



# Human Trafficking Training Manual

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2020

The information provided on this training manual does not, and is not intended to, constitute legal advice.  
All information and content are for general informational purposes only.

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# BASIC ELEMENTS OF HUMAN TRAFFICKING

01

## Basic Elements of Human Trafficking

### What is human trafficking?

Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion.<sup>1</sup> Traffickers might use violence, manipulation, or false promises of well-paying jobs or romantic relationships to lure victims into trafficking situations.<sup>2</sup> They look for people who are susceptible for a variety of reasons, including psychological or emotional vulnerability, economic hardship, lack of a social safety net, natural disasters, or political instability.

Immigrants can be particularly vulnerable to human trafficking due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.<sup>3</sup> These factors frequently keep victims from seeking help, making human trafficking a hidden crime.<sup>4</sup> The trauma caused by the traffickers can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.<sup>5</sup>

According to the National Human Trafficking Hotline, **10,949** cases of human trafficking were reported in the United States in 2018. **California** is one of the largest sites of human trafficking in the United States. In 2018, **1,656** cases of human trafficking were reported in California.<sup>6</sup>

### Who are victims of human trafficking?<sup>7</sup>

Victims of human trafficking can be young children, teenagers, men, and women. They can be U.S. citizens, Lawful Permanent Residents (LPR) or foreign nationals, and they can be found in urban, suburban, and rural areas. Minors (under the age of 18) who are induced to perform commercial sex acts are victims of trafficking, regardless of whether their traffickers used force, fraud, or coercion.

### Human Trafficking Indicators<sup>8</sup>

Recognizing key indicators can save a life. This is the first step in identifying victims. Not all indicators listed below are present in every human trafficking situation. The presence or absence of any indicator is not necessarily proof of human trafficking.

#### Labor or Service Indicators

- Was the person recruited for one purpose and forced to engage in some other job?
- Is the person's salary being garnished to pay off alleged debts?
- Was the person forced to perform sexual acts? Is the person a juvenile engaged in commercial sex?
- Does the person work excessively long and/or unusual hours?

<sup>1</sup> "What Is Human Trafficking?," Department of Homeland Security, May 6, 2020, <https://www.dhs.gov/blue-campaign/what-human-trafficking>.

<sup>2</sup> Ibid.

<sup>3</sup> "U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies," Department of Homeland Security, [https://www.dhs.gov/sites/default/files/publications/PM\\_15-4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%2011.pdf](https://www.dhs.gov/sites/default/files/publications/PM_15-4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%2011.pdf).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> "What Is Human Trafficking?," State of California - Department of Justice - Office of the Attorney General, January 17, 2020, <https://oag.ca.gov/human-trafficking/what-is>.

<sup>7</sup> "Identifying Victims of Human Trafficking Fact Sheet," U.S. Department of Human & Health Services, [https://www.acf.hhs.gov/sites/default/files/orr/fact\\_sheet\\_identifying\\_victims\\_of\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf).

<sup>8</sup> "Indicators of Human Trafficking," Department of Homeland Security, March 25, 2020, <https://www.dhs.gov/blue-campaign/indicators-human-trafficking>; "Identify and Assist a Trafficking," U.S. Department of State, March 12, 2019, <https://www.state.gov/identify-and-assist-a-trafficking-victim>; "Victim Identification – What can you do?," Blue Campaign, <https://www.dhs.gov/sites/default/files/publications/blue-campaign/materials/pamphlet-victim-id-law-responders-healthcare/bc-pamphlet-victim-id-law-english.pdf>.

## Control Indicators

- Is the person in possession of his or her identification and travel documents? If not, who has control of these documents?
- Does the person appear to be coached on what to say? Are they with someone who appears to be controlling the situation?
- Does the person appear disconnected from family, friends, community organizations, or houses of worship?
- Has the person been threatened with deportation or law enforcement action?
- Does the person have few personal possessions?

## Medical Indicators

- Does the person have bruises in various stages of healing?
- Does the person show signs of having been denied food, water, sleep, or medical care?

## Questions to Ask<sup>9</sup>

Assuming you have the opportunity to speak with a potential victim privately and without jeopardizing the victim's safety, here are some questions to ask:

- Can you leave your job if you want to?
- Can you come and go as you please?
- Are you in debt to your employer?
- Do you have your passport/identification? Who has it?
- Have you been hurt or threatened if you tried to leave?
- Has your family been threatened?
- Do you live with your employer?
- Where do you sleep and eat?

