



Office of  
Immigrant Affairs  
Nisha Agarwal  
Commissioner

February 27, 2015

Testimony of Commissioner Nisha Agarwal,  
NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committee on Immigration

"Labor Trafficking in the Domestic Worker Industry: Resources for Victims in New York City"

Thank you to Committee Chair Menchaca and the members of the Committee on Immigration.

In my role as the Commissioner of the New York City Mayor's Office of Immigrant Affairs, I work on policies and programs to improve the lives of immigrant New Yorkers on behalf of Mayor de Blasio. Among the most important aspects of this work is to provide support to the most vulnerable and isolated immigrant residents of our city. These include the population that we are here to discuss today: domestic workers who have been victims of crimes such as labor trafficking.

Mayor de Blasio and the entire Administration are firmly committed to supporting domestic workers who have been the victims of labor trafficking, as well as other immigrant victims of trafficking. I am pleased to be here to discuss this issue and the resources available to victims.

### **Overview of the Issue**

Labor trafficking is a crime and a severe violation of human rights in which an individual is compelled into labor through force, fraud, or coercion. Labor trafficking is illegal under both federal and state laws. Federal law states prohibits using fraud or coercion to recruit, transport or obtain someone for the purpose of labor, debt bondage or involuntary servitude.<sup>1</sup> New York law further defines fraudulent or coercive behavior as it relates to labor trafficking to include activities such as the withholding of immigration documents, instilling fear in a person in order to engage in labor activities, and to threaten deportation or criminal charges against someone in order to induce them to work.<sup>2</sup>

Immigrant domestic workers are often particularly at risk for labor trafficking because of their unique vulnerabilities as limited English proficient individuals with less access to resources and a higher risk of worker exploitation. In New York City, of the trafficking cases that are reported, the most commonly reported type involve domestic workers who are employed within private residences by families other than their own and typically perform tasks such as cooking, housekeeping, child care and elder care.<sup>3</sup> Many of these workers are "live-in," meaning that they live in the residences of their employers. As these workers most often face abuse and exploitation within private residences, it can be difficult to identify victims and conduct outreach in a manner that does not endanger the victim's safety.

It is important to note that while my testimony today will focus on domestic workers who have been the victims of labor trafficking and are *not* victims of sex trafficking – which is the

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<sup>1</sup> 22 U.S.C. § 7102(9)(B)

<sup>2</sup> N.Y.P.L. § 135.35

<sup>3</sup> Of the City Bar Justice Center's labor trafficking clients, 79.3% were domestic workers. Suzanne Tomatore & Laura Matthews-Jolly, *Spotlight on 150 Human Trafficking Cases*, City Bar Justice Center (Dec. 2013) (hereinafter "City Bar Justice Center Report").

recruitment, transport or obtainment of a person for the purpose of a commercial sex act<sup>4</sup> – many labor trafficked domestic workers face sexual harassment and assault in the workplace. These two categories of human trafficking, labor trafficking and sex trafficking, feature much overlap in the services needed once victims are able to escape.

### **Description of Population: Demographics and Unique Vulnerabilities**

According to a broad survey by the National Domestic Workers Alliance, the vast majority of domestic worker trafficking victims are adult immigrant women who were recruited in their home countries for work in the United States.<sup>5</sup> Most victims come from Asia or Latin America. The Urban Institute and the City Bar Justice Center have found that the Philippines, Indonesia, India, Nepal, Nigeria and Mexico are the most common countries of origin.<sup>6</sup>

Most arrive in the United States with temporary work or tourist visas.<sup>7</sup> Some come through diplomatic visas.<sup>8</sup> Before they leave their home country, victims may be given employment agreements that seem to comply with U.S. labor laws. They are promised decent wages, 40-hour work weeks and benefits.<sup>9</sup>

Once in the U.S., traffickers use various tactics to dehumanize victims and exploit them. Victims are forced to work excessive hours, denied pay or given less pay than promised. Numerous cases involve workers being forced to sleep on floors, in garages or children's rooms with no privacy, and the inability to prepare their own food or access the family's food.<sup>10</sup>

Live-in domestic workers, in particular, are extremely isolated. Many are physically prevented from leaving the employer's house without a chaperone and are restricted from making phone conversations or seeing visitors.<sup>11</sup> Many cases involve instances of physical and sexual abuse by the employer or family members of the employer and the denial of medical care.<sup>12</sup>

It is important to note that while physical abuse and violence are certainly present in domestic worker trafficking cases, there are also many cases that involve more subtle, nuanced forms of

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<sup>4</sup> 22 U.S.C. § 7102 (9)(A), (10)

<sup>5</sup> A survey of 547 domestic workers in New York City revealed that 93% of respondents were female and 99% were born outside the United States. Tiffany Williams, *Beyond Survival: Organizing to End Human Trafficking of Domestic Workers*, National Domestic Workers Alliance (Jan. 2015) (hereinafter "NDWA Report").

<sup>6</sup> Colleen Owens et. al, *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, Urban Institute Justice Policy Center (Oct. 2014) (hereinafter "Urban Institute Report"); City Bar Justice Center Report.

<sup>7</sup> Urban Institute Report at xvii; NDWA report.

<sup>8</sup> *Id.*

<sup>9</sup> NDWA Report at 15; Urban Institute Report at 7-9.

<sup>10</sup> NDWA Report at 32.

<sup>11</sup> NDWA Report at 32.

<sup>12</sup> Urban Institute Report at 7-9.

coercion, such as psychological abuse and threats. Such long term isolation can have significant effects on individual mental health.<sup>13</sup>

Traffickers often manipulate domestic workers to remain in forced labor by manipulating debts they may owe for recruitment or travel expenses to get to the U.S., or exploiting their immigration status. Even though federal and state labor laws protect all workers regardless of immigration status, workers often are led to believe that they are unable to claim worker protections because of their temporary or undocumented immigration status. In many instances, employers confiscate the worker's passport and threaten the worker that she will be reported to immigration officials.<sup>14</sup>

### **Needs of Domestic Worker Trafficking Victims**

Similar to situations of domestic violence, the combination of fear, shame and privacy of the home are barriers preventing domestic workers from getting help. Extreme isolation, physical barriers, psychological abuse and the fear of deportation often make victims reluctant to contact law enforcement. Therefore, outreach and awareness about the availability of services is key in helping victims ultimately escape and get help.

Once they do escape from their traffickers and are able to seek services, domestic worker trafficking victims often experience a myriad of complex legal and other issues.

Victims typically need assistance to report the crime to law enforcement and possibly receive restitution. They also need assistance to pursue civil legal claims against the employer in order to win back their lost wages and other civil damages. Victims also typically need immigration legal services. Although the majority of victims enter the U.S. on a lawful visa, most victims are undocumented by the time they escape. Many may be eligible, however, for visas made available under federal immigration law for victims of certain crimes and/or trafficking who have been or are willing to be helpful to law enforcement. These visas are called U and T nonimmigrant visas and, if granted, would allow for the victim to receive temporary legal status, employment authorization, and eventual eligibility to apply for a "green card" or permanent residence. Victims who are eligible to apply for these visas will need the immigration legal assistance to help obtain the proper documentation from law enforcement, as well as prepare the application and other supporting documents.

In addition to legal help, domestic worker trafficking victims are generally in need of several other types of social services after escape, the most urgent of which is often housing. As a large

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<sup>13</sup> NDWA Report at 34.

<sup>14</sup> NDWA Report at 22.

number of victims are live-in domestic workers, victims need the help of social service agencies who can help them find emergency shelter and long-term transitional housing.

Victims also need counseling services to help them deal with the trauma of abuse. Many are also in need of medical assistance, particularly if they have been physically or sexually assaulted during the course of their employment.

### **Resources for Victims**

When a victim comes forward, there are a variety of services available to them to address their various legal, social and supportive needs. Legal service organizations help victims to report the criminal activity to law enforcement, assert civil claims for unpaid wages and other damages, and obtain immigration relief. Social service agencies and community-based organizations aid in helping victims to find housing and provide supportive mental health services, job placement and education on worker rights.

The role of the legal services and community based organizations in addressing these needs is crucial because these organizations serve as an intermediary between the victim and the justice system, civil compensation and the social safety network. The nuanced methods of coercion employed by traffickers often make it difficult for law enforcement to identify victims. Legal services and criminal justice advocates play an important role in helping refer these cases to law enforcement for further investigation.

Researchers have also found that while the vast majority of domestic labor trafficking victims may realize at some point that they are being abused, many are not aware that they are being labor trafficked and that they are afforded rights under the law.<sup>15</sup> Often it is not until victims come into contact with trusted, on the ground, community-based organizations such as Damayan, Domestic Workers United, or Adhikaar that they realize that there are legal remedies and services available to help them escape. In many instances, organizations are able to help victims to find housing and mental health services and refer cases to legal providers, who are then able to assist the victim through the immigration and civil legal processes.

### **MOIA's Role in Connecting Victims**

Many City agencies, as well as our partners in the State and Federal government, provide assistance and support to immigrants who have experienced labor trafficking. MOIA serves as a resource as well through our referral and other work.

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<sup>15</sup> Colleen Owens et. al, *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, Urban Institute Justice Policy Center (Oct. 2014).

In addition to helping to connect individuals with immigration and other assistance available to victims, MOIA also has a newly launched webpage that is focused on describing resources for immigrant victims of crime. Particularly relevant to domestic workers who have experienced labor trafficking, the page includes information about the U and T nonimmigrant visa options and how to get help from service providers. This website content was developed in collaboration with the Mayor's Office to Combat Domestic Violence, the Mayor's Office of Criminal Justice and with the input of each of the City's District Attorney's offices. MOIA intends to continue working closely with MOCJ and MOCDV to develop additional outreach materials for immigrant crime victims.

At the same time, MOIA recognizes that providing adequate assistance for victims of labor trafficking is challenging due to the isolated nature of their exploitation and work environment.

MOIA looks forward to working with partners in community-based organizations and the advocacy community to continue learning about the needs of domestic workers who have experienced labor trafficking and how the City can better reach and serve this population.

### **Conclusion**

In closing, I want to recognize the efforts by New York City's agencies, the City Council, the community-based organizations, legal service and social service providers, and others who work to provide much needed support to this marginalized population. MOIA and the de Blasio Administration remains committed to addressing this issue and helping those victims become survivors. Thank you for the opportunity to address the Committee.



Raji Manjari Pokhrel's testimony delivered to the New York City Council Committee on  
Immigration regarding Labor Trafficking  
February 27, 2015

Hello everyone, I am honored to be speaking at this gathering today. My name is Raji Manjari Pokhrel and I am a social worker at Adhikaar, working with Nepali-speaking community in Queens. Our community helps run New York City as domestic workers, nail salon workers, gas station workers, restaurant workers and so on. Adhikaar provides direct services including “English for Empowerment” classes, citizenship classes, wage-theft clinics, healthcare enrollment, and referrals and language support for when members are navigating legal or other systems (e.g. family court and hospital visits). We provide services and function as a community center for an estimated 45,000 and growing Nepali-speaking community in the city who have come from Nepal, Bhutan, India, Burma and Tibet. We are only three full time staff and 3 part time staff and we are fortunate to have volunteers from the community assist us in our work. Our programs generated from the needs we saw in the community. Through our members’ stories we learned that many were trafficked into domestic work and brought to this country, and for years they lived in fear and isolation. As part of National Domestic Workers Alliance and Beyond Survival Anti-trafficking contingent, working to prevent labor trafficking is at the core of Adhikaar’s work.

### **Stories of labor trafficking:**

Each survivor’s story is unique but there are some common denominators. Wealthy employers ordered workers to lie on their visa interview and retained their passports once arriving New York. There was often a lack of work contracts or agreements that establish an agreed upon wage or hours worked. Workers were often in 24/7 live-in work situations and were only paid every 6 months or 2 years, or whenever the worker pleaded to the employer that their family back home was in dire need of money. The money then was directly sent to the family in the home country. For many there was never direct payment or no payment at all. Workers ability to communicate with family was also often curtailed. Most employers did not allow trafficked workers to use phones. Many employers did not allow workers to learn English. Employers often did not allow workers to venture outside and instilled in them fears of the outside world, often using police and immigration as threat. In some cases, workers were denied food and physically abused. For years many survivors were unaware of what was happening back home or in the lives of the people they loved. “You live with us, you eat our food, you are like family, why do you need money?” was a common thing employers would say to crush any sense of self, wishes, or wants that workers had left. Imagine living in such environment for 10 or 15 years. In all cases there has been long-term psychological abuse that affect survivors long after they have left the abusive situations. Survivors suffer from anxiety, depression, hopelessness and suicidal thoughts. This is what labor trafficking looks like.

### **Beyond Survival:**

Survivors escape these situations due to their own unrelenting sense of self and inner strength and with help from someone in the outside world, an individual or a community-based organization.



Escaping an abusive employer is only the beginning of a long struggle to regain one's identity. Survivors have to start from scratch to create community and friendships. They are under a lot of financial pressure to support their families back home. Without any reference, it can take up to 6 months to land a job. Pursuing legal action can give one hope however it becomes another uncertainty and telling the stories of abuse can take a toll on one's mental and physical health. Despite all these obstacles survivors become leaders in the community. Its time that the city hears from their experience and the experience of CBOs that work with them so that survivors feel supported. And we are happy that we are here today to start that process.

**Recommendations based on what we have learned:**

- **Financial Support, support circles for survivors within community based organizations, and workforce development trainings**

From our work with survivors we have learned that the first 5 months of leaving are crucial and survivors are the most vulnerable in these months. Survivors are either alone or in some cases with their family who joined them as a result of a T-visa. They need financial assistance for the first three months especially to secure stable housing. Only without the fear of being homeless can they start to regather their sense of safety in the outside world. The demand of finding another job as soon as possible is less daunting if they have housing. Currently the Department of Justice does give some assistance however the assistance does not come at the beginning. Some of the financial assistance available work as reimbursements, which assumes that survivors have money to spend in the first place. In these situations Adhikaar has provided financial assistance but with growing number of survivors, we do not have enough funding to provide assistance to everyone.

The other pressing need is mental health services for survivors. There are very few clinics that provide mental health services to survivors of trafficking and none that operate well for clients who do not speak English. Retreats and groups that function as support circles where survivor leaders can share their experience with those that escaped trafficking recently have been helpful so far.

Workforce development is also key to getting a survivor back on their feet and becoming economically empowered. Developing trainings with survivors at the center is needed for successful outcomes.

