

Testimony of
Anastasia K. Brown
Director, Refugee Programs
Migration and Refugee Services/U.S. Conference of Catholic Bishops

Before
The Committee on the Judiciary
U.S. House of Representatives

On
Combating Modern Slavery: Re-authorization of Anti-Trafficking
Programs

October 31, 2007

I am Anastasia Brown, director of refugee programs of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). I am pleased to be here today before the subcommittee to testify on trafficking in human persons and H.R. 3887, the Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

I would like to thank you, Mr. Chairman, for inviting us to testify today. I also want to thank you, Ms. Lofgren, Mr. Berman, and other members of the Committee for your leadership over the years on this important and vital humanitarian issue.

Our purpose in testifying today is to provide the perspective of the U.S. Conference of Catholic Bishops (USCCB) on the U.S. government response to human trafficking and to relay our support for H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, which has been reported by the House Committee on Foreign Affairs.

In my testimony, I will focus mainly on child trafficking victims, who are particularly vulnerable to traffickers. I also will address advances in the treatment of trafficking victims that have been made as a result of the Trafficking Victims Protection Act of 2000 and its 2003 and 2005 reauthorizations; set forth a number of changes in law and practice that the Bishops recommend be made in order to more fully protect such victims; and assess H.R. 3887, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

At this point in my testimony, I will briefly summarize our support of provisions in H.R. 3887. I explore each of them more fully later in my testimony.

- 1. Services to trafficking victims should be made available from the point they are rescued to the point they are self-sufficient and in good health. H.R. 3887 addresses some of these concerns in Section 213.**
- 2. Because current methods of referral are unrealistically restrictive, giving exclusive authority to law enforcement, more avenues should be created for the referral of trafficking victims for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.**
- 3. The federal government should provide more education and guidance to federal, state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services. H.R. 3887 addresses some of these concerns in Section 213.**
- 4. Congress should enact into law H.R. 3887, the “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007” including its important reforms relating to vulnerable children, including child trafficking victims.**

The Bishops' Interest in Human Trafficking

The movement of people across boundaries around the world is part of the collective human experience, but towards the end of the 20th century a new and disturbing issue related to the international migration of humans began to emerge: the trafficking of humans through the use of fraud, force, or coercion.

Now, in the twenty-first century, this practice reaches every corner of the globe, from Asia and Africa to Europe and the Americas. The purveyors of this new international scourge—international traffickers and their accomplices—gain power and reap profits from their abuse and exploitation of those they traffic.

This is not a problem which exists merely on far away shores and in less developed lands. It exists right here in the United States, where thousands of persons are trafficked each year for purposes of forced prostitution or forced labor.

The Catholic bishops of the United States and the church community throughout the nation have placed combating human trafficking as a top priority in their public advocacy, educational outreach, and in providing service to trafficking victims. From the Catholic perspective, human trafficking represents a scourge on the earth which must be eradicated. It is indeed troubling that in the twenty-first century human beings are being sold into bondage as prostitutes, domestic workers, child laborers, and child soldiers.

His Holiness Pope John Paul II, in a letter on the occasion of the International Conference on “21st Century Slavery—the Human Rights Dimension to Trafficking in Human Beings,” stated that human trafficking “constitutes a shocking offense against human dignity and a grave violation of fundamental human rights. In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and human rights.”¹

The Catholic bishops of the United States and Mexico have also spoken out on the issue, calling upon the governments of the United States and Mexico to work together to apprehend traffickers and destroy trafficking networks: “Both governments must vigilantly seek to end trafficking in human persons. Together, both governments should more effectively share information on trafficking operations and should engage in joint action to apprehend and prosecute traffickers.”²

In a recent statement, the U.S. Catholic Bishops' Committee on Migration reaffirmed the commitment of the U.S. Catholic Bishops to end this humanitarian crisis: “The Catholic

¹ Pope John Paul II, *Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference on 21st Century Slavery—the Human Rights Dimension in Trafficking in Human Beings*, May 15, 2002.

² U.S. and Mexican Catholic Bishops, *Strangers No Longer: Together on the Journey of Hope*, January, 2003, n. 191.