## What is trauma-informed services?<sup>10</sup>

Most of the literature on trauma and trafficking focuses on the trafficking of foreign-born women and girls for commercial sexual exploitation. In addition to experiencing terrorizing physical and sexual violence, researchers report that victims often experience multiple layers of trauma, including psychological damage from captivity and fear of reprisals if escape is contemplated.<sup>11</sup> According to Harris & Fallot (2001), being trauma informed means:

- To know the history of past and current abuse in the life of your clients; and
- To understand the role that violence and victimization play in the lives of those victims in order to tailor services that accommodate the vulnerabilities of trauma survivors.<sup>12</sup>

**These insights allow for a more integrated and appropriate approach to meeting the victims' needs.**

<sup>9</sup> "Identify and Assist a Human Trafficking Victim," Connecticut Clearinghouse, [https://www.ctclearinghouse.org/customercontent/www/topics/Identify\\_Assist\\_A\\_Human\\_Trafficking\\_Victim.pdf](https://www.ctclearinghouse.org/customercontent/www/topics/Identify_Assist_A_Human_Trafficking_Victim.pdf).

<sup>10</sup> "Victim Support – Make the Connection," Department of Homeland Security, <https://www.dhs.gov/sites/default/files/publications/blue-campaign/materials/pamphlet-victim-support-law-responders-healthcare/bc-pamphlet-victim-support-law-english.pdf>.

<sup>11</sup> Heather J. Clawson, Ph.D., Amy Salomon, Ph.D., and Lisa Goldblatt Grace, LICSW, MPH, "Treating the Hidden Wounds: Trauma Treatment and Mental Health Recovery for Victims of Human Trafficking," U.S. Department of Health and Human Services, <https://aspe.hhs.gov/system/files/pdf/75356/ib.pdf>.

<sup>12</sup> Maxine Harris and Roger D. Fallot, *Using Trauma Theory to Design Service Systems: New Directions for Mental Health Services*, 89. Maxine Harris and Roger D. Fallot (Wiley, 2001), 4-5; [https://www.researchgate.net/publication/232450640\\_Using\\_trauma\\_theory\\_to\\_design\\_service\\_systems\\_New\\_directions\\_for\\_mental\\_health\\_services](https://www.researchgate.net/publication/232450640_Using_trauma_theory_to_design_service_systems_New_directions_for_mental_health_services).

## Core Components of Trauma Informed and Specific Services<sup>13</sup>

Core components of a system of care responsive to the trauma-related needs of trafficking victims should include a set of core principles and practices based upon providers' understanding that:

- **Trauma is a defining life event** with a complex course which can profoundly shape a victim's sense of self and others;
- **The victim's complaints, behaviors and symptoms may be coping mechanisms** and require use of a relational, rather than confrontational, approach to their solution;
- **The primary goals of services are empowerment and recovery;** and
- **The service relationship is collaborative,** with victim and provider having equally valuable knowledge.

## Avoid Re-Traumatization<sup>14</sup>

Refrain from judgment. Service providers may inadvertently re-traumatize or trigger victims.

Key triggers include:

- Feeling a lack of control
- Experiencing unexpected change
- Feeling threatened or attacked
- Feeling vulnerable or frightened
- Feeling shame

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<sup>13</sup> Clawson, Salomon, and Goldblatt, "Treating the Hidden Wounds."

<sup>14</sup> "Human Trafficking 102: Victim-Centered and Trauma-Informed Care." American Hospital Association and Dignity Health, Los Angeles, CA, January 25, 2018.





IMMIGRATION RELIEF:  
T VISA, U VISA, VAWA, AND  
PATHWAY TO CITIZENSHIP

02



# Immigration Relief: T Visa, U Visa, VAWA, and Pathway to Citizenship

Sourced from the Department of Homeland Security's "U and T Visa Law Enforcement Resource Guide"<sup>15</sup>

## Continued Presence (CP)

Continued presence is a form of short-term immigration relief that allows potential witnesses to remain in the U.S. during an investigation. CP is available once a victim identifies himself/herself as a victim of human trafficking, and requests for CP must be made by law enforcement. CP requests may be made through the local ICE office available at the HSI Tipline.

## T Visa

T Visa allows persons who suffered trafficking to remain in the USA lawfully if they meet certain requirements. USCIS may find an individual eligible for a T visa if the victim meets all of the below criteria:<sup>16</sup>

- Applicant is or was a victim of severe form of trafficking in persons as defined by federal law;
- Is in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands or at a U.S. port of entry due to trafficking;
- Has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and
- Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

### What does "severe forms of trafficking in persons" as defined by T Visa look like?

#### Sex Trafficking is...

The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of commercial sex act or in which the person induced by any means to perform such act has not attained 18 years of age.<sup>17</sup>

#### Labor trafficking is...

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.<sup>18</sup>

#### Involuntary servitude is...

Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process.<sup>19</sup>

#### Debt bondage is...

A pledge of services by the debtor or someone under debtor's control to pay down known or unknown charges (e.g. fees for transportation, boarding, food, and other incidentals; interest, or fines for missing quotas). The length and nature of those services are not respectively limited and defined, where an individual is trapped in a cycle of debt that he or she can never pay down.<sup>20</sup>

#### Peonage is...

A status or condition of involuntary servitude based on real or alleged indebtedness.<sup>21</sup>

<sup>15</sup> "U and T Visa Law Enforcement Resource Guide."

