



# **LABOR TRAFFICKING**

**Presented by:**

**Fl. Department of  
Children and Families**

**Refugee Services  
Program**

**And**

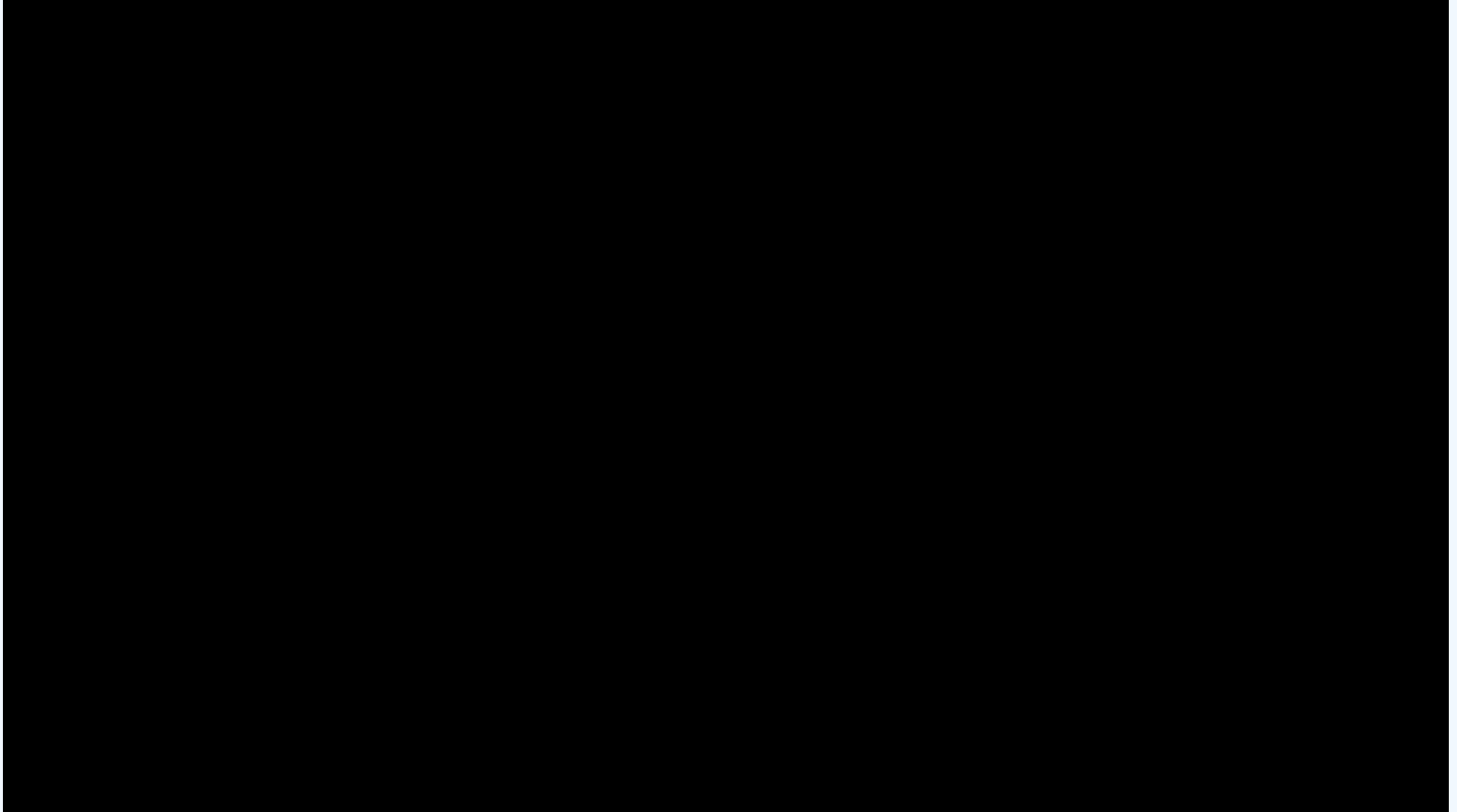
**Office of Child Welfare**

# OVERVIEW OF PRESENTATION

- **The law regarding Human Trafficking**
  - *TVPA 2000*
    - Definitions and Terms
    - Additional aspects of the TVPA
  - *Fair Labor Standards Act*
- **Overview worldwide of goods affected**
  - *Industries affected*
- **Florida**
  - *General information*
  - *Case studies*
  - *Mental health*
  - *Case scenarios*
- **Questions to answer**

# **THE FACES OF HUMAN TRAFFICKING-**

## **INTRODUCTION TO LABOR TRAFFICKING**



# THE LAW REGARDING HUMAN TRAFFICKING

- **International level:** Palermo Protocol of 2000
  - Prevent, suppress, and punish Trafficking in persons, especially women and children
- **National level:** Victims of Trafficking and Protections Act of 2000 (TVPA)
  - **Protection-** *Increased US efforts to protect trafficked foreign national victims (social services & immigration assistance)*
  - **Prosecution**
  - **Prevention**
  - **Partnership** (2009)
  - TVPRA (Reauthorized 5 times: 2003, 2005, 2008, 2013, & 2018)

50%  
re children



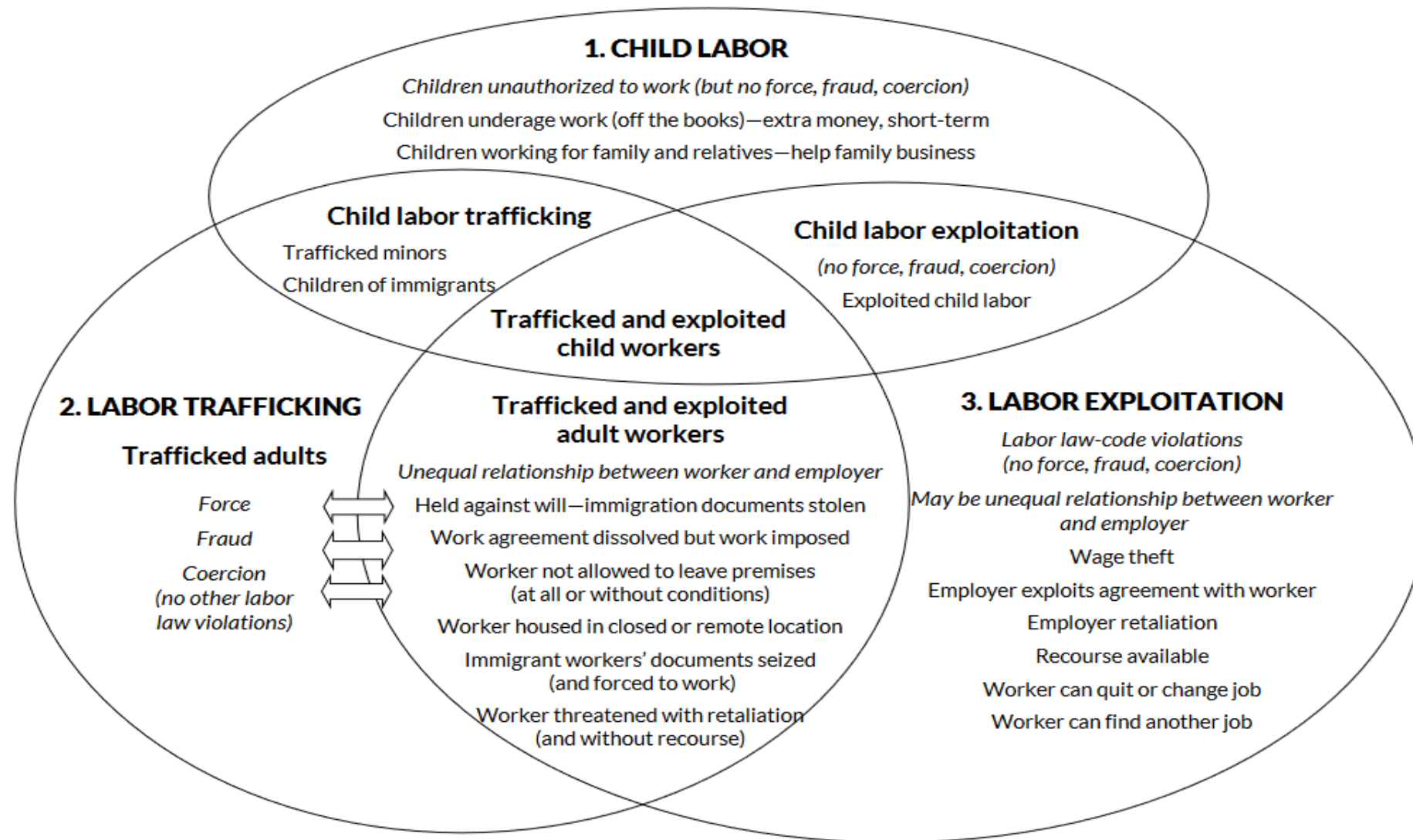
# TVPA OF 2000- DEFINITIONS

- **Sex trafficking:** the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the *\*commercial sex act is induced by force, fraud, or coercion. or in which the person induced to perform such act has not attained 18 years of age;*
- the term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.
- **Labor Trafficking:** 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***

*Per s.787.06(3), F.S. coercion is not required to be present in labor trafficking of minors (State law only)*



# CHILD LABOR, LABOR HT AND LABOR EXPLOITATION

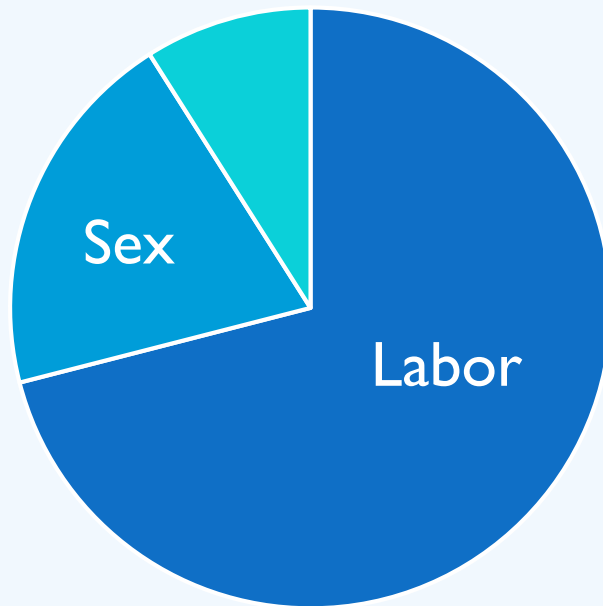


# **WHAT ELSE DOES THE TVPA ADDRESS?**

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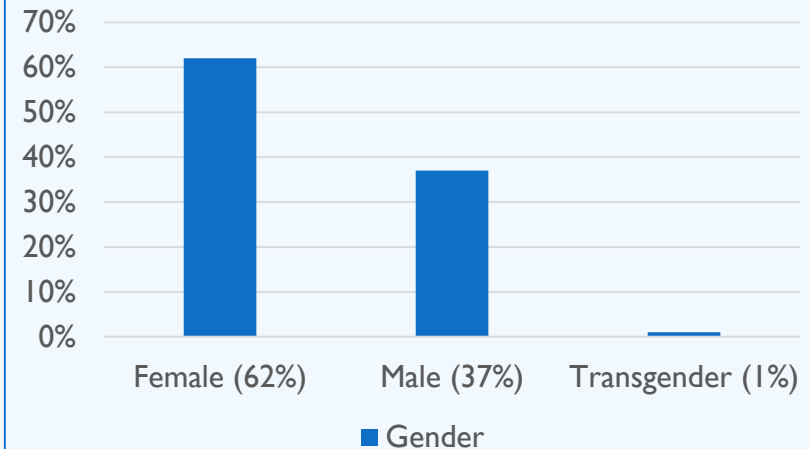
# TVPA STATS FY 2012-2018

Type of Trafficking experience

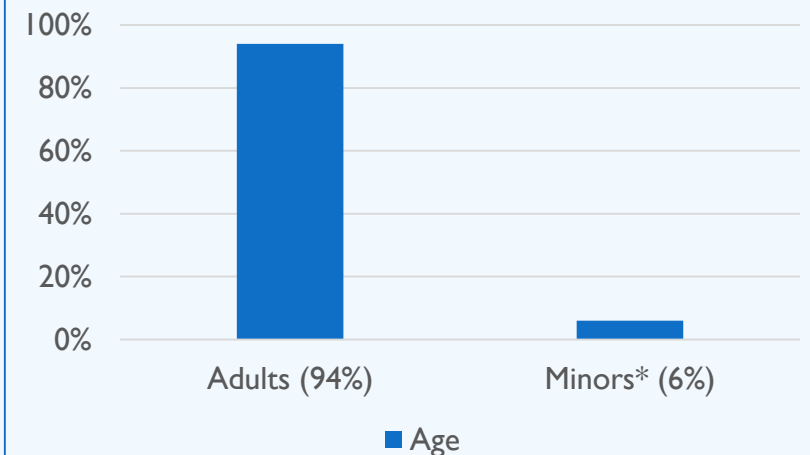


- Labor trafficking (71%)
- Sex trafficking (20%)
- Both Sex and Labor trafficking (9%)

