

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

----- X

February 27, 2015
Start: 1:18 p.m.
Recess: 3:46 p.m.

HELD AT: 250 Broadway - Committee Room
14th Floor

B E F O R E: CARLOS MENCHACA
Chairperson

COUNCIL MEMBERS:

Mathiew Eugene
Daniel Dromm
Peter A. Koo
Rafael L. Espinal, Jr.

A P P E A R A N C E S (CONTINUED)

Lydia Catina
Staff Worker and Organizer and Elected Board Member
Damayan Migrant Workers Association

Leah Obias
Community Organizer
Damayan Migrant Workers Association

Nisha Agarwal
Commissioner
NYC Mayor's Office of Immigrant Affairs (MOIA)

Alyssa Gong
Immigration fellow
NYC Mayor's Office of Immigrant Affairs (MOIA)

Greg Maney
Professor of Sociology
Life Way Network
Hofstra University

Sister Joan Dawber
Executive Director
Life Way Network
Hofstra University

Suzanne Tomatore
Director
Immigrant Women and Children Project
City Bar Justice Center

Meredith Dank
Senior Research Associate
Urban Institute

Lucia Goyen
Research Associate
Vera Institute of Justice

Irene Jor
New York Organizer
National Domestic Workers Alliance

Hollis Pfitsch
Staff Attorney
Employment Law Unit
Legal Aid Society

Crystal DeBoise
Managing Director
Sex Workers Project
Urban Justice Center

Alice Davis
Staff Attorney
Immigrant Workers Rights Program
Catholic Migration Services

Ivy Suriyopas
Staff Attorney and Director
Anti-Trafficking Initiative
Asian American Legal Defense Fund

Larry Lee
Executive Director
New York Asian Women's Center

Raji Manjari Pokhrel
Social Worker
Adhikaar

Annick Febrey
Senior Associate
Human Rights First Anti-Trafficking Campaign

[sound check, background comments]

CHAIRPERSON MENCHACA: Before we start, I just want to let you all know that if you can turn off your phones or switch them to silent that would be great.

[sound check, background comments, pause]

CHAIRPERSON MENCHACA: We are ready. Green lights. [gavel] Thank you. So buenos dios toros [sic]. I'm Carlos Menchaca, Chair of the Immigration Committee for the City Council. Before going any further, I'd like to introduce other members of the committee that are here today. We have from Queens Council Member Peter Koo. Thank you so much for being here, and we'll alert you of all the members as they come.

Today, the Committee on Immigration takes bold first step to look into the labor trafficking of immigrants, one of the most egregious violations of person's dignity and rights. We want you to know that we are committed to a long road of discovery so that all New Yorkers, all New Yorkers understand the gravity of this very, very important issue. I want to take this time to thank any survivors of human trafficking who are here today. Some of you will be

testifying, and for their bravery in coming to share their stories with us. And those who are not here today who may hear our commitment to unravel what people feel has been an invisible issue here in our city. I also want to commend the braver service providers and the advocates who work with victims and survivors. Day in and day out they empower--they work to empower to raise this consciousness, and really address the circumstances that people are in. On so many levels the work that the Immigration Committee is working on with the City and the Mayor and the Administration I really think about them as super heroes. So thank you so much to them.

Testimony today will focus on the needs of immigrant domestic workers, who are also victims of labor trafficking. The very nature of domestic work keeps most of these cases hidden from the public eye allowing abuse to go on for years. Again, invisible, without the worker being able to access much needed help. Once the worker is able to escape from these conditions, and forced servitude, having access to mental and physical health services, legal representation, housing, many times emergency housing, and other social services, this becomes a

key to their ability to rebuild their lives. Unfortunately, existing resources may not be sufficient to meet the level of needs, and the statistics are even more dismal when linguistic and gender-based needs are added to the equation. The Committee today will hear from witnesses who will provide insight into the specific issues faced by immigrants engaged in domestic work. Testimony will shed light on vulnerabilities of domestic workers that make susceptible to labor trafficking. As well as the labor and criminal violations domestic workers endure when they are forced to work against their will.

Representatives of the Mayor's Office of Immigrant Affairs will also testify along with legal services providers, social service providers, community-based organizations, and immigrant advocates. But more importantly, today we hope to hear from the survivors about their own experiences and needs. Although there are state and federal laws that provide some protections and resources for domestic workers, for labor trafficking victims, the statistics illustrate that they are simply not enough. We need to ensure that domestic workers are

safe at work, and if they find themselves in a situation that gives them any doubt, any doubt we need to ensure that New Yorkers have a way to reach out in a safe and comfortable way. So that they can access the necessary legal housing and social services that they deserve.

So the fact is very few statistics are available quantifying this issue. But the disparity in the numbers is striking. It is clear that more needs to be done to improve the lives of labor trafficking victims. One report indicates that in New York City alone there are approximately 11,000 human trafficking victims, 11,000. About 2,000 of which are victims of forced labor. Yet, under existing state law since 2007 only 37--37 labor trafficking victims in our city have received confirmed that would provide them with the necessary access to emergency services like food and housing.

New York City has been consistently identified as a preferred hub for human traffickers. The city's various national and international airports along with large population and diverse types of formal and informal industries make it an ideal setting for this crime to occur. We find

ourselves at a crossroads in the city in this moment in time. And I support the Mayor's plan that focuses on the development of our communities through our affordable housing plans, and job plans. But we cannot build these plans without engaging our communities. This must include protecting the workers in this new economy that we're trying to build, and that our development policies are initiating. We continue working to protect vulnerable workers, while at the same time promote the development of our--of jobs, of housing, all things which make New York City the great city that it is.

We are faced today with the opportunity to truly help our city understand the realities of human trafficking that is more than what you see on television or at the movie theater. That everyday thousands of men and women and children are forced to work against their will. We need to lead the nation in working to ensure that humans stop being treated as commodities, and we're going to do that today. And we have a long commitment to making sure that this conversation continues to happen, and that we

build upon the successes that we're going to be beginning to talk about today.

Our community and the Council are committed to the continued support of our immigrant communities in need, and the testimony today will help us take a first step to determine how we can do that. [Speaking Spanish] And with that, I would like to thank everyone for attending this afternoon's hearing, and introduce our first panel. Oh, and as we get the panel, I want to also say thank you. A special thanks to the staff of the Immigration Committee. That's Catalina Cruz, my Counsel; Muzna, our Legislative Analyst, and our entire legislative team including Ivan Huevones [sp?] from Outreach, and everyone who has been really helpful in getting this going. And on that note, let's have our first panel. Ms. Lydia Catine, Catina [sp?] Come on up, and Ms. Leah Obias. Did I get that right?

LEAH OBIAS: [off mic] Yes.

CHAIRPERSON MENCHACA: Obias. Thank you.

[background comments]

CHAIRPERSON MENCHACA: And when you're ready, just press the red button. Make sure it's red

and you can speak into the microphone, and I just want to thank you again for being here today.

[pause]

LYDIA CATINA: Good afternoon, everyone.

My name is Lydia from Damayan Migrant Workers Association. I have been a domestic worker for 12 years, and now I'm a staff worker organizer at Damayan. I am also an elected board member. Several years ago I was trafficked into domestic servitude in the U.S. Like so many of my sisters, I am a survivor. In 1998, I came to the U.S. when I was 26 years old with a religious organization. With this group I experienced abuse and exploitation and 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 three 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 lose a lot of weight. I was told I had no rights 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--and was told I did not have the right to overtime. I was paid \$1,200 a month or less than \$5.00 per hour. After I left the 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 two small kids. I was very hard--it was very hard to find a good job.

[sniffs/crying]

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. Become 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 National Domestic Workers Alliance Strategy, Organizing and Leadership. It was an amazing experience with over 40 organizations throughout the U.S. [crying] I love what I'm doing

especially connecting my experience with other workers. I think connecting with workers is important. I can do it easily. This is my story and some of my sisters in Damayan who were trafficked by diplomats. Thank you very much. [applause]

CHAIRPERSON MENCHACA: Thank you.

LEAH OBIAS: Thank you to the Immigration Committee. My name is Leah Obias, a Community Organizer at Damayan Migrant Workers Association. Damayan is a membership-based organization of over 1,100 low wage Filipino members, mostly women domestic workers in the New York area. Our programs cover wage theft, fraud, and other labor exploitations cases. DACA outreach and intakes, OSHA trainings, and 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 immigrant women, domestic workers vulnerable to trafficking. Damayan along with our sister organizations at 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 that Damayan has assisted and organized since 2002. About half were trafficked by diplomats and foreign consulate 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 another 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--many of whom are in this room--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 other members to come forward.

In 2010, Damayan launched BAKLAS, Break Free from Labor Trafficking and Modern Day Slavery. BAKLAS means both break free and dismantle in Filipino. It's a campaign to end the labor trafficking of domestic workers especially by

1 diplomats, and address the systemic issues at the
2 root of the problem.

3
4 In 2012, Damayan began working on a
5 Memorandum of Understanding with the Philippine
6 Consulate in New York to create a task force on
7 trafficking the Filipino workers, which would outline
8 clear protocols that the consular could enforce to
9 effectively assist Filipino Nationals in distress,
10 and provide emergency resources. We ask for the
11 Immigration Committee's support for our work with the
12 consular for it will set a precedent for consulars to
13 establish relationships directly with community-based
14 organizations and worker centers. In addition to our
15 campaign, Damayan is one of three anchor
16 organizations of the National Domestic Workers
17 Alliance Beyond Survival Campaign. As

18 As we heard in Lydia's story, worker's
19 economic needs do not disappear after the initial
20 crisis period and, therefore, her vulnerability
21 doesn't either. And this is the period I would like
22 to focus on as the major resource gap. In our
23 experience after the trafficking situation workers
24 who are trafficked return to the same industry in
25 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 still exist; isolated workplaces, lack of respect for the work; and lack of labor law enforcement among other workplace problems. Because of this, Damayan allies in the domestic worker movement have created workforce development strategies to create dignified jobs as well as transform the industry.

The first is a nanny training course to provide industry specific skills and safety training. The second is the elder care dialogues with supports from Council Members Helen Rosenthal, Mark Levine and Brad Lander. And in partnership with progressive employer organizations to bridge the needs of domestic workers and domestic employers through trainings to ensure dignity of seniors and the caregivers who support them. And 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--and Lydia is a founding member of our co-op--have a keen interest because they see them as economically stable

opportunities to transform the abusive conditions they came from.

So with that, Damayan would like to recommend the following: First is to provide resources for community-based organizations assisting workers in the entire process from emergency to economic stability. The second is to support Damayan's Memorandum of Understanding with the Philippine Consulate to create clear protocols for assisting Filipino nationals in distress. And finally, to support workforce development initiatives in order to stabilize and transform the domestic work industry for the long term. Thank you.

CHAIRPERSON MENCHACA: Thank you. Thank you. [applause] And again, I want to just say thank you to both for your testimony. I have a couple of follow-up questions for Lydia, and I just want to say thank you for your courage. These are never things that are going to get easier to talk about, and your bravery and courage that you're exhibiting today is going to help others come out and talk about it. And the more--and you know this because you're an organizer. And so, you see on the ground the more we can do this and get people to tell their stories, the

more we're going to change hearts and minds to make this a priority to help with things an MOU and all the funding that's required. We passed legislation yesterday in the City Council that would help cooperatives, for example, get a strong hold on the City--in the City's budget. These are things that we're doing, and every step along the way is going to be important.

So, Lydia, I just want to get a good sense from you about the services that you needed. If you remember those moments when you left, and you escaped, what were the things that were immediate for you at that moment.

LYDIA CATINA: Yeah, it's like--yeah, I think it's very basic. The housing it is because at the time I don't know my rights. I don't know where to go because I was manipulated by this group. That when you cannot get outside this--this like organization like you wouldn't find a good person. So my thinking is like yeah what should I do? I just don't know where. I don't have the number to call because I was really--it really just grew. [sic]

CHAIRPERSON MENCHACA: So housing and really just a sense of how do you even navigate the

1 COMMITTEE ON IMMIGRATION

19

2 environment that you're in because you didn't have a
3 sense about where you were or what you were doing--

4 LYDIA CATINA: [interposing] Yes.

5 CHAIRPERSON MENCHACA: --and how to
6 connect to people that you can trust?

7 LYDIA CATINA: Right.

8 CHAIRPERSON MENCHACA: What do you--did
9 you seek at all any law enforcement in this--in this
10 moment?

11 LYDIA CATINA: I had no idea--

12 CHAIRPERSON MENCHACA: [interposing]
13 Okay.

14 LYDIA CATINA: --to--to connect to any
15 enforcement.

16 CHAIRPERSON MENCHACA: Okay.

17 LYDIA CATINA: If I think of this like in
18 this very moment, if I knew I had those information--

19 CHAIRPERSON MENCHACA: [interposing] Yes.

20 LYDIA CATINA: --because I was trafficked
21 in like on 23rd Street and Fifth Avenue, and then my
22 lawyer is in the just next block.

