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Labor Trafficking—Research to Practice

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Presenter:

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The material presented during today's webinar session will be available on the Human Trafficking Learning Community.

The session will be recorded and will begin shortly.

As with all technology, we may experience a momentary lapse in the Webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact humantrafficking@ovcttac.org for technical assistance.

Is Labor Trafficking Real?

—Challenges in Estimating Its Prevalence

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Is Human Trafficking Mostly About Sex?

- * Yes, pretty much, if you follow the news media, government reports, billboards, or Hollywood movies.
- * Most attention, political and financial, is geared towards sex trafficking, more specially, CSEC issues.

Case in Point: California Prop 35? —Selective Attention?

- * Convicted traffickers face prison sentences of 12 years—more than double previous penalty
- * Possible life sentence when children are involved
- * Fines increased from the max of \$100k to \$1.5 million
- * Expanded definition to include distribution of child pornography
- * Require convicted traffickers to register as sex offenders
- * Wide bi-partisan support
- * A landslide victory, 81.1%
- * Labor trafficking was not mentioned in the legislation.

Where Is Labor Trafficking?

- * Wait, how can this be?
- * Disproportionate sex trafficking makes no logical sense! This is not to deny the existence of sex trafficking or downplay its significance.
- * Of all the human labor that can be extracted under force and coercion or profits, how much of it has to do with sex? Nobody knows, but it is probably very small, compared to construction, landscaping, domestic work, food processing, agriculture, janitorial services, and on and on.
- * ILO and UN studies and scholars claim labor trafficking is far more prevalent than sex trafficking.

Legal Frameworks Do Not Favor One Form of Trafficking Over Another

* Three major frameworks:

1. *UN Convention*
2. *ILO definition*
3. *TVPA*

On Paper: 22 USC § 7102

- * The term “severe forms of trafficking in persons” means—
- * **(A)** 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; or
- * **(B)** 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.

In Reality: 18 USC 1589 (Forced Labor)

- * Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—
 - * (1) by means of **force**, threats of force, **physical restraint**, or threats of physical restraint to that person or another person;
 - * (2) by means of **serious harm** or threats of serious harm to that person or another person;
 - * (3) by means of the abuse or threatened **abuse of law or legal process**;
or
 - * (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

Challenges in Defining Trafficking

- * Note the glaring absence of fraud and deception in USC 1589.
- * Temporal sequence when incident occur
 - * Prior to commencing work, in the middle or when pay is due?
- * One-time vs. repeated exposure
- * Who gets to decide what counts as forced labor (different audiences and thresholds): police, prosecutor, advocacy group, researcher, or self report by victim

Incident Based Approach--San Diego Measurement

1. An incident-based screening tool (as opposed to duration/state-based)
2. Self-report
3. Four types of violations/abuses are measured
 - a) Actual/threatened violation of physical integrity
 - b) Restriction/deprivation of freedom (physical or communicative)
 - c) Fraud/deception
 - d) Abusive practices

Challenges in State-Based Questions

- * If not incident-based, how to ask state-base questions?
- * Compounding issues in identifying victims:
 - * First, one must ascertain the circumstances during which a victim is recruited (force and fraud)
 - * Second, the force and fraud must be subsequently recognized by victims
 - * Third, one must specify clear consequences for leaving an abusive situation: the cost question
- * Ultimately, a measurement needs to focus on the exit cost for the victim. “Forced labor” cannot exist without real or anticipated consequences to the victims. Deception, in current legal interpretation, is not a sufficient qualification.

Current Efforts at Building Trafficking Measures

- * Walk Free Foundation's Global Slavery Index
- * International Labor Organization's effort to standardize measurement on human trafficking

Sampling Strategies

- * Where and how to find the victims, assuming all researchers have agreed on an instrument?
- * Trafficking victims are not evenly distributed, thus rendering all conventional sampling strategies inadequate for generating reliable estimates.
- * Like many other hard-to-find populations (e.g., drug users, prostitutes, or jazz musicians), human trafficking victims are “hidden”.