Gender



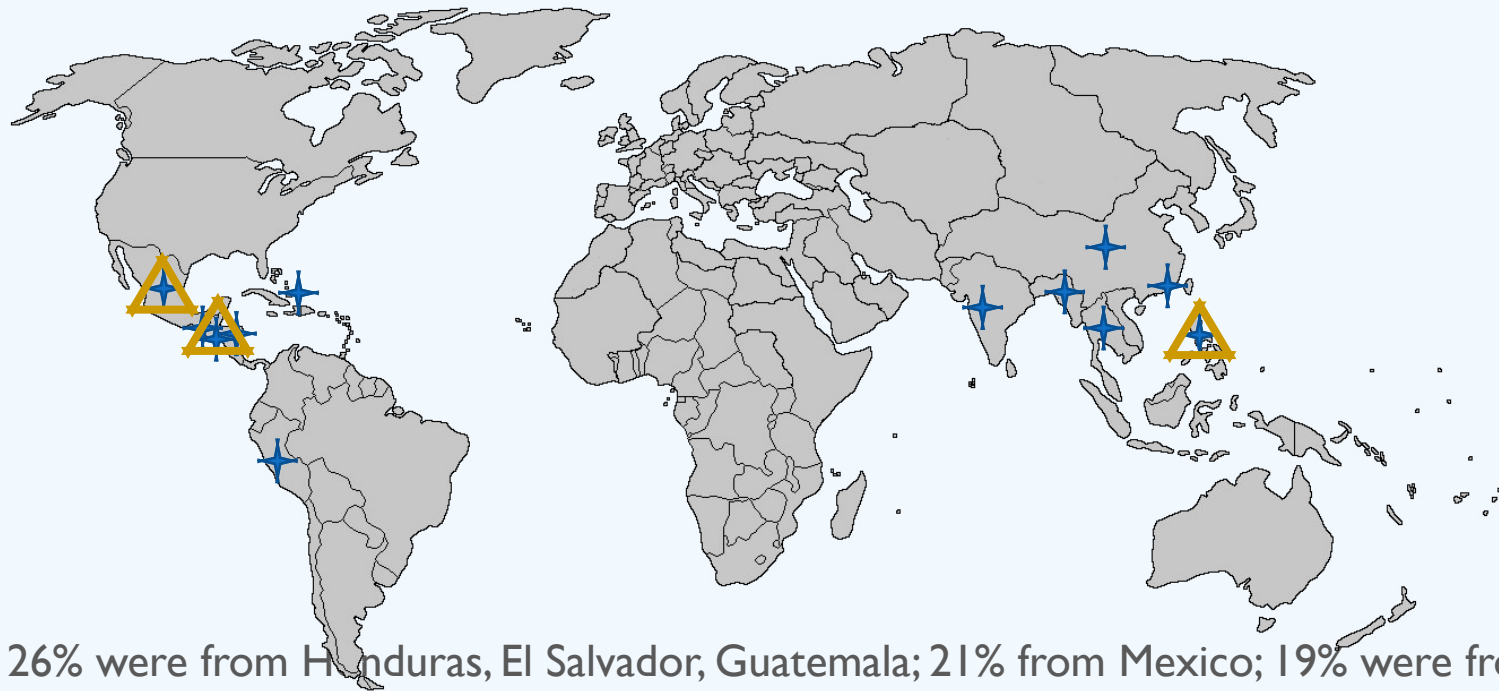
Age





# TVPA STATS FY 2012-2018

- **Country of Origin:** Bangladesh, China, Dominican Republic, El Salvador, Guatemala, Honduras, India, Mexico Peru, Philippines, S. Korea and Thailand



- Last FFY 26% were from Honduras, El Salvador, Guatemala; 21% from Mexico; 19% were from Philippines
- Most common client profile: adult woman, who experienced labor trafficking and originated from Philippines or Mexico



# TVPA OF 2000- CERTIFICATION AND ELIGIBILITY LETTERS

## For adults:

### SAMPLE CERTIFICATION LETTER

HHS Tracking Number  
12345678910  
DOB: 00/00/00

Name of Victim  
c/o Victim Advocate  
Advocate's Address  
City, State, Zip

#### CERTIFICATION LETTER

Dear Ms/Mr. Victim:

This letter confirms that you have been certified by the U.S. Department of Health and Human Services (HHS) under section 107(b) of the Trafficking Victims Protection Act of 2000. With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. Certification does not confer immigration status.

Your certification date is JULY 2, 2XXX. The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this certification. Therefore, if you wish to seek assistance, *it is important that you do so as soon as possible after receipt of this letter.*

You should present this letter when you apply for benefits or services. Benefit-issuing agencies must call the toll-free trafficking verification line at 1 (866) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

You must notify ORR of your current mailing address. Please send a dated and signed letter with any changes of address to: Trafficking Program Specialist, Office of Refugee Resettlement, 6<sup>th</sup> Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447. We will send all notices to your current mailing address and any notice mailed to your current mailing address constitutes adequate service. You may also need to share this same information with state and local benefit-issuing agencies.

Sincerely,

Nguyen Van Hanh, Ph.D.  
Director  
Office of Refugee Resettlement

## For minors:

### SAMPLE ELIGIBILITY LETTER

HHS Tracking Number  
05027020050  
DOB: xx/xx/xxxx

#### ELIGIBILITY LETTER

NAME OF MINOR  
c/o ADVOCATE  
ADDRESS  
CITY, STATE ZIP CODE

Dear NAME OF MINOR:

This letter confirms that under section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This letter does not confer immigration status.

Your eligibility date is MAY 28, 2002. The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this eligibility letter. Therefore, if you wish to seek assistance, *it is important that you do so as soon as possible after receipt of this letter.*

You should present this letter when you apply for benefits or services. Benefit-issuing agencies must call the toll-free trafficking verification line at 1 (866) 401-5510 in the Office of Refugee Resettlement to verify the validity of this document and to inform HHS of the benefits for which you have applied.

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Sincerely,

Nguyen Van Hanh, Ph.D.  
Director  
Office of Refugee Resettlement



# CERT. VS. ELIGIBILITY STATS (2001-2018)

FY	Eligibility letters	Certification letters	Total
2001	4	196	200
2002	19	77	96
2003	6	144	150
2004	18	141	159
2005	32	194	226
2006	20	209	229
2007	32	268	300
2008	32	287	319
2009	50	329	379
2010	92	449	541
2011	100	463	563
2012	103	367	470
2013	114	406	520
2014	217	530	747
2015	239	622	861
2016	332	444	776
2017	509	446	955
2018	466	412	878
<b>TOTAL</b>	<b>2,383</b>	<b>5,982</b>	<b>8,364</b>



# KEY STATISTICS GLOBALLY

## 2018 Polaris Project Data



- Globally, the International Labor Organization estimates that there are **20.1 million people trapped in forced** labor in industries including agriculture, construction, domestic work and manufacturing.
- The U.S. Department of Labor has identified **148 goods from 76 countries** made by forced and child labor.
- Since 2007, the **National Human Trafficking Hotline**, operated by Polaris, received reports of more than 7,800 labor trafficking cases inside the US.



# FORMS OF LABOR HT AND INDUSTRIES AFFECTED

## Forms of Labor Trafficking

- Domestic Servitude
- Forced Labor
- Debt Bondage
- Indentured/Involuntary Servitude
- Child Labor
- Slavery



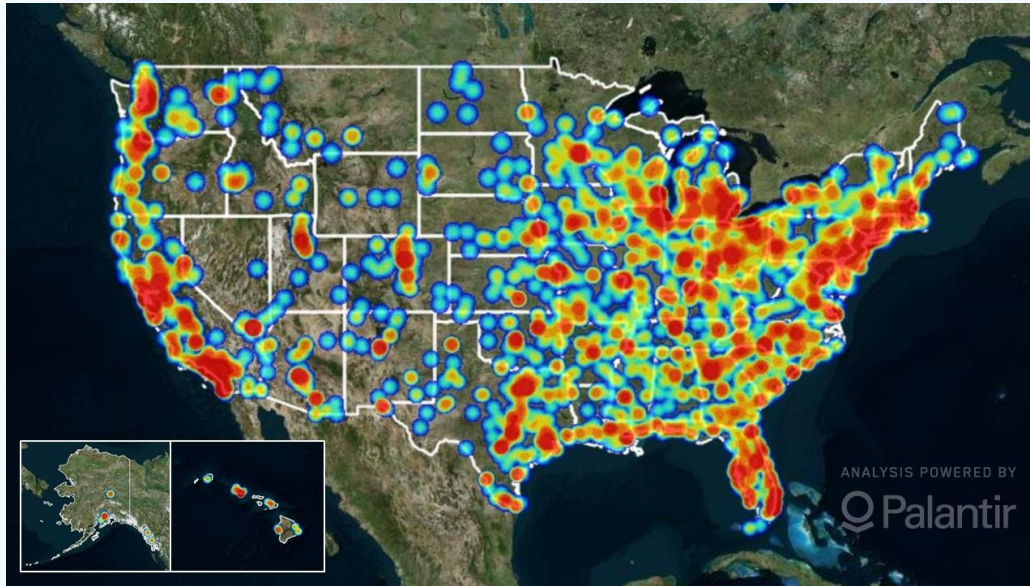
## Common Venues/Industries

- Agriculture
- Hospitality and Restaurants
- Commercial Cleaning
- Massage parlor
- Construction
- Landscaping
- Health care
- Salons
- Construction/Landscaping
- Domestic Work
- Door-to-door Sales
- Factories
- Peddling and Begging



# INDUSTRIES AFFECTED IN THE US

## 2018 Polaris Project Data



- *Average age at time exploitation for labor is 23*
- **Top Recruitment Tactics-**
  1. Job Offer
  2. False promises/fraud
  3. Smuggling related
  4. Familial
  5. Posing as a benefactor

### Top 3 types of Labor Trafficking

- Domestic work
- Agriculture and animal husbandry
- Traveling sales crew

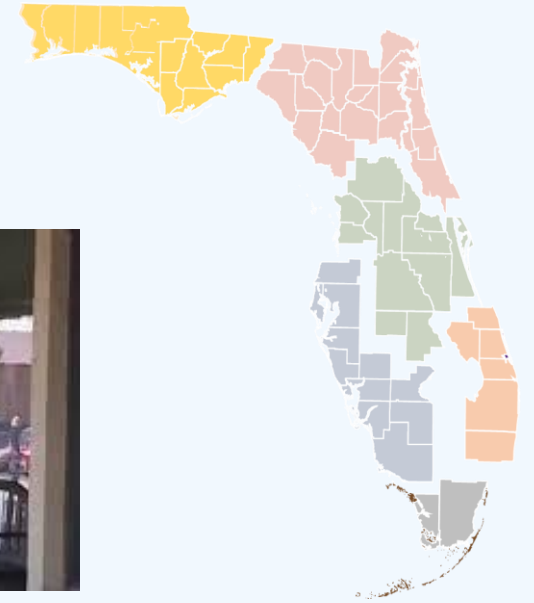
### Top 3 types of Sex & Labor Trafficking

- Illicit massage, health, & beauty
- Bars, strip clubs, & cantinas
- Illicit activities



# INDUSTRIES AFFECTED IN FL

## 2018 Polaris Project Data



### Top 3 types of Labor Trafficking

- Agriculture
- Domestic Work
- Traveling sales crew

### Top 3 types of Sex & Labor Trafficking

- Illicit massage, health, & beauty
- Hotel/Motel-Based
- Residence-Based Commercial Sex



<https://polarisproject.org/2018-us-national-human-trafficking-hotline-statistics>

<https://www.csmonitor.com/World/2015/1116/Trafficking-In-Florida-s-tomato-fields-a-fight-for-ethical-farm-labor-grows>