23 CHAIRPERSON MENCHACA: Yeah.

24 LYDIA CATINA: City Bar. So I said like
25 if I knew this yeah I should like--Yeah, like report

it right away. Yeah, as you heard that this--my trafficker yeah, didn't persecuted. He's still free.

CHAIRPERSON MENCHACA: Right, right.

Yeah, we hear that loud and clearly. And the last thing, what kind of resources do you need now that you're organizing. And can you give us a sense about needs of survivors that are in this place where you are today?

LYDIA CATINA: I think it's very basic like the housing, and also like-- Yeah, like because we don't have the resources Metro Card to help to start--help to start on their feet. Just very basic like Metro Card, their essential needs like their food. And in our community like our community is kind of coming to us because like I think it's based on experience. Like it's hard to really trust other people. But when I met Damayan, it's like I always tell that this is my--like my real family. Like the supported me all the way. Like, yeah. It's very basic that we needed like yeah the housing, the food, the Metro Card, and it's like there--like coming to the doctor, the information. Because really it's a lot inside, and somebody to talk to, counseling. So that's my process like healing.

2 CHAIRPERSON MENCHACA: Thank you. Thank
3 you. We hear that loud and clearly. And so thank
4 you so much for Damayan and all you're doing on the
5 ground with us. And so, look, we're going to
6 continue to explore ways to expand, and we're going
7 to take--we're going to take all of your
8 recommendations seriously. And we're going to keep
9 that conversation going. So thank you. Thank you.
10 We've been joined by Council Member Danny Dromm, our
11 good friend from Queens as well. Thank you so much,
12 Danny. And our next panel is really, you know, this
13 has been my first year almost plus, and it's been a
14 pleasure to work with Commissioner Agarwal and her
15 entire team. And we're just really excited about the
16 future together, and working. And so, we're going to
17 have Commissioner Nisha Agarwal to the desk, and
18 Alyssa Gong. We're going to swear--sworn in.

19 [background comments]

20 LEGAL COUNSEL: Do you affirm to tell the
21 truth, the whole truth, and nothing but the truth in
22 your testimony before this committee, and to respond
23 honestly to council member questions?

24 NISHA: AGARWAL: Absolutely.

25 ALYSSA GONG: Yes.

LEGAL COUNSEL: Thank you.

[pause]

NISHA AGARWAL: So thank you Committee Chair Menchaca and members of the Committee on Immigration. My name is Nisha Agarwal, and I'm the Commissioner of the New York City Mayor's Office of Immigrant Affairs, and I'm joined by colleague Alyssa Gong who is an immigration fellow at MOIA. In our office, we 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 support domestic workers who have been victims of labor trafficking, as well as other immigrant victims of trafficking. I'm pleased to be here to discuss this issue, and the resources available to victims.

Labor trafficking is a crime and a severe violation of human rights, in which an individual is compelled into labor through force,

force or coercion. Labor trafficking is illegal under both federal and state laws. Federal law prohibits using force or coercion to recruit, transport or obtain someone for the purposes of labor, debt bondage or involuntary servitude. New York law further finds 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.

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 common reported type involved domestic workers who are employed within private residences by families other than their own. And typically, perform tasks such as cooking, housekeeping, childcare and elder care. 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 recruitment, transport or obtainment of a person for the purposes of a commercial sex act. Many labor trafficked domestic victims face sexual harassment and assault in the workplace. These two categories of human trafficking, labor and sex trafficking feature much overlap in the services needed once a victim is able to escape.

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 to the United States. 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. Most arrive in the United States with temporary work or tourist visas. Some come with diplomatic visas. Before they leave their home country, victims may be given employment agreements that seem to comply with U.S. Labor Laws. They're promised decent wages for 40-hour work weeks and benefits.

Once in the U.S., however, 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. Live-in domestic workers in particular are extremely isolated. Many are physically prevented from leaving the employer's house with a chaperone--without a chaperone. Excuse me. And are restricted from making phone conversations or seeing visitors. Many cases involve instances of physical and sexual abuse by the employer or family members of the employer and denial of medical care.

Traffickers often manipulate domestic workers to remain in forced labor by manipulating debts they own from 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 are often 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. 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 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 the traffickers and are able to seek services, domestic workers 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 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, through visas made available under federal immigration law for victims of certain crimes or trafficking who have been or are willing to help law enforcement. These visas are called U and T Non-Immigrant 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 to prepare the application and other supporting documents.

In addition to legal help, domestic workers trafficking victims are generally in need of several other types of social services after escape. The most urgent of which is often housing, as we heard. As a large number of victims are live-in domestic workers, victims need the help of social service agencies who can help find them emergency shelter and long-term traditional--transitional housing. Victims also need counseling services to help them deal with the trauma of abuse. Many are

often in need of medical assistance, particularly if they have been physically or sexually assaulted during the course of their employment.

When a victim comes forward, there are a variety of services available to them to address their various legal, social, and supportive needs. Legal services organizations help victims to fight-- to report criminal activity to law enforcement, to assert civil claims for unpaid wages, and obtain immigration relief. Social service organizations and community-based organizations aid in helping victims to find housing and provide supportive mental health services. The role of these organizations in supporting these workers from beginning to end, as was discussed, cannot be understated. 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.

Many city agencies, as well as our partners at the state and federal level provide assistance and support to immigrants who have experienced labor trafficking. MOIA serves as a

resource as well through our referral and other networks. In addition to helping to connect individuals to immigration and other legal--and other assistance available to victims, my office also has a newly launched website 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 non-immigrant visa options, and how to get help from service providers. This website content is 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 offices. MOIA intends to continue working closely with the Mayor's Office of Criminal Justice, and the Office to Combat Domestic Violence 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 to the isolated nature of the exploitation and work environment. We continue to look--we look forward to continuing to work with

our partners and community-based organizations, and, of course, with the Council in how to address these needs.

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

CHAIRPERSON MENCHACA: Thank you, Commissioner. Are you both giving testimony. Okay. What I'm going to do now is I have a list of questions, but I want to make sure that we hear from our Council Members, and I'm going to first call on our previous chair of the Immigration Committee, Council Member Danny Dromm.

COUNCIL MEMBER DROMM: Thank you, Mr. Chair. It's good to be here, and I do have to leave early because I had previous commitments before this was actually scheduled. So I apologize for that because this is a very important topic, and it's one

that I'm constantly confronted with in my district.

But probably the biggest problem that we have in my district office is actually dealing with the NYPD, and often times with the District Attorney's Office.

And I'm glad that you brought up the issue of changing your visas. And we still continue to have an awful lot of problems with the NYPD in terms of securing that. Now, it's my understanding that for at least a U-Visa that if you want a U-Visa, all you have to do is cooperate with the law enforcement agencies. And the NYPD is only supposed to confirm that you have cooperated with them. And even where we have cases where that has been proven to be the case, and we have a conviction or whatever, we still have difficulty getting the--I guess the confirmation or the report from the NYPD even under this

Administration I'm sorry to say Commissioner. And we have difficulties even since the beginning of last year. It was worse in the previous administration, I have to admit. How do you respond to that? What are you doing to work with the NYPD to correct the situation? Because I can't imagine anything being worse than having been a victim of sex trafficking or just regular trafficking, and then finding an

obstacle in the system like that should not be there. And then all they're doing is verifying it. They're not going to grant the U or the T-Visa. That's for the federal government to decide.

NISHA AGARWAL: That is--I'm really glad you brought that up, and it is absolutely an issue that we've been working with the NYPD and a range of other law enforcement agencies on. This issue actually is how frankly bureaucratic it is to get a U-Visa certification has been something that's been in Mayor de Blasio's platform from the beginning to resolve. So partly based on that, we have been meeting regularly with NYPD, with the Mayor's Office of Criminal Justice, and with a range of agencies and the Office to Combat Domestic Violence to streamline and improve that process. So in the previous administration it was only the police commissioner who could certify U-Visa, which needless to say, did not result in a lot of certifications for U-Visas. We are now changing that protocol and the NYPD has actually issued new policies, which we can share with you after this. I don't have them with me right now. That should help to streamline things as well. The website that I mentioned with information for victims

of crimes, immigrant victims of crimes, also comes out of that work group conversation. And one of the things my office is very focused on is how do we then do outreach to the community to know that the process is changing? And if you're still encountering difficulty, share that certainly with the NYPD. But also see our office as a resource to be able to help move those certifications and those issues forward as well.

COUNCIL MEMBER DROMM: So are those processed--the process is that online now?

NISHA AGARWAL: I believe that is online.

COUNCIL MEMBER DROMM: It is online? Okay. And, are they-- what are the authorization forms? I'm forgetting the word that we use for when you get the documentation from NYPD.

NISHA AGARWAL: The Certification document.

COUNCIL MEMBER DROMM: Certification okay.

NISHA AGARWAL: Uh-huh.

COUNCIL MEMBER DROMM: Is that available like online? Can you get that off of a computer? Because I introduced some legislation yesterday about the use of typewriters. And I've had cases, believe

it or not, including U-Visa cases where the paperwork was lost. Actually, that's what first brought this to my attention. And so, are those things inputted into a computer, or is it paper documentation? How is that done?

[background comments]

NISHA AGARWAL: We're not sure how they're keeping their own records, but the application is readily available both on our website and the OCS' website.

COUNCIL MEMBER DROMM: Because I had two very serious cases. One where a Bangladeshi taxicab driver-- He wasn't trafficked, but in one case where they put a knife to his throat and he went to pull it away and it cut all of his fingers. By the way, the knowledge of whether you can get a U-Visa or not also we need to improve in educating our communities about that. But NYPD lost all the records for that person, and then there was a whole battle with the PD to get that taken care of. So I really hope because those types of obstacles should really not be there.

NISHA AGARWAL: Absolutely.

COUNCIL MEMBER DROMM: And the other issue that comes to mind as well is the issue of

translation with the NYPD. I've had instances where women who have been victims of sex trafficking or whatever, were asked to describe and have their children have to translate for them. How are we dealing with that with the NYPD?

NISHA AGARWAL: Also, too, near and dear to my heart personally. So we have been working closely with NYPD on--and range of other agencies on improving language access and interpretation services. And what I'm pleased to report is that NYPD takes this very seriously, particularly in cases of domestic violence and are putting into place a series of very comprehensive policy changes at the precinct level to make sure that victims like the one you described are able to get those translation services. We work very closely with them to both provide them the expertise of how to provide these language services, but also to make sure that it's happening in a way that doesn't lead to some of the tragedies frankly that we've seen happen in the last few years.

COUNCIL MEMBER DROMM: So we had another case in my office where a woman was--the abuser was working for the Embassy at least. Are we doing any

1 outreach to embassies as well to find out what
2 they're doing to combat this within their own
3 embassies, or consulate generals.

4
5 NISHA AGARWAL: Yeah, absolutely. So the
6 Mayor's Office of International Affairs is very
7 actively involved with the international community
8 obviously. And in the past when cases like this have
9 come up, NYPD has notified the Office of
10 International Affairs regarding violations of this
11 nature. Something that the Office of International
12 Affairs takes very seriously. We work closely with
13 them in outreach to consulates, and that might
14 actually be a great partnership to use to do further
15 outreach both on the diplomatic side as well as on
16 the community side. Absolutely.

17 COUNCIL MEMBER DROMM: And I have more
18 questions after this, but my last one right at this
19 moment is the issue of arrest for prostitution. To
20 me it seems to be the re-victimization of women who
21 have been sex trafficked. And I want to distinguish
22 them. I believe personally that there is difference
23 between those who voluntarily choose to be a sex
24 worker as opposed to those who are trafficked for the
25 purposes of prostitution. However, if you're

trafficked for the purposes of prostitution, and you go into a police station. And you're arrested and you're not asked if you've been a victim of trafficking and whatever, you're going to go through the system again and probably wind up at Rikers at some point. And you have to deal with the whole legal system on top of that. You know, you're being re-victimized. What are we doing with the NYPD around that, and not only that, I think in some instances if I'm recalling correctly, from what I've heard from some old notes. Police officers, males asking females if they're victims of sex trafficking or whatever. And the sensitivity around those issues particularly as it relates to certain cultures, who if you have been raped or you've been used in sex traffic work, it's really a violation of many different aspects of their religious background and the culture background.

NISHA AGARWAL: Yeah, so unfortunately, I don't know specifically sort of what the NYPD strategies have been around that to address some of these problems. I'm very happy to circle back to the folks we've been working with there to find out more

about whether there are any changes in place, and report back to the committee.