- **New York City government needs to be more involved**

According to the Mayor's Office For International Affairs, "New York City is home to the largest diplomatic and consular community in the world - 193 Permanent Missions, 115 Consulates, and the headquarters of the United Nations. "

We can no longer tolerate diplomatic immunity, as it has become a tool used by abusive employers to escape. This issue can no longer be only a State Department issue. Where is labor trafficking happening- it's happening in this city. We can no longer let this go unchecked. But diplomatic immunity is not the only problem either. Rich employers buy immunity with their money when they bring workers from their home country to New York City. Recommendations here are:

1. We want the city to play a more proactive role.
2. Engage with State Department and create measures to connect the workers with organizations like ours so that workers are not isolated.
3. Better enforcement of the Domestic Bill of Rights so that workers do not get disheartened due to the waiting time when they make a wage-theft claim and stay in abusive work conditions because they feel they have no choice.
4. And most important of all, continue to include us, the New York community in planning and decision-making. We recommend a closed confidential hearing where survivors can tell you their stories because many survivors with cases open cannot speak in public settings like these.

We are doing our part and we urge you to do your part as well. Starting with today's gathering, I hope we will stay in touch. Thank you for your time.

Testimony of the New York Asian Women's Center at the  
New York City Council (Committee on Immigration)

**Oversight: Labor Trafficking in the Domestic Worker Industry - Resources  
for Victims in New York City**

February 27, 2015

Good afternoon, Chairperson Menchaca and distinguished members of the committee. My name is Larry Lee. I am the Executive Director of the New York Asian Women's Center (NYAWC). The NYAWC is the largest pan-Asian American focused domestic violence agency in the country, a national demonstration project that provides model services to survivors of sexual assault, and a premier anti-human trafficking serving organization. NYAWC provides a safe haven through multi-lingual support programs, a 24-hour hotline, and shelter services. Thank you for allowing us the opportunity to speak today.

Globally, almost 21 million people are estimated to be victims of forced labor, where 11.4 million are women and girls, and 9.5 million are men and boys. Forced labor operations thrive in cities like New York where the supply for work, especially domestic work, increases as immigrant communities flourish, and the general need for caregiving work from both immigrant and domestic families persists. In a U.S. State Department Trafficking in Persons (TIP) Report, of the 45,000 to 50,000 estimated individuals trafficked into the U.S. annually, about 60%, or 30,000, come from Asia. The next highest amount comes from Latin America.

The passage of the Domestic Worker's Bill of Rights provided workers with some protection for their labor. However, the fact is that Asians continue to enter into domestic work in New York City and find themselves still vulnerable to abuse and exploitation. At our agency, we see the links between poverty, lack of opportunity, and labor trafficking. Immigrants living in New York City are desperate for employment. Domestic work is appealing since there is always a need for this type of work. The job itself requires minimal English language skills or higher education.

Immigrants are trafficked into many states in America, but many travel to New York City since it is a hub for employment opportunities. As a result, many immigrants carry latent trauma from their prior work experiences. Because of the need to work and earn income, immigrants oftentimes continue to work for multiple employers. They undertake various forms of domestic work and, do not realize that their working environments are hazardous, underpaid, and illegal. It is not just "hard work" that they take on, but it can also turn into brutal and unnecessarily physical labor affecting their emotional, physical and mental health. Only when they turn to other community members, local advocacy groups and service providers like the NYAWC do they begin the process of

regaining their freedom from an abusive or exploitative employer – and transcending their trauma.

NYAWC provides culturally and linguistically appropriate counseling to survivors of human trafficking. We are one of the few agencies in New York City with an expertise in labor trafficking. 60% to 75% of the survivors we serve are labor trafficked. Many of them live and/or work in Queens, Brooklyn and Manhattan. We offer these survivors case management and access to resources such as family law clinics, education, child care, know your rights workshops and events, public benefits, long term housing and continuing support when they feel mentally or physically isolated. Survivors are also offered complementary and alternative medicine assistance such as trauma-sensitive yoga, meditation and acupuncture.

We have funding to provide immigration legal services until June 30, 2015. Both legal services and counseling are critical to addressing the needs of survivors. We are requesting that the Council Committee on Immigration establish a NYAWC program focused on assisting survivors of labor trafficking. With \$300,000 we would hire two attorneys, a paralegal and a part-time counselor. We would serve at least 100 survivors of labor trafficking.

We applaud the Council Committee on Immigration for taking up this cause. Exploited and abused survivors of labor trafficking need your support. Thank you for considering our request.

## **OVERSIGHT: LABOR TRAFFICKING IN THE DOMESTIC WORKER INDUSTRY - RESOURCES FOR VICTIMS IN NEW YORK CITY**

New York City Council

Testimony of Ivy O. Suriyopas

Director of the Anti-Trafficking Initiative at the Asian American Legal Defense and Education Fund

12:30 pm, February 27, 2015

Good afternoon, Members of the New York City Council.

My name is Ivy Suriyopas, and I am the director of the Anti-Trafficking Initiative at the **Asian American Legal Defense and Education Fund**. AALDEF is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

Since 2005, I have represented trafficking victims and survivors, **including a number of domestic workers**, in their applications for T Visas and other immigration relief. I served as a criminal justice advocate as they cooperated with law enforcement authorities in the investigation and prosecution of these cases. Additionally, I have represented victims and survivors as they have sought to obtain economic justice.

Let me paint a picture for you of the types of trafficking cases involving domestic workers I have encountered:

- There is the matter of the domestic worker from the Philippines who paid for a job and a better life in the United States, only to find herself having to pay off an alleged debt by working as a domestic worker.
- There is the domestic worker from Bangladesh whose passport was taken for “safe-keeping” and who is locked in the household with her employers’ infant nine hours a day.
- There is the case of the Indonesian domestic worker who is forbidden from leaving the household and gets paid merely \$200 a month for 126 hours of work per week; that translates into roughly to **\$0.36 per hour**.
- There is the domestic worker from Bhutan whose employer at the United Nations wields so much influence and power that she fears leaving the household.
- And there is the matter of the domestic worker from India who had escaped her trafficking situation only to find another job where her employers refused to pay her overtime and threaten to fire her if she tries to call in sick.

These cases occur far too often and could be prevented if the City takes steps to appropriately identify trafficking. The lack of understanding of the complexity of human trafficking, employers’ unawareness of **or refusal to** fulfill their obligations to their domestic worker employees, domestic workers’ lack of knowledge of their rights under the law, and barriers to accessing public benefits and other vital resources hamper the ability of these laborers to operate in **fair and safe working conditions**.

As we strive to improve work-life balance, and we rely more heavily on child care, we need to ensure that the workers who care for our children, clean our homes, and cook our food are **paid fairly and treated appropriately**. New York, home of the United Nations and a number of consulates, should bolster its efforts to protect personal employees – typically on A-3 and G-5 visas – in these households. New York City should be at the forefront of protecting domestic workers.

#### **Additional Information**

The gross oversight of the government to identify and combat human trafficking in labor sectors such as domestic work, hospitality, agriculture, restaurants, manufacturing, and other low-wage industries contrasts with the human trafficking cases NGOs are encountering on the ground. According to the International Labour Organization, the vast majority of trafficking victims (68 percent)<sup>1</sup> are working in labor industries. The vast majority of actual documented trafficking cases (73 percent)<sup>2</sup> throughout the United States involve trafficking into labor sectors, such as domestic work. The Urban Institute's Labor Trafficking research report<sup>3</sup> documents the prevalence of trafficking that occurs in domestic work.

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<sup>1</sup> Int'l Labour Org., ILO Global Estimate of Forced Labour, (2012) [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf).

<sup>2</sup> Freedom Network (USA), Freedom Network Member Report: A Closer Look at Human Trafficking Across the United States, (2014) <http://freedomnetworkusa.org/wp-content/uploads/2014/07/Member-Report-20141.pdf>.

<sup>3</sup> Urban Institute, Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States, (2014) <http://www.urban.org/UploadedPDF/413249-Labor-Trafficking-in-the-United-States.pdf>.



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Testimony of Annick Febrey, Senior Associate, Anti-Trafficking Campaign  
Human Rights First

New York City Council  
Committee on Immigration

Oversight Hearing: Labor Trafficking in the Domestic Worker Industry- Resources for Victims in  
New York City

Good afternoon Chairman Menchaca and distinguished members of the committee. I am Annick Febrey, senior associate for Human Rights First's anti-trafficking campaign. Thank you for hosting this important hearing and for your continued work on behalf of vulnerable workers.

Human Rights First is an independent advocacy organization that challenges America to live up to its ideals. We are a non-profit, nonpartisan international human rights organization based in New York and Washington, D.C. For more than 35 years, we've built bipartisan coalitions and teamed up with frontline activists, lawyers and businesses to tackle human rights issues that demand American leadership. It's this approach that we bring to our anti-trafficking campaign focused on disrupting the business of modern slavery.

We join the other organizations here today who are doing critical work around victim assistance in their call for enhanced support for those services. In addition to making sure these victims find safety and are provided the relevant services, we also need to ensure that for every victim rescued, they aren't replaced by a new victim.

Slavery is the fastest growing criminal enterprise in the world. Ending it will require the cooperation of all levels of government, business, law enforcement, and civil society to dismantle the \$150 billion criminal enterprise. Because human trafficking is a profit-driven enterprise in which perpetrators operate with relative impunity, successful strategies to combat it must focus on increasing the risks for the perpetrators and enablers, and decreasing the profits. While the International Labour Organization estimates that nearly 21 million people are enslaved globally, the State Department's most recent annual Trafficking in Persons report

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states that fewer than 9,500 human trafficking cases were prosecuted worldwide in 2013, resulting in less than 6,000 reported convictions.

There are protections that we can put in place so that workers never become vulnerable in the first place. Many people often associate trafficking as something that happens overseas, faraway. The truth is it happens everywhere across the globe, including in the United States and here in New York. But there's a lot we can learn from experiences internationally that can help us combat trafficking here locally. I've spent time in Tamil Nadu and Kerala in South India, working with families that have been trapped in slavery in rice mills and brick kilns. They are in search of or offered a decent job, but only if they pay a large fee upfront to get the job. They're promised decent wages, housing, and reasonable hours so they take out a loan, calculating that they'll be able to pay back the recruitment fee in a matter of months. Then they find themselves forced to endure back-breaking work for 14, 16, sometimes 18 hours a day. They're paid little or no salary, often under the guise of owing their employer for their housing provided. This housing, mind you, is sometimes no more than a 10-foot by 10-foot cement room where a family of five is expected to live. Children are kept from school and the families aren't allowed to leave the property. I've also met men who returned from working on U.S. military bases. They had a similar story—after being promised a high paying job in the hospitality industry in Doha or Dubai, they pay a fee to a recruiter and take off only to find themselves stuck in a combat zone working on a U.S. military base for little to no pay, with no access to their immigration documents, and no proof that they're there legally. Often they've signed over their home as collateral for the loan so they have no choice but to stay and work. These stories are no different from what workers often endure when they come to the United States for domestic work, and other industries.

New federal regulations that are meant to protect workers on U.S. contracts can be applied at all levels of government to protect workers in a variety of industries. In particular, we should require companies to provide an awareness training that's mandatory for all employees regarding recognizing trafficking-related activities and what to do if they suspect someone is a victim. Additionally, companies should provide a grievance process for employees to report, without fear of retaliation, any trafficking-related incidents. Companies should only use recruitment agencies that prohibit charging the workers any recruitment fees and workers should have a written copy of their contract, in advance, that details where they will be working, for how many hours per week, and at what salary.

Domestic workers are particularly vulnerable given that existing federal regulations that typically protect workers don't apply. One additional challenge in addressing labor trafficking—and especially in the domestic work industry—is that it's hard to spot. There are misconceptions that trafficking requires movement of a victim, or is often confused with smuggling and in general it's easier to investigate sex trafficking cases. Across the country, we all need to get on the same page about labor trafficking—what it is, how to recognize it, and how to best serve victims once identified. We recommend training for all relevant city officials and employees to recognize trafficking and to know who to call when they identify potential victims. Further, law



enforcement and service providers need to be coordinated at all levels- federal, state, local and tribal. Without a comprehensive approach to combatting trafficking—especially with the harder to spot types such as domestic work—we’ll never keep pace with the crime.

In addition, we recommend adopting a public education campaign that will raise awareness about this issue among New York City residents. Victims of human trafficking in the domestic work industry often have few interactions with law enforcement and city employees in general. Yet, New York City residents and their communities can play a central role in identifying and reporting incidents of human trafficking. This also provides an opportunity to partner with businesses to share trainings and best practices on raising awareness and reporting.

We need to make sure that there are fewer than 21 million people enslaved in years to come. To do that, we need to make it riskier for the perpetrators, which means better understanding the crime and how to recognize it, and better coordinating across jurisdictions so that more traffickers are prosecuted and convicted.

We are grateful to the New York City Council and the Committee on Immigration for the opportunity to testify here today on the important issue of labor abuses in the domestic worker industry. Slavery is a shameful part of our nation’s history and we look forward to working with you to see that it has no place in its future.

Thank you.



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**Testimony before the New York City Council Committee on Immigration  
Oversight: Labor Trafficking in the Domestic Worker Industry – Resources for Victims in  
New York City**

**February 27, 2015**

**Comments of Alice Davis, Catholic Migration Services**

Good afternoon. Thank you, Chairman Menchaca, and Members of the New York City Committee for Immigrant Affairs, for allowing me to testify today. My name is Alice Davis, and I am a staff attorney at Catholic Migration Services, in the Immigrant Workers' Rights Program. Catholic Migration Services has been providing legal representation to low-income immigrants since 1971. In my program, we offer legal advice and representation to low wage immigrant workers who come to us with questions about their rights in the workplace. Many suffer from wage theft, discrimination, and have been injured at work.

I am here to share my experience in assisting victims of labor trafficking, particularly domestic workers, who are uniquely vulnerable to coercion and forced labor.

**CMS' Role in Serving Trafficking Victims:**

My office offers assistance to victims of labor trafficking. I represent trafficked workers in civil litigation for wage violations and other claims arising out of their employment, assist them in immigration applications related to their status as trafficking victims, and liaise with their caseworkers at government-contracted organizations, in order to ensure that they receive any public benefits for which they're eligible.

## **The Role of Police Investigations:**

As many of you may be aware, seeking certification from a law enforcement agency is a trafficking victim's first step to accessing benefits. A law enforcement agency may interview workers and certify them as potential victims of trafficking and refer them to the state's Office of Temporary and Disability Assistance for basic emergency benefits.

