

# DIRECTIVE

## WORKFORCE SERVICES

Number: WSD12-12

Date: March 26, 2013

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: SERVICES AND REFERRALS TO VICTIMS OF HUMAN TRAFFICKING

### EXECUTIVE SUMMARY:

#### Purpose:

The purpose of this directive is to provide information to the Local Workforce Investment Areas (local areas) about the importance of providing workforce training and referral services to victims of human trafficking. This directive also discusses relevant information located in Workforce Investment Act (WIA) Section 188(a)(5) which prohibits discrimination against certain non-citizens, as well as information found in the Trafficking Victims Protection Act (TVPA) of 2000 and the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2003, 2005 and 2008.

#### Scope:

This directive applies to all local areas.

#### Effective Date:

This directive is effective upon release.

### REFERENCES:

- WIA Section 188(a)(5)
- The TVPA of 2000 Section 103(8) (P.L. 106-386)
- The TVPRA of 2003, 2005 and 2008 (P.L. 106-386)
- Title 20 Code of Federal Regulations (CFR) Section 667.275
- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 09-12, Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking (October 24, 2012)
- TEGL 26-02, Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons (May 29, 2003)

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- TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking (July 15, 2008)
- DOL Training and Employment Notice (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 (December 22, 2005)

### **STATE-IMPOSED REQUIREMENTS:**

This directive contains no State-imposed requirements.

### **FILING INSTRUCTIONS:**

This directive finalizes Workforce Services Draft Directive WSDD-79, issued for comment on January 22, 2013. There were no comments received during the draft comment period. Retain this directive until further notice.

### **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, factory and farm workers, childcare workers, waitstaff, sales clerks, models, or other occupations. Others are 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 DOL plays a role in the U.S. Government's efforts to combat human trafficking. These methods include:

- 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.

Local areas are being asked to review this directive in order to be able to recognize the characteristics of human trafficking, and refer those individuals to the proper authorities and resources, provide employment and training services, and offer information and referral to other wraparound services or law enforcement.

## **POLICY AND PROCEDURES:**

### **Definitions:**

Section 103(8) of the TVPA defines the term 'severe forms of trafficking in persons' 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.

Employment is an essential step in integrating victims of trafficking into society, and therefore, One-Stop Career Center staff are reminded that they 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. It is important for One-Stop Career Center staff 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 "Characteristics of Potential Victims of Trafficking" (Attachment 1). For information about hotlines that frontline staff can call to get help for potential victims, see "Trafficking Hotlines" (Attachment 2). If an individual is under immediate threat or states that they are in danger, staff should call 911.

#### **B. Provide employment and training services:**

United States citizens or lawful residents who are victims of trafficking can receive the same One-Stop Career Center services that are provided to the general public under WIA. Specifically, Section 188(a)(5) of the WIA 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 U.S., lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the U.S. Also, this is discussed under Section 107(b) of the TVPA where it is indicated that certain foreign nationals are also eligible for WIA Title I services. This includes:

- Victims of a severe form of trafficking in persons, or
- Individuals granted a nonimmigrant "T" visa.

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 U.S. to assist in an investigation or prosecution of human trafficking. Additional information about T visas and the Department of Health and Human Services (HHS) certification process can be found in

TEGL 19-01 Change 1. Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIA Title I services.

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 HHS 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 victimized children of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIA Title I services.

Employment and training services for victims of trafficking should follow the same procedures and case management processes as given to other One-Stop Career Center 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 have Limited English Proficiency (LEP), criminal records (e.g. 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. One-Stop Career Center staff should work with local training providers and community colleges to find ESL course offerings, as needed. The [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 One-Stop Career Centers 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 One-Stop Career Center staff to be aware 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 One-Stop Career 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 “Services Available to Victims of Human Trafficking” (Attachment 3).

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 2, “Trafficking Hotlines,” for additional information. One-Stop Career Center 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:**

Please bring this directive to the attention of all relevant parties.

**INQUIRIES:**

If you have any questions, please contact your [Regional Advisor](#).

/S/ MICHAEL EVASHENK, Chief  
Workforce Services Division

Attachments are available on the Internet:

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