COUNCIL MEMBER DROMM: Okay. I'm sorry. Just one last follow up, if you will allow me, Mr. Chair. The DA's office, the district attorney's offices we've had issues with them also issuing the, at least the U-Visas, but I know from other advocacies as well with the T-Visas. What are you doing in that regard?

NISHA AGARWAL: So the district attorneys offices have been part of this work group around the U and T-Visa streamlining and--

COUNCIL MEMBER DROMM: [interposing] Is that all five borough district attorneys?

NISHA AGARWAL: All five borough district attorneys have been involved in that. So again, I would sort of urge that as concerns like that come up, please do feel free to see our Office of Research--Resource to be able to kind of filter those issues to the DA's, NYPD, et cetera.

COUNCIL MEMBER DROMM: And have procedures been issued for them in terms of the issuance of the certification that's necessary? Is there a standard way that we've been-- Now, you say

we're doing that with the NYPD. Are we also--are the
DAs also doing that?

NISHA AGARWAL: So we can't force them to
adopt the new streamlined procedures that we're
coming up with. But part of the reason we're
including them in the conversation around our
policies was to hopefully influence how they manage
theirs.

COUNCIL MEMBER DROMM: So who has
oversight over the DA's offices?

NISHA AGARWAL: That's--

COUNCIL MEMBER DROMM: [interposing]
Criminal Justice.

NISHA AGARWAL: Criminal Justice, the
Mayor's Office of Criminal Justice. We can--we work
very closely with the Mayor's Office of Criminal
Justice, and I know there's a representative from his
office here.

COUNCIL MEMBER DROMM: [interposing] And
so when you're saying you can't force them, can you
just describe what the reason is behind that?

NISHA AGARWAL: Yeah, so it's--my
understanding is the City of New York that they're
sort of a separate entity. Kind of like the court

system where we work very closely with the district attorney's offices and the court system, et cetera. But they are sort of in a separate jurisdiction so to speak. They're not a city agency in the same way that MOIA is, or other agencies are. But that said, we work very closely with them all the time, and it's in all of our collective interest to have similar sort of streamlined policies. And that's why we brought them into our work group and work very closely with them.

COUNCIL MEMBER DROMM: Okay, thank you.

CHAIRPERSON MENCHACA: I have an apology there Council Member, and I'd just say that the kind of breadth of conversation here really talked about what we-- We kind of got off topic with the sex trafficking, but the focus on the labor trafficking and the U and the T-Visas are so integral. And Council Member Dromm is absolutely right in really understanding how we can continue to--and I'm going to add measuring the ability for us to understand how we're actually getting better on the U and the T-Visas. I think it would be great for us to have numbers in how--how the policies in the working group that you have internally are actually making some

changes on the ground. So maybe next time we can have a conversation that allows us to have those numbers.

NISHA AGARWAL: Absolutely.

CHAIRPERSON MENCHACA: We've been also our Brooklyn Council Member Mathieu Eugene. Thank you so much for coming today, and I'm yielding over time to our Council Member Koo for his questions.

COUNCIL MEMBER KOO: Thank you Chair Menchaca, and thank you Commissioner for coming. My first question is that you mentioned in your testimony that most of the victims of trafficking are from the Philippines, Malaysia, India, Nepal and right here in Mexico. DO you--are you aware of any victims from China?

NISHA AGARWAL: There are--there are victims from really all around the globe. This was--these were data based on a report that found that those were some of the highest instances of victims. But really, it's like New York. Unfortunately, from around the globe victims.

COUNCIL MEMBER KOO: Yeah, so if you're a victim and I understand an English speaking person, how do they respond? I mean, can they-- My focus is

if someone calls 311 and described their situation,
can the 311 operator help them?

NISHA AGARWAL: So 311 would have the
ability to direct that person to other resources that
they can utilize. 311 couldn't provide the
assistance, but they could certainly direct people.
And 311 has the capacity to assist people in many,
many different languages, which we've certainly been
seeing in a variety of contexts.

COUNCIL MEMBER KOO: Sure. Are they read
to do it now, 311?

NISHA AGARWAL: Yes, 311 has the ability
to be able to direct people seeking services in this
context. I don't know how often they've been reached
out to.

COUNCIL MEMBER KOO: So suppose somebody
calls 311 in that situation, what would they tell
them, to seek help from the local organization or
they call the police or what? What's that?

NISHA AGARWAL: I don't know exactly
what's in the script, but I can find out how it is
that they-- But I'm sure that one of the things they
do is direct people to the city agencies that can
assist them with services as they need them. Whether

it be housing or food supports or other kinds of emergency assistance of law enforcement, of course.

COUNCIL MEMBER KOO: My second question, which is they let the victims be aware of how they can seek help. So we like do something like at an airport and give a slip, where every passenger gets a slip. Saying if you are domestic violence victim or sex trafficking victim you can call 311.

NISHA AGARWAL: I think outreach is absolutely critical there.

COUNCIL MEMBER KOO: [interposing] But that's where it would be good. [sic] They all are usually coming from the airport. They come from the airport, by air, right.

NISHA AGARWAL: Yes, but--

COUNCIL MEMBER KOO: [interposing] But when you take a taxi now, they will give you--the dispatcher will give you a slip, it says if you have a problem with this taxi, call Taxi and Limousine Commission. So this is relatively easier and cheaper. At least you're giving them the information all tourists regardless they receive a paper. Because when they come in, they have to sign a customs form and all this stuff. So give them one

more piece of paper informing just how we can help them. If they have this kind of--if they are in that kind of situation.

NISHA AGARWAL: Yeah, I also think sort of what we've heard before that victims may be nervous to come forward, and tend to gravitate towards the trusted community-based organizations that speak their language, and are sort of safer places to seek services. And so I think really leveraging that, and supporting those organizations to do the outreach I think is also very critical.

COUNCIL MEMBER KOO: Okay. Thank you.

CHAIRPERSON MENCHACA: Thank you, Council Member Koo. And I'm going to follow up with that, and just get a better sense about what kinds of things are happening now in this new administration that are--that are kind of related to the outreach plan. And, you know, the suggestion by Council Member Koo, and I think the entire committee has kind of been thinking about ways. But we want to hear from you about any kind of concrete things you're doing for the outreach piece. Clearly, we've heard some testimony today that really kind of spoke to the

isolation and really almost impossible to get that information through.

NISHA AGARWAL: So in our--certainly at the start of this Administration and the Mayor's Office of Immigrant Affairs, we've always had long-standing relationships with community-based organizations, workers' centers, and other groups that are closely connected to this organization. And what we found for so many of our programs, whether it be IDNYC or citizenship or the number of different ways in which we need to reach immigrant communities, it's working in partnership with those groups. That I think is probably the most effective way to be able to share good information about what the resources are and what the options are. And it's those organizers that in my view are the ones who need to be on the front lines of doing much of that recruitment. And the critical thing is that city agencies, and the resources we can provide are connected to those organizations. And there is a regular conversation between us providing services, as well as law enforcement. And often, one of the challenges that I hope we'll be able to remedy in the near future is the link between problems as they're

occurring on the ground and the information coming up to law enforcement. Whether it be on trafficking issues or notarial fraud or you name it, folks in the community know when it's happening. And that communication back and forth needs to be much faster, and much tighter between us as a city agency and the community level.

CHAIRPERSON MENCHACA: And are you seeing a need for increased funding this year for the--for these initiatives?

NISHA AGARWAL: Well, we are I think very interested in seeing the community organizations, of course, supported in this effort, and be able to bring them in in a deeper way. Give them the capacity to be able to do even more outreach for these communities. Especially the ones that have the linguistic, the kind of sensitivities that are necessary

CHAIRPERSON MENCHACA: And you mentioned IDNYC. Would IDNYC recipients get information like this, too? So what I heard was that this kind of information would happen at a CBO level that's maybe connected to the experience. And so, I'm thinking about some of the community locations where there are

CBOs and people table. But is there any kind of direct IDNYC information that can go directly to people when they get their ID, and is that in the works?

NISHA AGARWAL: Yeah, that's not in the works, but it's something that we should definitely think about. I mean the question becomes sort of how do you get that information out to the targeted audience. IDNYC information goes out to all of the New Yorkers who signed up for it. But when we do that, we send information about the different city programs that you're eligible for now because of your ID, the other benefits that come with the card. And so, it's an opportunity to reach people through that program certainly, and many others.

CHAIRPERSON MENCHACA: Well, I'd like to explore this more because I think part of the--part of the outreach doesn't only include survivors, and really people who are experiencing it. It's really the entire community's awareness. So it would be interesting to see how we can structure an information piece that is both for someone like myself who is a resident and has a City civilian job. But it can be helpful in pushing the conversation

increasing awareness. And it would be good to kind of think about how we can do that, and really work with our non-profits. Think about what that needs to be. So it's a universal message about how we get the information out.

NISHA AGARWAL: Absolutely.

CHAIRPERSON MENCHACA: And like you said, this is--this is happening, and this came up last night in a big Town Hall in legal housing conversions. People were saying--because I talked about the hearing today, and people were saying, I think that's happening next door. What do I do? And those kind of conversations need to go from what do I do to I know exactly what to do, and I can start the process. And getting that out, and especially with people who are engaging with us with IDNYC would be good for us to do.

NISHA AGARWAL: Right. Absolutely.

CHAIRPERSON MENCHACA: I'm looking forward to working with you on it. Council Member Eugene, do you have some questions.

COUNCIL MEMBER EUGENE: Thank you. Thank you very much Mr. Chair and Commissioner thank you, and to the other member of the panel thank you.

CHAIRPERSON MENCHACA: And we're putting a clock as well. Thank you.

COUNCIL MEMBER EUGENE: Okay, that's not very good. [sic] All right. I understand so-- But I put my clock, too. So, and to all of you advocates thank you so much. Thank you very much. These are very important issues. Very, very important issues. It is important also because we know that New York is home to so many immigrants. And so many coming from all other places. And immigrant people most of the time they are the people who are facing those type of challenges because of culture. You know, a different culture, but cultural barrier and language barrier. And also they are afraid. They don't have immigration status. They don't want to report. They don't want to talk about that. And there is also the taboo depending on the type--on the country where they came from they're afraid. They don't talk about that.

Commissioner, what I want to ask you in terms of whether you are-- I don't know if you spoke about that before. Because we are---so many people are not speaking [sic] English. What do you have in terms of outreach, you know, to those people and to make sure that they understand not only the

situation, the issues, and also the services--the services, these services that you have for both them. [sic]

NISHA AGARWAL: Absolutely. So my office has responsibility for ensuring that citywide we are complying with all of the rules and laws that relate to language access. And we partner with the Mayor's Office of Operations on this. And what I hope people have been seeing with this Administration is the commitment to outreach, and in particular multiple languages. So whether it was the paid sick leave campaign or IDNYC whether applications have been translated into 25 languages. And our engagement is our staff is all bi-lingual really focused on getting information out to communities in multiple languages has been absolutely a priority. We've also hired a senior staff person at the Mayor's Office of Immigrant Affairs to focus on language access and implementation in particular. And among the sorts of changes that she's been able to bring about is actually having city agencies create a senior level cabinet to look at language issues across their communications, as well as internal processes. And we're also creating a process soon--it will start

next week--to have language access complaints taken through 311. And if anybody even calls who uses language assistant services to be asked did you receive the interpretation and translation services you were entitled to when you tried to access this other service. So we're very committed to making sure that there's both multi-lingual outreach, but also that we are holding ourselves accountable to meet the needs of the diverse New Yorkers that we serve.

COUNCIL MEMBER EUGENE: And can I ask the second question just to make sure that I, you know, I spoke word. But you know that section of use [sic] is a very big piece that affected people not only that traumatized the victim not only for now. For many years to come. What do you have in place to address the issue in terms of the medical--from the medical part of you, from the psychology report of you, the mental part of you? What do you have in place after those people have been abused? The system you have in place, the medical staff or psychology or counselors that you have. To call them and to make sure that they understand the situation.

They can, you know, overcome these challenges, and to decrease the negative impact on their life, you know.

NISHA AGARWAL: Yes, absolutely. As I mentioned in my testimony, many of the labor trafficking victims particularly domestic worker victims can often experience sex trafficking or sort of other abuse in that fashion. And the City, certainly the City public hospital system has range of different services for victims of sexual assault that continue to be providing really excellent care for people. And then again through the contacts in the community and elsewhere it's very important I think to augment mental health services. Not just in this instance, but for immigrants across the board. And that's certainly an issue that the First Lady and others in the Administration have really made a priority.

COUNCIL MEMBER EUGENE: So those cares-- medical cares have been provided without immigration status--

NISHA AGARWAL: Absolutely.

COUNCIL MEMBER EUGENE: --a confirmation of immigration status, or ability to pay, right?

NISHA AGARWAL: Absolutely.

