



Identifying Domestic Worker Survivors of Trafficking

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This screening tool¹ is designed to: 1) help identify domestic worker human trafficking survivors, 2) provide basic information about the trafficking of domestic workers and 3) gather necessary information to provide appropriate legal and social service referrals to domestic worker survivors of trafficking.

This tool is designed for: 1) organizers, 2) domestic workers, 3) survivors of human trafficking and 4) any one who needs help identifying whether she has been trafficked.

Preliminary Screening Questions:

- How did the worker find out about the job?
- How did she arrive at the work location?
- Were her job duties what she was promised?
- What were her sleeping and eating conditions?
- Was she allowed to take breaks?
- How much was she paid? Is this what she was promised?
- Did her employer keep her passport?
- Was she allowed to call a doctor if she was sick?
- Was she able to contact her family and friends freely?
- Was she insulted, threatened or hurt while working?
- Does she owe a debt to anyone that she feels she must work to pay off?
- Is she afraid to quit or leave for any reason?

What is Human Trafficking?

Human trafficking is forcing a person to work, perform services or sexual acts. Traffickers exploit the labor of others for profit and take advantage of people looking for a better life. A person could be trafficked by a stranger, an employer, a spouse or family member.

The legal definition of human trafficking has three main parts:

- 1) The **PROCESS**: recruitment, harboring, transportation, provision or obtaining of a person;

¹ This screening tool was originally developed by students at the Immigrant Justice Clinic at American University College of Law for the National Domestic Workers Alliance's Beyond Survival campaign. Other parts of this tool were adapted from [Beyond Survival: Organizing to End Human Trafficking of Domestic Workers](#), authored by Tiffany Williams; Safety Planning Standards for Trafficked and Enslaved Persons, developed by Safe Horizon; and Safety Planning for Trafficking Clients and Staff, developed by Amy Siniscalchi and Kathleen Morris.

- 2) The **MEANS**: through the use of force, fraud or coercion;
- 3) The **END**: for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

EXAMPLE: Bolivian worker Virginia Carazani accompanied her employer Emma Zegarra, a World Bank employee, to the U.S. To convince Ms. Carazani to come to the U.S. Zegarra executed a signed contract with Ms. Carazani, promising that Ms. Caazani would work in the U.S. for two years for 40 hours per week, would be paid at least minimum wage, would be compensated for overtime, would get sick leave and days of rest, and would have free health insurance, food and lodging. Once Ms. Carazani arrived, her employer took her passport and told her she would not be paid as promised. Instead, Ms. Carazani worked 66-75 hours per week, seven days per week for three years with only four total days of rest during the three year period. Ms. Carazani was only paid \$8.50, the minimum amount needed to keep a bank account open. Ms. Carazani's health suffered and she incurred medical debt when she sought treatment as her employer did not get her medical insurance as promised. Instead, Ms. Carazani borrowed money from family members in Bolivia to pay her medical expenses. Eventually, Ms. Carazani's visa lapsed making her more dependent on Zegarra. Zegarra threatened to have Ms. Carazani deported if she did not work for free and told her she installed listening devices so she would know if Ms. Carazani told anyone she was not being paid.

EXAMPLE: A 14 year old girl was recruited in Sudan to work as a housecleaner, nanny and caregiver for Sudanese embassy officials in Washington, DC. She was promised minimum wage and the opportunity to return home to Sudan. Instead, her employers confiscated her passport, told her not to leave their house, and threatened her with kidnapping or arrest if she left on her own. They allowed her almost no contact with her family in Sudan and no contact with local relatives, and prohibited her from learning English. She was paid between \$3-\$6 per day and worked seven days a week without days of rest or time off for illness. She was the housecleaner for the entire family, nanny to two minor children, and caregiver to two adult children with disabilities. She also provided cleaning and childcare for the family's guests. She was held under these conditions for 19 years.

What Are the Rights of Trafficking Survivors?

A trafficking survivor may be eligible for certain forms of immigration relief.