Further, federal law entitles victims of labor trafficking to certain benefits in regards to their immigration status. This is of course, transformative, as employers and traffickers often threaten workers with deportation and other immigration consequences in order to force them to continue working for low or no pay, under abusive or dangerous conditions. It is also these visas that allow victims of trafficking to seek government benefits, beyond emergency assistance.

However, in order to apply for U-Visas, the visa available to victims of serious crimes, a law enforcement agency must investigate the crime, and also complete a signed certification for U.S.C.I.S. T-Visas, a type of immigration relief available specifically to victims of trafficking, does not necessarily require that an investigation be undertaken but does require that the worker be willing to cooperate with an investigation. In either event, the law enforcement certification is either crucial, or highly desirable.

The problem is that, as an advocate, it can be incredibly difficult to convince a law enforcement agency to investigate a trafficking case or certify victims.

## **The Need for Adequate Training and Resources in Enforcement Agencies:**

One of my very first clients at CMS was a domestic worker who was a victim of labor trafficking. I have worked with this client in both her civil suit for unpaid wages, as well as her application for T nonimmigrant status. She has given me permission to discuss her case today.

Her initial interactions with law enforcement were with the New York Police Department. We immediately discovered that the NYPD, like most enforcement agencies that we encountered, were not adequately prepared to assist with trafficking claims.

My client, a domestic worker and the primary childcare provider in the household, first came to my office on a Monday, during the day, with her employer's infant son asleep in a stroller. She wanted a police escort to gather her belongings and leave the house. She felt that she could not leave when her employers were at work, because it would mean leaving their young children unattended in the house. At the same time, she feared being caught attempting to escape with her belongings. After consulting with colleagues, and on their advice, we decided to request an escort from the NYPD to accompany my client from the house to the station.

When I went to the precinct, the first thing that I discovered was that the police were not familiar with the legal definition of labor trafficking. My client had been brought to the United States on pretext, had her passport confiscated, was threatened with deportation, and lived in fear that her employers would harm her or her family abroad. The officers told me that, unless my client had been forcibly kidnapped and brought to the United States, the crime of trafficking had not occurred. That is not the federal law, and that is not the state law. It was very clear that the officers that I spoke to were not familiar with the anti-trafficking statutes.

Further, the police were not able to offer my client a police escort to leave the house without already having a restraining order in place or a report of a crime. The police then asked me if I was there to report a crime. Because they did not accept that labor trafficking had occurred, the crime I eventually reported was of assaults that had taken place. The police intervened immediately. Of course, I was not permitted to accompany them because they were going to a crime scene, a potentially volatile situation. My client had no time to gather her

belongings. I was not there with the escort, which I had assured her I would be. It was, on the whole, an extremely upsetting experience for her.

The police interviewed her at the precinct, and later at the Queens SVU, until 1 in the morning. I was not permitted to be in the room, despite both of our requests. I understand that this is a courtesy afforded to victims of sexual assault, but the detectives were aware of no protocol extending the right to have an advocate present to trafficking victims.

The NYPD ultimately never investigated the trafficking claims. However, the local District Attorney's office promised to interview my client, but eventually began ignoring my phone calls and emails. So ultimately, my client's claims were never investigated. She was ultimately certified for state benefits, such as emergency cash assistance, by the New York State Department of Labor.

Several months later, when we began assembling her T-visa application, there was absolutely no evidence of her cooperation with a law enforcement investigation. My office submitted a Freedom of Information Law request for records of the initial police report. We were told that they were confidential, as they could disclose information related to police investigatory tactics. We appealed the decision, explaining our purposes, and stating that they could redact any and all information, so long as it included my client's name, the date, and the fact that she had been interviewed. The appeal was denied.

Thus, not only were my client's claims never fully investigated, but there is no corroborating evidence that she even attempted to report the crime. We are still waiting to see if this will impact her T visa application.

This was, of course, not the fault of the desk sergeant, the officers, the detectives, or the records officer. But there appears to be no policy in place for how advocates and victims should report these crimes to local law enforcement and obtain the relevant records for their visa applications.

It is our expert opinion that in addition to providing resources for legal services and social services organizations to represent and assist victims of trafficking, we must train those law enforcement agencies who are most likely to encounter victims of trafficking and establish uniform best practices for interviewing victims. These law enforcement agencies are responsible for providing the certifications necessary to receive basic state benefits, and later to provide certification for visa applications and trafficking victims are dependent on them to access all other services.

Thank you for considering this testimony.

**Testimony of Lucia Goyen, Vera Institute of Justice**  
**Before**  
**the Committee on Immigration**  
**New York City Council**  
**Regarding**  
**the Trafficking Victim Identification Tool (TVIT)**

February 27, 2015

**Introduction**

Good afternoon, Chairman Menchaca and fellow Councilmembers. Thank you for giving me the opportunity to testify before the Committee today. I am Lucia Goyen, a Research Associate at the Center on Immigration and Justice at the Vera Institute of Justice.

Thank you for allowing me to speak about Vera's work in this area. As you know, human trafficking, often called "modern-day slavery," occurs on a massive scale, trapping thousands of victims in lives of incredible suffering with seemingly no way to escape. It does not necessarily involve transporting people across borders, but it does involve victimization and serious crimes committed within the U.S. Responding to this scourge requires knowing who and where victims are. While every state has enacted anti-trafficking legislation, only a small fraction of trafficking victims have been identified because victims are commonly hidden and living in fear. Even when trafficking victims come into contact with law enforcement, they may be re-victimized by being treated like criminals instead of victims and denied much-needed support and services. This inability to properly identify victims does law enforcement a disservice as well, as the victims of trafficking can serve as valuable resources in police investigations and as witnesses against their traffickers.

To this end, in 2014, the Vera Institute of Justice completed a two-year study, *Improving Trafficking Victim Identification*. The study created, field tested, and validated the first-ever screening tool that can reliably identify adult and minor victims of sex and labor trafficking, both U.S.- and foreign-born. For this study, Vera collaborated with 11 experienced victim service organizations in California, Colorado, New York, Texas, and Washington State to test the screening tool. Data were gathered through structured interviews using the full screening tool with a diverse sample of 180 potential trafficking victims, case file reviews, and focus groups with service providers. Subsequent interviews were conducted with victims who had already been screened, service providers, and law enforcement with experience in human trafficking. More than half of the 180 interviewees (53 percent) were found to be trafficking victims. Of those in the study, 40 percent were sex trafficking victims and 60 percent were labor trafficking victims. We spoke to a small sample of domestic workers as a subset of labor trafficking victims.

**The Tool**

The tool is a statistically validated 30-topic questionnaire designed to elicit evidence of trafficking victimization. Vera also researched the best way to conduct interviews with potential victims in order to facilitate trust between interviewers and respondents. With national dissemination, this screening tool should lead to better identification of trafficking victims and improved responses to

victims by law enforcement, other legal professionals, and service providers in various types of agencies and settings. A full technical report on the study is available on Vera's website at [www.vera.org/out-of-the-shadows](http://www.vera.org/out-of-the-shadows).

Vera has been working since 2006 to research and develop reliable and effective trafficking victim identification practices, and that work was rewarded when its screening tool was validated by statistical analyses after testing by victim service providers. They asked potential trafficking victims questions about migration, work, and working/living conditions to elicit evidence of trafficking victimization experiences, namely, abusive labor practices, physical harm or violence, sexual exploitation, isolation, and force, fraud, and coercion. Data analysis determined how well the screening tool worked, both in its ability to distinguish trafficking victims from victims of other crimes, and to differentiate between victims of sex and labor trafficking. Statistical analyses also demonstrated which questions best predicted trafficking outcomes. In fact, 71% of the questions were significant predictors of labor trafficking specifically.

These questions are:

- Have you ever worked without getting the payment you thought you would get?
- Have you ever worked in a place where the work was different from what you were promised or told it would be?
- Did anyone at your workplace make you feel scared or unsafe?
- Did anyone at your workplace ever harm or threaten to harm you?
- Have you ever felt you could not leave the place where you worked or lived?

Although these questions are the best for determining labor trafficking, it is important to note that trafficking victims' experiences are often complex. Many of the survivors we spoke to described overlapping experiences with labor and sex trafficking. Therefore, asking other questions on the tool can yield important insights into the full picture of victimization.

Domestic workers are sometimes even harder to reach than other victims of labor trafficking, as they are confined to private residences. Many survivors of domestic servitude trafficking we interviewed had to plan brazen escapes in order to leave their situations, such as jumping on a one way bus to New York without even knowing people in the city. Survivors recounted being brainwashed, isolated, and under constant surveillance. As one survivor stated, "The way we are put in the situation. We don't have a choice- like a prison- we don't have a life. What you know is what they tell you."

Having the right questions to ask potential trafficking victims is only part of what is needed for identification. The effectiveness of the tool hinges on its appropriate use, and that means building trust between screeners and potential victims. Screeners need to take a victim-centered approach and be sensitive to the trauma and fear that victims have generally endured before attempting to gather facts about trafficking crimes or a victim's long-term needs. Service providers participating in the study suggested several strategies for developing trust with trafficking victims that were incorporated into our user guide. Chief among these strategies was offering victims a sense of safety and meeting their material and psychological needs by providing shelter in the near term and legal assistance and case management in the longer term.



## **Using the Tool**

The screening tool may be used in either its full form or in a 16-question version, each of which offers different advantages depending on the user and the situation. The two versions may also be used in succession at separate times. For example, service providers who are mandatory reporters or working in a crisis situation may wish to use the short version of the tool for initial screening without recording details of a victim's story, while other interviewers may find the long version more useful for subsequent in-depth information gathering. A longer interview is best conducted once a potential victim feels safe, stable, and ready to talk about sensitive issues. Agencies with various mandates that use the trafficking victim screening tool will likely combine it with additional intake questions tailored to their specific client groups.

Both versions of the tool are available online, as well as a Spanish version. Also available is the user guide to assist organizations that would like to integrate this tool into their current intake processes. All of this can be found at [www.vera.org/out-of-the-shadows](http://www.vera.org/out-of-the-shadows). Additionally, Vera staff is available to answer questions about the tool and our research. Vera has some limited funds to do webinars in the coming year, but is always seeking new funding to be able to do full scale trainings and provide more robust technical assistance.

As awareness of this insidious problem continues to grow, we hope more agencies in the public and private sector will recognize the importance of the tool and incorporate it into their work. Many people, from police officers to doctors to nonprofit staff members, unknowingly come across trafficking victims every day, but often miss key opportunities to identify and assist them because they did not ask the right questions. This tool has the right questions. With its increased use, these missed opportunities can be avoided; it will allow more victims to come out of the shadows, and give them a chance for a better life.

For more information, please contact Dr. Laura Simich at [lsimich@vera.org](mailto:lsimich@vera.org).

Thank you.

Leah Obias's testimony delivered to the  
New York City Council Committee on Immigration on  
Oversight - Labor Trafficking in the Domestic Worker Industry - Resources for  
Victims in New York City  
February 27, 2015

Damayan is a membership-based organization of over 1,100 low-wage worker members, mostly women domestic workers in the New York area. Our programs cover wage theft, fraud and other labor exploitation cases, DACA outreach and intakes, OSHA training, basic health services for uninsured immigrants, and support for survivors of gender-based violence. Central to our work are core services for survivors of trafficking and severe labor exploitation, as well as their families; recruitment and leadership development of our members; and economic empowerment of low-wage workers, particularly im/migrant women domestic workers vulnerable to trafficking. Damayan, along with our sister organizations in the National Domestic Workers Alliance and allies, organize workers to transform the industry and change the conditions that create vulnerability to trafficking to begin with.

Lydia is one of over three dozen trafficked workers Damayan has assisted and organized since 2002. About half were trafficked by diplomats or foreign consular personnel. Our role as a community-based organization is indispensable. Often times, an isolated domestic worker's only contact is other workers: the driver, the doorman, or other domestic worker. The majority of our trafficked worker members were referred to us by other members. We work closely with social service agencies and legal partners, to help women like Lydia through the crisis stage, to become economically stable, and eventually be reunited with their families. Along the way many become active members or leaders in the community and inspire others to come forward.

In 2010, Damayan launched *Baklas* Break Free From Labor Trafficking & Modern Day Slavery. *Baklas*, meaning both "break free" and "dismantle" in Filipino, is a campaign to end the labor trafficking of domestic workers, especially by diplomats, and to address the systemic issues at the root of the problem. In 2012, Damayan began working on a Memorandum of Understanding with the Philippine Consulate in New York to create a Task Force on trafficking of Filipino workers, which would outline clear protocols that the Consulate could enforce to effectively assist Filipino nationals in distress and to provide emergency resources to them. We ask for the Immigration Committee's support for our work with the Consulate, for it will set a precedent for Consulates to establish relationships directly with community-based organizations and worker centers. In addition to our campaign, Damayan is one of three anchor organizations of the National Domestic Worker Alliance Beyond Survival Campaign.

As we heard in Lydia's story, the workers' economic needs do not disappear after the initial crisis period, and therefore her vulnerability does not either. This is the period I would like to focus on as a major resource gap. In our experience, after their trafficking situation, workers who are trafficked return to the same industry in which they were trafficked – in our case, the domestic work industry. Though they work for a different employer, the same conditions in the industry that created the workers' vulnerability to trafficking still exist: isolated workplaces, lack of respect for the work, and lack of labor law enforcement among other workplace problems. Because of this, Damayan and allies in the domestic worker movement have created the following workforce development strategies to create dignified jobs as well as to transform the industry:

Leah Obias testimony

New York City Council Committee on Immigration, Oversight - Labor Trafficking in the Domestic Worker Industry - Resources for Victims in New York City

February 27, 2015

- A Nanny Training Course to provide industry-specific hard skills and safety training, culminating in a certificate from the Cornell University School of Industrial and Labor Relations;
- The innovative Eldercare Dialogues, with support from Council Members Helen Rosenthal, Mark Levine and Brad Lander, and in partnership with progressive employer organizations, to bridge the needs of domestic employers and domestic workers through trainings to ensure both the dignity of seniors and the caregivers who support them;
- Finally, the creation of a worker-owned cooperative business, with the goal of creating job stability and higher wages.

These are organizing strategies where trafficked Damayan members, in particular, have a keen interest because they see them as economically stable opportunities to transform the abusive conditions they came from.