2 COUNCIL MEMBER EUGENE: Thank you very
3 much. Thank you, Mr. Chair. Thank you.

4 CHAIRPERSON MENCHACA: Thank you, Council
5 Member. And as a kind of final conversation I think
6 that the commitment that this committee is making
7 today is a long-term conversation about this. I
8 think the next steps are really about measuring the
9 conversation we have here. Really trying to figure
10 out how we commit our resources, and I think--
11 Council Member Dromm, do you have some more
12 questions, too?

13 COUNCIL MEMBER DROMM: [off mic] I think
14 I'm fine.

15 CHAIRPERSON MENCHACA: And I point to
16 Council Member Dromm because this is--this is a world
17 that he--back to when he was the chair really
18 understand this in a way that we need to be able to
19 measure it. Measure the successes, not just on
20 funding and outreach but being able to understand how
21 effective this outreach is. Mostly because of the
22 nature of the isolation of so many of the New Yorker
23 that are experiencing labor trafficking. And so, I
24 just want to say thank you again, and if no one else
25 has any questions, we're going to move to our next

pane. And I'm hoping you can continue to stay with us, and listen to our organizations--

NISHA AGARWAL: [interposing] Thank you.

CHAIRPERSON MENCHACA: --who are going to be talking about that. Thank you.

[pause]

CHAIRPERSON MENCHACA: Our next panel of three will include Greg Maney--Manny. Let me know if I said that wrong.

GREG MANEY: [off mic] It's all good.

CHAIRPERSON MENCHACA: It's all good from Hofstra--Hofstra University. Suzanne Tomatore. Is that right? Okay, thank you, and Sister Joan Dawber as well. Please come on up. There are two mics. Please share and there's water, as well if you need it.

[pause, background discussion]

CHAIRPERSON MENCHACA: Sister Joan if you want to start, start us off.

SISTER JOAN DAWBER: I can.

CHAIRPERSON MENCHACA: Well, actually, if you already have a plan go for it. [laughter]

2 GREG MANEY: You got your plan? Okay.
3 Sister Joan and I want to thank the Committee on
4 Immigration after--

5 CHAIRPERSON MENCHACA: [interposing] Can
6 you speak into a mic, either one? Pull it close to
7 you. There you go.

8 GREG MANEY: Thank you. Sister Joan and
9 I want to thank the Committee on Immigration for
10 shining a bright spotlight on an all too often hidden
11 human tragedy. We appreciate the opportunity to
12 assist you--use our research to assist you in meeting
13 the needs of trafficked domestic workers. Our only
14 regret is that we conducted our study almost five
15 years ago. In the absence for funding for a follow-
16 up study, we can only speculate as to what has
17 changed. And what has not changed regarding the size
18 demographics of the trafficked population, their
19 critical service needs, and the extent to which those
20 needs are being met for different subpopulations of
21 survivors. We recommend that the local state and
22 federal authorities fund this type of research over
23 regular time intervals so as to enable the evaluation
24 of the efficacy of existing policies. As well as to
25 identify changes warranting new policy initiatives.

About our method. We collected data between May and December of 2010. We being Life Way Network staff and board members, myself, and graduate students as Hofstra. And we collected surveys of private service providers. We conducted key informant interviews with private service providers, funding and coordinating agency reps and law enforcement agents. We supplemented this research through a thorough review of the academic and practitioner literatures.

In terms of service needs of labor trafficking survivors, unfortunately our study did not differentiate between types of labor trafficking. If we get opportunity and funding in the future, we'll do that. To give an indication, though, 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 who were trafficked were either in labor trafficking or a combination of sex and labor trafficking. We excluded organizations working exclusively with farm workers to again try to get it more, you know, reflective in the domestic workers who were trafficked.

In terms of--we asked the service provider about the percentage of their trafficked clients, who would benefit from 35 different kinds of services. By far, the greatest service needs was assistance with document collection such as driver's license, perhaps now the new resident's identification, birth certificate, work permit, and Social Security card. A large number of labor trafficking survivors would also benefit from direct cash. So in my discussions with service providers out in Long Island, they are tremendously envious of the public transportation system that, you know, the five boroughs have. Because it's very difficult on Long Island for survivors to gain access to services because the public transportation infrastructure isn't developed. But you still need what in order to access public transportation in New York City? You need cash, right? And cash for a range of other things. So direct cash provision, case management beyond the initial assessment. Food and clothing I think was mentioned by the first person who testified. English language classes, telephone services such as calling card or pre-paid cell. Employment related education, and training and

placement as was indicated earlier by another person
testifying. Immigration legal services. So UNTV
says, Life Skills Training such as financial
literacy, orientation to American culture; navigating
public transportation; community orientation; safety
planning; cooking; cleaning; shopping. Even though I
think a lot of those aren't applicable to domestic
workers, trafficked workers. But life skills in
general because of the extent of extreme confinement.
There's been a lack limited to being imprisoned in
homes. There's a lack of exposure to the broader
culture. And so, it can be very traumatic and
confusing and disoriented once the survivors are
liberated. Securing benefits such as Medicaid, WIC,
Violence Against Women Act services and refugee
specific entitlements. Housing, medical care, and
trauma counseling. These are all services that are
very much needed based upon our research. In terms
of the availability of these services for labor
trafficking survivors in general, unfortunately, some
of the services needed by large numbers of survivors
were in scarce supply. In particular, there was a
shortage of English languages classes, and telephone
services. Life skills training, which we said is

particularly needed. And as over--a little over one-quarter of trafficking survivors need the--are needing the service and, in fact, received it.

CHAIRPERSON MENCHACA: You can--Can you wrap it up.

GREG MANEY: Yeah, I'll wrap it up.

CHAIRPERSON MENCHACA: Just so we can get the entire panel.

GREG MANEY: Yeah.

CHAIRPERSON MENCHACA: And the we're going to go to questions.

GREG MANEY: No problem.

CHAIRPERSON MENCHACA: So we can get to them.

GREG MANEY: Only slightly one-third of those in need of emergency housing actually received it. Only one percent of foreign born labor trafficked minors outside the cultural sector received emergency housing. So that remains a critical needs, and I'll turn it over to Joan for recommendations.

CHAIRPERSON MENCHACA: And before Sister Joan goes, I wanted to just recognize the fact that the English language services is one of the big

things that this committee and myself and others in the Council are trying to push more or increase dollars to do adult literacy and those kinds of programs.

GREG MANEY: Great.

CHAIRPERSON MENCHACA: It's just a note for MOIA to write down. Thank you.

SISTER JOAN DAWBER: So in terms of the recommendations and filling the gaps in the service provision, we make the following recommendations. One, increased funding to services that are essential to empowering large numbers of trafficked domestic workers. In fact, these fundings are in short supply. Specifically, funding for English language classes, telephone services, life skills training, and housing.

The second recommendation is 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 make widely publicized provider services to these sub-populations. So to publicly know who these people are who are servicing the

population. Greater coordination between service providers focused mainly upon sex trafficking and service providers focused upon labor trafficking can increase the availability of services to female labor traffic survivors. In addition, funders can support organizations in creating new facilities, and services providing for the needs of children and transgender survivors. Whenever possible, existing providers should establish inclusive guidelines regarding eligibility of services. We also recommend that staff at service providers agencies receive training in preparation for working with under-served populations.

Number three, to address the urgent need for housing trafficked minors we recommend lobbying Albany to recommend the New York State Safe Harbor for Exploited Children's 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 is particularly helpful in securing these and other services for international minors. To help ensure the high

quality of services, we recommend that the New York State Office of Children and Family Service develop a comprehensive approach to screening and training providers.

And four, 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 referring opportunities and a commitment to working with survivors to gain access to available services. To facilitate service referral, coordination, and assessment we recommend developing and maintaining a centralized shared database of actual and potential service providers in New York City Metropolitan area. For each provider, the database should specify what service 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 City Interagency Task Force on Trafficking, the New York City Anti-Trafficking Task Force, and the Polaris Project. Core Initiative between stakeholders are essential for providing fast and high quality service provision to survivors.

GREG MANEY: So, we'll wrap it up here. The findings of our research underscored 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 provide--offer opportunities for survivors to restore their dignity, to re-build their lives, and to organize [bell] to put an end to modern day slavery. Thank you.

CHAIRPERSON MENCHACA: There's only two testifying today?

GREG MANEY: Yeah.

CHAIRPERSON MENCHACA: You can have it. You can keep that instead. [sic] Thank you.

SUZANNE TOMATORE: Are you ready for me to begin.

CHAIRPERSON MENCHACA: Yes.

SUZANNE TOMATORE: Okay. Good afternoon. My name is Suzanne Tomatore. I'm the Director of the Immigrant Women and Children Project at the City Bar Justice Center. I would like the Committee on Immigration, the committee chair, committee counsel for taking an interest in this very important issue. The City Bar Justice Center is the non-profit legal

services arm of the New York City Bar Association. Our mission is to adjust the justice gap as 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, free 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 that they need. Our clients include immigrants, battered women, veterans, homeless families, seniors, cancer patients and survivors, consumers filing for bankruptcy, homeowners facing foreclosure, struggling small businesses and others.

The project that I direct the Immigrant Women and Children Project was founded in 1996 to provide legal services to immigrant survivors of domestic violence. I joined 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 provide--actually to create a program specifically to serve survivors of both sex and labor

trafficking. Our clients are diverse and global, and 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'm also a co-founder of the New York Anti-Trafficking Network, a local network of direct service providers here in New York City, and I'm a member of the Brooklyn Attorney's Task Force on Human Trafficking. And I'm skipping a bunch because I don't want to be too repetitive. Along with my testimony, I brought some copies of a report that I put together a couple years ago. I do have some extra copies, which I'll leave here as well. But I just want to summarize some findings from that report. In 2013, we released a reported call *Spotlight on 150 Human Trafficking Cases* 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 were trafficked by people with diplomatic immunity. We had three recommendations from the report, and I'll just read those briefly. One is to-- this is general recommendations for service providers, city agencies. Support early intervention and prevention efforts, provide legal and social services for trafficked persons of all genders and ages, and promote the acceptance of people who do not conform to a stereotypical trafficking experience. Real life is not like Law and Order. Sometimes, but most of the time it's not, the television show I mean. [laughs] Provide more resources to basic early education and support economic policies that decrease poverty, and increase access to education. Most of our clients have very low literacy in their native languages. 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, and many of our clients were trafficked years after they arrived in the U.S.

New York City government can help [bell] survivors.

CHAIRPERSON MENCHACA: You can finish up that.

SUZANNE TOMATORE: Okay. New York City government can help survivors of trafficking in various ways. Some of the ways have already been mentioned such as public information and access particularly on 311, and various government--various language access ways. However, for folks with low literacy in their language, hopefully, there will be some consideration to people who may be more likely to hear radio information or even on television. Second, train law enforcement, first responders, and city agency employees on all forms of human trafficking in how to provide appropriate referrals and information. So consider training folks from the Department of Buildings, the Department of Health, Human Rights Commission investigators, First

Responders, public hospital employees. Anyone who may encounter victims of trafficking.

I'm going to skip a few because I know my time is up, and I know some of my colleagues will mention things like the Domestic Bill of Rights and enhancing access to that. Prioritizing survivors of trafficking with public housing and housing voucher programs in the same way that domestic violence survivors have priority. And consider that where the city provides licensing-- For example employment agencies or employment agency managers that they undergo either some training, or have information to distribute to the general public on labor trafficking.

And two final things. There is not currently a citywide task force on human trafficking. The Brooklyn DA's office does maintain a task force just within that borough, but it's my understanding there's no borough wide--citywide working group on human trafficking any longer. So I would encourage the development and convening of a new working group that has the ability to be small, nimble, and essentially tasks really efficiently. And finally to echo my colleague, there is no funding available

specifically for services for survivors of labor trafficking. So if there is any consideration in that area, we would appreciate it. Thank you.

CHAIRPERSON MENCHACA: Thank you, and thank you for the comprehensive and this panel is comprehensive. I have a couple of questions for you, and I'll start where you ended. Actually, the kind of creation of a task force would be important for us to do, and I'm hoping that we can work together with MOIA and the team to develop that--whatever that needs to look like. The interagency connections are broad, and when you kind of went through the list of organizations that you have. And I'm thinking about this almost like literacy, the awareness to have the language to be able to understand how to engage different communities. DOB is going into buildings or Consumer Affairs is going into businesses. They can at least see the signs, and so all of us need to have those lenses. And it would be great to kind of think about how we can do that in a real way that again could be measured. So thank you so much for that. A question about the funding. How much funding do you need to create the next study for this? We're here, we're there.

GREG MANEY: Right.

CHAIRPERSON MENCHACA: How much does it cost to create the next study?

GREG MANEY: In New York City terms it's really dirt cheap.

CHAIRPERSON MENCHACA: Dirt cheap?

GREG MANEY: Yes.

