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Justice For All: Improving Enforcement and Relief Efforts of Human Trafficking Laws In Relation To Immigration Reform and Border Control

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JUSTICE FOR ALL: IMPROVING ENFORCEMENT AND RELIEF EFFORTS OF HUMAN
TRAFFICKING LAWS IN RELATION TO IMMIGRATION REPORT AND BORDER CONTROL

By

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To Joel and Sandy Flynn

Thank you for my life

Thank you for your love

TABLE OF CONTENTS

Dedication ii

List of Figures iv

Abstractv

Statement of Purpose 1

Review of Literature 5

Internship and Methodologies 22

Washington D.C. Findings 28

Policy Recommendations 44

Closing Reflections 49

Works Cited 54

LIST OF FIGURES

Figure 1: Trafficking of Persons USA Routes 13

Figure 2: Trafficking Countries of Origin and Destination 14

ABSTRACT

This paper is based on the experience of living in Washington D.C., interning in the Senate, and participating in the American Studies Program for a semester in order to comprehensively research immigration reform with a focus on human trafficking laws and border security. Human trafficking violates human rights by forcing or coercing men, women, and children for sexual or labor exploitation. Globally, 600,000 to 800,000 victims are trafficked and 14,500 to 17,500 people are trafficked into the United States each year. This paper exposes the issue of human trafficking, reports research, and answers questions about how human trafficking affects its victims, how the United States is involved in helping and hurting the victims, what actions would reduce human trafficking, how border control contributes to the solution or to the problem, and what comprises a good solution for border control and other immigration policies. After extensive research, policy recommendations that will combat human trafficking most effectively include: expanding the fence along the US-Mexico border, mandating and funding training of border security agents, creating a collaborative database, making the aiding of law enforcement a non-mandatory aspect of acquiring a T-Visa, increasing penalties for traffickers and consumers of the trafficking industry, and fully implementing the Trafficking and Victims Protection Act. This multi-faceted policy recommendation focuses on balancing the provision of security to the United States in conjunction with reconciling the needs of humanitarianism by providing services and opportunities for trafficked victims with the ultimate goal of striving for proximate justice.

Keywords: Human Trafficking, Border Security, Immigration, Policy Reform, Justice

STATEMENT OF PURPOSE

My purpose for the experience of living in Washington D.C., interning in the Senate, and participating in the American Studies Program for a semester was to comprehensively research immigration reform, with a focus on human trafficking laws and border security. My internship with the office of Senator Grassley from Iowa, as well as opportunities throughout the city to attend hearings, conferences, briefings, receptions, and to conduct personal interviews were excellent means of gathering first-hand information and insight for an effective comparative analysis on the immigration and border security issues affecting human trafficking.

The ideology of justice and fairness is, and has always been, an important one. Human beings are instilled with the innate knowledge of what is and is not fair. Even a young child can comprehend this idea and is capable of feeling the bitter taste of injustice when he or she encounters it. Whether it is a lie that is told, something stolen, a homeless man on the street, or slavery, there will always be a deep gash left on our humanity if nothing is done to protect the rights and interests of others. It is impossible to escape or to minimize the importance of equality and proximate justice for all people, especially as the Bible commands to “seek justice, correct oppression, bring justice to the fatherless, [and] plead the widow’s cause” (Isaiah 1:17). This specific command’s relevance is closely associated with the fact that slavery is happening in the current world and on a large scale in the form of human trafficking.

Human trafficking can be either in the form of sexual exploitation in which “a commercial sex act is induced by force, fraud or coercion” or in the form of labor exploitation which is “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” (*Distinctions between Human Smuggling and Human Trafficking*, 3). According to the Human Smuggling and Trafficking Center, there are “600,000 to 800,000 victims [that] are trafficked globally each year and 14,500 to 17,500 are trafficked into the United States. Women and children comprise the largest group of victims” (*Distinctions between Human Smuggling and Human Trafficking*, 1). The underlying issues that supply a prime environment for trafficking typically consist of extreme poverty, economic hardships, civil unrest, and political instability (*Distinctions between Human Smuggling and Human Trafficking*, 1). David Batstone reports that “well over one hundred thousand people live enslaved at this moment in the United States, and an additional 17,500 new victims are trafficked across our borders each year” (3). In addition to this, “over thirty thousand more slaves are transported through the United States on their way to other international destinations” (Batstone 3). This illegal trade is kept alive by the demand provided by people who take advantage and exploit the weak for personal gain and immense profit. This is an outrage because it violates basic human rights.

In the year 2000, the Victims of Trafficking and Violence Protection Act was created, providing legal residency and welfare to victims of sexual violence (Victims of Trafficking and Violence Act of 2000). Although the passing of this law is a huge step that has helped to raise awareness, it still does not specifically address many important political issues and steps that need to be taken to further this cause in order to continue protecting and rescuing trafficking victims. There are still many victims who are trafficked across the U.S. borders every day. The allure of trafficking for the men and women who profit from it also weakens anti-trafficking efforts, especially because for

every woman, girl, or boy that is freed, the traffickers will find replacements. The United States government's duty is to do all that can be done, to take every measure and step necessary, and to ensure that the battle for equality, liberty, and justice is won for the millions of lives affected, stolen, and ruined by human trafficking.

Trafficking has contributed and resulted in a new form of slavery that is a real, and prevalent issue facing the world today: "Slavery is a booming business and the number of slaves is increasing . . . this is the new slavery, which focuses on big profits and cheap lives" (Bales 4). Despite this dark issue facing the contemporary world and the helplessness that the traffickers try to inflict upon their victims, there is still hope. There are ways that both a nation and individuals can combat this travesty and bring freedom to its victims so as to start the healing process for the thousands of women and children who do not have a voice.

In summation, I am working with the stated purpose of seeking justice by exposing the seriousness of the issue of human trafficking and recommending reform. Specifically, my purpose for this research and presentation is to create a policy recommendation for reform that will effectively combat human trafficking in the areas of immigration and border security. I will be researching and answering questions about how human trafficking affects its victims, how the United States is involved in both helping and hurting the victims, what actions and factors would realistically reduce human trafficking, how border control contributes to the solution or to the problem, and what comprises a good solution for border control and other immigration policies. By answering these questions, I will also be raising awareness which is a very necessary aspect to the fight against human trafficking. The nature of the crime of human

trafficking demands individual and national attention: “Terrorist travel and trafficking in persons are transnational issues that threaten national security” (*Distinctions between Human Smuggling and Human Trafficking*, 9). In addition to the threat on national security, human trafficking poses a threat on the very essence of humanity. In the words of civil court Judge Michael Kick, “To be human means to be rational and emotive,” meaning that humans have the “ability to reason and to form logical conclusions while having the free will to act upon them” as well as the “ability to sympathize, empathize, to be compassionate and passionate, and to be able to understand what someone is feeling and then care about it.” As humans, we have a direct responsibility to our fellow human beings to advocate for freedom and justice for those who need it the most.

REVIEW OF LITERATURE

“Any serious contact with evil requires a painful confrontation with the truth. The greatest and most shameful regrets of history are always about the truth we failed to tell, the evil we failed to name. The greatest enemy in our struggle to stop oppression and injustice is always the insidious etiquette of silence” –Gary Haugen, *Terrify No More* IX

In researching answers to my questions about how human trafficking affects its victims, how the United States is involved in helping and hurting the victims, what actions and factors would realistically reduce human trafficking, how border control contributes to the solution or to the problem, and what border control and other immigration policies could be implemented, I investigated many different resources and voices on these issues. Gary Haugen is considered to be a leading source on the issue of human trafficking. He is the president and founder of International Justice Mission, an organization devoted to work that “secures justice for victims of slavery, sexual exploitation and other forms of violent oppression” (*International Justice Mission*). Human trafficking, while unarguably a concern to all, has been a growing issue of importance particularly with Christians and Christian organizations. The applicable importance to Christians is because of many verses in the Bible, such as Isaiah 1:17 which command to “seek justice, correct oppression; bring justice to the fatherless, plead the widow’s cause,” that convict Christians with the direct command from God to pursue justice and human rights. Many leaders in the fight against human trafficking coming from a Christian background have each upheld their work and research with diligence. Therefore resources that are Christian in nature cannot be discounted as appropriate scholarship, but rather legitimized as further evidence when confronting the issue of human trafficking.

As aforementioned, Gary Haugen is considered to be a prominent voice on the issue of human trafficking. Founding International Justice Mission in 1997, he has continued to work diligently in the freeing of many victims of trafficking and slavery. Haugen graduated from Harvard University and then earned a law degree at the University of Chicago before serving a six-year tenure as a trial attorney in the civil rights division of the U.S. Department of Justice during which he was loaned to the United Nations to direct a high-profile war crimes investigation (Batstone 73). His credentials speak for themselves, but Haugen's intense passion and focus for bringing relief to the victims, as well as raising awareness about human trafficking which he does mainly through his three books, *Good News About Injustice* (1999), *Terrify No More* (2005), and *Just Courage* (2008), are even more informative, inspiring and convicting.