Damayan would like to recommend the following to this committee:

- Provide resources for community-based organizations assisting workers along the entire process from emergency to economic stability;
- Support Damayan's Memorandum of Understanding with the Philippine Consulate to create clear protocols for assisting Filipino nationals in distress, as well as provide resources to those workers;
- Support the workforce development initiatives of Damayan and allies in order to stabilize and transform the domestic work industry.

Thank you.

My name is Lydia from Damayan Migrants Workers Association. I've been a domestic worker for 12 years, and now I'm a staff worker organizer at Damayan. I'm also an elected Board member. Several years ago, I was trafficked into domestic servitude in the US. Like so many of my sisters, I am a survivor.

In 1998, I came to the US when I was 26 years old with a religious organization. With this group, I experienced the abuse and exploitation that is still too common in the domestic work industry. My passport was taken. I was given a special mission to be a personal secretary for one of the church leaders, but it was not true. I ended up doing domestic work in New Jersey. I took care of 3 young children. It was a 24/7 job. I slept with the children in the same room. I had no salary and no communication with my family. I was hungry all the time and lost a lot of weight. I was told I have no right to complain because I was a missionary. I could not leave for three years.

In 2003, I was able to escape my trafficking situation. Two years later, I was working in Long Island in a big house as a housekeeper. I worked 70 hours per week and was told we did not have the right to overtime. I was paid \$1,200 a month, or less than \$5 per hour. After I left that job, I worked in Boston as a live-in nanny, I would commute from New York to Boston every week and sleep on the couch in the living room. I was paid \$360 a week. I was on-call 24-hours a day for the 2 small kids. It was very hard to find a good job!

In 2010, I became a member of Damayan and the following year, my T visa was approved. There was no criminal prosecution of the church or the leaders who trafficked me.

Becoming a member of Damayan started my whole process of healing, transformation and empowerment. I got organized, attended many meetings and leadership retreats. This year, I graduated from the National Domestic Workers Alliance Strategic Organizing and Leadership. It was an amazing experience with over 40 orgs throughout the US. I love what I am doing especially connecting my experience with other workers. I think connecting with workers is important. I can relate easily.

This is my story and some of my sisters in Damayan who were trafficked by diplomats.

Thank you very much.

Lydia Catina-Amaya's testimony delivered to the  
New York City Council Committee on Immigration on  
Oversight - Labor Trafficking in the Domestic Worker Industry - Resources for Victims in  
New York City  
February 27, 2015

**Presentation to New York City Council Immigration Committee Hearing on Labor Trafficking in the Domestic Worker Industry- Resources for Victims in New York City**

Dr. Gregory M. Maney, Professor of Sociology at Hofstra University and Sister Joan Dawber, Executive Director of LifeWay Network.

Opening comments: Sister Joan and I want to thank the Committee on Immigration for inviting us here today. We greatly appreciate the opportunity to use our research to assist you in meeting the needs of trafficked domestic workers. Our only regret is that we conducted our study almost five years ago. In the absence of funding for a follow-up study, we can only speculate as to what has and has not changed regarding the demographics of the trafficking population, their critical service needs, and the extent to which these needs are being met for different sub-populations. We recommend that local, state, and federal authorities fund this type of research over regular time intervals in order to evaluate the efficacy of existing policies as well as to identify changes warranting new policy initiatives.

About our method: Between May and December of 2010, LifeWay Network staff and board members, I, and graduate students at Hofstra worked together to design, administer, and analyze surveys of private service providers in the NYC metro area and key informant interviews with representatives of private service providers, funding and coordinating agencies, and law enforcement agencies. We supplemented this research with a thorough review of the academic and practitioner literatures.

Service needs of labor trafficking survivors

Unfortunately, our study did not differentiate between types of labor trafficking. To get an indication of the resource needs of those trafficked in the domestic worker industry, we conducted an analysis only on private service providers for whom 50% or more of their clients were survivors of labor trafficking or a combination of labor and sexual trafficking. Organizations working exclusively with farm workers were excluded from the analysis.

We asked these service providers about the percentage of their trafficked clients who would benefit from thirty-five different types of services. By far, the service need in greatest demand was assistance with document collection such as driver's license, birth certificate, work permit, and social security card—with 94.5% of clients needing this service. Over one-third of clients would also benefit from the following (in order of demand for service): direct cash (37.9%), case management beyond the initial

assessment (37.5%), food (37.5%) and clothing (35.8%), ESL classes (36.7%), telephone services such as a calling card or pre-paid cell (36.4%), employment-related education and training, and placement (36.0%), immigration legal services (35.2%), life skills such as financial literacy, orientation to American culture, navigating public transportation, community orientation, safety planning, cooking, cleaning, shopping (35.2%), securing benefits such as Medicaid, WIC, VAWA services, and refugee-specific entitlements (33.1%).

#### Availability of services for labor trafficking survivors in general

Unfortunately, some of these services needed by large numbers of labor trafficking survivors were in scarce supply. In particular, there were a shortage of English language classes and telephone services. Life-skills training is particularly needed among domestic workers who have been confined to homes. Over a little over one-quarter (28%) of trafficking survivors (all types) needing this service, in fact, received it. Approximately, one-quarter of labor trafficking survivors outside of the agricultural sector required housing. Only slightly over one-third in need of emergency housing actually received it. Survivors needing transitional housing, longer term housing, or rental assistance were even less likely to be serviced.

#### Availability of services for sub-populations of labor trafficking survivors

In terms of exclusion from services, labor trafficking survivors were more likely to be denied services based upon either eligibility criteria or provider reported incapability compared to sex trafficking survivors. Regardless of the type of trafficking, transgender persons were less likely to be eligible for services than their gender equivalents (e.g., transfemales were less likely to be eligible for services than females). Survivors under the age of 18 were frequently denied services, especially housing. **Only 1% of foreign-born, labor trafficked minors outside the agricultural sector received emergency housing.**

#### Recommendations

In terms of filling in gaps in service provision we make the following recommendations:

1. Increased funding for services that are essential to empowering large numbers of trafficked domestic workers, but are in short supply; specifically English language classes, telephone services, life skills training, and housing.



2. We recommend that funders and providers take steps to increase the provision of services to children (in particular foreign-born children), female survivors of labor trafficking, and transgender survivors. Efforts should be made to more widely publicize providers serving these sub-populations. Greater coordination between service providers focusing upon sex trafficking and service providers focusing upon labor trafficking can increase the availability of services to female labor trafficking survivors. In addition, funders can support organizations in creating new facilities and services providing for the needs of child and transgender survivors. Whenever possible, existing providers should establish inclusive guidelines regarding eligibility for services. We also recommend that staff at service providers receive trainings in preparation for working with underserved populations.

3. To address the urgent need for housing trafficked minors, we recommend lobbying Albany to amend the NYS Safe Harbor For Exploited Children Act to include children who are survivors of labor trafficking. We also recommend that service providers working with unaccompanied survivors ensure the provision of foster care or permanent placement. The Unaccompanied Refugee Minor Program (URM) is particularly helpful in securing these and other services for international minors. To help ensure the highest quality of services, we recommend that the New York State Office of Children and Family Services develop a comprehensive approach to screening and training providers.

4. Given the frequent need of survivors for multiple services, service providers need to develop strong case management systems that include a comprehensive initial assessment, awareness of referral opportunities, and a commitment to working with survivors to gain access to available services. To facilitate service referrals, coordination, and assessment, we recommend developing and maintaining a centralized, shared database of actual and potential service providers in the New York City metropolitan area. For each provider, the database should specify what services providers are capable of providing, to whom, and at what cost (if any). To help create this database, we commit to sharing our sampling frame with the New York State Interagency Taskforce on Trafficking, the New York City Anti-Trafficking Taskforce, and the Polaris Project. Cooperative initiatives between stakeholders are essential for providing fast and high quality service provision to survivors.

5. In addition to reducing the demand for trafficked persons through education and harsher penalties, we also need to reduce the supply of persons who are vulnerable to being trafficked. This means tackling the structural sources of human insecurity in local, national, and transnational communities:

- Structural adjustment, austerity, and political repression have forced many from the homes and homelands in search of ways to remain alive and to support their families. Policies like NAFTA and CAFTA and military aid and training to repressive regimes need to be re-examined. Our current immigration laws criminalize migrant workers, making them vulnerable to threats of deportation if they don't comply with the demands of traffickers.
- In most countries, including the US, the lack of regulation of financial institutions has resulted in predatory and reckless lending practices that have resulted in people's homes being taken away, mass unemployment, and cutbacks in social services in order to bail out the banks who got us into this mess.
- We must mobilize to end these structural sources of human insecurity and put in their place structures that promote human security. Affordable housing, quality public schools, youth programming, living wage jobs, immigration reform allowing the orderly, legal flow of workers across national borders—all are needed.

#### Concluding comments

The findings underscore the urgent need for increased public and private support for preventing trafficking from taking place, for identifying trafficking victims, and for meeting critical services that offer opportunities for survivors to restore their dignity, to rebuild their lives, and to organize to put an end to modern day slavery. Thank you.

Time permitting: There's a lot of misinformation when it comes to human trafficking. We call for funding for a training program that dispels stereotypes and myths while assisting in the identification of trafficked persons. Such trainings are particularly important for those who are most likely to come into contact with trafficked domestic workers such as EMTs, fire fighters, police officers, code enforcement officials, and home service providers. Trainings offered to the general public can focus upon indicators that a domestic worker is imprisoned and what to do if imprisonment is suspected.

**CITY BAR  
JUSTICE  
CENTER**

**TESTIMONY OF SUZANNE TOMATORE  
DIRECTOR, IMMIGRANT WOMEN & CHILDREN PROJECT  
CITY BAR JUSTICE CENTER**

**NEW YORK CITY COUNCIL  
COMMITTEE ON IMMIGRATION**

**OVERSIGHT: LABOR TRAFFICKING IN THE DOMESTIC WORKER  
INDUSTRY-  
RESOURCES FOR VICTIMS IN NEW YORK CITY**

**February 27, 2015**

My name is Suzanne Tomatore and I am the director of the Immigrant Women & Children Project (IWC) at the City Bar Justice Center. The City Bar Justice Center ("Justice Center") is the non-profit, legal services arm of the New York City Bar Association. Our mission is to address the justice gap and we draw upon our relationship with the New York City Bar to leverage pro bono legal services. Annually we provide legal education, information and advice, brief services, and direct legal representation to more than 20,000 poor and vulnerable New Yorkers - from all five boroughs of New York City - who would otherwise be unable to access the legal services they need. Our clients include immigrants, battered women, veterans, LGBT people, homeless families, seniors, cancer patients and survivors, consumers filing for bankruptcy, homeowners facing foreclosure, struggling small businesses, and others.

I would like to thank Melissa Mark-Viverito and her staff and the Committee on Immigration for drawing attention to the important issue of labor trafficking.

The Immigrant Women & Children Project was founded in 1996 to provide legal services to immigrant survivors of domestic violence. I became director of the Project in 2001 and in 2002 expanded it to also serve immigrant survivors of violent crimes, including sexual assault, child abuse, hate crimes and human trafficking. IWC was one of the first legal services providers in New York City to create a program specifically to serve survivors of both labor and sex trafficking. Our clients are diverse and global: last year we served people of all genders from 50 different countries.

In addition to my work with the Justice Center, I was Co-Chair of the Freedom Network from 2012 to 2014. The Freedom Network is a national network of 40 organizations and individual experts who provide services to survivors of human trafficking. I continue to sit on its Steering Committee. I am also a co-founder of the New York Anti-trafficking Network, a local network of direct service providers here in New York City; and am a member of the Brooklyn District Attorney's Task Force on Human Trafficking.

Human trafficking is a severe violation of human rights in which an individual is compelled into labor or commercial sex through force, fraud or coercion. Traffickers can be employers, family members, romantic partners, diplomats, business people, organized crime associates and others. While sex trafficking is more well known, labor trafficking is an issue that is often overlooked by law enforcement, service providers and in the community.

People who are trafficked rarely self-identify. They are often isolated and invisible. Many victims of trafficking are afraid to report the crimes committed against them or may not know whom to turn to do so; many are not aware that a crime has been committed against them or that they can seek remedies through civil legal assistance; and many are immigrants, although not all. For those who are immigrants, their undocumented or expired status may make them wary of any government agency.

The federal Trafficking Victims Protection Act, which was passed into law in 2000 and has been amended and reauthorized several times allows for enhanced criminal prosecutions and civil relief, including special immigration status for survivors of trafficking. In 2007, New York State passed its own human trafficking law and currently all 50 states have some form of law on human trafficking.

In 2013, IWC released a report entitled "Spotlight on 150 Human Trafficking Cases"<sup>1</sup> that analyzed trafficking cases that our office had worked on from 2002 through the summer of 2013. We found that 54.6% of our cases involved labor trafficking and the average age of our clients at the time of trafficking was 23. For our clients who were labor trafficked, 79.3% of the cases involved domestic work and 6% were trafficked into jobs in the hotel, restaurant or other service industry. During that time, we represented 26 domestic workers who had been trafficked by people with diplomatic immunity.

Our recommendations from the report are as follows:

1. Support early intervention and prevention efforts, provide legal and social services for trafficked persons of all genders and ages and promote acceptance of people who do not conform to stereotypical trafficking experiences.
2. Provide more resources to basic early education and support economic policies that decrease poverty and increase access to education. Many of our clients have low literacy in their native languages.
3. Promote awareness that human trafficking does not require travel, transportation, or movement across borders. Trafficking is about power, control, and exploitation. Migration and trafficking need not be contemporaneous. Many of our clients were trafficked years after their migration.

New York City government can help survivors of trafficking in various ways:

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<sup>1</sup> *Spotlight on 150 Human Trafficking Cases From the City Bar Justice Center's Immigrant Women & Children Project (IWC)* <http://www2.nycbar.org/citybarjusticecenter/images/stories/pdfs/cbjc-iwc-human-trafficking.pdf>.

