Stop Trafficking ! Anti-Human Trafficking Newsletter

Awareness

Advocacy

Action

Co-Sponsored by:

- Sisters of the Divine Savior
- Capacítar International, Inc.
- Sísters of Mercy International Justice Network
- Sisters of the Congregation of Notre Dame

This issue highlights legislation, recently passed or currently in the Congress, that relates to anti-trafficking issues. The efforts of faith-based groups to influence legislation is also included. January 2006 Vol. 4 No. 1

Solidarity With Immigrants: Journey to Justice

At a time of considerable discussion of the place of immigrants in American society, the U.S. Bishops' National Migration Week, January 8-14, 2006, focused on solidarity with immigrants and other people on the move. *Journey to Justice* was the theme for 2006, which marked the 25th anniversary of the annual observance.

Bishop Gerald R. Barnes of San Bernardino CA, Chairman of the (USCCB) U.S. Council of Catholic Bishops' Committee on Migration, said all people are called to make a journey *"in solidarity with migrants, immigrants, refugees, human trafficking victims, and other people on the move seeking justice and peace."*

"Never has this call to solidarity been needed more than today," Bishop Barnes stated. "Too often those who have come to our land seeking a better life for themselves and their families face discrimination and exploitation."

To counteract this, Bishop Barnes recalled, a broad coalition of Catholic organizations together with the U.S. Bishops committed themselves to changing minds and hearts through the national *Justice for Immigrants: Together on the Journey of Hope* campaign. The goals of the campaign are to educate Catholics and others of good will about the benefits of immigration and the benefits to the nation, to strengthen public opinion about the positive contributions of immigrants, to advocate for just immigration laws which promote legal status and legal pathways for migrant workers and their families, and to organize Catholic legal service networks to assist immigrants.

"When we make this journey we embrace the newcomers to our land as we reach out in a spirit of peace and hope," the Bishop said. "Together with them we are truly the Body of Christ."

USCCB Opposes U.S. Border Protection Act

On December 14, 2005 Bishop Gerald R. Barnes wrote to members of the House of Representatives on behalf of the USCCB Committee on Migration explaining why the Bishops oppose H.R. 4437, *The Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of* 2005.

The USCCB is concerned "that enactment of H.R. 4437 would bring about serious and severe consequences for im-

Opposition *cont. pg. 2*

USCCB Supports Comprehensive Immigration Reform

Bishop Gerald R. Barnes sent letters to all members of the U.S. Congress in October 2005, asking them to support the *Secure America and Orderly Immigration Act* (S 1033 introduced by Sens. John McCain (R-AZ) and Edward Kennedy (D-MA) and HR 2330 introduced by Reps. Jim Kolbe (R-AZ), Jeff Flake (R-AZ), and Luis Gutierrez (D-IL).

"While we support the right of nations to control their borders, we note that, for much of the last decade, Congress has enacted one harsh, overlypunitive immigration control measure after another, yet the problems in our immigration system have grown during that period," wrote the Bishop. "We believe the enactment of comprehensive immigration reforms, such as those that are contained in the Secure America and Orderly Immigration Act of 2005, is the best prescription for an immigration system, which is broken and needs repair."

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Bishop Barnes called particular attention to several of the bill's provisions in keeping with the bishops' immigration policy priorities, outlined in Strangers No Longer: Together on the Journey of Hope, a pastoral letter issued jointly in 2003 with bishops of Mexico:

- Temporary Worker Program: The bill would establish a program to permit foreign-born workers to enter the United States and work in a safe, orderly, and legal manner. Such a program would help reduce unauthorized migration to our country and also lower the number of deaths of migrants who attempt to cross the desert.
- Earned Adjustment: The bill would allow undocumented workers currently residing in the United States and contributing to our society the opportunity to earn permanent residency over time. Benefits of such a program would be to stabilize the workforce in many important industries, stabilize immigrant families, and allow law enforcement to direct resources toward the apprehension and prosecution of smugglers, human traffickers, and terrorists.
- Family-based Immigration: The bill would help to reduce the long waiting times for family reunification for immediate family members, including spouses and children. The USCCB has long argued that family reunification should remain a cornerstone of U.S. immigration policy.
- Enforcement: The bill contains a number of provisions that are

designed to improve the ability of the U.S. government to strengthen the enforcement of our nation's immigration laws without violating basic human dignity.