In *Good News About Injustice*, Gary Haugen eloquently describes how facing the reality about injustice in our world today is difficult. This complication is due to an effect known as object permanence such as how it works in a child's early stage of development in which the infant "cannot maintain interest in anything that is not immediately before its eyes" (*Good News About Injustice* 51). Likewise, it is very difficult for people who do not see for themselves and are not directly faced with the injustices of the world to maintain a passion and a concern for those who are suffering. Gary Haugen suggests two steps for growing into a "mature way of engaging the reality of injustice in our world: to "develop a compassion for the people suffering injustice by looking through the eyes of missionaries and other Christian workers who see this suffering firsthand" and to "prepare ourselves to help people by looking at them through God's eyes" (*Good News About Injustice* 52). Stories are what give the most meaning to

people in order for them to respond, such as stories about “the street children in Manila that were abducted and forced to work in a police-run brothel and the little orphan boy named Kumar who was taken and forced to work in a brick-kiln as a slave for seven days a week, performing hard labor and enduring public beatings and torture. (Haugen, *Good News About Injustice* 57). Because of the powerful effect of others’ stories, there is one particular story that needs to be retold in order to properly introduce the travesty of human trafficking.

In Gary Haugen’s book, *Terrify No More*, he tells a moving true story of a young girl named Elizabeth and her experience with human trafficking. Elizabeth’s story especially exemplifies the victimization of border control inefficiencies, combined with factors such as naivety and poverty. Seventeen and belonging to a very poor family in Southeast Asia, she is described as a “bright girl with a special, peaceful quality about her” and had grown up in a Christian home (Haugen, *Terrify No More* 206). Wanting to go to Bible College someday, but knowing that her family could never afford it Elizabeth searched for opportunities to earn money in order to help support her family, something that is very common for children to do in her country (Haugen, *Terrify No More* 206). Innocently enough, Elizabeth heard through a family friend that a neighboring country had good job opportunities. Elizabeth decided to travel with some other women, which, “because of the aching poverty of the area, it was not uncommon for girls to travel out of the country for economic prospects” (Haugen, *Terrify No More* 206). After a long and difficult journey, she and her companions arrived at a house where a smooth talking agent met with Elizabeth and one of her friends, convincing them to come with him to work in the food-services industry.

The problem with border security and its contribution to human trafficking cases is clear at this point in Elizabeth's story because "while traveling with this agent, they were stopped a number of times by officers at border checkpoints, because there was a lot of illegal travel between these two countries. Each time they were checked, their agent made a phone call, and then they were allowed free passage" (Haugen, *Terrify No More* 207). Had the border security prevented their passage and recognized the dangerous situation that Elizabeth and her friend were in, the tragic situation in store that befell them next could have been avoided—the agent brought Elizabeth and her friend to a large city where they would be working in a brothel.

Since neither girl knew the language spoken where they were, they did not realize that they had been brought to a brothel right away. Eventually a woman from their home country who spoke their language explained to the young girls that their jobs would be to have sex with customers. Their situation was dire as "they were stuck in a country far from home, illegal immigrants who couldn't even go to the police for help for fear they would be arrested," (Haugen, *Terrify No More* 207). Since they did not speak the language, running away would not help them to get back home, but rather they would end up on the streets which are a dangerous place for young women.

The brothel keeper was pleased that Elizabeth was a virgin because for a higher than typical price of two hundred and forty dollars he sold her to her first customer who brutally beat and raped her. Elizabeth, who never saw any of this money, continued to live seven long months in the brothel "during which she was forced to have sex with several customers a day" (Haugen, *Terrify No More* 208). It was not until International Justice Mission investigators rescued Elizabeth that she was saved from this horrible

abuse and treatment. Once rescued from the brothel Elizabeth “spent about five months in the aftercare facility, then she was repatriated to her family” (Haugen, *Terrify No More* 211). The most disturbing fact about this is that Elizabeth’s story is not uncommon.

According to a United Nations report there are about 600,000 to 800,000 women and children trafficked across borders yearly (Dearnley). Human trafficking does not just occur in the form of sex exploitation, but can be in the form of labor trafficking as well, such as the 397 southern Sudanese slaves who had been “subjected in captivity to a wide range of abuses, including mutilations, rape, death threats, beatings, forced conversion to Islam, and racial and religious insults” in addition to their forced labor for no pay (Sawelenko). Clearly slavery still exists in the world today, and that may be because as Dearnley notes, one of the greatest hindrances to reducing trafficking is a lack of information and understanding” (Dearnley). In order to effectively combat trafficking, a clear understanding of the issue and others that are closely related need to be understood.

The importance of fighting against human trafficking must also be understood. In his book, *Not for Sale*, David Batstone quotes former U.S. Secretary of State Condoleezza Rice as saying, “Defeating human trafficking is a great moral calling of our time” (1). She is right because of the fact that “twenty-seven million slaves exist in our world today,” defeating human trafficking will remain a great moral calling until every single one has been freed and slavery has been completely eradicated (Batstone 1). This moral calling finds its basis in the idea of justice. Gary Haugen defines “justice” as “the right use of power” (*Good News About Injustice* 84) and its opposite, “injustice,” as the “abuse of power” (*Good News About Injustice* 86). Injustice is caused by people who choose to “indulge their selfish and brutal urges to dominate the defenseless,” (*Good*

News About Injustice 125). This abuse of power and selfish indulgence can and does exist because of the fact that “evil and injustice thrive on moral ambiguity, equivocation, confusion and the failure to commit . . . in every case [injustice] will prevail against the uncertain, the unsure, and the uncommitted” (*Good News About Injustice* 105). In order to combat the injustice of the world, leaders and average citizens alike must exercise certainty, commitment, and an unwavering desire to pursue justice and bring light to the darkness where injustice hides and thrives.

The corruption and greed that causes human trafficking to prevail is oppressive and unjust to its victims. In *Terrify No More*, Haugen describes just how it is that something as horrific and morally wrong as human trafficking and the exploitation of human beings can exist: “The more people who profit from it, the more acceptance it gains as a legitimate business, the more normalized it becomes within a community and a culture until finally it becomes ‘just the way things are.’ I wouldn’t have believed it if I hadn’t seen it so many times before, but, amazingly, a massive and routine business of raping and molesting children can become ‘just the way things are’” (*Terrify No More* 5). In addition to that, “The poor frequently don’t get the benefit of law enforcement” (*Terrify No More* 21) because “the legal system in some countries often supports the criminal, not the victim” (*Terrify No More* 9). Also, since local law enforcement systems are often corrupt and unchecked, citizens can become victims of police abuse—the primary source of protection and enforcement for brothel owners is the local police (*Terrify No More* 38). This corruption makes it even more difficult to beget change in communities where the sale of a human being has become as normal as the sale of livestock or an appliance. However, simply raiding the brothels unethically, lawlessly,

and without careful precision will not bring about a positive change in the long run. Trafficking will not be stopped by “cutting ethical corners, exploiting people, or compromising on proper restraints, but by the relentless application of mental focus, courage, creativity, hard work, and faith” (*Terrify No More* 10). Edmund Burke articulated one of the greatest insights applicable to the explanation of why human trafficking is so prevalent in the world when he said, “All that is necessary for the triumph of evil is for good people to do nothing” (qtd. in *Terrify No More* 20). This means that if good people start doing something the reign of evil will be up against a serious challenge—one it will most undoubtedly lose.

The thriving or the diminishing existence of human trafficking is directly dependent on people and the decisions they make that will either help or hurt the cause to end trafficking. In his third book, *Just Courage*, Gary Haugen describes the people who work for International Justice Mission as a collaboration of Christian lawyers, criminal investigators, social workers and victim advocates (*Just Courage* 18). These people whom he works closely with are contrasted against the people who do not seem to care or want to take action against human trafficking. Haugen gives three reasons for why some people do not care or want to do anything about trafficking: ignorance, despair and fear (*Just Courage* 31-33). Haugen also classifies the men and women who are involved directly in the trafficking of innocent women and children as intentionally violent: “most intentional are sex predators . . . like the sex tourists and pedophiles who pay money in order to sexually abuse and violently assault . . . thinking that they will get away with it because their victims are poor” (*Just Courage* 52). However, Haugen also points out that “those who prey upon the poor are not brave. They only prey upon the poor when they

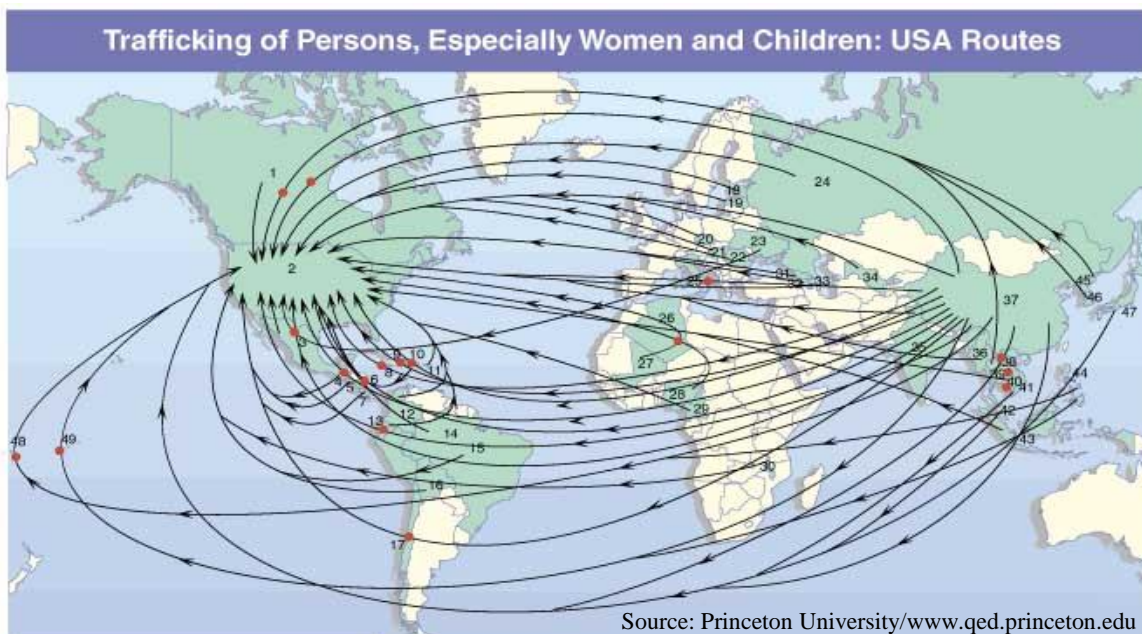
think they can . . . they think no one will try to stop them” (*Justice Courage* 54). The good news is that there are more and more people who are willing to try and succeed in stopping them. Since these oppressors of the poor are scared of going to jail or being fined the increased punishments and likelihood of getting caught and convicted serves to seriously deter traffickers (*Just Courage* 57). Once the potential consequences seriously outweigh the potential benefits for traffickers, they will be deterred from using other human beings to make a profit. The role of standing up to trafficking is not required only of government officials, policy-makers, law enforcement, and human rights agencies, but its scope extend to include everyone else, whether they support the cause through the giving of monetary donations, raising awareness, or prayer.

