

# *Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking*

Elżbieta M. Goździak and Margaret MacDonnell

Human trafficking for sexual exploitation and forced labor is believed to be one of the fastest growing areas of criminal activity. The vast majority of victims of severe forms of trafficking are women and children. The particular vulnerability of child victims, related to biophysiological, social, behavioral, and cognitive phases of the maturity process, distinguishes them from adult victims and underscores the necessity of special attention to their particular needs. In the United States, most trafficking victims, but particularly child victims, go unidentified and even fewer gain access to the services developed to help them break free from their traffickers and reintegrate into the wider society. This paper uses a case study approach to examine the inadequacies and service gaps in the system established in the United States to care for child victims of trafficking. The case study is discussed within a broader context of the evolution of the system of care available to child victims of trafficking, including the transfer of care of undocumented children in federal custody from the former Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR).

**Key words:** human trafficking, child victims, policy, services

## Introduction

The subject of human trafficking—or the use of force, fraud, or coercion to transport persons across international borders or within countries to exploit them for labor or sex—has received renewed attention within the last two decades. In the United States, human trafficking became a focus of activities in the late 1990s and culminated in the passage of the Trafficking Victims Protection Act (TVPA), signed into law on October 16, 2000. With the enactment of the TVPA, the United States took a lead in combating human trafficking, prosecution of traffickers, and protection of victims. However, despite tremendous efforts by the federal as well as local governments, nongovernmental organizations, and the research community working together to fight human trafficking, solutions remain elusive.

Human trafficking for sexual exploitation and forced labor is believed to be one of the fastest growing areas of criminal activity. The vast majority of victims of severe forms of trafficking are women and children. Women and children are most vulnerable to trafficking for sexual exploitation,

including prostitution and sex tourism. Child sexual exploitation has grown exponentially in all countries, but is believed to be especially rampant in Asia and Latin America. Many women and children who are trafficked for bonded labor and domestic work end up being sexually exploited as well (Raymond et al. 2002).

The particular vulnerability of child victims, related to biophysiological, social, behavioral, and cognitive phases of the maturity process, distinguishes them from adult victims and underscores the necessity of special attention to their particular needs. In the United States, most trafficking victims, but particularly child victims, go unidentified and even fewer gain access to the services developed to help them break free from their traffickers and reintegrate into the wider society.

This paper uses a case study approach to examine the inadequacies and service gaps in the system established in the United States to care for child victims of trafficking. The case study is discussed within a broader context of the evolution of the system of care available to child victims of trafficking, including the transfer of care of undocumented children in federal custody from the former Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR). It is important to understand this context to properly assess existing policies and systems of care, identify service gaps, and make recommendations for further enhancement of the system.

The data sources which informed this case study included a face-to-face ethnographic interview with Analis,<sup>1</sup> a survivor of human trafficking for labor; a series of telephone and in-person interviews with service providers working with Analis at various junctures of her journey from captivity to

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*Elżbieta M. Goździak (emg27@georgetown.edu) is the Director of Research at the Institute for the Study of International Migration (ISIM) at Georgetown University and Editor of International Migration, a peer reviewed, scholarly journal devoted to research and policy analysis of contemporary issues affecting international migration. Margaret MacDonnell (MMacDonnell@uscgb.org) is with the Office of Children's Services at the Migration and Refugee Services program in the US Conference of Catholic Bishops (USCCB) in Washington, DC.*

reintegration into the U.S. society; as well as an in-depth analysis of case files. The case study is part of an ongoing collaboration, including both research and technical assistance activities, between Georgetown University and the U.S. Conference of Catholic Bishops (USCCB), supported by the Office of Refugee Resettlement (ORR) and the National Institutes of Justice (NIJ). Through this case study we seek to encourage further discussion, collaboration, and action to enhance existing policies, improve their implementation, and develop well-defined mechanisms and durable solutions to better identify child victims of trafficking and enrich services for child survivors to ensure long-term self-sufficiency and integration into the wider society.

## **Trafficked Children in the United States**

While the United States has allocated a significant amount of resources and expended considerable efforts to the antitrafficking campaign and other countertrafficking activities, the scope of the problem remains vague. The U.S. Office to Monitor and Combat Trafficking in Persons, established in 2000 and located within the State Department, provides estimates of the number of victims trafficked yearly to the United States in its annual Trafficking in Persons (TIP) report. These estimates are wide ranging and the methodologies used to calculate the number of trafficking victims lack transparency (Goździak and Collett 2005). The figures presented in the TIP report dropped significantly from approximately 50,000 in 2002 to 20,000 in 2003. The current official government estimate is 14,500 to 17,500 persons annually (USDOJ 2005), although others believe the number to be much higher.

Richard Estes, for example, estimates that as many as 15,000 children are trafficked into the United States every year (Estes and Weiner 2001). According to Estes's research, which is based on interviews with law enforcement, social service agencies, and some trafficking survivors, approximately 70 percent of foreign-born children trafficked to the United States for sexual exploitation entered the country on some type of visa. The remaining 30 percent of foreign-born children trafficked for sexual exploitation entered the country without inspection. The majority are from Mexico and Central America, although there are significant numbers from Asia, Africa, and the successor states to the former Soviet Union. Many of the trafficked children enter via a third country, rather than directly from their country of origin. Despite the discrepancy over the extent of the problem, it is broadly accepted that the majority of victims are women and children.

The low number of trafficked children identified and receiving services vis-à-vis the large number of estimated victims has plagued antitrafficking advocates. At the time of this writing, the Office of Refugee Resettlement (ORR) had issued 1,038 eligibility letters, of which 99 were for trafficked children. However, of the 99 letters issued for children, only 55 were for unaccompanied children who entered the specialized system of federally funded foster care for trafficked children. The other letters were for children who were identified with or

able to join parents and other responsible adults, or who were in some other form of care, such as state-funded foster care. Analis represents one of the early cases of child survivors of trafficking.

While the overall number of victims identified remains low and research on trafficked children<sup>2</sup> is in its infancy, important advances have been made in the fight to stamp out trafficking. Government agencies and NGOs work with good will and diligence to address the concerns of trafficked children. Training programs have been instituted and trafficking prosecutions are steadily increasing. However, despite the increase in prosecutions, few victims are referred to services. As will be seen in this case study, the reasons for the lack of referrals are numerous and complex, including the fact that the system for receiving benefits is complicated and can be difficult to navigate, and ORR does not appear to have adequate discretion to grant benefits without a referral from or consultation with federal law enforcement.

## **Restructuring the Care of Unaccompanied Children in Federal Custody**

The Homeland Security Act (HSA) of 2002 represented the largest restructuring of the U.S. federal government in the past 50 years. The HSA improves the treatment of children in federal custody under U.S. immigration law and policy (Nugent and Schulman 2003). Since the HSA pertains to all children in federal custody, it directly affects trafficked children in government care. Each year, immigration officials apprehend approximately 100,000 unaccompanied children at U.S. borders. Some return voluntarily, some are returned because of bilateral agreements. Mexican children, for example, are routinely returned because of existing agreements between Mexico and the United States. Little is known about the children who return to their countries of origin. Additionally, many children remain undetected within the United States and their well-being is largely unknown. Numerous service providers suggest that these children are at risk for further victimization and trafficking. Approximately 8,000 children remain annually in the custody of the U.S. federal government. Some 900 children are in the custody at any given time (USDHHS 2006). Experts stress that there is a good possibility that both the larger population of children returned to their countries of origin as well as the smaller group of children in federal custody include many unidentified trafficked children (Bump and Duncan 2003).