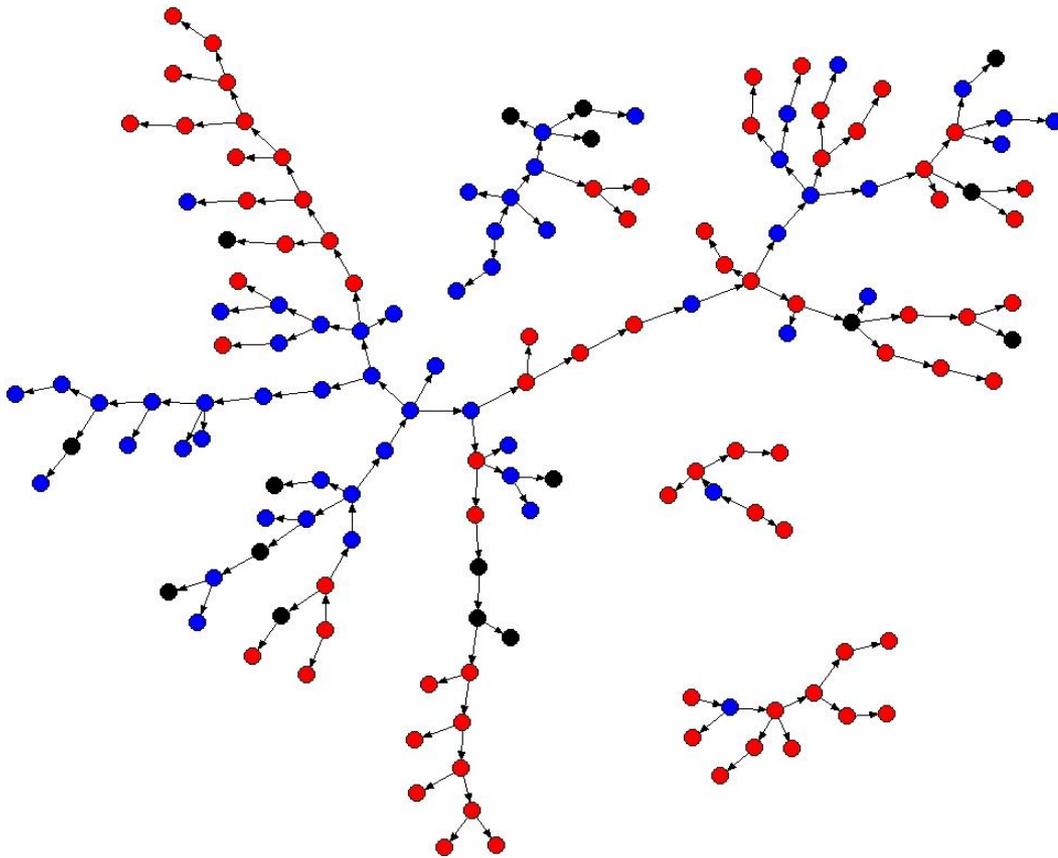
High-risk Population



Unconventional Housing Arrangements



One Viable Strategy is RDS

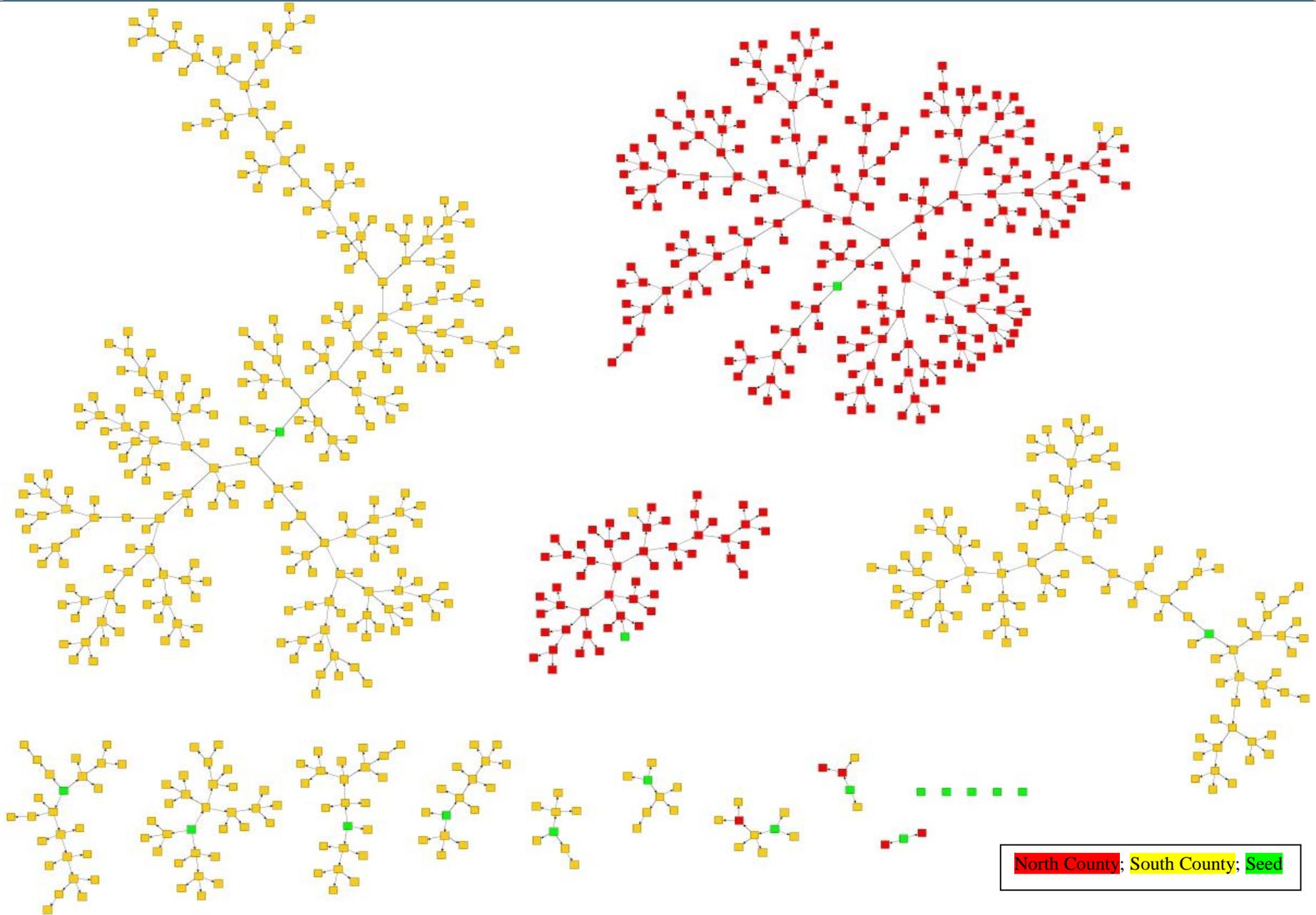


1. Pioneered by Heckathorn and colleagues, it starts with a small number of seeds
2. Seeds recruit new participants through social networks.
3. Who in turn recruit more participants...
4. Structured referrals should reach the edges of the migrant networks...
5. Multiple waves of recruits allow for unbiased estimation of the hidden population.