From the global perspective, the United Nations recognizes that human trafficking is directly linked to immigration and border security because “moving people [across borders] is an intrinsic part of trafficking” and “trafficking is often entangled with people smuggling, immigration and asylum, prostitution and other forms of organized crime” (Dearnley). The United Nations’ *Universal Declaration of Human Rights* contains articles that the act of human trafficking directly violates: Article Three states that “everyone has the right to life, liberty and security of person;” Article Four states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms;” and Article Five states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Because trafficking violates all three of these articles, the United Nations passed the *U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons* in 2000 (Siskin). There is an internationally published *Trafficking in Persons (TIP) Report* that has been published annually since then that

evaluates each country based on the amount of trafficking it is experiencing to and from inside its borders. There is also a law that was passed in 2000, the *Victims of Trafficking and Violence Protection Act* (TVPA), with the purpose to provide legal residency and welfare to victims of sexual violence (Victims of Trafficking . . .). While this and other loosely related laws are already in place both internationally and nationally, they merely serve to contextualize the issue of trafficking and are in no way a final solution since there is much more that needs to be done and reflected in legislation and policies in order to continue human trafficking deterrence towards its perpetrators and relief-efforts for its victims. Human trafficking is a form of slavery that must be ended.

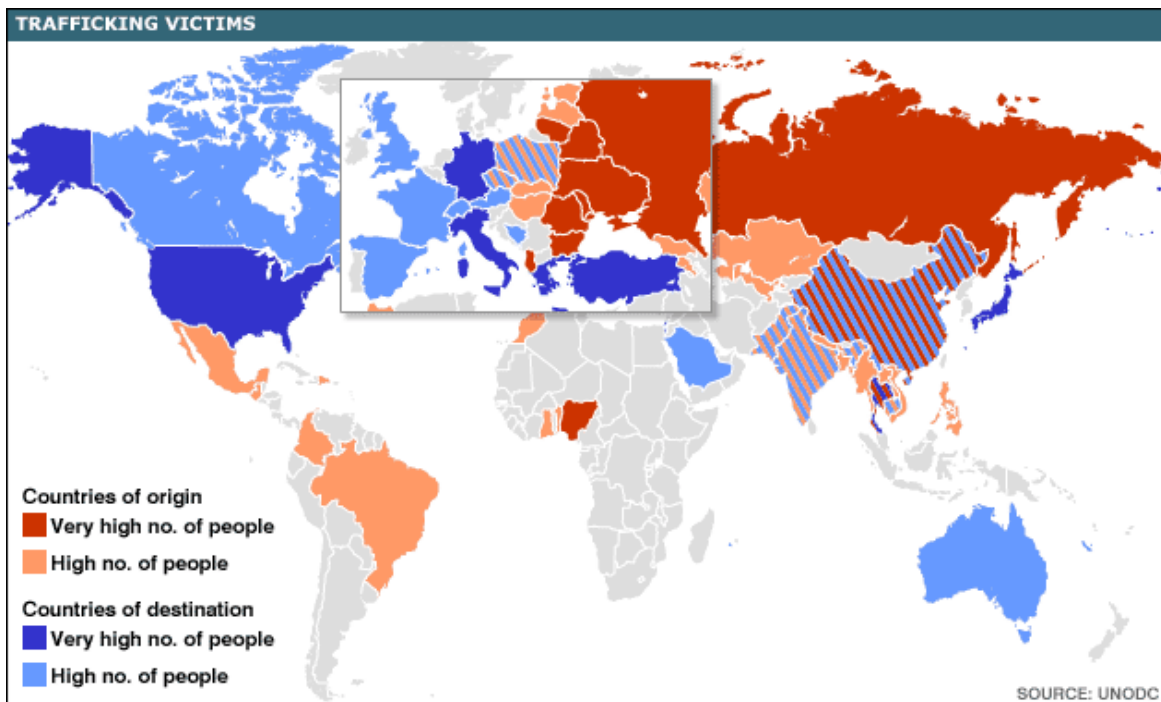
Slavery has been a word from the past to many contemporary westerners who believe slavery ended back in the nineteenth century, but contrarily there are more slaves today, and the United States is not exempt from this injustice. The U.S. is one of the top destination countries for trafficking, as can be seen in the map (Figure 1) that shows the routes of human trafficking mainly from Asia and Eastern Europe to the U.S.

Figure 1



Of the 800,000 women and children estimated to be trafficked on an annual basis, “as many as 17,500 people are believed to be trafficked to the United States each year” (Siskin). The United States’ involvement as a destination for trafficking can be seen even more clearly in another map (Figure 2) which generalizes countries based on their classification as countries of origin and countries of destination. The United States is colored dark blue as a destination country that imports a very high number of people comparatively with other countries.

Figure 2



Source: http://news.bbc.co.uk/2/hi/in_depth/6497799.stm

The United States has tried to deal with this problem by following suit with the United Nations and passing its own *Victims of Trafficking and Violence Protection Act of 2000* and since then “has reauthorized the TVPA several times,” including the *William Wilberforce Trafficking Victims Reauthorization Act of 2008* (Siskin). This act contains many provisions to create harsher punishments for traffickers and provide aid to the

victims, but as Dearnley states, “More needs to be done.” The need for new, stronger policies and ultimately more action exist because the United States’ current legislation is adequate only in surface appearance. The reality is that there are many problems with the current legislation that do not make provision for harsh enough consequences for traffickers and johns¹, do not exhibit strategies to deter and detect trafficking more efficiently (mainly at the borders), and do not provide greater relief efforts and aftercare for victims. Until very recently, there were states within the United States where there were no laws making human trafficking a state crime. Alabama is an example of a state where there existed a “giant loophole in Alabama law which prevented state law enforcement from taking action against these brazen criminals” to which Representative Jack Williams responded by drafting a bill which was passed into legislation April 23, 2010 and is known as *The Williams-Coleman Human Trafficking Act* (“The Williams-Coleman Human Trafficking Act”). The fact that a state law was passed so recently clearly shows that changes are being made and that further change is necessary and must be carried out toward its logical and foreseeable end in order to make an impact on human trafficking.

Human Trafficking has only recently risen to the public’s awareness within the last decade. Since 2000, trafficking has grown from a nonissue into one of national concern in 2003 when *National Geographic* brought to the attention of the world the hidden reality of modern-day slavery. This magazine reported that there are approximately twenty-seven million slaves in our current world, which is “more slaves in our world today than were extracted from Africa during four hundred years of the transatlantic slave trade” (Haugen, *Terrify No More* 21). Anna Rodriguez, founder of the

¹ Men who pay to have sex with women and/or minors

Florida Coalition Against Human Trafficking, declares that “human trafficking can only work if the victims remain invisible to the public eye,” and therefore she calls people to “remove the veil of ignorance” (Batstone 268). Former Secretary of State, Madeleine Albright has been a leading voice on this issue since 2000 when she pointed out that although people knew about the existence of trafficking, nobody was working on it.

Although many documentaries, such as “Born into Brothels,” have been produced with the aim to raise awareness about human trafficking, these documentaries all convey the same message: that slavery is happening in the world today and it is our responsibility to respond. One such documentary created by the Catholic Foreign Mission Society of America in 2006 is titled *Lives for Sale* and talks about the issue of immigration and human trafficking specifically as it relates to the Mexican border. This film suggests that an overall improvement is needed in border security, that the investigating ground workers need more education, and that the social services for recovered victims require improvement as well. Since these documentaries and other events to raise awareness have been instated, more has been done for the cause of ending human trafficking, but nothing to the extent where it has been enough. In the fight for proximate justice, it will never be enough by definition because justice is something that must be constantly striven for. In “Call + Response,” a 2008 human trafficking documentary, justice is defined as “what love looks like in public.” This film appeals to the emotional and moral responsibility within people, but the importance of justice in issues such as this extends farther than just practicing love. As Martin Luther King Jr. wrote in his letter from the Birmingham jail, “injustice anywhere is a threat to justice everywhere.” This means that when justice is threatened by injustice, it will affect everyone whether they acknowledge

that or not. In order for the American government to do what it was designed to do, to uphold justice, it must take issues like trafficking seriously.