Bishop Barnes said that while some in Congress have dismissed an earned adjustment program and called for cuts in legal immigration or harsh punitive measures for undocumented immigrants, the USCCB "reject[s] that failed approach, and we urge Congress to reject it, as well."

Opposition cont. from pg. 1

migrants and the nation. It is an extremely punitive bill, which is far broader than illegal immigration and, if enacted, would unduly harm immigrants and their families, even those who are currently lawful residents.

Moreover, the bishops are deeply disappointed by the bill's enforcementonly focus and absence of reforms in the U.S. legal immigration system that would address our current immigration problems more comprehensively."

(The letter listed areas of concern. These points are identical to those expanded in the box to the right from the National Immigration Law Center.)

Bishop Barnes' letter continued, "More specifically, the application of criminal penalties to individuals, including U.S. citizens, who assist aliens without legal status could jeopardize church programs, which provide basic needs and life-saving assistance to these individuals. Current federal law does not require humanitarian groups to ascertain legal status of an individual prior to providing assistance. However, in our view, the provisions in Section 202 of the legislation would place parish, diocesan, and social service program staff at risk of criminal prosecution simply for performing their job. It also could apply to health care personnel or U.S. citizens who provide urgent or life-saving assistance to an undocumented individual.

H.R. 4437 has been presented as an antidote to our nation's immigration crisis. It is just the opposite. In reality, this legislation will only exacerbate the problem by

driving immigrants further underground and compelling migrants in search of work to rely on ever-expanded smuggling networks to cross the border. A comprehensive solution to our immigration crisis, which includes legal status for migrants and legal avenues for migration, is needed to fix a broken immigration system that exists in our country today.

Ultimately, H.R. 4437 would not only harm communities and businesses, but it also would undermine our country's proud heritage as a nation of immigrants. The USCCB asks that members of the House of Representatives oppose this measure when it comes to the floor. We also ask President Bush to publicly oppose the legislation and to request that Congress begin work on a comprehensive immigration bill, which all Americans can support." (See action step pg. 6)

National Immigration Law **Center Critique**

"HR 4437 is one of the most draconian anti-immigrant bills to be introduced in recent times. It is an ill-conceived bill that simply builds on failed enforcement provisions enacted into law over the last 20 years. Among its many anti-immigrant provisions, HR 4437 would:

- Make YOU a criminal. H.R. 4437 will allow the government to prosecute almost anyone who has regular contact with an undocumented person.
- · Criminalize unlawful presence and make it an aggravated felony, subjecting the entire undocumented population to potential imprisonment and foreclosure of future immigration status. These provisions are likely to drive undocumented immigrants further underground and increase their vulnerability to exploitation.
- · Gut judicial review of immigration courts' decisions.
- · Expand expedited removal near the border so that immigrants will be deported without ever having a chance to make their case in court.
- · Make detention of immigrants mandatory.
- Give the government unfettered discretion to designate gangs and makes immigrants deportable as members of a gang, even if they have never violated the law or joined a gang out of fear or coercion.
- · Create a mandatory Employment Eligibility Verification System (EEVS). It would require employers, unions, day labor sites, worker centers, and many other nonprofit service providers who

Bill HR 4437 cont. pg. 6



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Editor's Note:

Points in bold type in the TVPRA summary indicate significant improvements in the U.S. government's effort to counter human trafficking within the U.S. and protect its citizens. For example, the End Demand Act was amended into the TVPRA, thereby providing additional means to fight trafficking in U.S. communities by targeting demand.

Trafficking Victims Protection Reauthorization Act of 2005

On January 3, 2006 the Congress presented to the U.S. President, Hon. George W. Bush, the amended TVPRA (HR 972), which had been introduced into the Congress by Rep. Christopher H. Smith and 103 other co-sponsors. The House of Representatives passed the amended bill (426-Yeas to 0-Nays) and the Senate passed the bill without further amendments by Unanimous Consent.