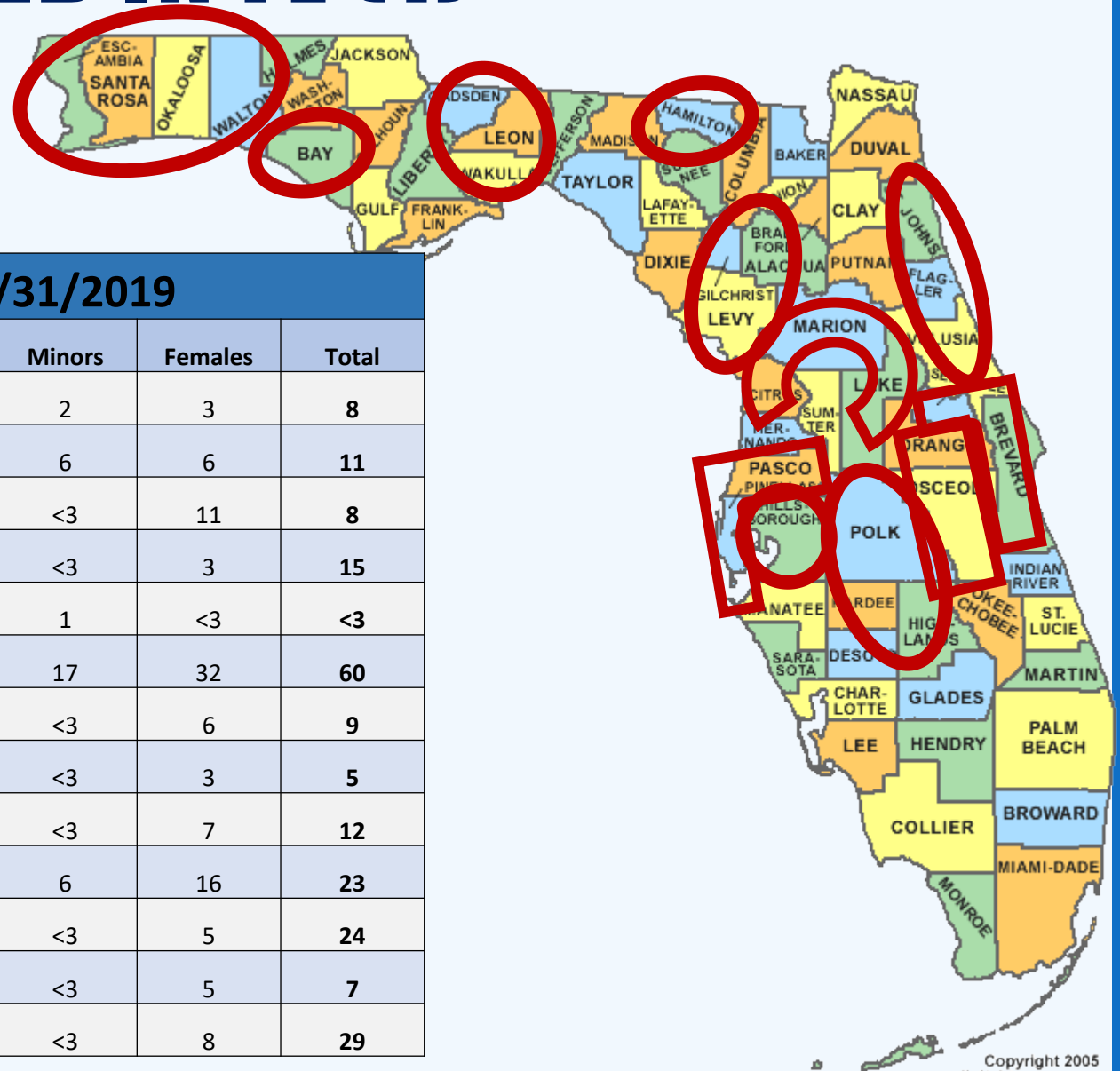
<https://www.nbcnews.com/news/us-news/here-s-what-could-be-next-women-working-florida-massage-n974936>





# INDUSTRIES AFFECTED IN FL (1)

## Polaris Project Data

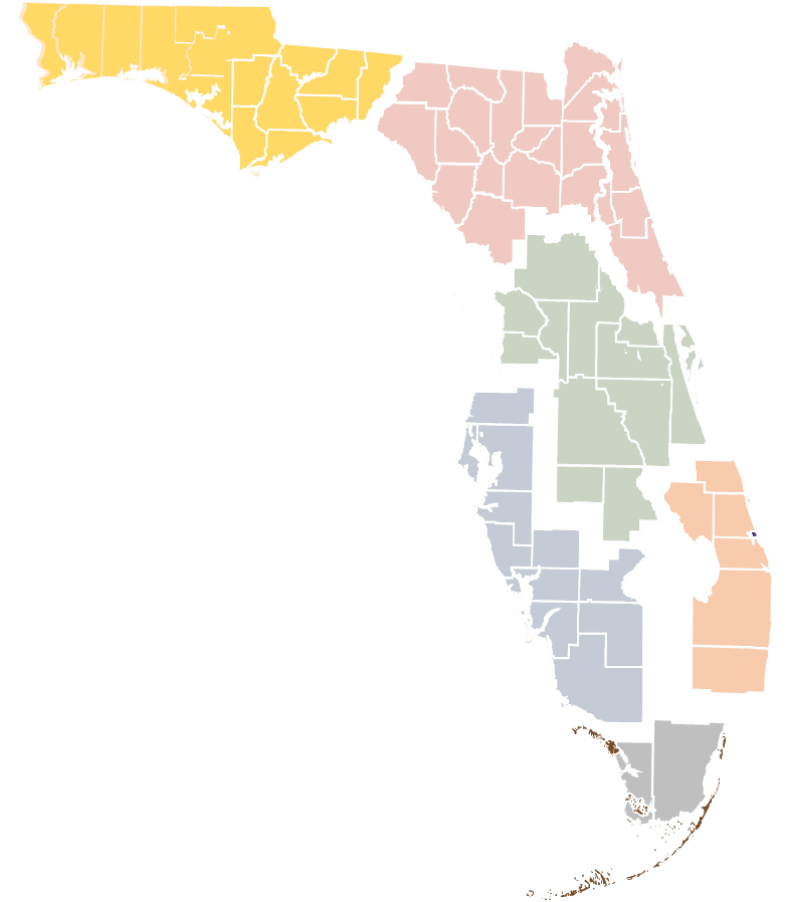


Labor HT cases by area 1/1/2016-3/31/2019

Areas	Specific counties included	Adults	Minors	Females	Total
Brevard/Seminole Area	Brevard, Seminole	3	2	3	8
Daytona Beach Area	Flagler, St. Johns, Volusia	8	6	6	11
Gainesville Area	Alachua, Gilchrist, Levy	6	<3	11	8
Jacksonville Area	Duval, Nassau	11	<3	3	15
Madison Area	Hamilton	<3	1	<3	<3
Orlando Area	Orange, Osceola	36	17	32	60
Ocala Area	Citrus, Lake, Marion	6	<3	6	9
Panama City	Bay	3	<3	3	5
Pensacola Area	Escambia, Okaloosa, Santa Rosa, Walton	9	<3	7	12
Pinellas Area	Pasco, Pinellas	21	6	16	23
Polk Area	Hardee, Highlands, Polk	21	<3	5	24
Tallahassee Area	Gadsden, Leon, Wakulla	4	<3	5	7
Tampa Area	Hillsborough	26	<3	8	29

\*No county designation for 51 cases (45 adults, and 3 minors. 17 were female victims.

# FLORIDA LABOR LAWS



# THE FAIR LABOR STANDARDS ACT



Restricts hours, conditions and occupations for youth under age 18

Under 14 –*MAY NOT WORK!*

14 and 15- May work up to 15  
hours per week.

## **\*Agricultural Child Labor**

- Minors 16 yrs & older may perform any job, whether hazardous or not, for unlimited hours;
- Minors 14 & 15 yrs old may perform any nonhazardous farm job outside of school hours
- Minors 12 & 13 yrs old may work outside of school hours in nonhazardous jobs, either with a parent's written consent or on the same farm as the parent(s)
- Minors under 12 years old may perform jobs on farms owned or operated by parent(s), or with a parent's written consent, outside of school hours in nonhazardous jobs on farms not covered by minimum wage requirements

# THE FL CHILD LABOR LAWS

Minors work restrictions:

## – Maximum Hours of Work for Minors

- **For Minors under 16:**
- 8 hrs. of work per day (40 per week), up to 6 days per week are permitted when ***school is out***.

During a school day only 3 hours are permitted when followed by another school day, except if enrolled in a vocational program. Up to 15 hours can be worked in a school-week.

- **For Minors ages 16 and 17:**
- 8 hours of work per day, 30 hours per week, up to 6 days per week are permitted during the schoolyear.

## – Night work Restrictions for Minors- For Minors Under 16:

- Work is prohibited during: *7 p.m. before school day to 7 a.m. on school day (9 p.m. during holidays and summer vacations to 7 a.m.)*
- **For Minors Ages 16 and 17:**
- Work is prohibited during these hours: *11 p.m. to 6:30 a.m., before school day.*





# THE FL CHILD LABOR LAWS



- **Agriculture and Farming**

- There are no age restrictions for minors working in agriculture during school hours. The minimum age at which a minor may work in agriculture **outside of school hours** is 14.

- **Maximum Working Hours for Minors Under 16**

- During a non-school period 8 hrs can be worked a day and 40 hrs per week. Up to 3 hrs may be worked per day when followed by a school day, and 15 per week.

A max. of 8 hrs per day and 30 hrs per week are allowed when school is in session, for ages 16 & 17.

Minors under 16 can work 8 hrs a day, 40 hrs per week during non-school day or week.

- Florida specifies the following as the maximum days per week in which a minor under 16 can perform agricultural work: 6
  - Nightwork restrictions also apply
- They are prohibited hazardous agricultural occupations for minors as well

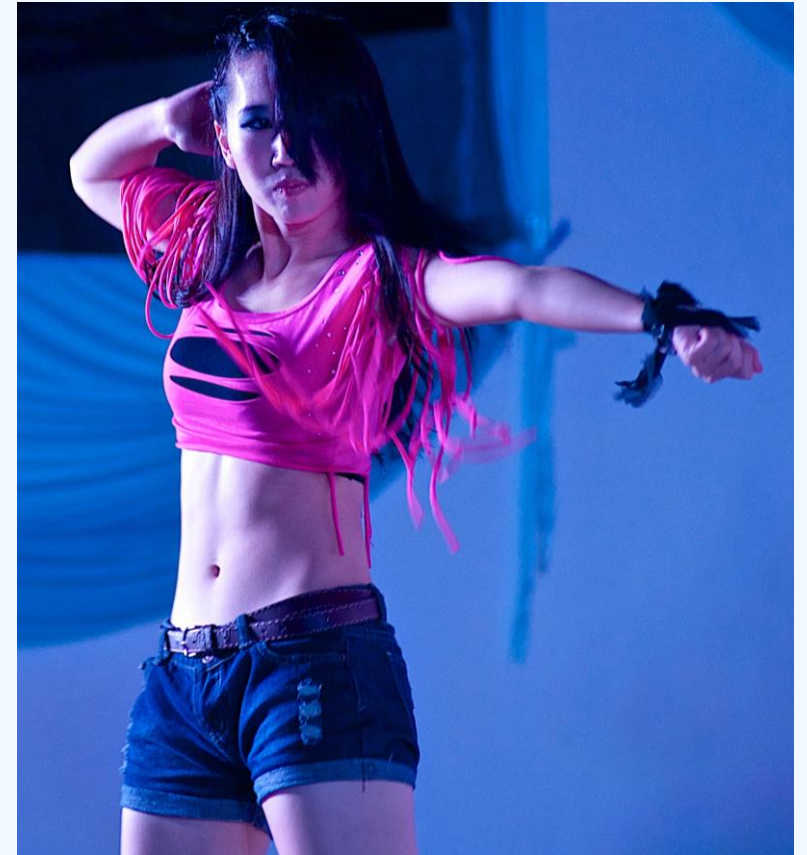
<https://www.minimum-wage.org/florida/child-labor-laws>



