

Faces of Human Trafficking: Legal Needs and Rights of Victims

This video details the array of comprehensive legal needs a victim of human trafficking may have, including issues of immigration, family law, housing, bankruptcy, employment law, public benefits access, criminal defense, rights enforcement, and civil actions. It includes information on legal resources available to victims of human trafficking for both U.S. citizens and foreign national victims, as well as information on immigration benefits available to foreign national victims. It is intended for social and legal service providers, pro bono attorneys, law enforcement, judges, public defenders, immigration attorneys, and the general community.

Key Points

- Victims may have a wide range of legal needs. Explore all possibilities with victims to ensure that all their rights and needs are met.
- Different client goals will lead to different legal solutions. Sometimes criminal prosecution is not the focus of a victim's interests, while others are motivated to ensure that the trafficker is brought to justice.
- The U.S. legal system is complex and confusing. Victims will need ongoing support and information about the various legal cases they are involved in and also their role, rights, and options related to each case.
- Victims may need extra support (emotional, spiritual, legal, or therapeutic) if the case brings up painful memories of the trafficking experience.
- To best serve victims, it is important to dispel any myths they may have. For example, a few myths on the T visa include the following:
 - Myth 1: You can't file a T visa until the prosecutor agrees to it.

- Myth 2: You need a law enforcement certification for the T visa.
- Myth 3: Applications for the T visa and related documents are always provided to the defense attorney in a criminal case.

“It's important that victims are notified regarding their rights. Victims have a right to timely notifications. Victims have a right to be heard in court. Victims have a right to be treated with dignity and respect, and a right to privacy.”

— Mychell Mitchell
FBI Victim Specialist
Memphis, Tennessee

Discussion Questions

1. What legal needs might victims of human trafficking have? Consider criminal, civil, and immigration issues.
 2. In your community, who can help trafficking victims understand all their legal options and achieve their goals?
 3. Who in your community can help advocate for a trafficking victim during a criminal case against the trafficker? What specific rights of victims need to be protected during the investigation and prosecution?
 4. Why might trafficking victims choose to pursue a civil action against their trafficker? What are victims' options, and what do they need to understand about civil actions?
 5. Do U.S. citizens and immigrants have different legal rights and needs?
 6. Why might victims of human trafficking hesitate to come forward and disclose their experiences?
 7. What forms of immigration relief are available to victims of human trafficking?
 8. What rights do victims of crime have?
 9. What can you do with the knowledge that you have gained today?
- Provide a brief history of modern human trafficking legislation in the United States, including the TVPA of 2000 and its reauthorizations, the Preventing Sex Trafficking and Strengthening Families Act of 2014, the Justice for Victims of Trafficking Act of 2015, and relevant legislation in your state.
 - Provide an overview of crime victims' rights in the federal, state, local, and (if applicable) tribal justice systems in your jurisdiction, and discuss how these might be important to trafficking victims.
 - Provide an overview of various civil remedies, including filing complaints with the U.S. Department of Labor or the Equal Employment Opportunity Commission and filing a private civil case.
 - Provide an overview of civil legal issues that might arise as a result of human trafficking—discrimination in access to housing or public benefits, vacating criminal convictions, divorce, child custody and support, bankruptcy, employment law, and others.
 - Provide an overview of the existing civil legal services network in your area, and identify what services might be missing or are especially appropriate for additional pro bono support.
 - Provide an overview of some of the long-term impacts of a criminal record—inability to access federal financial aid for higher education, ineligibility for certain public benefits, difficulty in attaining housing or employment from private companies who conduct a background check—and an overview of the vacatur provisions, if any, in your jurisdiction.

Supplemental Training Materials

- Provide the federal definition, from the Trafficking Victims Protection Act (TVPA) of 2000, of “a victim of a severe form of trafficking in persons” and “sex trafficking” (found at 22 U.S.C. 7102).

For more information, including additional training resources, please visit www.ovc.gov/trafficking or www.ovcttac.gov/taskforceguide.