



SERVICES AND REFERRALS TO VICTIMS OF HUMAN TRAFFICKING POLICY

EDD Directive Date: 01/31/2019

WDB Review Date: 12/19/2019

EXECUTIVE SUMMARY

Purpose:

This policy provides the guidance and establishes the procedures regarding services and referrals to victims of human trafficking.

In an effort to assist the United States Government to combat human trafficking, which affects millions of individuals worldwide, the DOL plays an important role, which includes the following:

- Identifying and seeking restitution for unpaid labor performed by victims of trafficking.
- Providing training and employment services to victims of trafficking who qualify for those services, and helping them to become self-sufficient.
- Funding research and technical assistance to combat the worst forms of child labor overseas.
- Maintaining lists of goods, including their countries of origin, which are made using forced labor or forced child labor.

This policy is intended to assist local area staff in recognizing the characteristics of human trafficking, referring individuals to the proper authorities and resources, providing employment and training services, and offering information and referrals to other wraparound services.

REFERENCES

- *Workforce Innovation and Opportunity Act (WIOA)* (Public Law 113-128), Section 188(a)(5)
- *The Victims of Trafficking and Violence Protection Act (TVPA)* of 2000, Section 103(8) (P.L. 106-386)
- Department of Labor (DOL) Training and Employment Guidance Letter 09-12, Subject: *Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking* (October 24, 2012)

POLICY AND PROCEDURES

Definitions

Section 103(8) of the TVPA defines the term “severe forms of trafficking in persons” as follows:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
- 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.

Essential Steps

Employment is an essential step in integrating victims of trafficking into society, and therefore, Local Area staff are reminded that they can assist trafficking victims in the following ways, as applicable:

1. Recognize the characteristics of victims of trafficking and refer individuals to proper authorities and resources.

Many victims of trafficking do not self-identify. It is important for Local Area staff to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. Some common characteristics of victims of trafficking include the following:

- The potential victim does not possess identification and/or travel documents.
- The potential victim appears to be coached on what to say to law enforcement and immigration officials.
- The potential victim was recruited for one purpose and forced to engage in some other job.

Further information concerning common characteristics of victims of trafficking can be found in Attachment 1. For information about hotlines that frontline staff can call to get help for potential victims, see Attachment 2. If an individual is under immediate threat or states that they are in danger, staff should call 911.

2. Provide employment and training services:

United States citizens or lawful residents who are victims of trafficking can receive the same services that are provided to the general public under WIOA. Specifically, Section 188(a)(5) of WIOA further prohibits discrimination against certain non-citizens and indicates that participation in programs, activities, and receiving funds shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Secretary the Department of Homeland Security to work in the United States. This is also discussed under Section 107(b) of the TVPA where it is indicated that foreign nationals are also eligible for WIOA Title I services. This includes the following:

- Victims of a severe form of trafficking in persons.
- Individuals granted the T Nonimmigrant Status (T Visa).

The T visa is available to individuals who are, or have been, victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking. Additional information about T visas can be found by visiting the U.S. Citizenship and Immigration Services website.

Employment and training services for victims of trafficking should follow the same procedures and case management processes as given to other America's Job Center of CaliforniaSM (AJCC) customers. However, in the case of victims of trafficking, services may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may be Limited English Proficient (LEP) individuals, may have criminal records (e.g. prostitution), or limited résumés. Victims of trafficking who are LEP individuals will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. Local Area staff will work with local training providers and community colleges to find ESL course offerings, as needed. For more information on working with LEP individuals, Local Area staff should refer to the Limited English Proficiency WDB policy.

3. Offer information and referral to other wraparound services:

In most cases, victims of trafficking will come into contact with Local Area staff toward the end of their rehabilitation process and will have already been working with other nonprofit organizations and governmental agencies.

In the event that the victim has not yet received services, it is important for Local Area staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest AJCC when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the United States can be found in Attachment 3 of this policy.

If no local service providers are known, the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 can help determine best steps for assisting the individual. For additional information, see Attachment 2 of this policy. Local Area staff may also call the NHTRC to inquire about local service providers and familiarize themselves with what is available for victims in the local community.

ACTION

This policy will be disseminated in the Local Workforce Development Area to the One-Stop Career Centers, satellite locations, and WIOA Title I-funded subrecipients.

INQUIRIES

If you have any questions, please contact the Executive Director or designee at (559) 662-4500.