The plight of the children detained by the former Immigration and Naturalization Service (INS) has received significant attention from Congress, the executive branch, the legal community, NGOs, and the general public. In response to this criticism, the HSA has significantly altered the government's approach to "unaccompanied alien children"<sup>3</sup> by transferring jurisdiction over their care, custody, and placement from the former INS to ORR. One of the goals of the HSA is to decrease child placement in detention

facilities in favor of less restrictive care options, including foster care in the Unaccompanied Refugee Minors (URM) program administered by two national voluntary agencies, U.S. Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS). Through the URM program, both LIRS and USCCB work with local programs to provide care and services to unaccompanied refugee, asylee, and trafficked children, as well as children in federal custody. When compared to most facilities used to care for undocumented children in federal custody, URM programs have more appropriate family foster care and other types of less restrictive care for children while their cases are being determined. By using the URM program instead of large institutional settings, ORR is striving to use less restrictive community-based child care settings to maintain protection of the children and increase family reunification. Care in these settings may serve to increase the identification of trafficked children, who may be more willing to disclose having been trafficked once they are in a stable setting in which they are able to develop a trusting relationship with foster parents or case workers. Analysts have already concluded that the transfer of functions to ORR will significantly benefit the children, their family members, and their pro bono or private attorneys, all of whom have struggled with the old system for years (Nugent and Schulman 2003).

Under the HSA, ORR has a specific mandate to ensure “that the interests of the child are considered in decisions and actions related to the care and custody of an unaccompanied alien child” (HSA § 462). The overhaul of the system is still in transition and child welfare advocates and service providers as well as government officials point out that placement decisions are based on the proximity of a given facility, whether it is a detention center or any other facility. Thus, the remaining challenge for ORR and the service-provider community is to ensure that secure, noninstitutionalized facilities are available for all unaccompanied children and that law enforcement personnel are aware of such facilities. The matter is further complicated by the fact that the current ORR intake system for determining placement location is inconsistently implemented across government-sponsored facilities for undocumented children. Furthermore, the ORR protocols for determining whether children brought to them by DHS are indeed victims of human trafficking are also inconsistently applied. Thus, a crucial piece of information is often missing when a placement decision is made, and a potentially trafficked child may not receive the screening and services she or he deserves.

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

In October 2000, Congress passed the TVPA to address the human trafficking phenomenon comprehensively. As a part of the TVPA, child victims of trafficking are eligible for a number of different services and benefits, including access to the Unaccompanied Refugee Minors (URM) programs,

the Children’s Health Insurance Program (CHIPs), and the Temporary Assistance to Needy Families (TANF) program. Victims between ages 16 and 24 who have received work permits may be eligible for Job Corps, a program run by the U.S. Department of Labor. They can also apply to remain in the United States under the T-Visa program. Eligibility for services and access to the trafficking-related visas are two separate processes that may or may not intersect. Victims are not required to have a T-Visa to gain access to assistance. In fact, with regard to child victims, timely access to services is of greater importance than the T-Visa to avoid re-victimization. Children under age 18 need a “determination of eligibility” from ORR to gain access to services.

Similar to systems of care for other victimized or at-risk children, the system of care for child survivors of trafficking has been developed within a framework based on a particular Western conceptualization of childhood. This framework views universal concern for children as transcending political and social divides; assumes a universally applicable model of childhood development; presupposes a consensus on what policies should be in place to realize the best interest of the child; assumes that child victims have universal needs, such as a need for rehabilitation; and promotes a therapeutic model of service provision. There is a large body of literature discussing many components of this framework, including but not limited to the critique of the ideal definition of childhood implicit in the U.N. Convention on the Rights of the Child (Benteley 2005; Pupavac 2000) and its applicability to children from nonwestern cultures (Jones 2005; Bourdillon 2004); discussion of the notion of the “global child” as the subject of rights (Nieuwenhuys 1998; Panter-Brick 2000; Pupavac 2001; White 2003); the concept of “the child in need” (Woodhead 1990; Panter-Brick 2002); and the discussion of universal needs (Boyden 1994), such as a need for rehabilitation, based on a particular Western conceptualization of childhood and the good (Boyden 1994; McGillivray 1992; Lewis 1998). It is beyond the scope of this article to examine this body of research in depth, but suffice it to say that we subscribe to the notion that childhood is socially and culturally constructed, temporally specific, and geographically diverse (Panter-Brick 2000; Aitken 2001). We also posit that culturally competent child welfare programs use interventions that respect the cultural rights of groups while safeguarding children (Sherraden and Segal 1996; Pine and Drachman 2005).

### **The Case Study**

Despite generous provisions to protect and prevent revictimization as well as provide appropriate services, many child victims of human trafficking fall through the proverbial cracks and are neither identified as victims nor determined eligible for available services in a timely fashion. The case of Analis illustrates both the inadequacies of the current system to properly identify trafficked children and points out the many gaps that still exist in the system of care established for trafficked children.

Analís is now 20 years old. She was born in 1986 in Honduras, in a small town outside of the capital city of Tegucigalpa. She comes from a large family with 10 siblings. Her parents separated when she was an infant; it is unclear whether they had a legal or a common law marriage. Her father remarried and moved to a different town. Her mother fell ill and was unable to care for Analís. Baby Analís was sent to live in a coastal town with her maternal grandmother, and she spent the next 12 years in her grandmother's care. She reports having a warm and loving relationship with her grandmother. The same, however, cannot be said about her relationship with her uncle or uncles, who reportedly forced Analís to work on the family farm since beginning at six years old. Child labor is quite common in Honduras. According to a report prepared for the National Statistics Institute of Honduras, 15.4 percent of children between the age of seven and 17 worked in 2002 (Ayes Cerna 2003). The majority of the working children lived in rural areas (69.2%) (Ayes Cerna 2003). Despite needing to work since an early age, Analís attended school for five years and she is literate in Spanish. She also reports having been able to play with friends and having a good childhood.

In 1998, when Analís reached 12 years of age, her grandmother fell ill and sent her to live with her biological father and his wife. Analís had not seen her father since infancy and reported feeling like a stranger in his household. Her stepmother was not happy to have to care for Analís. When her adult daughter from a previous marriage, Carmen, came to visit from the United States and offered to take Analís back with her, Analís's stepmother readily agreed. It is unclear what Analís's father thought about this plan. Analís reported wanting to take advantage of the opportunities Carmen presented.

In the fall of 1998, Analís traveled with her stepsister, Carmen, to a large metropolitan area on the U.S. West Coast. They crossed the border by car, using fraudulent papers, but without apparent difficulties. It became apparent later that Carmen had many aliases, which she used both to cross the U.S.-Mexican border and to get work.