CHAIRPERSON MENCHACA: How much did the previous one cost?

GREG MANEY: The previous one cost about \$50,000 to file.

CHAIRPERSON MENCHACA: Wow, that's it just to get an update on what's happening--

GREG MANEY: [interposing] Yeah.

CHAIRPERSON MENCHACA: --next?

GREG MANEY: Yeah, yeah.

CHAIRPERSON MENCHACA: Connected to that, the-- You know, I hinted it--I hinted at it in my opening that we're--we're in a moment of development here in the city. And so much of that is absolutely right. We need to build new schools. We're building new affordable housing apartments, and with that brings more people, more wealth. And, therefore, I'm thinking a connection to more domestic work that

needs to happen just in general restaurants. And so how does your study look at waves like development that like walk into a-- Or, are a city like New York and how that affects and human trafficking--

GREG MANEY: [interposing] Well--

CHAIRPERSON MENCHACA: --and specifically labor.

GREG MANEY: Right. Well, that's exactly why we need or wanted to do more study.

CHAIRPERSON MENCHACA: Okay.

GREG MANEY: So having one every five years we can then get a sense for what's going on in the economy both locally, regionally, nationally, internationally. And, you know, what's going on with government funding--

CHAIRPERSON MENCHACA: [interposing] Right.

GREG MANEY: --and we can, you know, make a more informed assessment of how the context is impacting levels of trafficking. You know, different types of trafficking, where people are coming from. If they're coming from elsewhere, you know, because a lot come from the area--

2 CHAIRPERSON MENCHACA: [interposing]
3 Right.

4 GREG MANEY: --who are trafficked.

5 CHAIRPERSON MENCHACA: [interposing] So
6 this is a good moment for a restudy and--

7 GREG MANEY: [interposing] Yes.

8 CHAIRPERSON MENCHACA: Got it.

9 GREG MANEY: Yep.

10 CHAIRPERSON MENCHACA: Next is I want to
11 get a sense from--from one of you who can-- Probably
12 all of you can answer this question, but one of you
13 to talk to me a little bit about what happens, and
14 this is a question I'm going to ask the other panels,
15 too. What's that moment in someone who's in the
16 labor trafficking situation where they finally say,
17 Okay, I'm going to do it. What--what's that thing
18 that makes them make that call, and makes them do
19 something to get out of that situation? Do you have
20 a sense about what that is?

21 SISTER JOAN DAWBER: I would just say
22 that their back's against the wall, and there's no
23 way forward, and so-- But it's a very, very
24 courageous step. I mean when you talk about domestic
25 violence you know it takes about five, six, seven

times for a person to leave before they actually leave. So for a person who is incarcerated in a house, and not permitted to connect in any way with the outside world, for that person to be able to know that, or make a decision to break free is a huge-- And it's different for every person.

CHAIRPERSON MENCHACA: Yes.

SISTER JOAN DAWBER: It's absolutely different for every person.

CHAIRPERSON MENCHACA: And really what the question for us, and this is going to be a long-term conversation. Again, that's the commitment for this--for this committee is really understand where government comes in and offers that one, or to kind of create a larger experience for someone to say, yeah I'm trusting government because they're going-- they're going to catch me on the other side. And so, really beefing up housing, beefing up all the services that are on the other end. They've been able to communicate that, too. So this is something we're going to continue to explore in a big way, but thank you for that.

2 GREG MANEY: I just wanted to echo
3 something that my colleague said about the importance
4 of, you know, publicizing over the radio--

5 CHAIRPERSON MENCHACA: [interposing]
6 Yeah.

7 GREG MANEY: --and television because for
8 those who are domestic workers. So it's being
9 desperate, but it's also having opportunities and
10 information.

11 SISTER JOAN DAWBER: [interposing]
12 Information, too.

13 GREG MANEY: And, you know, in terms of
14 one hotline to call. So, the National Human
15 Trafficking Resource Center 1-888-3737-8888. Because
16 there's been-- I think I might have left out an 8
17 there. There's, you know, reports that the local
18 help lines haven't been particularly helpful for
19 human trafficking survivors. So sex trafficking
20 survivors who get put onto DV hot--domestic violence
21 hotline, they're often not given the necessary
22 services.

23 CHAIRPERSON MENCHACA: Right, and--
24
25

2 SUZANNE TOMATORE: [interposing] My
3 understanding is that 311 is supposed to transfer
4 people to that hotline--

5 GREG MANEY: [interposing] Yes..

6 SUZANNE TOMATORE: --but I think we
7 should verify that because it's been some time since.

8 CHAIRPERSON MENCHACA: Yeah, and part of
9 the study is really understand the multiple ways that
10 people are being able to connect, and make that--make
11 that firm and confirm all those ways of connection.
12 And we've got to repeat it, and radio and TV are good
13 ways to do it. Just figuring out how to do that
14 that's funding. And, working with our partners on
15 television and radio to make that happen as public
16 service announcements. And that's something we've
17 already been doing on the barrio [sic] since we're
18 going to want to do that here on trafficking. And
19 the last question, you mentioned transgender
20 survivors a couple times, Sister Joan. Can you talk--
21 -can you just talk to me a little bit about that
22 particular experience?

23 SISTER JOAN DAWBER: Yeah. We, in fact,
24 have in our Safe House a woman who's transgender.
25 Absolutely wonderful, and it's just wonderful to be

able to provide this service for her at this point in time, and be able to support her in her schooling and her education, et cetera. It gives her a place where she can feel completely safe, and unharrassed by the world in terms of the trafficking situation. So, it's-- For her it's been a very important opportunity, and we're open to that and want to be able to provide it.

GREG MANEY: Okay, and those providers who are open to that should be rewarded because our research indicates that there are a number of providers who put eligibility restrictions, and don't believe that they're capable of servicing transgender trafficking survivors.

CHAIRPERSON MENCHACA: Yes. Well, if they're receiving any funding from the City of New York, not only are they required to, but we are mandating that in a real way. And making sure that every--every single dollar that goes out for services is open to every New Yorker including the LGBTQ community. And so, that's why I wanted-- We're going to follow up more on that. And really on a final note for this panel, I just want to say that so much of the services that are needed post-- You

know, walking out of the condition are what New Yorkers need period; housing, education, access to language services. All these are things that all New Yorkers need. And so, it's just that gap where-- where we get them out of that condition, and into access of services that's critical. And so, this is just a larger conversation that we need to get right for all New Yorkers no matter you are in the city. So thank you.

GREG MANEY: Thank you.

CHAIRPERSON MENCHACA: Our next panel-- Thank you so much again. A three-person panel. Meredith Dank from the Urban Institute. Irene Jor from the National Domestic Workers Alliance. You can come up to the desk, and Lucia Goyen from the Institute of Justice.

[pause, background comments]

CHAIRPERSON MENCHACA: You can begin when you're ready.

[background comments]

MEREDITH DANK: My name is Meredith Dank. I'm a Senior Research Associate at the Urban Institute. Thank you very much for having this today. I think it's really important to highlight

labor trafficking, and I am excited to be here to be able to talk about a study that we released last year. Before I begin, the Urban Institute is a non-profit, non-partisan research organization, which is based in Washington, DC. I will be submitting a written testimony after the hearing, but before Monday. I don't have it ready for today. I just want to talk a little bit about our study, which was funded by the National Institute of Justice. It was released in October of last year, 2014. It was 300-page report. So there is a lot of information in there, which I'm not going to go over all of it today. I'll just kind of highlight some of the statistics and facts that we were able to document in that report.

The study examined the organization, operation, and victimization of labor trafficking across multiple industries in the United States and analyzed the use of force, fraud, and coercion throughout the victimization process. Including victim recruitment, any movement in pursuit of the job, acknowledging that movement is not require. Efforts to seek help, and escape and assistance. Related crimes by third-party facilitators and links

to other illicit activities were also documented within the report. Data for the study came from 122 closed labor trafficking victim service provider records from service providers in four U.S. cities. We did not identify those four U.S. cities. We need to keep them confidential.

Additionally, interviews were conducted with labor trafficking survivors; local and federal law enforcement; legal advocates and service providers in each site to better understand labor trafficking; victimization experienced, the networks involved in labor trafficking; and the escape removal process; and the barriers to investigation and prosecution of labor trafficking cases.

So all of the victims in the study, so 100% of the victims were foreign born, and immigrants working in the United States. The vast majority of our samples, 71% enter the U.S. on temporary visas. The most common temporary work visa. Visas included H2A and H2B Visas for work in agriculture, hospitality, construction and restaurants. Our study also identified [bell] a number of female victims working in domestic servitude, having arrived in the U.S. on diplomatic or business Visas or Tourist

Visas. Immigrants who entered the U.S. without authorization, ones most commonly trafficked in agriculture and domestic work. Labor trafficking victims face a multitude of civil and criminal forms of abuse committed against them including, but not limited to wage theft, employer control of housing, food and transportation, document fraud, withholding documents, extortion, sexual assault and rape, discrimination, psychological manipulation, coercion, torture, attempted murder, and violence, and threats against themselves and their family members.

Immigration status was a very powerful mechanism of control with employers threatening both workers with Visas and unauthorized workers with arrest as a means of keeping them in forced labor. Control of a worker's immigration status whether on temporary Visas or unauthorized is one of the most powerful mechanisms of control used to keep recruits crews in forced labor. Despite 71% of our sample arriving to the U.S. for work on a Visa, by the time the victims escaped and were connected to service providers, 69% were unauthorized. [bell] Okay.

CHAIRPERSON MENCHACA: You can finish up because I know that--I think all of us are going to try to get to the other pieces of it.

MEREDITH DANK: Sure. I'm almost done. [laughs]. By and large we're talking investigations. We're not prioritized by local and federal law enforcement agencies. This is consistent across all study sites and across all industries on use of labor trafficking. The Department of Labor is also rarely involved. Survivors mostly escaped on their own. Fifty-nine percent escaped on their own. Whereas, 38% escaped by the help of a community member and lived for several months or years before being connected to a specialized service provider. A lack of awareness and outreach coupled with their fear of being unauthorized during this time inhibited their identification. Policy and practice recommendations. We have a number of policy and practice recommendations listed in the report, which we'll be submitting for the written testimony.

CHAIRPERSON MENCHACA: Thank you, and I hope it's still-- With all the statistics you can write all of them down. We really want to have a good sense about what those are. Thank you. I'm

sorry for the time. We just want to make sure that we get through all the people who want to testify today. And so, if you can maybe concentrate on things that we haven't yet heard, or on new ideas that would be great in your testimony, and we're doing it at three minutes. Thank you.

LUCIA GOYEN: Good afternoon. Thank you so much for giving me the opportunity to testify. I'm Lucia Goyen, a Research Associate at the Vera Institute of Justice. We are--our mission is to make justice fair and more effective through research and innovation. And since this--since 2006, Vera has been working to research and develop reliable and effective trafficking victim identification practices. Because, as you know, the first step to connecting victims to services is to identify them. It's just difficult for various reasons.

In 2014, Vera was able to complete a two-year study also funded by the National Institute of Justice called *Improving Trafficking Victims Identification* where we 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. The

tool has statistically validated 30 topic questionnaires designed to elicit evidence of trafficking victimization. We've also created a shorter 16-question version for use during initial screenings or shorter encounters. For our study, our 11 partner agencies around the U.S.--which some are here today. So it's good to see them--interviewed over 180 clients. Over half of which were found to be trafficking victims. And in that, we had a small sample of domestic workers specifically. Statistical analysis found that 71% of the questions on the tool were significant predictors of labor trafficking. Specifically, many of which can be used for domestic workers. And these questions related to things like migration; working and living conditions; abusive labor practices; and forced fraud and coercion.

So some of the questions just to give you an example--and our longer written testimony has some more of them--were things like: Have you ever worked without getting the payment you thought you would get? Did anyone at your workplace make you feel scared or unsafe? Did anyone harm or threaten to harm you? Or, could you feel--did you ever feel like you could

never--you could not leave the place where you worked or lived. But having the right questions to ask potential trafficking victims is only part of what is needed for identification. So, the effectiveness of the tool really hinges on its appropriate use, and that means building trust between screens and potential victims. So we also created a user guide to go along with the tool to help organizations and agencies build the proper environment in which to ask these questions. So we have both versions of the tool, and this user guide all available online for immediate use. So we want everyone to use it. It's at [Vera.org/outoftheshadows](https://vera.org/outoftheshadows). And we're also available to answer questions about the tool, and our research at any time. We do have some limited funds to do webinars about this tool in the coming year. But we're always seeking new funding to do full-scale trainings and more robust technical assistance. So we really hope the organizations and agencies here today will think about integrating this tool into their work to help with identification practices. Because really with its increased use, we can bring more victims out of the shadows and give them the chance for a better life. Thank you.

CHAIRPERSON MENCHACA: Thank you so much.