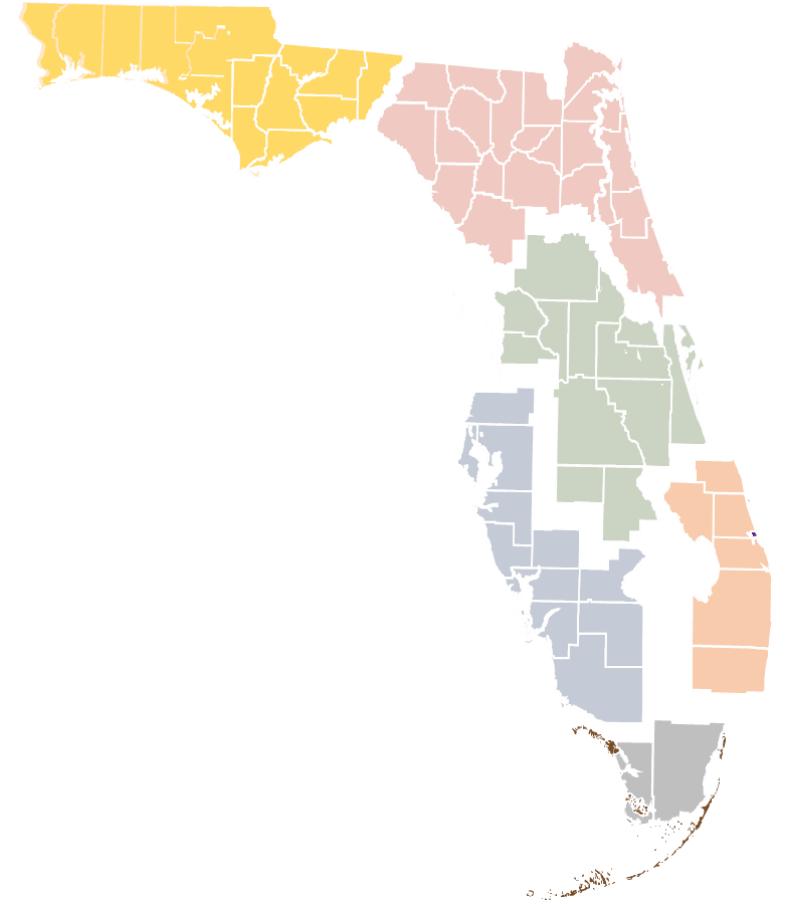


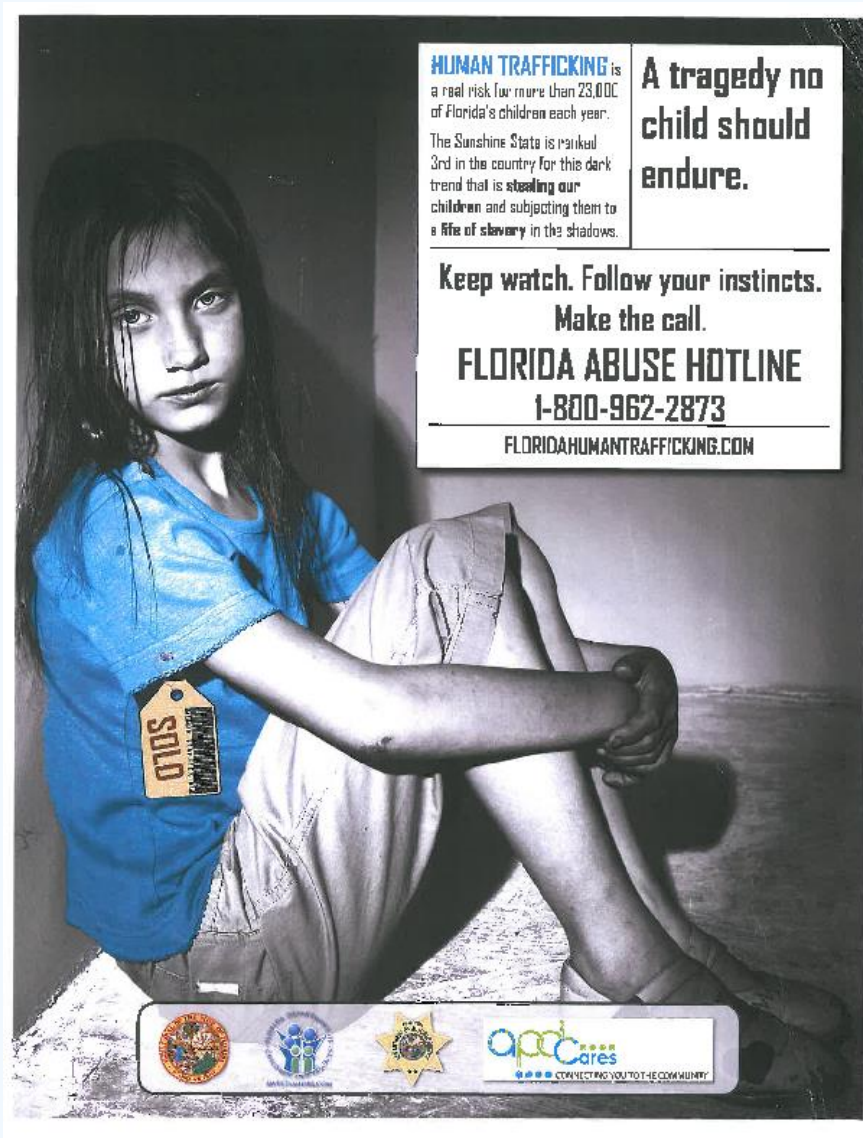
# FLORIDA'S CHILD LABOR LAWS FOR ENTERTAINMENT & PERFORMING ARTS

- Under state law, a [Florida work permit](#) is required for minors to be employed in the entertainment industry.
- Child labor in the entertainment industry is regulated in Florida law, under **450.132**.
- Employers or agents must make an application to the Division and notify the Division showing the date, number of days, location, and date of termination of the work performed by minors in the entertainment industry.



# FLORIDA CHILD LABOR TRAFFICKING





## May 2009, DCF added Human Trafficking to their Maltreatment Index

2009 = 43 reports  
2010 = 202 reports  
2011 = 427 reports  
2012 = 657 reports  
2013 = 806 reports  
2014 = 868 reports  
2015 = 1190 reports  
2016 = 1495 reports  
2017 = 1701 reports  
2018 = 1616 reports  
2019 = 1685 reports

\*Unique IDs only

# CENTRAL REGION 2018

County	Total	Verified	Not Substantiated	No Indicators	2019
Brevard	50	29	7	14	41
Citrus	10	0	0	10	3
Hardee	6	0	0	6	4
Hernando	10	1	1	8	10
Highlands	8	6	0	2	5
Lake	27	6	8	13	38
Marion	49	17	14	18	64
Orange (2NF)	160	43	34	81	139
Osceola	10	2	4	4	27
Polk (1NF)	49	17	3	28	84
Seminole	32	10	3	19	39
Sumter	2	1	0	1	3
<b>2018 (3NF/1%)</b>	<b>413</b>	<b>132 (32%)</b>	<b>74 (18%)</b>	<b>204 (49%)</b>	<b>457</b>
Florida 2018*	1887 (37 NF/2%)	477 (25%)	435 (23%)	938 (50%)	
Florida 2017*	1958 (39 NF/2%)	455 (23%)	437 (22%)	1027 (53%)	



262  
Male

1595  
Female



93% =

1751  
CSEC

= 7 %

136  
Labor

477  
Verified

1887\*

435  
NS



\* Initial intakes (1616 Unique IDs, 37 NF)

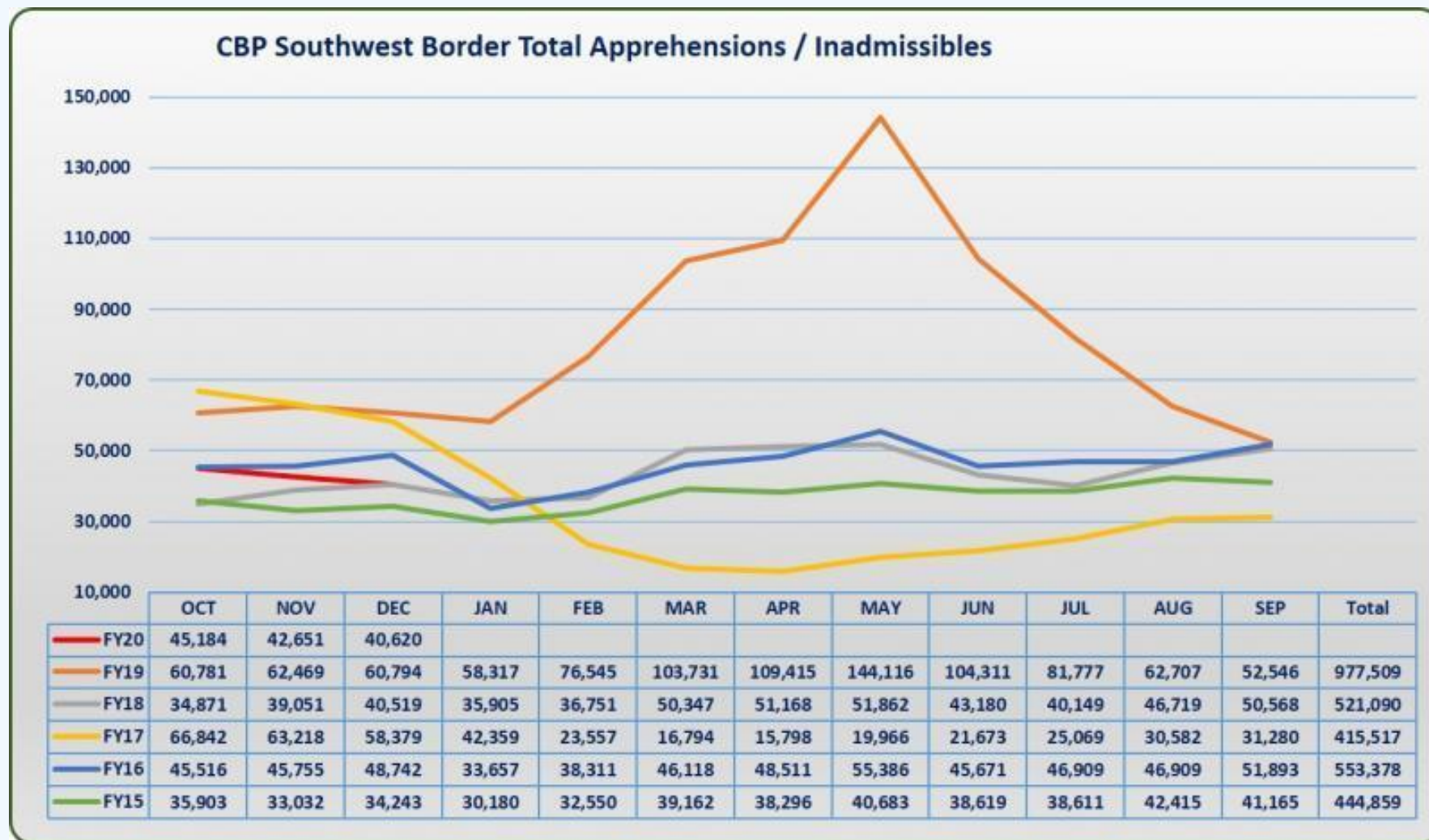
2018 CY

# HUMAN TRAFFICKING IN FL.

International minor HT victims identified and have received Eligibility letters In FL								
	2016		2017		2018		2019	
	<i>Eligibility</i>	<i>Cert.</i>	<i>Eligibility</i>	<i>Cert.</i>	<i>Eligibility</i>	<i>Cert.</i>	<i>Eligibility</i>	<i>Cert.</i>
<b>Age Range</b>	14-18	18-46	13-18	25-47	14-18	20-52	12-18	19-53
<b>Male</b>	11	5	18	9	16	6	27	13
<b>Female</b>	7	4	13	5	13	10	35	16
<b>Total (male/female)</b>	18	9	29	14	21	16	62	29
<b>Total In Florida</b>	<b>27</b>		<b>43</b>		<b>37</b>		<b>91</b>	
<b>Versus National Numbers</b>	<b>5%</b>	<b>2%</b>	<b>6%</b>	<b>3%</b>	<b>5%</b>	<b>4%</b>	<b>?</b>	<b>?</b>

