



KICKING DOWN THE DOOR

**The Use of Raids to Fight
Trafficking in Persons**

Sex Workers Project 2009

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EXECUTIVE SUMMARY

Trafficking in persons refers to the transportation and compulsion of an individual into any form of labor through use of force, threats of force, fraud, or coercion, or debt bondage. In 2000, the US passed legislation recognizing “serious forms of trafficking” as “recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion” in all forms of labor, including, but not limited to, sex work, bringing domestic legislation in line with international standards governing trafficking in persons. (Trafficking Victims Protection Act, 2000; United Nations Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

Enforcement of federal anti-trafficking legislation has taken place in large part through anti-trafficking raids, conducted by federal law enforcement agents, and vice raids targeting prostitution conducted by local law enforcement agencies. Notwithstanding the broader reach of the current legislative definition of trafficking, US law enforcement agencies have been criticized for continuing to focus on trafficking into sex work to the exclusion of other widespread forms of trafficking. (Global Alliance Against Traffic in Women 2007: 239-241; Women’s Commission for Refugee Women and Children 2007) Indeed, the word “trafficking” primarily evokes images of women and children forced into sexual servitude in the popular imagination and, prior to 2000, anti-trafficking legislation focused exclusively on prostitution, based on the presumption that no woman would ever exchange sex for material gain without extreme coercion. In reality, trafficking occurs in a far broader range of sectors and types of work, including domestic work, agricultural labor, manufacturing and the service industries, and affects men as well as women and children.

This report summarizes the findings of a human rights documentation project conducted by the Sex Workers Project in 2007 and 2008 to explore the impacts and effectiveness of current anti-trafficking approaches in the US from a variety of perspectives. It is among the first efforts since the passage of the TVPA to give voice to the perspectives of trafficked persons and sex workers who have experienced anti-trafficking raids. A total of 46 people were interviewed for this report, including immigrant sex workers and trafficked persons who have experienced raids or otherwise had contact

with law enforcement, along with service providers, attorneys, and law enforcement personnel.

The data collected from this small to medium-sized sample is extremely rich, and suggests that vice raids conducted by local law enforcement agencies are an ineffective means of locating and identifying trafficked persons. Our research also reveals that vice raids and federal anti-trafficking raids are all too frequently accompanied by violations of the human rights of trafficked persons and sex workers alike, and can therefore be counterproductive to the underlying goals of anti-trafficking initiatives. Our findings suggest that a rights-based and “victim-centered” approach to trafficking in persons requires the development and promotion of alternate methods of identifying and protecting the rights of trafficked persons which prioritize the needs, agency, and self-determination of trafficking survivors. They also indicate that preventative approaches, which address the circumstances that facilitate trafficking in persons, should be pursued over law enforcement based responses.

LEGAL FRAMEWORK

The passage of the Trafficking Victims Protection Act (TVPA) in 2000 created a legal framework for the prosecution of the crime of “trafficking in persons,” and provided for assistance to trafficked persons identified or “certified” as such by law enforcement or another government agency.

Under the TVPA there are two forms of temporary immigration relief available specifically to trafficking victims. Continued Presence (CP) is an interim status that can only be conferred by ICE on non-citizens whom law enforcement believes may be trafficking victims, allowing them to stay in the US pending criminal prosecution of their traffickers. This status is renewable after a year, and although it confers work authorization and certification for benefits from the Department of Health and Human Services (HHS), it does not lead to permanent immigration status. In contrast, the T Visa is a four-year temporary visa, which not only grants work authorization and certification for benefits, but also makes recipients eligible to apply for adjustment to permanent residency status after three years.¹ T visa recipients can also apply to have their close family members join them in the US. Certified trafficking victims are eligible for the same benefits and services as refugees and asylum

1. However, there are currently no regulations enabling T visa holders to adjust their immigration status. Draft regulations were only recently issued in December 2008.

seekers, and thus service programs are largely provided through HHS refugee resettlement programs.