1. Require that information on human trafficking be posted in public spaces and in the workplace. This information should also be accessible by 311 operators and on [www.NYC.gov](http://www.NYC.gov).
2. Train law enforcement, first responders and city agency employees on all forms of human trafficking and on how to provide appropriate referrals and information. This should include Department of Buildings inspectors, Department of Health inspectors, Human Rights Commission investigators, emergency medical personnel, public hospital employees, and others who may encounter victims of trafficking.
3. Enhance the Domestic Worker's Bill of Rights that went into effect in 2010 to better protect domestic workers such as nannies, maids and those who care for the elderly. This can be done by spreading information about trafficking and creating multi-lingual know-your-rights guides and public awareness materials, as well as easily accessible information about being a responsible employer of a domestic worker.
4. Prioritize survivors of trafficking in the same way that survivors of domestic violence are prioritized in public housing or voucher programs and fund organizations that provide shelter, as short-term and transitional housing are in short supply for survivors of human trafficking.
5. Require that information on human trafficking be provided to employment agencies as part of the City's licensing process for those agencies so that they can provide referrals to those exploited by employers to service providers for more information about their rights.
6. Create an efficient, multi-disciplinary working group on trafficking comprised of law enforcement, representatives of city agencies, and service providers who are able to create an effective public awareness campaign and coordinate training modules for city agencies.
7. Finally, consider funding service providers who serve labor trafficking survivors. There is little or no funding currently available in this area.

Thank you for your time today and your interest on this complex issue. If you have any additional questions, I can be reached at [stomatore@nycbar.org](mailto:stomatore@nycbar.org) or at (212) 382-6717.



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# THE IMMIGRANT WOMEN AND CHILDREN PROJECT

Changing Lives Through the Law Since 1996

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## FAST FACTS

In the past three years:

30 firms and corporations  
recruited and trained  
by IWC

140 pro bono attorneys  
accepted IWC cases

600+ applications filed  
for immigration relief

THE CITY BAR JUSTICE CENTER increases access to justice by leveraging the resources of the New York City legal community. Drawing upon our relationship with the New York City Bar, the Justice Center provides legal assistance to those in need; mobilizes lawyers, law firms, corporate legal departments, and other legal institutions to provide pro bono legal services; educates the public on legal issues; fosters strategic relationships; and advocates for changes in public policy.

## The Immigrant Women and Children Project (IWC)

IWC partners with volunteer attorneys to assist immigrant survivors of domestic violence, human trafficking, and violent crimes in their immigration matters. The Project also provides direct legal representation on complex or difficult cases. IWC accepts cases from the public and from community-based and domestic violence organizations, law enforcement, and prosecutors' offices. IWC clients are global, including from China, the Dominican Republic, Trinidad, Mexico, Jamaica, Great Britain, Colombia, Brazil, India, Nigeria, Russia, and many other countries.

As a leading legal expert in human trafficking, IWC trains attorneys, law enforcement, and social and medical service providers on human trafficking, domestic violence, and other violence-related issues affecting immigrants, as well as on legal remedies. Because trafficked persons are vulnerable and are often unfamiliar with the legal system in the United States, they are often unaware that what is being done to them is a crime and a human rights violation. Persons who are trafficked are isolated and invisible, and they are generally afraid of the authorities. IWC staff has worked with the Department of State on training abroad on these topics, and the Project works with government officials and other advocates to impact laws and policies relating to immigrant crime victims. IWC is a founding member of several city, state, and national coalitions of service providers.

IWC was founded in 1996 in response to the enactment of the federal Violence Against Women Act ("VAWA"). For its first six years, IWC assisted abused spouses in obtaining immigration status under VAWA. After passage of the Trafficking Victims Protection Act ("TVPA") of 2000, IWC expanded its mission, and since 2002 has represented immigrant survivors of violent crimes, including sexual assault, domestic violence, human trafficking, and child abuse.



# Our Clients

IWC's clients are immigrants from the New York City area who are victims of domestic violence, human trafficking, sexual assault, child abuse, and other violent crimes. New York City has long been a destination for immigrants, with 36% of the city's population foreign-born.

Immigrants are highly vulnerable to exploitation and abuse, and violence against immigrants often occurs in their own homes. The power and control dynamic of domestic violence is exacerbated when an individual's immigration status is tied to that of a lawful permanent resident or U.S. citizen spouse, or when he or she is afraid to report the abuse for fear of deportation. According to the Mayor's Office on Domestic Violence, young, foreign-born women are more likely than any other group of women to be killed by their abusers. IWC helps immigrant victims of domestic violence file self-petitions under the Violence Against Women Act, so they can escape their abusers and obtain permanent residency without having to depend upon an abusive spouse.

Many victims of human trafficking are immigrants. Trafficking in persons takes many forms—from an abused domestic servant brought to the U.S. on a visa by a diplomat, to multiple victims smuggled into the country and forced into commercial sex acts by a ring of traffickers. IWC helps these immigrant trafficking victims obtain T Visas and/or "Continued Presence" temporary immigration status, which allows them to remain in the U.S. and assist law enforcement with any investigation of the crimes committed against them. In addition to the T Visa, Congress also created the U Visa to encourage the immigrant community to actively cooperate with law enforcement. U Visas provide immigration status to victims of serious crimes who are helpful in the investigation and/or prosecution of that crime. IWC assists immigrant victims who have actively cooperated with law enforcement in obtaining U Visas based on crimes such as domestic violence, child abuse, sexual assault, kidnapping, felonious assault, and others.

## Mexico

Valeria came to the U.S. expecting to live with her husband. Instead, he forced her into prostitution by physically and emotionally abusing her and by preventing her from seeing her son. Valeria escaped when the house she lived in was raided, and existed in the protection of her trafficker. IWC helped get T Visas and, later, green cards for Valeria and her son.

## Dominican Republic

Wanda was violently assaulted, her hair pulled, dragged to the ground, and hit multiple times by her partner. Finally, she threw Wanda out of the apartment and locked herself inside with Wanda's nine-month old citizen baby. After Wanda pressed charges against her assailant, IWC pro bono attorneys helped her get a U Visa and she now has permanent residency.

## Guyana

Hannah was sexually abused as a child by a neighbor. Hannah and her parents assisted with the prosecution of the abuser, and IWC helped Hannah and her family obtain U visas. They are now eligible for permanent residency.

## Argentina

Carolina met her U.S. citizen husband while working in NYC. After they married, he became physically and verbally abusive, threatening to divorce her and take away their daughter. IWC helped her obtain a green card so she could remain with her daughter in the U.S.

## Germany

Rosa met her husband in Italy, and he became violent toward her soon after. He would hit her and sexually assault her routinely, and threatened to harm their son. After Rosa escaped, IWC volunteers helped her file a VAWA Self-Petition. She and her son are now permanent residents.

## China

Wei was trafficked into the U.S. at the age of fifteen and forced to work thirteen hours a day in restaurants to pay off the large debt her parents owed her traffickers. She was not allowed to go to school, and the traffickers threatened to hurt her if she didn't earn money. After Wei escaped, IWC helped her get a T Visa and then a green card.



## Sierra Leone

Madeleine came to the U.S. as a child to live with her aunt. Her aunt was physically and verbally abusive and beat Madeleine with a belt and a hanger. Madeleine was removed and sent to the foster care system and eventually became homeless. IWC helped the adult Madeleine obtain a U Visa and get back on her feet.

## Romania

Dimitri met his wife in the U.S., and at first they were deeply in love. However, she soon became physically and verbally abusive, scratching and biting him and threatening to have him deported. After Dimitri separated from her, IWC helped him file a VAWA self-petition. He recently became a permanent resident.

## India

Vinita was trafficked as a domestic worker by a diplomat family who confined her to the home. In the U.S., she worked 18 or more hours per day without a single day off, for a pittance. She was shouted at, shoved, slapped, and routinely raped by her male employer. After Vinita escaped, IWC helped her get a T visa and then a green card. She is suing her traffickers for back wages and damages.

## Japan

Makiko was attacked, beaten, and left tied up in a closet while her belongings were stolen by an unknown attacker. Makiko reported the crime to police and IWC assisted her with obtaining a U Visa. She recently became a permanent resident.

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We gratefully acknowledge the generous support of the New York Women's Foundation.

# Lessons Learned from IWC's Years of Advocacy

## OBTAINING LEGAL STATUS IS LIFE CHANGING

Working to obtain legal immigration status opens up a world of possibilities for clients: freedom from violence and abuse, reunification with children, employment authorization, a Social Security number, a chance to complete an education and a more stable and secure life in the United States. Said one Justice Center client, "Horrible things happened to me and my children. But the support of the police and the legal system meant that I had the strength to make sure that V. won't bother us again. And it gave me the opportunity to begin a new and better life."

## WORK IN TEAMS TO PROVIDE THE BEST CLIENT EXPERIENCE

We encourage volunteers to work in teams of two attorneys. Support staff and interpreters also play a role. Cases may involve court appearances, deadlines, or complex issues. Teamwork ensures the client will have continuity throughout the representation. Clients are the experts on their own experience and should work as part of the team. IWC staff mentors the team and is available for any questions or guidance.

## WORK IN COLLABORATIVE PARTNERSHIPS

Working in partnership with other service providers and law enforcement increases referrals, capacity of service, and ensures a more positive experience and outcome for clients. IWC is a founding member of the New York

Anti-Trafficking Network, which was founded in 2002 and is the oldest and largest Network of service providers in the New York City area. IWC is a member of the Freedom Network, a national anti-trafficking coalition of service providers, and sits on various state and local human trafficking task forces. These task forces are multi-agency and involve NGOs and law enforcement agencies that are working together to identify more trafficking cases and provide a holistic approach to working with victims.

## IF THE LAW DOESN'T WORK, CHANGE IT

The Trafficking Victims Protection Act was passed in 2000. After a few years of providing direct service to victims who can benefit under the law, gaps were identified. One area was the lack of understanding of trafficking on the state and local level. IWC took a leading role in drafting and passage of the New York State Anti-Trafficking Law and in helping law enforcement implement it, as well as the federal law, through policy advising.

## SHARE EXPERIENCE WITH LOCAL, NATIONAL, AND INTERNATIONAL PARTNERS

IWC staff meets often with delegations arranged by the U.S. State Department consisting of law enforcement, NGOs, and other officials working on trafficking, domestic violence, and other women's issues. These delegations visit the U.S. from around the world, including from Taiwan, Taipei, Bulgaria, Bangladesh, Nepal, and other countries.

### Suzanne Tomatore

#### Director, Immigrant Women and Children Project

As Director of the Immigrant Women and Children Project, Suzanne Tomatore has trained community-based organizations, health-care providers, law enforcement and government officials, including international delegates from the U.S. Department of State International Visitors Program, on human trafficking. She has lectured on this topic across the United States and abroad, including Europe, Canada, Venezuela, Mongolia and the Philippines. Ms. Tomatore is also the co-chair of the Freedom Network, a coalition of more than 25 non-governmental organizations that provide services to, and advocate for the rights of, trafficking survivors in the United States. She also sits on the steering committee of the New York Anti-trafficking Network. In addition to her trafficking work, she has also taught immigration law at the City University of New York Graduate Center School of Professional Studies.






 CITY BAR  
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# Spotlight on 150 Human Trafficking Cases

From the City Bar Justice Center's Immigrant Women & Children Project (IWC)

DECEMBER 2013

## WHAT IS HUMAN TRAFFICKING?

Human trafficking is a severe violation of human rights in which an individual is compelled into labor or commercial sex through force, fraud, or coercion. Trafficking survivors sometimes have a personal connection to the trafficker prior to the trafficking situation, contributing to their initial trust of the trafficker. Traffickers can be employers, family members, romantic partners, diplomats, business people, organized crime associates, and others.

There are many legal definitions of human trafficking, including the U.S. Trafficking Victims Protection Act, the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and all 50 states in the United States now have their own human trafficking laws with varied definitions.

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**THE CITY BAR JUSTICE CENTER (CBJC)**, the nonprofit legal services arm of the NYC Bar Association, provides low-income individuals with pro bono civil legal services in over a dozen areas. CBJC recruits and trains volunteer attorneys; matches them with opportunities in a range of subject areas; screens cases before assigning them to pro bono attorneys; and provides experienced staff support and ongoing mentoring to the pro bono attorneys. Clients cover a broad spectrum of New York City's needy, including, among others, consumers filing for bankruptcy, homeowners facing foreclosure, veterans seeking VA disability benefits, battered and trafficked immigrant women, homeless families, and immigrant detainees. Augmenting these subject matter-specific projects is the CBJC Legal Hotline, the city's busiest civil legal telephone hotline. For more information or to make a tax deductible donation to support our work, please visit [www.citybarjusticecenter.org](http://www.citybarjusticecenter.org).

## THE IMMIGRANT WOMEN AND CHILDREN PROJECT (IWC)

IWC partners with volunteer attorneys to assist immigrant survivors of domestic violence, human trafficking, and violent crimes in their immigration matters. The Project also provides direct legal representation on complex or difficult cases. IWC accepts cases from the public and from community-based and domestic violence organizations, law enforcement, and prosecutors' offices. IWC clients are global, including from China, the Dominican Republic, Trinidad, Mexico, Jamaica, India, Nigeria, Russia, and many other countries.

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As a leading legal expert in human trafficking, IWC trains attorneys, law enforcement, and social and medical service providers on human trafficking, domestic violence, and other violence-related issues affecting immigrants,

as well as on legal remedies. Persons who are trafficked are isolated and invisible, and they are generally afraid of the authorities. Because they are vulnerable and often unfamiliar with the legal system in the United States, trafficked persons are often unaware that what is being done to them is a crime and a human rights violation. IWC staff has worked with the U.S. State Department to provide trainings on human trafficking across the globe, and the Project works with government officials and other advocates to impact laws and policies relating to immigrant crime victims. With regard to human trafficking, IWC staff works diligently to help shape policy and legislation from a human rights perspective. In addition, IWC is a founding member of several city, state, and national coalitions of service providers.

#### SPOTLIGHT ON 150 HUMAN TRAFFICKING CASES

This special report provides a spotlight on 150 IWC human trafficking cases worked on beginning in 2002 through the summer of 2013. These cases demonstrate the myriad of complex legal issues affecting trafficking victims, including immigration, civil litigation, restitution, criminal justice advocacy, and others. Despite its name, IWC represents people of all genders. For the purpose of this report, victims of trafficking are identified in accordance with the U.S. federal definition of "human trafficking" under the TVPA. However, as the term "sex act" is not defined in the TVPA, sex trafficking is categorized in this report to be inclusive of both prostitution and other areas of commercial sexual exploitation.

