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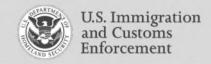
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# ICM QUICK REFERENCE GUIDE



# **Case Management**

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Crea	ate a Victim Identification ROI	
Ē	The Victim Identification ROI provides HSI leadership with statistics and identifiers associated to the victims of child exploitation and human trafficking	
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2021 ICLI 00081 Sup 803

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APPENDIX B: Human Trafficking Red Flags				
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# **APPENDIX B: Human Trafficking Red Flags**

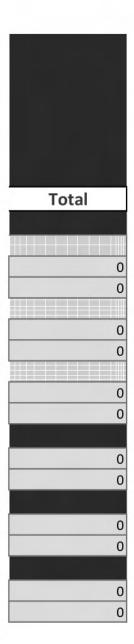
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# HOMELAND SECURITY INVESTIGATIONS FY 20 S.T.O.P. Trafficking Quarterly Report

# Select SAC

	Q1	Q2	Q3	Q4
Industry				
Healthcare				
Number of presentations				
Number of attendees				
Hospitality				
Number of presentations				
Number of attendees				
Transportation				
Number of presentations				
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NGO				
Number of presentations				
Number of attendees				
Law Enforcement				
Number of presentations				
Number of attendees				
Other				
Number of presentations				
Number of attendees				



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From: HSI EAD Message

**Sent:** Tue, 21 Jan 2020 18:35:57 +0000

To:#HSI-All PersonnelSubject:S.T.O.P. Trafficking

Attachments: S.T.O.P. Trafficking CONOPS\_update - V1 01-17-20.pdf

# HSI

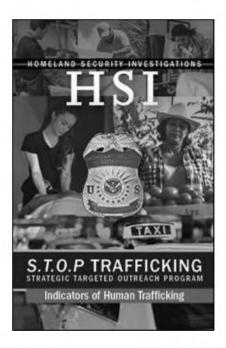
#### Homeland Security Investigations

Message from the Executive Associate Director

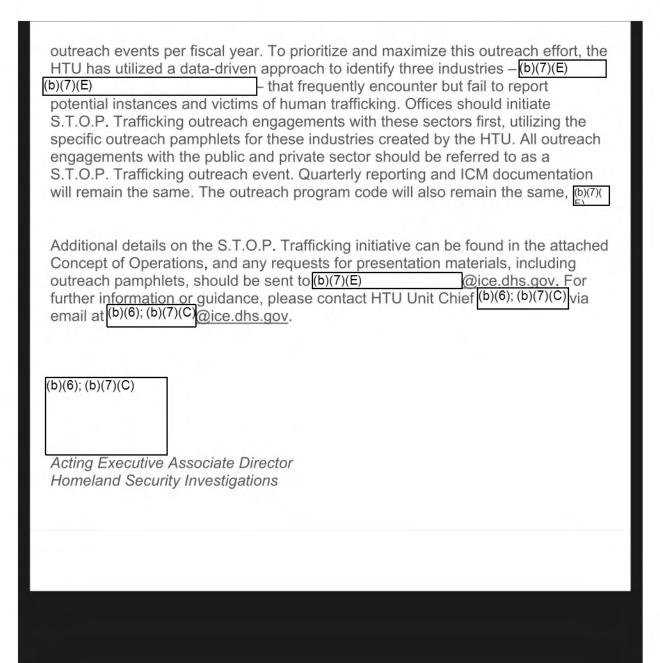


#### S.T.O.P. Trafficking

The HSI Human Trafficking Unit (HTU) has created a new outreach initiative called the Strategic Targeted Outreach Program (S.T.O.P.) Trafficking. The initiative is designed to address and mitigate human trafficking in a more focused and strategic manner by engaging key industries and raising public awareness to recognize and report trafficking. S.T.O.P. Trafficking will replace the current Trafficking in Persons (TIPs) outreach program and will utilize a multi-faceted approach to combat widespread exploitation seen across multiple sectors of industry.



Each SAC office will be required to conduct at least 40 S.T.O.P. Trafficking





For Official Use Only

# Concept of Operations

# S.T.O.P. Trafficking

Strategic Targeted Outreach Program

HSI-driven initiative to mitigate trafficking by engaging key industries & raising public awareness

January 16, 2020

**Human Trafficking Unit** 



#### 1.0 Overview

In response to an increasing and distinct set of industry typologies associated with human trafficking, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), proposes S.T.O.P. Trafficking. This is a Human Trafficking Unit (HTU) led initiative, designed to establish a methodology for a more focused, strategic outreach campaign. S.T.O.P. is an acronym for Strategic Targeted Outreach Program and is designed to mitigate trafficking by engaging key industries and raising public awareness to recognize and report trafficking.

#### 2.0 Background

To disrupt and dismantle human trafficking networks / cells, and help victims, HSI must be able to identify the manifestations of trafficking in our communities. Whether it is trafficking via commercial sex services or labor trafficking, the ways victims are exploited varies widely. Each typology requires different strategies for recruitment, victimization and concealing the crime. To date, our outreach programs have been overly generalized and too broad in concept. Currently we categorize trafficking into either sex or labor, however, data has identified 25 different types of trafficking, associated with both illicit and legitimate industries. Without a focused outreach strategy, HSI will potentially miss a significant portion of victim population, and lead generation. Based on analysis from Polaris and the Coalition to Abolish Sex Trafficking (CAST), up to 88% of trafficking victims accessed the health care system while they were being exploited. These portals not only include emergency rooms, but also urgent care clinics, primary care clinics, reproductive health clinics, medical sub-specialties, mental health, and substance use disorder treatment. Despite all this access, an overwhelming 96.7% of victims indicated they had never been provided with information and/or resources about trafficking while visiting a health care provider. Furthermore, 64.3% of victims indicated that they believed health care providers are in a position to help identify and refer trafficking victims for services.

Even though human trafficking does not require transportation as an element, almost all forms of trafficking have a nexus to transportation. This is seen either in the recruitment phase, or during the exploitation phase (transferring the victims to and from the location of the criminal activity). Data reveals that 63% of victims utilized some combination of mass transit such as public buses, subways, and publicly accessible transportation services including long-distance buses, taxis, and rideshares. An outreach campaign that is data driven and focuses on distinct typology is needed to mitigate trafficking.

#### 3.0 Objectives

HTU intends to revise its human trafficking outreach program by creating S.T.O.P. Trafficking. The Strategic Targeted Outreach Program is an HSI-driven initiative to mitigate trafficking by engaging key industries and raising public awareness to recognize and report trafficking. The key industries identified are not random but identified by data collected over 10 years and analyzing over 32,000 cases reported through the National Human Trafficking Hotline. S.T.O.P. Trafficking utilizes a multi-faceted approach to combat the widespread exploitation seen across 25 distinct typologies of industry. HTU has prioritized which industries to engage first, and has

determined, based on data that the health care industry and transportation industries require immediate action.

S.T.O.P. Trafficking will utilize an awareness informational pamphlet that is concise, effective, and will deliver consistent messaging of HSI's two-fold human trafficking mission:

- 1. Identify, disrupt and dismantle cross-border human trafficking organizations and minimize the risk they pose to national security and public safety.
- 2. Employ a victim centered approach, whereby equal value is placed on the identification rescue, and stabilization of victims and on the deterrence, investigation, and prosecution of traffickers.

