



TO: Ms Maria Grazia Giammarinaro, UN Special Rapporteur on trafficking in persons, especially women and children

FROM: Madeline Lohman, Senior Researcher, The Advocates for Human Rights

DATE: November 15, 2018

RE: Social Inclusion for Victims of Human Trafficking in Minnesota

INTRODUCTION

1. Human trafficking is the predatory crime of exploiting and controlling, for profit, vulnerable individuals who often include women, children, people with disabilities, and those living in poverty or fleeing abuse or violence. Often perceived as an international or trans-border issue, modern-day slavery and involuntary servitude occurs throughout the United States including in Midwestern states like Minnesota and is often difficult to identify. Many existing international and U.S. federal laws take a criminal-centered approach to trafficking focused on legal actions against traffickers. However, to help trafficking victims survive, heal, and ultimately integrate into society and live a life free of exploitation, there is a need for a victim-centered approach that provides survivors with legal protections and adequate support services. Support services must meet survivors' immediate and emergency needs for housing, medical care, mental health services, food, and connection with family as well as ongoing needs for housing, medical and mental health services, and financial support. Finally, after more immediate needs are met, survivors may also need legal advocacy services including in the areas of employment, immigration, housing, discrimination, and assistance to pursue legal remedies.
2. The State of Minnesota has passed and enforces state laws that, in addition to international laws and norms and U.S. federal laws, provide for prosecution and punishment of perpetrators and mandates programs that provide social inclusion support services to victims. Minnesota, a state referred to as a "pioneer" in trafficking legislation,¹ takes a strong victim-centered approach and provides key support services to victims. However, challenges remain with victim identification, lack of support for both older victims and victims of labor trafficking, and a necessity for additional resources to meet the needs of the population of trafficking survivors.
3. This memo first outlines the legal framework for social inclusion of human trafficking victims under international, federal, and Minnesota state laws, and then discusses the Minnesota programs and their successes as well as some limitations and challenges for further improvement.

¹ Wagner, Brittnay. n.d. "Safe Harbor." Rep. *Safe Harbor*, Wilder Foundation, Accessed December 2015. https://www.wilder.org/sites/default/files/imports/SafeHarborKII_12-15.pdf.

LEGAL FRAMEWORK

International standards

4. The Palermo Protocol, adopted by the United Nations (UN) in 2000, was the first transnational legislation aimed at addressing human trafficking and remains the benchmark international standard regarding social inclusion for victims. Since its creation, the protocol has been ratified by 189 countries.² One of the protocol's biggest achievements was the creation of the first international definition of human trafficking, which today unequivocally remains the universally agreed upon definition. The protocol defines human trafficking as follows:

*Trafficking in persons "shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used."*³

5. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol, is one of three supplemental protocols to the Convention against Transnational Organized Crime.⁴ The Protocol specifically addresses standards of social inclusion for victims of trafficking.
6. This protocol recommends that State Parties to provide access to programs that can assist in the physical, psychological, and social recovery of victims.⁵ Victims should also be granted special protections from deportation and returned home only if doing so would not lead to harm for victims or their family.⁶ Additionally, the protocol suggests that State Parties provide avenues for victims to obtain temporary and sometimes permanent residency in countries of transit or origin.⁷
7. While the Palermo Protocol is groundbreaking and provides some of the strongest protections for victims, it lacks some key features to address social inclusion of victims. First, it does not

² Agustina.Diaz-Rhein. "United Nations Office on Drugs and Crime." Signature/ratification Status of the CTOC. Accessed October 28, 2018. <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

³ Ibid.

⁴ Ibid.

⁵ U.N. Convention Against Transnational Organized Crime: Message from the President of the United States Transmitting United Nations Convention Against Transnational Organized Crime (The "Convention"), as Well as Two Supplementary Protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols Were Signed by the United States on December 13, 2000, at Palermo, Italy. Washington :U.S. G.P.O., 2004.

⁶ Ibid.

⁷ Ibid.

mandate integration or social inclusion programs and instead simply asks countries to “consider implementing measures to provide for the physical, psychological and social recovery of victims.”⁸ Notably, social inclusion efforts and programs vary widely between countries and are non-existent in some.

