



## **Legal Assistance for Crime Victims**

An OVC Capacity Building Initiative

# **Human Trafficking and the Intersection of Civil, Criminal and Administrative Justice Systems**

***Facilitator:***

**Terry Campos, J.D., NATIONAL CRIME VICTIM LAW INSTITUTE**

***Panelists:***

**Christopher Killmer, IMMIGRATION COUNSELING SERVICE**

**Amy C. Liu, J.D., NATIONAL CRIME VICTIM LAW INSTITUTE**

**Andrea Ogston, J.D., LEGAL AID SERVICES OF OREGON**

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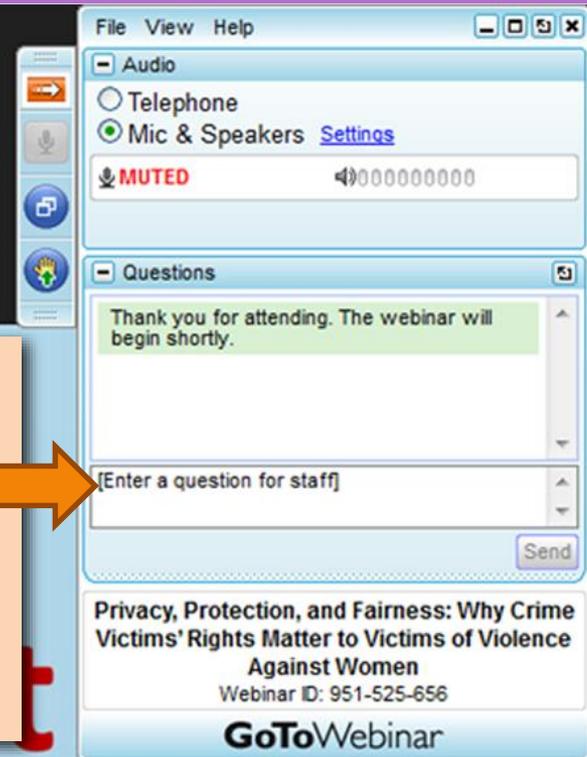


# Flow of the Webinar

- You are muted but you can ask questions & participate – and we hope that you do!
- You will receive an email with the powerpoint slides and the recording of the webinar will be available online.
- Please provide feedback at the end!

# How to Ask Questions During the Webinar

When you wish to ask a question, just write your question in the bottom box within your webinar interface. Your question, along with any other questions that have been asked by participants, will appear in the Question and Answer box above.



The screenshot shows a GoToWebinar control panel. At the top, there is a menu with 'File', 'View', and 'Help'. Below this, there are two main sections: 'Audio' and 'Questions'. The 'Audio' section has radio buttons for 'Telephone' and 'Mic & Speakers', with 'Mic & Speakers' selected. A volume slider is shown with the word 'MUTED' in red. The 'Questions' section contains a text area with the message 'Thank you for attending. The webinar will begin shortly.' Below this is a text input field with the placeholder text '[Enter a question for staff]' and a 'Send' button. At the bottom of the interface, there is a footer with the text: 'Privacy, Protection, and Fairness: Why Crime Victims' Rights Matter to Victims of Violence Against Women', 'Webinar ID: 951-525-656', and the 'GoToWebinar' logo.

# GoToWebinar Assistance

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# Goals for the Session

1. Identify hurdles that attorneys and advocates may face in identifying trafficking victims;
2. Highlight the diversity of legal issues that trafficking victims confront; and
3. Provide guidance on assisting trafficking victims with these legal issues.

# Presenters

## **Facilitator:**

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Christopher Killmer, Immigration Counseling Service

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# Case Study: The Intro

You are a staff member of a local nonprofit that serves low income clients.

Sam, a social worker friend of yours, calls to tell you about two women who were recently injured in an apartment fire. Sam says one of them, Amita, speaks English but is not a native speaker. Sam thinks that the women are scared because they have lost a place to live and they probably won't be able to work for a long time. Amita made a comment about going to jail if they can't work. Sam asked Amita if they wanted help, explaining that there are people like you who help people who have lost a place to live or who have trouble with their jobs. Amita was reluctant but she said yes. Sam asks you to stop by the hospital when you have time.

