

FOR SALE

Girl, Age 13

Profits from trafficking women and girls are expected to surpass the profits from illegal drugs in the next few years. The demand brings 45,000–50,000 women and children to the United States each year for indentured servitude and the sex industry. No one knows exactly how many pass through Chicago. Through legal representation and advocacy, Heartland Alliance leads the fight to secure protections for victims of trafficking.

Mae* does not know her parents, her exact age or even her ethnicity. Throughout her childhood, she had no identity papers and no last name.

Mae does not know how she came to live with the man in the hills of Southeast Asia who became her surrogate father. She worked as a servant for this man and did not attend school. The man beat her, and from a young age, raped her.

When Mae was in her early teens, she was sold to a woman, Jin.* Mae worked in Jin's beauty salon from 5:00 a.m. to midnight, often with little or no pay. Salon customers, including police officers, would fondle Mae, and on one occasion a customer raped her.

One night, an older woman approached Mae, asked her questions about her situation and told Mae that a better life awaited her in the United States. If Mae agreed, this woman would help her get to the United States. Mae agreed.

Upon arrival at O'Hare International Airport, the Immigration and Naturalization Service (INS) detained Mae for possessing a fake passport. She spent three months in jail.

Mae identified the woman who brought her here to law enforcement authorities. The woman served one year in federal prison; because of that, Mae feared for her safety if she was sent back to her home country. With legal representation from Heartland Alliance's Midwest Immigrant & Human Rights Center (MIHRC), Mae was released from jail and granted asylum in the United States.

Too Common a Story

Mae's story is heartbreaking. It's the kind of dark tale that shakes your belief in fundamental human goodness. But it's not uncommon. An estimated four million women and girls are trafficked around the world each year. Trafficking includes the recruitment, abduction, transport, sale or receipt of people through force, coercion or deception, and the placement of people in situations of slavery, forced labor or services — such as forced prostitution, domestic servitude, sweatshop labor or other debt bondage. Put simply, traffickers exploit people for profit.

Like many young women around the world, Mae's socioeconomic situation left her vulnerable to exploitation. Had she not been stopped by the INS, Mae might still be paying off a debt to the trafficker for the cost of her airfare and "incidentals." Statistics indicate that Mae would most likely be forced to work as a prostitute.

Securing Rights for Victims — Any Way Possible

As unbelievable as it may seem, millions of children worldwide are sold into some form of slavery — most frequently sexual slavery. Children as young as age six are enslaved in brothels in Sri Lanka, according to trafficking watchdog organizations.

"Children are perfect examples of the uncharted territory of trafficking," says MIHRC lead asylum attorney Mony Ruiz-Velasco. "When these children arrive at the airport, the INS detains them. It's hard to determine, then, if they were victims of trafficking — even though they're coming in with a smuggler — because they never make it to their final destination to work in a sweatshop or a restaurant or to be prostituted."

Moreover, children's reliance on their traffickers for food and shelter, coupled with their age, means they may not be willing or able to explain their situation to the INS — or to attorneys trying to help them.

Trafficking is relatively uncharted legal territory. Ruiz-Velasco believes trafficking is not new — but people previously did not recognize it as such. MIHRC *pro bono* and staff attorneys who represent victims of trafficking, therefore, are on the legal vanguard of protection for these women and children.

In October 2000, a law was passed to provide protection for victims of trafficking. One of the disconcerting aspects of the law, however, is its unintended consequence of providing protection to victims of trafficking while at the same time putting them in jeopardy. To get protection through the law, the trafficked victim must testify against his or her traffickers.

The person is then theoretically eligible for a new "T" visa, which would allow her to stay in the U.S. legally. Regulations do not yet exist for this type of visa, however. Without any real way to apply for a T visa, victims of trafficking risk deportation to the same city to which the person they testified against was returned.

To protect victims of trafficking from this situation, MIHRC and its *pro bono* attorneys seek alternative legal remedies, such as applying for special immigrant juvenile visas or asylum (which is legal permission to remain in the U.S. because a person fears for his or her safety).