8. Second, implementation of the Palermo Protocol often takes a criminal justice-centered approach to addressing human trafficking, and is not focused on providing assistance to victims. After identification of trafficking of migrants or foreign nationals, most justice systems are focused on returning victims to their home countries.⁹ When this occurs, victims are sent back to the same conditions under which they were initially trafficked, leaving them susceptible to being re-trafficked. If a foreign national victim wishes to remain in a destination country and take advantage of the protections laid out in the protocol, the ability to do so is often contingent on testifying against or participating in criminal actions against their perpetrator.¹⁰ This can often be daunting to a victim of organized crime, where the chance of retaliation against the victim is high.¹¹

International Best Practices Guidelines

9. The Budapest Declaration (Annex I) attempts to create an international standard to address best practices for social inclusion and recommends trafficked persons should receive “comprehensive, sustained, gender and culturally appropriate health care (...) by trained professionals in a secure and caring environment.”¹²
10. In 2007, the International Organization for Migration put together a handbook establishing practice guidelines for providing social assistance to victims. These guidelines identified potential areas of assistance to include health, housing, education, economic empowerment, and sometimes reintegration in the victim’s origin country.¹³ In doing so, providers must take into consideration the victim’s cultural background, past trauma, gender, age and the industry in which the victim was trafficked.¹⁴ Care should then be tailored to meet each of these individual needs. Within the field, many suggest that these services should also be provided from an empowerment perspective, wherein the victim has autonomy over their choice of care and services.¹⁵ The services should also:

⁸ Ibid.

⁹ Laura L. Shoaps, “Room for Improvement: Palermo Protocol and The Trafficking Victims Protection Act,” *Lewis & Clark Law Review* 17, no.3 (November 04, 2013): 2.

¹⁰ Ibid: 3.

¹¹ Ibid.

¹² International Organization for Migration, “Direct Assistance for Victims of Trafficking,” IOM, 2007: 198.

¹³ Ibid: 198.

¹⁴ Talens, Cristina, and Cecile Landman. *Good Practices on (re)Integration of Victims of Trafficking in Human Beings in Six European Countries*. Report. 2003. Accessed October 28, 2018. <http://lastradainternational.org/doc-center/1143/good-practices-on-reintegration-of-victims-of-trafficking-in-human-beings-in-six-european-countries:74>.

¹⁵ Ibid.

- Be sustainable in the long-term
 - Be accessible for all victims of trafficking
 - Take a gender perspective and an empowerment strategy as a point of departure
 - Take human rights standards as a basis, in particular access to basic social services
 - Have a positive collaboration between government and non-governmental organizations
 - Show respect for diversity resulting in tailor-made support.¹⁶
11. As many young victims of human trafficking come from vulnerable populations, including gay, lesbian or transgender homeless youth, it is important that the approach to assist them take into account their specific needs. Addressing the complex, numerous and varied needs of victims is crucial to ensure social inclusion of the victim. However, the lack of training in these areas and the broad range of needs make it difficult for victims to receive culturally sensitive and competent services.

US Federal Law – Trafficking Victims Protection Act

12. In 2000, the United States enacted the Trafficking Victims’ Protection Act (TVPA) which provides certain protections to “victims of a severe form of human trafficking” defined as involuntary servitude, peonage, debt bondage, or slavery through force, fraud or coercion.¹⁷ This legislation created the State Department’s Office to Monitor and Combat Trafficking in Persons and the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts. The TVPA takes several significant steps to build upon the Palermo Protocol and provide resources to address the social inclusion of victims.

Assistance to Foreign Victims

13. For foreign victims of trafficking to obtain access to services in the United States, they must first obtain a Certification and Eligibility Letter from the U.S. Department of Health and Human Services (HHS).¹⁸ The Office of Refugee Resettlement (ORR) is solely responsible for issuing this certification.¹⁹ Once a person has been classified, victims gain access to health care services, housing, food, and income assistance, mental health services, and English language classes.²⁰ While the list of services is comprehensive, these programs are general services available to anyone in the United States who qualifies for public benefits and are not tailored to meet the needs of victims of trafficking. Additionally, to qualify for certification, a victim must be willing

¹⁶ Ibid: 77.

¹⁷ Trafficking Victims Protection Act, U.S. Code 22 S7102(9)(B).