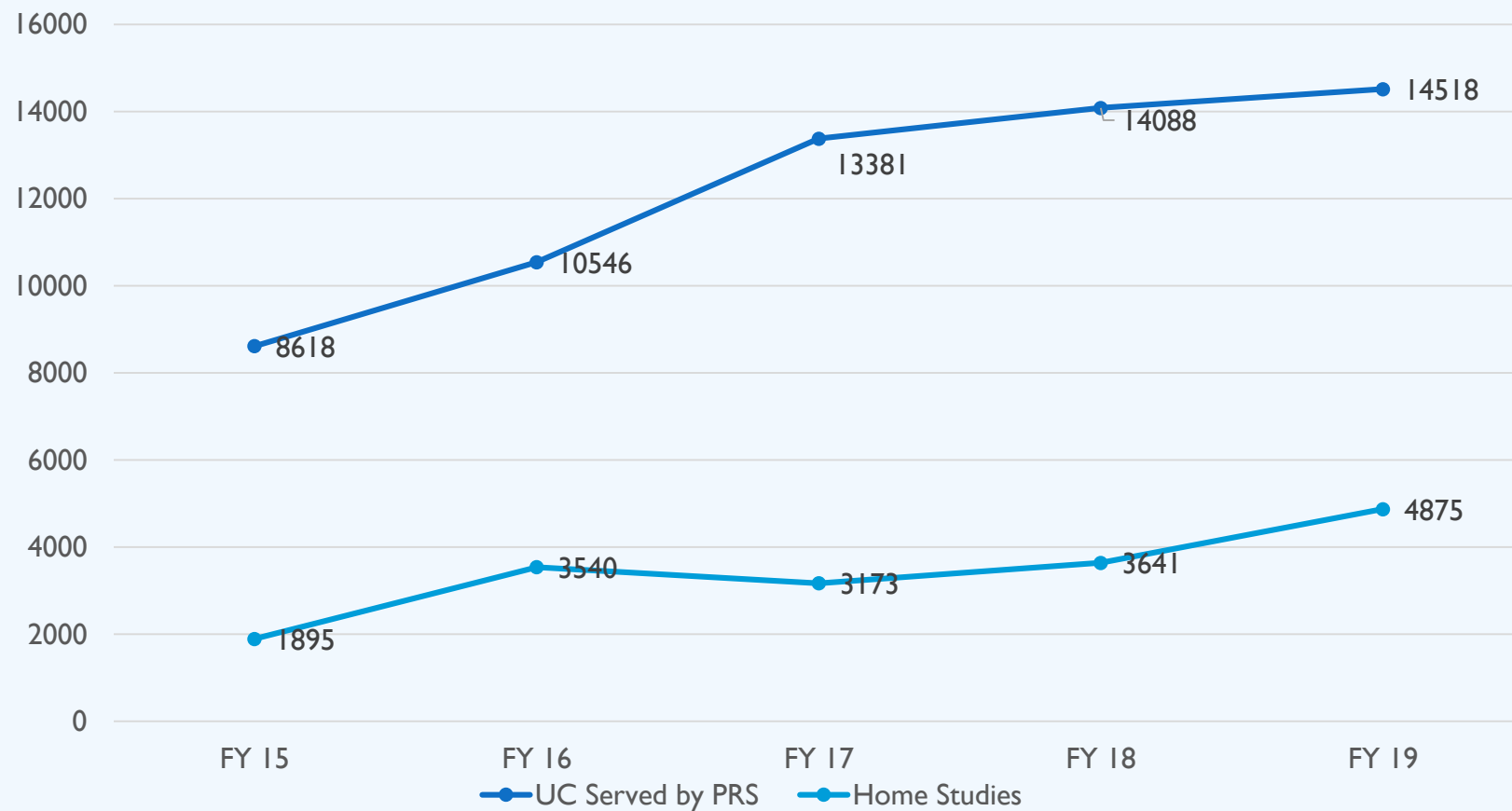
- Number may vary as Eligibility and Certification letters may be backdated
- Does not account for those that got Eligibility/Certification Letters in other states

# CBP SOUTHWEST BORDER TOTAL APPREHENSIONS/INADMISSIBLES



# UNACCOMPANIED CHILDREN RELEASE DATA

UCs released vs. UC home studies conducted



# UNACCOMPANIED CHILDREN RELEASE DATA

STATE	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY 2015 (OCTOBER 2014 – SEPTEMBER 2015)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY 2016 (OCTOBER 2015 – SEPTEMBER 2016)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY17 (OCT. 2016 – SEP. 2017)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY18 (OCT. 2017 – SEP. 2018)*	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY19 (OCT. 2018 – SEP. 2019)	TOTAL NUMBER OF UC RELEASED TO SPONSORS IN FY20 (OCT. 2020 – NOV. 2020)
	14-15	15-16	16-17	17-18	18-19	OCT.
<b>FLORIDA</b>	2,908	5,281	4,059	4,131	7,380	404

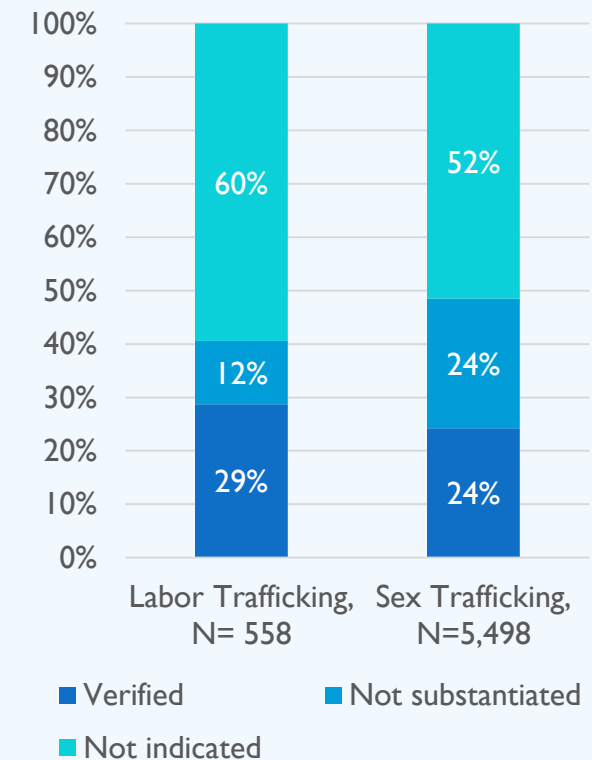


# **WHAT ARE THE CHARACTERISTICS OF INVESTIGATED LABOR TRAFFICKING ALLEGATIONS?**

# CHARACTERISTICS OF LABOR TRAFFICKING ALLEGATIONS

- 558 labor trafficking allegations involving 532 children between 2013 and 2017
- Average 9% of all trafficking allegations
- Compared to allegations of sex trafficking:
  - Disproportionally in Central Region
  - More likely to be substantiated (verified) or to be unfounded (not indicated)

Investigation Findings  
for Trafficking  
Allegations



# TRAVELING SALES CREWS

- Youth may be recruited for “summer employment programs” or bogus charity
- Exploitation common
  - Crew leaders retain pay
  - Threats and punishment if youth don’t meet quota
- Hazards include
  - Unsafe transportation
  - Inadequate supervision
  - Exposure to assault
  - Abandonment

\* CPI handouts





# UNDOCUMENTED CHILDREN AND YOUTH

- Children enter US
  - Unaccompanied
  - With an adult
- Placed with real or fictive relative
- Inadequate screening and supervision of placement
- Recent case in central Florida:
  - Children working 8–10 hours, 7 days a week in fields
  - “Uncle” had obtained fraudulent IDs for them and kept their earnings
  - Parents’ whereabouts unknown.



# COERCED ILLEGAL ACTIVITIES

- Youth may be coerced into
  - Drug sales or theft
  - Recruiting for their own trafficker
- Coercion includes
  - Power and control by trafficker
  - Avoiding risks of commercial sex
  - Threats and violence, including gang control
- Safe Harbor laws may decriminalize commercial sex for youth, but not illicit activities that may result from trafficking victimization

*“In situations of captivity the perpetrator becomes the most powerful person in the life of the victim, and the psychology of the victim is shaped by the actions and beliefs of the perpetrator.”\**

\*Judith Lewis Herman (1997) Trauma and Recovery

# **DIFFERENCE BETWEEN SMUGGLING VS. HUMAN TRAFFICKING**

# SMUGGLING – VS - TRAFFICKING

## Human Smuggling:

- Involves an undocumented person crossing over an international border;
- Is voluntary- the person involved “chooses” to be smuggled;
- “Business relationship” ends when the smuggler gets the smuggled person over the border
- Generally smugglers make their money upfront

## Human Trafficking:

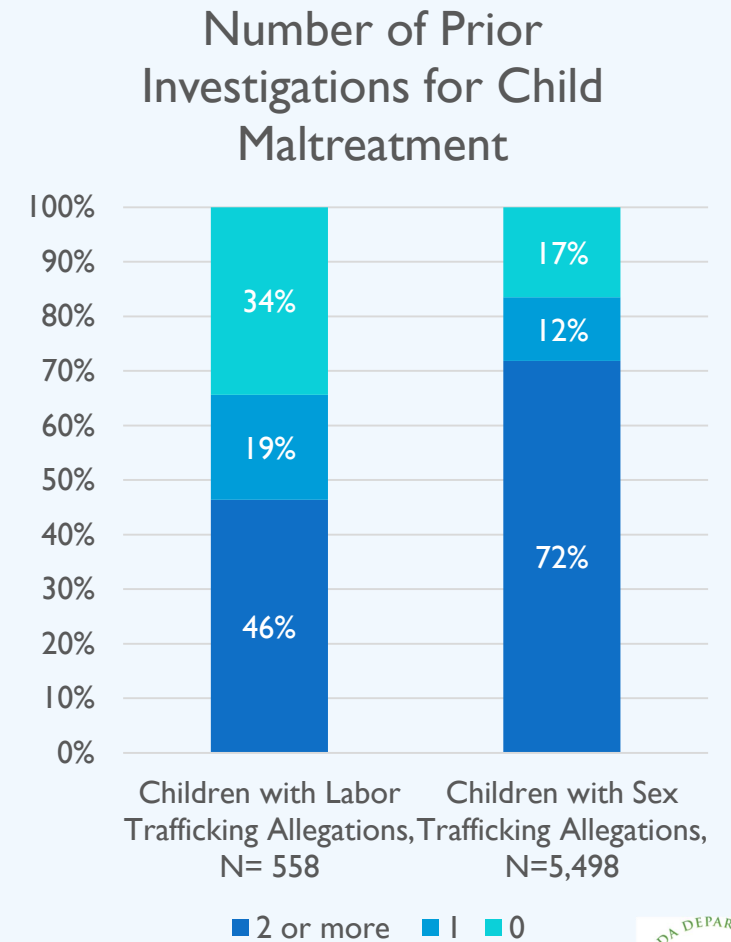
- May involve movement inside the person’s own country or across an international border.
- Is not voluntary- the person has not chosen to be exploited.
- “Business relationship” does not end when the trafficked person arrives at destination
- Traffickers “allow” the immigrant to pay off the debt gradually

**HOW DO CHILDREN WITH  
INVESTIGATED ALLEGATIONS OF LABOR  
TRAFFICKING DIFFER FROM THOSE  
WITH SEX TRAFFICKING ALLEGATIONS?**



# CHARACTERISTICS OF CHILDREN WITH LABOR VS. SEX TRAFFICKING ALLEGATIONS

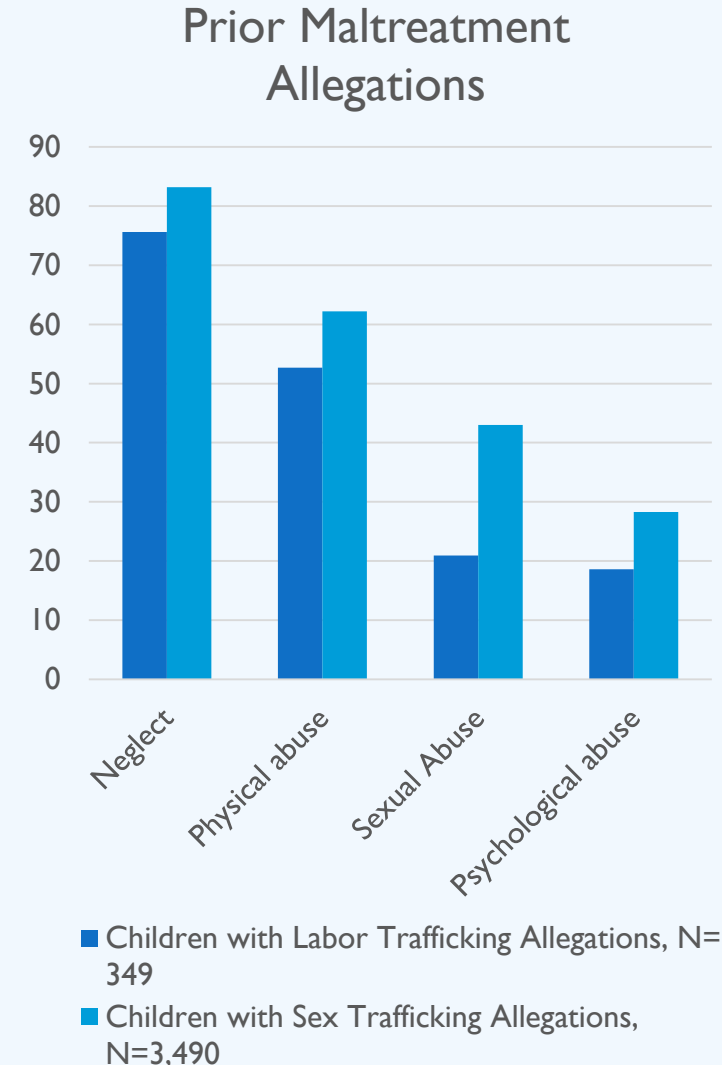
- Compared to children who are the subject of sex trafficking allegations, those investigated for labor trafficking are:
  - Younger (median age 15 vs. 16)
  - More likely to be male (55% vs. 12%)
  - Less likely to have prior child welfare involvement (66% vs. 84%)