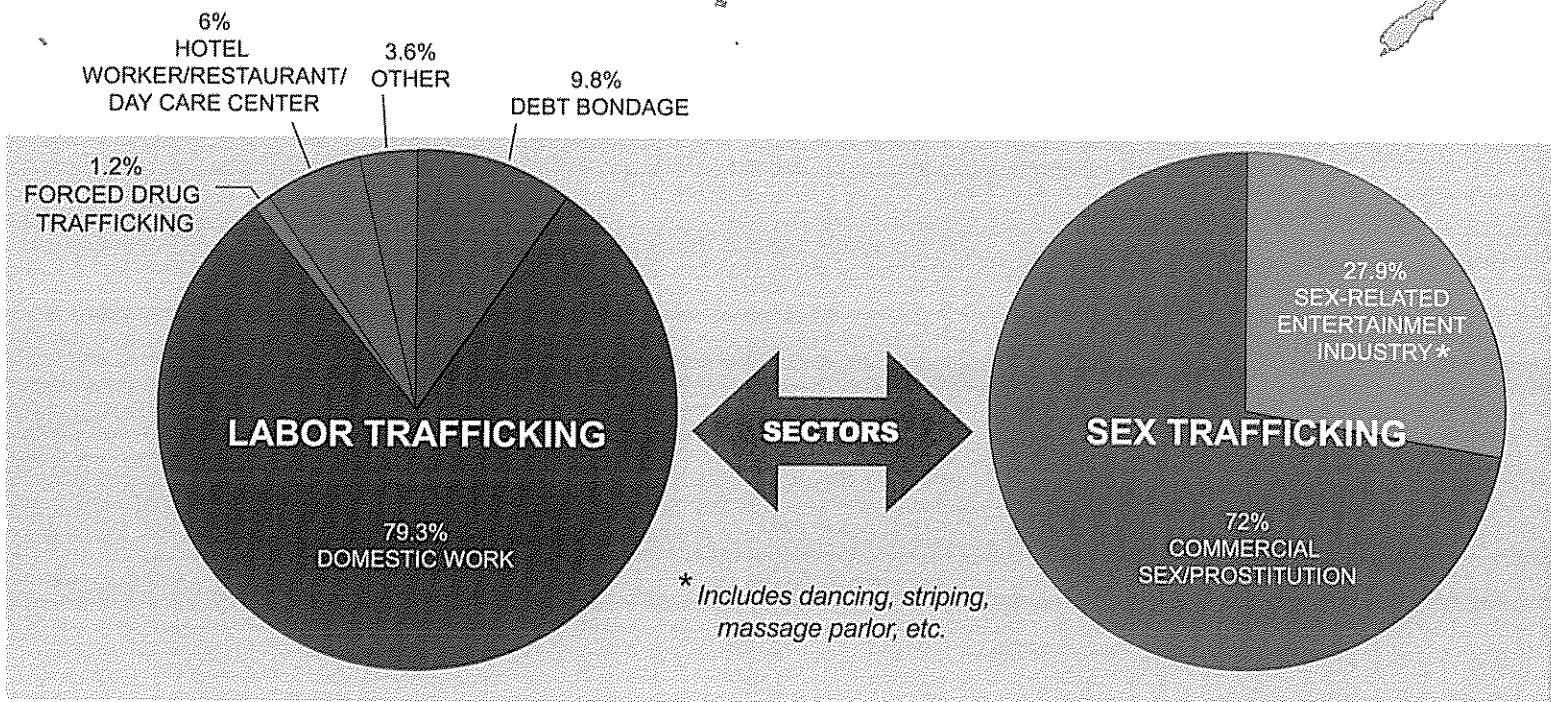
#### RECOMMENDATIONS FOR ANTI- TRAFFICKING EFFORTS:

1. Support early intervention and prevention efforts, provide legal and social services for trafficked persons of all genders and ages, and promote acceptance of people



#### COUNTRIES OF ORIGIN OF TRAFFICKING SURVIVORS

ARGENTINA	DOMINICAN	HUNGARY	PHILIPPINES
BANGLADESH	REPUBLIC	INDIA	RUSSIA
BELARUS	ECUADOR	INDONESIA	RWANDA
BENIN	EL SALVADOR	JAMAICA	SIERRA LEONE
BULGARIA	FRANCE	KOREA	SRI LANKA
CAMEROON	GRENADA	MEXICO	ST. KITTS
CANADA	GUINEA	MOROCCO	TRINIDAD
CHILE	GUYANA	NEPAL	UGANDA
CHINA	HAITI	NIGERIA	VENEZUELA
CONGO (DRC)	HONDURAS	PERU	

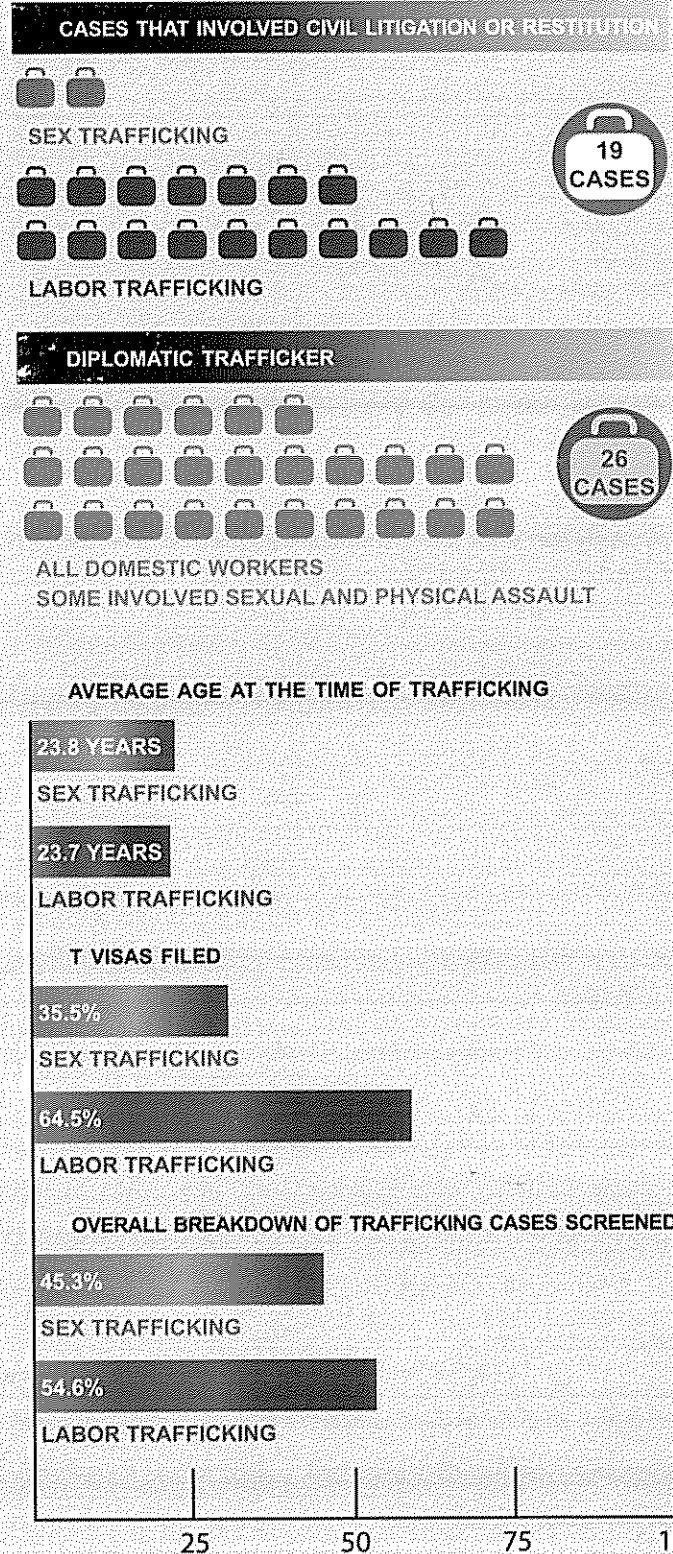


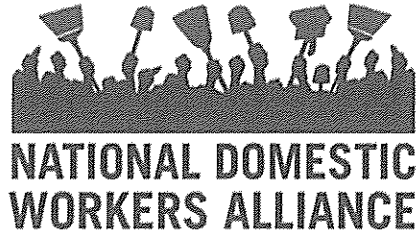
who do not conform to stereotypical trafficking experiences.

2. Provide more resources to basic, early education, and support economic policies that decrease poverty and increase access to education. Many of IWC's clients have low literacy in their native language.
3. Promote awareness that human trafficking does not require travel, transportation, or movement across borders. Trafficking is about power, control and exploitation. Migration and trafficking need not be contemporaneous. Many IWC clients were trafficked years after migrating.

## RECOMMENDATIONS FOR LAWYERS WORKING WITH HUMAN TRAFFICKING SURVIVORS

1. Approach anti-trafficking work from a human rights perspective. The rights and needs of each survivor of trafficking should be respected and protected. Recovery efforts should not be dictated or uniform. A victim of trafficking has been controlled throughout his/her experience. Rescue and law enforcement interventions should consider the survivor's right to self-determination, which was severely restricted during the trafficking experience.
2. Discuss safety planning, family reunification, repatriation, and access to justice collaboratively with the survivor and his/her case manager, social worker, and legal advocacy team. Choices are key to self-empowerment.
3. Evaluate the possibility of compensation through civil litigation, restitution or asset forfeiture and, if possible, advocate with a criminal prosecutor for restitution or asset forfeiture, or consider a civil suit or wage and hour claim to seek compensation.





Irene Jor's testimony delivered to the New York City Council Committee on Immigration  
Regarding Labor Trafficking in the Domestic Worker Industry  
February 27, 2015



Good afternoon, I am the New York organizer for the National Domestic Workers Alliance. Founded in 2007, the Alliance works for the respect, recognition, and inclusion in labor protections for domestic workers. We are building a powerful movement rooted in human rights and dignity.

Since the 1990s many of the countless domestic worker abuse cases that organizers from our movement took on involved survivors of trafficking. Unsurprisingly in 2013 the City Bar Justice Center reported that 79.3% of their labor trafficking clients in New York City were domestic workers. Domestic work is a continuum, and where domestic work is devalued, there will be a high prevalence of the worst sorts of abuses, including trafficking, harassment and assault.

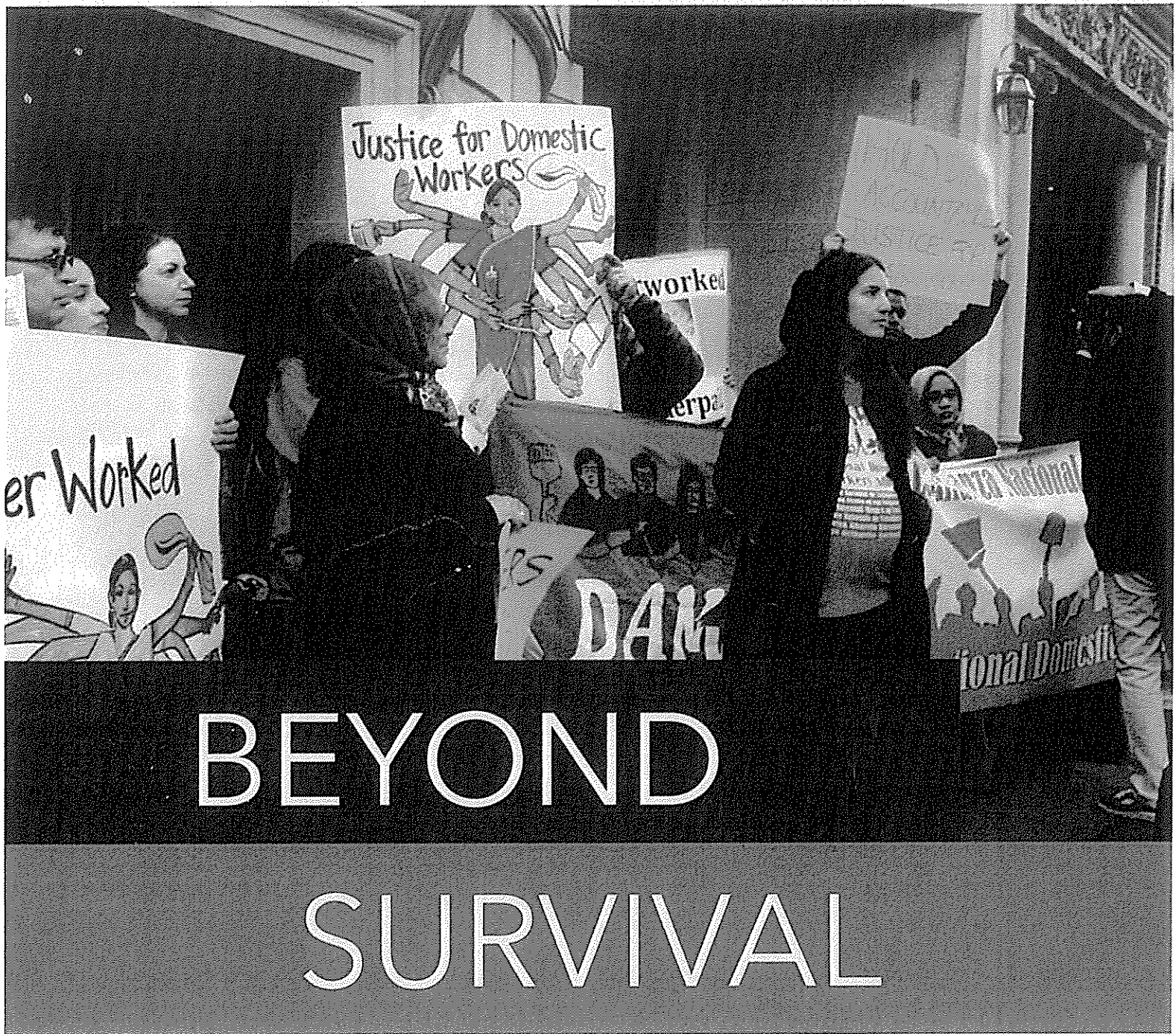
In 2013, we launched our Beyond Survival national campaign to build survivor leadership and promote a community organizing approach to end human trafficking. The campaign is anchored by member organizations including Damayan and Adhikaar. Both work directly with survivors at all stages of their trafficking experiences - helping survivors get to safety, secure emergency health and housing services, and stabilize and rebuild their lives. Furthermore they make it possible for survivors to go through their healing process within their chosen community. Organizing has enabled survivors to break their isolation, develop their leadership, and eliminate chances of being re-trafficked, while also preparing the greater community to identify & respond to future trafficking.