<sup>16</sup> INA 101(a)(15)(T).

<sup>17</sup> 22 U.S.C. § 7102(12).

<sup>18</sup> 22 U.S.C. § 7102(11).

<sup>19</sup> 22 U.S.C. § 7102(8); "FACT SHEET: Human Trafficking," U.S. Department of Health and Human Services, November 21, 2017, [https://www.acf.hhs.gov/sites/default/files/otip/fact\\_sheet\\_human\\_trafficking\\_fy18.pdf](https://www.acf.hhs.gov/sites/default/files/otip/fact_sheet_human_trafficking_fy18.pdf)

<sup>20</sup> 22 U.S.C. § 7102(7); "FACT SHEET: Human Trafficking," U.S. Department of Health and Human Services, November 21, 2017, [https://www.acf.hhs.gov/sites/default/files/otip/fact\\_sheet\\_human\\_trafficking\\_fy18.pdf](https://www.acf.hhs.gov/sites/default/files/otip/fact_sheet_human_trafficking_fy18.pdf).

<sup>21</sup> "FACT SHEET: Human Trafficking,"

## How does it work?

The T visa allows eligible victims to temporarily remain and work in the U.S. for four years. While subject to T nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking. If certain conditions are met, an individual with T nonimmigrant status may apply for adjustment to lawful permanent resident status (i.e., apply for a green card in the United States) after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier.

## What does “reasonable request for assistance” mean?

Whether a particular law enforcement request to a victim for assistance in the investigation or prosecution of human trafficking is “reasonable” depends on the totality of the circumstances. USCIS is responsible for making this determination. In determining “reasonableness” of the request, USCIS will consider certain factors such as general law enforcement and prosecutorial practices; the nature of the victimization; and the specific circumstances of the victim, including fear, severe traumatization, and the age and maturity of young victims. If the victim is under the age of 18 at the time of the application, or if the victim is unable to cooperate with law enforcement request due to physical or psychological trauma, he or she may qualify for the T nonimmigrant visa without having to assist in investigation or prosecution.<sup>22</sup>

## How about family members?

Certain family members of a T visa recipient may also be eligible to live and work in the United States as “derivative” T visa holders.

**T-2** → Spouse;

**T-3** → Unmarried children under the age of 21;

**T-4** → Parents of principal T visa recipients under age 21 at the time of application;

**T-5** → Unmarried siblings under 18 years old of principal T visa applicants under age 21; and

**T-6** → Adult or minor children of certain immediate family members of the T visa recipient.

## Advantages of T Visa<sup>23</sup>

For a T Visa, cooperation with law enforcement is not required if “the applicant is under 18, or if the request for cooperation is not reasonable.” Further, there is also a cooperation exception for “survivors who have experienced physical or psychological trauma that prevents them from complying.”

Generally, “T Visas may be more widely, and more quickly, available than other forms of immigration relief.” Further, T Visas have one of the most generous waivers. “Prior criminal or immigration violations that may bar other forms of immigration relief may be waived in connection with the T visa if they were caused by or incident to the trafficking or if it is in the national interest to do so.” In California, trafficking survivors are eligible for state benefits including “eight months of cash assistance, Medi-Cal, and food stamps” as soon as they are taking steps to pursue a T Visa.

**If the T visa application is denied, USCIS may initiate removal proceedings per Policy Memorandum 602.0050.1.<sup>24</sup> As such, each applicant must consider the risks before proceeding.**

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<sup>22</sup> “Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status,” USCIS, March 19, 2020, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-of-human-trafficking-t-nonimmigrant-status>.

<sup>23</sup> “T VISAS: WHAT THEY ARE AND HOW THEY CAN HELP YOUR CLIENTS,” Immigrant Legal Resource Center, April 2017, [https://www.ilrc.org/sites/default/files/resources/t\\_visa\\_advisory-20170509.pdf](https://www.ilrc.org/sites/default/files/resources/t_visa_advisory-20170509.pdf).

<sup>24</sup> USCIS Policy Memorandum PM-602-0050.1, *Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens* (June 28, 2018).

## U Visa

U Visa allows victims of certain crimes to remain in the USA lawfully if they meet eligibility requirements.

USCIS may find an individual eligible for a U visa if the victim meets all of the below criteria:<sup>25</sup>

- Applicant is a direct or indirect victim of qualifying criminal activity;
- Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- Has information about the criminal activity; and
- Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.