IRENE JOR: Good afternoon. My name is Irene Jor and I'm the New York Organizer with the National Domestic Workers Alliance. In the 1990s, many of the countless domestic worker abuse cases that organizers from our movement took on involved survivors of trafficking. Like many of the statistics mentioned, I think it really points to the fact that domestic work is a continuum, and where domestic work is devalued, where immigrant lives are 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 [laughter] build survivor leadership, and promote a community organizing approach to end human trafficking. The campaign is anchored by member organizations included Damayan and Adhikaar [sp?]. Both work directly with survivors at all stages of their trafficking experiences. They help survivors get to safety, secure emergency health in housing services, and stabilize and rebuild their lives in the long term. Furthermore, they make it possible for survivors to go through their healing

process. As, Lydia pointed out, in their chosen community. Organizing has enabled survivors to break their isolation, to develop their leadership, eliminate chances of being re-trafficked while also preparing the community that is attached to that organization and in their neighborhood to be able to identify and respond to trafficking collectively. We know that Damayan and Adhikaar and many of our other affiliates are onto something really incredible. We hope the committee will seriously consider the following recommendations:

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. To be very explicit, we need more organizers on the ground. We need more support for those special people who are--have the talent to really synthesize, to connect providers together. To connect providers with victims and survivors.

2. Update the New York City Human Rights Law to offer inclusion to domestic workers who currently are excluded. And also, expanded and

encompassing unique discriminations that are facing this industry.

3. Educate diplomats who come to work and live in New York City about laws that do apply to domestic employers and apply meaningful consequences when they don't comply.

4. Improve the process in which trafficked workers can obtain certification for adjustment of their status while they're helping to prosecute their trafficker. The City has taken an important step already in passing landmark legislation to limit cooperation with immigration detainers, and we applaud this.

5. Partner with domestic worker organizers to launch community outreach programs that have to do with the New York State Domestic Worker Bill of Rights, and other rights that are afforded domestic workers now.

To end, I want to read the following statement from a worker leader, who is a former trafficking survivor. I think it really gets at the heart of sort of that moment that the council member had pointed out and asked the question about. It

really gets at the heart of why this strategy of organizing is so important.

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

CHAIRPERSON MENCHACA: Thank you for your testimony, and [bell] and thank you for the work that all of the organizations give. I have a couple questions that are part of the--just the basic 101 knowledge that I'm hoping when people kind of catch this hearing in their homes that they can kind of get a better sense. Irene, can you define for us what it is--the definition of a trafficked--of essentially a

1 traffic survivor is? And just kind of walk us
2 through that basic understanding of what that is.
3 And really, I think there are two questions, and
4 maybe someone else can take a second question. Is
5 defining what a traffic survivor is, and also the
6 traffickers themselves. I think that's the other
7 kind of component to this. I think we've been
8 talking a lot about the different agencies--domestic
9 workers that maybe this panel can kind of get to the
10 heart of the two--the two sides and the two angles to
11 this question.
12

13 IRENE JOR: So I know Adhikaar will
14 testify later--

15 CHAIRPERSON MENCHACA: [interposing]
16 Okay.

17 IRENE JOR: --and I think they'll speak
18 to this really, really well.

19 CHAIRPERSON MENCHACA: [interposing]
20 Okay, we can save it then.

21 IRENE JOR: Let's save it--

22 CHAIRPERSON MENCHACA: [interposing]
23 Okay.

24 IRENE JOR: --because I think in the
25 testimony it actually is really well laid out.

CHAIRPERSON MENCHACA: Okay.

IRENE JOR: But I would like to say sort of on our part in the domestic worker movement part of our strategy is engaging employers. It very much is about the market. It's about the economy. It's about the democracy, and for us it's about being part of an international community where local and regional are accountable. [sic] And New York City for such a global city, it's possible for us to do that, and it's key for us to do that. That must be the reality. Diplomats are residents. They are community members, and so rather than just simply want to condemn them, we want them to be good employers. We want them to be engaged with workers who come into this agreement as trafficked workers believing they are workers. Believing that they have rights to things perhaps. But then later without a written contract, without certain rights, without knowledge of those rights they are not able to assert their identify as worker, as a human being and also as a community member in New York City.

CHAIRPERSON MENCHACA: Yeah. I totally agree completely and that's exactly the accountability that we can do here. And kind of

elevate that to not only the consulates and the embassies, but also our restaurants and other kind of domestic worker items. Does anybody else want to chime in on--

MEREDITH DANK: We can always talk about statistics around the traffickers from our study.

CHAIRPERSON MENCHACA: [interposing] Yes.

MEREDITH DANK: We have information on 169 of the suspects and 70--68 of the 72 studied cases. We looked at 122 that were not even-- So 78 of those were unique--72 of those were unique. So looking specifically at domestic work and the breakdown of the traffickers, 61% of the traffickers were male; 39% were female. The average age of the trafficker was 49 years of age. Twenty-four percent were U.S. citizens and 76% were non-citizens. So-- and then we have again in the report even more information about the traffickers like is there at least broad overview of the statistics wise.

CHAIRPERSON MENCHACA: Yeah, thank you. That's helpful. This is all part of uncovering the entire--what this looks like. We need to put a face to this. We need to put information to this, and the

statistics are going to be helpful. So I'm looking forward to that report. Thank you.

CHAIRPERSON MENCHACA: We're going to bring up the next panel, and the next panel includes Legal Aid Society, Hollis Pfisch, and Catholic Migration Services, Alice Davis; Urban Justice Center, Crystal DeBoise. Is that right? Come over to the table.

[pause, background noise]

HOLLIS PFITSCH: I'm going to get started.

CHAIRPERSON MENCHACA: Thank you.

HOLLIS PFITSCH: Thank you. My name is Hollis Pfitsch. I'm a staff attorney in the Employment Law Unit at the Legal Aid Society. I'm also a proud member of your district, Council Member Menchaca. Thank you for taking testimony on this very important issue. Our Employment Law Unit at Legal Aid has represented many domestic workers who are trafficked into the United States, and have faced extreme exploitation here. While there is now a critical network of community-based organizations and legal service providers, many of whom you're hearing from today, who are providing services to survivors,

we believe they're really only reaching the tip of the iceberg. There are many more workers who need our assistance, and the City should be actively involved in ensuring their safety and bringing their traffickers to justice.

I'm going to go right to our proposals, and in our--but in our written testimony we've provided a couple of stories of our clients. And talked a little bit about the particular issues that we think are the most--should receive the most attention, one of which we've heard a lot about today, the diplomatic immunity problem. Which I think we in New York City have a particular responsibility to address because we do have such a big diplomatic consulate community. So our proposals--one of our proposals is modeled after a proposal that's being considered in Massachusetts right now. The idea would be to get work to work--for the city to work closely with the Department of State to extent possible to get information about who's bringing workers on the Visas that we think are most--that are most targeted for exploitation of domestic workers. Trying to get that data from the government, and coordinate outreach to the employers

and the workers. Finding people essentially, and I think that city resources could go into this both within the city itself, but also to community-based organizations who are the ones who are already finding people. But with additional information from the State could really--from the Department of State could really be active in just touching base with people here, making sure that they're safe. Educating both the employers and the workers about their rights.

Then in addition, our second proposal is to increase funding. You've heard this from other as well. I think particularly to the community-based organizations and workers' centers you're hearing from today. I think all of our--all of our clients at Legal Aid who have been victims of trafficking have come to us from a community-based organization. We couldn't do our work without Adhikaar, Damayan and the New York Asian Women's Center. They both find the people, and then while we're doing--we do provide immigration representation, and then also represent them in seeking compensation for their claims. But they really make our legal work possible. They're interpreting, they are supporting the worker

throughout the process. They're educating us about the cultural dynamics of coercion in the--in our client's particular situation. So, [bell] I think expanding funding-- I'll just quickly mention the last two proposals. Utilizing the City Commission and Proposal, and echoing Irene's proposal that the-- of a four-person requirement in the City Human Rights Law needs to be eliminated. And particularly that would help in the domestic worker context.

And then finally, I think the City has a particular role with respect to diplomats and Consular Officers. I think city officials should be involved in mediating disputes where we aren't able to bring cases because of immunity. The City could work closely with federal officials and mediate disputes with Consulars, with diplomatic officials sending a strong message that the city won't want the exploitive employers even if they're technically immune from prosecution.

CHAIRPERSON MENCHACA: Yeah. Absolutely, and I'm really looking forward to engaging as the Chair of the Immigration Committee on that one topic. And really almost being unafraid of engaging in that kind of conversation. And that's just something that

this government is going to--is going to do in a real way. So thank you.

CRYSTAL DEBOISE: Good afternoon. My name is Crystal DeBoise and I'm the Managing Director of the Sex Workers Project at the Urban Justice Center. We're the first and longest running program in the nation to provide--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 trafficking and sex workers, working to create policies that promote their rights and programs that aim to confront conditions in which trafficking flourishes.

I was asked to speak today about LGBT survivors or labor trafficking specifically domestic labor trafficking. And I was excited about this because it's something the Sex Workers Project is typically not known for, but it's something we've encountered quite a bit, and we're doing extensively. Also, I was excited because this request demonstrates the reality that human trafficking is complex and involves many intersecting issues. I'm also pleased the City Council members opening this dialogue with

an emphasis on labor trafficking, an issue that is under-represented in the public debate on trafficking.

New York City is the leader in the nation for progressive thinking and putting progress into action. The national environment is one in which trafficking is often placed into hierarchies of sensationalized sex trafficking and almost invisibilized labor trafficking. And actions taken are often based on emotion rather than pragmatic solutions. We can lead the way in New York City 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 of us are already working on these issues in New York City. But without realizing it, the 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 trafficking survivors I have

learned that human trafficking is not 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's a symptom of a variety of dysfunctional systems that leave so many in vulnerable situations. Safe home-- safe homes for--and homeless 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, preventive, and don't leave out LGBT survivors.

First, promote community-based solutions that don't involve policing. A John Jay 2008 Study of Commercially Exploited Youth in New York City showed that 81% of males; 63% of transgender individuals; and 50% of female youth, who are arrested for prostitution had already been arrested for other crimes. Criminal justice approaches to fighting human trafficking have had their 15 years in the sun. It hasn't worked. We clearly miss why with lots of experience, they're happening to this population when we locate the moment to choose to engage with them in criminal justice system. Community group engagement not only provides

meaningful assistance [bell] to trafficked people,
but it is also an act of prevention.

My second suggestion is to commit to
providing equal resources to all forms of
trafficking. We cannot contribute to a bifurcated
hierarchy of sex trafficking and labor trafficking
when labor trafficking is relegated to a topic that
is not given as much attention and resources.
Further, human trafficking can be present in many
different industries even within the same life. Many
clients could be--have their experiences crossed by
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? First, is the amount spent on
investigations into labor trafficking cases, and the
amount given to community NGOs.

Once again, I commend the Committee for
attention to this issue. For highlighting the
complexities and intersecting issues that are
involved. And for making a commitment to
thoughtfully addressing the trafficking in New York

City. We can be leaders in the nation on how to do this effectively and preventively.

CHAIRPERSON MENCHACA: Thank you.

ALICE DAVIS: Good afternoon, and thank you Chairman Menchaca for-- I'm sorry.

CHAIRPERSON MENCHACA: Closer to the mic, please

ALICE DAVIS: Okay. Oops, is that better?

CHAIRPERSON MENCHACA: That's great. Thank you.

ALICE DAVIS: So, I am from Catholic Migration Services. I'm a staff attorney in the Immigrant Workers Rights Program, and we provide legal services to low-income immigrant workers. I've--I dealt with trafficking victims by representing them in their wage and hour cases, and other claims related to trafficking. As well as petitions for immigration relief as a result of being trafficking victims. So I'm here today to testify about the issue of domestic workers. So, to echo what a lot of people have said, as you probably know, law enforcement certification is sort of the first step and entry point for service for trafficked

workers. And, you know, this certification is crucial for obtaining just the very basic state emergency cash assistance for which they're eligible. And also for obtaining U and T-Visas later down the line. The problem is that as an advocate it can be incredibly difficult to get that certification, and get the investigation going that allows these workers to seek those benefits.

So, just to very quickly share an anecdote, one of my very first clients at CMS was a trafficked domestic worker. And we actually had a nightmarish time trying to get law enforcement involved. She came to my office during the day with the infant that she cared for asleep in a stroller, and said that she wanted to leave. She couldn't leave right then because she wouldn't leave the children unattended in house. At the same time, she didn't want to be caught by her employers trying to leave in the middle of the night with her belongings. So after consulting with some colleagues, I was told that we could get a police escort for her. So I went down to the precinct to request one, and they said that they couldn't do that without a temporary

restraining order in place, or without me reporting a crime.