Americans must realize too that “trafficking in the sex industry has serious societal consequences as it contributes to the spread of HIV and AIDS” since it is not uncommon for trafficked women to be forced to engage in unprotected sex (Richard 1). The labor aspect of trafficking is also much closer to home than the average American could possibly imagine. Kevin Bales elucidates just how slavery as a result of trafficking, even from overseas, could be affecting Americans today: “Slaves in Pakistan may have made the shoes you are wearing and the carpet you stand on. Slaves in the Caribbean may have put sugar in your kitchen and toys in the hands of your children. In India they may have sewn the shirt on your back and polished the ring on your finger. They are paid nothing.” (3-4). Even closer to home, investigations done by the Florida Coalition Against Human Trafficking have exposed trafficking hot spots in cities such as Naples, Florida (Batstone 264-5). This Coalition has reported slaves who were illegally trafficked to America and were discovered to be working with no pay in jobs such as housecleaning services, large-scale agricultural labor, garment factories, hotels (housekeeping), nail salons, strip clubs/massage parlors, and many others (Batstone 265). Since trafficking has a multi-faceted effect that is far reaching and long ranging, it must be acted against with the same magnitude as that of its horrific nature.

The United States has come to realize more and more that this slavery is happening “in our own backyard”—a popular catch phrase used by many human trafficking activists and politicians. Batstone states that “17,500 new victims are trafficked across our border each year,” that “over 30,000 more slaves are transported

through the United States on their way to other international destinations,” (3) and that the “revenue from this trade is estimated to be \$32 billion annually” (4). There is no excuse for this—these facts clearly point to a problem with U.S. border security and its failure to stop trafficking in its tracks. In the past, border security has been an issue with regard to drug and weapon trafficking but according to Batstone, “The commerce in human beings today rivals drug trafficking and the illegal arms trade for the top criminal activity on the planet” (3). Increased activity gives the issue of border security even more bearing on human trafficking. One newspaper, the Quad City Times, declares that “in these [human trafficking] cases you are dealing with people who aren’t even from this country . . . that’s one of the tools traffickers use. [The victims] don’t know anybody. The traffickers threaten to harm the victim’s family back home or hold their passport and identification” (Lemmon). This report shows that there is a direct link between human trafficking, immigration, and border security. Therefore improving border security would help to alleviate the problem of trafficking.

Batstone retells a true story which further illustrates how immigration can directly relate to human trafficking, and that it happens in the United States as much as anywhere else: A wealthy family in the Richmond area promised a young woman’s parents in Cameroon that they would give their fourteen year old daughter an education and send them a portion of her wages if they sent her to work for them. This American couple brought the girl to the United States by “us[ing] their own daughter’s passport—fabricated with a photo of their new recruit” (Batstone 226). Of course, once she arrived in Virginia, they “forced her to work at domestic chores from dawn to dusk,” she never received the education promised her, nor was she allowed any freedom to go anywhere

on her own or to communicate with her family back home. She could not even go to the police for fear of being arrested for illegal immigration. This story is not an anomaly—states such as California, Florida, Texas, and New York have the highest incidences of slavery with “U.S. citizens and permanent residents import[ing] thousands of domestic servants into this country as slaves” (Batstone 228). The immigration system has been and is still abused and taken advantage of too easily. Because of the coercive and manipulative nature of human trafficking, action must be taken against the source that is allowing this to happen.

One factor that allows trafficking to continue oftentimes unchecked is the lack of enforcement from local authorities in many countries. In Gary Haugen’s article “And Justice For All,” published in *Foreign Affairs*, Haugen and his coauthor Victor Boutros speak to the issue of trafficking on a global scale and the overarching problem of enforcement: “The unchecked violation of human rights in many parts of the developing world reflects an enforcement gap with disastrous effects on health, economic productivity and stability” (57). What is missing in human rights efforts and legal reforms is the “ability to bring effective law enforcement” (57) to poorer communities where trafficking is a growing, thriving problem. One thing that Haugen and Boutros cite as something that would have a positive effect on trafficking issues in developing countries would be for developed-country governments to “link their international development assistance to the willingness of developing-country governments to improve their public justice systems” (60). An example of this is the *Child Protection Compact Act* which “authorize[s] U.S. government grants to developing countries that have demonstrated a commitment to combating child trafficking with effective tools, measured

by concrete bench marks” (60). On the other side of this, “The United States and other governments in the developed world should cut off or limit foreign aid to countries that are unwilling to improve their capacity to protect the poor from abuse and violence” (60). In doing so, the United States will be providing substantial incentive and motivation for other countries to take human trafficking seriously and to continue seeking ways to end it.

Given the serious nature of the issue of trafficking, what is to be done about it? David Batstone promotes developing a government policy that could “impact millions of lives” (276) as one way to combat human trafficking because one policy change can “affect millions of lives permanently” (278). Why put the effort and the resources into creating policies that will effect a positive change? The effort is all for the sake of the one. Sharon Cohn, the Vice President for Interventions at International Justice Mission, voices a succinct and ultimate answer to this question as reported by Gary Haugen in *Terrify No More*:

While there are millions of girls and women victimized every day, our work will always be about the one. The one girl deceived. The one girl kidnapped. The one girl raped. The one girl infected with AIDS. The one girl needing a rescuer. To succumb to the enormity of the problem is to fail the one. And more is required of us. (19)

Some “disillusioned and impassionate cynics” may sometimes refute the argument of working for the sake of one person’s life. They have asked Sharon, “So you rescued the one; there are millions of others. What’s the point?” to which she responds with, “I think Elizabeth understands the point. Elizabeth *is* the point” (Haugen, *Terrify No More* 19).

Elizabeth, the naïve and poverty-driven 17 year old girl whose story was retold at the beginning of this chapter is the point. She and the millions of women and children like her are the reason that a policy recommendation to solve border security in order to deter trafficking is required of us.

INTERNSHIP AND METHODOLOGIES

“Seek justice, correct oppression, bring justice to the fatherless, [and] plead the widow’s cause.”

-Isaiah 1:17

My experiences in Washington D.C. and elsewhere have influenced and shaped my compassion to help the oppressed. In Washington D.C., I found that human trafficking is a growing problem in which human beings are treated like slaves throughout the world even in the United States. Therefore, I used my time in D.C. to find answers to my research questions about human trafficking in relation to its relevance to immigration and border security. I focused my research to learn how human trafficking affects its victims, how the United States both helps and hurts the victims, what actions and factor would realistically reduce human trafficking, how border control contributes to the solution or to the problem, and what comprises a good solution for border control and other immigration policies. My findings resulted in policy recommendations, mainly focusing on border security and treatment of discovered and rescued trafficking victims, which ought to be seriously considered by the United States’ policy makers in order to effectively combat human trafficking and deter this leading source of profit for organized crime and transgression against basic human rights.

Through Olivet Nazarene University I participated in a study abroad program known as the American Studies Program in Washington D.C. during the spring semester from January 14, 2010 to May 1, 2010. Living just eight blocks from the Capitol building I worked as an intern for Senator Grassley, an Iowa republican senator with great wisdom and high regard. I had many opportunities to research primary documents,

attend house and senate hearings and to conduct interviews of professionals in the related fields of human trafficking, immigration, and border security.

While the majority of my internship was spent writing letters, writing speeches, sorting incoming constituent mail, writing responses to constituent mail, filing, making phone calls to various agencies, and assisting the Legislative Assistants (LA) and the Legislative Coordinators (LC) with various projects, I also was able to find time and opportunities to research human trafficking due to my internship. One resource available to me as an intern was the ability to request specialists' reports and primary documents on government issues as well as the redlines of current legislations from the Senate's Congressional Research Service (CRS). In fact, I enrolled in a training class in order to learn how to use this service correctly and efficiently. Among the many reports that I looked at in order to gain a general understanding of current legislations and trafficking, immigration, and border control issues, I looked at a report titled *Criminal Law Provisions*; a report titled *An Abbreviated Sketch of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* by Charles Doyle, Senior Specialist in American Public Law; and a report titled *Select Differences Between S. 3061 and H.R. 3887*² by Alison Siskin, Specialist in Immigration Policy. I was also able to interview office staff in order to gain a better perspective of the issues surrounding immigration reform and trafficking from a Senate point of view. On February 23, 2010 I conducted interview with Katy Nuebel, a LA, as well as Nick Podsiadly from the finance office.

Interns were allowed to attend briefings and hearings in the Senate, House, and Capitol Building as a means of gaining experience and gathering information, so I took

² A comparison between a Senate version of a bill and a House of Representatives version of a bill to combat trafficking

advantage of this opportunity and attended a Senate Judiciary Committee Hearing, “In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States” on February 24, 2010. Senator Dick Durbin and Senator Al Franken presided and presented a documentary on trafficking by Libby Spears and heard statements and testimonies from Linda Smith, Founder and President of Shared Hope International; Beth Philips J.D., U.S. Attorney; Anita Alberesque J.D., State’s Attorney; Rachel, former victim of trafficking who founded the Girls Educational & Mentoring Services (GEMS) for victims of sex trafficking; and Shaquana, former victim who was rehabilitated through GEMS. On March 24, 2010 I attended the KIND and Women’s Refugee Commission Congressional Reception in the Capitol Building to mark the one-year anniversary of the William Wilberforce Trafficking Victims Protection Reauthorization Act and to recognize the important work of Senator Dianne Feinstein and Representative Zoe Lofgren on behalf of trafficked children. At this reception speeches were made by Representative Lofgren; Wendy Young, Executive Director of KIND; and Ambassador Luis CdeBaca, Senior Advisor to the Secretary and Director of the Office to Monitor and Combat Trafficking in Persons. After the speeches I was able to meet and talk with Ambassador CdeBaca, who was more than happy to discuss the issue of trafficking with me. He firmly validated the efforts of young students such as myself, who are passionate and determined to do something about the injustice in the world, as indeed necessary and capable of effecting a positive change. CdeBaca also shared the opinion that it is important for the church to be involved in political issues and humanitarian efforts and that the fight against human trafficking is no exception. I also attended another Senate Judiciary Subcommittee on Human Rights Hearing, “Legal Options to Stop Human Trafficking” on March 26, 2010.