The focus of the brochure will be an action plan that emphasizes three R's: Recognize, Report and HSI will Respond to the call to action. The human trafficking indicators of the S.T.O.P. Trafficking pamphlet will change according to the industry targeted. For example, indicators in the health care setting are distinct and different from transportation industries or hospitality industries. The images on the pamphlet will also change to represent the distinct industry engaged. The pamphlet is designed to have longevity by being able to address any of the 25 typologies currently associated with trafficking, or any emerging industries yet to be identified.

This outreach initiative is also designed to not compete with already existing awareness campaigns. DHS's Blue Campaign is broader in focus and raises awareness through general human trafficking indicators. S.T.O.P. Trafficking in contrast goes beyond what Blue Campaign is delivering by being more focused, targets key industries, and highlights relevant industry trafficking indicators. The Blue Lightening Initiative (BLI) is specific to the aviation industry and airline stakeholders. The S.T.O.P. Trafficking initiative will not duplicate BLI efforts and will engage all other relevant transportation stakeholders to include but not limited to, over the road trucking, rail, motor coach, ridesharing, and taxis.

Blue Campaign has been consulted and is willing to collaborate in delivering S.TO.P. Trafficking material and incorporate it into their public awareness campaign. Blue Campaign has expressed a willingness to utilize "out of home advertising" funding from its budget to promote S.T.O.P. Trafficking through billboard advertising. In addition, Blue Campaign is willing to collaborate in promoting S.T.O.P. Trafficking in various media campaigns in conjunction with significant events, such as the Superbowl.

#### 4.0 Update Product Development

To date, HTU has created and currently has 2000 copies each of the general awareness, healthcare, and industry pamphlets in inventory. In addition, the complimentary poster has been designed and an order for printing has been requested. Anticipated delivery of the posters is imminent. HTU is currently in the product development for a S.T.O.P Trafficking (Hospitality) pamphlet and poster. HTU is in the process of selecting the appropriate indicators and images relevant to this industry.

#### 5.0 Testing Phase

On April 29, 2019, HTU soft tested the S.T.O.P. Trafficking outreach presentation at Woodbridge University. The target audience was a graduating class of nursing students and university Staff. The outreach presentation was well received and HTU received an invite for future presentations to graduating classes.

On October 2 and 3, 2019, HTU more thoroughly tested the S.T.O.P. Trafficking (Healthcare) presentation in Oneida, NY. The venue location was the Oneida Healthcare Hospital and the target audience consisted of hospital staff and administration. In addition, HTU delivered S.T.O.P. Trafficking at the American Nurses Association (ANA) New York Conference on October 23, 2019 in Clayton, NY. The target audience consisted of 150 nurses from multi disciplines. These two presentations were also well received. Based on this positive interaction, the HTU has been invited to present again at an American Nurses Association (ANA) Conference in Albany, NY on April 30, 2020. HTU anticipates that the PowerPoint presentation created for these venues will be the template for future S.T.O.P. outreach delivered to the field.

#### 6.0 Operational Stage

The HTU proposes implementing the S.T.O.P. Trafficking initiative with four pamphlets: (1) General Public Awareness, (2) Health Care Professionals, (3) Hospitality, and (4) Transportation Industry. In addition, there is a poster that compliments each pamphlet that emphasizes the three R action plan of Recognize, Report and HSI will Respond. Field offices can submit a material request through HTU initially. These resources will also be available in electronic format that can be accessed on the HTU page on [D)(7)(E) under [D)(7)(E) tab. The HTU is ready to deploy this initiative in the beginning of 2020. In order to maximize results when deploying this initiative, it is required that each SAC office use the S.T.O.P. Trafficking portfolio to conduct an average of 40 outreach presentations per fiscal year within their respective area of responsibility, commencing in fiscal year 2020. HTU is working with OPA to develop an official lunge of the initiative. HTU will provide S.T.O.P. Trafficking material to Miami for the upcoming Super Bowl.

#### 7.0 Operational Reporting

It is anticipated that the S.T.O.P. Trafficking outreach initia	ative (b)(7)(E)
capture data associated with this initiative, field offices will use already established program	
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report outreach presentations and leads/cases resulting from those presentations. The HTU will	
employ real-time statistical measures to monitor and quantify the activities related to this effort.	
Additionally, Criminal Analysts may use this data to prepare statistical reports and/or	
intelligence reports as necessary to identify new and emerging trends.	

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#### **HUMAN SMUGGLING AND HUMAN TRAFFICKING**

- **18 U.S.C.** § **1583** Enticement into slavery = defendant *makes another person available to become a slave or subject to involuntary servitude.*
- **18 U.S.C.** § **1584** Sale into Involuntary Servitude = defendant *makes another a slave or sells another person into involuntary servitude.*
- **18 U.S.C.** § **1589** Forced Labor = provides or obtains labor or services of another person by force, threats, etc... or gains financial benefit from doing so.
- **18 U.S.C.** § **1581** Peonage = hold or return a person to peonage.
- 18 U.S.C. § 1203 Hostage Taking.
- **18 U.S.C.** § **1590** Trafficking with respect to peonage, involuntary servitude, and forced labor = recruit, harbor, transport, provide, or obtain by any means, any person for labor or services violating 18 U.S.C. §§ 1581-1596.
- **18 U.S.C.** § **1591** Sex Trafficking = recruit, entice, harbor, transport, provide, obtain, or maintain a person by any means or a minor for commercial sex act or benefit financially from doing so.
- **18 U.S.C.** § **1592** Unlawful conduct with respect to travel documents = destroys, conceals, removes, confiscates, or possesses passport/immigration documents of person while violating 18 U.S.C. §§ 1581-1596.
- **18 U.S.C.** § **1593A** benefit financially from acts of peonage (1581) or travel document violations (1592).
- 18 U.S.C. § 1594 Attempt and Conspiracy for committing 18 U.S.C. §§ 1581-1596.



Human Trafficking Indicators



#### Global Impact

Men, women and children are trafficked across international borders each year. Victims are trafficked into the international sex trade and into forced labor situations throughout the world. Many of these victims are lured from their homes with false promises of well-paying jobs; instead, they are forced or coerced into prostitution, domestic servitude, farm or factory labor or other types of forced labor.

#### Understanding Means of Coercion

Victims often find themselves in a foreign country and cannot speak the language. Traffickers often take away the victims' travel and identity documents and tell victims that if they attempt to escape, the victims or their families back home will be harmed or that the victims' families will assume the debt. We recognize that men, women and children that are encountered in brothels, sweat shops, massage parlors, agricultural fields and other labor markets may be forced or coerced into those situations and potentially are trafficking victims.

Trafficking Indicators
☐ Is the victim in possession of identification and travel documents; if not, who has control of the documents?
☐ Was the victim coached on what to say to law enforcement and immigration officials?
☐ Was the victim recruited for one purpose and forced to engage in some other job?
☐ Is the victim's salary being garnished to pay off a smuggling fee? (Paying off a smuggling fee alone is not considered trafficking.)
☐ Was the victim forced to perform sexual acts?
☐ Does the victim have freedom of movement?
☐ Has the victim or family been threatened with harm if the victim attempts to escape?
☐ Has the victim been threatened with deportation or law enforcement action?
☐ Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
☐ Can the victim freely contact friends or family?
☐ Is the victim a juvenile engaged in commercial sex?
☐ Is the victim allowed to socialize or attend religious services?

#### Trafficking vs. Smuggling

Human Trafficking is defined as:

- 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
- 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.

Human Smuggling is defined as:

the importation of people into the U.S. involving deliberate evasion of immigration laws.
 This offense includes bringing illegal aliens into the U.S., as well as the unlawful transportation and harboring of aliens already in the United States.

