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ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER NO.** 9-12

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL STATE WORKER ADJUSTMENT LIAISONS
ALL AMERICAN JOB CENTER SYSTEM LEADS
WORKFORCE INVESTMENT ACT SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEES

FROM: Jane Oates
Assistant Secretary

SUBJECT: Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking

1. **Purpose**. To provide further information to the workforce investment system about the importance of providing workforce, training, and referral services to victims of human trafficking and to give updated guidance on how to deliver these services under the Workforce Investment Act of 1998 (WIA), the Trafficking Victims Protection Act of 2000 (TVPA) and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005 and 2008 (TVPRA).

2. **References**. The Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) (containing the Trafficking Victims Protection Act of 2000 (TVPA)); the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) (TVPRA 2003); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) (TVPRA 2005); the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457) (TVPRA 2008); the Workforce Investment Act of 1998 (WIA) (Public Law 105-220, 29 U.S.C. 2801, et seq.); WIA Final Rule, 20 C.F.R. parts 652, 660-671 (65 F.R. 49294 (August 11, 2000)); Interim Final Rule implementing the non-discrimination and equal opportunity provision (section 188) of WIA, 29 C.F.R. part 37 (64 F.R. 61692 (November 12, 1999); and the Immigration and Nationality Act (8 U.S.C. 1101-1537); Training and Employment Guidance Letter (TEGL) 19-01; TEGL 19-01 Change 1; TEGL 26-02; Training and Employment Notice (TEN) 14-05.

RESCISSIONS None	EXPIRATION DATE Continuing

3. **Background**. Trafficking in persons affects millions of individuals worldwide. Individuals may be lured into trafficking networks through false promises of good working conditions and high pay as domestic workers, factory and farm workers, childcare workers, waitstaff, sales clerks, models, or in other occupations. Others are simply kidnapped. Many victims of trafficking may remain undetected because strategies used by the perpetrators isolate victims and prevent them from coming forward. Additionally, many victims of trafficking do not self-identify and may be unaware of resources and services that are available to assist them.

   The Department of Labor (DOL) plays a role in the U.S. Government's efforts to combat trafficking in persons, including by 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; and maintaining lists of goods, including their countries of origin, that are made using forced labor or forced child labor.

4. **Definitions**. The Trafficking Victims Protection Act (TVPA), Sections 107(b)(1)(A) and (B), requires the Secretary of Labor to provide benefits and services to victims of "severe forms of trafficking in persons" to the same extent as aliens who are admitted to the United States as refugees. Under section 103(8) of the TVPA, the term "severe forms of trafficking in persons" is defined as:

   (A) 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
   (B) 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.

5. **Trafficking Victim Services and the American Job Centers**. The public workforce system plays a key role in providing benefits and services to victims of trafficking. Finding employment is an essential step in integrating victims of trafficking into society and American Job Centers can play a critical role in assisting victims find and prepare for employment.

   It is important to note that victims of trafficking may have suffered psychological and often physical trauma. A broad body of literature exists on how to engage with victims of physical or psychological trauma, which is a topic beyond the scope of this guidance letter.

   American Job Center staff can assist trafficking victims in the following ways, as applicable:

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

   Many victims of trafficking do not self-identify. A role for staff at American Job Centers is to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. For information on how to identify potential victims of trafficking, see Attachment A, "Characteristics of Potential Victims of Trafficking." For information about hotlines that frontline staff can call to

get help for potential victims, see Attachment B, "Trafficking Hotlines." If an individual is under immediate threat or states that they are in danger, staff should call 911.

B. Provide employment and training services.

U.S. citizens or lawful residents who are victims of trafficking can receive the same services at American Job Centers that are provided to the general public under WIA.

In addition, under section 107(b) of the TVPA, certain foreign nationals are also eligible for WIA Title I services. This includes: (1) victims of a severe form of trafficking in persons, or (2) individuals granted a nonimmigrant "T" visa.

For purposes of being eligible for WIA Title I services as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of "severe forms of trafficking in persons" and have received a letter of certification issued by the Department of Health and Human Services. 22 U.S.C. § 7105(b)(1).

- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to minor victims of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIA Title I services.

Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIA Title I services. The T nonimmigrant Status (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 and the HHS certification process can be found in TEGL 19-01 Change 1.

Employment and training services should be provided to victims of trafficking to the same extent and following the same procedures and case management processes as for other customers at the American Job Centers. 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 have Limited English Proficiency (LEP), criminal records (including from being forced into prostitution), or limited resumes.

Victims of trafficking who have LEP will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. Frontline staff should work with local training providers and community colleges to find ESL course offerings as needed. TEGL 26-02 ("Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting

Limited English Proficient Persons") and TEN 14-05 ("Release of On-Line Training Resources and Census Data on Limited English Proficiency Individuals in Local Workforce Areas and a translatable Glossary of Workforce Terms") provide some resources and guidance on working with LEP persons.

C. ***Offer information and referral to other wraparound services and/or law enforcement.***

In most cases, victims of trafficking will approach American Job Centers towards the end of their rehabilitation process and will have already been working with other Federal, state, local or nonprofit organizations and agencies.