So I said I was there to report the crime of labor trafficking. And then they said, Well, was she kidnapped? And I said, Well, no she wasn't kidnapped. She came here on a Visa. And they said, Oh, that's not trafficking. So, then right away we had this problem where I couldn't even report a crime in progress. So I ended up reporting this as the crime of the assaults that had previously taken place in the house. And then they, of course, acted immediately, and they showed up before she was ready. She hadn't collected her belongings. I wasn't permitted to go because they said it's a--it's a volatile, you know, situation. They could potentially be making an arrest. So from the get-go the whole thing was--felt very botched, and I wasn't allowed to be in the room with her while she was being questioned.

I understand that that's something that sexual assault victims can have advocates in the room. Labor trafficking victims aren't entitled to that. They later tried to question me as a witness, which felt inappropriate because I was there as an

advocate. And then sort of to top it all off, there really was never an investigation for the labor trafficking claim. [bell] And, I'll just very briefly finish this up. We never got the records from her interactions with the police. Even after we sent a FOIL request, they--you know, they said it was confidential. So now, we have no investigation and we have no-- You know, this could very easily impact her T-Visa application because there was no investigation, and no records. So, just as our recommendation, it would be really to train the law enforcement organizations who are most likely to encounter trafficking victims. And also to create a uniform policy so there's not this confusion about what their rights are, especially, you know, regarding advocacy during this investigation process. So thank you.

CHAIRPERSON MENCHACA: Thank you, and before the panel goes, I want to--I want to just further drill down on that. What would that look like for you on-- Because ultimately really clearly the request is to train our law enforcement to have a better understanding of (1) the law, but (2) a better sense of how they can be helpful in cases like this.

And where they work with the precinct captains to be helpful in this kind of step-by-step process. And clearly, we're identifying here a really kind of difficult, and tricky case-by-case scenario. This isn't a--this isn't a fire that we're responding do. This is--this is a kind of human situation.

ALICE DAVIS: Yes.

CHAIRPERSON MENCHACA: Do you have a suggest--do you any recommendations on what if a program were to get funded, what that would look like. And are there--are there resources that you can--that are already available for them--for them to be deployed?

ALICE DAVIS: Well, I would--I would sort of imagine that it would be more similar to what's in place for domestic violence victims. And the reason why I say that is because especially for domestic workers they're in a home setting. And it's very different from a workplace setting otherwise because there's frequently children involved. And they--you know, they usually--you know, they often live in. They live with their employers. So in that ends, as has been previously mentioned, there is a relatively high incidence of sexual abuse. So in that way,

they're almost more similar to domestic violence victims and sexual assault victims than they are to other victims of labor trafficking. And so I think that the protocols in place should mirror those.

CHAIRPERSON MENCHACA: That's a really clear suggestion. Thank you. And I'm also wondering about the-- You know, what happens if a victim needs services that are not offered by your organizations. And so how you--how you can partner up with other organizations to offer that full range?

CRYSTAL DEBOISE: At the Sex Workers Project we provide legal and social services on site. So if we need for instance shelter, we work with some of the people in the room, and also community groups. There aren't enough shelter beds. And in some cases for instance for transgender survivors, there are almost no shelter beds. So many times the--our social workers are pulling together resources. We've paid for hotel room. We've worked with-- In one case, we worked with college students who had a room free in their house, and they were willing to let a trafficking survivor live there. So we've sort of pieced together a lot of different solutions for things. But, you know, in the beginning there is a

movement against human trafficking. We kept thinking well, it's the beginning, but it's pretty far along now, and we still don't have certain basic things that we need especially for labor trafficking survivors. So I think we're all working together to piece together the resources that are necessary.

CHAIRPERSON MENCHACA: And just to drill down on the housing question. What sources or I should say what needs have not yet been met in this kind of ecosystem of services? Where have you just gotten to zero at this point? Is there anything that's--

HOLLIS PFITSCH: I think that the--once you've provided the legal--

CHAIRPERSON MENCHACA: [interposing] If you can pull it closer to you.

HOLLIS PFITSCH: I'm sorry. We're doing the legal representation, and so we're referring to the social services providers for these kinds of things. We think emergency housing on a short-term basis right at the particular crisis moment is what at least I've seen with our clients to be where everyone is scrambling and there is a gap. But I'm sure they can speak more--

CHAIRPERSON MENCHACA: [interposing]

Okay.

HOLLIS PFITSCH: --broadly to that kind of longer term need.

CHAIRPERSON MENCHACA: Great.

ALICE DAVIS: [off mic] I just have one more thing to add.

CHAIRPERSON MENCHACA: Sure. Go ahead.

ALICE DAVIS: Not only short-term shelter, but we don't have the transitional housing. So for instance if someone gets out of trafficking, they may not have the work permit for a while or even if they get their work permit, they may not have access living wage jobs. So if they end up working at a restaurant or something like that, they can't afford the rent in New York City. And so, I think this is a big systematic issue that we don't have the transitional housing. We have short-term shelter, and then, you know, not very many transitional housing options. So that's a huge gap in services.

CHAIRPERSON MENCHACA: Great, and then that kind of connects to domestic violence services and how that mimics a kind of similar situation for emergency transitional housing. And wraparound

services to connect to jobs, mental health, all the other social services. Okay. Thank you. Thank you to the panel, and we are at our last panel here with four panel members from Asian American Legal Defense and Education Fund, Ivy Suriyopas.

IVY SURIYOPAS: [off mic] Suriyopas.

CHAIRPERSON MENCHACA: Suriyopas. There we go. New York Asian Women's Center, Larry Lee. Come on up. Adhikaar, Raji Manjari Pokhrel. Is that right.

RAJI MANJARI POHKREL: Yes.

CHAIRPERSON MENCHACA: And then Human Rights First, Annick Febrey.

[background comments]

CHAIRPERSON MENCHACA: And this is our last panel, but is there anybody else that wants to join the testimony today? Okay, great Thank you. If you want to, begin.

IVY SURIYOPAS: Hi. Good afternoon. My name is Ivy Suriyopas. I am a staff attorney and the Director of the Anti-Trafficking Initiative at the Asian American Legal Defense Fund. AALDEF is a national organization that protects and promotes the civil rights of the Asian American. Since 2005, I

have represented trafficking victims and survivors including a number of domestic workers and their applications for T-Visas and immigration relief. I've served as a criminal justice advocate as they have cooperated with law enforcement. And the investigation and prosecution of cases--of trafficking cases. And I've represented survivors as they have sought to obtain economic justice through civil litigation and restitution recovery. We have talked a little bit about statistics, but I just wanted to address some recent report. The gross oversight of the government to identify and combat labor sectors such as domestic work, hospitality, agriculture, restaurants, manufacturing and other low-wage industries. Contrasted to the human trafficking cases the NGOS like those in the room are encountering on the ground. [sic] According to the International Labor Organization, which is highlighted in my written testimony, the vast majority of trafficking survivors, 68% are working in the labor industries. The vast majority of actual documented trafficking cases, according to the Freedom Network, is 73% throughout the United States including domestic work. And as Meredith Dank had

testified earlier, the Urban Institutes Labor Trafficking Research Report document the prevalence of trafficking that occurs in domestic work.

Just to pain you a picture, I know there have been some case narratives already shared, but, you know, to provide a broader picture there's the matter of the domestic worker from the Philippines who actually 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's the case of the Indonesian domestic worker who was forbidden from leaving the household, and gets merely \$200 a month for 126 hours of work per week. That translates roughly to 36 cents per hour.

There is the Korean domestic worker who has never--who was trafficked for 11 years, and the DA and her district refused to prosecute limiting her access to criminal justice.

There is the domestic worker from Bhutan who employer at the United Nations wields so much influence and power that she fears leaving her household.

And then there is the matter of the domestic worker from India who has escaped from her trafficking situation only to find another job where her employers refused to pay her overtime. And threatened 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 complexity--the lack of understanding of the complexity of human trafficking and all its form by the NYPD, by the District Attorney, even by 311 is problematic. Also, employers don't have the awareness or refuse to fulfill their obligations to their domestic worker employees. Domestic workers lack the knowledge of the rights [bell] under the law including the Domestic Worker Bill of Rights under New York. And obviously barriers to accessing public benefits and other vital resources to operate under fair and safe working conditions.

As we strive to improve better work balance--work/life balance, and we rely more heavily on childcare, we need to ensure that 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 employees typically who are on A-3 and D-5 Visas in these households. And New York should be at the forefront of protecting domestic workers. Thank you.

CHAIRPERSON MENCHACA: Thank you for that.

LARRY LEE: Hi, I'm Larry Lee. I'm the Executive Director of the New York Asian Women's Center. The advantage of going last I guess is that all of the important things are said. So you don't have to say it over again. But, we are the largest domestic violence, human trafficking, sexual assault and elder abuse agency focused on Asian survivors. And so we have a pretty broad work with trafficking survivors. And we just received a grant from the Office of Victims of Crime. So we'll be able to provide a variety of services, including Asian wellness services. But also I think very importantly we will have some capacity to do ESL programs, and an employment navigator. So we're adding more and more services because we think that's very necessary.

But I wanted to go back to what you started with in your opening statement when you

1 talked about the fact that there were 37 or so I
2 think certifications. Don't you think that's a
3 little odd when you think there are 11,000 people?
4 So maybe there's something wrong here, and maybe the
5 committee ought to look at whether or not the
6 standards that are promulgated by the Department of
7 Justice fraud, force and coercion actually are too
8 strict. And if there are other ways of looking at
9 it. So I think if you get to the fundamentals I
10 think that's very, very important because so much of
11 how we're doing things are predicated on this
12 Department of Justice on what is trafficking, and
13 maybe the perspective is different. Obviously, we
14 think it is very important to connect. We think
15 it's very important to have immigrant legal services,
16 and we think it's important to connect them with
17 social services. Naturally, we think that we should
18 really focus on things like not only making our
19 women--mostly our women safe and secure. But also
20 try to find ways as we work with them to help them
21 recover from trauma. Because that's one of the
22 things that, you know, we leave that the domestic
23 violence as well, we leave that to other people. But
24 we think the first people that meet with them really
25

should be working towards helping them in that area.
Thank you.

CHAIRPERSON MENCHACA: Thank you, and
very comprehensive. Thank you.

RAJI MANJARI POHKREL: Can you hear me?

CHAIRPERSON MENCHACA: Yes.

RAJI MANJARI POHKREL: Hello, everyone.
I'm really honored to be speaking at this gathering
today. My name is Raji Manjari Pokhrel, and I'm as
social worker at Adhikaar working with the Nepali-
speaking community in Queens. Our community helps
run New York City as domestic workers, nail salon
workers, gas station workers, restaurant workers, et
cetera. Adhikaar provides direct services including
English for Empowerment classes; citizenship classes;
wage theft clinics; healthcare enrollment. Now we
also sign up people for IDNYC appointments.
Referrals and language support for when members are
navigating legal or other systems like Family Court,
hospital visits, and other legal services. We
provide services and function as a community center
for an estimated 45,000 and growing Nepali-speaking
community in the city who come from Nepal, Bhutan,
India, Burma and Tibet.

We are only three full-time staff and three part-time staff, and we're fortunate to have volunteers from community assist us in our work. Our program is generated from the needs we saw in the community. Through our members' stories we have learned over the years that trafficking of domestic workers often by families who they already worked in the home country. And then they were brought to this country and for years they lived in fear and isolation. As part of National Domestic Workers Alliance and Beyond Survival and Income Indigent, working to prevent labor trafficking is at the core of Adhikaar's work.

Each survivor's story is unique, but there are some common denominators. While the employers ordered workers to lie on their Visa interview and retain their passport before or once arriving to New York, there was a lack of work contracts. And also of agreements that established agreed upon wage and hours of work. Workers were often 24/7 live and work conditions, and were only paid six months or two years, or whenever the worker pleaded to the employers that their family back home were in dire need of money. The money was then

directly sent to families in their home country. For many there was never direct payment or no payment at all. Worker's ability to communicate with families 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 common, some of the common things employers would say to crush any sense of self wishes or wants that workers had left.

Imagine living in such an environment for 10 or 15 years. In all cases, there has been long-term psychological abuse that affects survivors longer after they left the abusive situations. Survivors suffer from anxiety, depression, hopelessness and suicidal thoughts. This is what labor trafficking looks like. Survivors escape the

situation due to their underlying sense of self and inner strength. And with help from someone in the outside world, and individual or 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 recreate community and friendships. There are under a lot of financial pressure to support their families back home. Without any reference, it can take up to six 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 of these obstacles, survivors become leaders in the community. It's time that the City hears from their experience and the experiences of CBOs that work with them so that survivors feel supported. And we are happy that we're here today to start that process. From our-- And now, I'm going to go into some recommendations. From our work with survivors, we have learned that the first five months of leaving is very crucial, and survivors are the most vulnerable in these months. Survivors are either alone or in some cases with their family if

the T-Visa goes through and the survivor is brought here. They need financial assistance for the first few months especially to secure stable housing. Only without the fear of being homeless can they start to re-gather 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. Right now the Department of Justice does give some assistance, but it comes really late. And there are some services that give reimbursements, but that's assuming that they have money so, you know-- And in these situations Adhikaar [sic] provided financial assistance. But with a growing number of survivors, we do not have enough funding to provide assistance to everyone.