These are not interchangeable terms

- Smuggling is transportation-based
- Trafficking is exploitation-based

#### Role of ICE

U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security, works with its law enforcement partners to dismantle the global criminal infrastructure engaged in human trafficking. ICE accomplishes this mission by making full use of authorities and expertise, stripping away assets and profit incentive, collaborating with U.S. and foreign partners to attack networks worldwide and working in partnership with nongovernmental organizations (NGOs) to identify, rescue and provide assistance to trafficking victims.

#### Victim-Centered Approach

ICE recognizes that in order to successfully investigate and prosecute traffickers, victims must be stable and free from fear and intimidation to be effective witnesses. Equal value is placed on the identification and rescue of victims and the prosecution of traffickers. ICE has more than 300 collateral duty victim/ witness coordinators who work with NGOs to assist in the provision of victim services. Short-term immigration relief is provided to certified victims of trafficking in the form of Continued Presence (CP).

#### Anti-Trafficking Successes

NGO Tip Leads to Rescue of 85 Trafficking Victims

In New York, Peruvian migrants were subjected to forced labor and debt bondage. A husband and wife Conspiracy to Commit Forced Labor and Document and Engaging in Extortionate Credit Transactions.

Trafficker Arrested in Cameroon In Baitimore, a 10-year-old siri from Cameroon was brought to the U.S. for the purpose of domestic servitude and subjected to physical abuse and Isolation. The trafficker fled the U.S. and was later arrested in Cameroon. The trafficker was brought back to the U.S. to serve a 17-year sentence for Involuntary Servitude and Harboring for Financial Gain. The trafficker was ordered to pay §100,000 restitution to the victim.

Trafficker Sentenced to 23 Years In Texas, four Mexican women were rescued from traffickers who raped them and forced the victims to cook and clean for them. Eight defendants were convicted of human smuggling/trafficking violations. of violence, sexual abuse, and threats of jall and The lead defendant was sentenced to 23 years for Involuntary Servitude.

Sex Traffickers Sentenced to 40 years In Los Angeles, 15 women and girts were forced by a family-run human trafficking organization into prostitution. As a result of the investigation, seven Guatemalan and two Mexican nationals were found guilty of eonspiracy, sex trafficking of children by force, and importation and harboring of illegal terms of imprisonment ranging from two to 40 years they were forced to perform domestic services. depending on their level of involvement.

Traffickers Arrested in Hair Braiding Salon In Newark, 20 young women and girls from Togo and Ghana were brought to the United States through a visa scheme, forced to work in hair braiding salons under appailing conditions, and subject to physical abuse and threats. Six traffichers from Togo entered to assist with victim restitution. guilty pleas or were convicted by a jury for offenses involving forced labor, conspiracy, document servitude, visa fraud, transportation of a minor across state lines to engage in criminal sexual activity, and allen smuggling.

Cooperation with Mexican Law Enforcement Rescues 24 Victims

In New York, an ICE-led Investigation, in collaboration with the Government of Mexico, targeted a trafficiding were sentenced to 11 and 15 years, respectively, for organization that smuggled Mexican women into the United States and then subjected them to commercial Servitude, Conspiracy to Bring In and Harbor Allens sexual exploitation. Twenty-four women were forced Into prostitution at brothels on the East Coast through threats of violence against them and their children. The principal traffickers were sentenced to terms of imprisonment from 25 to 50 years each. The mother of the main defendants was arrested In Mexico and later extradited to the United States where she was sentenced to 10 years in orison for her Involvement in the scheme.

> Russian, Ukrainian and Czech Labor Trafficking Victims Rescued in Detroit In Detroit, a concerned citizen reported women being forced to work against their will as exotic dancers. Ten women were brought to the United States through a visa fraud scheme where they were forced to work as dancers through threats deportation. The investigation resulted in the arrest and indictment of nine defendants. All of the defendants pleaded guilty and their sentences ranged from probation to 14 years imprisonment.

Domestic Servitude Victim Rescued on Long Island On Long Island, ICE agents arrested a husband and wife as a result of a domestic servitude investigation. The couple was alleged to have allens for purposes of prostitution and sentenced to held two indonesian females in their residence where They were found guilty by a jury of forced labor, peonage, document servitude, harboring allens and conspiracy. The wife was sentenced to 11 years Imprisonment and her husband was sentenced to three years. The jury ordered that their residence, valued at §1.5 million, be criminally forfelted in order



Report Suspicious Activity: 1-866-DHS-2-ICE 1-866-347-2423

www.dhs.gov/humantrafficking

01/2010



# Homeland Security Investigations Crimes: Human Smuggling and Human Trafficking ICE HSI Special Agent Training ICE Academy

## **Terminal Performance Objective**

Given a set of case related facts indicating human smuggling or human trafficking, determine investigative and victim-support actions, in accordance with legal requirements, agency policy, and agency resources



## **Enabling Performance Objectives**

 Explain the elements of human smuggling crimesDefine human smuggling and related terms and identify indicators to establish violations of human smuggling statutes Identify the different methods used by ASOs to bring aliens into the U.S., including by land, sea and air, both through the POEs and by crossing the borders at other than POEsDetermine investigative approaches and actions to investigate human smuggling casesExplain the elements of human trafficking crimes, and define the differences between sex trafficking and labor trafficking/forced labor



## **Enabling Performance Objectives (cont'd)**

 Define human trafficking and identify indicators to establish violations of human trafficking statutes Identify common methods of operation utilized by human trafficking organizations Identify investigative approaches and actions to investigate each type of human trafficking case Identify various programs within HSI designated to provide assistance to identified victims of human trafficking Handle an alien smuggling load from initial encounter to writing the criminal complaint



## Why we must stop it...

 Thousands of people trafficked to the U.S.Coerced into prostitution, domestic servitude, or forced labor. You can save lives!





## **Review of the Past**

 Human smuggling: Surreptitious entry people into the U.S. and deliberately evading immigration laws Transportation-basedHuman trafficking: Sex trafficking (a commercial sex act induced by force, fraud, coercion, or when the person is under age 18) Recruiting, harboring, transporting, provisioning, obtaining, advertising, maintaining, patronizing or soliciting of a person for labor or services by force, fraud, coercion, subjection to involuntary servitude, peonage, debt bondage, or slavery Exploitationbased



### Main Ideas

 Human smuggling – Surreptitious entry of people into the U.S., facilitated by a third party, involving deliberate evasion of immigration lawsSmuggled aliens:Critical as material witnessesMay be placed in parole statusAfter testimony, generally placed in removal proceedings

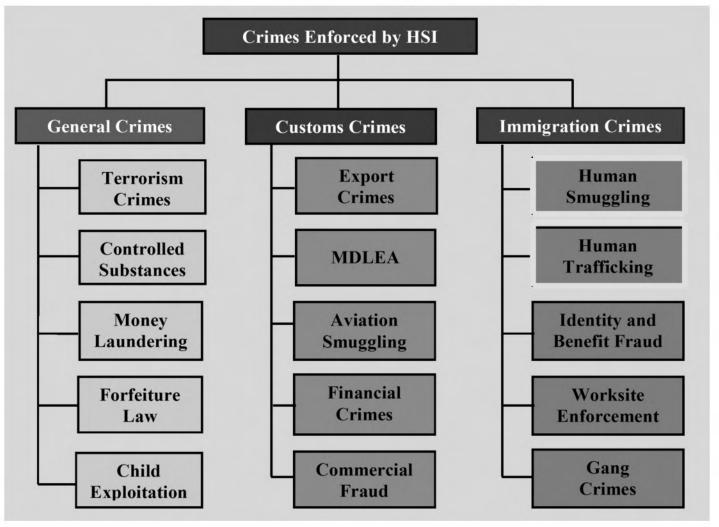


## Main Ideas (cont'd)

 Human trafficking – The recruitment, harboring, transportation, provision, obtaining, advertising, maintaining, patronizing or soliciting of a person, by means of threat or use of force, fraud, or coercion, subjecting victims to involuntary servitude, peonage, debt bondage, or slavery for the purpose of sexual exploitation or forced labor Victims of trafficking Must be protected and may also be witnesses Eligible for Continued PresenceMay be eligible for a T or U visa