TVPRA 2005:

- → Amends the *Trafficking Victims Protection Act of 2000* to direct The United States Agency for International Development (USAID), the Department of State, and the Department of Defense (DOD) to incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.
- → Amends the Violent Crime Control and Law Enforcement Act of 1994 to extend the sexually violent offender registration program to foreign offenses.
- → Amends the Homeland Security Act of 2002 to authorize the Director of the Office of Refugee Resettlement to appoint a guardian ad litem for an unaccompanied alien child if the Director believes such child to be a victim of a severe form of trafficking in persons.

→ Amends the Trafficking Victims Protection Act of 2000 to: (1) provide victims of severe forms of trafficking with access to counsel; and (2) enhance specified U.S. efforts to combat trafficking in persons, including prevention of such activities by international peacekeepers.

- → Directs USAID to carry out a pilot program to establish foreign residential treatment facilities for victims of trafficking.
- → Amends Federal criminal law to establish extraterritorial jurisdiction over Federal contractors.
- → Amends the Uniform Code of Military Justice (UCMJ) to establish crimes of: (1) sex trafficking; and (2) trafficking for labor or services.
- → Directs the Secretary of Defense to designate a director of anti-trafficking policies within DOD.
- → Directs the Federal Bureau of Investigation (FBI) to investigate acts of: (1) severe forms of trafficking in persons other than domestic trafficking in persons; and (2) domestic trafficking in persons.
- → Directs the Secretary of Labor, through the Bureau of International Labor Affairs of the Department of Labor, to carry out specified activities to monitor and combat forced labor and child labor in foreign countries.
- → Directs the Secretary of Health and Human Services (HHS) to:
- (1) develop a program to reduce demand for commercial sex acts; and

(2) carry out a pilot program to establish U.S. residential treatment facilities for minor victims of domestic trafficking. (Ed. See note.)

→ Authorizes the Secretary of HHS to make grants to states, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations for programs for victims of domestic trafficking.

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- → Authorizes the Attorney General to make grants to states and local law enforcement agencies for programs to investigate and prosecute domestic trafficking in persons.
- → Amends the *Trafficking Victims* Protection Act of 2000 to authorize appropriations for specified activities and programs under such Act.

U.S. Signs On to U.N. Convention

As of December 3, 2005 the United States became an official Party to the UN Convention against Transnational Organized Crime (TOC) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air.

The Convention represents the first legally binding multi-lateral instrument that specifically targets transnational organized crime.

The *TOC* entered into force on September 29, 2003, after 40 countries became Party to the treaty. As of October 2005, there were 147 Signatories and 112 Parties to the TOC. The *Trafficking in Persons Protocol* entered into force in December 2003 and has 117 Signatories and 93 Parties. The *Migrant Smuggling Protocol* entered into force in January 2004 and currently has 112 Signatories and 82 Parties.

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Violence Against Women Act Reauthorized

Every day in the U.S. husbands or boyfriends murder three women. Daily more than 700 women are raped or sexually assaulted. For this reason, it was good news when the *Violence Against Women Act* (VAWA) was reauthorized. (The Act's history in the Congress is amended at the end of this article.)

VAWA (passed in 1994) is a landmark piece of federal legislation that changed the way U.S. society responds to violence against women and children. Domestic violence, dating violence, child abuse, sexual assault, and stalking are crimes.

The bill is extensive. For example, one section (Subtitle D) deals with the *International Marriage Broker Regulation Act of 2005*

• (Sec. 833) Prohibits an international marriage broker from providing any U.S. client with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

• Prohibits a marriage broker from providing any U.S. client with the personal contact information of any foreign national client 18 years of age or older until the marriage broker has: (1) collected certain background information from the U.S. client to whom the personal contact information would be provided; (2) provided a copy of such background information to the foreign national client in his or her primary language; (3) provided to the foreign national client in his or her primary language information about legal rights and resources available to immigrant victims of domestic violence and other crimes in the United

States; (4) received from the foreign national client in his or her primary language a signed, written consent to release such personal contact information to the specific U.S. client to whom the personal contact information would be provided; and (5) informed the U.S. client from whom background information has been collected that after filing a K-visa petition the U.S. client will be subject to a criminal background check.

• Prohibits a marriage broker from disclosing information regarding an individual who obtained a protection order or who was a crime victim. Requires that a marriage broker disclose the relationship of the U.S. client to such individual or crime victim.