Law enforcement raids have served as the US government's primary means of identifying victims of trafficking in persons. (US GAO 2006) However, law enforcement based approaches to trafficking have led to the identification of very few trafficked persons. (Meyer 2006) According to recently released draft federal regulations, as of December 2008, only 787 T visas total have been granted to trafficked persons since they became available—nowhere near the 5,000 visas available for trafficked persons annually. Meanwhile, in 2008 alone it appears that 483 people—more than half of the total number of T visas issued to date—were placed in immigration proceedings following anti-trafficking raids. (December 18, 2008 Press Release, Department of Homeland Security)

The failure of law enforcement raids to successfully locate, identify, and refer large numbers of trafficked persons to supportive services may result from the fact that they are driven by, and sometimes indistinguishable from, efforts to curb prostitution and other forms of sex work. Government funding streams reflect this conflation of trafficking with prostitution. Funding made available under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 focuses on “grants to state and local law enforcement to investigate and prosecute buyers of commercial sex.” (Global Alliance Against Traffic in Women 2007: 236-237; Women's Commission for Refugee Women and Children 2007:14) As a result, local law enforcement agencies have sought federal funding for “anti-trafficking task forces,” which, in theory, are made up of local and federal law enforcement personnel alongside social and legal service providers, but which in reality can simply be vice squads by another name. One study found that “some local task forces have focused exclusively on prostitution, making no distinction between prostitution and sex trafficking and not pursuing labor trafficking cases.” (Women's Commission for Refugee Women and Children 2007: 14) Not only does this approach severely limit the possibility of locating and identifying individuals trafficked into domestic, agricultural, and service sectors, but approaching situations where trafficked individuals may be found from a perspective that prioritizes policing of prostitution undermines the identification of trafficked persons.

Scholars and advocates suggest that another reason only a relatively small number of trafficking visas have been

issued to date may be that most immigrants are unaware of the existence of the services and assistance made available under TVPA, let alone how to access them. (Paz and Fry 2008; Women's Commission for Refugee Women and Children 2007: 12) Additionally, the current anti-immigrant climate and intensified immigration enforcement efforts may have rendered many trafficked persons fearful of coming forward to access such services even if they are aware of them.

What follows is a summary of our findings based on the experiences of trafficked persons and sex workers, law enforcement personnel, service providers and legal advocates with the US government's current approach to trafficking in persons, and in particular with raids-based responses.

EXPERIENCES OF TRAFFICKED PERSONS

“These raids are ugly and horrible. They ... bang on the door, they break the door, they come in with the guns out! In the beginning, it's frightening and upsetting. [Law enforcement] could do anything, you don't know what they are going to do. ... It's really horrible, sometimes if they are very angry, they don't let you get dressed. They take you in your work clothes. ... One never lets go of the fear. Being afraid never goes away. They provoke that.”—Celia, arrested seven times by local police without being screened for trafficking

Fifteen immigrant women, all of whom were sex workers, trafficked persons, or both, were interviewed about their experiences with trafficking:

- 12 of the 15 women interviewed were sex workers, 3 were in domestic work or other sectors;
- Of the 12 sex workers interviewed, 9 self-identified as trafficked, and 11 were recognized by the US government as trafficked. One did not apply for status as a trafficked person;
- 12 of the 15 women interviewed self-identified as trafficked persons, and were trafficked into a variety of sectors including domestic work, sex work and other work;
- 14 of 15 women interviewed were recognized as trafficked by the US government and were seeking or benefiting from the services, assistance and immigration status afforded to certified victims of trafficking;
- All 14 women who were recognized as trafficked by the US government were cooperating or had cooperated with law enforcement to the extent

possible, including two women who did not self-identify as trafficked; and

- 6 of the 12 women in trafficking situations, left on their own, without law enforcement intervention, with the help of a colleague (a sex worker or someone else from their workplace) or an attorney whom they met through a colleague or friend.

Experiences with federal and local police raids:

- 7 of the 15 women had been picked up in federal anti-trafficking raids;
- 60%, or 9 of the 15 women, had been arrested in local police raids. The number of arrests by local police experienced by individual women ranged from one to ten. None had been identified as trafficked by local law enforcement following a raid, despite the fact that 7 of these 9 women self-identified as trafficked. Only 1 had been asked whether she was coerced into sex work following arrest by local law enforcement;
- Latinas experienced the greatest numbers of arrests, typically related to prostitution, followed by Asian women;
- 2 participants had experienced both federal anti-trafficking raids and local vice squad anti-prostitution raids;
- The 2 of 5 women who believed that they were trafficked and had done sex work were held in immigration detention for weeks before identifying themselves to law enforcement as trafficked; and
- One was jailed on a prostitution conviction after a raid until her defense attorney recognized that she might have been trafficked.

