HUMAN TRAFFICKING

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"Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today." Trafficking Victims Protection Act, 22 USCS § 7101(b)(1).
Sex Trafficking, TVPA 22 USC § 7102(A)

• The *recruitment*, *harboring*, *transportation*, *provision*, or *obtaining* of a person...

• ... by the use of *force*, *fraud*, or *coercion* or in which the person induced to perform such an act has not attained 18...

• ... for purpose of a commercial sex act.
Labor Trafficking, TVPA 22 USC § 7102

- To recruit, harbor, transport, provide, or obtain a person  Action

- By the use of force, fraud, or coercion  Means

- With the purpose of subjecting a person to involuntary servitude, peonage, debt bondage, or slavery.  End
Force - Fraud - Coercion

FORCE
☐ Physical confinement
☐ Punishment or violence

FRAUD
☐ False Promises
☐ Tricking into a contract
☐ Different work than expected
☐ Debt Peonage

COERCION
☐ Threats toward victim and/or victim’s family of:
   ☐ Violence
   ☐ Shame
   ☐ Imprisonment or deportation
Who are the Victims? Who is at Risk?

- Any age, race, gender, or nationality.

- Traffickers prey on victims with little or no social safety net.

- They look for victims who are vulnerable because of their illegal immigration status, limited English proficiency, and those who may be in vulnerable situations due to economic hardship, political instability, natural disasters, or other causes.
Human Trafficking Statistics

**National Human Trafficking Hotline Cases**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>7,572</td>
</tr>
<tr>
<td>2007-2016</td>
<td>31,659</td>
</tr>
</tbody>
</table>

**Forms of Human Trafficking**

<table>
<thead>
<tr>
<th>Type</th>
<th>Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex Trafficking</td>
<td>5,551</td>
<td>73%</td>
</tr>
<tr>
<td>Labor Trafficking</td>
<td>1,057</td>
<td>14%</td>
</tr>
<tr>
<td>Sex &amp; Labor Trafficking</td>
<td>268</td>
<td>4%</td>
</tr>
<tr>
<td>Not Specified</td>
<td>696</td>
<td>9%</td>
</tr>
</tbody>
</table>

**Cases of Human Trafficking per Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>3,409</td>
</tr>
<tr>
<td>2013</td>
<td>5,176</td>
</tr>
<tr>
<td>2014</td>
<td>5,382</td>
</tr>
<tr>
<td>2015</td>
<td>5,961</td>
</tr>
<tr>
<td>2016</td>
<td>8,042</td>
</tr>
</tbody>
</table>

**Survivors Directly Supported by Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>1,281</td>
</tr>
<tr>
<td>2015</td>
<td>1,641</td>
</tr>
<tr>
<td>2016</td>
<td>2,042</td>
</tr>
<tr>
<td>2016</td>
<td>3,292</td>
</tr>
<tr>
<td>2016</td>
<td>4,314</td>
</tr>
<tr>
<td>2016</td>
<td>4,935</td>
</tr>
</tbody>
</table>

**Locations of Potential Human Trafficking Cases in the U.S.**

- 24% more survivors reached out to the National Human Trafficking Hotline and BeFree Textline for help in 2016 over 2015.

Learn more at [www.polarisproject.org](http://www.polarisproject.org) and [www.humantraffickinghotline.org/statistics](http://www.humantraffickinghotline.org/statistics).
# Top Venues/Industries for Labor Trafficking

<table>
<thead>
<tr>
<th>Industry</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Work</td>
<td>201</td>
</tr>
<tr>
<td>Agriculture</td>
<td>124</td>
</tr>
<tr>
<td>Traveling Sales Crews</td>
<td>100</td>
</tr>
<tr>
<td>Restaurants/Food Service</td>
<td>75</td>
</tr>
<tr>
<td>Health &amp; Beauty Services</td>
<td>45</td>
</tr>
</tbody>
</table>

Total Cases: 1,057

[https://humantraffickinghotline.org/states](https://humantraffickinghotline.org/states)
Labor Trafficking in the US

What industries are labor trafficking survivors exploited?