*This is the first point at which the system failed Analís.* If there were adequate protocols in place at the U.S. borders to identify trafficking cases among the population of minors crossing the frontier in the company of adults who are not their legal guardians, Analís might have been identified as a child victim of trafficking at the time of border crossing. While it may not have been possible at this early stage to identify the situation Analís was headed for, the circumstances of her entry certainly warranted a closer look. With U.S. immigration officials annually apprehending approximately 100,000 unaccompanied children at the borders, it is likely that a significant number of potential victims are being overlooked.

Carmen had two children of her own by two different fathers: a boy named Mauricio and a girl named Sofia. Carmen worked as a manager of a cleaning service to support her family. She forced Analís to help her clean apartments. Instead of attending school, Analís worked for her stepsister.

A neighbor noticed that Analís was at home at the time when all other neighborhood children were at school and reported this information to the police. The police ordered Carmen to enroll Analís in school and she attended the local school for a few days.

*This is the second point where the system failed Analís.* The police did not do much more beyond ordering Carmen to enroll Analís in school. They did not inquire why Analís was being taken care of by a stepsister. They did not seem to be interested in whether Carmen had legal guardianship of Analís and did not inquire about her parents. Analís's case worker believes the school asked for certain documents—including immunization records and birth certificate—to finalize her school enrollment. However, Carmen did not have any of the required documentation and Analís did not return to school.

If the system worked properly, Analís would have been interviewed by the police or a school counselor, separately from her stepsister. Someone would have talked to her about why she was not in school, how she was spending her days, how long she had been in the United States working and not attending school. In short, someone would have tried to figure out why such a young girl was working full-time instead of going to school. Her answers would certainly have raised red flags and may have warranted a call to Child Protective Services (CPS) to initiate an investigation of the stepsister and possible removal from the home. Additionally, questions about whether she was being paid and how she had ended up cleaning apartments would have revealed that she was not just working but was trafficked. This line of questions could have led to a report of trafficking to federal law enforcement, a federal investigation, and, ideally, referral for benefits. According to her case worker, Analís never mentioned speaking with the police or school counselor.

Case file notes indicate that Analís attended school only for a few days. She disappeared from the school shortly after enrollment. Neither the school administration nor the teachers reported her absence to the police. *The system failed Analís for the third time.* If the system worked correctly, the school would likely have attempted to contact Carmen and after a certain number of absences would likely have had to contact juvenile court, a truancy officer, or other designated party. Indeed, an analysis of truancy policies in the state where Analís resided at the time of this incident indicates that schools are obligated to contact the family of a truant child and after seven days have to file a petition in juvenile court.

Shortly after being forced by the police to enroll Analís in school, Carmen, fearing discovery, decided to leave the West Coast and moved the family, including Analís, to a large metropolitan area in the South. They lived there for about two years. Again Carmen found work managing a crew of workers cleaning local motels. Analís was again forced to work for her. While living in the South, the 14-year-old Analís met her boyfriend, Jorge. He was Hispanic, but it is unclear whether he was of Honduran origin. Jorge was two or three years older than Analís. According to Analís, both Jorge and his mother were very kind to her.

In the summer of 2002, Carmen was fired from her job and arrested for fraud, apparently for writing fraudulent checks. Carmen's children and Analis were placed in the custody of CPS. Carmen's children were released to the custody of their respective fathers. Mauricio's father came from California to claim his son and Sofia's father came from the upper Northwest to claim his daughter. Mauricio's father volunteered to take Analis with him as well and she was released into his custody. *The system failed Analis again.* Analis's placement in CPS should have been a good setting in which to learn her history and identify her as a trafficking victim. If CPS was well-versed in issues related to child trafficking, they might have been more vigilant; not only would they not have released her to a stranger, they could have reported her case as trafficking to federal or local authorities and begun Analis on the path to appropriate benefits and services.

It seemed that Analis did not like living in California with her stepsister's former husband/boyfriend and ran away, back to the South to be reunited with Jorge. It appeared that Jorge wired money to Analis to pay for her bus ticket. It is unclear what Analis's plans were at this juncture. At some point she stated that she intended to stay with her stepsister's female friend who was very kind to her. Another time she indicated that she wanted to live with her boyfriend and his family. The money wire and the bus receipts suggested the latter. Whatever her plans, she did not succeed. Analis was apprehended by immigration officials when the bus she was traveling on was stopped at a random checkpoint on the way from California. Needless to say, Analis did not have any identification documents and did not speak much English, so she ended up in an immigration detention center.

*Here is another point where the system failed Analis.* The authorities at the checkpoint failed to identify Analis as a victim of trafficking. While it might be somewhat unreasonable to expect the Border Patrol to identify trafficking victims at this point, it could be argued that they could be conducting more thorough interviews. They could have asked Analis how long she had been in the United States, how she had supported herself during that time, and whether she had gone to school. Were Analis willing to tell them the truth, they could have recognized that she may have been trafficked and reported it to Immigration and Customs Enforcement (ICE) agents to follow up with an investigation and referral for benefits.

Analis stayed in a detention center, a large institution ill-equipped to provide child-centered services, for about seven or eighth months; during that time the administration of the center was undergoing a transition from INS to ORR, which probably complicated things even further. An inquiry from the police to the regional juvenile coordinator at the local immigration office revealed that Analis was in deportation proceedings and would be deported within 45 days. *Yet again, the system did not work for Analis.* Despite having been at the detention center for months, it appears that the staff of the center, who would have had daily contact with her, did not recognize her as a trafficking victim or did not report the trafficking to federal law enforcement.

Analis did have legal representation with a pro bono attorney working for a nonprofit legal aid organization. He interviewed her to file an asylum claim and suspected that she was a victim of human trafficking. *This was the first time the system actually worked.* The attorney notified immigration authorities that there was a trafficking allegation. He also contacted the Civil Rights Division in the Department of Justice. The Federal Bureau of Investigation (FBI) got involved. An FBI agent interviewed Analis while she was in the detention center. Despite the fact that Department of Justice policy is to interview child victims of trafficking in the presence of an attorney who would be their advocate, Analis was interviewed by the FBI without an attorney present. It is quite surprising that the FBI interviewed Analis alone, especially since Analis had a pro bono attorney who could have been summoned. *After a promising turn of events, the system did not work as it should have.*

Analis's pro bono attorney worked to convince immigration officials to terminate their case against her. They were reluctant to do so at first, because they would have to release her from their custody. At some point, however, immigration officials must have dropped their immigration case, because there is evidence in the case files that the attorney initiated an application for a T-Visa. As indicated above, in early 2003, after the passage of the Homeland Security legislation, care of children in federal custody was transferred from immigration authorities (INS) to ORR. ORR agreed to release Analis from their custody and new living arrangements were made for her.