“There were so many policemen; the whole house was filled with maybe 15 officers. I was in ‘the boss’ house.’ I didn’t know anything. I saw the auntie run so I ran too and as I was running a police officer struck me in the back of the head with the back of a gun and I fell to the floor and I passed out. . . . I had no idea they were police when they all broke in. The ones that came in were not wearing uniforms. When I woke up, then I saw people with uniforms. I was passed out for less than a minute. I was struck in the head really hard. I woke up because someone was picking me up. It was a female officer and she opened up my skirt and revealed my undergarments in front of everyone to see if I was hiding anything on me. I was scared, I didn’t even know what they wanted to do, at that point I would do whatever they said I was so frightened.”—Jin, arrested following

a raid, convicted of prostitution, and sentenced to six months incarceration before being identified as trafficked by her defense attorney.

The women interviewed expressed a variety of opinions on the use of raids as an anti-trafficking tool and the role played by the raid in obtaining their freedom. Jin, who was arrested in a local police raid, said that she would eventually have left on her own, because she expected to be released by her trafficker two days after the raid in which she was arrested. Josefina, who was coerced into prostitution and was identified as trafficked as a result of a federal anti-trafficking raid, said that she would have left on her own if she had known of a safe place to go. Although Ofelia knew of no other way to escape her situation, she nevertheless described the raid and her subsequent detention as “terrible.” Another woman said that she would have preferred to leave her situation by leaving with a co-worker rather than being rounded up in a raid. The experiences of these women suggest that increasing awareness among sex workers and immigrant communities of resources available to trafficked people, including safe refuges, would go a long way to enabling them to leave coercive situations without the necessity and trauma of law enforcement intervention.

“They were wearing guns and uniforms, and it made me very scared. They didn’t tell us anything. They treated us like criminals during the arrest and it was scary.”
—Lily, arrested by local law enforcement five times before being identified as trafficked following a federal anti-trafficking raid.

LAW ENFORCEMENT PERSPECTIVES

Five federal law enforcement personnel were interviewed for this study, and described the procedures, positive outcomes, and challenges of anti-trafficking raids. Law enforcement personnel expressed mixed views as to the efficacy of raids as anti-trafficking tools.

“The nature of the crime and the nature of the victims make raids not effective. What level of evidence do you need? You need a victim to be willing to open up and tell you . . . I don’t see raids being a consistently effective tool. The best situation is if you know there’s a problem.”

Some law enforcement agents questioned the efficacy of raids.

- 4 of the 5 law enforcement officials interviewed had been on-site during raids; the fifth had worked with people rounded up in raids;

- 2 of the 5 were very critical of the use of raids based on their experience, noting that people who experience raids are often not good witnesses in subsequent anti-trafficking investigations and prosecutions because they are distrustful of law enforcement;
- 1 of the 5 believed raids produced both good and bad results;
- 2 spoke in favor of raids; and
- At least 1 law enforcement employee reported experiencing symptoms associated with secondary trauma.

Law enforcement personnel reported that raids were useful for:

- Locating and identifying witnesses for law enforcement efforts;
- Removing victims of abuse from terrible situations. In theory, they believed that raids lead to the delivery of services and assistance to trafficked persons; and
- Bringing down criminal networks.

However, law enforcement personnel described difficulties gaining the trust of people who had been victimized and who were subsequently detained after raids.

“It’s such an overwhelming situation, and why would they trust us?”

The perspectives of law enforcement officers interviewed differed from those of trafficking survivors and sex workers in that their primary focus was the successful initiation of criminal prosecutions and the willingness of trafficked persons to serve as witnesses. Nevertheless, they indicate that criminal justice procedures are less likely to be successful where trafficked persons are intimidated by law enforcement actions.

“Raids don’t give victims enough chance to get mentally where they need to.”

SERVICE PROVIDER PERSPECTIVES

“What ICE calls a rescue is barging into someone’s apartment at 6 a.m. and terrorizing them.”

Service providers and attorneys identified issues arising from the fact that the use of raids to combat trafficking in persons is inherently not premised upon the needs of trafficked people, but rather on the goal of prosecution. They emphasized that raids are chaotic events during which the people directly targeted have little understanding of what is happening, and cited

trauma and detention as common consequences of raids upon people who had been trafficked. Service providers also noted that treatment during raids bears directly upon whether a person who has been detained will speak frankly about their experiences, or self-identify as having been coerced or otherwise abused.