- A T visa is for survivors of human trafficking who work with law enforcement to investigate or prosecute their traffickers and would suffer if they were removed from the United States. The T visa allows a survivor to live and work legally in the US and eventually seek a greencard and US citizenship. A T visa holder is also eligible for certain social services, such as financial assistance and healthcare.
- A U visa is for victims of crime, including the crime of human trafficking, who are helpful to law enforcement in investigating or prosecuting that crime and have suffered substantially because of the crime. A U visa allows survivors to live and work legally in the US and eventually seek a greencard and US citizenship.
- In some cases, survivors of trafficking can ask for relief from deportation and for work authorization while they seek justice against their traffickers.

- It is important to get information from a trusted legal source when considering applying for immigration relief. Please visit www.womenstepforward.org for a referral in your area.

A trafficking survivor may be eligible for other legal remedies:

- Through rights designed to protect workers and other civil laws, trafficking survivors can seek back wages or compensation for other wrongs including physical or emotional harm.
- Trafficking survivors can also assist the criminal justice system investigate or prosecute their traffickers.

What Evidence Should Trafficking Survivors Gather?

Survivors may need to gather certain forms of evidence to support their application for immigration relief or other cases. Not all the types of evidence listed below are necessary and survivors can still seek help even if they do not have these forms of evidence.

Types of evidence:

- Employment contracts or any other documents employer asked worker to sign.
- Journal detailing hours worked, information about employer, list of promises made by employer, incidents of abuse, etc.
- Airplane tickets
- Passports and visas
- Photographs, recordings
- Letters or other mail
- Bank statements or other financial documents
- Birth certificates
- Other communication such as phone, email, text or voicemails

Safety Planning:

After an individual has been screened and identified as a possible survivor of human trafficking, it is important to develop a safety plan with her.

A safety plan is an individualized plan with the goal of reducing the risk a survivor faces. A safety plan addresses the risk of physical violence and maintaining basic human needs. The plan depends on whether the survivor is free of the trafficking situation and available resources. The person most knowledgeable about a survivor's safety plan is the survivor herself.

Considerations when safety planning:

- What to do if survivor is threatened?
- What to do if survivor's family members are threatened?
- What to do if survivor encounters trafficker?
- Documents and important papers
- Financial circumstances

- Food, clothing, medical or shelter needs
- Transportation needs
- Child or family needs
- Employment-related safety concerns
- Technology use
- Communications considerations
- Support networks
- Mental health needs

Other considerations:

- Safety of organizational staff
- Importance of confidentiality
- Developing a media policy to ensure interactions with media do not put survivors in danger
- Ensuring your communications with survivor do not put survivors at risk

Next Steps After Identification and Safety Planning:

After safety planning, it is important to connect the survivor, with her permission, to an experienced trafficking service provider. You can find a referral by:

- Visiting NDWA's immigration platform: www.womenstepforward.org.
- Contacting a Freedom Network (a network of experienced trafficking service providers) member in your area:
<http://freedomnetworkusa.org/membership/current-members/>.
- Contacting the National Human Trafficking Resource Center:
<https://traffickingresourcecenter.org/>.

Once the survivor is connected to a trafficking service provider, she will be asked many detailed questions about her experiences. She should be able to communicate in her primary language and be informed about privacy and confidentiality protections. It is important to discuss with the trafficking service provider the role you or your organization will have in the survivor's life and determine some working agreements with the other organizations supporting the survivor and the survivor herself.

The six NDWA affiliates that anchor the Beyond Survival campaign have extensive experience in identifying survivors of trafficking, connecting survivors to trafficking service providers and organizing domestic worker survivors of trafficking to lead the anti-trafficking movement. Please contact the anchor affiliates and/or Beyond Survival staff for more information or questions.

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Beyond Survival Anchor Affiliates:

- Adhikaar: www.adhikaar.org

- CASA: www.wearecasa.org
- Damayan: www.damayanmigrants.org
- Labor Justice Committee: www.laborjusticecommittee.org
- Matahari: www.mataharijustice.org
- Mujeres Unidas y Activas: www.mujaresunidas.net