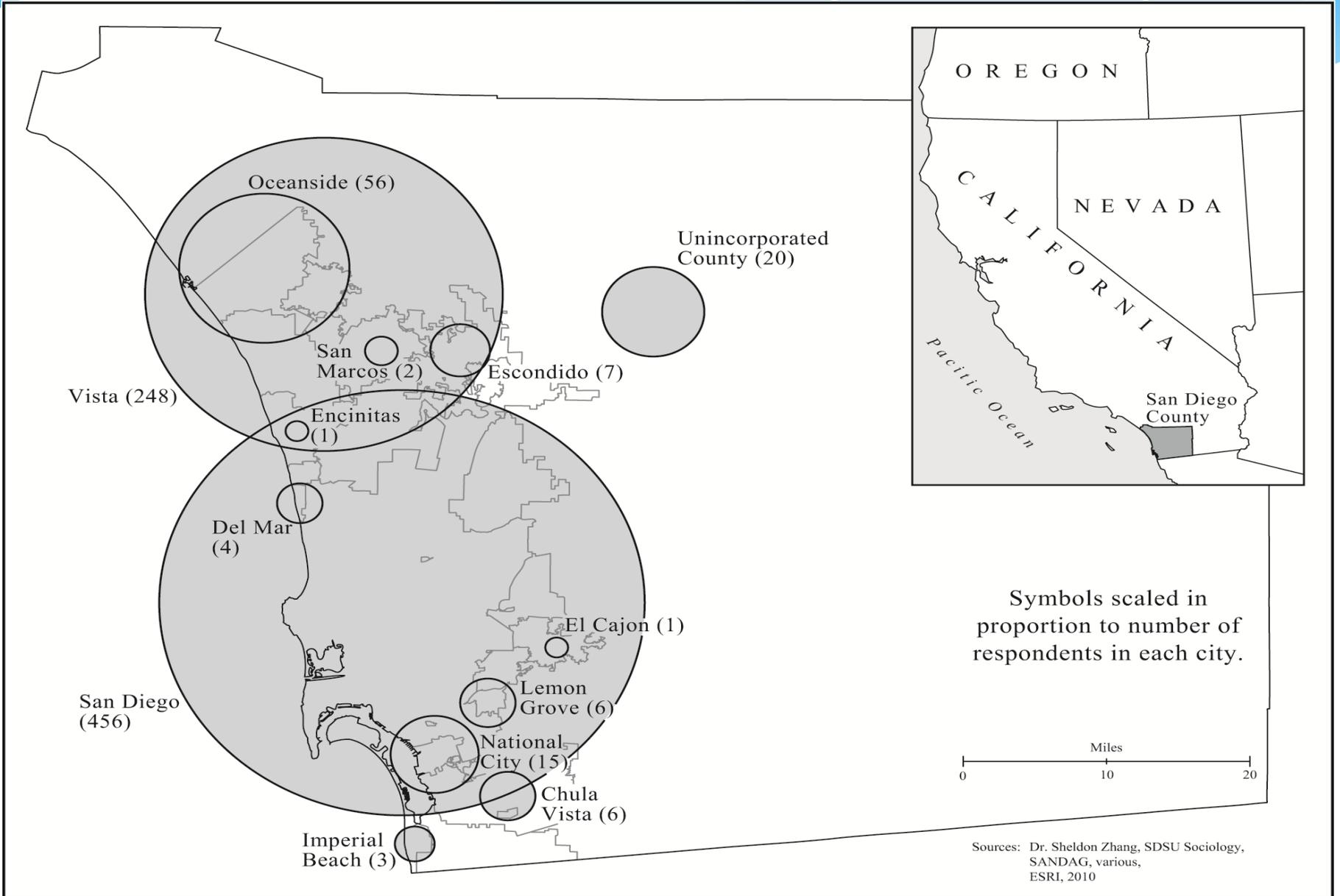
Table 1. San Diego Project Field Activities

Fielding period	06/07/2010-11/27/2011 (77 weeks)
Number of sites	16
Number of interviewers, translators and researchers on staff	7 bilingual interviewers
Monetary incentive for being surveyed	\$30 for the interview; \$10 for each subsequent referral (maximum 3)
Number of seeds	18
Number coupons given to each respondent	3
Number of valid surveys completed	826