### How does it work?

The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While the victim does not have to be related or married to the abuser, **the victim must report the crime to the police to qualify**. The victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to lawful permanent resident status (i.e., seek a green card in the United States) after three years.

### Which crimes qualify?<sup>26</sup>

Abduction, **abusive sexual contact**, blackmail, **domestic violence**, extortion, false imprisonment, female genital mutilation, felonious assault, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, **prostitution, rape, sexual assault, sexual exploitation**, slave trade, stalking, torture, **trafficking**, witness tampering, unlawful criminal restraint, and other related crimes.

### What does being “helpful” entail?

“Helpful” means that the victim has been, is being, or is likely to assist law enforcement, prosecutors, judges, or other government officials in the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity of which he or she is a victim. This includes providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U visa. The duty to remain helpful to law enforcement exists even after a U visa is granted, and those victims who unreasonably refuse to provide assistance after the U visa has been granted will not be eligible to obtain lawful permanent residence and may have the visa revoked by USCIS.

### How about family members?<sup>27</sup>

Certain family members of a U visa recipient may also be eligible to live and work in the United States as “derivative” U visa holders.

**U-2** → Spouse;

**U-3** → Unmarried children under the age of 21;

**U-4** → Parents of U visa petitioners under age 21; and

**U-5** → Unmarried siblings under 18 years old of U visa petitioners under age 21.

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<sup>25</sup> INA § 101(a)(15)(U).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

## Violence Against Women Act (“VAWA”)

Under VAWA, noncitizen victims of domestic violence, child abuse, or elder abuse may “self-petition” for lawful permanent resident status **without** the cooperation of an abusive spouse, parent, or adult child. Victims may also self-petition if they are divorced as long as the marriage to the abusive spouse was terminated within two years of filing the petition, and there is a connection between the divorce and the domestic violence. To protect victims from retaliation by the abuser, **this application is confidential**. In other words, the abuser will not be notified that the victim is applying for legal status.<sup>28</sup>

### Who is eligible to self-petition?<sup>29</sup>

- **Spouses and former spouses of abusive U.S. citizens or lawful permanent residents;** divorced spouses may self-petition if the termination of the marriage was related to the abuse and if the application is filed within two years of the termination of the marriage.
- **Children of abusive citizens or lawful permanent residents** who file before turning 25 if the individual can show that the abuse was at least one central reason for not filing before 21. If filing as a stepchild, the stepchild relationship must have formed before the child turned 18.
- **A noncitizen parent of an abused noncitizen child**, even if the noncitizen parent is not herself abused.
- **Non-citizen spouses whose children are abused** by the child’s other U.S.-citizen or permanent resident parent.

### In addition to proving abuse, a self-petitioner must prove:<sup>30</sup>

- Good faith marriage if the abuser is a spouse or stepparent;
- The relationship to the abuser;
- The immigration status of the citizen or permanent resident spouse, parent, or child (USCIS may provide record of immigration status under request);
- Good moral character;
- Residence with the abusive family member; and
- Parent-child relationship if the applicant is a non-abusive noncitizen parent whose U.S.-citizen or permanent resident spouse perpetrated the abuse.

\*Standard of proof is “any credible evidence,” so victim’s own affidavit or declaration may be enough so long as credible

## Pathway to Citizenship: Adjustment of Status for T Visa

Pursuant to INA § 245(l), a T nonimmigrant must be able to demonstrate three years of continuous physical presence in the United States, in valid T nonimmigrant status, in order to be eligible to apply for lawful permanent residence.<sup>31</sup>

### Requirements for obtaining green card as a T visa beneficiary <sup>32</sup>

- Current status as a T nonimmigrant;
- Continuous physical presence in the United States for 3 years since the date of obtaining T visa status;
- Person of good moral character during the 3 years;
- Compliance with any ongoing reasonable request for assistance in the investigation or prosecution of trafficking OR would suffer extreme hardship involving unusual and severe harm if removed; and
- No new ground of inadmissibility under INA § 212(a).

<sup>28</sup> “Violence Against Women Act (VAWA) Provides Protections for Noncitizen Women and Victims of Crime,” American Immigration Council, November, 23, 2019, <https://www.americanimmigrationcouncil.org/research/violence-against-women-act-vawa-immigration>.

<sup>29</sup> INA § 204(a)(1)(A); “Violence Against Women Act.”

<sup>30</sup> INA § 204(a)(1)(A)(iii)(II).

<sup>31</sup> INA § 245(l)

<sup>32</sup> Ibid; “Introduction to Human Trafficking.” Presentation, APAIT and Legal Aid Foundation of LA, Los Angeles, CA August 6, 2019.