“The raids that I’m most familiar with have taken place in the wee hours of the morning, usually in a person’s home, not in their place of work, and it’s been really frightening. They initially believe it’s because they are undocumented, and then later, in the moment in high drama, they realize [that law enforcement agents] are after the victims because of prostitution, and then it becomes frightening because their families don’t know they were involved in prostitution. ... Usually in the raids I’ve been told about the law enforcement officer playing tough before explaining that law enforcement believes the women are victims. One client described ... that on the way to the station, an ICE agent said, ‘You shouldn’t be in this country anyway,’ and she said later, ‘How dare you! You have no idea how I got here!’ And she had been trafficked and had the feeling of humiliation and powerlessness.”

Social workers and attorneys, and particularly those who have been present at or following a raid, spoke strongly against raids. All 26 service providers stated that:

- They did not receive referrals of trafficked persons as a result of local police vice raids, suggesting that such raids do not result in the identification of trafficked persons;
- Federal anti-trafficking raids can lead to the deportation of many people rounded up before they can be properly screened for trafficking;
- Law enforcement did not consistently follow up on trafficked persons’ willingness to cooperate with investigations or provide the necessary support for applications to adjust immigration status and for benefits and assistance;
- There does not appear to be a standard procedure for identifying trafficked persons following federal anti-trafficking raids or local law enforcement vice raids, leading to widely divergent treatment of people rounded up in such raids; and
- Law enforcement agents use interrogation techniques, including intimidation, that are entirely incompatible with an approach that prioritizes the needs of trafficked persons.

Additionally, 10 service providers reported that:

- Raids create circumstances facilitating police misconduct, including sexual misconduct, against trafficked persons.

“By the time that we talked to any of the women in any of these cases, they had already been interrogated at least once if not more, and based on those interrogations, maybe a second or third, their entire future is determined. They aren’t informed about their rights in a way that a reasonable person would believe. I arrest you, handcuff you, fingerprint you, interrogate you and then tell you that you have these rights.”

Social service providers described their clients experiencing symptoms of trauma after raids, and noted that, in addition, raids uproot trafficked persons from their communities, and can effectively render them homeless. Some people picked up in raids, especially people who earned living wages, experienced severe economic hardship as a result. Many trafficking survivors were alienated from law enforcement by their experiences of raids and did not speak about their situations. Others who were trafficked by their husbands or partners did not self-identify as trafficked persons following raids.

“I have had prosecutors shout at my clients to try to bully them into cooperating. When you’re dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely.”

In addition to expressing significant concerns regarding the effects of raids on trafficked persons, caseworkers and social workers described experiencing symptoms of secondary trauma related to their work with trafficked persons, and particularly with those who had been traumatized by their experiences in raids. These conditions contribute to high turnover and undermine service providers’ ability to adequately address their clients’ needs.

The trauma of raids and the requirement of subsequent cooperation with law enforcement have long-term effects on trafficked persons and people who do not self-identify as trafficked. Additionally, raids have ripple effects on immigrant communities and sex workers beyond those directly affected by law enforcement activity, increasing fear and driving sex work and undocumented people further underground and farther beyond reach of assistance, and making sex workers and immigrants less likely to turn to law enforcement when they experience violence or coercion.

THE AFTERMATH OF RAIDS

Legal advocates and social service providers also identified a number of issues arising as a result of the US government’s requirement that trafficked persons cooperate with law enforcement in order to obtain services, benefits, and immigration status:

- The requirement to cooperate with law enforcement is often a burden on trafficked persons;
- There is no avenue for trafficked persons who are identified after a prosecution has been completed to access protections and assistance; and
- People who do not immediately cooperate with anti-trafficking prosecutions may be held for prolonged periods in immigration detention or as material witnesses.

All service providers and attorneys agreed that services should be offered to trafficked persons immediately after they are identified as such, without precondition. Indeed, a rights-based approach to trafficking would not make cooperation with prosecutions mandatory, nor would it permit the detention of people who have been victimized by trafficking under any circumstances.