Church...in the United States stands ready to work with our government to end this scourge. We cannot rest until trafficking in human persons is eliminated from the globe.”³

The Scourge of Human Trafficking

At least 700,000 persons annually are trafficked within or across international boundaries. They are forced mainly from less-developed countries and regions, such as India, the former Soviet Union, Central and South America, and throughout Africa. They traverse the globe, ending in Germany, Italy, the Netherlands, Israel, Australia, Japan, Canada, and the United States.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. They are also connected by their desperation and urge to escape the double trap of privation and their perception of migration as an accessible escape route. Often they seek to escape life in a dreary village or oppressive slum, with the hope of finding opportunity and a brighter future in a more developed land.

It is in these environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel to a foreign land, at no immediate expense, for employment and housing. At the end of the journey, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, an illicit factory, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse in the roles of prostitutes, domestic servants, or manual laborers. Many become ill with disease or become infected with HIV. Some lose their lives.

The Church Response to Human Trafficking

As I mentioned, Mr. Chairman, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We are working to raise awareness within the Catholic community about the problem, including trainings to help diocesan staff identify and assist victims of trafficking. We have sponsored roundtables and conferences on the

³ Statement of Bishop Thomas Wenski, Press Conference on Launching of Anti-Trafficking Initiative in Central Florida, June 9, 2004.

subject and held public meetings on several occasions to educate the Catholic faithful and others on human trafficking. It is important to note, Mr. Chairman, that all of our training and education is directed toward one end: the best interest of the victims. Our education and training are intended to help people to identify victims when they see them, and to empower them to act on what they see.

Part of this effort is driven by the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach. The coalition was instrumental in influencing provisions of the Trafficking Victims Protection Act of 2000 and its successors, the Trafficking Victims Protection Reauthorization Act of 2005.

The Church and its service organizations, particularly Catholic Charities, also provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs. Through our networks, we also provide case management services, social service assistance, and legal assistance, where appropriate. In the past year and a half, we have served 612 adult and 80 child trafficking victims and their family members. We also have consulted on over 45 potential child trafficking cases, representing as many as 140 victims. In our experience, Mr. Chairman, victims of trafficking need access to a continuum of services in order to attain self-sufficiency and restored mental and physical health.

Trafficking victims also need, first and foremost, safety and security. Many are terrified of the traffickers who brought them to the United States and show signs of post traumatic stress disorder syndrome, among other mental health problems. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. In this vein, USCCB has developed a system for short-term emergency housing where victims can be safe until they are assigned to a non-governmental organization to provide them with the services they are entitled to as victims of trafficking. Our system of safe houses involves the commitment of individuals and communities, including religious communities, who open their doors when there is an emergency in their area or who network to ensure that victims receive housing and are protected.

Mr. Chairman, let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking. First, faith-based organizations act from a theological and philosophical perspective. For example, the themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have national and international networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies, both domestic and international, which offer expertise and geography that expand the possibilities for outreach and service, an asset not to be underestimated. For example, the Catholic Church is present overseas, in the form of Catholic Relief Services and the universal Church, as well as domestically, in the form of Catholic Charities, local dioceses, and parishes. We also have access to other networks, such as religious congregations around the world.

Finally, faith-based organizations have resources, in the form of human resources, in-kind donations, and other assets, which provide an important infrastructure which can assist in the fight against human trafficking. While we see the effort as a partnership with the U.S. government and other governments around the world, we would be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

U.S. Government Response to the Plague of Human Trafficking

Mr. Chairman, in 2000 the U.S. Congress passed landmark legislation entitled the Trafficking Victims Protection Act of 2000 (TVPA), which provided the U.S. government the framework to respond to the plague of human trafficking in the United States. In 2003 and 2005, Congress reauthorized funding for original legislation and made major improvements to it, giving law enforcement authorities more tools to apprehend traffickers and giving trafficking victims, especially children, easier access to immigration benefits and services.