Another component of the American Studies Program in addition to my internship was to attend a plethora of lectures on justice and immigration issues by various esteemed speakers. Lectures that were pivotal in shaping my research on human trafficking, immigration, and border security were “Shalom and the Public Good” by Peter Baker, Director of the American Studies Program; “Faith-based Advocacy for Comprehensive Immigration Reform” by Galen Carey, Director of Government Affairs and Allison Johnson, Campaign Coordinator for Christians for Comprehensive Immigration Reform; “Reconciliation and the Public Policy Studies” by Jerry Herbert; “Rethinking Human Trafficking” by Laura Agustin and Florrie Burke at the Woodrow Wilson International Center for Scholars; “The Economic Pull of the U.S. Economy: What the Statistics Suggest” by Scott Border, Economist at the Office of Immigration Statistics in the Department of Homeland Security; and a briefing by Dovelyn Aquinas and Roberto Munster at the Migration Policy Institute which is an independent, nonpartisan, nonprofit think tank dedicated to migration and the movement of people worldwide.

Interviews that I conducted on my own while in Washington D.C. include an interview with Sarah McDowell, U.S. Committee for Refugees and Immigrants; Samantha Vardaman, Senior Director of Shared Hope International; Abayea Pelt, Sojourners’ Trafficking Expert; Stephanie Baucus, Associate Director of Intergovernmental Affairs and Public Liaison at United States Department of Justice; Nisha N. Mohammed, Assistant to the President of The Rutherford Institute; Joe Kasper, Communications Director of the Office of Representative Duncan Hunter; Bertha A. Guerro, Congressional Fellow of the Office of Representative Raul M. Grijalva; Andy Crouch, Senior Fellow at International Justice Mission (IJM) Institute and Editor of

Christianity Today International; and Annick Febrey, Lobbyist for IJM. I met Annick Febrey during a visit to the IJM headquarters, and developed a close friendship with her as well.

On April 11, 2010 at Calvary Church in Annandale, Virginia I attended the event, “Human Trafficking in Metro D.C. and Abroad.” This forum and fair’s purpose was to connect the global and local dimensions of human trafficking and to explore local responses to the causes and consequences. Speakers and exhibitors included members representing Shared Hope International; The Terrorism, Transnational Crime, and Corruption Center (TRACCC) Program at George Mason University; Jubilee Campaign; and Bridge to Freedom Foundation. This was a good event to attend in order to see how awareness is being raised. It also provided opportunities to network and gain knowledge from some of the members of these organizations.

In addition to my primary sources, I also researched secondary sources including *The Moral Imagination: The Art and Soul of Building Peace* by John Paul Lederach, *Welcoming the Stranger: Justice, Compassion, and Truth in the Immigration Debate* by Matthew Soerens and Jenny Hwang, *Christians at the Border: Immigration, the Church, and the Bible* by Daniel Carroll, *Characteristics of Suspected Human Trafficking Incidents, 2007-08* by Tracey Kyckelhahn, Allen J. Beck, and Thomas H. Cohen from the U.S. Department of Justice, and *The National Report on Domestic Minor Sex Trafficking* by Linda Smith, Samantha Vardaman, and Melissa Snow from Shared Hope International.

Coming to Washington D.C. I had so many questions, but I realized that as Robert Coles says in *The Call of Stories: Teaching and the Moral Imagination* is that “how we

spend the day living will shape the answers we're going to find" (91). As I walked the city streets, attended briefings and hearings, interviewed various and varying professionals, and worked at a senate internship, I found my answers, and my indifference to the injustice in the world was challenged—even by the homeless woman I saw every day on the bus, holding onto her hot chocolate like it was her only possession in the world, and it probably was. She would smile and wave at me and the first time this exchange took place I just looked away. By the end of my semester in D.C., I would respond by smiling and waving back, and was rewarded each time with the unmistakable twinkling in her eyes. This story is analogous to my decision to stop looking away from injustice, but to respond to it. I am responding to the injustice of human trafficking with my research and policy recommendations.

WASHINGTON D.C. FINDINGS

“Defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed. Rescue the weak and needy; deliver them from the hand of the wicked.”

-Psalm 82:3-4

Trafficking, Immigration, and Border Security

There are countless stories that litter the news about immigrants who come to America for a better life, either driven away from their own country because of poor living conditions or enticed by the hope of “American dream,” only to find themselves trapped in a nightmare. Still other others have been taken unwillingly from their homes and trafficked across borders where their bodies are solicited and sold for sexual exploitation and/or labor. Either way, whether they have come to the United States legally or illegally and were tricked into trafficking, or were forcibly taken from their homes to be sold across borders, immigrant reform is desperately needed.

Immigration reform that solves the problem of trafficking is not as straightforward of an issue as it may seem to be. In my research, I looked at finding answers to questions about the way trafficking affects its victims, how the United States is helping or hurting the cause, which actions and factors would decrease instances of human trafficking, how border control contributes to the solution or to the problem, and what comprises a good solution for border control and other immigration policies. The immigration policy issue in particular with a direct effect on trafficking is the debate on border control. This includes many facets such as homeland security, enforcement, economic implications, and humanitarian efforts. Balancing all of these is difficult, especially when they are all so interconnected. The simplified question is what policymakers ought to do at the borders in order to most effectively deter and prevent

trafficking and how they should go about this in order to protect America's security as well as the safety of the victims. This raises further issues though, including how to realistically implement and fund new policies and laws as well as how to take care of the victims without jeopardizing the safety of the nation and the integrity of its laws. As always, with any political issue, there will be trade-offs. While one side of the issue wants more border security and closed borders so that there is more safety, the other side wants more open borders and more freedom so that there is a free flow of labor and resources. The first side that is in favor of more security has tradeoffs that include the expense of the nation's finances as well as other drawbacks including the decreased safety for those who, as a result, would try to cross illegally. The opposing side that places emphasis on open borders and freedom does so at the tradeoff and cost of the nation's security and also puts immigrants at risk because without security to monitor their crossing, trafficking is much easier to accomplish and to get away with.

There are several angles that many different stakeholders in the issue take, but on the issue of border enforcement and security arise two main sides. The first side is in favor of stronger border enforcement and harsher penalties for involvement in trafficking victims. For them it is a security issue first and foremost, with humanitarian interests as well. The other side of the issue is in favor of open borders to lower risks and costs of crossing and to make it easier for victims to receive rescue and aid. Open borders are supported mainly by stakeholders with economic interests as well as different humanitarian interests. Open borders would make immigration easier for people to come to America without taking risky routes that often end in their becoming victims of exploitation. Although both sides are concerned about trafficking and wish to end it, they

each disagree on what the best way to do that would be and to what extent (Seelke 1-2). Examining these conflicting views and understanding their foundations is imperative for writing a policy recommendation with a good balance that will still be effective in its overall purpose—to deter human trafficking and bring aid to its victims.

NumbersUSA, an organization dedicated to advocate for lower immigration levels, provides a resource for looking at Senate and House bills which have been classified as strengthening security or weakening security. This organization documents a total of fifteen bills from the House that have included either strengthening or increasing border security in the language and provisions of the bill. According to the findings presented about these bills there is still opposition to increasing security, as can be seen by the four House bills which soften penalties and weaken security (“House and Senate Bills”).

Immigration reform and trafficking laws have been underway since the beginning of the century. Before 2000, U.S. laws were widely believed to be “inadequate to deal with trafficking in women and children or to protect and assist victims” (Seelke 23). Since then, anti-trafficking legislations and programs have been devised in order to attempt an improvement of the worsening situation. In the Fiscal Year 2005 “the Department of Justice (DOJ) estimated that there were between 14,500 and 17,500 victims trafficked into the United States each year” (Seelke 23). Currently, as of January 2010, this was the most recent estimate of trafficking victims. The most current legislation that has been passed and signed by the President into law was the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* (Doyle 2). Although it originated in the House of Representatives, much of the criminal provisions

appeared first in a Senate bill (Doyle 2). *The Wilberforce Act*, as it is called, strengthens federal efforts to combat traffic in humans. It expanded pre-existing law enforcement authority. While *The Wilberforce Act* did enforce border control that was three years ago and increased security is still a priority, although another perspective would be that border control is already a problem and needs to be reduced.

The Iron Triangle: Executive, Legislative, and Non-governmental Organizations

Stakeholders are departments and groups that have a varying degree of vested interest in the range of issues associated with human trafficking, immigration, border control, and American policies. Stakeholders can be categorized on three different sides of the “Iron Triangle,” which is a concept in U.S. politics which refers to the three-sided relationship between Executive departments or agencies, Legislative offices, and Non-governmental organizations or interest groups (Baker). When looking at the issue of human trafficking and border security, it is necessary to have a fair and balanced representation of organizations from all three sides of the iron triangle.