# CHARACTERISTICS OF CHILDREN WITH LABOR VS. SEX TRAFFICKING ALLEGATIONS

- Among children with prior child welfare history, those with labor trafficking allegations have
  - Fewer prior allegations of all types
  - Less likely to have been placed in out-of-home care (OR=0.53)
  - Less likely to have been missing from care (OR=0.33)

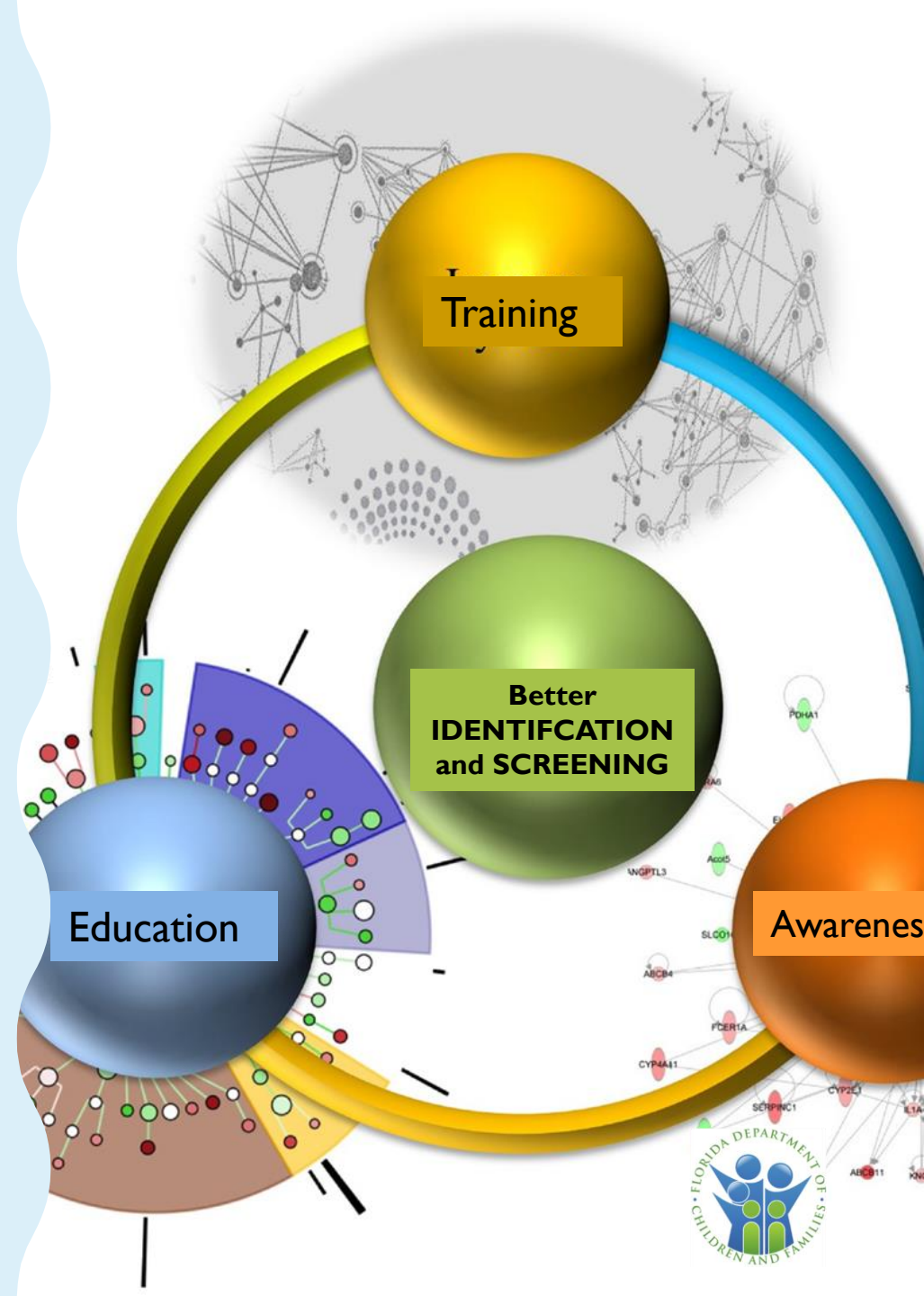
Odds ratios based on logistic regression model including child age at most recent investigation



**WHAT ISSUES INFLUENCE  
IDENTIFICATION, INVESTIGATION, AND  
RESPONSE TO LABOR TRAFFICKING BY  
CHILD WELFARE AGENCIES AND OTHER  
SERVICE SYSTEMS?**

# SYSTEM RESPONSE: IDENTIFICATION

- Training
  - For all responders: child welfare, law enforcement, medical personnel, school personnel
- Screening
  - Several screening tools used to assess children who may have experienced trafficking will identify labor trafficking
  - Others focus specifically on indicators and interview questions related to sex trafficking



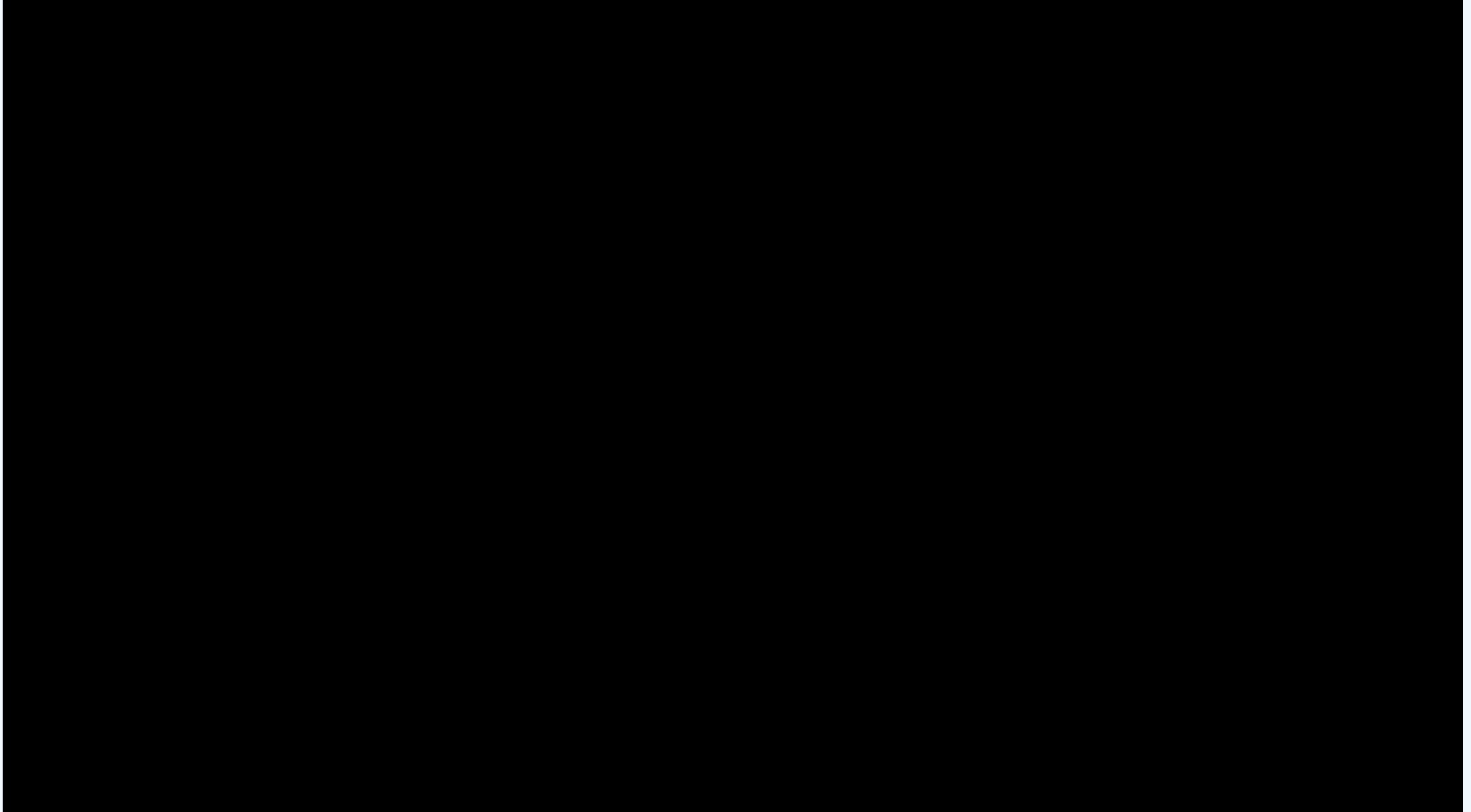
# SYSTEM RESPONSE: IDENTIFICATION

## DCF Human Trafficking Screening Tool examples:

- **Youth background**
  - Do you go to school?"
- **Living conditions**
  - "Do you pay for where you live?"
  - "How do you pay for where you live?"
- **Work Information**
  - "Does your supervisor owe you money?"
  - "Have you ever worked or done something for your boss without getting the payment that you thought you would get?"/ "Do you live and work at the same place?"
  - Can you quite or could you have quit your job at any time without punishment from your boss or supervisor?"
- **Leaving or Running Away from Home**
  - "Have you run away, stayed away, or left home without permission in the past year?"
  - "Have you or someone else received something of value like money, a place to stay, food, clothes, gifts, favors, or drugs in exchange for you performing a sexual act?"
- **Sexual Exploitation/Coercion/Control**
  - "In thinking about your past experiences, has anyone ever locked doors or windows or anything else to stop you from leaving work or home?"
  - "Has anyone ever asked/made you do anything sexually that you didn't want to do?"



# THE HIDDEN REALITY OF LABOR TRAFFICKING IN THE U.S. - *FRONTLINE*



# CFOP 170-14

## LABOR TRAFFICKING MALTREATMENT RESPONSIBILITIES OF CPI:



- Must have human trafficking specialization to receive an HT intake.
- CPI must notify local and federal LE of intake.
- CPI must initiate HTST within 24 hours of intake.
- If there appears to be suspicion of HT, must schedule an MDT within two weeks of intake.
- Must upload HTST in filing cabinet and label appropriately.
- Must document MDT under meetings type CSEC/Labor trafficking and upload as an attachment.

*\*MDT shall include, ..... and Refugee Services or a refugee services provider in those cases when a foreign national victim is involved.*

# ***SERVICE OPTIONS FOR FOREIGN BORN HT CASES***



- *CFOP 170-14 notes-*
- *The process to obtain an eligibility letter should be coordinated with a local non-governmental organization advocate and law enforcement. (Call the National Human Trafficking Resource Center)*
- *Federal law enforcement will require access to the victim and information from the non-governmental organization advocate before issuing a statement that they believe the child is a victim of “a severe form of trafficking.” A child protective investigator cannot make this request on his or her own without law enforcement’s assistance.*
- *Once a law enforcement agency has issued a statement to ORR that a child is believed to be a victim of trafficking, ORR may issue a letter of eligibility. The victim or the victim’s advocate may then present the letter to social service providers as proof of eligibility. Benefit-issuing agencies must call the Office on Trafficking in Persons (OTIP) toll-free trafficking victim verification hotline to verify the child’s eligibility for benefits.*
- *(5) It is very important to work with an advocacy organization that is familiar with BOTH the victim’s rights regarding social services and his/her legal rights. Contact DCF’s Refugee Services Program Office at 850-488-3791 for more information about victim rights and possible benefits.*

# ELIGIBILITY LETTER APPLICATION

## Request for Assistance for Child Victims of Human Trafficking



OMB Control Number: 0970-0362  
Expiration Date: 07/31/2021  
ADMINISTRATION FOR  
**CHILDREN & FAMILIES**  
Office on Trafficking in Persons

The Trafficking Victims Protection Act of 2000 (TVPA), as amended, requires federal, state, and local officials to notify the U.S. Department of Health and Human Services (HHS) not later than 24 hours after discovering that a foreign national minor may be a victim of trafficking (22 U.S.C. § 7105 (b)). This Request for Assistance form (RFA) should be used to notify HHS of trafficking concerns for a foreign national minor (non-U.S. citizen or non-lawful permanent resident under the age of 18) who is currently in the United States and request assistance on behalf of the child (foreign national minor). Use of this form, or the completion of any section of this form, is optional.

