



**STATEMENT**

**of**

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**REGARDING A HEARING ON**

**“Trafficking Victims Protection Reauthorization Act:  
Renewing the Commitment to Victims of Human Trafficking”**

**BEFORE THE**

**Senate Judiciary Committee**

**Wednesday, September 14, 2011**

Good morning Chairman Leahy, Ranking Member Grassley, and distinguished Members of the Committee. Thank you for inviting me to appear before you to discuss the Trafficking Victims Protection Act of 2000 (TVPA), which was most recently reauthorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and DHS's role and progress in implementing this important law. I am pleased to appear before the Committee to discuss a topic which is of great importance to me. I have worked on trafficking issues since prior to the passage of the landmark TVPA and have partnered with my colleague Ambassador CdeBaca on the first trafficking cases prosecuted under the law in Guam.

Combating human trafficking and protecting victims remain a top priority for DHS. We have trained our officers, prioritized the identification of traffickers and their victims, and coordinated enforcement action against traffickers. DHS continues to educate its personnel, as well as state and local law enforcement agencies and citizens, to identify and report indicators of human trafficking. Through our education and outreach efforts, we are able to help citizens and state and local law enforcement agencies to identify victims of human trafficking in the United States.

We also have played a critical role in providing victim assistance to foreign victims of trafficking in the United States. Through Continued Presence and T and U nonimmigrant status (commonly referred to as T and U visas), DHS permits eligible victims of trafficking to remain in the United States for an extended period of time, allowing them to assist with criminal investigations and prosecutions. Eventually, eligible individuals can then apply for permanent resident status.

In addition, DHS (1) provides continued presence to certain trafficking victims and paroles their family members into the United States; (2) employs victim assistance specialists and coordinators who work in tandem with law enforcement and nongovernmental service providers throughout the country; and (3) offers victim assistance information to potential victims informing them of their rights under federal law and how to access victim assistance resources.

I would like to share some of these DHS accomplishments and success stories this morning.

### Blue Campaign

In July 2010, Secretary Napolitano launched the Blue Campaign to coordinate and enhance the Department's anti-human trafficking efforts. Seventeen of our components are involved in the Blue Campaign, which harnesses and leverages the varied DHS authorities and resources. The Senior Counselor to Secretary Napolitano, Alice Hill, chairs the Blue Campaign.

The Blue Campaign is comprised of the collaborative initiatives spanning the "3 Ps" of the U.S. Government's anti-human trafficking efforts: Prevention, Protection, and Prosecution; as well as a "fourth P": Partnership, which DHS recognizes is also critical to the success of our anti-trafficking efforts.

- Prevention: DHS helps prevent human trafficking by conducting domestic and international public awareness campaigns and disseminating informational materials to vulnerable populations and to people likely to encounter potential victims. U.S. Citizenship and Immigration Services (USCIS) has developed materials regarding immigration assistance options for victims of human trafficking, domestic violence, and other crimes, geared towards emergency responders, law

enforcement officers, and healthcare professionals who may be in a position to identify and aid victims of trafficking. These outreach materials are currently available in English, Spanish and Chinese.

- Protection for human trafficking victims: DHS provides rescue and emergency assistance; offers immigration benefits in the form of Continued Presence, and T and U visas; employs victim assistance specialists, victim assistance coordinators, and a forensic interviewer who work together with law enforcement and non-governmental service providers throughout the country; and actively distributes a number of victim assistance materials informing potential victims of their rights and how to seek help. U.S. Immigration and Customs Enforcement (ICE) provides victims with important immigration information, including eligibility and request guidelines, particularly with regard to Continued Presence—a temporary immigration relief provided by law enforcement to victims of human trafficking.
- Prosecution: DHS is active in conducting human trafficking investigations and supporting prosecutions, both domestically and abroad. As part of our efforts, we conduct training and outreach to international, federal, state, and local law enforcement officers and prosecutors. USCIS also issues public guidance and memoranda outlining the provisions and rights of trafficking victims under the most recent reauthorization of the law, the TVPRA 2008.
- Partnerships: Recognizing that no single entity can effectively combat human trafficking, DHS collaborates with more than 90 federal, state, and local entities, including non-governmental, private sector, law enforcement, community, faith-based and international organizations.