Although foster care was available, Analis was not referred for such services. Instead, she was released to a group of women religious (a group of Catholic nuns and other women residing in a convent) in the South, with neither custody arrangements nor any financial support other than the sisters' charity. One of the women was on the board of directors of the legal aid agency that had assigned the pro bono attorney to Analis. While living with this group of religious women, Analis attended school. Her school counselor carried out several needs assessment which proved to be very helpful when Analis relocated to live with a foster family. While Analis enjoyed living with the women religious, did not dislike attending school, and felt secure in her new surroundings, not all was well. At this point, Analis still had no access to benefits available to child victims of trafficking and had to rely on the generosity of the women religious. *The system was failing her or working very slowly at best.*

The FBI contacted the women religious to interview Analis and they agreed. However, Analis was again interviewed without an attorney present. *This is yet another point where the system did not work.* Children should not be subject to law enforcement interviews without an attorney present. They need the assistance of an attorney to understand what is happening and what is expected of them. They also need an attorney to protect their rights and advocate for them.

The Migration and Refugee Services (MRS) at USCCB learned about Analis and her case in March 2003. A staff

member from the refugee resettlement program in the state where Analis was residing contacted USCCB looking for a way to provide Analis with access to benefits. USCCB was concerned that Analis did not have any benefits and advocated on her behalf with DOJ; several phone calls and several weeks later, DOJ contacted ORR to request benefits for Analis. In late May 2003, Analis' attorney said he had notified DOJ's Civil Rights Division about the trafficking case "several months earlier." DOJ did not request benefits from ORR until approximately May 23, 2003.

As indicated above, under the TVPA, ORR can determine trafficked children to be eligible for federal benefits to the same extent as a refugee. This means access to specialized, federally funded foster care through the URM program, eligibility for Medicaid, and other federal benefits. Generally, ORR grants benefits after receiving a request to do so from a federal law enforcement agency. Since this was an early case, it took quite a long time to secure benefits for Analis. Unfortunately, often children with similar need for benefits in 2006 do not find their cases resolved any faster. Due to the current policy, under which ORR must receive a referral for benefits from federal law enforcement, Analis had to wait until law enforcement had reviewed her case and gathered enough evidence to feel comfortable requesting benefits on her behalf. Were ORR able to grant benefits directly, they would have been able to do so after hearing the details of her story from her attorney. Analis would then have been able to access benefits more quickly and her living situation could have been stabilized while law enforcement continued to investigate.

Once benefits were granted, USCCB and a URM program representative talked to Analis and described available options. At this point, a plan was established to place Analis in foster care. It was not easy to find a suitable Spanish-speaking foster family. One Spanish-speaking family that wanted to take Analis in was still in the process of being licensed. They could not get licensed until their adult son moved out of the house. A second family, originally from Puerto Rico, was selected. However, this family, the Sanchez family, was also awaiting a completion of the licensing process. It took longer, about two months, than anticipated for the foster family to be licensed.

Analis was safe and comfortable living with the women religious; therefore, resolving her living situation did not seem as urgent as it might have been if her living conditions were less stable. She continued living with the women religious while the foster family situation was being resolved. Had she been in a more tenuous situation, a new URM program that could place her more quickly would have been identified. The sisters were working with Analis to prepare her to move to a different state; they talked to her about the city she was to live in and prepared her for life in a foster family. In retrospect, this period of time allowed Analis to get ready for a new phase in her life and to say good-bye to the sisters who took her in.

The foster care program director stayed in telephone contact both with Analis and the women religious to describe

available services and shed light on the foster family Analis was going to live with. Plans were made for a female bilingual and bicultural worker from the clinic where Analis received her medical services to accompany her on a flight to her new place of residence and ease the transition to new living arrangements. The foster family was licensed in the summer of 2003 and assumed care of Analis shortly thereafter. Analis moved to her new foster home in August of 2003. Analis, with her old and her new case worker, spent several hours together in the new foster home to get Analis acclimated to her new surroundings. The program director consulted also with Analis's attorney to get his insights into her case.

The Sanchez family and Analis shared a common language (Spanish), which greatly facilitated communication. Case notes indicate that being placed with a Spanish-speaking foster family was beneficial for Analis and eased her transition to life in a U.S. community. However, there were also many differences between Analis and her foster family. Analis is from Honduras and was raised Catholic, while the foster family is from Puerto Rico and is Pentecostal. The foster father is a minister in a local Pentecostal church. Case notes indicate that Analis was happy attending the foster family's Pentecostal church, but in an interview with the research team Analis was very adamant that religion and church-going were the domain of her foster father and his son, not hers. According to the former program director, Analis was offered a chance to attend a local Catholic church but declined.

Given her trafficking experience, Analis was also referred to a female bilingual therapist for mental health counseling shortly after arrival in her new place of residence. There seems to be a difference of opinions between the program staff and Analis about her willingness to attend these sessions and their long-term benefits. According to the case files, Analis was enrolled in the counseling program for several months, but attended her therapy sessions infrequently and was not eager to talk to her counselor. The case notes do not include any details regarding the therapeutic plan established for Analis, the goals of the plan or the approximate length of time to accomplish these goals. The program director and the case worker were also not privy to the details of the rehabilitation plan established by the therapist. Confidentiality and patient-counselor privilege were apparently given as reasons for not disclosing the details of the plan to the case worker. Although at that time Analis was the only trafficked child cared for by the program, there seemed to be little coordination between the different services she was offered and limited communication between the service providers delivering them.

The fact that the foster family had three daughters was important to Analis's initial adjustment. They seemed to have easily bonded with Analis. Shortly after Analis began living with the foster family, the oldest daughter, who was engaged, asked Analis to be a bridesmaid at her wedding. The daughters served as good role models for Analis; at the time of the interview with Analis, two of them have successfully completed their high school education and the youngest daughter was still a student and reportedly doing well in school. The oldest

daughters assisted Analis with school work. The son of the family had dropped out of high school and moved to Puerto Rico to live and work with his uncle. However, the family thought well of him and reported he was well-behaved and never got in any trouble.

In the case notes, the foster family is described as motivated individuals, committed to providing a safe and nurturing family environment for Analis, and set on helping her acquire the day-to-day living skills necessary to attain economic self-sufficiency. However, while the foster family was well-equipped to provide Analis with emotional support and showed some enthusiasm in facilitating her English language acquisition by purchasing her a Spanish-English dictionary, they have been less well-equipped to facilitate her interface with the mainstream society. Unfortunately, the foster parents do not speak much English and they themselves have to rely on their oldest, bilingual daughter for interpretation when interfacing with the foster care program or the school.

Despite linguistic barriers, the foster family enrolled Analis in a local high school, where she was immediately placed in the English as a Second Language (ESL) program. Case file notes indicate that the foster family was very conscientious when it came to supporting Analis's education. Apparently, they attended all necessary meetings at her school, including the school's open house. However, it is unclear whether the foster parents understood much of what was going on at the school meetings, as they themselves are not very educated and do not speak English. They had also signed her up for an after-school program for teens at a community center affiliated with a local Catholic church and the local Spanish Action League, which provided interpretation services for Analis when needed.