## **Advanced Organizer**



## Agenda (1 of 2)

 Elements of human smuggling crimes and investigationsDefinition and indicators of human smuggling violationsMethods used for human smuggling and investigative approachesDemonstration and practice with case examples

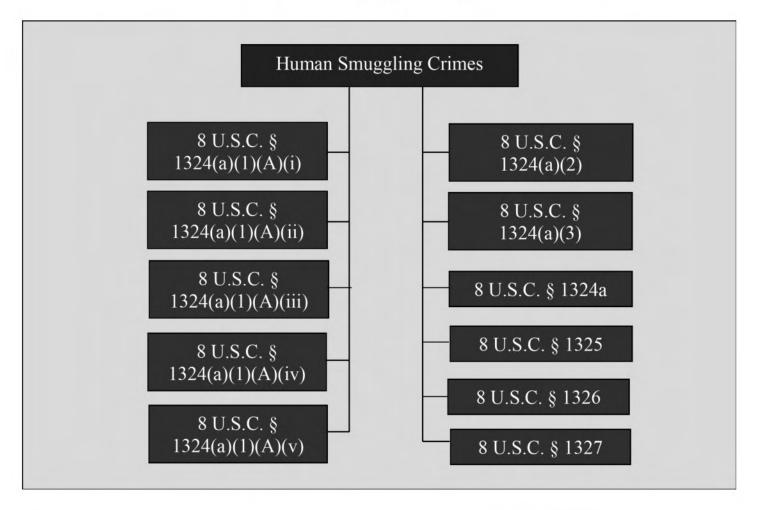


## Agenda (2 of 2)

 Elements of human trafficking crimes and investigationsDefinition and indicators of human trafficking violationsMethods used for human trafficking and investigative approachesProviding assistance to victimsHandling an alien smuggling loadDemonstration and practice with case examples



## **Human Smuggling Crimes**





8 U.S.C. § 1324(a)(1)(A)(i)

It is a crime to bring or attempt to bring an alien to the United States at an unauthorized location.





8 U.S.C. § 1324(a)(1)(A)(ii)



Transporting an alien in furtherance of the alien's illegal presence in the U.S.



8 U.S.C. § 1324(a)(1)(A)(iii)

Concealing, harboring, or shielding illegal aliens.





8 U.S.C. § 1324(a)(1)(A)(iv)

Encouraging or inducing an alien to come to, enter, or reside in the U.S. in violation of law.





8 U.S.C. § 1324(a)(1)(A)(v)(I) and (II)

Conspiring to commit alien smuggling, aiding or abetting alien smuggling.



8 U.S.C. § 1324(a)(2)

Bringing or attempting to bring an alien to the U.S. knowing or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter, or reside in the United States.





8 U.S.C. § 1327

Aiding or assisting inadmissible aliens to enter the U.S., or conniving or conspiring with any person(s) to

do so.





8 U.S.C. § 1328

Import an alien for prostitution or an immoral purpose.





8 U.S.C. § 1324(a)(3)

Knowingly hiring at least 10 smuggled aliens within a

12-month period.





8 U.S.C. § 1324a

Hiring, recruiting, or referring for a fee, an illegal alien for employment.





8 U.S.C. § 1325(d)

Creating a business to evade immigration laws.

)(b); (b)(7)(C);	(D)(1)(E)		



#### 8 U.S.C. § 1325(c)



Knowingly entering into marriage for the purpose of evading any provision of the immigration laws.



8 U.S.C. § 1325

Improper entry by alienImproper time or placeAvoidance of examination or inspectionMisrepresentation and concealment of facts (b)(6); (b)(7)(C)



#### 8 U.S.C. § 1326



An alien who was denied admission, excluded, deported, or removed enters or attempts to enter or is found in the U.S.



#### **Demonstration**

(b)(5); (b)(7)(E)		

#### Student Guide



#### Demonstration, cont'd

(b)(5); (b)(7)(E)			
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#### Student Guide



#### **Definition of Human Smuggling**

 Surreptitious entry of people into the U.S., facilitated by a third party, involving deliberate evasion of immigration laws May be motivated by profit, religion, politics, or family interestStatutes governing offense contained within 8 U.S.C. § 1324



#### **Human Smuggling Terms**

- ASOPolloCoyote or polleroGuideDriverPoll o listBajadoresDrop house or stash house
- Pocket trashMaterial witnessesOTMSnakeh eadLoadLoad vehicleSponsorReporti ng party

Terms and Definitions in Student Guide



#### **Human Smuggling Investigatory Leads**

(b)(7)(E)		



#### Indicators of Human Smuggling

 Is subject in possession of ID and travel documents? Was subject coached on what to say to law enforcement and immigration officials? Is subject's salary being garnished to pay smuggling fee? Does subject have freedom of movement? Has subject or family been threatened with harm for refusing to pay smuggling fees? Has subject been threatened with deportation or law enforcement action? Can subject freely contact friends or family?



#### Investigation, Prosecutorial Focus, Penalties

 Investigations focused on identifying, disrupting criminal organizations involved in bringing in, transporting, harboring illegal aliensSentencesTypical: 1 to 5 years Much heavier sentences for repeat offenders or if crime results in severe injury or death



#### **Human Smuggling Organizations (1 of 4)**

(b)(7)(E)		
10		



#### **Human Smuggling Organizations (2 of 4)**

(b)(7)(E)		



#### **Human Smuggling Organizations (3 of 4)**

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#### **Human Smuggling Organizations (4 of 4)**

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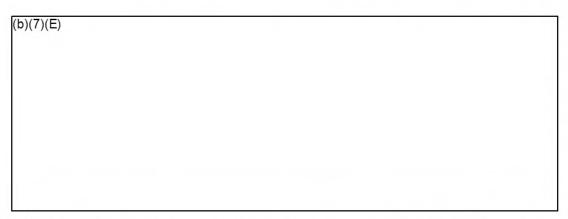
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#### Southern Border Smuggling

(b)(7)(E)			



#### Southern Border Smuggling (cont'd)







#### Southern Border Smuggling (cont'd)

(b)(6); (b)(7)(C); (b)(7)(E)			



#### **Hostage-Taking Investigations**

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#### Hostage-Taking Investigations (cont'd)

