

**Network of Women Parliamentarians of the Americas
Panel on Human Trafficking**

June 22, 2007: 2:00-5:00 p.m.

Introduction of Senator Kuehl's interest in this issue

Most of my professional career has been dedicated to ending violence against women and girls. I've been involved with the battered women's movement for nearly three decades, first as an advocate helping to establish shelters, and then as a lawyer and legislator getting laws passed to protect survivors of domestic and sexual violence.

The work we've done to combat human trafficking in California builds upon efforts since the 1970s to define violence against women and girls as a public policy issue when it was considered a personal problem in the private sphere and not relevant to the public sphere.

Legislative Efforts

California, by virtue of its large manufacturing and service sector industries, global economic strength, and large immigrant population, is a major destination for human trafficking. We know that people are trafficked into prostitution, domestic service, agriculture, sweatshop and factory work, and hotel work.

Advocates and service providers in California have been serving trafficking victims for some time now, and at their strong urging, the California Legislature has begun to address the issue in the last couple of years.

In 2005, we passed a state law making human trafficking a state felony and provided trafficking survivors with a private right of action to sue their traffickers for damages. Because the law is relatively new, we have not had very many prosecutions yet. It is my understanding that a number of cases are pending under the state law.

My interest in trafficking issues have focused mainly on victim protection and the long-term coordination of services.

Kuehl Legislation

SB 180 – California Human Trafficking Collaboration and Training Act

In 2005, I authored Senate Bill 180, the California Human Trafficking Collaboration and Training Act, which established, for the first time, a statewide response to human

trafficking. The bill created a state task force on human trafficking to bring together relevant state agencies, law enforcement, and service providers to address issues of data collection, victim protection and services, prosecution of traffickers, and increasing public awareness of the issue.

Kay Buck and Angelica Salas, who are represented on this panel, are members of the task force, and I'm sure they will talk about the task force's work in detail. The task force has been meeting for about 18 months and they are expected to release their report with findings and recommendations this September.

Proper law enforcement training is essential for successful detection, investigation, and prosecution of human trafficking cases. Up to recently, very few law enforcement jurisdictions did any training on trafficking. Some of the larger cities such as Los Angeles, San Diego, and San Francisco were provided their officers with minimal training on their own. Senate Bill 180 mandated the inclusion of human trafficking in the state law enforcement training curriculum so that all 800 law enforcement agencies in the state would be trained on this issue.

SB 1569 - Assistance for Immigrant Victims of Trafficking, Domestic Violence and Other Serious Crimes

In the U.S., many laws relating to trafficking victims remain in the jurisdiction of the federal government, especially as they pertain to immigration and documentation issues. States have limited ability to legislate on these issues so we must find ways to work around federal law.

Federal immigration law provides immigrant survivors of certain crimes the opportunity to apply for special visas that allow them to remain lawfully in the U.S. and eventually apply for lawful permanent resident status and receive federally-funded benefits. Despite the legal innovations of the federal law, the number of people who have actually received protection under the law is relatively low, especially when compared to estimates of how many trafficking victims are in the U.S. Fewer than 1000 people have received temporary immigration status since the law was passed in 2000.

The protections provided by federal law are conditional in nature: adult trafficking survivors **must** cooperate with a law enforcement agency in the investigation and/or prosecution of the criminal activity. During a temporary period, some victims in critical need do not have access to the services that protect their health and safety, due to bureaucratic delays and other barriers faced by these survivors.

For example, once an investigation of the crime is opened, it may take months for law enforcement officers or prosecutors to secure approval from the appropriate federal

authorities; the federal government may take months to process the application for a T visa. Some traumatized victims may need support before they are able to contact or work effectively with the authorities.

Last year, I worked with human trafficking and immigrant rights advocates on Senate Bill 1569, which provides victims of human trafficking with state-funded services and benefits before they receive certification from the federal government. Victims are not required to cooperate with law enforcement in order to receive the state benefits.

Under my legislation, once an individual is identified as a victim of human trafficking, then their immigration status is no longer a barrier to accessing state-funded services and benefits. Examples of benefits include critical medical care, mental health, and basic assistance to help them secure safe housing, food, and supportive services (English as a Second Language, job training, etc.)

Trafficking victims can get state benefits for 12 months from the date they apply for these benefits. The victim must apply for a federal T-visa within that 12 month period in order to continue getting state benefits until their federal application is adjudicated.

With the passage of Senate Bill 1569, California became the first (and only) state in the country to dedicate resources to providing services to trafficking survivors. The legislation is being currently being implemented and about two dozen people have applied for benefits.

What Needs to be Done

This legislation is a very modest effort to provide trafficking survivors with assistance. Much more needs to be done:

- We desperately need shelter and housing for trafficking survivors.
- Provide advocates and service providers with resources to help survivors.
- Improve data collection, which is virtually non-existent.
- Much attention has been focused on people trafficked into prostitution and the pornography industry. We need to learn more, and do more about people trafficked into farm work.
- **Most importantly, our federal government needs to pass humane immigration policy that supports hard-working immigrants, especially immigrant women and children, by promoting family unification, providing independent access to legal immigration status and protecting their health and safety.**