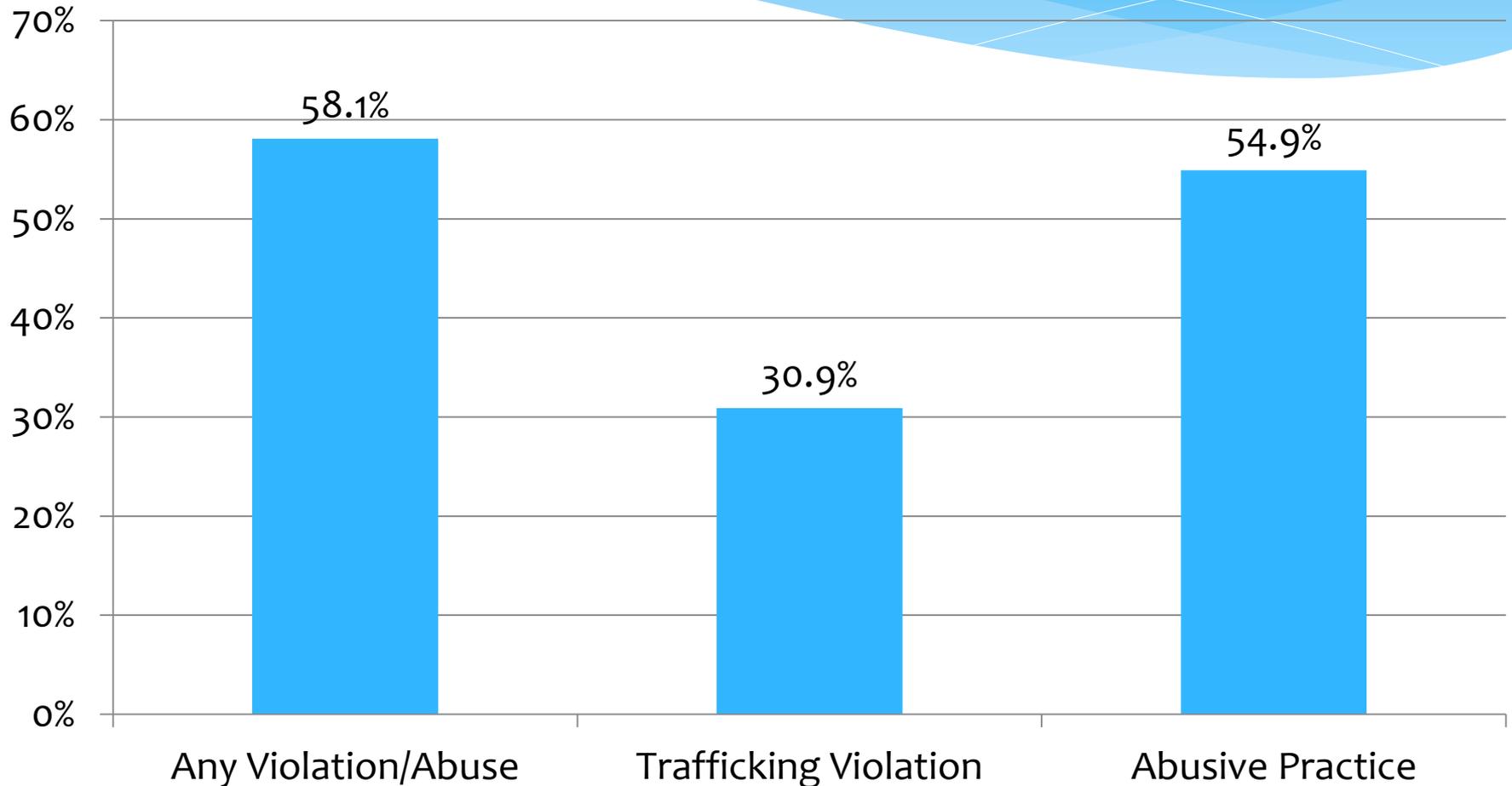
North and South County Divide