People, Rights, and Threats

When looking at issues that are important to these stakeholders, the three main categories of issues they are concerned with and can be evaluated upon are people, rights, and threats (Baker). “People” is to the degree that a stakeholder forms its values based on either the individual citizen or the whole of society (Baker). “Rights” is the rights that a particular organization deems the most important and ought to be placed in importance above other rights that are seen as lesser (Baker). “Threats” is what the organization deems to be the most important threat that needs to be taken into consideration and avoided (Baker). Evaluating stakeholders in terms of where they stand on these three

categories as well as how they see the role of the government is useful in flushing out the multi-faceted issues that policymakers are faced with when trying to formulate policies that will have enough support to be successful and will have the best possible effect.

Stakeholders in Favor of Increased Border Security

There are a good number of supporters for more border control, which includes increased enforcement, stricter prosecution, more funding for security purposes, and closed borders. These stakeholders are against open borders for many reasons, one being the problem of fraud in which immigrants use provisions made for victims of trafficking as a loophole and means of taking advantage of the system (Wasem). The first stakeholder examined is one on the executive side: the Department of Homeland Security. From their website as well as comments at a briefing by their agency, it can be seen that they place the highest social value on freedom and security. They talk about people on the individual level because their main focus is on protecting American citizens by further securing the borders (*Securing U.S. Borders and Ports*). They also see securing the borders as a way to protect the individual immigrant by keeping him/her from illegally crossing the border. The rights emphasized are the individual right to protection, security, and safety from threats against national security. In order to do this, they supported the Secure Fence Act that requires the Department of Homeland Security to build an infrastructure to “deter and prevent illegal entry” in order to succeed in “disrupting and restricting” human trafficking (*Southwest Border Fence*). The role of government that they believe to be acceptable is implied to be one that defends the rights of people against idolatrous civil power and one that will assure civil rights of protection for all individuals. Responsibilities for non-governmental power would be to support and

provide for the Department of Homeland Security, cooperating in all ways necessary in order to ensure the most security and amplified safety for citizens.

Another stakeholder that is for more border security on the legislative side of the iron triangle is Senator Charles E. Grassley, a Republican Senator from Iowa. Senator Grassley prioritizes social values based on Freedom, both in terms of the economy and security. In a letter he wrote to Hillary Clinton, he asked her to reverse the decision to deny extra visa screening assistance from the Department of Homeland Security (Grassley). He cited some of the laws that have been passed by Congress that already involve immigration and border security policies and explained why it is important to carry them out to their fullest potential without interference from the State Department. Grassley has always been known as a champion to the taxpayers, and his view of people has a clear focus on the individual, with an emphasis on protecting the right of economic classes from the threat of immigrants taking American jobs. The crimes of trafficking are also a threat in terms of illegal money that is spent on drugs and human trafficking and Grassley is committed to protecting people from this threat. His political perspective of the government's role is that it defends the rights of the people as can be seen by his reputation for being a defender of the taxpayer, according to a staffer in Grassley's office (Nuebel). Although Senator Dick Durbin is a Democrat from Illinois, he is in agreement with Senator Grassley on the issue of border control, believing that immigration laws must be tough at our borders ("Immigration Reform"). He is the chairman of the Subcommittee on Human Rights and the Law and so has a vested interest in the effect of trafficking and is involved in the policy-making to combat this terrible trade. His social priorities, however, are more focused on Equality for a certain group of people,

Americans. He is often quoted talking about how the priority is Americans, and American jobs (Reavy). This shows that he is focused and committed to protecting American families, mainly in the working class. Senator Durbin would say that they have a right to employment and that borders need to be closed so that immigrants, illegal and legal, do not take these jobs. Since he is a government official as well, it is not surprising that he views the government's role as protecting the concentration of economic power and supporting the rights of the "poor" Americans.

A Non-Governmental Organization (NGO) that is also for more secure borders is the Center for Immigration Studies. This center has the social priority of equality, but with an economic focus. They talk about people in terms of what group they are in: American, legal, or illegal. They support the rights to freedom and equality for Americans and legal immigrants, but want to protect those groups from the threat of another group- illegal immigrants ("About the Center for Immigration Studies"). Steven Camarota in his article for their site claimed that immigration has an effect on the economy and so that is reason to monitor it with border security carefully and that closed borders would reduce the amount of unskilled workers in the country. Another article contributor, David Seminara, says that illegal immigration is easy for people to do when coming to our country because of the loopholes in the law that allow people in by pleading asylum or coming temporarily and ending up staying. This is a threat to national security and contributes to the problem of trafficking. Like most other stakeholders in favor of more secure borders, they would prefer greater government involvement.

Stakeholders Against Increasing Border Security

The stakeholders on the other side of the debate have a very different idea of what would help to combat human trafficking the most effectively, and are not in favor of more border security, government control or closed borders. In fact, most stakeholders see closed borders as only making the problem worse as well as the money required to fund more security as a poor economic decision. An interview with economist and business development manager at John Deere, Eugene Clark, revealed his professional opinion that open flow of labor makes for a more efficient economy by creating more jobs and that a solution to immigration needs to be broader than dumping more money into enforcement (Clark). Other people and groups with any vested interest in the economy and jobs would share a similar view: that borders should be more open and the free flow of labor increased rather than funding more security and enforcement.

The first stakeholder against increasing border security is from the executive side of the iron triangle, U.S. Citizenship and Immigration Services. Their focus is on the social group of immigrants and wanting equality for them. Their goal is to make it as easy as possible for them to come to America legally and so would oppose any new legislation that enforces border control and makes passage to the U.S. more difficult ("USCIS—Victims of Human Trafficking"). This is because they see coming to America as a right belonging to immigrants and closed borders as a threat to that right. Another executive voice, Dr. Scott Borger from the Department of Homeland Security, discussed the economics of the issue, although he did point out that policy is not usually decided by economists. His social priority, as suggested by his title, would be economic freedom. He said that most economists would say that immigrants are good for the economy and

that enhanced security projects, such as Operation Hold the Line, result in more human casualties as well as a loss of money and resources (Borger). What is interesting is that Dr. Borger works for the DHS, but as an economist in the Office of Immigration Statistics is on the opposing side of the issue, wanting less border control in the name of economic freedom.

Legislative stakeholders against more secure borders include both a Republican and Democrat representative, proving that this is not merely a party issue but is more complicated than any partisan issues. Congressman Mark Souder, a Republican from the 3rd District of Indiana opposes more funding for stricter border control and enforcement. His social value is economic freedom for the people of his district, as can be seen by his comment that his worry is that all their resources will just go to New York and D.C. and not help the rest of the nation to deal with immigration. He mistrusts the government's use and spending of his state's money on national security and fears the threat of an unfair policy to fund a bill for stronger border enforcement. Senator Joseph Lieberman, a Democrat from Connecticut is very committed to the economy and sees further funding for strengthened borders as a threat to finding economic equality and balance for the American people ("Economy"). He does not see the trafficking problem as one that the government must deal with directly, but is supportive of other methods of immigration reform. In 2006, he strongly opposed the Secure Fence Act because he disliked the idea of spending American money on more security which would not help the problem of trafficking anyway (*Statement on the Secure Fence Act of 2006*). The threat of the government harming economic freedom to support the legislation it passes is one that Senator Lieberman will vehemently oppose.

A couple of notable non-governmental organizations opposed to border control include the National Council of La Raza and Reform Immigration for America. The National Council of La Raza is an advocacy group for Latin-Americans and would not favor closed border because they are concerned with the interests of the socio-group of Latin-Americans and their families who want to come here to America (“About NCLR”). They are concerned with protecting the right of Latin-Americans and are offended by the anti-immigration rhetoric used in congress that they believe causes the threat of hate crimes, prejudice, and an anti-Latino sentiment (Letter to President Obama). They describe themselves as “an American institution committed to strengthening this great nation by promotion the advancement of Latino families” and their mission is to “create opportunities and open the door to the American Dream for Latino and other families” (“Viewpoints”). From this mission statement, it is clear that their primary value is the Latino family, and so they are in favor of opening doors, or borders, in order to allow these families to prosper. Reform Immigration for America promotes the social value of freedom and security for the individual as well, but sees the role of government as a very threatening thing. In Travis Packer’s alarming article, he highlights claims that immigrants were illegally deported by a company that worked with ICE in order to “make an example” (Packer). This is one of the reasons that Reform Immigration for America does not support increased government border control. They also think that the current immigration laws make little sense in terms of America’s security because the lack of legal ways to enter the U.S. results in many people circumventing the law and entering illegally. Illegal immigration has thus spawned an opportunity for crime and

smugglers (“Why Reform: For America’s Security”). They suggest increased freedom so that immigrants can come in and get visas easily.

Services for Victims of Human Trafficking

Also related to border control issues are the services that the United States provides for victims of human trafficking, since many of these services result in the allowance of the victims into the country in order to receive aftercare and rehabilitation. Therefore, I examined this perspective relating to borders but specific to the humanitarian side of trafficking to find that there are two main arguments that arise on this particular issue as well: Victims need to receive services to be rehabilitated and citizens have a moral obligation to take care of people. The advocates of the victims include groups such as Shared Hope International, The Polaris Project, ECAPT, as well as agencies specifically in favor of immigration. These groups take the statistics published by the government, such as the number of T-Visa³ applications that are accepted, and use them to prove their point that the status quo of the system is inefficient and is not truly helping the victims. However, the *Houston Chronicle* reported that, “In fiscal year 2007 alone, the federal government spent \$23 million on sex trafficking programs, 279 people got visas and almost 10 times as many were identified as potential victims” (Olsen). To these agencies these numbers show a serious flaw in the approach to offering T-Visas, in that this approach is not victim centered. Advocating care of the victims is the main priority of most NGOs. The focus of these groups is to put the humanitarian needs first and meet the needs of the victims in the best way possible. While being trafficked, victims lose their self-worth; consequently, they must regain control over their own lives in order for

³ T-Visa’s are visas awarded to undocumented immigrants who are victims of human trafficking in order to provide citizenship for them so they might receive the health and mental care needed.

successful reintegration. Many organizations including The Bridge to Freedom, GEMS, and Ending Violence Against Women International (EVAW) focus on enabling recovering victims to learn how to liberate themselves from the control mechanisms that were used on them.

