified as a trafficking victim and referred to a service provider in New York State.¹⁰⁹ He was born in a foreign country and brought over to the U.S. by a family in need of his labor. He was told that he had to work for them at their store to pay off his travel debt. He worked eight hours a day, six days a week. He did not attend school. Eventually, the family told him to leave – they were abandoning him. He was an undocumented minor with no home or family in the U.S. to care for him. Left to his own devices the youth soon identified a place of his religious affiliation where he went to attend services and to seek help. He met individuals, who upon hearing his story, provided him periods of sporadic shelter. Members of the religious community also referred him to a pro bono lawyer in order to help him with an asylum application. The lawyer saw that he was in need of help and contacted Child Protective Services (CPS). CPS opened a case and attempted to investigate Jeffery's situation, but fearing that he would trouble his friend, ignored CPS attempts to meet with him. The case was closed soon thereafter.

The lawyer referred the case to a non-profit organization (NPO) that served adolescents. The NPO referred the case to Responder (not the real name), a non-profit organization that works with human trafficking cases. Responder was contacted, because the NPO's in-house lawyer identified Jeffery as a human trafficking victim. Natalie (not her real name) was the case manager assigned to his case. Her role was to find him services that were culturally and linguistically appropriate to his needs. She was able to do this, because of the pre-established ties the organization had with his cultural community. In cooperation with the NPO, Natalie contacted the Office of Refugee and Resettlement (ORR) to obtain federal assistance for Jeffery. It was Natalie's goal to have Jeffery admitted into a federal foster care system that specialized in the needs of unaccompanied alien minors. During this time, the Federal Bureau of Investigations (FBI) was contacted to investigate the case.

¹⁰⁹ Case study derived from interview conducted on March 13, 1006 by telephone with anonymous social service provider. Identifying characteristics of the child, including, name, gender, and ethnicity are subject to change.

The FBI sent an agent to interview Jeffery. In company with his lawyer, the investigator asked questions concerning the location of the storefront that he had worked at, the name of the family members exploiting him, and other details about the case. Jeffery, however, could not remember where exactly the store front was located or the full names of the family members. The FBI concluded that there was not enough evidence to pursue a human trafficking investigation and dropped the case. The ORR also rejected Jeffery's application for federal assistance on the grounds of insufficient evidence to verify his trafficking status.

This left the Responder with very little options. Without federal assistance, Jeffery could not be accepted into the federal foster care system. It also left Jeffery without a legal guardian. The Responder could not provide the services that he needed, because of the liability issues involved. They required CPS to claim custody over him, before they could help. Before contacting CPS, Natalie worked hard to put together the community resources and services that were culturally and linguistic appropriate to his needs. The strategy was to arrange the services before hand, so that Jeffery was guaranteed access to the care that his situation required. Once that was accomplished, CPS was contacted to re-open the case. He was identified as a *destitute youth*, which enabled CPS to take custody.

Jeffery's situation is not uncommon. Children often have difficult times recollecting detailed information concerning their trafficking experiences. Trauma, fear, and other factors play a role. For instance, names are not the main identifying markers for people from other cultural backgrounds. In many Asian societies, titles are often used in lieu of actual names. Jeffery came from such a background and spoke a different first language than his traffickers. It is conceivable that Jeffery could not remember or did not know the full name of his traffickers because formal names were barely used.

Appendix K: Jennifer and Brandon's Story

Jennifer and Brandon were both referred to a human trafficking service provider. The names of the children and the organization have been changed to ensure confidentiality is maintained. For the purposes of this study, the organization will be referred to as the provider.

Jennifer is a 17 year old girl from a Central American country who was trafficked into the United States for the purpose of commercial sex. She was referred to the organization through another program. When admitted to the program, she was suspected of being a victim of human trafficking and her case was internally referred to the trafficking program. Once her status as a victim of human trafficking was determined, she began receiving intensive case management. The provider was able to provide housing and mental health and other support services.