That afternoon, you met Amita and her friend. You agree with Sam's observations about the women's concerns. You learn that the women work as maids at two local motels; their employers are also their landlords; and another woman died in the fire. When asked why she thinks they may go to jail if they can't work, Amita wouldn't answer. You decide to let her rest and return another day with follow-up questions.

# Case Study: More Details # 1

Since your first meeting with Amita, you have learned more facts. The newspaper reported that the police are investigating the death of the other woman in the apartment. The article stated that investigators suspect there may be building and fire code violations, and potential charges against the landlords include criminally negligent homicide. It also mentioned that the husband and wife owners of the apartment building also own many of the local motels, and they are prominent members of the local Nepalese community.

Amita just informed you that the police wants to talk to her, and an officer will visit her later this afternoon.

# Case Study: More Details #2

You meet with Amita to prepare her for the interview with the police. During your meeting, you learn additional facts.

Amita thinks she is 19 years old. She and her friend believe they will go to jail because they owe their employers a lot of money for bringing them to America, giving them a job, and providing them with food and an apartment. Amita has worked as a maid at the two motels since coming to America, and she is trying to save up enough money to return home and help her family.

# Case Study: More Details #3

By now, Amita and her friend have found temporary housing.

You arrange another meeting, and this time you learn that Amita is pregnant. You also learn that she and her friend typically worked 12 to 16 hour days at the motels; their employers deducted the amount that they owed from their paychecks; and after the deduction, they received cash ranging from zero to \$300 each month.

# Case Study: More Details #4

By this time, law enforcement has identified Amita and her friend as victims of human trafficking, and both state and federal prosecutors are considering filing charges.

# Case Study: More Details #5

The U.S. Attorney's Office has charged Amita's former employers with violating several federal offenses, including immigration fraud, labor trafficking, and sex trafficking.

Today, you learn that the defense is seeking discovery of Amita and her friend's "U" and/or "T" Visa applications as well as their health care records.

# Case Study: More Details #6

More than a year has passed since you first met Amita and her friend.

A friend of yours who works in the U.S. Attorney's Office just informed you that he heard that plea negotiations are underway. Until now, you were not aware that the government was going to offer any deals.

# Case Study: More Details #7

Defendants have pled guilty to two counts of peonage (a condition of compulsory service or involuntary servitude based upon a real or alleged indebtedness) in violation of 18 U.S.C. § 1581, and trafficking with respect to peonage in violation of 18 U.S.C. § 1590. In return, the government has dropped all other charges, including the charges relating to sex trafficking.

The sentencing hearing is scheduled to take place in a month. The prosecutor has assured the victims that she intends to seek full restitution to cover all the back wages due.

# Wrap Up

## Final Thoughts

# Questions?

**Are you working  
on a case with a  
victims' rights  
issue?**

NCVLI provides  
legal technical  
assistance to  
practitioners  
serving crime  
victims.

**Request Technical  
Assistance:**

[go.lclark.edu/ncvli/ta](http://go.lclark.edu/ncvli/ta)

**Request a Training:**

[go.lclark.edu/ncvli/trainings](http://go.lclark.edu/ncvli/trainings)

# Contact Information

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# Completion Code

Completion Code:

**PP1212**

As part of the *Legal Assistance for Crime Victims: An OVC Capacity Building Initiative*, OVC TTAC and the National Crime Victim Law Institute (NCVLI) are working collaboratively to expand the availability of pro bono and no-cost legal assistance for victims of crime nationally.

Part of that collaboration includes developing and delivering a series of Webinar trainings designed to assist attorneys around the country with the tools needed to increase their knowledge base about crime victim issues, and increase their capacity to provide pro bono or no-cost legal representation to crime victims.

For additional information about the Initiative and to register for upcoming webinars, please visit: <https://www.ovcttac.gov/>