PUBLIC BENEFITS

| 03





## Public Benefits

### Benefits for Undocumented Immigrants

Undocumented immigrants, including DACA holders, are ineligible to receive most federal public benefits. Those with pending VAWA self-petitions and U visas may be eligible for certain federal and state public benefits.<sup>33</sup> Below are benefits that are otherwise available for this group:

- **My Health LA<sup>34</sup>** is a no-cost health care program for people who live in Los Angeles County. MHLA is free to individuals and families who do not have and cannot get health insurance, such as Medi-Cal. Children and individuals under the age of 26 are eligible for full-scope of Medi-Cal regardless of status.<sup>35</sup>
- **Emergency medical treatment under Medicaid<sup>36</sup>**, if the individual otherwise meets the eligibility requirements and the medical condition is not related to an organ transplant procedure.
- **Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)<sup>37</sup>** provides federal grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk.
- **Child and Adult Care Food Program (CACFP)<sup>38</sup>** is a federal program that provides reimbursements for nutritious meals and snacks to eligible children and adults who are enrolled for care at participating childcare centers, day care homes, and adult day care centers.

### Benefits for Trafficking Victims

Trafficking victims and their eligible family members may be eligible to receive benefits and services to the same extent as refugees under Trafficking Victim Protection Act and SB 1569.<sup>39</sup> Benefits and services available to certified trafficking victims include cash assistance, food assistance, medical assistance, and social services to assist with adjustment and facilitate self-sufficiency. These individuals must still meet income and other eligibility requirements.

### Federal Benefits

- **Supplemental Security Income (SSI)** - A monthly benefit for persons who are blind, disabled, or are at least 65 years old and have limited income and resources.
- **Refugee Cash Assistance (RCA)** - HHS/ORR program available to victims who are ineligible for TANF and SSI. RCA benefits are available for up to eight months from the date of ORR certification. RCA recipients

<sup>33</sup> Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") and SB 1569, battered immigrants who are deemed a "qualified alien" or immigrants with a pending U Visa application may be eligible for certain types of benefits e.g., TANF, Medicaid or SCHIP. To be considered a "qualified alien" under PROWRA, a battered immigrant must show he or she has an approved or pending petition which makes a prima facie case for immigration status. The INS must issue a Notice of Prima Facie Determination. "Domestic Violence Fact Sheet," U.S. Department of Health & Human Services, <https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/domestic-violence/index.html>.

<sup>34</sup> "My Health LA Enrollment Flyer," My Health LA, [http://file.lacounty.gov/SDSInter/dhs/223181\\_MHLA-EnrollmentFlyer-English\\_112014-v2.pdf](http://file.lacounty.gov/SDSInter/dhs/223181_MHLA-EnrollmentFlyer-English_112014-v2.pdf).

<sup>35</sup> "Major Benefit Programs Available to Immigrants in California," National Immigration Law Center, January, 2020, <https://www.nilc.org/wp-content/uploads/2015/11/cal-benefits-table.pdf>.

<sup>36</sup> "Federal Benefit Eligibility for Unauthorized Immigrants," National Conference of State Legislatures, February 24, 2014, <https://www.ncsl.org/research/immigration/federal-benefits-to-unauthorized-immigrants.aspx>.

<sup>37</sup> "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)," U.S. Department of Agriculture, <https://www.fns.usda.gov/wic>.

<sup>38</sup> "Ensuring Children and Adults Have Access to Nutritious Meals and Snacks," U.S. Department of Agriculture, <https://www.fns.usda.gov/cacfp>.

<sup>39</sup> "SB 1569 Factsheet," CAST Coalition to Abolish Slavery & Trafficking, <https://asistahelp.org/wp-content/uploads/2018/02/T-Visa-factsheet1569.pdf>.

must register for employment services and participate in employability service programs unless specifically exempted by the state. Minors who cannot comply with the employability service requirements cannot receive RCA.

- **Refugee Employment Program (REP)** – Provides employment and training services, including job readiness program, vocational skills training, and job search assistance. REP also provides childcare, transportation and school/work-related expenses for eligible participants.
- **Refugee Medical Assistance (RMA)** - HHS/ORR program available to victims who are ineligible for Medicaid or CHIP. RMA benefits are available for up to eight months from the date of ORR certification, or the date of eligibility if the victim is a minor.