### PROCESS FOR REQUESTING ASSISTANCE

- A** If there is credible information that a foreign national minor may have been subjected to forced labor and/or commercial sex, complete and email Part A (pages 3, 4, and 5) as a password protected PDF to [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov) within 24 hours of discovering the potential trafficking concerns. Do not include any of the child's identifying information in the subject line or body of the email. HHS will acknowledge receipt of the RFA within one business day and will provide the requester with a five-digit tracking number in the subject line of the email response.
- B** Use Part B (pages 6 and 7) to provide additional information related to the child's experience of forced labor and/or commercial sex. **If the information for Part B is available within the initial 24 hours, submit the entire RFA (Part A and Part B) or wait to submit Part B until more information is available.** If submitted separately, submit Part B in the same manner as Part A and include the five-digit tracking number in the subject line of the email that was provided during the submission of Part A. HHS may request additional information at any point during the RFA process for the purpose of determining whether the child is a victim of a severe form of trafficking in persons.

### ISSUANCE OF ELIGIBILITY LETTERS

#### ELIGIBILITY LETTER

If there is sufficient information during the RFA process to indicate that the child **was** subjected to forced labor and/or commercial sex, HHS will issue an Eligibility Letter, making the child eligible to apply for benefits and services to the same extent as a refugee.

#### INTERIM ASSISTANCE LETTER

If there is information during the RFA process to indicate that the child **may have been** subjected to forced labor and/or commercial sex, HHS will issue an Interim Assistance Letter, making the child eligible to apply for benefits and services to the same extent as a refugee for up to 90 days (or 120 days, if extended). During this interim assistance period, HHS will seek consultation from the U.S. Departments of Justice (DOJ) and Homeland Security (DHS) and non-governmental organizations (NGOs) before issuing an Eligibility Letter or a Denial Letter.

#### DENIAL LETTER

If the information HHS receives during the RFA process does not indicate that the child may have been subjected to a severe form of trafficking in persons, HHS will issue a Denial Letter to the child. HHS will include instructions with the letter on how to request reconsideration or how to resubmit the child's case.

### QUESTIONS ABOUT THE RFA PROCESS OR WANT TO DISCUSS A POTENTIAL CASE?

Contact HHS by phone at 202-205-4582 or email at [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov) to ask questions regarding the RFA process or to discuss potential cases before submitting an RFA on behalf of a child.

### NATIONAL HUMAN TRAFFICKING HOTLINE

The National Human Trafficking Hotline (NHTH) at 1-888-373-7888 is also available 24 hours a day, 7 days a week to assist trafficking victims to connect to available services.

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

## Part A

- **Section 1-** Requestors Information
- **Section 2-** Available and applicable information on the child's behalf
- **Section 3-** Indication whether the potential HT concerns are labor, sex, both labor and sex, or if there are some other
- **Section 4-** Consent agreement

## Part B

- **Section 5-** Narrative of HT concerns
- **Section 6-** Trafficking experience (optional)



# HOW DO TRAFFICKERS CONTROL THEIR VICTIMS?



## Similarities with Domestic HT:

- Psychological abuses
- Beatings, burnings, sexual abuse, and starvation
- Isolation
- Drug/alcohol dependency

## Differences with Domestic HT:

- Threats of deportation
- Threats against the victim's family members
- Withholding of documents
- Debt
- Not as much “branding” or tattoos

***Both Have A Significant Physical And Mental Impact!***

# HEALTH & TRAUMA IN LABOR TRAFFICKING CASES

## Psychological Impact

- Anxiety
- PTSD
- Depression
- Guilt, shame
- Substance use disorders

## Physical Impact

- Memory loss
- Chronic pain
- Vision and dental
- Pesticide or other chemical intoxication

## Challenges

- Cultural stigma
- Limited research has been conducted
- Limited resources

*Health needs generally present themselves at multiple stages in the recovery and reintegration process, and can be chronic or present for extended periods of time.*

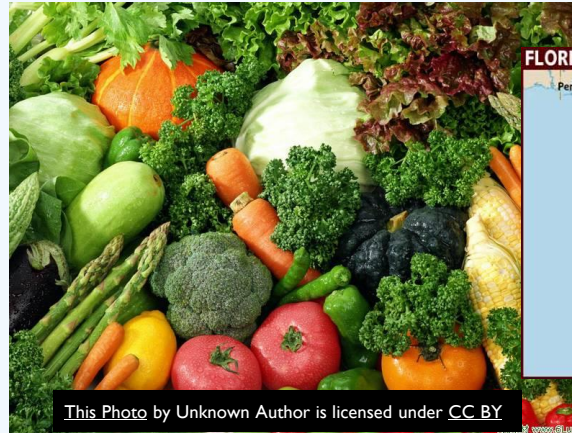
# FLORIDA AND LOCAL EXAMPLES

- Hospitality and Tourism case
- Domestic Servitude
- Agricultural case
- Illicit Massage Parlor\*



# Agriculture

- Industry: regulated
- Workers: unauthorized and with H-2A agriculture visas
  - Capped at about 55,000 workers annually.
  - Ties workers' immigration status directly to their employer
- Dept. of Agriculture's-
  - Over 1 million farmworkers are employed in the US, close to 300,000 reported workers brought to farms through special contracts. 56% in crop fields, rest are employed in livestock and nurseries throughout the country.
  - Approximately 19% have green cards and 33% are US citizens



## Possible Indicators

- Living in degraded, unsuitable places
- Depend on their employer for services (i.e. transportation and housing)
- Unable to move freely
- Work excessively long hours



## Agriculture\*

**Fruit-** Asian pear, avocado, bananas, blackberries, mangos, grapes, papayas, passion fruit, peaches, etc.

**Vegetables-** beans, tomatoes, broccoli, carrots, eggplant, lettuce, parsley, peas, peppers, sweet corn, etc.

**Citrus-** oranges, lemons, limes, grapefruit, tangerines, etc.

**Field Crops-** cotton, corn, peanuts, soybeans, sugarcane, tobacco, wheat, pecans.

\*Excludes livestock, fishing, nurseries





# LOCAL EXAMPLES- AGRICULTURAL FIELDS

- Navarrete case- Immokalee tomato fields
  - Transported their crews to farms owned by Six L's and Pacific Tomato Growers
  - Family run business (total of 6 members)
  - The Navarettes deducted money weekly from the workers' wages to cover the cost of this "residence," and charged them additional money for two small meals allowed per day. Cold showers from a garden hose cost the workers \$5 each. 15 employees were denied pay and could not leave until they paid off their debts related to beer and drugs.
  - Judge described this case as an "alcohol and drug fueled debtor system"
  - Avg. of 10 hour workdays, and anyone who refused to work was slashed with knives, tied to posts, or shackled in chains. If they tried to leave they were beaten, in some cases restrained or locked in a truck. One victim was handcuffed nightly with his arms behind his back in order to prevent his escape.
  - One of the brothers received 12 years in federal prison for enslaving undocumented farmworkers (as well as other charges), another received 12 years as the "enforcer of the operation, another family member (half brother) received a 46 month sentence and mother was released on time served (spent more than a year in jail)
  - <https://www.youtube.com/watch?v=yZNww8n2Sw8>

Dept. of Justice- [https://www.justice.gov/archive/opa/pr/2008/January/08\\_crt\\_034.html](https://www.justice.gov/archive/opa/pr/2008/January/08_crt_034.html)

Naples News- <http://archive.naplesnews.com/news/local/brothers-receive-12-year-prison-terms-in-immokalee-human-slavery-case-ep-400544123-344259152.html/>

<http://www.dcf.state.fl.us/programs/humantrafficking/docs/FSUStrategicPlanDraft103009.pdf>



# FLORIDA AND LOCAL EXAMPLES

## Hospitality and Tourism

- Industry: Regulated
- Workers: unauthorized and with H-2B non agriculture visas
- Additional notes:
  - Limited to jobs with the employer who applied to the Department of Labor for their services.
  - If workers find the work conditions unsatisfactory, abusive, or inadequately paid, they cannot seek other employment; their only option is to return to their home countries



# FL. EXAMPLES- HOSPITALITY AND TOURISM

King case- Destin, FL

## Florida



### Possible Indicators:

- Possibly living in groups
- Depend on their employer for services (i.e. transportation and housing)
- Unable to move freely
- Work excessively long hours
- Owe a large debt and accrues while being victimized
- Prevented from taking adequate breaks
- Doing different work than was contracted
- Possibly living and working on-site
- Forced to meet daily quotas
- Forced to turn over wages
- Not paid directly

# FL. EXAMPLES-HOSPITALITY & TOURISM (1)

## Justin King Case- Destin, FL.



- 1999- Eurohouse Holding Corporation (as a subcontractor) supplied Eastern European men/women to resorts for janitorial/maid services.
- Promised non-existent jobs- instead employed for substandard wages and assigned to hotels and resorts (including the Hilton) and did not pay federal minimum wages to their employees.
- Charged \$1500-\$2500 each for visa processing, job placement, & transportation fees.
- 15-20 persons per condominium throughout a variety of locations throughout the Panhandle.
- Enforcement: verbal abuse, threats of violence, and threats of fines or non-payment of wages.
- King and his people had used forged hotel letterheads to further their scam. Most of the workers brought in through the fraudulent visa scheme were eventually contracted out to hotels and resorts other than those who had supposedly sponsored them for their visa.
- 2008- J. King was convicted of visa fraud and alien smuggling, sentenced to 41 months in prison. Russian nationals Anna Czerwien, Aleksander Berman, and Stan Finkel received respective sentences of 18, 23, and 12 months in prison. The defendants were liable for \$1 million.
- Human trafficking charges were not a part of the prosecution.

# FLORIDA AND LOCAL EXAMPLES

## Domestic Servitude

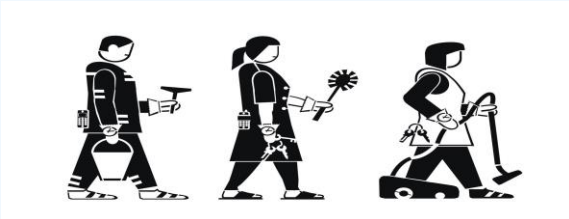
- Industry:
  - Unregulated;
- Workers:
  - Unauthorized; and/or
  - G5, A3, B1/B2, C3, and NAT07 visas
- Additional notes
  - “National Labor Relations Act, Occupational Safety and Health Administration”, “Civil Rights Act” and “Americans with Disabilities Act” are excluded from protections
  - Employees in this industry share a number of common traits—*particularly in race or ethnicity and place of birth*



## Possible Indicators:

- Living in degraded, unsuitable places
- Depend on their employer for services (i.e. transportation and housing)
- Unable to move freely
- Work excessively long hours
- Be only given leftovers to eat

# LOCAL EXAMPLES- DOMESTIC SERVITUDE (CASE 1)



- Former middle school teacher, Maude Paulin, her mother Evelyn Theodore, and her ex-husband Saintfort Paulin
- Minor was considered a “restavek” (Haitian Creole term meaning “one who stays with.” Applies to low income Haitian children who are given or sold by parents to wealthier families, or taken from orphanages, for a better life)
- Minor was taken from an orphanage Theodore owned
- For six years (between 1999-2005), 14 year old typically worked 15 hour days, seven days a week.
  - Washed dishes, made beds, and cooked for a family that beat her and hid her in a closet when visitors came.
  - Slept on a rolled up mattress on the dining room floor, bathed in the backyard with a garden hose.
  - She was not allowed to go to school
  - She worked at Paulin’s house and her sister, Claire Telasco, and charged other people to have the teen work at their homes.
- Combination of psychological coercion and physical force
- Escaped with assistance of a family friend who witnessed the treatment

# MASSAGE PARLORS

Surveillance cameras, suitcases and  
billionaires: How an investigation into  
massage parlors unfolded in Florida



