

CHAPTER 1

INTRODUCTION

This handbook contains lessons learned and promising practices acquired by the authors over years of representing survivors of human trafficking through a team-based approach. These lessons and tips focus on the experiences that the authors and other practitioners have had primarily in California, but which are largely applicable to other regions of the United States. The objective of this handbook is to assist legal and non-legal advocates of survivors of human trafficking, who are critical to the successful stabilization of trafficked persons.

Human trafficking survivors are a unique client population with diverse and resource-intensive needs. As we will detail in this handbook, their situations are multidimensional, involving legal and non-legal issues, such as immigration, criminal, and civil law; mental and physical health; reunification with family members, and much more—all resulting in what can seem to be a jungle of potential pitfalls and challenges with no discernible path for the advocate to follow. While legal resources exist that specifically detail the application process and procedures for the various forms of immigration relief available to trafficked persons, there is an equally important need for other resources that delve deeply into other aspects of a trafficking case.

These include topics such as how to identify and build collaborative partnerships with service providers, law enforcement agencies, and other entities that play a significant role in trafficking situations; the stages of recovery that a survivor experiences and the attendant needs that arise during each stage; and the red flags of secondary trauma to watch for and avoid before they derail you and/or your trafficking team. Laws and policies governing human trafficking cases have developed since the first federal anti-trafficking law was passed in 2000. In response we have also included detailed information about issues that may be new or unfamiliar to most advocates, such as restitution, defense against subpoenas, and enforcement of victims' rights. Our goal is to provide concrete examples of these issues and give recommendations on how to deal with them effectively.

Although we will provide an overview of the most common forms of immigration relief used in trafficking cases—the T and U visa—since these forms of relief figure so prominently in most trafficking cases, this is not a T visa or a U visa manual.¹ T visas are intended for survivors

¹ There are several excellent resources that are currently available for readers who want detailed information about immigration relief for trafficked persons, such as *The VAWA Manual* written by Evangeline Abriel and Sally Kinoshita and published by ILRC and can be purchased at www.ilrc.org; the T Visa Manual written by Evangeline Abriel and published by Catholic Legal Immigration Network, Inc. (CLINIC); *Identification and Legal Advocacy for Trafficking Survivors* authored by the NY Anti-Trafficking Network Legal Subcommittee; and others. See the List of Legal Immigration Resources located in Appendix EE.

of “severe forms of human trafficking.” U visas are intended for survivors of “certain statutorily-listed crimes in the United States,” including but not limited to the commonly trafficking-related enumerated crimes of slavery, trafficking, involuntary servitude, peonage, and fraud in foreign labor contracting. Both types of visas are granted for four years and can include employment authorization. Both visas incorporate an option to apply to adjust to permanent resident status upon the third anniversary of the visa, and both visas have provisions for certain derivative family members.

The authors’ objective is to continue to build on the practical lessons included in the first handbook, highlighting new strategies and additional legal options that have arisen since 2010. This updated edition is focused on advocacy and practices that have been tested through actual casework. Our continued hope and goal is to create a tool that can save time and increase the effectiveness of other advocates in this field.

This edition includes an overview of the fundamentals of trafficking cases including identifying a potential victim of human trafficking and addressing the most common questions about a trafficking situation:

- What are the stages of a trafficking case? What needs might a survivor have at each stage?
- What other legal and non-legal proceedings might be happening at the same time as your representation of the survivor? How might those other proceedings impact your case?
- With the possible concurrent needs of the survivor and concurrent proceedings in a trafficking case, whom do you need on your team and what resources do you need to do your job?

We also address continuing practical challenges in the anti-trafficking field:

- With so many players involved in a single case, what kind of baseline “rules” do you need for the team to function effectively in the best interests of the survivor?
- How do you prepare for the discovery relating to a trafficked person’s case and the most effective and efficient ways of meeting the survivor’s needs amongst the team?
- How do you prepare your own agency to take on a case involving human trafficking? What kind of internal “rules” might you need and what range of resources should be prepared? How do you deal with the media attention of a high-profile trafficking case?
- What are some special considerations to keep in mind when dealing with trafficked minors or trafficking survivors who are in detention?
- How do you deal with reunification issues in source countries?
- What kinds of conflicts of interest do you need to be prepared to address when family members of trafficked persons are reunited in the U.S.?

In **Chapters 5 and 11**, we specifically address the diverse options for relief that you may have to present to your client. This may include immigration relief, civil relief, criminal relief, subpoena defense, restitution, and non-legal assistance.

In **Chapter 12** we discuss an area that is seldom given enough attention—the trauma of a trafficking case—not just on the victim, but on the service providers who are involved. While we want to ensure that this topic is flagged in this handbook, we do not claim to be experts in how to prevent or treat psychological or emotional trauma. Instead, we describe the dynamics of vicarious or secondary trauma that we have observed and experienced, so that anti-trafficking advocates, who give so much of themselves in so many ways, will pay attention to the impact of these cases on themselves and their loved ones and will take some time for self-care.

In **Chapter 13**, we share our experiences in the legislative and policy arena, with recommendations on how to maximize effective advocacy in the legislative and policy world.

We have also included samples of many of the documents, protocols, and other practical tools that we discuss in this handbook for readers to use and shape in whatever way is most helpful to them. This handbook is designed with the idea that advocating and representing survivors of human trafficking is a work in progress. We hope that the stories and practices that we showcase will serve as an “idea book” for other advocates to be improved upon and developed for the benefit of the whole community and, in particular, the survivors that we serve.