## California Benefits

- **California Food Assistance Program (CFAP)**<sup>40</sup> provides state-funded food stamps through the California Food Stamp Program (CFAP) for qualified non-citizens who do not qualify for federal benefits.
- **CalWORKs**<sup>41</sup> is a public assistance program that provides cash aid and services to eligible families that have a child(ren) in the home. The amount of a family's monthly assistance payment depends on a number of factors, including the number of people who are eligible and the special needs of any of those family members.
- **CAP**<sup>42</sup> provides cash assistance to certain aged, blind, and disabled legal immigrants ineligible for Supplemental Security Income/State Supplemental Payment (SSI/SSP) due to their immigration status.
- **IHSS**<sup>43</sup> provides payments for services including house cleaning, meal preparation, laundry, grocery shopping, personal care services, accompaniment to medical appointments, and protective supervision for the mentally impaired for recipients that are over 65 years of age, disabled, or blind.
- **Medi-Cal**<sup>44</sup> is California's Medicaid program. This is a public health insurance program that provides free or low-cost medical services for children and adults with limited income and resources.
- **Healthy Families**<sup>45</sup> is a low-cost insurance for California children and teens. It provides health, dental, and vision coverage to children who do not have insurance and do not qualify for free Medi-Cal.
- **State-Funded Refugee Cash (TCVAP)**<sup>46</sup> is a cash assistance program for non-citizen victims of crime who are in need of immediate services, and who are obtaining legal humanitarian status or assisting in the prosecution of a crime. This includes victims of human trafficking who have not yet been certified by the Office of Refugee Resettlement (ORR), victims of domestic violence, and other serious crimes.

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<sup>40</sup> "California Food Assistance Program," California Department of Social Services, <https://www.cdss.ca.gov/info/resources/calfresh/california-food-assistance-program>.

<sup>41</sup> "California Work Opportunity and Responsibility to Kids (CalWORKs)," California Department of Social Services, <https://www.cdss.ca.gov/calworks>.

<sup>42</sup> "Cash Assistance Program for Immigrants (CAPI)," Department of Public Social Services, <https://dpss.lacounty.gov/en/cash/capi.html>.

<sup>43</sup> "In-Home Supportive Services (IHSS) Program," California Department of Social Services, <https://www.cdss.ca.gov/in-home-supportive-services>.

<sup>44</sup> "Steps to Medi-Cal," California Department of Health Care Services, November 13, 2019, <https://www.dhcs.ca.gov/individuals/Pages/Steps-to-Medi-Cal.aspx>.

<sup>45</sup> "California Healthy Families (SCHIP)," Benefits.gov, <https://www.benefits.gov/benefit/1596>.

<sup>46</sup> "Trafficking and Crime Victim Assistance Program (TCVAP)," California Department of Social Services, <https://www.cdss.ca.gov/tcvap>.

## Compensating Victims for Lost Income<sup>47</sup>

Sourced from the California Victim Compensation Board (CalVCB)<sup>48</sup>

### Who is eligible?

To be eligible for compensation, a person must be a victim of a qualifying crime involving physical injury, the threat of physical injury, or death. For certain crimes, emotional injury alone is enough to qualify. Assembly Bill 629 provides express guidance that a human trafficking victim is eligible to receive compensation from California's Victim Compensation Program **for income losses incurred as a result of their trafficking** regardless of whether they can prove that they were employed before the crime occurred.<sup>49</sup>

Applicants must also:

- Be either a resident of California or the victim of a crime that happened in California;
- Report the crime to the police, sheriff, child protective services, or some other law enforcement agency; (exceptions may apply)
- In most cases, apply for CalVCB within seven years of the crime;
- Generally, cooperate with law enforcement during the investigation and prosecution of the crime;
- Not have been involved in or committed a felony in the events leading to the crime; and
- Cooperate with CalVCB by providing the information needed to review the application.

### What types of crimes?

The Victim Compensation Board (CalVCB) can help victims and family members of victims of crimes such as: **Domestic violence**, child abuse, **assault**, **sexual assault**, molestation, homicide, robbery, hate crimes, drunk driving, vehicular manslaughter, **human trafficking**, stalking, online harassment

### What types of expenses may be eligible for reimbursement?

CalVCB may reimburse the following expenses if they are necessary due to a crime and if there are no other sources of reimbursement available such as health insurance, worker's compensation or other benefits.

- Wage or income loss of up to five years following the date of the crime. If the victim is permanently disabled, wage or income loss may be extended
- Support loss for legal dependents of a deceased or injured victim
- Medical and medical-related expenses for the victim, including dental expenses
- Outpatient mental health treatment or counseling
- Funeral and burial expenses
- Up to 30 days wage loss for the parent or legal guardian of a minor victim who is hospitalized or dies as a direct result of a crime
- Job retraining
- Medically necessary renovation or retrofitting of a home or vehicle for a person permanently disabled as a result of the crime
- Relocation expenses up to \$2,000 per household
- Roundtrip mileage reimbursement from your residence to medical, dental, or mental health appointments

**For more information, please refer to the CalVCB webpage**

<sup>47</sup> Christy Smith, "Smith Human Trafficking Victims Compensation Bill Receives Governor's Signature," Coalition to Abolish Slavery & Trafficking, October 10, 2019, <https://www.castla.org/smith-human-trafficking-victims-compensation-bill-receives-governors-signature/>.