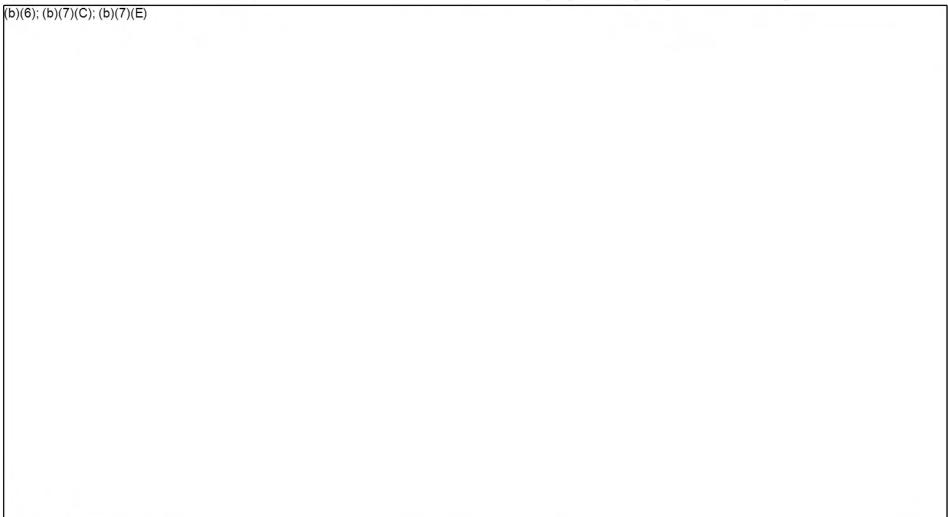
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#### Northern Border Smuggling

b)(7)(E)			

#### Northern Border Smuggling (cont'd)





#### Northern Border Smuggling (cont'd)

(b)(7)(E)		



#### Typical View of U.S. – Canadian Border



#### **Air Smuggling**

(b)(7)(E)				
4				



#### Air Smuggling (cont'd)

(b)(7)(E)		
1 2		



#### Marine Smuggling

b)(6); (b)(7)(C); (b)(7)(E)			

#### Marine Smuggling (cont'd)

(b)(7)(E)



#### **Container Smuggling**

(b)(7)(E)		

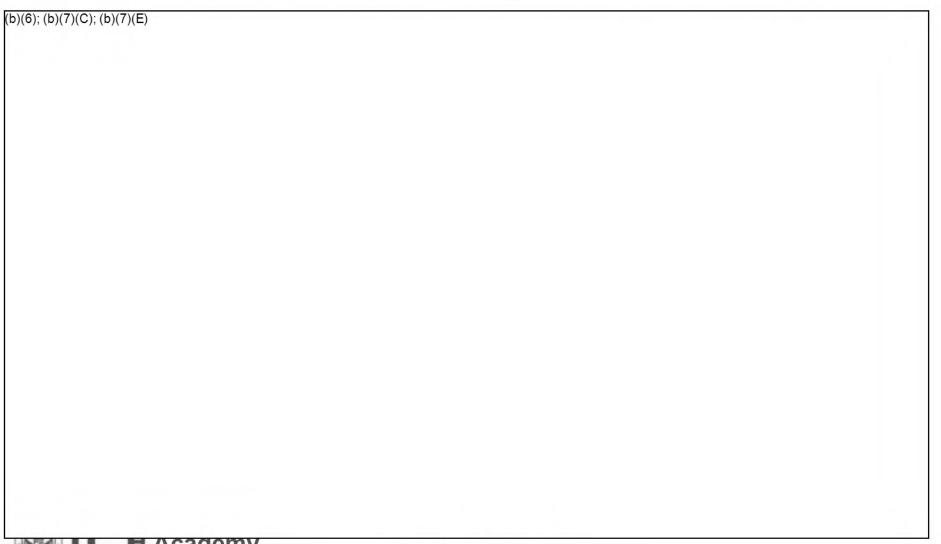


#### Investigative Approach for Container Smuggling

(b)(7)(E)



#### Investigative Approach: Vehicle Stop



Investigative Approach: Vehicle Stop (cont'd)

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#### Investigative Approach: Material Witnesses

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#### **Drop House Investigation**

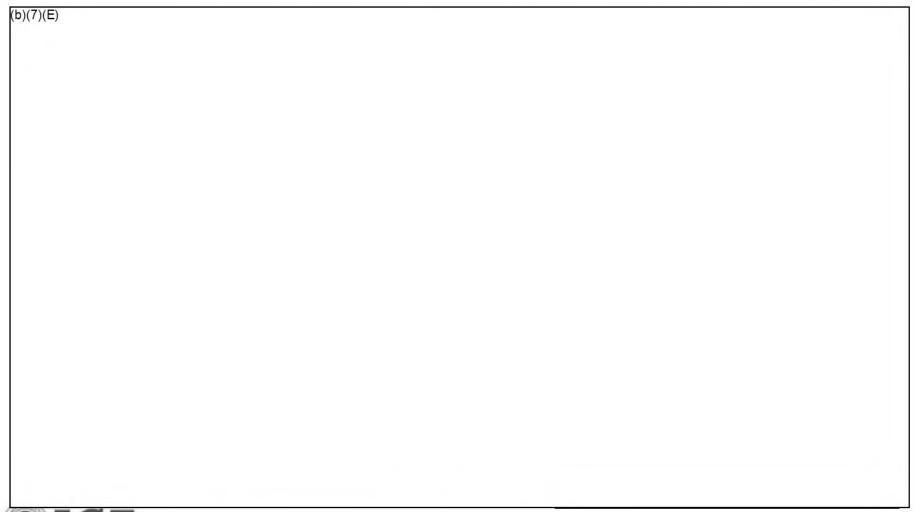
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#### **Pollo Lists**

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#### **Cell Phones and Other Evidence**



#### **Criminal Charges and Evidence**

(b)(7)(E)	



#### **Controlled Delivery of Undocumented Aliens**

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# Controlled Delivery of Undocumented Aliens (2 of 3)

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# Controlled Delivery of Undocumented Aliens (3 of 3)

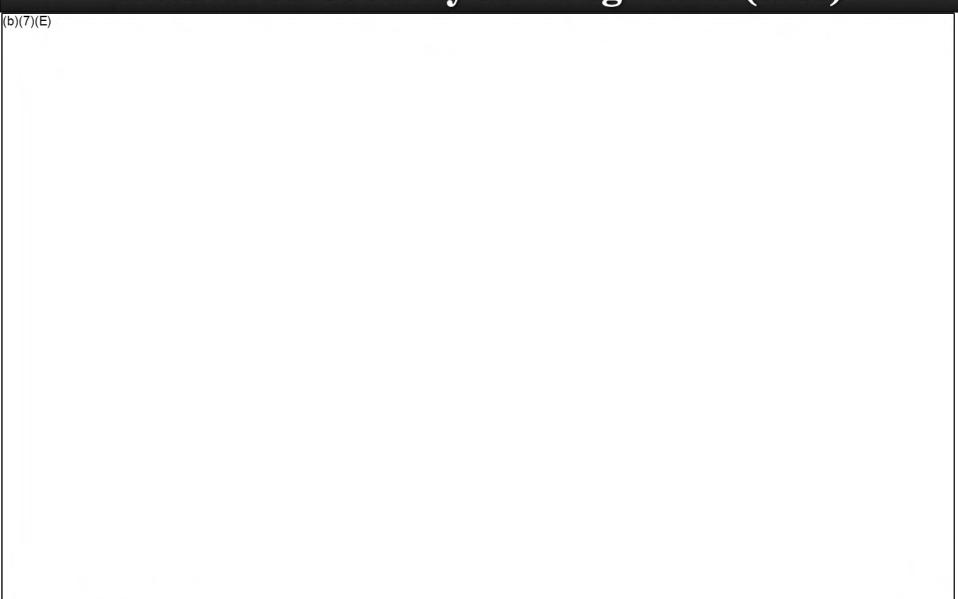
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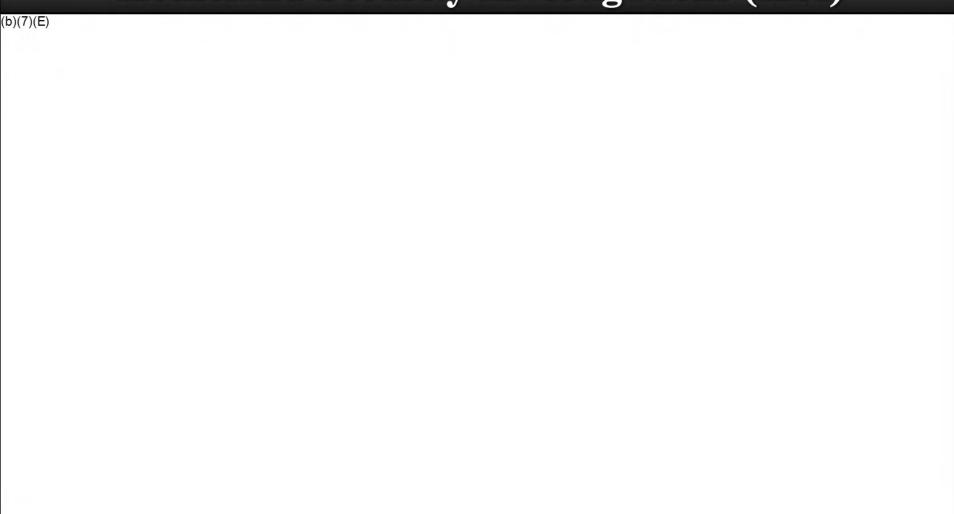
# Approval Guidance for Controlled Delivery of