A BETTER MODEL

“A better way to help leave my situation would be anything that didn’t involve the police.” —Jin

Six of the women interviewed for this report who self-identified as trafficked left trafficking situations without the involvement of law enforcement. The women who left on their own subsequently approached law enforcement on their own behalf, and cooperated in the prosecution of their traffickers. Their experiences do not appear to be uncommon—in fact, service providers reported that the majority of trafficked persons who accessed their services were not identified as a result of raids. One supervisor with a national organization said, “Ninety percent of our cases are not from raids, not even law enforcement identified.” These experiences suggest that a different approach to locating and identifying trafficked persons, one based on meeting the needs, protecting the rights, and supporting the self-determination of trafficked persons, may prove to be a more effective response to trafficking in persons.

Such an approach could be led and implemented by people familiar with sex work and other sectors where trafficking is prevalent, such as domestic work, agricultural labor, and service sectors; individuals who

have experienced trafficking; social service providers; and immigrant rights advocates. Women interviewed for this report described being helped by people they knew, including clients and coworkers, who recognized that they were in coercive situations and stepped in to offer help. Because they left trafficking situations in a non-coercive fashion, avoiding the trauma associated with a law enforcement raid, they were more prepared to cooperate with law enforcement in the prosecution of their traffickers. Ultimately, an approach that recognizes and supports the rights, agency and self-determination of trafficked persons is likely to produce better outcomes for trafficking survivors.

The best outcomes for trafficked persons often do not arise from law enforcement actions. Although federal anti-trafficking raids have been implemented as part of a concentrated effort to identify and assist trafficked persons, such raids appear to have extremely mixed results in terms of effectively achieving these goals. It is also clear that local police raids that focus on prostitution venues are not at all effective in identifying trafficked persons, and can result in violations of the human rights of trafficked persons and sex workers alike. Moreover, conflation of trafficking and sex work diverts anti-trafficking resources away from trafficking in other labor sectors, including domestic work, agricultural labor, and service sectors, with no accompanying increase in the identification of trafficked persons. A significant number of trafficked persons are able to leave coercive situations without being subjected to the trauma of a law enforcement raid, with the help of a variety of actors, including friends and contacts in their communities, co-workers, clients, and other sex workers. This number could be further increased through initiatives aimed at increasing awareness of the benefits and services available to survivors of trafficking and at supporting immigrant communities, workers' rights advocates, and sex workers in the identification of trafficked persons.

CONCLUSIONS

A LAW ENFORCEMENT CENTERED APPROACH IS INHERENTLY NOT "VICTIM-CENTERED"

A law enforcement based approach to trafficking in persons prioritizes criminal justice proceedings over

the needs and rights of people who have been trafficked. It has also led to practices that violate the rights of people who have been trafficked, including use of excessive force, harassment and abuse, interrogation without an attorney present, and detention of trafficked persons. A rights-based and "victim-centered" approach would prioritize the rights, needs, healing, and agency of survivors of trafficking over criminal proceedings.

A RIGHTS-BASED APPROACH IS CRITICAL TO THE FULL RECOVERY OF TRAFFICKED PERSONS

People who have been trafficked have lived through incredible hardship, abuse, and violations of their human rights. Current law enforcement approaches often sacrifice their wellbeing in favor of prioritizing criminal justice proceedings. Even trafficked persons who were ultimately removed from coercive situations by a raid spoke of being frightened, confined, and sometimes even bullied by law enforcement. It is critical that anti-trafficking measures put the needs of the people they are intended to protect first, by adopting approaches that recognize, center, and address the realities and experiences of trafficked people, respecting and protecting the rights of trafficked persons and their communities in investigations and criminal proceedings, facilitating immediate access to services and support, eliminating the use of threats of deportation to coerce cooperation, providing housing that does not feel like a detention center, and allowing trafficked persons to remain connected to their friends and family members during criminal proceedings.

IN MOST CASES LOCAL POLICE RAIDS DO NOT LEAD TO THE IDENTIFICATION OF TRAFFICKED PERSONS

Seven of the trafficked women and two of the sex workers who did not identify as trafficked were arrested by local law enforcement at least once for prostitution. The number of arrests experienced by participants ranged from one to ten. Yet only one participant was ever screened for trafficking by local police, despite the existence of local task forces receiving federal funds to address trafficking.