The other side of the spectrum, which focuses on the enforcement of the law, would deem the mandatory aiding of law enforcement as a necessity. There is also a great focus on the need to prevent fraud. These entities that have a focus on law enforcement prioritize bringing the criminals to justice and clearing them off the street to prevent others from enduring the same situation. The Federal Law Enforcement Training Center's mission is as follows: "We must provide fast, flexible, and focused training to secure and protect America." This statement highlights the key difference in the goals of the executive branch and the role of the NGOs; the officers are trained to "secure and protect America." They are not trained to care for victims, but to lock up the perpetrators. Stakeholders that have a focus centered on the security and prosecution aspect include Senator Franken of Minnesota who advocates locking up the johns as a priority, U.S. Customs and Border Protection, and The Coalition to Abolition Slavery and Trafficking (CAST) which works to educate prosecutors and law enforcement to handle the situations and effectively prosecute traffickers. As well as providing security, stakeholders on this side of the issue are looking to uphold the integrity of the issuance of T-Visas which were designed to ensure that benefits be granted fairly. The stakeholders want to ensure that undocumented migrant workers cannot take advantage of the system and fraudulently attain a visa by exploiting immigration assistance. The lawmakers and law enforcement agencies have a duty to fulfill to the public. It may not always be popular, but it is crucial

to ensure that there is a level of integrity and consistency among the recipients of benefits.

Faith-based organizations fit into the topic of human trafficking and justice more so than they do directly with security and border control. A lot of organizations are very concerned for the victims and have programs in place to offer aid to the victims, but none of their publications address the issue of border control and how that would affect trafficking. The Catholic Charities USA organization has the belief in the dignity of every person and the right to each human to a dignified life, free from violence and fear. They believe that every person has the right to food, clothing, and shelter. They see trafficking as a violation of this right, but do not mention anything about how border control may or may not address this problem. The Catholic Foreign Mission Society of America has a DVD called *Lives for Sale* which talks about the issue of immigration and human trafficking specifically as it relates to the Mexican border. From the film it can be seen that their position on the issue is in favor of overall improvement of border security, improvement of social services, and an increase in education for investigating ground workers (*Lives for Sale*).

Effective and Ineffective Solutions

In looking for solutions to the United States trafficking problem, it is helpful to consider what has been done in other countries and examine their anti-trafficking policies that have been effective and those that have been ineffective. There is a program launched in 1998 that has successfully implemented management of border control by “aim[ing] to support government and civil society efforts to combat trafficking in human beings from, to and within the country” (“Counter Trafficking”). They have a three-

tiered, systematic approach that involves Prevention and Advocacy, Prosecution and Criminalization, and Protection and Reintegration. The first, prevention, has the main goal to further increase the public's awareness. One of the ways the Ukrainian government has done this was to create a number of educational films. Their policy for prosecution is to support executive law enforcement, legislative and judicial structures to act more effectively against crimes of trafficking, and so policy recommendations that have to do with educating and increasing collaboration of such similar structures would help to further accomplish a similar goal. Their third and final approach of protection involves providing assistance and support to victims by partnering with NGOs and faith-based organizations. The NGO Volyn Perspectives has partnered with state border guards to help identify victims of trafficking. Within the first three months of their work at the border, Volyn Perspectives interviewed 220 Ukrainian citizens and identified 39 victims of trafficking ("Trafficking in Persons Report 2009. . ."). They were identified at border crossing checkpoints. In addition to that, Volyn Perspectives has trained state border guards on how to identify victims who then have said they will train their subordinates (NGOs). According to their website, "there is a consensus that the CT program has been a remarkable success" and they are still working on projects and ideas that will further counter the problem of human trafficking ("Counter Trafficking"). The Ukraine's policies and work to counter trafficking provide an excellent example for the U.S. to learn from and follow in terms of border control.

Quite the contrast from the Ukraine and its successful counter-trafficking program, the Philippines is a country that is still struggling with this issue. The Philippines is a "source, transit, and destination country for men, women, and children

trafficked for commercial sexual exploitation and forced labor” and is placed on the Tier 2 Watch List, according to the “Trafficking in Persons Report 2009” that is published by the U.S. Department of State. Many people who migrate there to work end up either being exploited or trafficked. Traffickers are able to use both land and sea transportation to transfer their victims and also use “fake travel documents, falsified permits, altered birth certificates” and other forms of fraud (“Trafficking in Persons Report 2009...”). According to the report, the government has not shown evidence of progress in convicting trafficking offenders and that in order to make more progress toward compliance with the minimum standards for the elimination of trafficking, they must convict more trafficking offenders and must “investigate and prosecute officials complicit in trafficking” (“Trafficking in Persons Report 2009...”). This information supports the needed policy reform in the United States for stronger border security and education of officials at the border who come into contact with immigrants and potential victims of trafficking.

India is a country who has very little control over their borders. Ann Buwalda, from the Jubilee Campaign, explained that it is extremely easy to move across Indian borders because there is not tight security. As a result, it makes it very easy for a trafficker to bring victims across the border. There are no identification cards, so traffickers can hide the true identity of a victim to anyone they run into along the border and there is no way to verify the real identity of those victims. According to Ann Buwalda of the Jubilee Campaign, India is one of the worst countries in the world when it comes to trafficking (Buwalda). Their lack of border control should be taken as a warning to the problems that can accompany that route. With open borders it is just too easy for

traffickers to do their work, and more importantly it encourages them to be in the industry because they can make a lot of money and do so easily. India has been a focus of many international groups to provide social services and the good that is being done can be seen in the Bombay Teen Challenge, the Jubilee Campaign, The AZDA India Foundation, and the Tahirih Justice Center. The TIP report explained that the recommendation for India was to increase their ability to maintain law on intrastate, interstate, and international transactions and traveling. It was also recommended that India strengthen the ability for the government to convict and punish those who are trafficking individuals.

Looking at each of these countries that have different focuses, it is clear that they each need to work to improve on areas that are not being emphasized, proving that in order for trafficking to be effectively combated, nations must address the issue from a balanced perspective that incorporates humanitarian rights and the nation's security, as well as the value and implementation of law. It takes a full community to be aware of this issue and to work together to defeat the crime of trafficking. It cannot just be the ICE agents and advocates involved, but the government needs to back up their efforts as well as be aware of how they can work together as separate entities that have a common goal. A comprehensive approach is what will effectively deter the practice of human trafficking.

POLICY RECCOMENDATIONS

“May there be peace within your walls and security within your citadels.” –Psalm 122:7

Giving traffickers an easy way into our country does not promote peace within the United States. In addition to human cargo, traffickers may be smuggling drugs and weapons—this process is typically accompanied by violence. Nothing in regards to trafficking brings peace. It is dehumanizing to the victim and poisonous to the well-being of a society. The activity of traffickers must be stopped in order to promote peace and security with the United States and bring justice to the victims. By increasing border control, the traffickers have a much more difficult time getting into the United States and bringing their victims with them. Scaling back on border control would only enable traffickers and may even encourage more people to enter the business because of the ease of moving their human captives across the border. Without policies for border control, there is no peace for the victims of trafficking who are not being taken care of and there is no justice for the traffickers who are bringing their illegal work into our country.

From all of the research and interviews that have been completed, the following policy recommendations provide solutions for the issue of human trafficking and border security. These policy recommendations specifically address the issues of securing the border, training border control agents on victim identification, handling immigrants who have become victims, and issuing T-Visas. This multi-faceted policy recommendation focuses on balancing the provision of security to the United States in conjunction with reconciling the needs of humanitarianism by providing services and opportunities for trafficked victims.

The first and most straightforward policy recommendation is that the fence along the US-Mexico border be expanded in order to create a barrier to decrease the number of illegal immigrants. The Secure Fence Act of 2006 has been successful in that it has practically eliminated all illegal immigration and related crimes on the border where it was erected. The NGO, Family Security Matters, supports more fencing along the border in order to effectively get control of illegal and undocumented immigration. They are joined by the Minute Men Civil Defense Corp that is in favor of a fence that would limit drug and sex trafficking. Their commitment to the building of a fence to increase border security is shown by the fact that they are working to raise money to fund its construction.

Training border patrol agents to identify and know how to help victims is imperative. The second policy recommendation is to mandate and fund further training of those involved with the initial contact points of immigrants. This mandate involves training individuals at the border to take humanitarian positions in order to avoid the criminalization of victims and also entails providing incentives, albeit mandatory in nature, for agencies involved with immigration to be trained on screening for victims of trafficking. Karen Saunders of George Mason University states that there are people who are very knowledgeable in identifying victims. Many times it is hard to know whether or not someone is being trafficked. If border control agents recognize and understand the signs, they will have better success and a higher rate of recognizing and rescuing victims of trafficking (Saunders). An interview with Sarah McDowell from U.S. Committee for Refugees and Immigrants affirmed that current immigration laws are “archaic and dysfunctional” and instead of just increasing the security that is already in place more

education and better training and screening processes will be most beneficial to identifying and treating victims of trafficking sooner. One way this could be done is to create policies that mandate training, possibly by using funding as an incentive (McDowell). McDowell reemphasized that the people at the border need more humanitarian views, which derive from education to increase awareness and training to increase sensitivity so that victims are not overlooked.