Specifically, TVPA revamped U.S. law by making human trafficking a crime against an individual, allowing the U.S. government to focus on victims of trafficking. The government now provides funding to assist victims and issues a T-visa, created under the law, to provide protection and permanence to victims. Reauthorization of TVPA allowed for minors to access the T-visa without being forced to testify in open court against their persecutors and allowed for siblings of victims to come with their parents to the United States. We believe the T-visa and its protection is a major feature of U.S. law which permits victims to remain in the United States and not be sent back to traffickers in their home country.

Since the enactment of TVPA in 2000, the Departments of State, Justice, and Health and Human Services have made great strides in implementing the law. Because of their joint and individual efforts, general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services, and more traffickers have been brought to justice. Your committee's leadership, Mr. Chairman, and that of Congress will help improve these efforts even further in the years ahead.

Despite the advancements made in the past several years, Mr. Chairman, improvements can continue to be made in providing a continuum of services to victims and in identifying and referring victims for care.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007

Mr. Chairman, I would like to take this opportunity to comment on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, which has been introduced in this Congress. While my comments do not represent the totality of our interests on this legislation, we would like to highlight several provisions which will help fill the gaps in the continuum of care for victims.

The Office of Refugee Resettlement (ORR) of Health and Human Services (HHS) should determine children eligible for benefits without waiting for authorization from the Department of Homeland Security. The TVPA of 2003 permits ORR to determine eligibility for children and provide services without the child being required to cooperate with law enforcement in its investigation. Despite this law, in practice ORR waits for DHS approval prior to certifying a child victim eligible for services and making those services available to them. We are therefore in strong support of Section 213, which authorizes interim assistance for child trafficking victims and reaffirms the intent of Congress that ORR not wait for authorization from other federal agencies prior to providing services or determining eligibility for services for children.

Funding for services should be made more available once a child victim is identified but before certification by HHS. This is a critical time in the care of a trafficking victim, who is usually traumatized, physically and mentally abused, and insecure. The funding which is available for pre-certification is inadequate to address the needs of an individual when the period between his or her identification and certification lasts many months. Care and placement should begin immediately upon the rescue of a child victim. While both the Department of Justice's Office of Victims of Crime and HHS recognize this principle, the funding does not match the long-term care that the investigation mandates.

More funding should be made available to victims of human trafficking. As human trafficking becomes more public and more victims are identified, more funding is needed to provide services to trafficking victims. Due to competing interests and limited funds, ORR/HHS is compelled to set limitations on the length of time foreign national victims are in care, leaving them vulnerable to potential exploitation and undocumented status. Trafficking victims, traumatized by their experience, require comprehensive care, not just emergency assistance and help in finding a job. We support that all victims of human trafficking, whether foreign-born or U.S. citizens, receive appropriate care. Section 214 of the legislation authorizes funding for "domestic" (U.S. citizen) victims of human trafficking, and we recommend that their care be placed under appropriate departments within HHS or the Department of Justice (DOJ). We also support additional language which would require ORR/HHS to direct more of their funds to services for victims instead of infrastructure needs.

Efforts to protect vulnerable children should be enhanced. Mr. Chairman, we strongly support Section 236 of the legislation, which takes steps to strengthen the protection

regime for children who are often prey for human traffickers. Specifically, we support efforts to upgrade the care and custody of these children, including the provision of safe and secure placements for children and the conduct of home studies once a child is placed with an individual or family in a least restrictive setting.

We strongly support making children with a special immigrant juvenile visa eligible for services in the unaccompanied refugee minor program. These children fall through the care continuum when states do not accept them into state care and they become ineligible for federal care. Haitian and Cuban children should remain eligible for this program, regardless of whether they obtain SIJ status.

We also support provisions which ensure that home studies are conducted prior to the placement of a child, especially when a potential sponsor has no familial relationship with the child. Such sponsors could have connections to smugglers or traffickers or a history of criminal convictions, domestic violence, or drug abuse. Indeed, we believe this language could be strengthened to ensure that suitability assessments are required under these circumstances.