The fact that 9 individuals subsequently identified as trafficked who participated in this study were

repeatedly arrested rather than protected highlights the failure of approaches that subsume and conflate anti-trafficking initiatives with policing and punishment of prostitution. Presumptions that all immigrant sex workers have been trafficked, and that sex workers who have not been trafficked must be punished, have led to the disproportionate allocation of anti-trafficking resources to local vice raids targeting prostitution venues. For the most part, such raids have not led to the identification of trafficked persons. Rather, in many instances, they have led to violations of the rights of trafficked persons and sex workers alike, and detention and punishment of the very people anti-trafficking initiatives are intended to protect. Moreover, these arrests alienated women from law enforcement, bolstering fears of US government agents instilled in them by traffickers, thereby making them less likely to come forward and identify themselves as trafficked or access services that would increase their self-sufficiency and decrease their vulnerability to abuse and coercion.

IN-DEPTH INVESTIGATIONS MAY BE MORE EFFECTIVE IN COMBATING TRAFFICKING

Current anti-trafficking measures rely heavily on law enforcement raids of sex industry venues and the homes of immigrants to the US. However, interviews with law enforcement personnel, social service providers, attorneys, and trafficked persons demonstrate that raids are often accompanied by intimidation, verbal abuse, use of excessive force, sexual harassment, and abuse, and create high levels of fear among trafficked people, thereby impeding rather than facilitating evidence gathering for prosecutions. Indeed, raids often lead to the detention and deportation of trafficked persons who were afraid to come forward or who were not believed by law enforcement when they did, thereby removing key witnesses and terrorizing others into silence.

Where law enforcement has engaged in substantial investigation prior to approaching potential witnesses on a voluntary basis, trafficked persons are often more willing to cooperate with law enforcement, in part because they have not been subjected to the trauma of a raid. Based on the results of this study, it appears that detailed and in-depth federal investigations aimed at obtaining solid information about the existence of coercion or the involvement of minors in a range of labor sectors have been more successful at identifying trafficked persons

than raids indiscriminately targeting sex work venues and immigrant communities, and are less likely to result in violations of the rights of the very people anti-trafficking efforts are intended to protect. Federal anti-trafficking raids should be an intervention of last resort.

LEGAL AND SOCIAL SERVICES SHOULD BE MADE IMMEDIATELY AVAILABLE TO PEOPLE PICKED UP IN ANTI-TRAFFICKING RAIDS

Immediate and unconditional provision of legal and social services to people detained in anti-trafficking, vice, and immigration raids is essential to facilitating the recovery of trafficked persons and facilitating their journey to self-sufficiency. To some degree, immediate access to legal and social services can also mitigate the trauma of raids and detention, and therefore increase the chances that people who have been trafficked will come forward. Immediate service provision requires that service providers be notified in advance that a raid will be conducted.

FAMILY REUNIFICATION IS A CRITICAL FACTOR

People whose children are not in the care of trusted relatives or who are in another country are especially vulnerable to threats and manipulation by traffickers. Children and other family members who may be at substantial risk of retaliation after a trafficked person leaves a coercive situation or cooperates with law enforcement require protection. Anti-trafficking efforts must ensure that effective protection is provided to both trafficked persons who come forward and their family members, and should prioritize and facilitate family reunification if desired by individuals who have been trafficked.

LACK OF LEGAL MIGRATION OPTIONS RENDERS MIGRANT WORKERS VULNERABLE TO TRAFFICKING

Inability to gain lawful entry into the United States due to restrictive immigration policies renders migrants seeking employment opportunities far more vulnerable to trafficking. Once in the US, trafficked persons' lack of immigration status is often used by traffickers as a further instrument of coercion, made all the more powerful by anti-immigrant sentiment and policies which deter trafficked persons from

seeking help from law enforcement. Ironically, anti-trafficking and vice raids play directly into these dynamics by confirming traffickers' threats that police are more likely to arrest and deport trafficked persons than to help them. Efforts to address the root causes and circumstances that facilitate trafficking, such as the economic impacts of globalization and the lack of opportunities for legal migration, are essential to the success of anti-trafficking initiatives.

RECOMMENDATIONS

Recommendations for the government

While there have been some successes, current US anti-trafficking policy is flawed in a number of ways. Anti-trafficking initiatives need to not only identify and hold traffickers accountable—the primary focus of current approaches—but also to fully respect and protect the persons, property and rights of people who have been trafficked. Above all, policy and practice must be designed and implemented so as to ensure that the process of combating trafficking does not itself lead to further violations of the human rights of trafficked persons.

