

## The Law

The **Trafficking and Violence Protection Act** (TVPA) lets trafficking survivors stay in the US for at least *three years*, describes the *penalties* for traffickers, and lists the *services* to which survivors are entitled.

The TVPA strictly defines the types of survivors who are eligible to stay in the US. To qualify for a **T Visa**, an adult trafficking survivor must have been subjected to a "severe form of trafficking" which involves:

- the use of force, fraud, or threats, AND
- involuntary labor servitude OR involuntary sex work.

**Exception** for trafficked children or youth: a survivor under the age of 18 qualifies for a T visa if s/he was induced to perform sex work, *regardless of whether subjected to force, fraud, or threats*.

The **U Visa** is available for trafficking survivors who have:

- suffered substantial abuse as a result of criminal activity, AND
- been helpful or are likely to be helpful with investigating or prosecuting the crime.

*Relatives* of trafficking survivors may also be eligible to stay in the US.

Trafficking survivors may also be eligible for *health and human services*, to the same extent as refugees.

## AALDEF

**Advancing the Rights of Women and Youth Trafficking Survivors:** This project provides legal representation to trafficked women and youth to insure access to quality human services.

**AALDEF:** Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) protects and promotes the civil rights of Asian Americans through litigation, advocacy, and community education on issues such as immigrant rights, voting rights, economic justice, hate violence, and police misconduct.

### Other Related AALDEF Projects

**Educational Equity and Youth Rights:** This project focuses on access to bilingual education, language access, anti-Asian violence in public schools, post 9-11 and gang profiling, school testing, and affirmative action.

**Defending Against Local Immigration Enforcement Initiative:** This project seeks to challenge the enforcement of immigration laws by local and state government entities and local/state infringement of the rights of immigrants through community organizing and education, policy advocacy, and litigation.

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## Advancing the Rights of Women and Youth Trafficking Survivors

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## Definition of Trafficking

Trafficking is the recruitment, detention, or receipt of persons through force, fraud, or threats for slavery, forced labor, or exploitation in a forced marriage or commercial industry (such as agriculture, manufacturing, construction, restaurant work, domestic servitude, or commercial sex work).

## Questions to Ask a Potential Trafficking Survivor

- Did you come to the US for one job or purpose, and then later discover the job was *different* than promised?
- Are you *forced* to work – for example:
  - as a servant in someone's home?
  - as a worker in a factory, farm, or restaurant?
  - as a sex worker?
  - doing housework for your spouse?
- Are you working for *no pay*?
- Were you told that you have to *pay off your debts* by working?
- Do you have to *ask permission* to leave the house, eat, sleep, or go to the bathroom?
- Did someone *take away your passport* and other identification papers?
- Have you or your family been *abused or threatened*?

## Myths about Trafficking

- **Trafficking is different from smuggling.** Smuggling is the voluntary crossing of international borders without inspection. While immigrants who are smuggled into the US have violated the law, people who are trafficked into the US and forced to work against their will are *protected by the law*.
- **Trafficking has similarities to domestic violence.** Traffickers obtain control over victims through physical or psychological abuse. Trafficking survivors are often extremely isolated, are undocumented, face language barriers, lack resources, feel powerless, and fear the stigma of coming forward.
- **Trafficking is more than the trade of people for prostitution or other sex work.** Trafficking survivors work in factories, farms, restaurants, construction, or private homes as domestic workers. Others are coerced into criminal activity or forced into marriage.
- **Trafficking survivors can be US citizens.** Survivors of trafficking include citizens, nationals, lawful permanent residents of the US, as well as undocumented immigrants.
- **Trafficking involves men, women, and children.** Trafficking survivors come in all sizes. Half of persons trafficked are children, and 80% of trafficking survivors are female.

## Identifying Trafficking Survivors

Someone may be a trafficking victim if one or more of the following is true:

- S/he is the victim of labor law violations.
- An employer or spouse has threatened her/his family.
- S/he is always accompanied by another person who seems controlling.
- S/he never seems to have any identification.
- S/he is not being paid or is working to pay off a debt.
- Common industries for trafficking victims include domestic servitude, hotel or tourist occupations, factory work, restaurant service, construction work, sex work, agriculture, or fishing.

## Resources

- Call the police by dialing 911.
- Call AALDEF's hotline at 1.800.966.5946 or another legal organization for referrals or services.
- Call the Dept. of Justice, Trafficking in Persons and Worker Exploitation Task Force Complaint Line at 1.888.428.7581.
- Call the US Dept. of Health and Human Services, Trafficking Information and Referral Hotline at 1.888.3737.888.