Analis did not mention any of these activities in an interview with the research team. She did, however, indicate that school was very difficult and learning English was and continues to be a struggle. In addition, she had difficulties with math and had to attend summer school to improve her grades in math. It is important to keep in mind that Analis had only five years of schooling in Honduras; her difficulties were most likely related to both her poor English language abilities and limited formal schooling. Her own assessment of her educational difficulties seemed to be at odds with the assessment of her teachers, who—according to the case notes—pronounced her to be making progress in learning English. Interestingly, there was no reference in the case notes to any attempt to elicit a self-assessment from Analis.

Analis received her employment authorization and I-94 in June 2004. With these documents in hand, a month later, in July 2004, she was able to obtain a Social Security number. At this point she asked her case worker for assistance in finding a job, preferably at a bilingual work site. Case file notes indicate that Analis was interested in working for a cleaning service or becoming a cashier in a grocery store. While expressing an interest in finding suitable employment, Analis continued to receive a monthly stipend from the Department of Social Services' Independent Living Program and had all of her

day-to-day needs taken care of by the foster family. Case management notes indicate continued focus on increasing her English language capacity through participation in the ESL program at her high school, finding suitable employment, and participation in an independent living enhancement program. The details about the program curriculum and Analis's participation in it are sketchy; Analis does not seem to have much recollection of what went on during the training and seems to think that the program was part of her school curriculum.

Analis stayed with the Sanchez family for approximately one year. A decision was made to place her with a different foster family when she developed a romantic relationship with the Sanchez's son. When Analis was first placed with the Sanchez family, their son did not live with them. He arrived from Puerto Rico and moved in with his parents and siblings seven months after Analis joined the foster family, in March 2004. Case workers discovered his presence in the foster home during a routine home visit. While certain precautions were taken—Juan was fingerprinted, as required by foster family licensing regulations—his presence in the home did not alarm the case workers nor did the fact that his bedroom was just down the hallway from Analis. She told her case worker that Juan was very nice and was helping her with homework, particularly with math. Caseworkers discussed supervision issues with the family now that their adolescent son had returned to their home. The case worker talked also with Analis and Juan; however, nothing aroused the worker's suspicion about a developing romantic relationship.

Sometime in the summer of 2004 Analis suspected she was pregnant. Upon discovering this fact, the foster placement agency decided to remove Analis from the Sanchez's home and find her another foster home. A medical appointment was set up to confirm her pregnancy. Indeed, she was expecting a baby, and Juan was the father. Analis reported that both Juan and she were very happy about the baby, but admitted that they had not told the foster parents about this new development.

Analis moved to another foster family shortly after her pregnancy was confirmed in August 2004. She enrolled in a different school, closer to her new foster home. Although the transition went without incident, Analis began to consider leaving the foster care program, wanting to be with Juan. Her case worker referred her to a counseling program to sort out her options and make an informed decision regarding her relationship with Juan. According to the case notes, Juan and the new foster mother participated in the counseling sessions as well. Although the new foster parents were willing to support Analis and her baby, she chose to leave the program in November of 2004. In February 2005, Analis bore a healthy baby girl whom she named Ana. Analis was referred to a local program for teen mothers run by the Salvation Army. She was still attending the program at the time of this research, but was unable to articulate its elements and benefits beyond reporting that they taught her how to use formula to feed her daughter and how to prevent diaper rash.

There were several obstacles in obtaining immigration relief for Analis. Her original pro bono attorney from a legal aid agency, Mr. Orozco, applied for a T-Visa, but it is unclear if anyone filed a change of address for Analis once she left the women religious and was placed in foster care. It appears that Mr. Orozco remained the attorney of record. Unfortunately, he left the legal aid agency not long after Analis moved to the East Coast. And while the legal aid agency continued to represent Analis during her T-Visa application process, with the departure of Mr. Orozco there was no consistency in the point of contact.

Once Analis resettled to the East Coast, she started working with a new pro bono attorney, Mr. Fitzgerald, who is an attorney with Legal Aid. Mr. Fitzgerald thought it would be confusing to change her attorney of record since the Vermont Service Center was already working on her T-Visa application. Unfortunately, Mr. Fitzgerald was not very accessible to Analis or the foster parents. The county had custody of Analis and decided to get her an attorney as well since the FBI was going to interview her again. This attorney was provided by the County Department of Social Services to safeguard her best interest during an interview with the FBI; his role was, however, limited to the interface with the FBI. A “law guardian” was also provided to advocate for and represent Analis’s interest in Family Court matters and proceedings. This is standard procedure in foster care cases. At the time of our research, Analis’s visa application was still pending more than two years after it was first filed.

While Analis was still living in the South, DOJ became involved in trying to obtain Analis’s continued presence. Among many things, the process required fingerprinting Analis. The legal aid agency asked one of the women religious to take Analis to be fingerprinted. The women religious reported a problem accomplishing this relatively simple task because Analis did not have a government issued identification document. Eventually, Analis was able to be fingerprinted. However, almost a year later she still did not have continued presence. USCCB contacted DOJ to find out what needed to be done to get her continued presence. Continued presence was necessary to issue an employment authorization document, which would allow Analis to work part-time during the summer. Analis had to be fingerprinted again, and again she did not have the required government-issued identification card. Eventually, however, she was granted continued presence. Case files are silent on the actual date, but the case worker interviewed suggested summer of 2004.

### **Independent Life**

Currently, Analis, Juan, and their baby daughter Ana live in a rented apartment in a small row house across the street from Juan’s parents. Juan’s mother provides a lot of support to Analis, including occasional child care. The apartment is small and sparsely furnished, but very clean. The neighborhood is quite run-down and seems to be rather dangerous. The house next door is occupied by a large number of seemingly

unemployed young men. On the day of our visit in the winter of 2005, several of them were loitering outside the house and playing very loud music. The case worker, who accompanied us on the interview, indicated that on several occasions she witnessed violence in the street, including two young men with a weapon who fled the scene when the social worker pulled out her cell phone to call the police. Analis complained of the noise and violence, but admitted that she and Juan cannot afford moving to a quieter neighborhood. Moreover, she appreciates the close proximity of her boyfriend’s family who helps out when assistance is needed and provides advice on childrearing. Baby Ana seems to be well taken care of and appeared to be a healthy and happy baby.

Juan is working in a shoe factory, while Analis is taking care of Ana. He is also helping his father minister to the local Hispanic Pentecostal congregation. Analis is still struggling to learn English and does not have many opportunities to practice English as her network of friends and family includes mostly Spanish speakers. Both she and Juan would like to continue their education, but it is unclear how realistic their plans are. In a conversation with the research team Analis expressed a desire “to work with computers,” but did not seem to have much understanding what concrete steps she needed to take to realize this dream.

Carmen, Analis’s abuser and trafficker, is still at large. There has been no trial. As far as we know, Carmen has not tried to contact Analis. Analis has fond memories of her grandmother and of Honduras. She is in telephone contact both with her grandmother and with her biological father. It is unclear how often they talk on the phone. In a conversation with the research team she indicated that in the future she would like to travel to Honduras with her daughter and spend time in the small coastal town where she grew up.