Attachments and Links:

- Attachment 1 Characteristics of Potential Victims of Trafficking
- Attachment 2 Trafficking Hotlines
- Attachment 3 Services Available to Victims of Human Trafficking:
https://www.edd.ca.gov/jobs_and_training/pubs/wsd18-09att3.pdf

Characteristics of Potential Victims of Trafficking

The information on this page lists some warning signs that trafficking may be taking place. The presence of any of these signs should be taken seriously and may indicate that trafficking is occurring. These warning signs are based on the Department of Homeland Security's Blue Campaign Human Trafficking Indicators card. However, Local Workforce Development Area staff are not expected to, or may not be able to, identify these signs. More tools and information are available on the [DHS Blue Campaign](#) webpage.

Warning Signs that Trafficking May Have Occurred

- The potential victim does not possess identification and/or travel documents.
- The potential victim appears to be coached on what to say to law enforcement and immigration officials.
- The potential victim was recruited for one purpose and forced to engage in some other job.
- The potential victim's salary appears to be being garnished to pay off a smuggling fee (Note – Paying off a smuggling fee alone is not considered trafficking).
- The potential victim appears to have been forced to perform sexual acts.
- The potential victim does not appear to have freedom of movement.
- The potential victim and/or their family have been threatened with harm if the victim attempts to escape.
- The potential victim has been threatened with deportation or law enforcement action.
- The potential victim has been harmed or deprived of food, water, sleep, medical care, and/or other life necessities.
- The potential victim cannot freely contact friends or family.
- The potential victim is a juvenile engaged in commercial sex.
- The potential victim is not allowed to socialize or attend religious services.

Trafficking Hotlines

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. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion. Victims can be anyone from around the world or right next door: women and men, adults and children, citizens and noncitizens alike.

GET HELP

REPORT A TIP

LEARN MORE

-- IN AN EMERGENCY, PLEASE CALL 911 --

Call the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 to:

GET HELP and connect with a service provider in your area.

REPORT A TIP with information on potential human trafficking activity.

LEARN MORE by requesting training, technical assistance, or resources.

The NHTRC is a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, every day of the year. The NHTRC is not a law enforcement or immigration authority and is operated by a nongovernmental organization funded by the federal government.

Call federal law enforcement directly to report suspected human trafficking and get help through the following resources:

- The U.S. Department of Homeland Security at www.ice.gov. Individuals across the world can report suspicious criminal activity to the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Tip Line. The Tip Line is accessible internationally by calling **1-866-347-2423** 24 hours a day, 7 days a week, every day of the year, or submit a tip online at **1-802-872-6199**. Highly trained specialists take reports from both the public and law enforcement agencies on more than 400 laws enforced by ICE HSI, including those related to human trafficking.
- The U.S. Department of Justice Trafficking in Persons and Worker Exploitation Task Force Complaint Line at **1-888-428-7581** (voice and TTY) from 9:00 a.m. to 5:00 p.m. (EST). Individuals can report incidents of trafficking to this hotline. A tip may also be submitted online to the Federal Bureau of Investigation (FBI) through their online form, [FBI Tips and Public Leads](#) or by calling your local FBI office (FBI field offices can be located by visiting the [Field Offices](#) page of the FBI website).

Call the following federal government lines for other assistance:

- Department of Labor (DOL), Wage and Hour Division at **1-866-487-9243** for cases where labor exploitation may be present but does not rise to the threshold of trafficking.
- DOL's Office of Inspector General (OIG) Hotline at **1-202-693-6999** or **1-800-347-3756**, which is available 24 hours a day, 7 days a week to report allegations of trafficking committed through fraud in DOL programs, including, but not limited to, the H-1B, H-2A, H-2B, and Permanent Labor Certification Program. When filing an OIG Hotline complaint, it is not necessary to provide names or any other identifying information. More information about the OIG Hotline can be found by visiting DOL's [OIG Hotline](#) page.
- The Equal Employment Opportunity Commission at **1-800-669-4000** from 7 a.m. to 8 p.m. (EST) for information about how workers, including trafficking victims, can file a charge of employment discrimination.

Report suspected child prostitution activity to the CyberTipLine:

- The Congressionally-authorized CyberTipline, which is a part of the National Center for Missing & Exploited Children's website, is operated by a nongovernmental organization and provides a means for reporting crimes against children. The CyberTipline is staffed 24 hours a day, 7 days a week. To report child sexual exploitation, use the [CyberTipline](#). To report information about a missing child call **1-800-THE-LOST (1-800-843-5678)**.