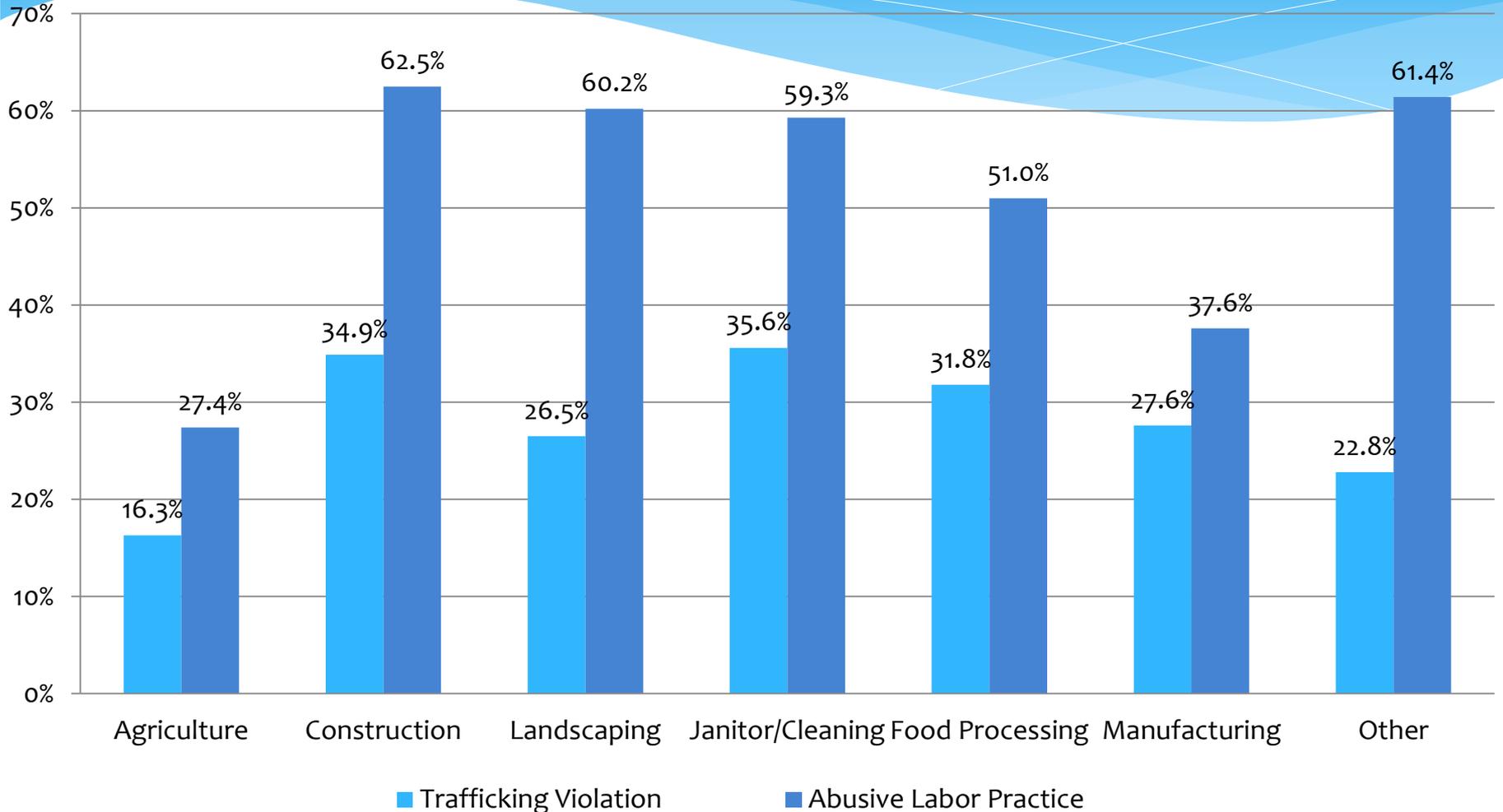
San Diego Map and RDS Fielding Activities