¹⁸ Department of Health and Human Services, “Services Available to Victims of Human Trafficking,” May 2012, accessed October 28, 2018, https://www.acf.hhs.gov/sites/default/files/orr/traffickingservices_0.pdf: 1

¹⁹ Office of Refugee Resettlement, “Fact Sheet: Victims Assistance,” August 7, 2012, accessed October 28, 2018 <https://www.acf.hhs.gov/orr/resource/fact-sheet-victim-assistance-english>.

²⁰ Ibid.

to assist in the prosecution of traffickers.²¹ The law makes an exception for victims under age 18 and for victims that are unable to cooperate due to physical or psychological trauma.²²

14. For programs specific to trafficking, the U.S government provides grant funding to states and local organizations to carry out services. For example, the HHS Office for Victims of Crimes offers grant funding to states, enabling them to provide a wide array of programs, targeted at aiding victims of trafficking.²³ Additionally, HHS provides federal grants aimed at increasing victims' access to much needed legal services. However, the availability of such programs varies widely by state.²⁴

T Visa

15. The TVPA created the "T-visa," which allows foreign victims of trafficking to remain in the United States for up to four years.²⁵ Additionally, some members of the victim's family may also qualify for this visa and be allowed to join their families in the United States.²⁶ Once a victim has obtained a T-visa they will be able to work in the United States and have access to various government services.²⁷ The T-visa also provides a path to citizenship.²⁸ However, this visa is only given to victims willing to "comply with any reasonable request for assistance" with criminal investigations into their perpetrators, though as with certification, there are exceptions for victims under 18 and those unable to cooperate as a result of trauma.²⁹ Additionally, the program is grossly underutilized. As of 2018, the U.S. government had issued less than 2,000 T-visas per year over the last decade, despite the TVPA's allotment of 5,000 visas per year.³⁰ As a result, many victims are not receiving this visa and its accompanying path to social inclusion.

Assistance to Domestic Victims

16. Sex trafficking is not confined to immigrant or migrant communities and does not require transportation across state or federal borders. Domestic victims of trafficking never leave the

²¹ Department of Health and Human Services: 8.

²² National Human Trafficking Resource Center (NHTRC), "T Visa and the Trauma Exception," May 2015, accessed November 12, 2018 <https://humantraffickinghotline.org/resources/t-visa-and-trauma-exception>.

²³ "Office for Victims of Crime (OVC) - OVC and BJA Human Trafficking Task Forces." Office for Victims of Crime (OVC) Human Trafficking: Map of OVC/BJA-Funded Human Trafficking Services and Task Forces. Accessed October 28, 2018. https://ovc.ncjrs.gov/humantrafficking/map.html#About_BJA_Funded.

²⁴ Department of Health and Human Services: 8.

²⁵ "Victims of Human Trafficking: T Nonimmigrant Status." USCIS. Accessed October 29, 2018.

<https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ United States Citizenship and Immigration Services, "Number of Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status 2008-2018," accessed November 12, 2018 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914t_visastatistics_fy2018_qtr3.pdf.

United States and are forced to work in the labor or sex industries under similar circumstances as foreign victims. While U.S. citizen victims do not need to undergo the certification process by the ORR to be eligible for general federal and state social services,³¹ only twelve states have organizations funded by grants from the Domestic Victims of Human Trafficking program.³² Domestic victims of human trafficking in other states are only eligible for general state and federal social assistance and any trafficking-specific resources funded by their state. Some states, such as Minnesota, provide programs aimed to support sexually exploited youth, which include domestic and immigrant victims.

MINNESOTA LAW: SAFE HARBORS AND SERVICES NETWORK

17. The State of Minnesota has had a trafficking task force since 2006 and is home to a number of nationally recognized organizations that provide services to sexually exploited women and girls.³³ Minnesota criminal statutes recognize separate offenses for labor trafficking³⁴ and sex trafficking.³⁵ Both statutes further distinguish trafficking of individuals under the age of 18 and impose greater sentences and higher fines for trafficking of younger individuals. Minnesota law expressly recognizes that, in addition to criminal liability for labor trafficking, a labor trafficking victim may bring a civil cause of action against his or her perpetrator.

