



# Freedom Network USA

November 30, 2018

Maria Grazia Giammarinaro  
Special Rapporteur  
United Nations

RE: Social Inclusion and Reintegration of Trafficking Survivors

Dear Ms. Grazia Giammarinaro:

On behalf of Freedom Network USA (FNUSA), I am submitting recommendations for the upcoming thematic report for the UN Human Rights Council on social inclusion for victims of trafficking. FNUSA, established in 2001, is a coalition of 57 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. As the largest network of providers working directly with trafficking survivors in the US, we are uniquely situated to evaluate the impact of US government efforts to address human trafficking, identify challenges, and propose solutions.

The United States is a source, transit, and destination country for trafficking. Survivors are of all ages, genders, and nationalities. Successful reintegration and social inclusion efforts must meet the needs and desires of each individual. FNUSA has identified challenges and opportunities on access to housing, job training, previous convictions, immigration relief for foreign nationals and support for civil society organizations as essential in the social inclusion of survivors

**Lack of vocational and job training for survivors to enter workforce.**

Trafficking survivors have, by definition, been exploited in their employment. Many have incurred debt as a result of the trafficking experience. And yet, most survivors face barriers in re-entering the workforce upon escaping from their trafficking situation including interrupted or limited education, trauma, language barriers, and limited skills. There are numerous survivor leadership programs in the US, which provide trafficking survivors a platform to share their story and be involved in the anti-trafficking movement. However, there is a lack of vocational training that will allow survivors to secure safe, well-paid jobs outside of the anti-trafficking field. Many job opportunities require basic skills such as computer proficiency that may preclude survivors from obtaining jobs if they are not familiar or have not had the opportunity to gain those skills. It should be noted that these challenges are not unique to human trafficking survivors, and many are experienced by other populations including refugees and domestic violence survivors.

Refugee resettlement programs such as [Heartland's Refugee and Immigrant Community Services \(RICS\)](#) program designed a hands-on training curriculum that prepares participants—including trafficking survivors—for success, and has set up a mutually beneficial pipeline from training to job placement. They provide English language classes as well as courses in hospitality and customer services.

It is critical to ensure that programs are designed to prepare survivors to work in industries that are relatively accessible to survivors with limited education, language skills, and employment history; but which have living wages and opportunities for advancement. It is also important to provide survivors with a variety of options to ensure that they are able to choose a work environment that is different from their trafficking experience.

Another promising practice are survivor-led programs, such as [Mentari](#), they provide support to survivors across the US with mentorship, culinary art training, and career coaching. Survivors are and should continue to play a meaningful role in meeting the needs of those impacted by human trafficking. Programs that train and support survivors to engage in meaningful work, not just storytelling are supporting the long-term inclusion and reintegration as well as providing choice for survivors.

### **Criminal record precluding survivors from accessing public benefits, stable housing, and employment opportunities.**

In the US many housing, education, and employment opportunities require a background check, which includes an assessment of the criminal and/or employment history of an individual. We know that survivors are often arrested and charged with crimes related to their trafficking situation such as charges on prostitution, drug possession, and theft. Survivors are also unlikely to have a documented employment history for the time of their trafficking.

Fortunately, over 30 US states have passed statues which allows survivors to vacate (or clear) the records of their convictions from criminal activities that they committed as a result of the trafficking situation. However, this is a complex procedure, as most survivors have criminal records in multiple US jurisdictions. The Survivor Reentry Project of the American Bar Association provides training and technical assistance to encourage attorneys to represent survivors in these cases. Unfortunately, the US Department of Justice has recently imposed a new rule that bars the use of DOJ grants to pay lawyers for taking these cases. It is critical that both the laws be amended to allow for clearing criminal records, and that the grant funds be allowed to support legal services for survivors seeking this relief.

The Freedom Network Training Institute's Housing TTA Project provides advocates dynamic and up-to-date training and resources on housing options for survivors of human trafficking. The training, tools, and resources offer information and guidance for advocates in accessing appropriate emergency, transitional, and long-term housing options for survivors. FNNTI's Housing Training and Technical Assistance Project includes a wide array of expert consultants, including a Survivor Advisory Panel, supporting the creation of tools and delivery of training.

### **Connecting civil society organizations who are supporting survivors of human trafficking.**

Freedom Network USA is the largest network of individuals and organizations working directly with trafficking survivors in the US. The network includes both civil society organizations and individual experts (including Survivors, academics, and consultants), and provides member organizations with training, technical assistance, and support in addressing the challenges of serving and advocating for trafficking survivors in the US. Together, FNUSA's staff and members engage in advocacy efforts nation-wide to influence federal and state policy. We also provide training and technical assistance to the greater anti-trafficking field in the US. We develop best practices and provide guidance in implementing a human rights based approach to ending human trafficking in the US, and ensuring that survivors have access to appropriate, holistic, and victim-centered services and support. Finally, we develop effective approaches to

prevention that go beyond outreach and education, but rather focus on addressing the root causes that make people vulnerable to human trafficking, including access to affordable housing, ending discrimination against LGBTQ community members and immigrants, increasing labor protections across sector, and the decriminalization of sex work. Our members work directly with survivors whose insights and strengths inform our work. And through our national effort, we increase awareness of human trafficking and provide decision-makers, legislators, and other stakeholders with the expertise and tools to make a positive and permanent impact in the lives of all survivors.

### **Social inclusion of foreign nationals and family reunification.**

The US is one of the few countries that provides a protected immigration status to foreign national victims of human trafficking. Federal law enforcement agencies can apply for immediate, short-term immigration relief, called Continued Presence, which is issued for 2 years to provide victims with an immigration status and work authorization while assisting with the investigation or prosecution of the trafficker. The T Visa is a long term immigration benefit that allows qualified victims of human trafficking to remain in the US for up to 4 years, obtain a work permit, and access federally-funded benefits, including cash assistance, food stamps, and job training. Survivors of human trafficking can file their own application for a T Visa, even without the support of a law enforcement agency, and regardless of whether law enforcement chooses to investigate the trafficking crime.

T Visa holders who have derivatives in their home country, which can include spouses, children, and in certain cases parents and siblings under 18 years of age may be able to obtain a derivative visa. The International Organization for Migration (IOM) can provide the derivatives with funding to process passports and cover travel costs to move to the US. Additionally, the T Visa puts immigrants on a path to US Citizenship. They are eligible to apply for a Lawful Permanent Residence after 3 years as a T Visa holder (or at the conclusion of the criminal investigation or prosecution of the trafficker, whichever comes first).

FNUSA recommends that the challenges and promising practices outlined be highlighted in the Special Rapporteur's report on social inclusion and reintegration of trafficking survivors.

I can be reached at [karen@freedomnetworkusa.org](mailto:karen@freedomnetworkusa.org) if you have any questions or need any further information or explanation.

Sincerely,



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Freedom Network USA