A policy change that needs to be stressed is to create a database of people who can collaboratively work to provide comprehensive care to victims. Cassandra Clifford from The Bridge to Freedom expressed the importance of creating a solid network that is comprised of all levels of expertise. She articulated that one of the biggest problems is that there is no way to track people who are going through the system and that a unification of organizations would make the process smoother and more efficient. This database would also serve as a network for connecting people that are specialized in the field of trafficking so that they can work together in order to place victims for treatment. A policy change like this would close the gap between Federal and State agencies as well as NGO's to work together to close the separation of services to victims and more complete rehabilitation plan. Creating a connection between law enforcement, lawyers, advocates, social workers, counselors, and legislators would radically improve anti-trafficking efforts. At a conference at the Woodrow Wilson Center, Florrie Burke, the Senior Director of International Programs at Safe Horizon, explained how the lack of unification is hurting the process and the relationships between NGOs and government officials. Burke explained how there is tension about what the government is doing because there is some negative effects occurring to NGOs such as having to change the

allocation of dollars and other problems that affect their ability to run. She explained that this type of connection is important because they are working towards the same goal and there would be more efficiency if they could collaborate.

Another policy recommendation is to make the aiding of law enforcement a non-mandatory aspect of acquiring a T-Visa. This policy change is important because oftentimes victims will refuse to testify against the traffickers out of fear, loyalty, and other psychological stressors. Currently, compliance is mandatory in order to receive a T-Visa. A better and more effective approach would be to focus on building trust between law enforcement and victims in order to create a stronger testimony. Whitney Shinkle of Georgetown University expands on the importance of a victim feeling secure before they will be willing to testify and to help law enforcement in the process of prosecution: "Victim participation in investigations should be encouraged but not mandated in order to receive protection services" (Shinkle). A case study in Dallas found that if girls who are victims of forced prostitution received services and the focus was on taking care of their needs rather than prosecuting the pimp that the victim's psychological stance was stronger and they were more willing to work with law enforcement to obtain a successful prosecution. Dallas also yielded a 90% success rate of prosecution with this victim-centered approach, and a 75% success rate of rehabilitating young girls and giving them the skills needed to leave prostitution (Urbina). This study shows that in order to have successful prosecutions it is necessary to focus on the needs of the victims. This approach prioritizes the victims of trafficking so that they can receive services regardless of immigration status and compliance with the prosecuting process.

Another important policy recommendation is to increase the penalties to those who are convicted of trafficking crimes. This will simply help to discourage trafficking by raising the cost/risk to the trafficker. When dealing with such a serious crime that pays very well, harsh penalties must be implemented to deter the industry—including penalties not only for the trafficker, but the men providing the market, commonly known as johns, who ought to be sought out more offensively. Senator Franken from Minnesota is a staunch supporter of this idea (Durbin). Kathy Nuebel and Nick Podsiadly of Senator Grassley's office also expressed the importance of making an example of those who are trafficking these individuals by increasing the penalties given to the perpetrators.

A final policy recommendation entails the full implementation of the TVPRA. Many of the provisions found in this bill have not been enforced and need to be; funds must be appropriated to further implement this piece of legislation.

The different policies recommended help to address the needs of trafficked victims. They also consider the security of United States citizens. By keeping traffickers out, violence along the United States border will decrease. Traffickers that are stopped at the border and victims that are identified are all responded to better as a result of these policies. The traffickers are punished for their cruel treatment of innocent people and the trafficking victims are given the services they need to help them overcome the injustice they have been shown. With the knowledge available about trafficking, it is impossible to stand back and allow this injustice to continue unchecked. It is important to take a firm stand against the traffickers and to defend the cause of the victims.

CLOSING REFLECTIONS

“Is not this the kind of fasting I have chosen: to lose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke?”

—Isaiah 58:6

The research put into this paper, combined with the experiences/study abroad/internship in Washington D.C. and since then, have impacted my personal life in a lasting way. Through my research and resulting policy recommendations, I was able to find answers to the questions of how human trafficking affects its victims, how the United States is involved in both helping and hurting the victims, what actions and factors would realistically reduce human trafficking, how does border control contribute to the solution or to the problem, and what comprises a good solution for border control and other immigration policies. Looking back at the time I spent and the work that I did in and since Washington D.C., I am incredibly grateful and proud of the opportunities I had to extensively research human trafficking and ways to combat it. I was able to successfully research primary and secondary documents, as well as to gain first-hand information through interviews and attendance to briefings and hearings that have given me a very good understanding of the issues surround the immigration and border control debate and equipped me to draw conclusions and to make sound policy recommendations. The experiences I had in Washington D.C. are memorable and have formed my way of thinking to be compassionate, yet logical.

As this project draws to a close and I look ahead to graduation, I ask of myself one more question: “What next?” The journey I have been on has formed my answer to that question. As both an American and a Christian, I am committed to the ideology of freedom and believe it is worth fighting for. Consequently, as I have recently been

accepted to Regent University School of Law, I plan to pursue a law degree there with the focused passion to eventually work in the field of human trafficking so that I might advocate for those who are persecuted and victimized while bringing their oppressors to justice. Further reason behind my decision to combat human trafficking is the answer I have to the question Gary Haugen asks: “In a world of so much acute suffering, hurt, and need, for what purpose have you and I been granted so much?” (*Terrify No More* 31). As someone who has been very blessed, particularly with an education and opportunity to research and learn about issues in the world such as human trafficking, I will be a good steward of these blessings by acting on the discoveries I have made and bringing the light of justice to the dark places where it is needed most.

I, however, am not the only one impacted by the reality of human trafficking and the efforts to stop it. This is an issue that is and ought to be of grave interest to the Christian community, as well as to our Western society. Because of the widespread importance of deterring human trafficking, anti-trafficking strategies must be embedded in every policy area, from improving education in source countries so that girls are less vulnerable to trafficking and local officials are better equipped to recognize and rescue victims as well as increasing police pay in destination countries so that officers are less susceptible to bribery to the construction of a fence and other deterrents to prevent illegal smuggling of persons.

The issues and ideals presented aim to achieve increased awareness as well as more effective policies, but because of the immense scope of change that is required to take on the human trafficking industry, it is important to recognize the limit and scope of my research and resulting policy recommendations. While all based on extensive

research, my policy recommendations were formed on the basis of a semester long study in Washington D.C. I firmly believe that these policies are a step in the right direction for deterring the occurrence of trafficking, making it more difficult for traffickers to smuggle their victims across borders, increasing penalties, instituting harsher accountability, and providing relief for recovered victims; however, that is not the place to stop but rather where the United States and other countries must begin and build upon.

It is true that there are laws in almost every country that criminalize the abuses that are occurring, but “the problem for the poor, however, is that those laws are rarely enforced” (“And Justice For All” 51). Stricter laws and harsher punishments are required, but even more importantly, must be adhered to and fortified so as not to be so susceptible to fraud, bribery, and corruption. This change can be achieved through the implementation of thoughtfully researched policies and new legislation, but that is only the first step. Increased awareness and education, as well as a system of accountability for those in power, are all key components to making any legislation successful in its pursuit of justice.

The issue of human trafficking must not be marginalized or viewed as something that can be ended with a few extra taskforces or dedicated units. Everyone must be aware of how it affects them, and what they can do to stop it in order to have greater success in this fight against injustice. Once awareness has risen and the government has instituted policies in place to counter trafficking, there will still be the equally and contingently important moral burden to ensure that such policies are implemented, carried out to their fullest extent and greatest potential for good, and done so with the highest moral character that comes from a reverent regard for the law.

Also important to recognize is that due to the fast paced nature of politics and its propensity to change often, it is not certain but potentially possible that some of the policy recommendations outlined in this paper may have since the time of the study abroad/internship in D.C. in 2010 been instated as new appropriations and legislation. Nation's leaders continue to become more aware and motivated to take action against human trafficking; therefore, I would expect that the policies outlined in this paper would be taken up by our government and recognized for their value and necessity to combat human trafficking.

The encouraging recent development is that for the first time, the United States has included itself in the evaluation and Trafficking in Persons Report 2010. The first Trafficking in Persons Report was in 2000, and since then there has been a succeeding report once every year, but the United States was conveniently the only country not evaluated by this report that includes trafficking statistics and accountability for the country's policies that are helping or hurting the issue of trafficking. The fact that the United States is now included in this report will not only bring more attention to the issue and raise awareness, but will help to highlight the areas in which the country can improve in order to combat trafficking most effectively, and hold it accountable to do so. Looking to the future, I anticipate that policy recommendations such as more fencing, more border security/surveillance, harsher punishments for traffickers, and better training and education for all agencies involved with the immigration process will be implemented. As this nation becomes increasingly more aware and more passionate about the issue of trafficking, there is hope that effective policies, such as the ones presented, will be passed and will dramatically decrease instances of trafficking and will provide better, safer lives

for immigrants and U.S. citizens alike, truly achieving what should always be strived for:
proximate justice.

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