<sup>48</sup> "Who's Eligible," California Victim Compensation Board, <https://victims.ca.gov/victims/eligibility.aspx>.

<sup>49</sup> A.B. 629, 2019 Biennium, 2019 Reg. Sess. (Ca. 2019).

## Wage and Labor

### Know your rights

Sourced from California Labor Commissioner's Office<sup>50</sup>

#### Minimum Wage

Almost all employees in California must receive the minimum wage as required by State law, whether they are paid by piece rate, by commission, by the hour, or by salary.

California Minimum Wage Effective January 1, 2020:

\$13.00 per hour for workers at businesses with 26 or more employees

\$12.00 per hour for workers at businesses with 25 or fewer employees

#### Overtime

Most workers in California must receive overtime pay of:

- **1.5 times** the regular rate of pay for all hours worked over 8 hours in a workday or over 40 hours in a week, and
- **Double** the regular rate of pay for all hours worked over 12 hours in a workday.

If a worker works 7 days in a workweek, the worker must be paid:

- **1.5 times** the regular rate of pay for the first 8 hours on the 7th day
- **Double** the regular rate of pay for all hours worked over 8 hours on the 7th day.

\*However, overtime laws do not apply to all workers and certain workers, such as domestic workers and farm workers, are covered by different overtime laws.

#### Hourly Wages Promised

Employer must pay you the wages promised. The Labor Commissioner enforces all wages an employer owes, not just minimum wage.

#### Meal and Rest Breaks

Most workers in California must receive an uninterrupted 30-minute unpaid meal period for every 5 hours worked and a paid 10-minute rest period for every 4 hours worked.

### If the employer fails to comply:

#### What can you do?

File a wage claim with the Labor Commissioner. The local office of the labor commissioner can help with the claim.

#### Who can file?

California labor laws protect all workers, regardless of immigration status. The Labor Commissioner accepts complaints from any employee who performed work in California.

#### When will I receive my unpaid wages?

It depends. Many claims settle and you receive your settlement either when you sign the settlement agreement or based on the agreed date of payment. If your case does not settle, the hearing and decision process may take several months.

<sup>50</sup>"Recover your Unpaid Wages with the California Labor Commissioner's Office," California Department of Industrial Relations, September, 2014, [https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner's%20Office/Brochure-WCA\\_WEB-English.pdf](https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner's%20Office/Brochure-WCA_WEB-English.pdf).

## How to Prepare

### Deadlines

- You must file claims for violations of minimum wage, overtime, illegal deductions from pay, or unpaid reimbursements within **three years**
- You must file claims based on an oral promise to pay more than minimum wage within **two years**
- You must file claims based on a written contract within **four years**

### Research

Gather any documents you have to prove your claim, such as pay stubs, timesheets, calendars, or notes about your work hours. If possible, identify any property your employer owns, such as buildings, equipment, and inventory, in case you win your case, but your employer refuses to pay. This information may be used to collect your unpaid wages and the Labor Commissioner assigned to your claim will ask you to list this property

### Identify all your employers

Many workers have one single employer, but some may have more than one employer. Be aware that any person or business that has control over wages, hours or working conditions may be included as a defendant in your claim and may be responsible for your wages

#### LABOR COMMISSIONER'S OFFICE LOCATIONS IN SOCAL

Bakersfield	(661) 587-3060
Fresno	(559) 244-5340
Long Beach	(562) 590-5048
Los Angeles	(213) 620-6330
San Diego	(619) 220-5451
Santa Ana	(714) 558-4910
Santa Barbara	(805) 568-1222
Van Nuys	(818) 901-5315

Check the [directory](#) for more locations





# PREVENTING REVICTIMIZATION

04

## Preventing Revictimization

Sourced from the Office for Victims of Crime Training and Technical Assistance Center resource paper<sup>51</sup>

### What is identity theft?

Identity theft occurs when someone uses your personal information without your permission to commit fraud or other crimes. New account fraud happens when an impostor uses a victim's personal identifying information to open new accounts.

### Why are human trafficking victims vulnerable to new account frauds?

Often, perpetrators retain victims' documents and personally identifiable information (PII), including Social Security Number, driver's license number, passport number, and date of birth to exercise control and ensure compliance. This information is often employed or even sold to third parties to generate profit.

### Why should I check?

Victims of identity theft suffer a range of problems. Victims are denied credit, employment, public benefits, driver's license renewal, and medical care. They can be arrested for crimes they did not commit, and they may be sued over debts they did not incur. Victims' credit ratings are lowered, and they may be harassed by creditors because of charges they did not incur or accounts they did not open.

