BASIC RIGHTS AND REMEDIES FOR VICTIMS OF HUMAN TRAFFICKING
INFORMATION FOR ESOL TEACHERS

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Basic Rights and Remedies for Victims of Human Trafficking

Trafficked persons have rights under the law. Some of these rights flow to them because they are crime victims and some rights are due them specifically because they are trafficked. Both Federal and Florida law provide remedies and rights to victims of human trafficking. These rights and remedies are there to compensate the victim and “right the wrongs” that have been done to them: they have suffered extreme hardship, torture, physical and emotional abuse. Traffickers never pay what is rightly owed to the trafficked person for his or her work.

What is human trafficking?
Trafficking is best understood as “modern day slavery.” While some legal definitions vary slightly, the best general definition for trafficking is 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 subjecting that person to involuntary servitude, peonage, (where someone is held against their will to pay off a debt), debt bondage or slavery and includes sex trafficking. This definition is based on federal law.

Who can help?
For information, see Resources on the last page of this brochure.

What benefits are available?
There are three main categories of relief for trafficked persons under law.

1. Services – Under the Federal Trafficking Victims Protection Act (TVPA) and later amendments, victims of trafficking are eligible for benefits and services to the same extent as refugees in Florida.\(^1\) This includes:
   - Temporary Assistance to Needy Families (TANF)
   - Shelter
   - Legal Assistance
   - Medicaid
   - Supplemental Security Income (SSI)
   - Refugee Cash and Medical Assistance ((RCA & RMA)
   - Refugee Social Services (e.g., job preparation and placement, ESL classes, GED preparation, citizenship classes, and case management)
   - Match Grant (an early employment program that is an alternative to cash assistance)
   - Health Screening (done by county health departments)
   - Food Stamps
     - Social Services (e.g., counseling, housing assistance)

2. Immigration relief
   - Only Federal law can provide immigration relief to trafficked persons and their families. If eligible, victims can:

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\(^1\) This is governed by both Federal and Florida law and rules. To obtain many of these benefits, a victim has to be “certified” as a victim of trafficking by the US Department of Health and Human Services. See the RESOURCES section for more information.
i. Remain legally in the United States and receive employment authorization while a law enforcement investigation goes forward;
ii. Receive a “T” Visa for 3 years, allowing them to live and work in the US and then apply for permanent residence;
iii. Bring family members to the US; or
iv. Be eligible for other immigration relief.

**TIP**
*This is a very complicated area of law and it is important that victims talk to an attorney who understands both human trafficking and immigration law.*

3. **Civil rights and remedies** - Under a wide range of civil laws, victims can be compensated for:
   - Back wages (Labor laws can help victims obtain back wages and civil actions can result in fines and punitive damages paid to the victim, where the trafficker is forced to pay the victim money because of the harm s/he caused.)
   - Physical, emotional and other harms (There are many federal and state “causes of action” or lawsuits that a victim can file in order to compensate a victim for the wrongs done to them. E.g., federal anti-trafficking laws include a private right for trafficked persons to sue the trafficker. It includes attorney’s fees.)

4. **Criminal rights and remedies.** When a criminal cases is brought, a trafficked person can be eligible for:
   - Crimes Compensation (This is a state program that helps to make a crime victim whole again and can pay for lost wages, counseling and other medical treatment, disability, and other losses related to the crime. ²)
   - Restitution (This refers to when a judge orders a criminal defendant, e.g., a trafficker, to pay for the harm s/he caused a victim.)

**TIP**
*Trafficked persons can also receive a great deal of personal satisfaction when they see the traffickers brought to justice. Participation in the criminal justice system has many ups and downs, but testifying in a case, and seeing a trafficker put behind bars can mean a great deal to a victim.*

**THINGS TO KEEP IN MIND**

- **Referrals are the key to success.** You are not the resource for the trafficked person; you are the LINK to local, state and federal resources.
- **Victim safety is paramount in these cases.** It can be dangerous for a victim to go forward to seek help and so it is always important that the victim’s safety is evaluated. This can mean working with law enforcement and/or developing a “safety plan” with an advocate.

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• **Victims need an advocate.** It is almost always important for someone who is trafficked talk to a **lawyer and an advocate** about any of these benefits and relief. The laws can be complicated; a victim’s rights can be jeopardized by the well-meaning person who does not understand the law.

• **Working with law enforcement can open doors to services.** Most benefits require a victim of human trafficking to cooperate with law enforcement (Federal and/or State) to receive social services and immigration benefits. This means that they have to report the crime to law enforcement and participate in the investigation and prosecution of the traffickers.

• **Deportation is a risk.** Anyone who is not a US citizen is at risk of deportation. Again, having a lawyer will help to protect a victim from deportation.

• **Trafficking cases are complex.** Human trafficking cases can be very complicated. There can be multiple federal and state agencies working on each case and there may be multiple victims and multiple defendants in some cases. Victims should know this and that it can take a very long time to receive some immigration benefits or see a trafficker prosecuted.

**RESOURCES**

**Federal Government:**

• **Health and Human Services** – For general information and social services to assist victims of trafficking: [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking) and the Hotline: 888-3737-888. This is an anonymous hotline.

• **Department of Justice** – To report a trafficking crime and for general information: [www.usdoj.gov/crt/crim/tpwetf.htm](http://www.usdoj.gov/crt/crim/tpwetf.htm) and Complaint line 888-428-7581.

• **Department of State** – Trafficking in Persons Reports and other information: [www.state.gov/g/tip](http://www.state.gov/g/tip)

**Social Services, Legal Resources and General Information:**

• Florida State University Center for the Advancement of Human Rights: [www.cahr.fsu.edu](http://www.cahr.fsu.edu); 850-644-4550 (M-F; 8-5; for general information and legal assistance)

• Florida Freedom Partnership: [www.floridafreedom.org](http://www.floridafreedom.org); 866-443-0106 (M-F; 8-5 for general assistance in Dade, Broward, Palm Beach, St. Lucie, Collier and Monroe Counties)

• Florida Immigrant Advocacy Center – LUCHA Project: [www.fiacfla.org](http://www.fiacfla.org); 305-573-1106 (For legal assistance.)

• Refugee Task Forces: Florida Department of Children and Families; 850-488-3791 for Broward, Duval, Dade, Orange, Palm Beach and Hillsborough counties.)


• General information about human trafficking, technical assistance and other resources: [http://www.ncjrs.org/spotlight/trafficking/summary.html](http://www.ncjrs.org/spotlight/trafficking/summary.html)