Mr. Chairman, we generally support the creation of a guardian *ad litem* program in the Office of Refugee Resettlement (ORR) which would give the director of ORR the authority, if the director has a reason to believe that a child is a victim of trafficking, to appoint a guardian *ad litem* to investigate whether a child is a child trafficking victim in need of services. It also would allow the guardian to guide the child during legal proceedings. We support the addition of language to ensure that the guardian can advocate for the child in court and that any guardian be a child welfare professional.

MRS/USCCB also strongly supports Section 236 (4) and 236 (5), which would provide legal orientations for children and encourage the Secretary of Health and Human Services to ensure that all children have competent counsel. Victims of trafficking benefit from counsel because they are involved in legal proceedings to prosecute traffickers, need assistance to obtain a legal visa, and may or may not be involved in deportation proceedings.

Federal, state, and local authorities should be trained in referring child trafficking victims for assistance and should be required to refer them immediately upon identification. Section 213 (1) (B) would require that federal, state, and local authorities refer possible child trafficking victims to ORR/HHS for assistance. We strongly support preservation of this provision in H.R. 3887.

Families should remain together. We strongly support provisions in Section 205 that would permit the parole of family members of adult or child trafficking victims. Many times these family members also can be the target of traffickers or can be retaliated against if a trafficking victim testifies against a trafficker.

In addition to supporting H.R. 3887, we support the following policies:

1. Services to trafficking victims should be made available to victims from the point they are rescued to the point they are self-sufficient and in good health.

While the Congress has appropriated funds for services to trafficking victims through the Office of Refugee Resettlement of the Department of Health and Human Services (ORR/HHS) and the Department of Justice, there exist gaps in funding and services for victims which should be addressed.

As mentioned, H.R. 3887 provides interim assistance to trafficking victims prior to certification. Consideration also should be given for the care of victims post-certification, at least until they have achieved self-sufficiency and good health. Currently, funding provides for initial health screening, health-care, employment referral, and other services, but does not follow the victim beyond the initial stages of assistance. Since trafficking victims are a newly served population, our infrastructures have yet to adapt sufficiently to their needs. This leaves these victims susceptible to traffickers and to desperation on the streets.

We recommend that the subcommittee examine the continuum of care given to trafficking victims and work to fill the gaps which undermine the potential success of victims to lead self-sufficient lives.

2. Because current methods of referral are unrealistically restrictive, giving exclusive authority to law enforcement, more avenues should be created for the referral of victims, especially child victims, for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.

Although as many as 17,500 persons are trafficked into the United States each year, approximately 1,500 have been identified and certified since 2000. This is primarily because of the lack of awareness among the general public, community organizations and groups, and local law enforcement authorities, which should improve in the months and years ahead. It is also because there exist only certain avenues for referral, mainly by federal authorities who apprehend and prosecute traffickers and who rescue victims.

We strongly believe that more avenues for referral should be available. Non-profit organizations in the community, such as child welfare agencies or social service providers, possess experience in identifying potential trafficking victims and should be allowed to refer victims to ORR for appropriate services, where possible.

3. Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.

The creation of a State Department office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. Among the initiatives undertaken by the office include an interagency

task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed.

4. The federal government should provide more education and guidance to state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services.

The reauthorization of the TVPA in 2003 includes a provision which allows referrals by state and local law enforcement authorities of trafficking victims for certification. However, federal guidance on this provision has not been forthcoming. We are pleased that H.R. 3887 requires law enforcement to refer child trafficking victims for care.

However, we have found that many federal, including Border Patrol agents, state and local officials are unaware of the certification process and services available to trafficking victims. Many are not trained in recognizing a trafficking victim. Since state and local authorities as well as U.S. Custom and Border Protection often encounter trafficking rings and victims without recognizing them as such, more education should be provided to federal authorities and by the federal government to state and local governments for this purpose.

Principles to Govern the Care of Vulnerable Children

Mr. Chairman, MRS/USCCB has a special interest in the situation of children who are trafficking victims. As you know, children are particularly vulnerable to traffickers and are susceptible to their abuses. We must pay particular attention to child trafficking victims and ensure that they are protected and provided special care.