- Domestic Servitude: 37
- Agriculture: 19
- Restaurants: 14
- Hospitality: 10
- Construction: 10
- Carnivals/Fairs: 7
- Factories: 4
- Assisted Living: 3

Vulnerability of Farmworkers

Timeline of Historical Events
Creating our Modern-day Agricultural System
1860s – 1960s

1865: The 13th Amendment abolishes slavery in the US

1865-1866: Black Codes required African Americans to have a permit to work in anything other than agriculture

1877 – mid-1960s: Jim Crow Laws in place. Former slaves and their descendants continued to work in agricultural industry due to debt or through sharecropping

1860s – 1960s: Jim Crow Laws in place. Former slaves and their descendants continued to work in agricultural industry due to debt or through sharecropping

1930s: Great Depression and Dust Bowl – Over 500,000 Mexican Americans deported or pressured to leave

1935: National Labor Relations Act – agricultural labor excluded from collective bargaining statute

1938: Fair Labor Standards Act (FLSA) – agricultural labor exempted from minimum wage, overtime and child labor

1939 – 1945: WWII

1942: Bracero program begins

1950: Ag labor becomes eligible for old age and disability benefits

1953: H2 Guest Worker Program created

Timeline of Agricultural Labor, National Farm Worker Ministry: http://nfwm.org/education-center/farm-worker-issues/timeline-of-agricultural-labor/
1960s - Today

1960: *Harvest of Shame* television documentary premieres and exposes America to the plight of migrant laborers.

1963: Farm Labor Contractor Registration Act (FLCRA) passes as a result of *Harvest of Shame* reporting by Edward R. Murrow.

1964: Bracero program terminated due to abusive nature of program.

1966-1970: Ag labor phased into minimum wage provisions.

1969: Cesar Chavez and Dolores Huerta join Filipino farmworkers in organizing efforts on behalf of farmworker rights, founding what is now known as the United Farm Workers. Their efforts laid the groundwork for farmworker organizing and unions.

1978: Federal Unemployment Tax Act includes some agricultural labor but still less than any other group.

1983: Migrant and Seasonal Agricultural Worker Protection Act (AWPA) Passes.

1993: Coalition of Immokalee Workers began organizing. Their efforts have since included fighting for higher wages and encouraging consumers to hold major companies accountable for human rights abuses.

Today:
Agricultural labor still exempted from overtime protections.

Child labor still allowed.

Coalition of Immokalee Workers: [http://www.ciw-online.org/about/](http://www.ciw-online.org/about/)
Cesar Chavez: [http://www.history.com/topics/cesar-chavez](http://www.history.com/topics/cesar-chavez)
Vulnerability of Farmworkers

Agricultural industry is excluded from major U.S. labor protective statues.

Examples of existing exemptions:
- Collective bargaining
- Unemployment benefits
- Overtime
- Child labor
Protective Laws

- MSAWPA, 28 USC § 1801, et al.
  - Disclosures/Postings
  - Transportation
  - Housing
  - Wages
  - Recordkeeping
  - Field and Sanitation
  - Licensing
  - Retaliation
H2A Program

H-2A program allows employers to bring temporary guestworkers ("H-2A workers") into the United States for agricultural work that lasts 10 months or less.

- Unlimited number of visas
- International recruiters
- Attempt to hire US workers
- Passport stamped w/ employer
- Worker protections
https://icert.doleta.gov/
<table>
<thead>
<tr>
<th>ETA Case Number</th>
<th>Job Posting Date</th>
<th>Case Type</th>
<th>Status</th>
<th>Employer Name</th>
<th>State</th>
<th>Work Start Date</th>
<th>Work End Date</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>H-300-16076-1469</td>
<td>04/01/2016</td>
<td>H-2A</td>
<td>ACTIVE</td>
<td>ALEWELT CONCRETE...</td>
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<td>11/23/2016</td>
<td>Farm Worker/Laborer</td>
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<td>H-300-16082-8182</td>
<td>02/30/2016</td>
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<td>Flamm Orchards Inc</td>
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<td>ACTIVE</td>
<td>Spring Valley Farm &amp;...</td>
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<td>10/31/2016</td>
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<td>H-300-16061-9229</td>
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<td>H-2A</td>
<td>ACTIVE</td>
<td>Heritage Family Farm &amp;...</td>
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<td>05/16/2016</td>
<td>11/20/2016</td>
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<td>H-2A</td>
<td>ACTIVE</td>
<td>ALEWELT CONCRETE...</td>
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<td>09/30/2016</td>
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<tr>
<td>H-400-16019-2979</td>
<td>03/14/2016</td>
<td>H-3B</td>
<td>ACTIVE</td>
<td>WINDY CITY AMUSE...</td>
<td>IL</td>
<td>04/14/2016</td>
<td>10/30/2016</td>
<td>Amusement and Rec.</td>
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<tr>
<td>H-400-15321-5195</td>
<td>03/11/2016</td>
<td>H-2B</td>
<td>ACTIVE</td>
<td>Fantasy Amusement...</td>
<td>IL</td>
<td>04/03/2016</td>
<td>11/05/2016</td>
<td>Carnival Attendant</td>
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<tr>
<td>H-300-16063-1279</td>
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<td>H-2A</td>
<td>ACTIVE</td>
<td>ALEWELT CONCRETE...</td>
<td>IL</td>
<td>04/20/2016</td>
<td>11/10/2016</td>
<td>Farm Worker/Laborer</td>
</tr>
</tbody>
</table>
Migrant Labor v. Exploitation v. Trafficking

