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# VICTIMS' REMEDIES IN THE US: CHICAGO

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DUBROVNIK CROATIA



# International Human Rights Law Institute (IHRLI)

- Why Trafficking?
  - Victims in Chicago
  - Jody Raphael, Family Law Institute DePaul
  - National Immigrant Justice Center (NIJC) and Heartland Alliance Chicago
  - Local Law Enforcement
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# Chicago, Illinois USA






# Division of Law Enforcement in Chicago

- City of Chicago (Chicago Police Department)
- Cook County Sheriff's Office
- Federal Bureau of Investigation (FBI)  
(Federal)
- Department of Homeland Security (DHS)  
(Federal): Subdivision Immigration and  
Customs Enforcement (ICE)



# Types of Remedies

## 4 Kinds of Legal Remedies for Victims

- Criminal
  - Immigration
  - Civil
  - Repatriation
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# Criminal Remedies

- Prosecution
- Protection
- Prevention

## Federal Law

**Trafficking  
Victims  
Protection Act  
(TVPA) of 2000**

## State Law (Illinois)

720 ILCS 5/Art.  
10A heading new)  
ARTICLE 10A.  
TRAFFICKING OF  
PERSONS AND  
INVOLUNTARY  
SERVITUDE  
(1/1/2006)

# Criminal Remedies

## Trafficking Victims' Protection Act (Federal Law)

- Prevent trafficking overseas
- Offer victims protection and help rebuild lives
- Prosecute traffickers under federal law

# Criminal Remedies

## Trafficking Victims' Protection Act (Federal Law) *Reauthorizations*

- Reauthorizations in 2003, 2005, and 2008
- 2008 (TVPRA) strengthened role and tools available to criminally prosecute traffickers of humans in the US, as well as adding and enhancing victims protection



# Criminal Remedies

State law:

Illinois

Defines three new criminal offenses

1. Trafficking in persons for forced labor or services
  2. Involuntary servitude of a minor
  3. Involuntary servitude
- Increases access to health and social services for victims
  - Imposes severe penalties on traffickers

# Immigration Remedies

Immigration &  
Nationality Act  
(Federal  
Administrative Law)

- Protection
- Prevention

- Trafficking Victims' Protection Act
- T-Visa
  - Victims of Sex Trafficking
  - Victims of Labor Trafficking

# Criminal Remedies & Immigration


Link between Criminal  
Law remedies and  
Immigration  
(Federal & State Law)

- Immigration Law:  
Immigration and Nationality  
Act (INA) (Federal)
- Criminal Law (Federal OR  
State)



# Immigration Remedies


## T-Visa

- Victims can remain in the US to **assist in the investigation or prosecution** of human traffickers
  - Once a T nonimmigrant visa is granted, a victim can apply for permanent residence after three years.
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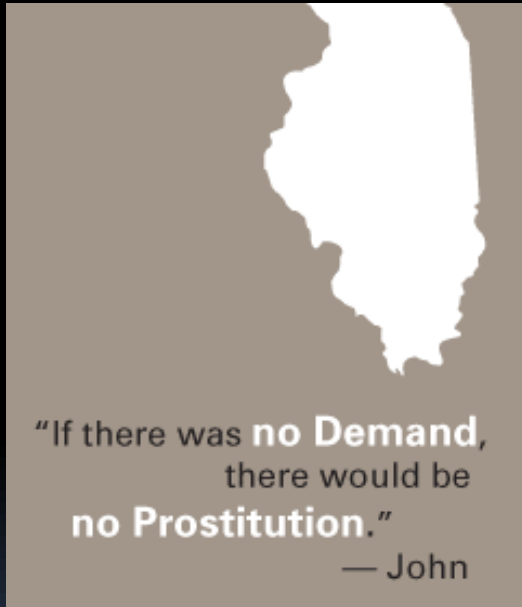


# Immigration Remedies

## T-visa eligibility

- Victim of severe trafficking in persons.
  - Physically present in the United States, or at a port of entry on account of trafficking.
  - Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking.
  - Extreme hardship involving severe and unusual harm if you were removed from the United States.
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# End Demand Illinois




- Multi-Agency
- Transform state response to prostitution & Sex trafficking

<http://www.enddemandillinois.org/>



# Cook County Sheriff's Office

- Human Trafficking Response Team (Feb. 2009)
  - Began during craigslist.org operation
  - Lawsuit v. Craigslist.org
- 

# Process: From Discovery to Remedy

Discovery of  
Victim

- ICE /Police/Sheriff Raid
- Tip
- Calling Hotline


**Arrest for Prostitution-** Adults  
and Minors





# Discovery to Remedy


Problems with Non-US  
Citizens

- Dealing with Embassies and Consulates
  - Language
  - Shelters (for US citizens only)
  - Easier to Detain
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# Discovery to Remedy


## Detention

- Most women in jail have drug abuse and alcohol abuse
  - Experienced sexual abuse
  - Social services in jail
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# Human Trafficking Response Team

## At Police Station

- Interview with women
  - Explain services/resources available
  - Schedules appointment with 'women of power' group
  - If safe housing needed: contacts shelter
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# HTRT “Successes”

- Engaged Russian, Asian and Polish speaking advocates to help with language
- 28 interventions since Feb 2009
- 529 women attend meetings in Jail
- 106 women receiving services




# “John Ordinance”

Cook County Ordinance

- “reverse sting” arrests
  - Cook County Public Morals Nuisance violation
  - Fined up to \$1000; required to perform community service
  - License can be revoked
  - Vehicle used can be seized
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# Practical Problems: On the Ground

- Lack of Shelters for non-US citizens
  - Lack of Immediate communication between arresting agencies & social service providers
  - Lack of international scope of trafficking (Thai victims)
- 



# Civil Remedies

- Monetary Remedy for Victims of Trafficking  
(18 U.S.C. § 1595)
- Economic and non-economic losses including:
  - unpaid wages and overtime
  - tremendous pain and suffering.



The goal of pursuing civil remedies is to make the victim “whole” again.



# Repatriation





# U.S. v. Fu Sheng Kuo, 588 F.3d 729, C.A.9 (Hawai'i), 2009

- Defendants pled guilty to conspiracy to violate civil rights, for knowingly and willfully conspiring to injure, oppress, threaten, and intimidate Chinese women recruited for and engaged in prostitution, in the Territory of American Samoa
- Imposed restitution, including money seized from defendant and suggested a calculation based on the amount charged for sexual acts x number of acts

# Needs of Victims

Needs of Victims of Human Trafficking			
	International		Domestic Children
	Adults	Children	
<b>Emergency</b>			
Safety	X	X	X
Housing	X	X	X
Food/clothing	X	X	X
Translation	X	X	
Legal guardianship		X	X
<b>Short-/Long-term</b>			
Transitional housing	X		X
Long-term housing	X		X
Permanency placement		X	
Legal assistance	X	X	X
Advocacy	X	X	X
Translation	X	X	X
Medical care	X	X	X
Mental health/counseling	X	X	X
Substance abuse treatment			X*
Transportation	X		X
Life skills	X	X	X
Education	X	X	X
Financial assistance/management	X		X
Job training/employment	X	X	X
Child care	X		X
Reunification/repatriation	X	X	X

\* While substance abuse treatment may be a need for international victims, providers contacted by this study only identified it as a need for domestic child victims.