Legal Victory

This summer, MIHRC won a major legal battle for another young woman who was trafficked to Chicago. Ruiz-Velasco and her team brought an issue to federal court that had never before been litigated. "This case was the first of its type," says Ruiz-Velasco.

A special immigrant juvenile visa exists for children under 18 who were abused by their families in their home country. In order to receive this visa, the state court must enter a finding that the child has been abused or abandoned. A child detained by the INS must get the approval of the INS to go to state court — something the INS rarely, if ever, grants.

MIHRC tried unsuccessfully for months to get written permission from the INS for the young woman who would soon turn 18. MIHRC sued the INS in federal court, asking the judge to grant a temporary restraining order that would force the INS to consent to the special visa.

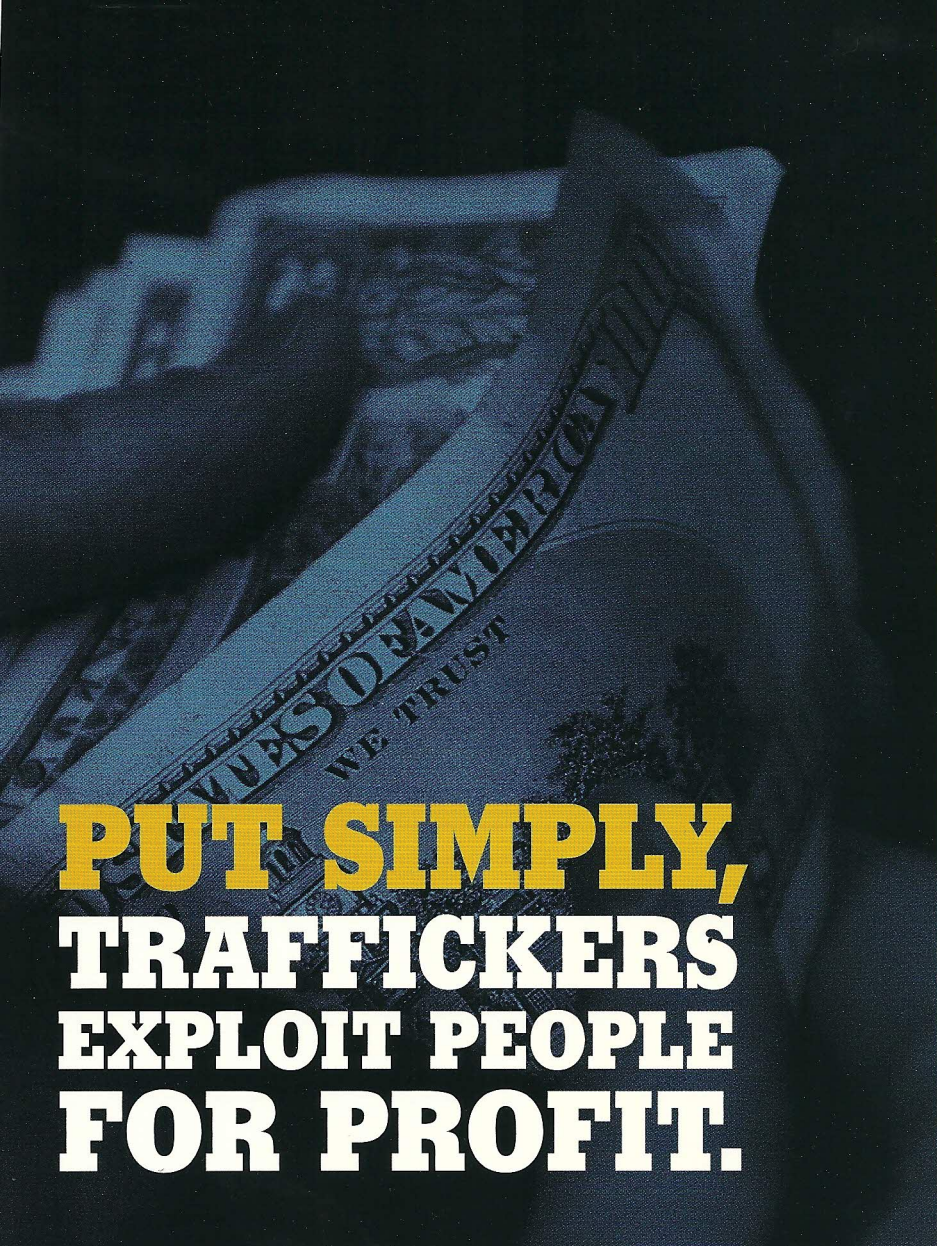
Ruiz-Velasco and her team explained to the judge that it was precisely because there was no prior case law for this issue that they were in court. They won the case.