I would like to highlight some examples of our victim assistance efforts and our outreach materials.

### Victim Assistance Efforts

- In fiscal year 2010, USCIS reached the statutory annual cap of 10,000 principal U visas approved for victims of qualifying criminal activity, including human trafficking, along with granting 9,315 derivative U visas to family members. Thus far, in fiscal year 2011, USCIS has issued 9,193 principal U visas and expects to reach the cap for the second year in a row in mid-September. USCIS has also issued 6,868 derivative U visas in fiscal year 2011 through July 2011. In addition, USCIS has granted T nonimmigrant status to 796 victims of human trafficking and their families (447 principals and 349 family members) – the highest number granted since the implementation of the statutory T visa program in 2002. From October through July 2011, USCIS has approved T nonimmigrant status for 1,009 victims of human trafficking and their families (437 principals and 572 family members). This already represents a 26 percent increase from fiscal year 2010. This upward trend indicates that we are becoming better at identifying victims and offering assistance.
- USCIS announced a procedure for victims of trafficking who were in diplomatic status (under A-3 or G-5 nonimmigrant status) and who are pursuing civil action against their trafficker to remain in the United States and receive work authorization while the civil case is pending.
- Eighteen of the 26 ICE Homeland Security Investigations' offices have hired full-time victim specialists. The specialists advise and assist ICE's 250 collateral duty victim assistance coordinators in the field and ICE special agents. Victim specialists also provide on-site

victim assistance and operational planning in complex cases involving large numbers of rescued victims, as well as coordination and assistance in cases in which foreign victims are brought to the United States to testify. ICE has a child forensic interview specialist to improve its ability to communicate with child victims.

- ICE has designated 39 human trafficking experts. These experts are trained to handle human trafficking leads, address urgent victim needs appropriately, serve as designated points of contact for our field and follow leads generated through the HSI-Tip Line. This Tip Line is a national intake center established to receive, analyze, document, and disseminate investigative leads. Tip-line specialists disseminate actionable leads to the responsible DHS field office or, in some cases, to an appropriate third party agency.
- U.S. Customs and Border Protection (CBP) produces informational posters and ‘tear cards’ for potential victims of human trafficking. These materials are publically available at each of the 330 ports of entry and Border Patrol station and checkpoint. The cards are designed to connect victims to a crisis support center and are currently available in 14 different languages.

As I mentioned, DHS’s Blue Campaign has worked diligently to provide a variety of informational resources and materials about human trafficking. For example:

#### Public Awareness Campaigns/Informational Materials

- A new DHS public service announcement featuring Demi Moore and Ashton Kutcher, designed to raise awareness about the dangers and signs of human trafficking, is currently

airing on CNN Airport Network at airports across the country. The announcement includes information about how to report suspected human trafficking to authorities.

- The Hidden In Plain Sight's 2010 campaign featured newspaper advertisements on human trafficking in Chinese, English, Korean, Spanish, and Thai. The campaign was printed in 50 newspapers across the United States, whose total readership was an estimated 5 million people.
- “No Te Engañes”, a CBP public service announcement, ran internationally in Guatemala, El Salvador and Mexico. The awareness campaign, which includes television, radio, and print media, informs potential migrants of the dangers of human trafficking and how to avoid becoming a victim. On July 19, 2011, DHS then launched the “No Te Engañes (Don’t Be Fooled)” public service awareness campaign in the United States, debuting in Florida, Georgia, and Washington DC. The new U.S. campaign delivers a message of protection, enlisting the public to “Give victims a voice by using yours.”
- U.S. Customs and Border Protection (CBP) produced plastic “Shoe Cards” for distribution to potential victims of human trafficking. These cards are designed to break into smaller cards for discreet portability and are available in English, Arabic, Chinese, Hindi, Indonesian, Korean, Portuguese and Spanish.
- USCIS developed informational materials about immigration options for victims of human trafficking, domestic violence, and other crimes, geared towards emergency responders, law enforcement officers, and healthcare professionals nationwide who may be in a position to identify and aid victims of trafficking. The materials are available in English, Spanish, Russian, and Chinese.

## Training

Training is critical to our counter-trafficking efforts. I would like to describe briefly a few of our training efforts.

