



***FAQ for Law Enforcement:
Human Trafficking and Immigrant Victims***

May 14, 2020

1. What is human trafficking?

Human trafficking is the illicit trade of human beings where victims are forced, defrauded, or coerced for the specific purpose of the trafficker.¹ The Trafficking Victims Protection Act of 2000 (TVPA)² identifies the elements of human trafficking with the Actions Means Purpose Model (AMP). The model describes the elements of human trafficking where the trafficker undertakes an enumerated *action*, and uses a *means* of force, coercion, or fraud, to achieve a *purpose* of sex or labor trafficking. *Actions* include recruiting, harboring, transporting, providing, and obtaining. For sex trafficking, actions can also include soliciting and patronizing. Generally, the *means* of trafficking can be through acts of force, fraud, or coercion. However, any minor under the age of 18 years engaged in commercial sex is considered a victim of sex trafficking regardless of the force, fraud, or coercion factors.³ Ultimately, the actions and the means are to achieve the trafficker's *purpose*, which includes but is not limited to, commercial sex acts, involuntary servitude, debt bondage, peonage, and slavery.⁴

2. What could be an example of Human Trafficking and how can I apply that on AMP Model.

There are several cases of human trafficking and one such was published by Polaris Project. The Polaris Project is an organization that works closely with victims of trafficking. The experience of victims and survivors forms the base of their advocacy and outreach.

“Maya had been smuggled into the country when she was 16 years old. Upon arrival, she was handed over to the woman who paid her smugglers and was made a domestic servant. She was physically abused and regularly threatened that she would be reported to immigration authorities if she did not cooperate.”⁵

The above example can be used to describe AMP model where the perpetrators' “*Action*” was obtaining Maya and smuggling her into the country. The “*Means*” was physical abuse and regular threats of immigration abuse. Together, the actions and the means were to achieve the “*purpose*” of domestic slavery.

3. What are the requirements of the T visa?

To qualify for a T visa, the victim of human trafficking must prove to the U.S. Citizenship and Immigration Services (USCIS) that they have cooperated and will continue to cooperate with law enforcement agencies in the investigation against the trafficker. The cooperation requirement may be satisfied by a signed statement from the law enforcement that the victim may submit as part of their application.⁶ The trafficking victim can be released from this requirement if they are a minor or has suffered substantial physical or mental trauma.

Furthermore, for the purpose of the T-visa, the applicant must be a foreign national residing in the U.S. as a result of a “severe form of trafficking in persons,” and may receive T-1 classification if the victim would suffer “extreme hardship involving unusual and severe harm”

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if removed from the U.S.⁷ An example of extreme hardship is lack of medical assistance or government protection or possibly the psychological stigma of being a trafficking victim in their home country.

4. What is a T visa declaration?

The T visa is non-immigrant visa that is issued to a victim of human trafficking. The T visa declaration is supplementary evidence of a victim's assistance to law enforcement that a federal, state, local, tribal, and territorial law enforcement agency, prosecutor, judge, or other government official can complete for a T visa applicant. The T visa can be accompanied with the declaration. The T visa declaration is not a required document for a T visa application, but USCIS gives significant weight to the declaration when reviewing the victim's application.⁸

It is important for a law enforcement officer to know about the T visa because they are the one who can provide the trafficking victim with a T visa declaration which would eventually help them obtain a visa.

5. Which agencies may sign a T visa declaration?

Certifying agencies include all authorities responsible for the detection, investigation, prosecution, conviction or sentencing of the qualifying criminal activity, including but not limited to Federal, State Local, Tribal, and Territorial law enforcement agencies including the police department.⁹

6. How can I identify a victim of human trafficking?

Human traffickers often seclude the victims of the trafficking and coach them to fear the law enforcement agencies threatening them with arrest, detention or deportation on account of their involvement in illegal activities like prostitution, their undocumented status, their experiences with corrupt or violent authorities in their home country. In several other instances the traffickers exploit the problems that the victim is trying to escape to ensure victim's compliance, such as an abusive family, drug addiction, or extreme poverty.¹⁰

If the victim has not self-identified, screening questions are helpful when identifying a trafficking victim: Although it is not absolute, surrounding circumstances can be indicators to help identify a trafficking victim. For example, if a victim is not in possession of their personal identification documents, this may be a sign of immigration abuse and is a method of control commonly used by traffickers. It is important to take note when a victim's freedom of movement is not within their control.¹¹

7. What are screening questions?

The U.S. Department of Health and Human Services (HHS) published a screening tool to help identify victims of human trafficking that may be useful for a law enforcement officer. These questions are not exhaustive but are useful in providing an officer with a basic understanding of various questions to identify the use of force, fraud, or coercion when determine the means of trafficking.

The following screening questions are divided into categories of force, fraud, and coercion and a comprehensive [list of screening questions](#) can be found at the [HHS Office on Trafficking in Persons' resource library](#)¹²

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FORCE

Physical Abuse/Threat Questions are important because they will let you as a law enforcement officer know that whether person involved in trafficking is taking the advantage of victim's vulnerability to force them into forced labor or sex or by physically abusing them. Below is a list of helpful screening questions to determine force:¹³

- Threat-related Questions. If you tried to leave, were you threatened with harm? Did you witness any other person being threatened if they tried to leave? Was your family or any other person's family being threatened?
- Abuse-related Questions. Were you or any other person physically abused and what type of abuse did you face or witness? Was there a weapon used in the abuse? When there was a medical emergency, how was the situation handled?