We know that Damayan, Adhikaar, and many of our other affiliates are on to something incredible. We hope the committee will seriously consider the following recommendations to support our work:

1. Provide resources to grow the work of locally based worker centers, women's groups and immigrant rights organizations that are actively organizing around domestic work and other labor trafficking.
2. Update the NYC Human Rights Law to offer inclusion to domestic workers and also expansion to encompass the unique discriminations domestic workers face.
3. Educate diplomats who come to work and live in New York City about the laws that apply to them as domestic employers, and apply meaningful consequences when they don't comply.
4. Create a process in which trafficked workers can get certification for the adjustment of their status while they are helping to prosecute their trafficker. The city has taken an important step already in passing landmark legislation to limit cooperation with immigration detainers.
5. Partner with domestic worker organizers to launch a community outreach program on the NYS Domestic Worker Bill of Rights.

To end I want to read the following statement from Fatima, a trafficking survivor and worker leader in our movement:

"When we meet someone who is in an abusive situation, we first work to build trust. When the person is ready to leave, we make a plan, and as a group, we go to the employer's house to help the person leave. We know they cannot force someone to stay. I have met other women in the same situation I was in. When I hear them speak, the pain and anguish I lived through comes back to me. We work to give them courage to leave without being afraid. It is difficult but necessary task, and very gratifying for me to provide support to other women who lived what I lived and encourage them to join us. This is how we fight human trafficking."



# BEYOND SURVIVAL

## Organizing to End Human Trafficking of Domestic Workers

National Domestic Workers Alliance  
JANUARY 2015

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# NATIONAL DOMESTIC WORKERS ALLIANCE

## Beyond Survival: Organizing to End Human Trafficking of Domestic Workers

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# Foreword

**Ai-jen Poo, Director**  
**National Domestic Workers Alliance**

Most of the first cases of domestic worker abuse that I worked on involved survivors of trafficking. Some of the women were trafficked by global banking executives, others by foreign diplomats. One woman in particular had a profound impact on me in 1999. Her name was "Lily" and she was brought to the United States at the young age of 15 with the promise of decent wages and access to an American education. She spent the next fifteen years living in a quiet suburban neighborhood with the family who trafficked her, cooking, cleaning and helping to raise their three children. However, not only was she not allowed to go to school, she was never paid, her mobility was restricted and her communication with her own family and the outside world was completely cut off. She read a newspaper article about the story of another trafficked domestic worker case that I was working on, and managed to find a way to call our office. We helped her to escape, find legal counsel and rebuild her life. She became an example and inspiration to many other workers who have courageously come forward to seek justice as survivors of trafficking. In the years since, countless women have walked into the doors of organizations like ours, all with similar stories: promises of a better life in the U.S. as a domestic worker that quickly gave way to threats, unpaid wages, endless hours, withheld identity documents and fear and shame.

The sad news is that nearly twenty years later, women are still walking into organizations with hauntingly similar stories. And the mark that their experiences have on them, on their dreams and on their families is indelible. The good news is that many of those same women went on to become leaders in their communities, strengthening the rights of workers like them and setting new norms through amplifying the voices of women who refuse to be victims. One of the most powerful moments of my life was at our 2014 National Domestic Workers Congress, when trafficking survivors took the stage to make an impromptu and timely announcement: they had just rescued another trafficked domestic worker from the Virginia house where she had been laboring, and they had brought her from captivity into the warm embrace of our members. I know from witnessing that moment and many others like it, that survivors themselves must be leaders in ending labor exploitation – there is no other way to make the changes that we need.

Women bear a disproportionate burden of the responsibility of caring for families, and must do that whether they are born into circumstances of great wealth or extreme poverty. For those women who are born into lives with little opportunity, seeking work in the U.S. and leaving their own families behind may offer the only hope that their children don't end up living a life of extreme poverty. The attempt to brake the cycle of poverty on the part of millions of women who migrate abroad for work lends itself to circumstances of extreme abuse and exploitation. We can change that together – everyone has a role in abating that suffering and danger. This report includes clear and simple steps that the U.S. federal government, states, service providers, the media and other countries can take to reduce trafficking and change the situation of trafficked domestic workers. Led by survivors, we can shine a light in the shadows of our economy, and create real pathways out of poverty and extreme vulnerability for the women whose work makes all other work possible.

# 1 | About NDWA and the Beyond Survival Campaign

*The National Domestic Workers Alliance (NDWA) is the nation's leading voice for dignity and fairness for the millions of domestic workers in the United States, most of whom are women.*

Founded in 2007, NDWA works for the respect, recognition, and inclusion in labor protections for domestic workers. The alliance is powered by 44 affiliate organizations—plus our first local chapter in Atlanta—of over 10,000 nannies, housekeepers, and caregivers for the elderly in 29 cities and 16 states. NDWA is winning improved working conditions while building a powerful movement rooted in the human rights and dignity of domestic workers, immigrants, women, and their families by:

- Working with a broad range of groups and individuals to change how we value care, women, families, and our communities.
- Developing women of color leaders and investing in grassroots organizations to realize their potential.
- Building powerful state, regional, and national campaigns for concrete change.

Domestic workers care for the things we value the most: our families and our homes. They care for our children, provide essential support for seniors and people with disabilities to live with dignity at home, and perform the home care work that makes all other work possible. They are skilled and caring professionals, but for many years, they have labored in the shadows, and their work has not been valued. These workers deserve respect, dignity and basic labor protections.

In 2013, NDWA launched our Beyond Survival campaign to build survivor leadership and promote a community organizing approach to ending human trafficking. The campaign is guided by member organizations that have a long history of working against human trafficking work: Damayan Migrant Association, Adhikaar, and CASA de Maryland. The campaign seeks to empower survivors of labor trafficking to become agents of change, bring their stories and voices into the main arenas of the trafficking debate that have historically been devoid of any discussion of workers' rights, and develop a vision for transformative change.

We call our campaign "Beyond Survival," as an indication that we are ready to move beyond the narrative of victimization, and towards true transformation and survivor-led advocacy and policy change in the US and around the world.

## DOMESTIC WORKERS WHO HAVE SURVIVED HUMAN TRAFFICKING ARE MORE THAN VICTIMS

They are family members, teachers, counselors, artists, dancers, scientists, medical professionals, caregivers, and community leaders. They live at the intersection of many identities, and human trafficking does not define them. As organizers, they can move beyond just survival and into visionary leadership.

## SYSTEMIC PROBLEMS REQUIRE SYSTEMIC-LEVEL SOLUTIONS

Human trafficking does not occur in a vacuum, so criminal justice approaches only address one part of the equation. As a society, we must first analyze the impacts of globalization, trade, migration, gender, race, and inequality in order to fully address and prevent human trafficking.

## ECONOMIC, LABOR, AND MIGRATION RIGHTS SHOULD BE PRIORITIES

Workers and their families should be protected through economic, labor, and immigration policies that protect human rights. Forced migration, spurred by economic necessity, social and cultural discrimination and gender-based violence puts people at risk for trafficking and exploitation. Alleviating these “push factors” is a critical prevention element that would restore security for families. If and when they do choose to migrate, workers should be allowed to migrate safely and freely change employers.

## SELF-DETERMINATION, ORGANIZING, AND SOCIAL SERVICES ARE INTERCONNECTED

In order to be truly survivor-centered, law enforcement and social service programs should emphasize self-determination and choices that help restore dignity. In addition, social service providers should recognize the value of labor organizing and leadership development in the healing process. Building partnerships with community-based organizations is an important step that social service providers can take to help survivors thrive beyond the case management period.

## GOVERNMENTS AND EMPLOYERS SHOULD BE HELD ACCOUNTABLE

Diplomatic immunity should not be used to shield traffickers from justice. Governments should uphold international and human labor rights standards, and take action to address power imbalances between domestic workers and social protections. Further, governments should ensure adequate investigations, certification, and services for victims of trafficking and labor, who are frequently undeserved compared to those trafficked for sex.

## ONLY A MOVEMENT-BUILDING APPROACH CAN DISMANTLE HUMAN TRAFFICKING

Survivor-led organizing around root causes is the real key to a long-term approach to ending human trafficking. Slavery has been illegal for over 100 years, laws alone fall short. We need a mass movement with survivors and workers in the lead, connected and in solidarity with other people's movements.

# 2 | SUMMARY & RECOMMENDATIONS

Around the world, an estimated 52 million people are employed as domestic workers, providing services such as child care, cleaning, and elder care, in private homes. In the United States alone, official estimates indicate that about two million people are engaged in such work, but because of the large number of undocumented immigrants involved, the real number is likely much higher.

While there is not yet nationally representative data about trafficking and forced labor in domestic work, there are a number of smaller studies, as well as individual cases, that have shed light on the problem and helped shape an analysis of how and why exploitation manifests.

The main arenas of the trafficking debate have focused on trafficking of sex workers and children. Those who have been trafficked for the purpose of supplying low-cost domestic work are often overlooked. While there is a great deal of overlap between different types of trafficking, the specific forms of labor exploitation associated with domestic worker trafficking deserve more focused attention. This report provides an overview of the problem of domestic worker trafficking. It then draws on the experiences of NDWA and our allies to put forward detailed recommendations for action at multiple levels.

Our overall view is that addressing this issue adequately will require a rights-based framework that tackles root causes and promotes basic immigration and labor rights. Therefore, our recommendations for governments— in the United States and around the world—cover a broad range of agencies and types of actions— from visa reform to more effective investigation of wage violations.

At the same time, we believe that nongovernmental organizations, with workers in the lead, are key to building the power necessary to end trafficking of domestic workers. Our recommendations for service providers and advocacy groups emphasize the need for leadership development among workers and survivors. Because human trafficking is a long-term structural problem, the recommendations in this report are only a first step. We look forward to working with allies inside and outside governments to build on these proposals for undoing the structural barriers to ending domestic worker abuse.

# SUMMARY OF RECOMMENDATIONS

## Government Accountability

### United States Federal Government

#### *Interagency Recommendations*

1. Government agencies affiliated with the President's Interagency Task Force on Human Trafficking should collaborate and should provide resources to worker centers and community-based organizations to develop anti-trafficking materials and proposals focused on labor trafficking in general, and domestic work in particular.
2. The new Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws established as part of the President's November 20, 2014 Executive Action on Immigration should include the Department of State (DOS) to ensure that migrant domestic workers and other workers who receive work visas through consular processing are not excluded from collaborative efforts to address low wage immigrant worker exploitation.
3. The Interagency Working Group should recommend that the Department of Homeland Security strengthen USCIS programs to ensure immigrant workers who are undocumented or who have temporary visas and may fall out of status during a dispute with an employer, contractor, or recruiting agent can maintain legal status and work authorization through deferred action, parole in place, or other appropriate measures.
4. In exploitation and trafficking cases where the workers are immigrants (with or without authorization), Immigration and Customs Enforcement (ICE) should not be the primary federal investigating agency because of the inherent conflict between ICE's role in detaining and removing unauthorized immigrants and the overarching priority in these cases of serving immigrant victims of crime.

#### *Department of Homeland Security*

5. DHS should end partnerships with local and state law enforcement as these partnerships increase fear of police in low-income worker communities and prevent trafficked workers from seeking help.
6. DHS should train and mandate its agents to request continued presence for suspected victims of human trafficking, and should continue to improve screening procedures so that suspected victims are not arrested, detained, or deported.
7. The DHS's United States Citizenship and Immigration Services (USCIS) U and T visa adjudicators should receive additional and specialized training on victims of labor trafficking and workplace-based crime.

#### *Department of State*

8. Department of State (DOS) should improve and fully implement effective pre-departure and post-arrival programs for domestic workers and their employers, and include domestic worker groups.
9. DOS should establish annual in-person monitoring and exit interviews, and include domestic worker groups.
10. DOS should carefully monitor applications to ensure foreign missions are not misclassifying domestic workers under A-2 visas.
11. DOS should ensure meaningful consequences for diplomats and international officials and agencies who defraud or abuse domestic workers, including requesting waivers of immunity and suspending countries and agencies from the ability to bring more workers.

12. DOS should revise the B-1 and J-1 au pair programs to ensure that domestic workers employed in these programs receive similar protections- including the right to contracts and prevailing wages, and stays of removal if the worker pursues a criminal or civil case against an abusive employer.

#### *Department of Labor*

13. The Department of Labor (DOL) should consult with worker centers and community based organizations to understand the dynamics of domestic worker trafficking and exploitation, especially as it begins to certify T visas and expanded categories of U visas.
14. DOL should partner with worker centers to increase Wage and Hour Division capacity to investigate and respond to wage and hour violations experienced by domestic workers.

#### *Department of Justice*

15. The Department of Justice (DOJ) should prioritize human trafficking cases that domestic workers bring forward. Evidence shows that forced domestic work is likely one of the most prevalent forms of trafficking for labor in the U.S.
16. DOJ prosecutors should always request the restitution available to survivors under the Trafficking Victims Protection Act.

#### *Victim Services Funding*

17. Agencies, particularly Health and Human Services (HHS) and DOL, should receive adequate appropriations to provide services
18. Federal funding for victim services should address long-term needs such as housing and employment.
19. Victim services programs should promote collaboration and access to funds by community-based organizations that are well positioned to assist domestic workers.

#### *Federal Legislation*

20. Congress should reform temporary work visa programs with more mobility, transparency, oversight, and a pathway to citizenship.
21. Congress should increase the cap on U visas to reflect the actual need.

#### **State Governments**

19. State legislatures should pass Domestic Workers' Bills of Rights
20. State Departments of Labor should investigate and certify U and T visas for victims of human trafficking and other serious workplace-based crime.
21. States should improve legal protections for low-income workers, including strong, accessible enforcement mechanisms that allow low-income workers in high-exploitation industries including domestic work to protect their rights and be compensated for employer wrongdoing.

#### **International Governments**

22. Governments should ratify and implement the International Labor Organization (ILO) Decent Work for Domestic Workers Convention (C. 189, and its accompanying recommendation (R201) and all relevant ILO Forced Labor instruments (Convention 29, Protocol 29 and its accompanying recommendation (R203) Governments should reform domestic policy with regard to sponsorship systems and domestic worker coverage under labor laws
23. Governments should reform domestic policy with regard to sponsorship systems and domestic worker coverage under labor laws, with particular attention to the freedom of association and right to organize



24. Embassies should partner with ethnic community-based organizations to provide emergency services and resources, and training for staff
25. Given the specific problems faced by domestic workers employed by diplomats are common on a global scale, governments should mandate training and oversight for diplomats and consular officers who employ migrant domestic workers.
26. Through multilateral and bilateral cooperation, reform labor recruitment and employment processes, including eliminating all recruitment fees for workers.
27. Trade agreements should include strong worker protections and include the rights of domestic workers to fair wages and appropriate workplace protections.