DHS' Federal Law Enforcement Training Center (FLETC), in cooperation with the DHS Office of Civil Rights and Civil Liberties (CRCL), is in the process of finalizing development of a new computer-based training course for DHS employees to increase awareness of human trafficking issues and provide information about the signs and indicators of human trafficking. This course will focus on the operational components and how employees from those components might encounter victims of human trafficking and how they should respond. DHS consulted with key non-governmental organizations in content development.

DHS has produced training on human trafficking for law enforcement officers. FLETC has developed a free, widely available interactive computer-based training system for federal, state, and local law enforcement officers, which includes information about Continued Presence, along with the T and U nonimmigrant visas. This relatively new training has already been certified by eight states for continuing law enforcement education purposes.

With the support of the State Department and other federal agencies, DHS is also developing a new training for federal acquisitions personnel, educating them on the provisions, including suspension and debarment, in the Federal Acquisition Regulation that can be used to combat human trafficking. The training is set to be completed by the end of this year, and will be available to all U.S. Government acquisition workforce personnel. DHS is using the general portion of the acquisitions

training to create an awareness training, which will be available to the public via the Blue Campaign web site later this year.

ICE provides annual training to field office juvenile coordinators and other key field office staff.

The juvenile coordinators are responsible for managing the initial transportation, care, treatment and placement of minors apprehended by DHS. ICE held a national training session on TVPRA 2008 and Unaccompanied Alien Children (UAC) issues, which over 80 DHS officials attended in June 2011. This was a collaborative effort, with participation from various DHS components and the Department of Health and Human Services (HHS) Office of Refugee Resettlement.

During basic training, all new CBP officers and agents receive training on how to identify and respond to both victims and perpetrators of human trafficking. Additionally, in March 2011, CBP implemented a new annual mandatory TVPRA 2008 training for all CBP officers, Border Patrol Agents, Agriculture Specialists, Air Interdiction Agents and Marine Interdiction Agents. This training updated and consolidated all previous CBP human trafficking training and included TVPRA 2008 requirements relating to Unaccompanied Alien Children. To date, over 34,500 CBP officers, agents and specialists have taken this training.

USCIS's Vermont Service Center, which has jurisdiction over applications and petitions for T and U nonimmigrant status, has conducted several outreach trainings in partnership with the USCIS Office of Policy and Strategy. USCIS provides training to federal, state and local law enforcement officers across the nation through in-person, telephonic, and web-based presentations. These sessions cover the DHS Blue Campaign; the roles of the individual components of DHS; the purposes and eligibility requirements of the T and U nonimmigrant visas; and the rights, roles, and responsibilities

of local and state law enforcement agencies in working with the federal government to combat human trafficking. The Vermont Service Center also holds bi-monthly WebEx trainings for law enforcement agencies on the U visa certification process. USCIS also provides T and U nonimmigrant visa training to nongovernmental organizations that work to support trafficking victims and those seeking Special Immigrant Juvenile Status. USCIS provides internal training to its field officers nationwide on the TVPRA 2008 changes to the immigration provision relating to Special Immigrant Juvenile status. Special Immigrant Juvenile status is available to alien victims of abuse, abandonment or neglect in the United States who cannot reunify with a parent.

#### Unaccompanied Alien Children (UAC)

DHS has worked diligently to implement the provisions relating to UAC identified in the TVPRA 2008. DHS's role is critical to protecting children. The TVPRA 2008 requires the HHS, in consultation with DHS, to develop procedures to make prompt age determinations of aliens in order to make custody determinations. HHS and DHS issued the required guidance last year.

The TVPRA 2008 requires DHS to screen Mexican and Canadian UAC who are apprehended at a land border or port of entry of the United States to determine whether the child is a victim of a severe form of trafficking or is at risk of being trafficked upon return; whether the child has a credible fear of persecution or torture if returned to their country of nationality or last habitual residence; and whether the child is capable of making an independent decision to withdraw his or her application for admission to the United States. If there are such risk indicators during the screening process, or if a screening determination cannot be made within 48 hours of

apprehension, the child is placed into removal proceedings and turned over to HHS for care and custody while awaiting the outcome of the immigration proceedings. I am proud to note that while the DHS statutory requirement is limited to the screening of UAC from contiguous countries, CBP issued guidance in March 2009, requiring its officers and agents to screen all UAC for these three risk categories at CBP ports of entry and Border Patrol sector stations.