Since then, other attorneys throughout the country have relied on this case to obtain INS consent for abused children — a significant number of whom were trafficked here — to seek the special immigrant juvenile visa.

"It's particularly important for organizations like Heartland Alliance to take these kinds of cases because our interests are not motivated by profit," says Ruiz-Velasco. "We're representing victims of trafficking because it is in the interest of justice. It's the right thing to do and the legal thing to do."

Networking for Change

Last winter, Heartland Alliance joined the Freedom Network (USA), a nationwide network fighting to ensure that trafficked individuals are treated as victims rather than criminals. The Freedom Network



**PUT SIMPLY,
TRAFFICKERS
EXPLOIT PEOPLE
FOR PROFIT.**

seeks to bring the issue of trafficking to the public and legislators' attention by conducting training for lawyers and other non-profit organizations as well as through legislative advocacy.

"As the only organization in the network with legal experience representing trafficked women and children, Heartland Alliance brings a unique perspective on the consequences of this terrible human rights abuse," says Mary Meg McCarthy, Director of MIHRC.

The judge's decision in Mae's case is widely regarded as a test for new trafficking protections. Her attorneys have received numerous requests for copies of the judge's decision, as attorneys representing other victims of trafficking have cited Mae's case in support of their arguments to protect other women and girls.

Lawyers from MIHRC have helped young women like Mae turn their lives around. "In my home country, I always had to be careful, I felt like a fire was always burning me," says Mae. "My lawyers worked hard for me because they wanted to help. Now in the U.S., I have a chance." ■

**Name has been changed.*

From Eastern Europe to Rural Illinois: A Tale of Human Trafficking

Bela* knew she was coming to the U.S. to work. But she didn't know she was going to be living in a one-bedroom apartment with three men, allowed to work only at night, forbidden to leave the house during the day, and paid very little.

Bela worked nights cleaning at a grocery store after the store closed. For four months, she was locked in, picked up in the morning, and taken back to the apartment. Bela worked 10 to 12 hours each night. The smugglers took all but \$30 a night, and from that amount, took an additional \$200 a month for living and transportation expenses. Bela did not know that things did not usually work this way in the U.S.

She knew no one and was kept isolated, so she could not learn English or create ties with anyone who could help her. The men in the apartment also did not speak English, and there was no TV. She spent two weeks in one small town, two or three weeks in another.

Bela had paid \$1000 for a social security card and driver's license that she believed were valid to work for a temporary period of time. One day Bela met someone who helped her get out during the day. She applied for another job. The employer recognized her documents as fake and called the INS. They arrested her.

Bela cooperated with the INS and the smuggler was arrested, convicted and deported. Bela was released from prison. With no employment authorization or benefits, her only option was a homeless shelter or the streets.

As a victim of trafficking, Bela is theoretically eligible for a special "T" visa. But lack of regulations for this new visa make it virtually impossible to obtain. Not long after the smugglers were deported, newspaper articles appeared in Bela's hometown, criticizing her for helping the INS. MIHRC attorney Mony Ruiz-Velasco is currently helping Bela apply for asylum.