Freedom of Movement Questions are important because they give insight to the victim's condition and their ability or willingness to escape the trafficker. Below is a list of helpful screening questions to determine force with respect to freedom of movement:¹⁴

- Was your movement restricted and was it restricted to the limit that you had to work and live in the same place?
- Were you ever locked or chained and if so, who had the key?
- Was your movement supervised in public spaces and if so, how was it handled?
- Did you or any other victim with you have access to telecommunications or media?

FRAUD

Fraud or Financial Coercion questions are useful to get an idea of how the victim entered the United States and how did they find the job they were in. These questions will give insight on whether the victim was trafficked from outside or within the United States. Proceed cautiously with questions that may imply immigration status, such as entry-related questions, because the victim is already fearful. Before asking sensitive questions on topics such as entry, it may be helpful to remind the victim of the T-visa as a specific form of immigration relief for victims of trafficking. Below is a list of helpful screening questions to determine fraud and financial coercion:¹⁵

- Work-related Questions. Were you promised a specific job but were eventually forced into a different one? Were you made to do work you don't want to do? How did you get your job and who was the person to promise you this job?
- Entry-related Questions. How did you enter into this country? Who brought you in this country?
- Finance-related Questions. Who paid for your travel or is there someone who is holding your money for you? Did you borrow money from your employer and you owe them? How were the financial transactions being handled?

Documentation-related Questions. Did the perpetrator provided you with false documents for identification or do you possess your own legal documents?

COERCION

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Psychological Coercion Questions are important because they might provide important information about the trafficker and how coercion has been used against the victim. Below is a list of Behavioral and Environmental indicators which can prove to be an effective tool while screening a victim of human trafficking to determine psychological coercion.¹⁶

Though, Behavioral indicators are not absolute but can be substantial if several are demonstrated together. Some of the behavioral indicators prevalent in trafficking victims are signs of being fearful, submissive, anxious, nervous, a lack of free will, depression, signs of emotional abuse, or a dependence on others:¹⁷

- Who are you afraid of?
- Why are you afraid of them?
- How do you feel talking to a police officer?

Environmental Indicators may be used to assess the condition the victim had to live in and how the perpetrators exploited them by not providing a basic and healthy living environment.

- Are you forced to live/eat/sleep/work at the same place?
- Are the living conditions excessively different from the perpetrators?

8. Where can I find more resources? Who may I contact if I need assistance?

If you suspect that someone may be a human trafficking victim, you can reach out to Federal Bureau of Investigation or a human trafficking task force to work collaboratively on an investigation or report a tip. There may also be an internal protocol to notify a supervisor and to engage the proper authorities.¹⁸

Most states now have their own laws criminalizing human trafficking, making this a violation of not only international and federal laws, but also state laws.¹⁹ State and Federal Partners include U.S. Attorney Victim-Witness Coordinator and the Human Trafficking Prosecution Unit. Below are a few additional resources that provide information and instructions for law enforcement regarding human trafficking.²⁰

- a. National Hotlines
 - i. National Trafficking in-Person and Worker Exploitation Task Force: 1-888-428-7581
 - ii. Trafficking Information and Referral Hotline: 1-888-373-7888
- b. Information
 - i. U.S. Attorney Law Enforcement Community.
 - ii. International Association of Chiefs of Police
 - iii. Language Line
 - iv. Office for Victims of Crime
 - v. Office on Violence Against Women
- c. Practitioner's guide
 - i. Center for Immigrants' Rights Clinic and Centre Safe, Immigration Relief for Victims of Abuse and Domestic Violence (2012)

¹ *What is Human Trafficking?*, DEP'T. HOMELAND SEC., BLUE CAMPAIGN, <https://www.dhs.gov/blue-campaign/what-human-trafficking>.

² Victims of Trafficking and Violence Protection Act ("TVPA") of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended at 22 U.S.C. § 7102(8)).

³ *Sex Trafficking*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/type-trafficking/sex-trafficking>.

⁴ *Id.*

⁵ *Labor Trafficking of Domestic Workers*, <https://polarisproject.org/human-trafficking-at-home/>

⁶ *U and T Visa Law Enforcement Resource Guide*, DEP'T. HOMELAND SEC., https://www.dhs.gov/sites/default/files/publications/PM_15-4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%201.pdf.

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⁷ See INA § 1101(a)(15)(T).

⁸ *Supra* note 5.

⁹ *Id.*

¹⁰ *National Strategy to Combat Human Trafficking*, DEP'T. JUST. (Jan. 2017),

<https://www.justice.gov/humantrafficking/page/file/922791/download>.

¹¹ *A Legal Guide to Human Trafficking in Pennsylvania*, PCAR, https://pcar.org/sites/default/files/resource-pdfs/legal_guide_to_human_trafficking_in_pa.pdf.

¹² *Resources: Screening Tool for Victims of Human Trafficking*, U.S. DEP'T. HEALTH & HUM. SERVS., https://www.acf.hhs.gov/sites/default/files/orr/screening_questions_to_assess_whether_a_person_is_a_trafficking_victim_1.pdf.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Learning Objectives Standard Curriculum Toolkit, Section 1.1*, CTIP PROGRAM MGMT. OFF. (April 2015),

https://ctip.defense.gov/Portals/12/Documents/1%201_Learning_Objectives_FINAL.pdf?ver=2015-04-08-114933-260.

¹⁸ *Law Enforcement Support*, DEP'T. HOMELAND SEC., BLUE CAMPAIGN, <https://www.dhs.gov/blue-campaign/law-enforcement-support>.

¹⁹ *Collaboration between Federal, State, and Other Law Enforcement*, DEP'T. HOMELAND SEC., BLUE CAMPAIGN, <https://www.dhs.gov/blue-campaign/collaboration>.

²⁰ *The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation*, IACP, <https://www.theiacp.org/sites/default/files/2018-07/CompleteHTGuide.pdf>.

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