The provider simultaneously applied for the T-Visa through the Vermont Service Center and a letter of eligibility through the Office of Refugee and Resettlement. Both programs offer benefits for victims of human trafficking. After interviewing Jennifer, law enforcement decided not to pursue the case nor open an investigation. Jennifer was denied a letter of eligibility by the Office of Refugee and Resettlement, who did not find sufficient evidence to verify her trafficking status. Oddly enough, Jennifer was granted a T-Visa by the Vermont Services Center months later, allowing her to stay in the United States.

Jennifer's story demonstrates a paradoxical situation in which one agency of the federal government recognizes her trafficking status, while the other does not. *Fortunately Jennifer was able to receive some benefits through the T-Visa.* Jennifer's story also demonstrates that the criteria used to determine trafficking status is far from objective or certain.

Brandon's Story

Brandon is a 17 year old minor from a Central American country who was forced to sell drugs in the United States. He was eventually charged with drug trafficking in juvenile court. He was referred to the same organization as Jennifer's by a legal representative, who suspected him of being a victim of human trafficking. The Juvenile Justice System eventually found Brandon guilty of selling drugs. Brandon is currently under the custody of the Juvenile Justice System and his future is very uncertain. The Juvenile Justice System currently sees Brandon as a drug trafficker while the service provider is trying to identify him as a victim of human trafficking. The service provider has recently submitted Brandon's application for a T-Visa, and is still waiting for approval. It is not certain if Brandon's criminal record will hinder his chances of receiving benefits, but what is certain is that human trafficking victims can appear from anywhere and in many different forms.

This case demonstrates how human trafficking victims can be misidentified as criminals. The Juvenile Justice System is not experienced in dealing with victims of human trafficking and lacks the resources needed to identify and help victims. Brandon's case exemplifies the importance of screening juvenile cases for human trafficking victims, so that these children may not endure any further injustice and harm.

Case study written by Jennifer Kwon and Gilbert Kim

Appendix L: Sofia's Story

Sofia grew up in a poor community in a foreign land.¹¹⁰ At age 15, she was promised a job as a waitress in America. She was told that she would make enough money to pay off her smuggling debts in no time. Her prospects at home seemed dim, so along with her older sister, she agreed to go to California. When they arrived, they were forced into a prostitution ring run by human traffickers. Eventually, they were rescued by federal law enforcement officers during a police raid on the brothel. Immigration and Customs Enforcement (ICE) officers realized that Sofia was a minor and needed immediate child-oriented services. They contacted the Division of Children Services (DUCS), the federal agency responsible for providing social services to children encountered by immigration officials. DUCS took custody over Sofia and transferred her to a youth shelter. Her sister, considered an adult, was referred to a human trafficking service provider (provider) by the U.S. Attorney's Office. They had worked together on prior trafficking cases, so the provider became their informal social service partner for trafficking victims.

Sofia wanted to be with her sister, but she was told that it would take time for that to happen. Stranded in a foreign country, surrounded by strangers, and dealing with the traumas involved in her trafficking experience, Sofia was alone. Contact was limited because of procedural delays between the provider and DUCS. The system in place to respond to a human trafficking event was new, so there were no formal guidelines and procedures to follow or work experience to inform decisions when it came to trafficking cases involving minors. This led to a less than ideal situation for the sisters. Sofia had to stay in a shelter program designed for short-term placement, while the provider and her older sister worked on reuniting the two. The older sister also had to navigate the complex process of obtaining federal benefits available to trafficking victims.

¹¹⁰ This is a case study based on several interviews. The names, places, and dates have been changed to ensure the child's confidentiality is strictly maintained.

It took nearly eight months for the sisters to be reunited, but Sofia's troubles did not end there. She had left school during the 4th grade to work. So when she was enrolled into a local public school, she had difficulties transitioning into a 9th grade class room. She had not developed the necessary conflict resolution or social skills that are necessary to deal with the every day problems associated with school life. When school became too hard for her, Sofia's response was to quit. The provider went to great lengths to accommodate her educational needs, but her options were limited. The school system did not have the special educational services appropriate to Sofia's linguistic needs, so she was forced to enroll in mainstream classes. Sofia also refused therapy services, which prevented her from addressing the psychological consequences of her traumatic experience. Sofia continues to struggle with adjusting to life free from her traffickers; it is a long and difficult road, but with the help of the dedicated provider and her sister, Sofia will at least have a chance to live her life on her own terms.