In the event that the victim has not yet received services, it is important for American Job Center 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 American Job Center 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 U.S. Government can be found in the document "Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers" available at: https://www.hsdl.org/?view&did=706130.

If no local service providers are known, the **National Human Trafficking Resource Center (NHTRC) at 1-888-3737-888** can help determine best steps for assisting the individual. See Attachment B, "Trafficking Hotlines," for additional information. Frontline staff may also call the NHTRC ahead of time to inquire about local service providers and familiarize themselves with what is available for victims in the local community.

6. **Action Required**. State Workforce Agency staff should familiarize themselves with the content of this TEGL and follow the procedures set forth herein for working with trafficked persons. Key frontline staff and American Job Center managers should also plan, where schedules and resources allow, to participate in the forthcoming training Webinar on Trafficking in Persons Awareness. This Webinar will also be recorded and made available online for future use via the Workforce3one Web site (www.workforce3one.org/).

7. **Inquiries**. Questions should be addressed to the appropriate ETA Regional Office.

8. **Attachments**.
   - Attachment A, "Characteristics of Potential Victims of Trafficking."
   - Attachment B, "Trafficking Hotlines."

Attachment A

Characteristics of Potential Victims of Trafficking

The information on this page lists some warning signs that trafficking may be taking place. The presence of any of these signs should be taken seriously and may indicate that trafficking is occurring. These warnings signs are based on the Department of Homeland Security's (DHS) Blue Campaign Human Trafficking Indicators card. However, American Job Center staff are not expected to, or may not be able to, identify these signs. More tools and information are available from DHS at: http://www.dhs.gov/human-trafficking-blue-campaign-toolkit.

Warning Signs that Trafficking may have Occurred:

- 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.
- The potential victim's salary appears to be being garnished to pay off a smuggling fee. (Note: Paying off a smuggling fee alone is not considered trafficking.)
- The potential victim appears to have been forced to perform sexual acts.
- The potential victim does not appear to have freedom of movement.
- The potential victim and/or his or her family have been threatened with harm if the victim attempts to escape.
- The potential victim has been threatened with deportation or law enforcement action.
- The potential victim has been harmed or deprived of food, water, sleep, medical care, and/or other life necessities.
- The potential victim cannot freely contact friends or family.
- The potential victim is a juvenile engaged in commercial sex.
- The potential victim is not allowed to socialize or attend religious services.

Attachment B

Trafficking Hotlines

Human Trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion. Victims can be anyone from around the world or right next door: women and men, adults and children, citizens and noncitizens alike.

GET HELP **REPORT A TIP** **LEARN MORE**

-- IN AN EMERGENCY, PLEASE CALL 911—

Call the National Human Trafficking Resource Center at 1-888-3737-888 to:

- **GET HELP** and connect with a service provider in your area;
- **REPORT A TIP** with information on potential human trafficking activity; or
- **LEARN MORE** by requesting training, technical assistance, or resources.

The National Human Trafficking Resource Center (NHTRC) is a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, every day of the year. The NHTRC is not a law enforcement or immigration authority and is operated by a nongovernmental organization funded by the Federal government.

Call federal law enforcement directly to report suspected human trafficking activity and get help:

- U.S. Department of Homeland Security at **1-866-347-2423** 24 hours a day, 7 days a week, every day of the year, or submit a tip online at **www.ice.gov/tips**. Individuals across the world can report suspicious criminal activity to the U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Tip Line. The Tip Line is accessible internationally by calling **1-802-872-6199**. Highly trained specialists take reports from both the public and law enforcement agencies on more than 400 laws enforced by ICE HSI, including those related to human trafficking.
- U.S. Department of Justice Trafficking in Persons and Worker Exploitation Task Force Complaint Line at **1-888-428-7581** (voice and TTY) from 9:00am to 5:00pm (EST). Individuals can report incidents of trafficking to this hotline. You may also submit a tip online to the FBI at **https://tips.fbi.gov**, or call your local FBI office (you can get their number at www.fbi.gov/contact-us/field/field-offices.

Call the following federal government lines for other assistance:

- U.S. Department of Labor, Wage and Hour Division at **1-866-4USWAGE (1-866-487-9243)** for cases where labor exploitation may be present but does not rise to the threshold of trafficking.
- U.S. Department of Labor OIG Hotline at 1-202-693-6999 or 1-800-347-3756, hotline@oig.dol.gov, or http://www.oig.dol.gov/hotlinemain.htm 24 hours a day, 7 days a week to report allegations of trafficking committed through fraud in DOL programs, including, but not limited to, the H-1B, H-2A,

H-2B, and PERM. When filing an OIG Hotline complaint, it is not necessary to provide names or any other identifying information.

- Equal Employment Opportunity Commission (EEOC) at **1-800-669-4000** from 7:00am to 8:00pm (EST) for information about how workers, including trafficking victims, can file a charge of employment discrimination.

Report suspected child prostitution activity to the CyberTipline:

- The National Center for Missing & Exploited Children, at **1-800-THE-LOST** or **www.cybertipline.com**, 24 hours a day, 7 days a week. The Congressionally-authorized CyberTipline is operated by a nongovernmental organization and provides a means for reporting crimes against children and is staffed 24 hours a day, 7 days a week.