WE RECOMMEND THAT THE US GOVERNMENT:

Increase opportunities for legal migration to the US

Restricted opportunities for legal migration create circumstances which increase vulnerability to trafficking and abusive labor conditions for migrants. Increased and intensified—and often abusive—immigration enforcement only strengthens the power of traffickers and unscrupulous employers over trafficked persons and immigrant workers. The threat of arrest and deportation not only serves as an additional weapon in the arsenal of traffickers and employers, it also strongly deters trafficked persons and immigrant workers from seeking help or protecting their rights.

Ensure unconditional access to services and assistance to trafficked persons

Rescind the requirement that trafficked persons cooperate with law enforcement

Currently, trafficked persons' access to services, benefits, and immigration status is conditional on cooperation with law enforcement investigations and

prosecutions of their traffickers. This mandatory condition denies benefits to trafficked persons fearful of cooperating due to risk of retaliation against themselves or their families, as well as to individuals whose traffickers are not investigated or prosecuted by law enforcement, and to trafficking survivors identified after their trafficker has already been prosecuted. It also transfers power over trafficked persons from traffickers to law enforcement agents, in whose sole discretion trafficking survivors' futures often lie. Removing the requirement that trafficking survivors cooperate with law enforcement in order to access benefits, services, and immigration status would center the rights, needs, agency, and self-determination of trafficking survivors, which ultimately would have the added benefit of increasing the likelihood of effective cooperation with law enforcement.

Increase funding and eliminate conditions on federal funding to service providers

The US government offers funding to organizations providing legal and social services to trafficked persons on condition that they agree to abide by certain conditions. Denying funds to organizations that are unwilling to sign on to the administration's mandatory anti-prostitution position has harmed anti-trafficking efforts and deprived people who have been trafficked of services and assistance by denying resources to organizations that are highly effective in combating trafficking and assisting trafficking survivors as part of a larger program of advocating for the rights of individuals working in the sex trades.

The needs of people who have been trafficked are best served by redirecting resources from expensive and resource-intensive law enforcement methods toward rights-based initiatives which prioritize the healing, empowerment, and self-sufficiency of trafficked persons. Funding for services meeting the immediate needs of trafficking survivors such as housing and benefits is particularly critical.

Service providers who have successfully assisted trafficked persons, immigrants and sex workers regularly receive referrals from former clients. Some providers report that a large percentage of the individuals they help came to them through such referrals, rather than through law enforcement. Such referrals demonstrate the long-term value of an approach that offers assistance, services and support without focusing on the priorities of the criminal justice system. Government resource allocation should

reflect this and prioritize services over high-visibility but more expensive and often counter-productive tactics such as raids.

Allocate funds to organizations empowering immigrant communities and workers in informal economies

People and organizations in immigrant communities are often keenly aware of trafficking issues, and are well-placed to identify, contact and assist victims. Similarly, individuals working in informal economies—sex work, day labor, sweatshops, etc.—have unique access to, and opportunities to recognize and assist, victims of trafficking. The opportunity to collaborate with these uniquely placed and knowledgeable groups is lost if their members are themselves under constant threat of arrest or deportation.

Vigorously enforce labor laws

Trafficking tends to occur in industries where labor violations are endemic, as well as in industries for which labor protections are limited, such as domestic work and agricultural labor. Trafficking often implicates violations of labor laws through wage and hour violations, withholding wages, non-payment of minimum wage, and debt bondage. Expanded coverage and heightened and widespread enforcement of labor laws is one promising alternative approach to trafficking in persons, which would have the added benefit of increased workplace protections for all workers.

Prioritize family reunification for trafficked persons

Fear for the safety of family members living abroad, especially children, discourages trafficked persons from speaking out about their situations. In many cases, trafficked persons have declined to come forward based on such fears. Family reunification should be facilitated and expedited in order to increase the safety and security of trafficked persons, their children and family members.

Train immigration officials, judges, public defenders and prosecutors to identify trafficked persons

So long as there remains a substantial likelihood that trafficked persons will be arrested or subject to immigration and deportation proceedings, it is essential that all players in the immigration and criminal justice systems receive training that will better enable them to identify trafficked persons and facilitate their access to programs designed to assist them.