## **Discussion**

### **Identification Challenges**

Analis is an example of a child who could have been identified as a victim of human trafficking much earlier in the course of her journey to the United States if the authorities she came into contact with were properly equipped to identify child victims. Unfortunately, the fact that Analis traveled to the U.S. on fraudulent papers in the company of a young woman who was neither her mother nor her legal guardian did not cause any suspicion on the part of immigration officials at the U.S.-Mexico border. Later on, representatives of local police also did not seem to be overly concerned that a 12-year old child did not attend school nor did they inquire who her legal guardians were. They simply ordered Carmen to enroll Analis in school and thought the matter resolved. When she stopped attending school, officials apparently did not follow up. Still later, authorities at a checkpoint on the road leading from California to a neighboring state also failed to identify Analis as a victim of trafficking. Again, a minor traveling alone without any documentation was thought of as a child



violating immigration laws, not as a possible victim of trafficking. Additionally, she spent time in the custody of state CPS without being identified as a victim and was released to a stranger connected to her trafficker.

Analís could also have been identified as a child victim of human trafficking during the eight months she spent in a detention facility. This length of time should have given the staff ample opportunity to identify her as a trafficked child, not a mere violator of immigration law. As a child detainee she must have been interviewed by social service personnel about her family and migration experiences. The staff seemed to have been ill-equipped to ask appropriate questions that could have led to proper identification of her trafficking circumstances. The detention center's personnel not only had more time, but also more responsibility than the Border Patrol to assess her situation. It appears from this case study that they missed the problem entirely.

Experts suggest that first contact with unidentified child victims would most likely be made by one of the following groups: 1) immigration officials at or between ports of entry and at detention facility; 2) local law enforcement; or 3) service providers (educational, social service, and medical providers) (Bump and Duncan 2003). Improvements at the border have the most potential for increasing the identification of child victims of trafficking. Currently, there are no bilateral protocols in place at U.S. borders to identify trafficking cases at initial apprehension. Lack of trust between governmental agencies is sometimes viewed as a barrier to proper identification of trafficking victims.

The heightened sense of security since 9/11 has channeled governmental resources overwhelmingly toward combating terrorism. As a result, Border Patrol agents are not receiving enough training on trafficking issues. This is further complicated by the fact that identification of children, especially female children, at the border is difficult because often times they present themselves and are classified as adults. Analysis of fingerprint records at the border shows an unusually high number of female entrants that are 21 years old (Bump and Duncan 2003). Trafficked girls are also coached to say that they are the spouses or relatives of the trafficker. Analís was instructed to refer to Carmen as her sister despite the fact that they are not biologically related.

Furthermore, at the time of border crossing or apprehension at the border, trafficked children may not have suffered through the most terrible exploitation or even know that they are being trafficked. Analís is a case in point. She was told by her stepmother to go to the United States with Carmen to ease the burden on her father's household. Analís seemed to have been eager to avail herself of the opportunities this journey was supposed to provide. She had no way of knowing that Carmen would exploit her, force her to work, and not send her to school.

However, at the time she was apprehended at a checkpoint on the way from California back to the South, she had certainly been trafficked by Carmen. It appears, though, that Border Patrol did not identify the trafficking. Even if Border

Patrol had suspected trafficking, there did not—and still do not—exist comprehensive procedures to ensure that information is always passed on to ORR when a child is placed into federal custody. Border Patrol or ICE may have reason to believe that a child was trafficked, but it is possible, even likely, that such information will not be conveyed to the federal facility which will be caring for the child. Awareness of such information is crucial to prevent deportation or release back to traffickers.

At the local level, training of law enforcement is essential to improving identification of child victims of human trafficking. At present, the majority of local law enforcement contacts with trafficking victims happen in an *ad hoc* manner; police officers usually encounter child victims during the course of their daily routines. Analís was one of the very early cases of child victims identified in the United States, and her contact with local law enforcement, as well as with CPS, predated the *Rescue and Restore Campaign* and associated training programs for law enforcement personnel, service providers, and the general public. The police, the child welfare workers, and the school administrators were ill-equipped to make a proper assessment of her circumstances which might have resulted in an early identification.

The low number of trafficked children identified and receiving services vis-à-vis the number of estimated victims continues to plague the antitrafficking community. In July 2001, DOJ announced the issuance of regulations implementing Section 107 (c) of the TVPA. One of the regulations under 107 (c) requires the federal government to identify victims of severe forms of human trafficking. Although regulations have been released, the federal government has been challenged to carry out their mandate. More recently, governments and nongovernmental organizations have begun creating a complex system of collaboration in response to the TVPA. The governments, both federal and local, and nongovernmental agencies that must work together, are frequently starting from scratch to design collaboration. Many of the actors in the current system are not used to working with each other. For instance, while foster care providers may be familiar with working with courts and mental health care providers, they may not be used to working with federal law enforcement, and vice versa. Thus, the very complexity of the system sometimes defeats the goal of finding and serving trafficked children; the more pieces there are to a system, the more possible cracks for children to fall through. As mentioned above, at the time of this writing only 99 children have been identified as victims of trafficking and provided services.

### **Service Access Challenges**

For trafficked children to have access to the services provided under the TVPA, they must obtain the determination of eligibility from ORR (in cooperation with DOJ). Cooperation and collaboration of these two agencies play a key role in this process, because trafficking related information is not made available to both agencies at the same time. The Trafficking

in Persons and Worker Exploitation Task Force (TPWETF) complaint line, run by the Criminal Section of the Civil Rights Division of DOJ, is the main source of information about trafficking cases used by the federal government. Received complaints are forwarded to the deputy chief of the Criminal Section responsible for the geographic area where the trafficking incident occurred. The deputy chief determines if further investigation is necessary and assigns the appropriate staff to carry out the investigation and/or prosecution. Local offices of federal law enforcement agencies can also initiate and conduct investigations of trafficking cases based on local information. The results of their investigations are forwarded to their federal headquarters, which, in turn, contacts the Civil Rights Division of DOJ (USDOJ 2002).

Thus, DOJ is the principal federal contact for at-large reports on trafficking related issues through the TPWETF complaint line, as well as the ultimate receptor of information on trafficking cases from all federal law enforcement agencies. Although DOJ is the main government point of contact for trafficking cases, ORR must issue the “determination of eligibility” letter facilitating children’s access to services. However, effective issuance of this letter hinges upon ORR receiving the case information from DOJ in a timely manner.

Unfortunately, the time interval between the initial identification of a child victim and the issuance by ORR of a letter determining service eligibility constitutes the major obstacle in providing timely and appropriate assistance to trafficked children (Bump and Duncan 2003). Analis did not escape this challenge either. Apprehended at a checkpoint by immigration officials, she was placed in an immigration detention center and in deportation proceedings sometime in the late summer or early fall of 2002. Her pro bono attorney identified Analis as a victim of trafficking a few weeks later. According to his case notes, he alerted DOJ to her case in January 2003. However, MRS at USCCB did not learn about Analis and her case until March 2003. As previously indicated, USCCB contacted DOJ about Analis’s status; several weeks later DOJ contacted ORR to request benefits for Analis. The eligibility determination letter was finally issued in May 2003. Experts have suggested that ORR ought to have discretion to issue benefits letters without having to wait for a referral from federal law enforcement (Bump, Gozdzia, and MacDonnell 2005). In this instance, such authority would have allowed ORR to grant benefits much more quickly than actually occurred.