Allens	
	Allens









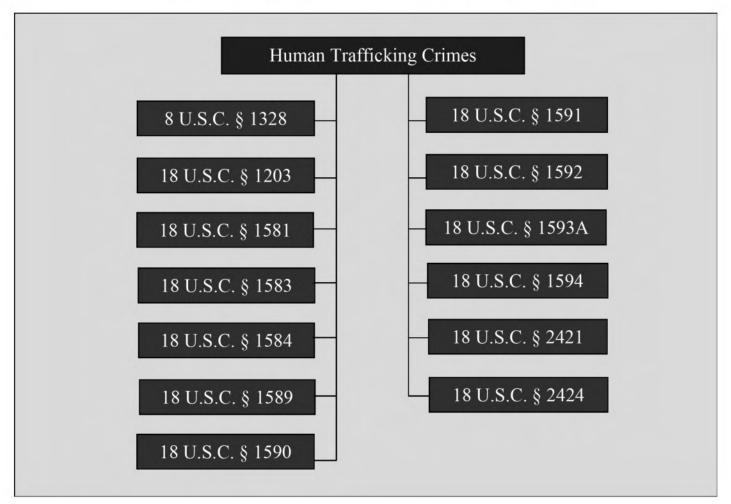


#### **Materials for AUSA**

(b)(7)(E)	



#### **Human Trafficking Crimes**



18 U.S.C. § 1583

Force someone into involuntary servitude or slavery.



18 U.S.C. § 1584

Sell someone into involuntary servitude, and interfere with the enforcement of this section of law.





18 U.S.C. § 1589



Force someone into labor or to receive financial benefits from forced labor.



18 U.S.C. § 1581

Force someone into peonage and obstruct enforcement of this section of law.



18 U.S.C. § 1203

Seize or detain, threaten to kill or injure, a person to compel a third person or government to do or abstain from doing a specific act for the hostage to be released; conspire or attempt to take someone hostage





18 U.S.C. § 1590

Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

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18 U.S.C. § 1593A

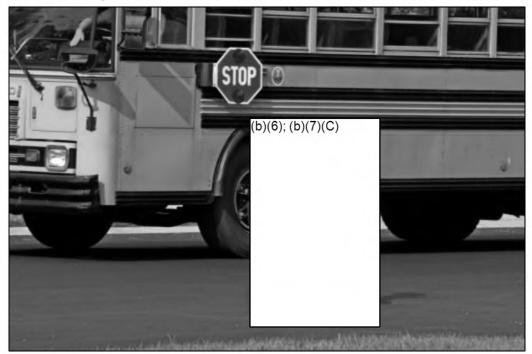


Financially benefit from peonage, slavery, and trafficking in persons.



18 U.S.C. § 1591

Sex trafficking of children by force, fraud, or coercion.





18 U.S.C. § 1592

Destroy, conceal, remove, confiscate, or possess someone's passport of immigration documents In furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.





#### Severe Forms of Human Trafficking

Defined in 22 U.S.C. § 7102 (8):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 ageThe 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



#### 18 U.S.C. § 1594

18 U.S.C. § 1594(a) – It is a crime to violate 18 U.S.C. §§ 1581, 1583, 1584, 1589, 1590, and 1591.18 U.S.C. § 1594(b) – It is a crime to conspire to violate 18 U.S.C. §§ 1581, 1583, 1589, 1590, and 1592.18 U.S.C. § 1594(c) – It is a crime to conspire to violate 18 U.S.C. § 1591.



#### **Demonstration**

(b)(5); (b)(7)(E)			

#### Student Guide



#### **Definition of Human Trafficking**

The recruitment, harboring, transportation, provision, or obtaining of a person (regardless of citizenship or immigration status), by means of threat or use of force, fraud, or coercion, subjecting victims to involuntary servitude, peonage, debt bondage, or slavery for the purpose of sexual exploitation or forced labor



#### Statutes Governing Human Trafficking Offense

Contained within:18 USC §§ 1581-1594The associated Mann Act statutes of 18 USC §§ 2421-2424Title 8 USC § 1328, Importation and Harboring of Aliens for Immoral PurposesOther:Trafficking Victims Protection Act of 2000 (TVPA) – Public Law 106-386Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA)Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA)



# Trafficking Victims Protection Act of 2000 (TVPA) Public Law 106-386

 Human trafficking is the fastest growing source of profits for organized criminal enterprises worldwideTVPA goals:Prevent human trafficking overseasProtect victims and help them rebuild their lives in the U.S. with federal and state supportProsecute traffickers of persons under stiff federal penalties



# Trafficking Victims Protection Reauthorization Act (TVPRA)

Reauthorizations in 2003, 2005, 2008, 2011, 20132003 Victims can bring federal civil suit against trafficker for actual and punitive damagesAdds sex trafficking and forced labor to RICO offenses2013 18 U.S.C. § 1597: Penalties for trafficker or employer confiscating an individual's passport or identity documents – actual or purported



# Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA)

TVPRA 2013 provides for the following: In general, 18 USC Chapter 77, Peonage, Slavery, and Trafficking in Persons, is amended by adding at the end § 1597 – Unlawful Conduct with Respect to Immigration DocumentsPenalty – Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or bothObstruction – Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b)."



#### **Investigatory Leads**





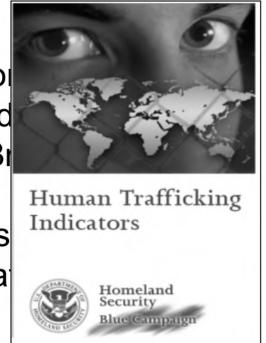
#### Indicators of Human Trafficking Include...

 Who has control of ID and travel docs? Are victim's wages taken? Was victim recruited for one job, forced to perform another? Was victim forced to perform sexual acts? Does victim have freedom of movement, allowed to socialize, attend religious services, contact friends or family? Has victim or family been threatened with harm, deportation, or law enforcement action? Has victim been harmed or deprived of food, water, sleep, medical care, or other life necessities? Is victim a juvenile engaged in commercial sex?