- Labor
  - Action
  - x
  - x

- Exploitation
  - Action
  - Means
  - x

- Trafficking
  - Action
  - Means
  - End
    - Involuntary Servitude
    - Peonage
    - Debt Bondage
    - Slavery
Vulnerability of Farmworkers

- Income
- Education
- LEP
- Work demands
- Housing
- Transportation
- Recruitment
Six men from Mexico and Guatemala responded to an ad in a Mexican grocery store around Immokalee, Florida that workers were needed in Michigan. Many migrant workers responded to the ad, but only these six were chosen because they were single, spoke only Spanish, had family members in the U.S., and had no Michigan connections.

What makes them vulnerable to trafficking?
Michigan Case Study, ¶1

Six men from Mexico and Guatemala responded to an ad in a Mexican grocery store around Immokalee, Florida that workers were needed in Michigan. Many migrant workers responded to the ad, but only these six were chosen because they were single, spoke only Spanish, had family members in the United States, and had no Michigan connections.

Why vulnerable because they have family in the United States?
The six men were interviewed in Florida by two women of Mexican descent, who seemed nice and fed them well during the interview. The six men were hired. Two adult women, their two adult sons and a girlfriend drove the men to Michigan. On the trip, the six men were rationed food and were not allowed to go to the bathrooms by themselves.
The six men were interviewed in Florida by two women of Mexican descent, who seemed nice and fed them well during the interview. The six men were hired. Two adult women, their two adult sons and a girlfriend drove the men to Michigan. On the trip, the six men were rationed food and were not allowed to go to the bathrooms by themselves.
In Michigan, the recruiters moved themselves and the men into an isolated trailer. The recruiters told them that they were not allowed outside the trailer because the land-owner didn’t like Mexicans and he would shoot them if he saw them. Food was rationed. If they questioned the recruiters, they were denied food. They were beaten. The six men all slept on the trailer’s living room floor.
In Michigan, the recruiters moved themselves and the men into an isolated trailer. The recruiters told them that they were not allowed outside the trailer because the land-owner didn’t like Mexicans and he would shoot them if he saw them. Food was rationed. If they questioned the recruiters, they were denied food. They were beaten. The six men all slept on the trailer’s living room floor.
The recruiters drove the men from camp to camp to look for jobs and found them jobs on a farm after several weeks. One of the sons and his girlfriend also got jobs on that farm. The son would follow the men when they used the bathroom. When the men received their paychecks, the two women were always present. Immediately after the men were paid, the recruiters would drive them to a Mexican grocery store to cash their checks.
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How do I Identify Human Trafficking?