## **Building Power Together**

### **Service Providers**

29. Service providers should partner with community-based worker/immigrant rights organizations to enhance capacity and promote self-determination for survivors.
30. Service providers should engage in advocacy as allies alongside survivors and community-based organizations.

### **Advocacy Organizations and Partners**

31. Advocacy organizations should collaborate with workers and survivors in the development of materials and policy proposals.
32. Advocacy organizations should share resources and funding with worker centers and survivor groups to build survivor skills and training to be advocates, and either hire directly or fund local groups to hire survivor organizers.
33. Advocacy organizations should take a comprehensive approach to human trafficking, and address root causes and related issues including immigration reform and labor rights.
34. Advocacy organizations should initiate participatory research with survivor groups, and involve survivors in uncovering problems and solutions that would most benefit survivors and prevent human trafficking and exploitation.
35. Labor unions should recognize and speak out on the prevalence of labor trafficking and train union leaders and members to identify possible trafficking and provide survivors with resources and support.



**THE  
LEGAL  
AID  
SOCIETY**

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February 27, 2015

Committee on Immigration  
New York City Council  
250 Broadway  
New York, New York

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*Supervising Attorney*  
Employment Law Unit

**Hearing:  
Labor Trafficking in the Domestic Worker Industry  
Resources for Victims in New York City**

**TESTIMONY OF THE LEGAL AID SOCIETY**

The Legal Aid Society is the oldest and largest legal services provider for low income families and individuals in the United States. Annually, the Society handles more than 300,000 cases and legal matters for low income New Yorkers with civil, criminal and juvenile rights problems, including some 46,000 individual civil matters in the past year benefiting nearly 116,000 New Yorkers as well as law reform cases which benefit all two million low-income families and individuals in New York City.

Through a network of 16 neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society's Civil Practice provides direct legal assistance to low-income individuals. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy and neighborhood initiatives, and provides extensive back up support and technical assistance for community organizations.

Through our Employment Law Unit, we provide legal services to thousands of low-wage workers each year to ensure these workers receive fair wages, fair treatment, decent working conditions, and the benefits to which they are entitled if they lose their jobs. Most of these cases involve unemployment insurance, wage and hour violations, and workplace discrimination, including discrimination based on past involvement with the criminal justice system.

The Legal Aid Society's Employment Law Unit has represented many domestic workers who were trafficked into the United States and have faced extreme exploitation here in New York City. While there is now a critical network of community-based organizations and legal services providers providing services to survivors of trafficking, we believe we have only been able to reach the tip of the iceberg. There are many more workers in need of

assistance. The City should be actively involved in ensuring their safety and bring their traffickers to justice.

### **Our Clients – Two Examples**

Ms. K was recruited from India to work for a family in Long Island as a domestic worker under false promises of a living wage and good working conditions. However, as soon as she arrived to their home, the family required her to work seven days a week starting as early as 6:00 a.m. and ending as late as 11 p.m. Ms. K worked very hard for this family, never taking any time to rest. She was paid \$300 per month, and just twice a year. These payments were sent directly to her family in India, so she had very little money in hand. Her employers cut off her access to the outside world, forcing her to work under intolerable conditions for years. They withheld her passport and threatened that if she ever left, they would call the police. Fortunately, she was brave enough to escape from her situation with another co-worker who was also recruited from India to work in the same household. The Legal Aid Society represented Ms. K in a civil litigation seeking unpaid minimum wages, unpaid overtime pay, and compensatory relief under the Trafficking Victims Protection Act. We also petitioned for a visa available for victims of trafficking, a T-visa, for Ms. K, which was granted. She was then able to bring her young son here to the U.S. Ms. K and her son have since been able to adjust status to become permanent residents. The Legal Aid Society has also provided tax advice and assistance and helped Ms. K and her son apply for health insurance.

Ms. R came to the U.S. to work in domestic service for the Ambassador to the U.N. Mission for her home country. After working for several years without incident, a new ambassador and his wife arrived. The couple immediately began to treat her poorly. In particular, while her contract specified that she was to work from 9 a.m. to 6 p.m., they regularly required her to stay until 11 p.m. or later, threatening that she would be fired if she did not stay. They also started requiring her to stay overnight at least one night a week on the weekend, which was also not covered by her contract. They did not pay any additional compensation for these extra hours. Because her immigration status – including that of her entire family – was tied to her job, Ms. R was unable to leave the job despite the forced overtime work. Eventually, she complained to the Mission, but was told she needed to endure the situation. When the Ambassador and his wife discovered she had complained, the treatment became even worse. She was regularly verbally abused and denied time off when she or family members were sick. The couple used threats to intimidate her and also threatened other workers, using Ms. R as an example to intimidate them. Ms. R called a hotline for trafficking victims and was ensured she had rights. Strengthened, she confronted her employer and requested fair treatment. She was fired immediately. She has reported her claims and federal authorities are investigating. However, the Mission, the Ambassador and his wife likely have diplomatic immunity and Ms. R may never receive compensation for the forced labor she endured. Other workers are still in the situation and Ms. R fears they are currently suffering the same treatment, if not worse.

**Current Problems:**

As our clients' stories illustrate, trafficking can take various forms. Most critically, it is important to understand that a worker does not have to be held under lock and key or physically abused to be a victim of trafficking. A worker can also be paid – forced labor does not have to be entirely free. Both the federal and State anti-trafficking statutes explicitly recognize the role of psychological coercion in the creation of an exploitative employment relationship.<sup>1</sup> Forcing labor through threats is a criminal offense.<sup>2</sup>

Domestic workers are particularly vulnerable to psychological means of coercing labor because they are isolated and in most cases almost entirely dependent on their employers for their livelihood and contact with the outside world. However, as Ms. R's story illustrates, even workers who have their own home to return to, and family support, can end up performing forced labor under threat of losing their livelihood and immigration status.

There is a critical need for increased criminal and civil enforcement to hold traffickers accountable and deter future violations. The anti-trafficking prohibitions in New York are generally under-enforced, and criminal enforcement in cases involving psychological coercion are rare. We have brought several cases in which we included civil claims under the anti-trafficking laws, all in cases of psychological coercion, and we have reached favorable resolutions for our clients. However, these cases are extremely resource intensive and additional funding is needed to expand this work.

New York City faces a particular challenge protecting domestic workers who work for the many diplomats here because those employers are immune from prosecution for criminal violations related to trafficking or the civil claims of their employees. The City therefore bears a particular responsibility to use creative methods for protecting these workers and ensuring that even those who cannot be held legally responsible do comply with the law.

**Proposals:**

1. Data collection and tracking: proposed pilot program (modeled after a proposal currently being considered in Massachusetts):
  - a) Work with the U.S. Department of State to obtain data on employers bringing workers on visas usually used for residential domestic workers (A3/G5/H2B/B1/B2).
  - b) Using the data, coordinate outreach by City officials to the employers to ensure knowledge of NYC Human Rights Law and NY Labor Law. Consider a registration requirement for the employer, requiring the employer to submit an employment contract and submit to inspection and audit of records, as well as pay a fee to fund the program.

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<sup>1</sup> See 18 U.S.C.A. § 1589; New York Penal Law § 135.35.

<sup>2</sup> *Id.*

- c) Using the data, fund and coordinate outreach to the workers by appropriate community-based organizations, with assistance from City officials.
- 2. Increase funding to community-based organizations and worker centers for:
  - a) Outreach and community education to prevent exploitation and identify trafficked workers. In particular, there is a need for funding for multi-lingual workers' rights education programs tailored to reach victims of trafficking.
  - b) Social services provision to survivors. Specifically, more funding is needed for housing assistance, mental health services, and employment assistance.
- 3. Increase funding for legal services provision, for:
  - a) Representation in pursuing civil claims for compensation for trafficking survivors and victims of other workplace-based crimes.
  - b) Immigration representation of trafficking survivors, and victims of other workplace-based crimes.
- 4. Utilize the City Commission for Human Rights:
  - a) Many trafficked workers have discrimination claims, but their employers are not covered by the NYC Human Rights Law. The Council should eliminate the 4-person requirement for coverage of the NYC Human Rights Law.
  - b) The Commission should receive additional funding specifically to develop outreach, education, and litigation programs in support of trafficking survivors.
- 5. Develop role for the City with respect to diplomats and consular officers:
  - a) Working together with the U.S. Department of State, City officials should mediate disputes where workers are unable to get justice because employers have diplomatic or consular immunity.
  - b) The City must send a strong message that even if technically immune from criminal prosecution or civil claims, the City will not welcome exploitative employers as diplomats or consular officers.
- 6. Step up criminal law enforcement of labor trafficking violations. In particular, the City should encourage prosecution of cases involving psychological coercion to send a message that New York's anti-trafficking prohibition is forceful and that such exploitation will not be tolerated.

Please do not hesitate to contact us for any further information. Thank you for the opportunity to testify today.

Respectfully Submitted:

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**The New York City Council  
Committee on Civil Rights**

Hearing RE: Human Trafficking, Committee on Immigration

**Testimony of Crystal DeBoise, LCSW  
Managing Director  
Sex Workers Project  
Urban Justice Center**

**40 Rector St., 9<sup>th</sup> Floor  
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**Friday, February 27, 2015 at 1:00 p.m.**

Good morning, Committee on Immigration.

The Sex Workers Project at the Urban Justice Center very much appreciates the opportunity to speak today about human trafficking. My name is Crystal DeBoise and I am the Managing Director of the Sex Workers Project, the first and longest-running program in the nation dedicated to providing direct legal and social services to sex workers and survivors of human trafficking. For the past 14 years I've been providing direct services to survivors of human trafficking and sex workers, working to create policies that promote their human rights and programs that aim to confront the conditions in which trafficking flourishes.

I was asked to speak about LGBT survivors of labor trafficking, specifically, domestic labor trafficking. I was excited about this because it's not something the Sex Workers Project is typically known for but it's something we have encountered and worked on extensively. This request demonstrates the reality that human trafficking is complex and involves many intersecting issues. I'm also pleased to see City Council members opening this new dialogue with an emphasis on labor trafficking, an issue that is underrepresented in the public debate on trafficking.

New York City is the leader in the nation for progressive thinking, and putting progress in action. The national environment is one in which human trafficking is often placed into hierarchies of sensationalized "sex trafficking" and almost invisibilized "labor trafficking" and

actions taken are based in emotion rather than pragmatic solutions. We can lead the way in innovative thought, and thoughtful, pragmatic action on these issues. We can do that by viewing human trafficking as a complex issue with many contributing factors such as racism, local and international poverty, LGBT discrimination, stigma against sex work, and gender based violence. The good news is, so many are already working on these issues in NYC, that without realizing it, efforts to reduce poverty, increase understanding of LGBT rights, fight racism, and create safe paths to citizenship *are* anti-trafficking efforts.

In my 14 years of working every day to assist hundreds of survivors of human trafficking I have learned that human trafficking is not as a random crime that is committed in a vacuum, like a mugging when the victim is in the wrong place at the wrong time. It is a symptom of a variety of dysfunctional systems that leave so many in vulnerable situations. Safe runaway and homeless youth shelters for LGBT youth and accessible safeguards for undocumented domestic workers would have prevented large numbers of the trafficking cases I have seen.

I have two additional suggestions for moving forward that are pragmatic, preventative, and don't leave out LGBT survivors.

1. Promote community based solutions that don't involve policing. A John Jay College 2008 study of commercially exploited youth in NYC showed that 81% males, 63% of transgender individuals, and 50% of female youth who were arrested for prostitution had already been arrested for other crimes. Criminal justice approaches to fighting trafficking have had their 15 years in the sun. It hasn't worked. We clearly miss a wide swath of experience that is happening to this population when we locate the moment to choose to engage with them in the criminal justice system. Community group engagement not only provides meaningful assistance to trafficking people now, but it also is an act of prevention.

Around 80% of the human trafficking cases at SWP were assisted in leaving their situations by community members or groups. In one case of a lesbian trafficked domestic worker, she was assisted by a taxi cab driver who spoke her language. In another case, a transgender Dominican woman who was both domestic and sexual servant and to her trafficker was assisted by a transgender community leader who noticed her in the neighborhood. In another case of a teenager trafficked into domestic work by a diplomat, it was a nurse who lived next door who took an interest in her case and assisted her. In a number of cases, survivors fled to their temples, churches, mosques, and other community centers and were assisted.

On the other hand, research conducted by the Sex Workers Project in our Raids Report paints a violent and ineffective picture of police raids where survivors were traumatized, not identified as trafficked more than 75% of the time, and made weary of ever engaging with law enforcement again.

2. My second suggestion is to commit to providing equal resources to all forms of trafficking. We can not contribute to a bi-furcated hierarchy of "sex trafficking" and "labor



trafficking" where labor trafficking is relegated to a topic that's not given as much attention and resources. Further, human trafficking can be present in many different industries, even within the same life. Many clients have experiences that could be classified as both sex and labor trafficking.

I recommend an audit of how trafficking funds are used in New York City. For instance, how much human trafficking money is spent by the NYPD conducting arrests of consenting adult sex workers versus the amount spent on investigations into labor trafficking cases and the amount given to communities and NGOs.

Once again, I commend the committee for its attention to this issue, for highlighting the complexities and intersecting issues that are involved, and for making a commitment to thoughtfully address human trafficking in New York City. We can be leaders in the nation on how to be effective and preventative.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

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I represent: Urban Justice Center

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Name: Hollis Pitzch

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I represent: Legal Aid Society

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Date: Feb 27, 2015

(PLEASE PRINT)

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Address: 32 Broadway, NYC 1004

I represent: New York Asian Womens Center

Address: 32 Broadway, NYC.

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Date: 2/27/15

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Name: IRENE JOR

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I represent: NATIONAL DOMESTIC WORKERS ALLIANCE

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Date: 2/27/15

(PLEASE PRINT)

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Date: 2/27/15

(PLEASE PRINT)

Name: Isiah Obias  
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Date: 2/27/15

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Date: 2/27/2015

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Date: 2/27/15

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I represent: Dan & you

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Date: \_\_\_\_\_

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Name: SISTER JOAN S DAWBER, SC

Address: 85-10 61st Road, Rego Park

I represent: LifeWay Network

Address: \_\_\_\_\_

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☐ in favor ☐ in opposition

Date: 2/27/15

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