Mr. Chairman, children are perhaps the most vulnerable group of victims of trafficking. While efforts to find and assist victims of trafficking have been pursued with commendable commitment over the last several years, I fear that children, as a group, have fallen through the cracks of these enforcement efforts. However, knowledge of the nature of trafficking, the sexual exploitation of children, and statistics gathered by the State Department on worldwide numbers of trafficked kids leads one to conclude that many more children are being held involuntarily in trafficking situations in the United

States than we have so far identified. Special attention needs to be given to identifying child victims of trafficking crimes.

Of the close to 17,500 persons trafficked into the United States each year, an estimated one-third are children. Unfortunately, there have been few referrals of children for services since 2000.

The children identified and “determined eligible” for services in the United States to date are largely being served in specialized foster care programs which have long experience caring for refugee, asylee, and other vulnerable foreign-born children. We support the use of the Unaccompanied Refugee Minor program for these vulnerable children.

Immediate safety and *long-term stability* are the overwhelming needs of child trafficking victims, regardless of age, background, type of enslavement or any other characteristic. For some of the children to date, the referral and service system has worked well. However, a continuum of care in which the child experiences the most stability should become the norm for child referral victims.

The care of children, particularly extremely vulnerable children such as child trafficking victims, should be governed by a set of principles to ensure positive outcomes. These principles include use of the “best interest of the child” standard in all cases; the provision of immediate safe haven with a systematic plan for assessing a child’s needs; the exploration of family reunification as a priority; the placement of children in the least restrictive setting; the provision of legal assistance to children; and the development of a long-term plan for self-sufficiency for children.

Despite best efforts, there exist gaps in the continuum of care for child trafficking victims, including initial identification by law enforcement of trafficked persons as children and victims, referral to ORR/HHS to be determined eligible for services, and assessments of “family reunification” placements to ensure children are not given back to traffickers.

These gaps can have major consequences for child trafficking victims. For example, when children are not identified as trafficking victims, they may be mistakenly identified as adults, detained and deported through the Department of Homeland Security detention system, placed in overburdened local child welfare systems with little security and planning, or released back to traffickers or their associates. When children are identified as trafficking victims but not referred to unaccompanied refugee minor program for care, they can be placed in short-term shelters or state foster care where they experience frequent moves, receive no orderly system of assessment and treatment, and have no long-term safety and security.

In order to avoid these devastating consequences for children, we offer the following recommendations:

- Procedures should be developed for all federal, state, and local law enforcement personnel to *refer immediately* children in for assessment and age determination with benefit of the doubt going to the child;
- A system of *immediate safe haven* should be developed where a child is safe while being determined eligible, which includes immediate care and assessment of needs and a strategy to assess family for possible safe reunification;
- Determination of eligibility for child victims should be expedited, with the assistance of a guardian *ad litem*, if necessary; and
- *Long-term care in a least restrictive setting* should be arranged, with capacity for therapeutic intervention; assistance with legal obligations; plan for family reunification; or eventual self-sufficiency.
- *A child welfare specialist or licensed agency* should be appointed to oversee the child from rescue to self-sufficiency. Such an expert can act as a decision-maker for a traumatized child in a complex legal and child welfare system.

The Catholic Church recognizes the special vulnerability of trafficked victims who are children and are ready to work with the federal government to develop and implement programs which address their needs.

Conclusion

Mr. Chairman, the issue of trafficking in human persons is perhaps one of the most important human rights issue facing the world community today. The United States, and Congress, has taken significant steps in the past several years to address this problem. The historic passage of trafficking legislation in 2000 established the framework for the U.S. response and places the United States as a moral leader in the effort to eradicate the scourge of trafficking from the face of the earth. Reauthorization of the legislation in 2007 would represent another positive step.

However, Mr. Chairman, in order to effectively implement TVPA, federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims. The creation of a State Department office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. Among the initiatives undertaken by the office include an interagency task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad and encouraging cooperation among nations to end this scourge.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed.

I am confident that, with better coordination and cooperation between all branches of government, we can, as a nation, punish traffickers and provide appropriate care to victims. We also will, as a nation, influence other nations to step up their efforts to end this practice, so that vulnerable men, women, and children everywhere will not become victims of the worse side of humanity.

Thank you for considering our views today.