Assistance for Victims of Sex Trafficking

18. Minnesota has historically had a “victim-oriented service infrastructure” to provide services to homeless youth, domestic abuse victims and children under the care of child protection services.³⁶ In 2011, after research and a pilot study regarding victim-centered intervention for sexually exploited youth,³⁷ Minnesota built on that foundation by passing the Safe Harbors for Sexually Exploited Youth Law (“Safe Harbor”). The Safe Harbor law added a definition of sexually exploited youth to Minnesota’s child protection code so that sexually exploited and trafficked

³¹ National Sexual Violence Resource Center, “Assisting Trafficking Victims – A Guide for Victims Advocates,” 2012, https://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_human-trafficking-victim-advocates.pdf.

³² Office on Trafficking in Persons, “Domestic Victims of Human Trafficking Program Grantees,” December 13, 2017, accessed November 12, 2018 <https://www.acf.hhs.gov/otip/domestic-victims-of-human-trafficking-program-grantees>.

³³ Safe Harbor, Fulfilling Minnesota’s Promise to Protect Sexually Exploited Youth, Advocates for Human Rights, February 2013; https://www.theadvocatesforhumanrights.org/uploads/sh_2013_final_full_rept.pdf: 8

³⁴ Minnesota Revised Statutes, S609.281. The statutory definition of labor trafficking covers “the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the purpose of: (i) debt bondage or forced labor or services;(ii) slavery or practices similar to slavery; or (iii) the removal of organs through the use of coercion or intimidation; or receiving profit or anything of value, knowing or having reason to know that it is derived from an act” of trafficking.”

³⁵ Minnesota Revised Statutes, S609.322. The statutory definition of sex trafficking covers soliciting or inducing individuals to practice prostitution, promoting prostitution of an individual, receiving profit, knowing or having reason to know that it is derived from the prostitution or the promotion of an individual, engaging in the sex trafficking of an individual and excludes a person acting as prostitute or a patron

³⁶ Ibid.

³⁷ The Ramsey County Runaway Intervention Project provided data and positive outcomes from a victim-centered approach, 2009, https://www.theadvocatesforhumanrights.org/uploads/sh_2013_final_full_rept.pdf.

youth would no longer be considered delinquent, protecting them from being arrested or prosecuted for prostitution.³⁸ The law also increased penalties against sex abusers and purchasers, directed the Commission of Public Safety to create a victim-centered statewide initiative for sexually exploited youth and, commencing in August of 2014, implemented a multidisciplinary, multi-state agency service model, titled “No Wrong Door” to make services and resources available to sexually exploited youth. In 2013, Minnesota funded No Wrong Door programs and related services with an investment of \$8 million dollars per biennium (the largest nationwide investment in services for sexually exploited youth at the time),³⁹ which has since increased to \$13 million per biennium.⁴⁰ The legislation also provided for required biennial reports regarding the implementation of the program. Similar to the TVPA model, the Minnesota model provides grant funding to existing local organizations throughout the state to deliver services to trafficking victims.

19. Unlike the federal model and most other states, Minnesota approaches human trafficking from a public health perspective. The program is housed in the Minnesota Department of Health and focuses on victim protection and trafficking prevention. One result of this de-coupling of prosecution and victim services is that victims can access state-funded services even when they do not cooperate with a law enforcement investigation.

Successful Outcomes of Safe Harbor / No Wrong Door

20. An initial evaluation in 2015 cited successful outcomes of the Safe Harbor/No Wrong Door model to include: (1) increased awareness of youth trafficking and identification of victims through training regarding trafficking for law enforcement, medical and educational professionals, and others, (2) collaboration between government and social service organizations across geographic locations and between law enforcement, prosecutors, health care providers, and schools (although further evaluations cite the need for more effective collaboration), and (3) increased funding and resources.⁴¹ By changing how sexually exploited victims are viewed (as victims rather than as criminals), and training health care professionals, government officials, and Minnesota citizens about the existence of human trafficking, the program has improved identification of victims. Training continues to expand to industries, such as the hospitality industry, that commonly come into contact with sex trafficking.⁴²
21. Collaboration has been accomplished through identifying regional “Navigators,” organizations (grantees) throughout the state that are responsible for serving as points of contact for exploited

³⁸ Minnesota Revised Statutes, S 145.4716.