Appendix M: Interview Guide and Script

Script:

I just want to thank you again for taking the time to participate in my study, I really appreciate it.

First, I would like to run through the topic of my analysis and your rights as a participant. This interview is a part of a policy analysis I am conducting for my graduate studies. It seeks to examine the current state of child trafficking in terms of the needs of victims and the services available to them, identify service gaps and barriers to delivery, and seek to devise policy solutions to address those gaps and barriers.

With your permission, I would like to record this interview to ensure accuracy. Your responses will remain confidential. However, I may ask to directly quote you for the analysis, which means that I will also be including your name, title, and agency affiliation. This is entirely at your discretion. I may also want to quote you but attribute it to an anonymous source. You may alter, edit, omit, or withdraw any or all aspects of your participation at any time before the final submission of this project on March 24. Do you have any questions on this matter?

Okay, let's get started.

Background Information:

1. How long have you working with the center?
2. Where did you get your knowledge on human trafficking issues?
3. Did you ever receive formal training or attended workshops on the special needs of child trafficking victims?
4. What areas does your organization serve? What clients do they generally serve?

Questions on Person's Work

5. Have you ever worked on child trafficking cases? How many?
6. How were those cases referred to you?

7. Without divulging confidential information, could you describe the children from those cases? I'm looking for specifically where the children come from, the languages they speak, the age distribution, gender distribution, the nature of trafficking, and their experiences prior to the referral.
8. Could you describe how you typically encounter the child, such as the location of the meeting, the state the child's in, who else is typically involved – please be detailed in your description without divulging any confidential information?
9. I know in cases of abuse and neglect involving American children, there are Court Appointed Special Advocates that will serve on the best interests of the child, is there a similar advocate for child trafficking victims? Who makes the final decisions on behalf of the child?
10. For the legal services that you provided for these children, what was the intended outcome: was it to obtain for them federal benefits under the URM program, to get them T visas, or was there some other intended objective?

Barriers to Service

11. From my research, I have come across several factors that impede service delivery to human trafficking victims, such as a lack of communication and coordination between public and non-profit agencies, linguistic and communication barriers, etc. Could you describe the barriers that you face in serving your client?
12. Do you work closely with law enforcement when working with child trafficking cases? Could you describe their involvement?
13. On a scale of one to five, one being counter productive and five being highly productive, how would you rate the working relationship you shared with law enforcement agents?
14. Who provides the basic needs and services to a child during the preliminary period after discovery and before being granted benefits and services under the VTVPA?
15. How responsive do you feel that the public agencies – DHSS, ORR, and URM – in charge of providing the benefits and services to child trafficking victims are to the needs of the child?
16. What gaps in the services provided to child trafficking victims do you feel exists and how can we address them?
17. Have you encountered children who refuse to cooperate with the trafficking investigation, and if so, what happened to them?
18. I know that public institutions have a legal obligation to report child abuse, but are community-based-organizations under the same obligation if they encounter an undocumented child or youth that may have been involved in human trafficking – for example involved in the sex trade?

Collaboration

19. Do you work with other organizations to help you client, if so, can you describe the relationship and the name the participants?
20. Do you have alliances with other Community based organizations and are they formal or do you rely on informal networks?
21. Altogether, how would you rate the responsiveness of this collaboration in helping child trafficking victims in your area? Scale to one to five, one being non-responsive to five supporting every need.
22. How prevalent do you believe child trafficking is in the area that you serve – can you provide evidence of that belief? On a scale of 1 to 5, one being non-existent to five being very prevalent.
23. How prevalent do you believe child trafficking is in the U.S. – can you provide evidence of that belief? On a scale of 1 to 5, one being non-existent to five being very prevalent.