Recommendations for law enforcement agencies

WE RECOMMEND THAT LAW ENFORCEMENT AGENCIES:

Prioritize in-depth investigations and voluntary cooperation

Not only are raids potentially dangerous and intensely traumatic for those involved, but they do not guarantee, and may often discourage, the cooperation of witnesses. They also frequently do not lead to the identification of trafficking victims, but rather to their arrest or deportation.

The information gathered for this report suggests that in-depth investigations which prioritize the rights, safety, needs, and voluntary participation of trafficked persons are more effective in identifying trafficking situations and victims, and should be prioritized over aggressive action such as raids. Such investigations are most critical where trafficked persons are held in isolated locations where they may be unable to access the support of co-workers and community members to leave coercive situations. Law enforcement agencies should cooperate closely with service providers to ensure trafficking survivors identified through such investigations immediate access to victim-advocates and social services. Protection for trafficked persons, as well as their family members and property, must be prioritized in law enforcement investigations. Raids should only be used as an option of last resort, and must respect and protect the rights of trafficked persons.

Ensure that people with knowledge of trafficking situations are able to come forward without fear of arrest or removal

Sex workers, immigrants, and trafficked persons are often the most successful at identifying victims of crime within their communities. Anti-trafficking efforts that are able to capitalize on their unique knowledge and access will be vastly more effective than those that do not. To make this possible, trafficked people who come forward—and those who assist them in coming forward—should be shielded from the threat of arrest or deportation for immigration violations, prostitution or sex work-related crimes.

Recognize that vice raids are not effective anti-trafficking measures

Experience has shown that the police and the criminal justice system are not effective in identifying and aiding victims of trafficking: in a number of cases, trafficked sex workers have been arrested multiple times without ever being identified as victims of trafficking. Training to recognize trafficking has not overcome the practice of arresting people in certain sectors, especially sex workers. Raids, arrest and detention have proven ineffective when it comes to giving trafficking victims access to the assistance and services they need.

Follow through on necessary paperwork to facilitate legal status for trafficked persons

Failure to complete documentation needed by trafficked persons in order to access services, benefits, and immigration status jeopardizes current cases that depend on the cooperation of the victim. Delays in providing necessary certification to individuals who have already cooperated with law enforcement feed and perpetuate distrust of law enforcement, potentially jeopardizing future cases.

Work with attorneys, advocates and service providers to ensure the best outcome for trafficked persons

Law enforcement agencies must work together with attorneys, advocates and service providers to ensure the best outcome for victims of trafficking. This is not only indispensable in order to guarantee the rights of victims, but it has proven to be in the long-term interests of anti-trafficking initiatives. The most effective prosecutions of traffickers have all involved attorneys and advocates working on behalf of trafficked persons at the earliest opportunity.

Recommendations for social service organizations and providers

WE RECOMMEND THAT SOCIAL SERVICE ORGANIZATIONS AND PROVIDERS:

Maintain a non-judgmental attitude

Providers are most successful at connecting with and providing appropriate services to people who have been trafficked when they are able to maintain a non-judgmental attitude. This is of paramount importance in cases that involve coercion into criminalized or otherwise stigmatized activity, such as sex work. One service provider emphasized the importance of

recognizing both migrant rights and sex worker rights in light of the complexities and nuances of individual women's situations: some "women do choose to come here [to engage in sex work] and send money to their families" and it's important to "recognize the choices they've made," while at the same time recognizing that trafficking can exist "even if people know that they are going to be in prostitution and then [they experience] extreme coercion."

Provide respectful and appropriate services

Ensure that services are offered in the language of the trafficked person's choice, and in a manner that fully respects, supports, and addresses their religious, cultural, spiritual, family and dietary choices, customs, practices and needs. Plan service provision in such a way as to be flexible and responsive to a diversity of needs and concerns rather than around a monolithic presumed experience.

Acknowledge the demands made upon caseworkers

Working with victims of trafficking is intensely stressful. Organizations should recognize this and take appropriate measures, including making time for staff discussions about the challenges presented by work. They should also offer support for caseworkers and other staff who request it, for those who exhibit symptoms of secondary trauma, and for those who may be at risk for secondary trauma.

Supervise and support service providers

Organizations should arrange for supervision of service providers through weekly hour-long sessions with a certified social worker (CSW), during which providers can both strategize around their clients' needs and process their own emotional reactions to their clients' experiences. Such sessions can also serve administrative functions: in addition to being therapeutic, they also give supervisors an opportunity to supervise and follow cases.