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Guidance for Identifying a Child Victim of Trafficking

Human trafficking is modern day slavery. Every day, men, women and children are trafficked into the United States for forced labor in homes, farms, commercial sex, sweatshops and other work. Traffickers prey on the emotional and physical vulnerability of children, who are brutally held captive while they receive little or no pay for their labor. Human trafficking is punishable as a serious crime under U.S. law. The *Trafficking Victims Protection Act of 2000* (TVPA) defines “severe forms of trafficking in persons” as

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; **or**
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Children will rarely identify themselves as victims of trafficking. Therefore, it is crucial that those agencies and service providers most likely to encounter a child victim have a heightened sense of awareness of trafficking. If a child presents any indication that he or she may have been trafficked, providers should pursue further screening. We strongly recommend that you collaborate with a licensed clinician, psychologist or other professional with relevant child welfare experience to conduct such interviews. Children should be approached in a manner that takes into consideration their age, development, culture, language and what is known about the nature of their experience.

The questions in the chart on the next page offer guidance for interviewers to consider with children who may be victims of trafficking. They do *not* purport to be a conclusive list. Child victims of trafficking may instinctively not establish trust easily due to their experiences, and may even have been coached by their trafficker to answer questions in a certain way. The questions and explanations are intended to assist service providers in creating a framework to consider whether or not a child they serve could be a victim of trafficking.

While each child’s case is unique, here are some signs that may indicate the need for further screening:

- evidence of abuse (physical, mental or sexual)
- employer is holding identity and/or travel documents
- working unusually long hours
- unpaid or paid very little
- not in school or significant gaps in schooling in the United States
- living at workplace or with employer
- living with multiple people in a cramped space
- heightened sense of general fear (for self and family), unusual distrust of law enforcement
- inability to speak to child alone
- engaged in prostitution or induced to perform a commercial sex act

It does not matter how children entered the United States, whether they initially consented to being brought here for a job or school, or whether their current employment activity is illegal (such as prostitution). If at any time a child was deceived or coerced into forced labor or is being held against his or her will in some sort or debt bondage or peonage, she or he is a victim of trafficking.

	QUESTIONS TO ASK	EVIDENCE TO LISTEN FOR
RECRUITMENT/ MIGRATION	<p><i>Why did you come to the United States?</i> <i>Who arranged your travel?</i> <i>How did you get here?</i> <i>Do you owe money for your trip?</i> <i>What did you expect when you came?</i> <i>What did you end up doing?</i> <i>Were you scared?</i></p>	<p>Many child trafficking victims are smuggled into the United States or come on valid visas with the promise of being united with family, going to school or getting a legitimate job. Once here, they may be forced into exploitative work or forced to work off a travel "debt." Children may also be kidnapped or sold. Many trafficking victims are recruited by acquaintances or people of their own ethnic group, while some are trafficked by family members or friends. Traffickers use the emotional vulnerability of children to recruit and retain them. Their expectations of what they are going to do are often vague and they are surprised to find that they owe exorbitant debts for their travel, lodging, food, etc. Some children may come through fraudulent mail-order bride or matchmaking schemes.</p>
ID	<p><i>Do you have any papers?</i> <i>Who has them?</i></p>	<p>Immigration and identity documents such as passports, birth certificates or school IDs, have frequently been seized by victims' traffickers or employers. The original documents may have been legitimate or fraudulently provided by the traffickers.</p>
WORKING CONDITIONS	<p><i>Are you in school?</i> <i>Are you working?</i> <i>What kind of work do you do?</i> <i>Are you paid?</i> <i>Do you owe money to your boss or someone else?</i> <i>Can you leave your job if you want?</i></p>	<p>Most child victims of trafficking are not allowed to go to school while in the trafficking situation. Children may have been promised they could go to school and/or get a job with good pay but found instead that they must first work to pay off their travel debt. While doing so, they may be charged exorbitant fees for rent, food, and clothes leading them into a cycle of debt to their employer. Note how many hours a day or week the child works, how she or he is compensated, and if earnings go directly to the employer.</p> <p>REMEMBER: Any child under the age of 18 who is induced to perform a <i>commercial sex act</i> is a victim of a severe form of trafficking, as a minor cannot consent.</p>
LIVING ENVIRONMENT	<p><i>Where do you live?</i> <i>Who else lives there?</i> <i>Where do you sleep?</i> <i>Are you scared to leave?</i></p>	<p>Although many people receive unjustly low wages, victims of trafficking have their freedom restricted as well. They may be forced to live in the same place they work. They may not be allowed to leave the premises, and are sometimes guarded or their doors are locked. Traffickers may threaten their victims with deportation or arrest if they try to escape.</p>
COERCION	<p><i>Has anybody ever threatened you to keep you from running away?</i> <i>Has anybody ever hurt you to make you stay?</i> <i>Has your family been threatened?</i></p>	<p>In addition to physical harm, children may also have been subject to psychological intimidation or coercion through threats to themselves or their family members if they try to escape. Victims of trafficking may also be frightened into staying with the trafficker due to their immigration status and lack of documents (if their trafficker has taken them).</p>

If you believe you have encountered a possible victim of trafficking, call the *Trafficking Information and Referral Hotline: 1-888-373-7888*

Child victims of trafficking may be eligible for federally funded, specialized services. Lutheran Immigration and Refugee Service (LIRS) and the U.S. Conference of Catholic Bishops (USCCB) are nonprofit voluntary agencies that work with the Office of Refugee Resettlement to place eligible child trafficking victims in culturally appropriate family foster care, small group care or independent living, suitable for their developmental needs. LIRS and USCCB also work to train providers to meet the special needs of trafficked children, and conduct outreach and education efforts regarding this gross violation of human rights. Please note: child victims of trafficking do not need to be working with law enforcement in order to be eligible for federal benefits.

For more information about child victims of trafficking and services available to them, contact

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