Analis was fortunate to have been placed with a group of Good Samaritans who provided for her immediate needs. Once she was released from the immigration detention center, Analis went to live with a group of religious women in a secure and safe place. The sisters provided her with room and board, enrolled her in school, provided companionship, and were preparing Analis for independent life after trafficking. Secure environment is essential to the child’s well-being as many children are highly vulnerable to both escape or recapture by traffickers. Child victim advocates and service

providers continue to be concerned about lack of care during the interval between the initial identification of a child victim and the determination of eligibility for services.

## T-Visa Challenges

Analis was several months shy of her 15<sup>th</sup> birthday when she was identified as a victim of human trafficking. Therefore, she was exempted from a requirement to assist law enforcement to establish eligibility for a T-Visa. As indicated above, there were several obstacles to immigration relief for Analis. Her pro bono attorney applied for a T-Visa on her behalf once he identified her as a trafficking victim. However, his subsequent departure from the local legal aid agency coupled with Analis’s resettlement to a different state resulted in lack of consistency in the point of contact between immigration authorities and Analis. At the time of our research, Analis’s visa application was still pending, almost two years after the application was first filed. While change of places of residence and change of pro bono attorneys might have been responsible for slowing down the T-Visa process by a few weeks, it seems unlikely that they are the sole culprits for the delay in issuing Analis a T-Visa.

## Recommendations

It has been eight years since Analis was trafficked by Carmen and about four since she was identified as a victim of human trafficking. While she seems happy in her relationship with Juan and seems to thrive as a new mother, her journey to recovery could have been considerably shorter and her prospects for long-term economic and social integration into the American society a lot more promising if the system put in place under the TVPA was less complex and worked better. The system failed Analis on numerous occasions. While some might attribute its failure to the fact that Analis was one of the very early cases of child victims of trafficking, her case illustrates the inadequacies and gaps that remain in the seemingly carefully crafted system of care designed to serve child survivors. Discussions with representatives of national and international nongovernmental organizations (NGOs), advocacy groups, agencies serving child survivors of trafficking, and researchers (Bump and Duncan 2003; Bump, Gozdzia, and MacDonnell 2005; Gozdzia et al. 2006) confirm that many of the cracks through which Analis fell are still present. This case study points out that the following issues need to be addressed:

1. *Simplify and streamline the system of accessing benefits for child victims of trafficking.* As can be seen from Analis’s case, the current system is very complex and difficult to navigate. It can be challenging and take a long time for a child to become eligible for federally funded benefits and services. Once a child is determined eligible for services and enters URM care, a legal guardian is appointed. Unfortunately, having a legal guardian appears

not to have smoothed the way to accessing immigration benefits in Analis's case—as in many children's cases. It took over a year for her to receive initial immigration documents and at the time of this research she still did not have a T-Visa.

2. *Increase antitrafficking resources for law enforcement, especially at the border and other ports of entry.* Analis is not the only child that was not identified as a victim of human trafficking or at-risk for trafficking. Children are not being identified in adequate numbers. The inherently clandestine nature of trafficking requires that significant time and resources be allocated to the agencies mandated to combat trafficking. Particular attention needs to be paid to children crossing borders in the company of adults who are not their legal guardians.
3. *Provide ongoing comprehensive training programs for immigration officials and local law enforcement.* Analis encountered immigration officials at least twice—at the border and at a random check point—but they failed to identify her as a trafficked child. To date, not a single child survivor of trafficking has been identified at the border; all identifications occurred at a much later point in the trafficking journey. While there is evidence that local law enforcement has been instrumental in identifying a number of child victims of trafficking, local law enforcement failed Analis. Carmen was ordered by local law enforcement officers to enroll Analis in school, but they did not seem to know enough about human trafficking to make an appropriate assessment and identify Analis as a victim of trafficking. Local law enforcement's ability to identify victims of trafficking needs to be more consistent.
4. *ORR facilities for undocumented children should be alerted to trafficking issues and the children in their care need to be screened appropriately for trafficking.* Analis was not asked trafficking-related questions at intake to the immigration detention center. It was her pro bono attorney, in trying to assess whether she had an asylum claim, who identified her as a victim of trafficking. ORR has recently implemented screening protocols designed to help their facilities identify trafficked children. These intake protocols need to be implemented consistently and trafficking training promulgated widely throughout the ORR-funded facilities.
5. *Information gathered while a child victim is in the initial placement center should be forwarded to the final placement program to design the best possible service plan.* In Analis's case, the information provided to the URM program by the women religious and her school was invaluable in preparing for her arrival. Information from the detention center would also have been useful, had it been provided. Once in care, those providing services and those in law enforcement also need to share information appropriately. In Analis's case, URM program and the counsellor appear not to have been sharing information with each other, in part due to confidentiality concerns. Additionally, the URM program found it difficult to get information from Analis's attorneys about her immigration case. Better information sharing among these parties, once confidentiality concerns have been addressed, could improve service provision. On the whole, proper information flow between and among appropriate governmental and nongovernmental agencies will further ensure timely identification of trafficked victims and proper service provision.
6. *Provide ongoing training of representatives of nongovernmental organizations and service providers (educators, child welfare personnel, social service providers, medical personnel).* CPS failed Analis and did not identify her as a trafficked child. Moreover, CPS released her to a stranger—Carmen's boyfriend—without ever considering issues of trafficking, while a pro bono attorney working for a nongovernmental legal aid organization was able to determine that indeed she was trafficked to the United States. There needs to be more consistent ability to identify child victims on the part of different NGOs and service providers. USCCB and LIRS have spent the years since this early case was identified training the URM programs and developing their capacity to receive trafficked children. For instance, many programs have expanded their capacity to serve Spanish speakers. This effort at training and capacity development should continue as more is learned about the characteristics and needs of trafficked children.
7. *Enhance ORR's ability to determine child victims of trafficking eligible for services regardless of who identifies them as victims.* As indicated above, Analis had to wait a long time for her eligibility determination. Her case is not unusual; it appears that it takes much longer to determine a child's eligibility for services when the victim is identified by an NGO than is the case when the victim is identified by a federal agency or local law enforcement. ORR should be able to determine eligibility for services in a timely manner no matter who is responsible for victim identification. Timely eligibility for services is important because it provides a child victim with a legal guardian and placement in a URM program. Typically, neither of these benefits can be accessed before eligibility for services is determined.
8. *Identification of child victims of trafficking needs to be made a priority by the government.* Reportedly, children may not always be given the benefit of the doubt when questions arise about their eligibility for benefits (Bump and Duncan 2003) and there may be a fear that many undocumented children will try to take advantage of the immigration relief (T-Visa) stipulated by the TVPA. This case seems to indicate that this fear is unfounded. Nevertheless, such fears may be a factor in the low number of children identified and appropriately served to date.
9. *Appoint a legal guardian as soon as possible after a child is identified as a possible victim of trafficking. The guardian's responsibility is to ensure that the child receives necessary services.* A pro bono attorney worked

with Analis while she was in an immigration detention center and identified her as a victim of trafficking. He seemed to be aware of the existing law and its provisions and contacted appropriate federal authorities to alert them to this trafficking case. However, while he was working diligently to resolve Analis's pending deportation, he focused primarily on finding an alternate immigration relief for her. Moreover, because he worked on a pro bono basis, there was no assurance of his long-term involvement in her case. In fact, he did leave the legal aid agency which appointed him to work with Analis. Analis would have greatly benefited from a legally appointed guardian who could have helped her with several issues:

- 1) A legal guardian, well-versed in issues of trafficking, would make sure that the FBI did not interview Analis without an attorney present;
  - 2) A legal guardian would ensure that Analis had access to benefits as soon after identification as a trafficking victim as possible and did not have to be dependent on the generosity of Good Samaritans;
  - 3) A legal guardian would make sure that changes of address and the name of a new attorney were filed with appropriate federal authorities as Analis left the religious women to live with a foster family in a different state. This way immigration officials would have been able to get in touch with her or her legal guardian and she could have received her T-Visa much earlier;
  - 4) A legal guardian acting in her best interest would have made sure that Analis's opinions were taken into consideration in designing and implementing her rehabilitation plans.
10. *Decrease reliance on pro bono attorneys in favor of paid legal providers.* As illustrated by the discussed case, reliance on a pro bono attorney did not serve Analis well. While the pro bono attorney was instrumental in identifying her as a trafficking victim, his subsequent departure from the legal aid agency prolonged and complicated both the service eligibility determination and the T-Visa processes. He remained her attorney of record, but was no longer working with Analis. Appointment of another pro bono attorney once Analis was placed in a URM program did not improve things. According to case files notes and interviews with program staff, he was not easily available to advocate for Analis and make sure that decisions were made in her best interest. Had she had paid legal assistance, things might have been much different.
11. *Improve information flow about potentially trafficked children apprehended by immigration officials (at the border or at any point afterward) and between and among appropriate governmental and nongovernmental entities.* Immigration officials apprehended Analis at a random check point, but apparently did not ask any questions that might have enabled them to identify her as a trafficked child. However, had they asked pertinent questions and made a proper identification, this information should have been forwarded to the detention

center where Analis was placed or provided to ORR or DOJ trafficking officials to facilitate a determination of eligibility for federal benefits and a more rapid move into an appropriate care setting. At the moment, information about children crossing U.S. borders with persons who are not their legal guardians is not routinely forwarded to ORR by ICE or Border Patrol. As indicated above, not a single child victim has been identified at the border.

### **Conclusions: Typical or Atypical Case?**

This case study is part of a larger research project and begs the question of how typical was Analis's trafficking experience. Unfortunately, the answer to this question is not an easy one. Having examined more than 40 child trafficking cases we continue to be amazed at the diversity of their trafficking trajectories and experiences. On the other hand, there seem to be two cultural phenomena—child fostering and child labor—that appear to be the main risk factors significantly contributing to the studied children's vulnerability for trafficking.

Although Honduras has signed and ratified the International Labor Organization Conventions on the Minimum Age of Employment and Elimination of the Worst Forms of Child Labor as well as the United Nations Convention on the Rights of the Child, child labor is still quite common. According to a recent International Labor Organization survey, approximately 15 percent of Honduran children ages 5 to 17 participated to varying degrees in the labor market.<sup>4</sup> The majority of child workers in Honduras, approximately 60 percent, are unpaid family workers. A smaller percentage, approximately 30 percent, works as private employees. The proportion of children working as unpaid family work is greater in rural areas (approximately 66 percent) than in urban areas (46 percent). Males tend to participate at a greater rate than females. By the age of 17, 60 percent of Honduran males are in the labor market compared to only 18 percent of females.<sup>5</sup>

The fact that a large percentage of Hondurans working children do so in the home for no remuneration has hampered efforts to enforce labor standards. In an effort to enforce the conventions ratified, Honduras has taken steps to harmonize its laws with international norms. However, much of the legislation enacted to combat child labor focuses on children employed in bondage conditions or wage labor and not in the home where much of the child labor in Honduras takes place. Moreover, even if labor regulations were applicable they would be difficult to enforce. Thus, Honduras, like most countries, has complemented its labor laws with compulsory schooling. In Honduras, education is compulsory until the age of 13. Secondary education begins at age 13 but is not compulsory. Many Honduran adolescents do not continue with schooling beyond the compulsory age. The effects are evident as a large percentage of Honduran adolescents enter the labor force at that age. In terms of females who work at home, 42 percent of 14 year old girls in rural areas and 19 percent in urban areas work at home.

This situation also affected Analis's circumstances. Not only did her extended family members take advantage of the cultural norm of child labor and did not see it necessarily as exploitation, but the ethnic community within which Carmen and Analis operated in the United States did not consider a working child an anomaly.

### Notes

<sup>1</sup>All names have been changed to protect the identity of the survivor, her family members, and her captors. At the time of the interview Analis was 19 years old. The research was approved by the Georgetown University's Institutional Review Board (IRB) #2005-343.

<sup>2</sup>The authors are currently involved in a research project on trafficked children funded by the National Institute of Justice (NIJ), award # 2005-IJ-CX-0051.

<sup>3</sup>"Unaccompanied Alien Children" are defined by the HSA as children without lawful immigration status in the United States who have not attained 18 years of age, and who have no parents or legal guardians in the United States who are available to provide care and physical custody (Nugent and Schulman, 2003).

<sup>4</sup>Permanent Multiple Purpose Household Survey was carried out by Honduras' National Statistics Institute between May and June of 2002, with the support of the Statistical Information and Monitoring Programme on Child Labour, as part of the International Programme on the Elimination of Child Labour of the International Labour Office. See Angela Martins Oliveira and Astrid Marshatz, International Labour Office, International Programme on the Elimination of Child Labour, Statistical Information and Monitoring Programme on Child Labour, Summary of the Results of the Child Labour Survey in Honduras. July 2004. [http://www.ilo.org/public/english/standards/ipecc/simpoc/honduras/document/hon\\_surveysummary\\_en\\_2004.pdf](http://www.ilo.org/public/english/standards/ipecc/simpoc/honduras/document/hon_surveysummary_en_2004.pdf)

<sup>5</sup>The figures presented in this paragraph and the next are based on an analysis of the Permanent Multiple Household Survey conducted by Juhyun Jeong of the Department of Economics, Stanford University. See Juhyun Jeong, The Determinants of Child Labor and Schooling in Honduras, Nicaragua, and Panama. May 2005. [http://www-econ.stanford.edu/academics/Honors\\_Theses/Theses\\_2005/Jeong.pdf](http://www-econ.stanford.edu/academics/Honors_Theses/Theses_2005/Jeong.pdf)

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