### How do I check?

The Fair Credit Reporting Act gives consumers the right to get a free credit report every year from each of the three major credit reporting agencies (TransUnion, Equifax, Experian) at [www.annualcreditreport.com](http://www.annualcreditreport.com). Many victim advocates suggest consumers stagger their requests by ordering a free report from one of the three major credit reporting agencies every 4 months.

### What do I do once I discover that I am a victim of ID theft?

Early in the process, the victim should contact one of the three major credit reporting agencies by telephone or online and request two things: a fraud alert and a free credit report. A fraud alert is a notation on a victim's credit report. Potential creditors that see a fraud alert must take reasonable steps to verify the identity of the credit applicant before giving credit. An initial fraud alert expires in 90 days; however, an identity theft victim may extend the fraud alert to 7 years by making a written request that includes a copy of the victim's police report.

If an impostor has opened new accounts using the victim's identity, the victim should notify the businesses or financial institutions and request that the accounts be closed. If an impostor made unauthorized transactions on the victim's existing accounts, the victim should notify the businesses or financial institutions. Telephone conversations should be followed up in writing. Federal banking laws limit the consumer's liability for unauthorized transactions when such unauthorized activity is reported in a timely fashion.

Once the credit report arrives, the victim should note all accounts and inquiries that do not belong to him or her and gather all documents relevant to the identity theft so that a police report can be made. Prior to making a police report, every victim should be encouraged to make an online complaint to the Federal Trade Commission at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft). The victim should print a copy of the online complaint and sign it in front of a notary public or in front of two witnesses. This document becomes an identity theft affidavit.

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<sup>51</sup> "Identity Theft," Office of Victims of Crime – Training and Technical Assistance Center, [http://www.ncdsv.org/images/OVCTTAC\\_IdentityTheftResourcePaper\\_2012.pdf](http://www.ncdsv.org/images/OVCTTAC_IdentityTheftResourcePaper_2012.pdf).

## Removing imposter accounts from credit history<sup>52</sup>

To remove impostor accounts from a victim's credit history, the victim must write letters to the credit reporting companies and to businesses that gave credit to the impostor. All letters written by the victim should be sent by certified mail, return receipt requested, or in a manner that allows the victim to track the letters. Letters should include a copy of the identity theft report or police report, and identity theft affidavit as well as a copy of the victim's current government-issued identity card or driver's license.

In the victim's letters to credit reporting companies, the victim should dispute all accounts, inquiries, and other information in the credit report that does not belong to the victim. Additionally, the victim should request that fraudulent accounts be blocked from the credit report and that the first five digits of the victim's social security number be blocked. Sample letters are available at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) and [www.idtheftcenter.org](http://www.idtheftcenter.org).

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<sup>52</sup> "Identity Theft"



# MYTHS AND MISCONCEPTIONS

05

## Myths and Misconceptions

Sourced from the Department of Homeland Security's Blue Campaign<sup>53</sup>

### Myth: Only sex trafficking qualifies as human trafficking

**Fact:** Sex trafficking is not the only type of human trafficking. Labor trafficking is another type of human trafficking. Victims are found in both legitimate and illegitimate labor industries, including sweatshops, massage parlors, agriculture, restaurants, hotels, and domestic services.

### Myth: Individuals must be forced or coerced into commercial sex acts to be victims of human trafficking

**Fact:** Under U.S. federal law, any minor under the age of 18 who is induced to perform commercial sex acts is a victim of human trafficking, regardless of whether he or she is forced or coerced.

### Myth: If the trafficked person consented to be in their initial situation, he/she cannot be a victim of human trafficking because they “knew better”

**Fact:** Initial consent to commercial sex or a labor prior to acts of force, fraud, or coercion is not relevant to the crime.

### Myth: Only women or children are trafficked

**Fact:** Men and boys are also victims of trafficking.

### Myth: Victims cannot be paid for work

**Fact:** Some trafficking victims are paid very little.

### Myth: Human trafficking victims will attempt to seek help when in public

**Fact:** Human trafficking is often a hidden crime. Victims may be afraid to come forward and get help; they may be forced or coerced through threats or violence; they may fear retribution from traffickers, including danger to their families; and they may not be in possession of or have control of their identification documents.

### Myth: People in active trafficking situations always want help getting out

**Fact:** Every trafficking situation is unique and self-identification as a trafficking victim or survivor happens along a continuum. Fear, isolation, guilt, shame, misplaced loyalty, and expert manipulation are among the many factors that may keep a person from seeking help or identifying as a victim even if they are being actively trafficked.

<sup>53</sup> “Myths and Misconceptions,” Department of Homeland Security, <https://www.dhs.gov/blue-campaign/myths-and-misconceptions>.