#### Indicators of Human Trafficking Include...

 Heavy security at commercial establishments Victims live at worksite or quarters by guards Victims accompanied (trafficker) when seeking medical care Bruntreated medical problems, malnutrition Signs of rape or sabuse Nervousness (especially if translation present)



#### **Brochure in Student Guide**



## Elements that Constitute a Trafficking Victim

Must contain an element of force, fraud, or coercion (actual, perceived, or implied), unless under 18 and involved in commercial sex actsForced labor and/or exploitationPersons trafficked are victimsEnslaved, subjected to limited movement or isolation, or had documents confiscatedNeed not involve the actual movement of victimNo requirement to cross international borderPerson need not be actively involved in labor/services or commercial sex acts – must be "working"



## **Trafficking Organization Structure**

 Recruiter – Uses ads, personal contacts, family sales to obtain victims in source countriesArranger/Coordinator – Facilitates acquisition of travel documents, fraudulent or legitimate, arranges transport to U.S. Receiving Co-conspirator – Receives victims in U.S., arranges staging locations, retrieves travel documents, reveals debt bondage, distributes or resells victims to business owners/managers



## **Trafficking Organization Structure (cont'd)**

 Transporter – Transports victims from harboring site to job site, between job sites, or on out-calls for prostitutionHarboring/security – Maintains victims at harboring site, if not job site, prevents escape and freedom of movement, may double as transporterBusiness owner/manager - May employ victims in prostitution, agricultural, garment, or other industries, or be involved in domestic servitude for selves or others



# Victim-centered Philosophy and Investigative Priorities

 Protection of trafficked aliens is of equal importance with apprehension and prosecution of traffickers Especially true in cases involving juveniles and sexual exploitationHSI facilitates procurement of aid and victim services through social service agencies and NGOsIncludes assistance with applications for continued presence and other governmental aidEngage cooperating NGOs consistent with policy



## **Convert Reactive to Proactive Investigations**

 Target suspected violators beyond the immediate reactive cases brought to HSI attentionLiaison with other LEAs, HSI attaché offices



## **Prepare Case for AUSA**

(b)(7)(E)			



## **Dealing with Trafficking Victims**

 Most victims may not speak or understand EnglishInterpreter must be fluent in victim's language and dialectVictims may be afraid to speak to authorities, believe they will be held responsibleFear of imprisonment, fear of harm to self or familyReassure victims that their safety is HSI's first priorityUse least-confining custody setting, minimize exposure to weapons, badgesInvolve social service agencies from the outset



#### Victims Encountered in Enforcement Actions

 In advance of enforcement action...Identify interpreters Identify NGOs to provide short- and longterm services to victimsBring only vetted NGOs onsite for processingIdentify temporary housing following releaseArrange transportation to housing, including securityAvoid using HSI/ERO detention vansRequest that NGOs not disclose to press that they are assisting the victims



# Victims Encountered in Enforcement Actions (cont'd)

During enforcement action...Have all potential victims gather personal belongings (clothes, papers, medications, money, hygiene items)Tag bags with from which belongings were recovered!f multiple sites, assign/label each potential victim with identification tag etc.) to indicate arrest location and avoid confusion



# Victims Encountered in Enforcement Actions (cont'd)

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# Assistance for Smuggled Aliens and Victims of Trafficking

Smuggled AliensMaterial witnessesMay be paroled, released into U.S. for short timeAfter testimony, placed in removal proceedings

Trafficking VictimsHSI's victim-centered approach: subject is first a victim to be protected, may also be a witnessEligible by statute for Continued PresenceMay be eligible for T or U visa if cooperating with prosecution



# Authorities Requiring Victims' Rights and Services

Victims' Rights and Restitution Act (VRRA),
 42 U.S.C. § 10607Includes mandatory
 servicesCrime Victims' Rights Act (CVRA),18
 U.S.C. § 3771 Includes court-enforceable
 rightsOther statutes and rules of criminal
 procedureAttorney General Guidelines for Victim
 and Witness

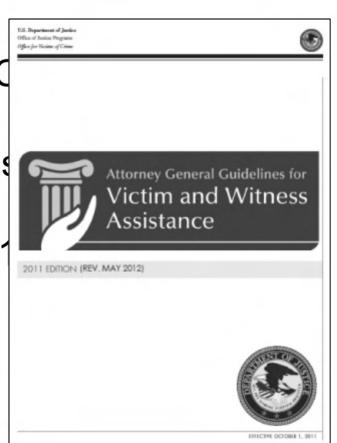
Assistance	
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# Authorities Requiring Victims' Rights and Services

 Victims' Rights and Restitution Act (VRRA), 42 U.S.C. § 10607 (Rights Act (CVRA),18 U.S.C. § 3771 Other of criminal procedureICE Directive Assistance Program, 8/25/2011



ICE Directive 1007.1 in Student Guide



#### **Definitions of Victim**

 VRRA victim – "a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. . . . " CVRA victim – "a person directly and proximately harmed as a result of the commission of a federal offense..."Direct and proximate harm – Based on analysis of harm allegedly suffered and the crime alleged to have caused the harm Harm a direct consequence of the crime CVRA: harm must have been reasonably foreseeable result of charged offense



## **ICE Victim Assistance Program Definitions**

 Victim – "a person directly or proximately harmed as a result of the commission of a federal offense" May be culpable for violations or crimes other than the crime being investigated Victims definition may include: Victims of trafficking may be considered victims for purposes of prosecution, despite legal culpability for ancillary immigration or prostitution offensesCriminal suspects subjected to excessive force by law enforcement officers Inmates who are victims of crime during incarceration

#### Directive 1007.1 in Student Guide



## ICE VAP Definitions (cont'd)

•	Witness – a person who has information, knowledge, or
	evidence concerning a crime and provides information
	to an LEAA victim of a crime may become a witness
	and a witness who is threatened may become a
	victimDirective does not cover
	(b)(7)(E)

(b)(7)(E)			

## **Special Victim Populations**

Federal statutory provisions for services for victims of:Domestic violence, stalking, or sexual assaultChild abuseIdentity theftHuman trafficking

Mandatory reporting of any suspected child abuse or exploitation under state and federal law – responsibility of individual SAs, with sanctions for failing to report



## **Identifying Victims**

• VRRA: Responsibilities to victims begin ASAP after detection of a crime (without interfering in investigation) – generally at opening of criminal investigationCRVA: Rights attach when criminal proceedings initiated by complaint, information, or indictment codes:

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1	-	نا	Acaa	City

## **Services and Rights of Victims**

Responsible official shall provide identified victims with information about available services:

Referral to receive emergency medical or social servicesAvailability of restitution or other relief that victim may be entitled toPublic and private programs for counseling, treatment, other supportReasonable protection – not a service per se but a required consideration



## **Special Victim Populations**

 Victims of domestic violence, stalking, sexual assaultImmigrant victims may petition for immigration protections, relief, assistance Investigating agency can pay for forensic sexual assault exam (with no requirement to cooperate with LEA)Victims of child abuseForensic interview by HSI Forensic Interview SpecialistAge-appropriate support servicesPrivacy protection for child victims and witnesses – names, other identifiers not included in court documents, public records



## Special Victim Populations (cont'd)

 Victims of identity theftlf victim requests, SAs shall assist in notifying creditors and employers of identity theftVictims of human traffickingVictims of severe form of trafficking in persons, as identified by federal LEA, eligible for benefits, services Employment authorization and parole without regard to immigration status May be eligible for public benefits like refugee alienShall not be detained in facilities inappropriate to their status as crime victims