³⁹ Safe Harbor, Phase 2 Evaluation Key Findings, Wilder Research, November 2017, https://www.wilder.org/sites/default/files/imports/SafeHarbor_EvaluationSumm_11-17.pdf: 1.

⁴⁰ Safe Harbor: Evaluation Report, Wilder Research, October 2017, https://www.wilder.org/sites/default/files/imports/SafeHarbor_EvaluationReport_10-17.pdf: 1.

⁴¹ Safe Harbor: Key Informant Interview Summary: 3

⁴² By November 28, 2018, sex trafficking training will be required for owners and staff of all hotels and motels in the state of Minnesota, "Safe Harbor Minnesota," Safe Harbor Minnesota | MN Hotel Training Package, Accessed October 29, 2018. <http://www.health.state.mn.us/injury/topic/safeharbor/hoteltrafficking.html>.

youth and the organizations and agencies assisting them. Training and collaboration has prompted initiatives within nonprofit and service organizations serving specific vulnerable populations such as the LGBTQ community to generate greater awareness and provide services to trafficked individuals.

22. Youth and young adults reported satisfaction with Safe Harbor services and improved outcomes. The most recent evaluation noted that youth and young adult participants felt safe and respected, in a welcoming environment, and especially liked the social aspects of the programming.⁴³ Of participants responding to questions on their goals, “all or almost all said they felt very well prepared or somewhat prepared to keep themselves safe, to reach their educational and career goals, and to get help from professionals when needed.”⁴⁴ The evaluation demonstrates that funded, comprehensive services that are accessible to all victims regardless of cooperation with law enforcement, delivered in a caring manner, and that focus on social inclusion have been highly successful in helping youth victims of sexual exploitation and trafficking.

Limitations and Challenges of Safe Harbor / No Wrong Door

23. Key limitations of Minnesota’s Safe Harbor programs are the narrow scope of focus on youth and sex trafficking to the exclusion of support for older victims or victims of labor trafficking. Although the age of eligibility for Safe Harbor services was increased from 17 to 24, there is still an effective age restriction because the decriminalization afforded by the Safe Harbor law is only for individuals under the age of 18. This limitation may deter older victims from seeking assistance. The average age of individuals served under Safe Harbor between April 2015 – June of 2017 was 16.⁴⁵ Even if individuals above age 17 are receiving services, they risk losing services abruptly upon aging out beyond age 24. Finally, although funding has increased housing and services for sexually exploited youth, a lack of sufficient housing, both emergency and long-term housing, continues to be cited as an ongoing challenge in 2015 and 2017 reports.⁴⁶
24. Recommendations for improvement of the program include increasing funding and expanding the decriminalization protection to adults and expanding the age limit for services to enable more adult victims to be able to come forward and have access to needed medical and social services.
25. The State of Minnesota is currently engaged in a strategic planning process in efforts to close some of these gaps through the development of a Safe Harbor for All program. Supported by a grant from the Minnesota Department of Health (MDH), a partnership consisting of the University of Minnesota’s Urban Research and Outreach-Engagement Center, Advocates for

⁴³ Safe Harbor: Evaluation Report, Wilder Research, October 2017, page 15.

⁴⁴ Safe Harbor: Evaluation Report, Wilder Research, October 2017, page 16.

⁴⁵ Safe Harbor: Evaluation Report, Wilder Research, October 2017, page 10.

⁴⁶ Safe Harbor, Phase 2 Evaluation Key Findings: 6

Human Rights, and Rainbow Research, is engaged in analysis and development of a strategic plan to be presented to MDH by October 31, 2018.⁴⁷

26. Other ongoing challenges of Minnesota's programs include: the lack of a centralized system for counting victims and measuring required resources; an inability to share data across agencies due, in part, to confidentiality restrictions; high turnover among grantee organizations providing support services; a lack of consistency in implementation and support of Safe Harbor and compliance; and "a lack of culturally specific and culturally competent services . . . including specific providers, services and housing available for people of color, tribal community members, LGBTQ individuals, youth who are parenting, males, and individuals with developmental and other disabilities."⁴⁸
27. While a number of non-grantee non-profits and non-governmental organizations help to fill some of the gaps in services for trafficking survivors, many such organizations focus on providing support in particular sectors, such as housing, and focus on a particular segment of the trafficking victim population such as homeless youth and/or women who are survivors of various types of abuse. Victims outside of those sectors and populations may not have services available.

