

SERVICES AND REFERRALS TO VICTIMS OF HUMAN TRAFFICKING

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding services and referrals to victims of human trafficking. This policy applies to all Local Workforce Development Areas (Local Areas), and is effective immediately.

This policy contains no state-imposed requirements.

This Directive finalizes Workforce Services Draft Directive *Services and Referrals to Victims of Human Trafficking* (WSDD-190), issued for comment on September 25, 2018. The Workforce Development Community submitted one comment during the draft comment period. A summary of comments, including all changes, is provided as Attachment 4.

This policy supersedes Workforce Services Directive *Services and Referrals to Victims of Human Trafficking* (WSD12-12), dated March 26, 2013. Retain this Directive until further notice.

REFERENCES

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- *Workforce Innovation and Opportunity Act (WIOA)* (Public Law 113-128), Section 188(a)(5)
 - *The Victims of Trafficking and Violence Protection Act (TVPA)* of 2000, Section 103(8) (P.L. 106-386)
 - Department of Labor (DOL) Training and Employment Guidance Letter 09-12, Subject: *Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking* (October 24, 2012)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

BACKGROUND

In an effort to assist the United States Government to combat human trafficking, which affects millions of individuals worldwide, the DOL plays an important role, which includes the following:

- Identifying and seeking restitution for unpaid labor performed by victims of trafficking.
- Providing training and employment services to victims of trafficking who qualify for those services, and helping them to become self-sufficient.
- Funding research and technical assistance to combat the worst forms of child labor overseas.
- Maintaining lists of goods, including their countries of origin, which are made using forced labor or forced child labor.

Local Area staff are asked to review this Directive in order to be able to recognize the characteristics of human trafficking, refer individuals to the proper authorities and resources, provide employment and training services, and offer information and referral to other wraparound services.

POLICY AND PROCEDURES

Definitions

Section 103(8) of the TVPA defines the term “severe forms of trafficking in persons” as follows:

- 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.
- 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.

Essential Steps

Employment is an essential step in integrating victims of trafficking into society, and therefore, Local Area staff are reminded that they can assist trafficking victims in the following ways, as applicable:

1. Recognize the characteristics of victims of trafficking and refer individuals to proper authorities and resources:

Many victims of trafficking do not self-identify. It is important for Local Area staff to recognize the characteristics of potential victims of trafficking and refer them to the proper

authorities and resources. Some common characteristics of victims of trafficking include the following:

- The potential victim does not possess identification and/or travel documents.
- The potential victim appears to be coached on what to say to law enforcement and immigration officials.
- The potential victim was recruited for one purpose and forced to engage in some other job.

Further information concerning common characteristics of victims of trafficking can be found in Attachment 1 of this Directive. For information about hotlines that frontline staff can call to get help for potential victims, see Attachment 2 of this Directive. If an individual is under immediate threat or states that they are in danger, staff should call 911.

2. Provide employment and training services:

United States citizens or lawful residents who are victims of trafficking can receive the same services that are provided to the general public under WIOA. Specifically, Section 188(a)(5) of WIOA further prohibits discrimination against certain non-citizens and indicates that participation in programs, activities, and receiving funds shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Secretary the Department of Homeland Security to work in the United States. This is also discussed under Section 107(b) of the TVPA where it is indicated that foreign nationals are also eligible for WIOA Title I services. This includes the following:

- Victims of a severe form of trafficking in persons.
- Individuals granted the T Nonimmigrant Status (T Visa).

The T visa is available to individuals who are, or have been, victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking. Additional information about T visas can be found by visiting the [U.S. Citizenship and Immigration Services](#) website.

Employment and training services for victims of trafficking should follow the same procedures and case management processes as given to other America's Job Center of CaliforniaSM (AJCC) customers. However, in the case of victims of trafficking, services may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may be Limited English Proficient (LEP) individuals, may have criminal records (e.g. prostitution), or limited résumés.

Victims of trafficking who are LEP individuals will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. Local Area staff should work with local training providers and community colleges to find ESL course offerings, as needed. For more information on working with LEP individuals, Local Area staff

should refer to the Employment Development Department's Workforce Services Directive [WSD17-03](#), Subject: *Limited English Proficiency*.

3. Offer information and referral to other wraparound services:

In most cases, victims of trafficking will come into contact with Local Area staff toward the end of their rehabilitation process and will have already been working with other nonprofit organizations and governmental agencies.

In the event that the victim has not yet received services, it is important for Local Area staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest AJCC when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the United States can be found in Attachment 3 of this Directive.

If no local service providers are known, the National Human Trafficking Resource Center (NHTRC) at 1-888-373-7888 can help determine best steps for assisting the individual. For additional information, see Attachment 2 of this Directive. Local Area staff may also call the NHTRC to inquire about local service providers and familiarize themselves with what is available for victims in the local community.

ACTION

Bring this Directive to the attention of all relevant parties.

INQUIRIES

If you have any questions, contact your [Regional Advisor](#) at 916-654-7799.

/S/ JAIME L. GUTIERREZ, Chief
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Attachments are available on the internet:

1. [Characteristics of Potential Victims of Trafficking](#)
2. [Trafficking Hotlines](#)
3. [Services Available to Victims of Human Trafficking](#)
4. [Summary of Comments](#)