A sign is posted outside of Orchids of Asia Day Spa in Jupiter, Fla., after an investigation allegedly found that men were visiting the massage parlor for paid sex acts. (Hannah Morse/Palm Beach Post/AP)

\*Washington Post March 4, 2019



# **WHAT HAPPENS WITH THESE CASES ONCE FOUND?**

**What staffings are taking place and who is included in the staffings?**

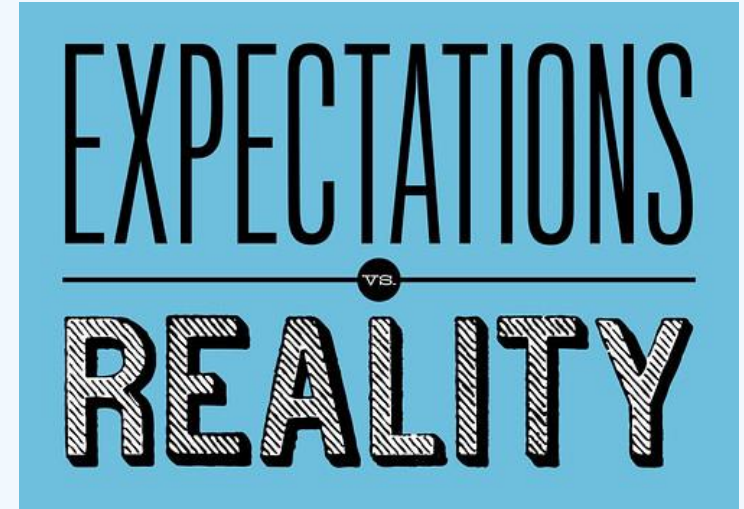
**What are their needs?**





# EXPECTATIONS

- Cultural differences
- Languages/dialects
- Employment opportunities after being taken out
- Safety issues for family in home country
  - Can they bring family?
- Studying and Employment expectations
- Need of having to talk to Immigration attorney and federal law enforcement



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# CONTEXTUAL CHALLENGES

- Length of time providers are allowed to provide services to HT victim.
- Provision of services while they come in and out of city/state (many times due to the nature of their work)
- Labor trafficking may first be identified as violations of child labor laws, or juvenile offenses

# CASE STUDY – GLORIA

- Gloria, an undocumented minor (12 years old), came to the US with her father, Juan. Juan however had to leave back to Guatemala because one of his other sons died in their home country. He had met a woman named Catalina and her spouse Hector at a church and asked them if Gloria could stay with them until he came back. It is reported that the father had not been able to come back, and it has been months since he left; he had also been unable to send money to assist with her costs because he is not working.
- Since it has taken a long period of time since the father left, Catalina and Hector started making Gloria work (cleaning the house, do the dishes, cut the grass, and help other family members clean their houses) in order to pay some of her bills.
- Gloria works after she goes to school and has worked various Saturday's and Sunday's. Gloria has not been allowed to go out of the house on her own unless she has to work, and Catalina and Hector have threatened with reporting her to the police if she does not do what she is told. Catalina and Hector are in possession of the minor's birth certificate as the father left it with them. The report also states that the minor's main language is Q'eqchi' and speaks very little Spanish, which makes it difficult because Catalina and Hector only speak Spanish.

# CASE STUDY – JUSTIN

- Justin, is a an undocumented 16 year-old minor who is currently living with 5 other minors and adults in an apartment. The youngest minor living in the house is 6 or 7 years old and they are all from Guatemala. Justin came to live in this apartment because Orlando, a family friend, is housing him there after Justin was released from a shelter in Texas. It is reported that Justin (and potentially others that live in the house) are picked up by a man named Eriberto and work in gardening and landscaping during the day (starting from 6 am until 2 or 3 pm in the afternoon).
- Justin only gets part of what he gets paid on a weekly basis as Eriberto pays Orlando money directly for his housing, food, and utilities. Justin directly receives around \$100 a week but doesn't know how much Eriberto gives Orlando for the other expenses.
- It was also stated that Orlando helped him get this job with Eriberto in landscaping. Eriberto has told Justin that he can stop working with him but that he can't guarantee him another job and doesn't know if Orlando will allow him to stay at the apartment if he isn't working as he needs to pay bills. Justin hasn't been enrolled in school but he said that he isn't interested in going to school, he just wants to work and pay off the \$6,000 debt that he owes for coming to the United States.
- Justin does not have his birth certificate or any documentation stating his age or whether that is his real name.

# CASE STUDY – GLORIA/JUSTIN

*What type of follow up questions would you want to know to know?*

*Who would you want involved in the case?*

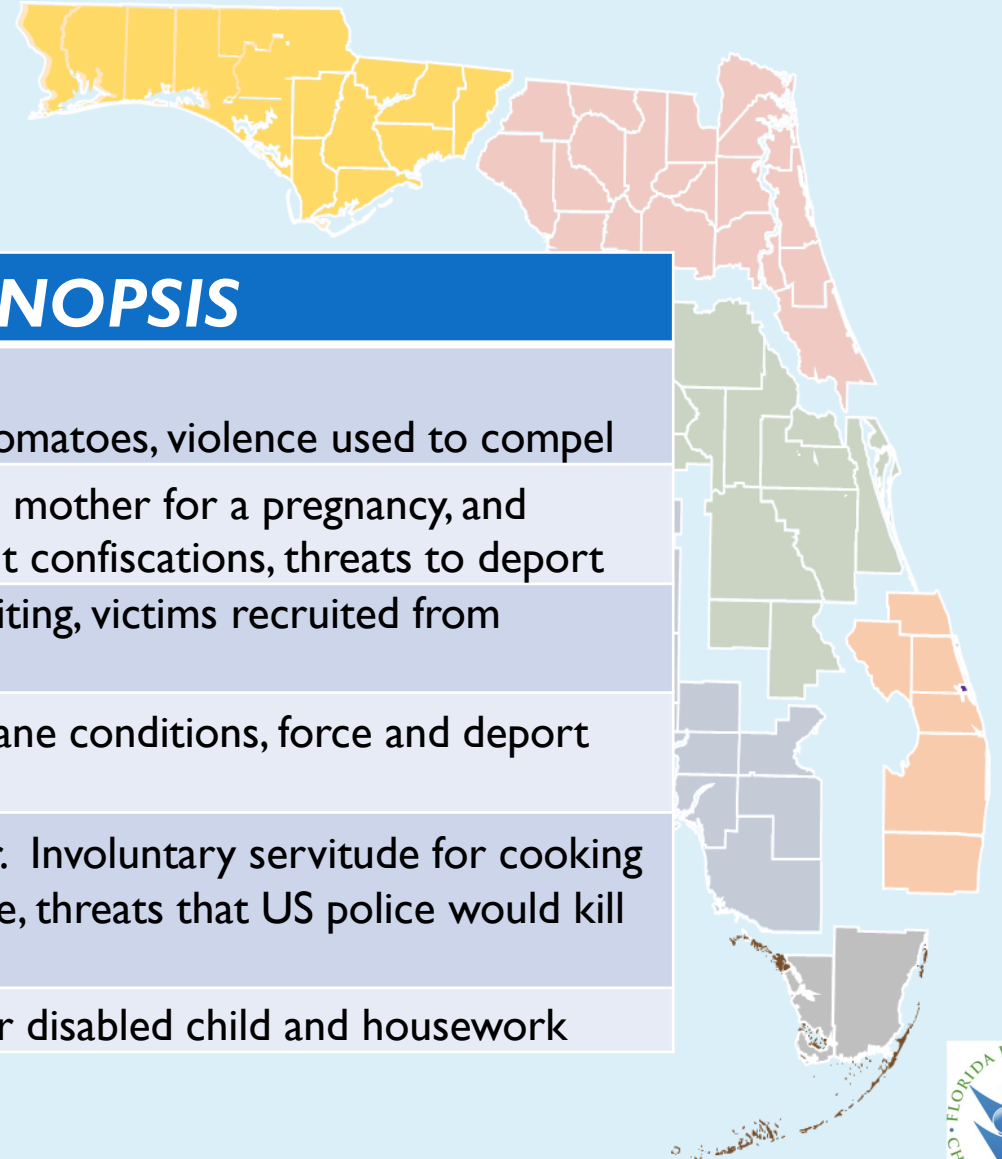
*What makes it seems like HT?*

*What makes it not seem like trafficking?*

*What are the next steps?*

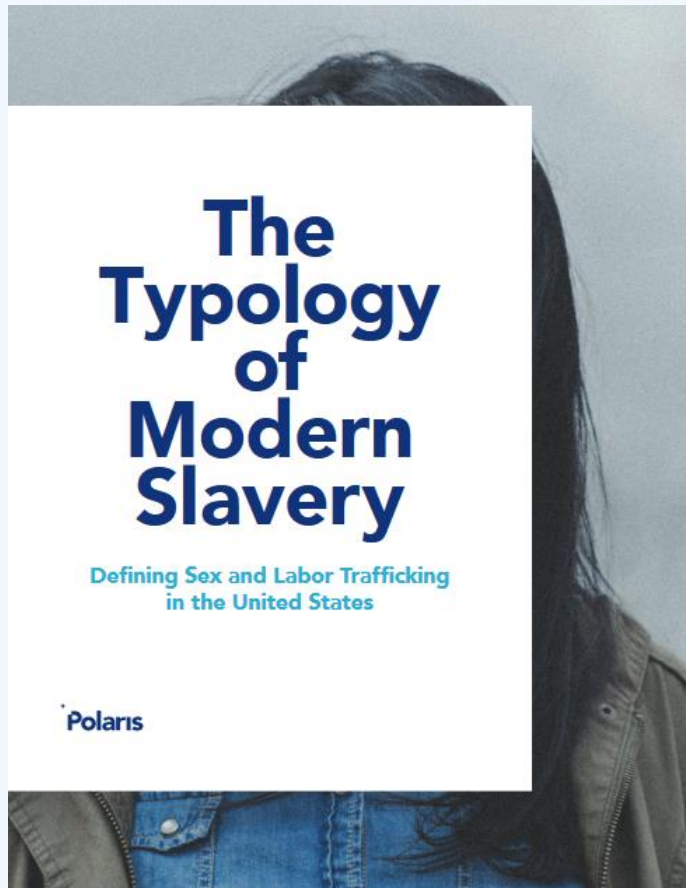


# SUCCESSFUL HT PROSECUTIONS IN FLORIDA



CASE NAME	SYNOPSIS
USV. MENDEZ-VAZQUEZ, ET AL. (2016)	Agricultural work picking tomatoes, violence used to compel
USV. CLARK (2015)	Mexican national, surrogate mother for a pregnancy, and
USV. MANUEL, ET AL. (2010)	restaurant labor. Document confiscations, threats to deport
USV. THEODORE, ET AL. (2007)	Quality Staffing labor recruiting, victims recruited from Philippines
USV PASCUAL, ET AL (2005)	Domestic servitude, inhumane conditions, force and deport threats
USV. ALUGUBELLI (2004)	Guatemalan national, minor. Involuntary servitude for cooking and cleaning. Force and rape, threats that US police would kill her if she escaped
	Indian national, childcare for disabled child and housework

# ADDITIONAL INFORMATION



<https://polarisproject.org/typology>

<https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>

# ADDITIONAL INFORMATION

## Eligibility Letters Resources

- **Request for Assistance Form**

*Published: August 14, 2018*

- The Request for Assistance form can be used by any person who has concerns that a foreign national minor may have experienced forced labor or commercial sex.

- **Monthly Webinars: Responding to Child Victims of Trafficking**

*Published: January 29, 2018*

- Description: This training will help participants understand the resources available, their role, and the role that OTIP plays in relation to assisting foreign

- **Trafficking Victim Assistance Program (TVAP) Services for Minor Victims of Human Trafficking**

*Published: September 5, 2017*

- This Program Instruction (PI) clarifies pre-certification and post-certification status of minor victims and potential victims of human trafficking eligible for

- **Issuance of Child Eligibility Letters on or after Applicant's 18th Birthday if Application Received Prior to 18th Birthday**

*Published: May 11, 2016*

Cristobal Perez, MEPsy  
Program Analyst  
DCF -Refugee Services Program  
[Cristobal.Perez@myflfamilies.com](mailto:Cristobal.Perez@myflfamilies.com)  
(o) 786-257-5184  
(c) 786-512-4936

Sue Aboul-hosn  
DCF-Regional Human Trafficking Coordinator  
Central and Suncoast Regions  
[Sue.Aboul-hosn@myflfamilies.com](mailto:Sue.Aboul-hosn@myflfamilies.com)  
Cell 407-719-4228