Assistance for Victims of Labor Trafficking

28. While trafficking is often considered synonymous with sexual exploitation, exploitation for labor is widespread in various industries including construction, agriculture and domestic work. Despite its prevalence, labor trafficking is often under reported and can be more difficult to identify. In 2017, 8,500 potential cases of trafficking were reported to the National Human Trafficking Hotline; only 15% were labor trafficking incidents.⁴⁹
29. A particular challenge with labor trafficking is that many workers do not know their rights or fear repercussions from their employer.⁵⁰ In the case of labor trafficking, the victim's income and livelihood is directly controlled by their trafficker, and coming forward threatens what stability and income these victims do have.⁵¹ Additionally, due to a lack of public understanding of labor trafficking, when victims come forward, they often go unidentified as victims of trafficking.⁵² It is also common for traffickers to threaten foreign victims with deportation if they complain about

⁴⁷ "Urban Research and Outreach-engagement Center," Safe Harbor for All Strategic Planning Process | University of Minnesota, Accessed October 29, 2018, <https://uroc.umn.edu/safe-harbor-all-strategic-planning-process>.

⁴⁸ Safe Harbor, Phase 2 Evaluation Key Findings: 5

⁴⁹ "Human Trafficking - Services for Survivors," Office of Juvenile Justice and Delinquency Prevention, OJJDP, Accessed October 29, 2018. <https://www.ojjdp.gov/programs/human-trafficking-services.html>.

⁵⁰ "Asking the Right Questions: A Human Rights Approach to Ending Trafficking and Exploitation in the Workplace," The Advocates for Human Rights, September 2016, accessed November 12, 2018, https://www.theadvocatesforhumanrights.org/uploads/asking_the_right_questions_2.pdf.

⁵¹ Ibid.

⁵² Ibid.

wages of working conditions.⁵³ As most victims do not know that they can receive legal status in the country for cooperating with police, they stay silent out of fear.

30. In Minnesota, there are currently no coordinated services available expressly for victims of labor trafficking. However, these victims do have a right to monetary compensation for lost wages, under the Fair Labor Standards Act.⁵⁴ Of course, availing this right requires victims to engage in an often complicated legal process and even if successful, the remedy does not provide assistance in terms of social inclusion. However, receiving compensation for lost wages is a starting point for recognition of a human right to be free of servitude and receive a fair wage for one's work.
31. In a case of labor trafficking and severe physical and emotional abuse, a victim in Woodbury, Minnesota was awarded \$95,944.80 in restitution, which in part was made up of her unpaid wages.⁵⁵ Brought to Minnesota from China by a family to work as a nanny, she worked 18 hour days without compensation while enduring starvation and severe physical and emotional abuse. The case was one of the first brought under Minnesota's labor trafficking law and the lack of experience hampered coordination between state and federal law enforcement and service providers. The victim did not receive culturally appropriate services in her native language and, at least partially as a result, chose to return to China rather than avail herself of the full set of benefits, including immigration status, to which she was entitled. The monetary compensation provided some redress for the harms she suffered, but a greater attention to her social wellbeing would have improved outcomes further.

Working with organizations in marginalized communities

32. While government programs for services have been lacking for victims of labor trafficking, there have been success stories with community organizations stepping in and providing needed assistance and coordination with law enforcement. Organizations with roots in marginalized communities have successfully been able to leverage their existing relationships and proximity to at-risk populations and serve as approachable contacts for victims help identify patterns of trafficking.
33. Centro De Trabajadores Unidos en la Lucha (CTUL), a Minnesota based activist group dedicated to the empowerment of community workers to improve the working conditions and strengthen their circumstances, provides an example of such a success.⁵⁶ In the fall of 2018, the CTUL assisted victims of labor trafficking, along with local authorities, to conduct an investigation into the exploitation of 12 construction workers. The workers were smuggled into the country by a local contractor who forced them to work long hours in unsafe working conditions. The contractor frequently threatened to have the workers deported if they complained about the conditions and would not allow the victims to seek medical treatment for injuries that occurred on

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Montemayor, Stephen. "Woodbury Woman to Be Deported to China after Brief Jail Sentence for Abusing Nanny." *Star Tribune*, August 25, 2017. <http://www.startribune.com/woodbury-woman-to-be-deported-after-brief-sentence-for-abusing-nanny/441694583/>.