Absent exceptional circumstances, UAC are turned over to HHS within 72 hours after determining that the child is unaccompanied. The primary goal of CBP is to transfer UAC processed for immigration proceedings to HHS within 24 hours. DHS recognizes that holding UAC in our facilities for a prolonged period is not in the best interest of children, especially the very young, and strives to ensure swift transfers to HHS to mitigate any adverse impacts.

If UAC express a fear of persecution or torture, they can pursue an asylum application affirmatively with USCIS, rather than defensively with the immigration court. After consultation with ICE and the Executive Office for Immigration Review (EOIR) of the Department of Justice, the USCIS Asylum Division has implemented this initial jurisdiction provision of the TVPRA 2008 by issuing extensive policy and procedural guidance. Our Asylum Officers have received comprehensive training on procedural issues relating to the TVPRA 2008, as well as on issues relating to adjudicating children's asylum applications generally. USCIS is currently working with DHS partners and EOIR to promulgate regulations codifying and improving upon the policy and procedural guidance already in existence.

In March 2009, USCIS issued policy guidance discussing the statutory changes to the Special Immigrant Juvenile program made by TVPRA 2008. On September 6, 2011, USCIS published a Notice of Proposed Rulemaking in the Federal Register proposing to amend the regulations governing Special Immigrant Juvenile status to implement TVPRA 2008.

Additionally, TVPRA 2008 allowed these vulnerable juveniles to become eligible for placement in the Unaccompanied Refugee Minor (URM) program of the Office of Refugee Resettlement of HHS. A placement in the URM program can assist a child up through the age of 21, or beyond, connecting these vulnerable children to much needed services.

### Success Stories

I would also like to take this opportunity to highlight some of our successes.

- At our Los Angeles office, our ICE agents investigated and successfully rescued 15 women and girls who were forced into prostitution by a family-run human trafficking organization. As a result of our agents' successful investigation, we were able to identify and prosecute nine foreign nationals. These individuals were found guilty of conspiracy, sex trafficking of children by force, and importation and harboring of illegal aliens for the purposes of prostitution. They were sentenced to terms of imprisonment ranging from two to 40 years, depending on their level of involvement.

- TVPRA 2008 allowed for derivative family members to receive nonimmigrant status based on a fear of retaliation from the traffickers, regardless of the age of the principal applicant. In 2010, the Vermont Service Center successfully approved a mother of a sex trafficking survivor based on this new exception, and worked with the Department of State to facilitate her entry into the United States. The mother, who had received death threats by one of her daughter's traffickers, was able to reunite with her daughter and to testify at her daughter's trial. Both the mother and daughter have now successfully filed for adjustment of status and are lawful permanent residents living in the U.S.

### Next Steps

We have made remarkable progress since the passage of the landmark law in 2000 and believe there is still work to be done. For example, DHS will continue to refine its guidance for proper implementation of the statutory provisions on Continued Presence and discretionary parole of trafficking victims' relatives. ICE recently issued a protocol on Continued Presence which outlines the procedures for federal, state, and local law enforcement agencies to request Continued Presence for individual victims and explains the respective roles of requesting law enforcement agencies and sponsoring federal law enforcement agencies.

With regard to parole for relatives of human trafficking victims, ICE's Continued Presence guidance incorporates TVPRA 2008's expansion of this authority by stating that, at the discretion of federal law enforcement agencies, Continued Presence recipients may be granted authorization to have their family members join them in the United States. Specifically, the protocol describes which family members may qualify, statutory limitations on qualifying, and

procedures for the law enforcement agency's request for "significant public benefit parole" on behalf of a victim's family member(s).

### Conclusion

Secretary Napolitano has led DHS efforts to combat human trafficking and has made this issue a top priority for the Department. This Department is committed to fighting human trafficking through protection, prevention, prosecution and partnerships. Within a short period of time, DHS has succeeded in making important operational and policy changes. I am confident that we can further reduce the incidence of trafficking and protect victims. In the coming months, I look forward to working with Congress as it reauthorizes the TVPA with the goal of ending the scourge of modern human slavery.

Thank you again for opportunity to testify. I would be happy to answer your questions.