Prevalence of Trafficking Violations & Abusive Practices



Violations at Work Place by Occupation



Estimates of Unauthorized Mexicans and Labor Trafficking Victims (2010)*

	U.S.	California	San Diego
Estimated Unauthorized Immigrants	11,200,000	2,550,000	198,000
Share of Total Population	3.7%	6.8%	6.6%
Unauthorized Immigrants Who Are Mexicans	6,500,000	2,244,000	174,240
Share of Total Unauthorized Population	58%	88%	88%
Unauthorized Immigrants in Workforce	8,000,000	1,602,889	124,460
Share of Unauthorized Population	71.4%	71.4%	71.4%
Labor Trafficking Victimization Rate**	**	**	30.9%
Number of Labor Trafficking Victims**			38,458

Notes:* Population estimates are extracted from Passel & Cohn 2011; Hill & Johnson 2011. ** Trafficking victimization rate and calculation are based on findings from the present study.

Now What?

- * San Diego Study Prompted an OVC project in San Diego
 - * Find victims through community outreach activities
 - * Community agency coalitions
 - * Public awareness campaigns
 - * Personal referrals
 - * Free legal work for “T” or “U” visa applications
 - * Intake screening
 - * Interviews
 - * Filing of applications
 - * So far close to 50 applications have been filed, all approved or currently pending. No rejections.
 - * But the total falls short of targeted N=100. Few viable leads.

Looking For Victims

1. We think labor trafficking is a serious problem.
2. However, finding them remains a challenge.
3. Labor trafficking victims reported or otherwise documented in the U.S. have almost entirely been discovered by chance, oftentimes long after the victim had left the abusive situation!

Outreach Target Populations

- * The main targeted demographics continue to be vulnerable undocumented migrant laborers.
- * Primarily Spanish speaking foreign nationals. Mostly persons of Mexican background, but also from other Latin American countries.
- * H2A and H2B visa recipients.
- * Recent arrivals, but also people who have been here for many years.
- * Day Laborers “jornaleros”

Types of Efforts to Find Victims

What San Diego OVC Project Has Tried to Find Victims:

1. Extensive meetings with other community agencies
2. Visits to day labor locations and locations where undocumented migrants congregate: churches, ethnic markets, Laundromats, and swap meets.
3. Pass and post fliers
4. Go on radios shows and meet the press whenever possible
5. Rely on personal networks to identify potential victims

Many Obstacles

- * Not knowing one's labor rights regardless of immigration statuses.
- * Different cultural/financial reference point.
- * Deep distrust for strangers.
- * Disbelief that there is relief or law to help the undocumented.
- * Contradictory policy priorities: intensified enforcement of immigration laws, nearly 2 million deportations, rigorous enforcement of immigration check for employment → negative consequences for the fight against labor trafficking.

T-Visa Statistics

Period	Applications by Case Status			
	Victims of Trafficking ¹			
	Applications Received	Approved	Denied	Pending
Fiscal Year - Total				
2008	408	243	78	203
2009	475	313	77	318
2010	574	447	138	304
2011	967	557	223	494
2012	885	674	194	560
2013	799	848	104	421
2014	944	613	153	613
Fiscal Year 2015 by Quarter				
Q1. October - December	260	208	122	567
Q2. January - March	275	189	84	577
Q3. April - June	276	117	47	616
Q4. July - September				

Source: U.S. Citizenship and Immigration Services



***WARNING:* Applicants who are in the United States illegally are subject to removal if their claims are not granted. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn.**

Final Thoughts

- * Service providers are vital to the anti-trafficking movement
 - * Identification of victims
 - * Services to victims
 - * Assistance to law enforcement efforts
- * Two possible ways to find victims *proactively*
 - * *Referrals through personal networks*—the assumption that people of similar experiences tend to know one another. Difficulties in locating and penetrating isolated pockets of populations. Requires intimate knowledge and connections in the the target community.
 - * *Large screening events*—sifting through sand to find “gold flakes.”
- * Finding victims is critical to legitimize a social movement that is mostly run on the moral outrage of a few isolated cases.



THANK YOU!