Human trafficking is often “hidden in plain sight.” There are a number of red flags, or indicators, which can help alert you to human trafficking. Recognizing the signs is the first step in identifying victims.
Behavior or Physical State:

- Does the victim act fearful, anxious, depressed, submissive, tense, or nervous/paranoid?
- Does the victim defer to another person to speak for him or her?
- Does the victim show signs of physical and/or sexual abuse, physical restraint, confinement, or torture?
- Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?
- Does the victim have few or no personal possessions?
Social Behavior:

- Can the victim freely contact friends or family?
- Is the victim allowed to socialize or attend religious services?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the employer/authority figure showing signs of anxiety, depression, or aggressive behaviors?
Immigration Status:

- Has the victim been threatened with deportation or law enforcement action?
- Is the victim in possession of identification and travel documents; if not, who has control of the documents?
Work Conditions:

- Does the victim work excessively long and/or unusual hours?
- Was the victim recruited for one purpose and forced to engage in some other job?
- Is the victim’s salary being garnished to pay off a smuggling fee or other debt? (Paying off a smuggling fee alone is not considered trafficking.)
- Is the victim being denied adequate food, sleep, or medical care?
- Are there rules or limitations regarding camp access?
- Is the victim being denied free communication with family, other workers, etc.?
Identify camp access issues
Review paystubs for missing/suspicious information
Disclosures

<table>
<thead>
<tr>
<th>Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period of employment</td>
</tr>
<tr>
<td>Type of Work</td>
</tr>
<tr>
<td>Location of Work</td>
</tr>
<tr>
<td>Transportation</td>
</tr>
<tr>
<td>Housing</td>
</tr>
<tr>
<td>Benefits available</td>
</tr>
</tbody>
</table>

[https://www.dol.gov/whd/forms/wh516.pdf](https://www.dol.gov/whd/forms/wh516.pdf)
Additional Questions

• Was the worker recruited?
• What was he/she promised?
• What were the actual working conditions like?
• Was the worker coerced?
• What would happen if workers tried to leave his/her job?
• Are workers afraid of his/her employer?
Questions to ask

• Originally from Mexico and Guatemala
• Recruited from Immokalee, Florida to work in Michigan
• Family members in the United States
• No Michigan connections.

• Where are you from?
• Is that where you learned about the job in Michigan?
• Is your family still in Mexico?
• Have you been to Michigan before? Familiar with the area?
Questions to ask

- Drove men to Michigan
- Recruiters moved themselves and the men
- Not allowed outside the trailer
- Isolated trailer
- The six men all slept on the trailer’s living room floor
- Land-owner didn’t like Mexicans and he would shoot them if he saw them

- How did you get to Michigan? How do you get around Michigan?
- Come and go as you please
- Where do you live?
- Who do you live with?
- Is the housing what you expected?
Questions to ask

• Food was rationed
• Present when paid

• How do you get food?
• How do you get paid?
• How do you access your money?
• Do you have to pay for the housing? Food? Transportation? How?
If suspect trafficking
or labor exploitation

• National Human Trafficking Resource Center
  • Call 888-3737-888
  • Text HELP or INFO or BEFREE (233733)

• Farmworker Legal Services
  • Call 269-492-7190 / 1-800-968-4046

• Trafficking Survivors Assistance Project of LAF at 800-445-9025.

What should I NOT DO if I suspect Human Trafficking?
Never take matters into your own hands!!
Who are we?

- Bilingual staff
- Free civil legal aid to eligible farmworkers & their families
- Outreach, Presentations, Representation of clients
  - Confidential
Seeking Justice

- **Outreach**
  - Over 100 labor camps, H2A
  - Rural communities
  - Statewide summer program

- **Advocacy**
  - Presentations, Task Force
  - Education of law enforcement, employers, etc.
  - Strategic partnerships

- **Litigation**
  - Federal lawsuits
  - Settlements
  - Binding agreements, consent decrees
Cases in the Midwest

• H2A Visa holder recruited from Mexico, threatened when he complained about work conditions. Not given water on hot day and dies in the fields. Authorities told he ran off the job. Body recovered 50 days later.

• 17-year-old female from upper middle class family begins modeling career; Manager begins forcing her into selling sex on different shoots and threatens to do harm to her younger siblings and expose her to her school and family friends if she complains.

• 4 men recruited at homeless shelter to work construction. Forced to live in a shipping container and severely beaten if they try to escape. Worked 14-16 hour days and paid less than $4 per day.

• High school basketball player from Senegal recruited to come live with a family, go to school, and play basketball. Forced to sleep on concrete floor of garage and given very little food or water. Family in Senegal threatened if player doesn’t sign with certain school and agency.
www.facebook.com/IMLAP1
www.facebook.com/IllinoisTaskForceonHT/
www.facebook.com/Trafficking-Survivors-Assistance-Program-TSAP

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