Mental health is also another pressing need. I think what's worked especially with Beyond Survival group is that having a support system, support circle where workers who were survivor leaders can talk with recent survivors to share their experience and involve those workers. I think especially we've talked about workforce development also, and that needs to happen with survivors at the center. We're thinking about them. We were looking

at trainings. Another recommendation is that in New York City according to the Mayor's Office of Immigrant Affairs, it's the--it's home to the largest diplomatic and consular community in the world, 193 permanent commissions, 115 consulates, and headquarters of the United Nations. So we can no longer tolerate diplomatic immunity because it's become a tool for abusive employers to escape.

I think the past retreat for Beyond Survival I think that was the most pressing issue for survivors that we need to do something about diplomatic immunity, and it's no longer just a State Department issue. And the other people are rich employers. They also buy immunity with their money when they bring workers from their home country to New York City. So we need the City to be more proactive. We need the City to engage with the State Department and create measures to connect the workers with organizations like our so we can prevent labor trafficking. I think better enforcement of the Domestic Bill of Rights so that workers when they file for wage theft claim, they have to wait a long time. Often workers either end up in the same situation. And most important of all, I think New

York you need to continue to engage us the New York community in the planning and decision making as we move forward. I think one of the recommendations that our leaders from Adhikaar had was that we need to have confidential hearing sessions where survivors who cannot talk publicly yet can come together to speak with you, and tell them their stories. Because I'm just a medium telling--telling their stories. Thank you for your time.

CHAIRPERSON MENCHACA: So thank you for your testimony, and Raji, I just want to say thank you for-- You called yourself a medium, but I think that you're really bringing that sense of urgency here in a very, very real way. And I want to follow up with on designing a safe space to have these conversations. This is, again, just the beginning of a long-term commitment that this committee is going to have with the City Council on all these topics. And you just gave, you know, the sense of storytelling, the real face of it. You gave that face in a real way. So I just want to say thank you for doing that. Thank you. And then Annick?

ANNICK FEBREY: Annick.

CHAIRPERSON MENCHACA: And the last name Febrey.

ANNICK FEBREY: Febrey.

CHAIRPERSON MENCHACA: Febrey.

ANNICK FEBREY: Yes.

CHAIRPERSON MENCHACA: Okay, thank you.

Thank you. I'm Annick Febrey, Senior Associate for Human Rights First Anti-Trafficking Campaign. Thank you, Chair Menchaca for hosting this important hearing, and for the continued work of the committee on behalf of vulnerable workers. Human Rights First is an independent advocacy organization that challenges America to live up to its ideals. For more than 35 years, we've built bi-partisan coalitions and teamed up with frontline activists, lawyers, and businesses to tackle human rights issues that demanded American leadership. This is the purpose 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. And 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 any victim.

Slavery is the fastest 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 Labor Organization estimates that near 21 million people are enslaved globally, the State Department's most Annual Trafficking of Persons Report 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 far away. The truth is that it happens everywhere across the globe including in the United States and here in New York.

But there is a lot that we can learn from our experiences internationally that can help us combat trafficking here locally.

I've spent time in South India where working with families that have been trapped in slavery in rice fields and brick kilns. They are in search of and are 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 the recruitment fee in a matter of months. They find themselves forced to endure back-breaking work for 14, 16, sometimes 18 hours a day. They're paid low or no salary often under the guise of owing their employer for providing housing. This housing lending is little 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 families aren't allowed to leave the property.

New Federal Regulations that are meant to protect foreign workers overseas 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 and any trafficking related incidents.

Companies should only use recruiting 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 typically--that typically protect workers don't apply. One additional challenge in addressing labor trafficking is, and especially in the domestic work industry, is that it's hard to spot. As others have said, there are misconceptions that trafficking requires movement of the victim, or is often confused with smuggling them 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 best to serve victims once identifies.

We echo others who have recommended training for all relevant city officials and employees to recognize trafficking, and to know who to call when they identify potential victims. We also second the recommendation that others have made to streamline trafficking with law enforcement in the way that domestic violence has been previously. Further, law enforcement and service providers need to be coordinated at all levels, state, federal, local and travel. Without a comprehensive approach, combating 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 issues 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 the 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's 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. Thank you.

CHAIRPERSON MENCHACA: Thank you. I mean I think you're all laying an exact road and path to a change in the system. This is an international system that is broken, and it's right here in our own back yard. And so, I have a couple questions before we end and I'll speak, or I'll direct this to Mr. Larry Lee. I'm thinking about people, everyday people. They can be helpful. I'm thinking about agencies that can be helpful to ensure that people who we employ are not being forced against their will. So do you have any suggestions? And I'm thinking about, you know, someone in my neighborhood, a mom from Brooklyn who hires a domestic worker on a contract, a nanny from Park Slope. I'm thinking about that person that's engaging in an economic or a

contract, and says--can ask them questions, or could be involved in this conversation. How can we--how can we do that?

LARRY LEE: [off mic] Well, let me say--
[on mic] Hello. I think the line between fraud, force and coercion is very, very narrow, and we have to think about that. And as we're doing that, when we reach out to people, regular people, we have to let them know in a lot of ways that we all have some responsibility. You know, trafficking is-- We have a role in trafficking. Whether we buy goods that people are making overseas that they're making without getting paid, we abetting trafficking in a way. So that I think that another way of looking at it besides at the individual is we also have to look at the companies that are-- Like Macy's and things like that, that are actually complicit in the sense that they are buying from them. So we need to force them to really have a bill of rights that say that they're not going to do this, and so forth. So we really need to work at it from that level, as opposed to just the--the one-by-one level. Because the one-by-one level is very hard, particularly if you're trying to reach the person who is trafficked. Then

you have another--you have another problem because they're so isolated. You know, we need to have a very extensive outreach program, and that may be done by-- You know, when we--when they do traffic--when they work with sex trafficking, lots of times they don't just send in the police. They send in the health code people to see whether or not they're violating health laws. Right, they don't have their massage license up and things like that. We have to use those ways of thinking about it as a way of really dealing with it, as opposed to just making it trafficking, trafficking, trafficking because otherwise, as I said, the standard becomes too high.

CHAIRPERSON MENCHACA: Thank you, and this is for Raji. Have you launched any campaigns or Adhikaar have they launched any survivor-led campaigns? And can you talk a little bit about what that looks like?

RAJI MANJARI POHKREL: I guess with the alliance work, we have the Beyond Survival group that meets, you know, every years as a retreat. And then within Adhikaar itself, we hold group meetings. But I think a lot of like our--our mission in Adhikaar is that it's not a--it's not--okay these are survivors,

and they go through these programs. So, as I mentioned, our English for Empowerment classes, you know, we have facilitators. Volunteers we orient them within the popular education framework. So we're not talking about just a regular ESL, and our curriculum talks about, you know, know your rights, what does trafficking look like. So those become sort of embedded into our day-to-day work. So when you say have they led campaigns yet? You know, they work with us, they work around immigration issues. They come and speak during community events, and then Do You Know Your Rights events where they share their experience and say, Oh, this happened to me. You know, see if it's happening to your roommate. They might not--they might be coming home every weekend and be in a trafficking situation, but they might not know it.

CHAIRPERSON MENCHACA: That's great, and let's figure out how we can work together in the Council. We do so--so much programming in our communities through our district offices, and District 1 district offices. It would be great to figure out how we can continue to-- And back to I think the core of this really fund, adequately fund

this kind of outreach. And while we think about radio and TV, like we talked about earlier, I think those rooms, the spaces when we're talking about the entire thing including IDNYC, for example, that we're putting the entire spectrum in the package of services for folks to be--to be newly engaged in this topic that again is so invisible.

So for-- Yeah, it's going. So for Ivy specifically, do the victims come to you? If they do, how do they find you specifically? Are there--is there a particular kind of campaign or outreach?

IVY SURIYOPAS: For all of them in particular we've received survivor referrals from a variety of different ways. Law enforcement is one way. Maybe a case has already undergone investigation and prosecution. A lot of colleagues in the room will cross-refer because we are a pretty tight-knit community. And someone who is social services provider might need legal assistance, or they are helping with immigration. And I help with the civil litigation piece. We've also done PSAs or Op-Eds. That has produced very little response. Mostly because--

CHAIRPERSON MENCHACA: [interposing]
That is in multiple languages as well?

IVY SURIYOPAS: Yes.

CHAIRPERSON MENCHACA: Yeah, I could see.

IVY SURIYOPAS: Yeah, we've done Talalog
and Chinese and Korean Op-ed and PSAs, both radio and
news. It doesn't always produce the kind of results
in terms of volume. We get other referrals maybe
general immigration assistance that's needed, et
cetera. Not necessarily trafficking point. What I
speculate is part of the problem is that a lot of the
trafficking survivors that I encounter don't have
access to a newspaper, or not necessarily a radio.
They get help through Good Samaritans or they go--
They manage to get out and find a medical
professional or someone to help them. That's usually
the Good Samaritans or some other community-based
organization that might know about trafficking, and
then they call us or they call the hotline, et
cetera.

CHAIRPERSON MENCHACA: What would it take
to create one kind of single coordinating system for
this?

IVY SURIYOPAS: What would it take?

CHAIRPERSON MENCHACA: For the referrals specifically, one kind of--one coordinating system.

IVY SURİYOPAS: I mean right now there's the National Trafficking Resource Center Hotline, the number that was stated earlier from Polaris Project but 311. Or, I know that there are booklets or different directories that the city has with like different organizations around the city. It's pretty thick. So I think it's kind of difficult to navigate for a lot of survivors--service providers when they're actually trying to thumb through and trying to find out who to help or who to help identify. I think a lot of it still has to be ongoing education and raising awareness to CBOs and frontline service providers. So that they know, you know, how to troubleshoot initial preliminary identifications. So that they can refer someone like to all the--or for anyone else in the room to do a deeper intake.

And can I also respond to your earlier question about what everyday people can do? I would also suggest conscientious consumerism when it comes to, you know, shopping or what-not in Park Slope or a co-op. People are so conscientious about looking for gluten-free, organic food, but they don't think about

how much it costs for that tomato to be picked? And how much it costs to pay that laborer. And when we start thinking about like the supply chain of like how those products are produced, maybe you also think about how much you're paying your domestic worker in your own household.

CHAIRPERSON MENCHACA: Thank you, and I think that's the note we're going to end on because what everyday people can do is actually pretty high in impact on this topic. And really all the topics that we're thinking. On equity and equality in the city, and we want to explore that kind of message because I think that we absolutely get that. And how do we get that out into our communities, into our neighborhoods, into our district offices that everything that we do has a--has a thought behind it that allows us to change the actual system, the economic system. And so with that, I want to say thank you to the entire panel, and really everybody, we're-- They clocked us in at two hours and 44 minutes. Our Immigration Committee hearings last a while, and part of that is it's really digging deep into the conversation. A year ago we started the commitment to a couple different things include New

York Family Unity project and bringing legal services to members who are in deportation proceedings. It's something that's never been done before. The IDNYC was a big legislative initiative that this committee took on. We took it on with the Mayor and we brought it to you, and we have those cards out into people's hands now. We're speeding up the process to get out there. That promise included opening doors of government for everyone. And this is part of this layer of commitment to the entire community. And everyone especially those who are living this invisible--who are feeling invisible to--in their circumstance, need to come out of the shadows. And so I also want to repeat that website, the Out of the Shadows website. It was given earlier. I don't know. I'm missing it here.

LUCIA GOYEN: [off mic] It's
vera.org/outoftheshadows.

CHAIRPERSON MENCHACA:
Vera.org/outoftheshadows. So let's get that--that word out. That's good. I think that's an important--important piece, too. This is not going to be easy. This is not an easy advocacy issue. This is going to be very, very difficult, but this is happening right

here in our back yard. It's happening with people who have immunity. There's--there's a lot of these barriers to entry for justice, and we need to very quickly identify things that have high impact. Because I think if we can send some strong messages with a couple of ways that we win in a big, big way where the DA finally works with the NYPD, works with one community. We create a resident empowered solution. We can change the models, and we need that critical mass to change to change the system. And so thank you, so much, and we're looking forward to the continued engagement on this topic. Thank you.

[applause]

[gavel]

1 COMMITTEE ON IMMIGRATION

136

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COMMITTEE ON IMMIGRATION

137

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 5, 2015