## **Coordinating Victim Services**

Case agent or Victim Assistance Specialist (VAS)
or Victim Assistance Coordinator (VAC) coordinates
victim services as neededDuring investigation
investigating agency responsible for referring victim
to servicesWhen investigation transferred to
prosecutorial entity or charges are filed,
prosecutorial entity responsible for service referrals



## **Case Agent Responsibilities**

With or without victim's request, case agents: Ensure victim's property is maintained in good condition and returned as soon as it is no longer needed as evidenceProvide information regarding prohibition against intimidationArrange for reasonable protection from suspected offenderDiscuss temporary protective

measures -	(D)(7)(E)			
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#### **Focus on Victim**

 Investigation is secondary to rescue of victimCoordinate with Victim Assistance Specialist (VAS) or Victim Assistance Coordinator (VAC) for forensic interview of victimCoordinate with local NGOs and victim service providers





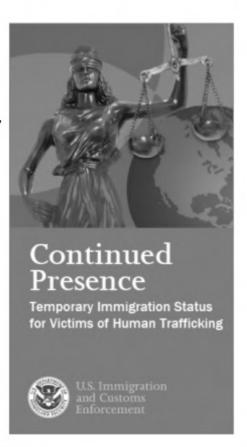
## **Continued Presence (CP)**

Provided statutorily under Trafficking Victims
 Protection ActLEO makes initial determination if
 individual is victim of a severe form of human
 traffickingFederal LEOs authorized to submit CP
 applicationsSubmit as soon as victim
 identifiedCoordinate with SAC Victim Assistance
 SpecialistApproved by HSI Law Enforcement
 Parole Branch



## Continued Presence (CP) (cont'd)

 Granted for up to two-years, with extension of up to two years. Victim's cooperation with LEA not required for eligibility but other benefits may be available to cooperating witnessesCooperation with LEA not required for benefits if victim is minorAlien with CP issued employment authorization document and I-94



**CP Brochure in Student Guide** 



#### T Visa and U Visa

T Visa (5,000 annual cap)For victims of severe form of human trafficking and qualifying familyCan remain in U.S . up to 4 yearsCan lead to LPR status Coordinated by VASCertification of application (Form I-914, Supplement B) by LEA

U Visa (10,000 annual cap)For victims of certain serious crimes and qualifying family Specified crimes, occurring in U.S., listed on I-918Suffered substantial physical or mental abuseVictim possesses information on the crimeLEA certifies victim helpful in investigation or prosecution



## **Segregation of Detained Aliens**

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## State / Local LEA Encounter with Smuggling

 State, local LEAs encounter individuals using conveyances to smuggle illegal aliens into and through U.S. Many encounters trafficrelatedOthers in response to domestic-violence calls, noise disturbance calls, etc.

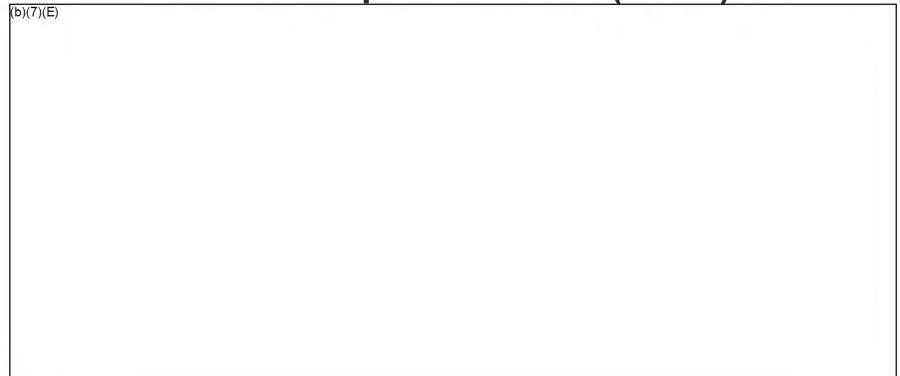


# HSI Response to Local / State LEA Traffic Stop of Alien Smuggling Load

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**Traffic Stop Procedures (1 of 3)** 



#### Traffic Stop Checklist in Student Guide



**Traffic Stop Procedures (2 of 3)** 

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## Traffic Stop Procedures (3 of 3)

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## **Transport for EAGLE Processing**

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## Interviewing

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#### **Demonstration**

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#### Demonstration Scenario in Student Guide



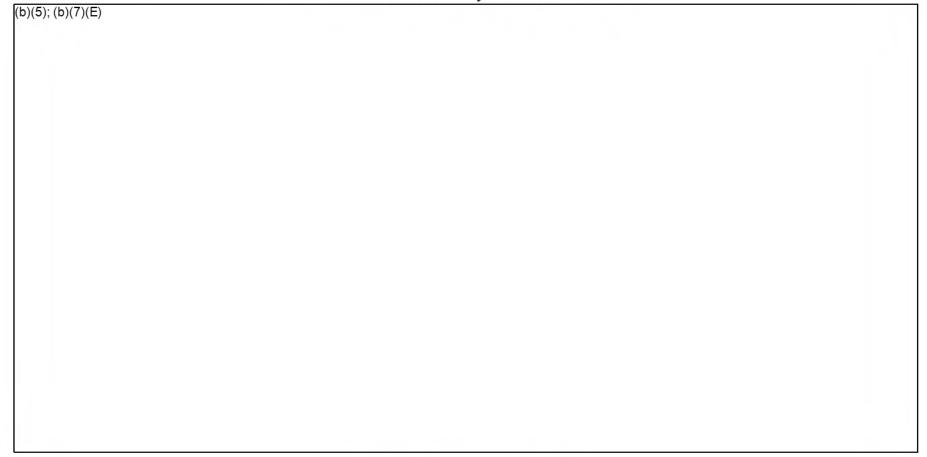
#### **Practice**

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#### Student Guide



### Practice, cont'd



#### Student Guide



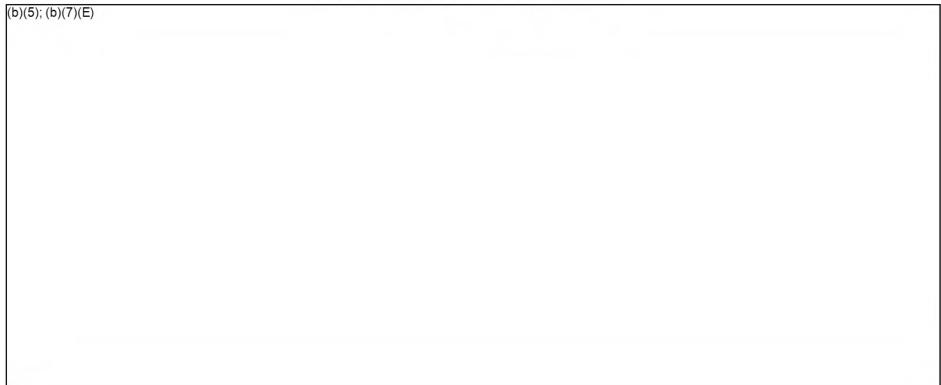
## Practice (cont'd)



#### Student Guide



#### **Practice Scenarios**



#### Practice Scenarios in Student Guide



### **Summary**

 Human smuggling is bringing someone into the U.S., while deliberately evading immigration laws. Human trafficking is also bringing someone into the U.S., but it involves using force, fraud, or coercion.



## Summary (cont'd)

•	Distinctions between human smuggling and human
	traffickingASO structure and operations vary on
	southern, northern U.S. borders HSI investigative
	approaches include: (b)(7)(E)
	(b)(7)(E)
	Rescue of victims is
	top priorityProcedures for handling alien smuggling
	load