⁵⁶ "About Us," Centro De Trabajadores Unidos En La Lucha. Accessed October 29, 2018. <http://ctul.net/about-us/>.

the job. After the victims confronted their boss, he reported the victims to ICE. After paying for bail, he placed the workers under a debt bond, forcing them to “work off” the legal fees. With the assistance of CTUL, some of the workers still remain in the country and are assisting in an ongoing investigation.

34. Through its ties and deep understanding of this marginalized community, CTUL was able to build trust with the victims and encourage cooperation with local officials. CTUL was instrumental in making the system work as designed by closing the gap between the victims and local authorities and enabling the victims to obtain assistance and avoid the risk of being returned to the same conditions under which they were trafficked.

Collaborations with faith communities

35. In addition to community organizations, there are faith-based organizations that work with vulnerable communities that are at high risk for human trafficking. One example is the Minneapolis-St. Paul Asylum Support Network, a coalition of churches, social service organizations, and legal service providers that tries to help asylum seekers meet their basic needs while they await the outcome of their immigration case. Under U.S. law, asylum seekers are not eligible for public benefits until they have been granted asylum, a process that can take many years. While waiting, asylum seekers have difficulty securing stable work and housing, making them vulnerable to trafficking. The Asylum Support Network provides temporary housing while clients are in the Twin Cities to attend court hearings, connects asylum seekers with free community resources such as food shelves, and provides some long-term housing. One client, a single mother who had felt very isolated, was connected with a faith community and now has a thriving network of friends and supporters. The Network both reduces the vulnerability of a high risk population and serves as a model for how faith communities could support trafficking victims as they await certification.
36. A separate faith-based organization provides a different model. Sarah’s...an Oasis for Women, provides long-term, secure housing for victims of domestic violence, trafficking, and other trauma. The home focuses on building community and social support for its residents. Sarah’s is a ministry of the Sisters of St. Joseph of Carondelet, (CSJ), St. Paul Province and is partially funded by CSJ’s and their Ministries Foundation. This non-governmental funding stream allows them to offer housing for much longer periods than other domestic violence and homeless shelters, providing stability to women as they heal and rebuild their lives. Sarah’s also provides housing to women who may not be eligible for other services due to their immigration status, a key population at risk of trafficking. The success of Sarah’s demonstrates the important of long-term investments in the wellbeing of trafficking victims that are not dependent on immigration status, eligibility for public benefits, or cooperation with law enforcement.

SUMMARY OF ONGOING CHALLENGES

37. For non-U.S. victims of trafficking in general, avenues are available to obtain legal status in the country and victims may be able to bring family members to the United States. However, this

status is first contingent on enforcement officials recognizing individuals as victims of trafficking before the victims are deported. Second, in order to qualify for a visa and access available services, victims must first be willing to cooperate with a criminal investigation into their perpetrator, with few exceptions. This prosecution-centered approach creates an obstacle to providing best practice care to victims and often results in the victims' return to the same conditions under which they were initially trafficked. As mentioned above, the T-visa program is grossly underutilized with less than half of the small number of annually allotted visas being granted.

38. Minnesota takes a victim-centered, multidisciplinary, and coordinated approach to providing services for sex trafficking victims but this program has a number of limitations. The protection offered by Safe Harbor's decriminalization only extends to individuals under the age of 18 and this limitation likely contributes to lower numbers of older victims coming forward for services. Additionally, services do not extend to individuals over the age of 24. Even for individuals to whom services are provided, there is a shortage of dedicated services particularly in the area of emergency and long-term housing.
39. For survivors of labor trafficking, there may be a legal right to monetary compensation for lost wages, but pursuing such right requires engaging in a legal process that may be inaccessible to many victims who lack knowledge of their rights and the resources to pursue such claims. Unlike in the area of sex trafficking, there are no coordinated services available expressly for victims of labor trafficking. While community organizations have played an important role in assisting such victims, there is a need for a comprehensive and coordinated approach, perhaps one that is similar to the model for sex trafficking, in which a network of government agencies and service organizations communicate and collaborate to effectively assist survivors.