• Requires that: (1) a marriage broker collect certain background information from each U.S. client to whom the personal contact information of a foreign national client or any other individual would be provided; and (2) such background information be in writing and signed by the U.S. client to whom the personal contact information of a foreign national client or any other individual would be provided. · Sets forth required background information respecting: (1) prostitutionor controlled substance- related arrest or conviction history; (2) marital history; (3) restraining order or protection order history; (4) children under the age of 18; (5) states of residency since the age of 18; and (6) whether the client has previously sponsored an immigrant to whom he or she was married.

• Sets forth federal civil and criminal penalties for marriage broker viola-

tions. Permits state civil enforcement to enjoin such practice, enforce compliance, or obtain damages. States that such penalties and remedies are in addition to any other penalties or remedies available under law.

• Amends Immigration and Nationality Act (INA) to repeal the mail-order bride provision.

(*Note:* The following steps indicate the history of those bills that eventually led to Public Law No: 109-162.)

Title: The International Marriage Broker Act of 2005 H.R.3657 Sponsor: Rep. Rick Larsen [WA-2] (introduced 9/6/2005) Co-sponsors (15); Latest Major Action: 9/19/2005 Referred to House Subcommittee on Immigration, Border Security, and Claims. **S.1618** Sponsor: Sen. Maria Cantwell [WA] (introduced 9/7/2005) Co-sponsors (1); Latest Major Action: 9/7/2005 Referred to Senate Committee on the Judiciary.

Title: A bill to reauthorize the Violence Against Women Act of 1994. S.1197 Sponsor: Sen. Joseph R. Biden,

Jr. [DE]; Co-sponsor: Sell. Joseph K. Biden, Jr. [DE]; Co-sponsors (58) 10/4/2005 passed the Senate by Unanimous Consent; H.R.3171 Sponsor: Rep. Zoe Lofgren [CA-16]; Co-sponsors (133); **Title: To authorize appropriations for the Department of Justice for fiscal years 2006 through 2009** H.R.3402 Sponsor: Rep. F. James F. Sensenbrenner, Jr. [WI-5] Cosponsors (19)

9/28/2005 Passed/agreed to in House: Passed by the Yeas (415) and Nays (4). 12/16/2005 Senate Committee on the Judiciary discharged by Unanimous Consent. 12/16/2005 Passed Senate with an amendment by Unanimous Consent. 1/5/2006 Signed by President and became **Public** Law No: 109-162





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US Ambassador to Vatican

Francis Rooney, the new U.S. ambassador to the Holy See, presented his credentials to Pope Benedict XVI in November 2005.

In his statement he said, "The United States has joined with the Holy See in efforts to halt the trafficking of human beings across international borders. This modern-day affront to human dignity needs to be stopped. Men, women and children continue to be lured or coerced into domestic servitude, sexual exploitation, and forced labor.

With the Holy See's powerful moral voice and the human and material resources of the United States, I believe we will be successful in stopping this evil.

I take pride in a program we sponsor to train women religious in anti-trafficking skills and strategies. This program is now active in five countries in Europe, Africa and Asia, and next year we hope to introduce it to women religious working in Brazil, Portugal and the Philippines."



'Catholic Healthcare West' to Spot Victims

In November 2005 the Catholic Hospital Association (CHA) and the Office of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (USCCB) co-hosted a conference in Chicago, IL for heads of healthcare institutions. Julie Trocchio. CHA Senior Director of Continuing Care Ministries and member of the Coalition of Catholic Organizations against Human Trafficking, updated participants on CHA's involvement in anti-trafficking to date. Cherie Sammis, FNP Clinical Administrator of the Perry Family Health Center of Providence Hospital and a regular presenter at national meetings on the topic of human trafficking also spoke, highlighting the role that healthcare institutions play in aiding victims and helping stem trafficking.

One participant at that conference, *Bernita McTernan*, the Senior Vice President of *Sponsorship and Mission Integration for Catholic Healthcare West* (CHW), informed *Stop Trafficking* that, as a result of that exposure, she is inviting Cherie Sammis to speak at the next Catholic Healthcare West meeting to be held February 1st in San Francisco.

Seven religious congregations are part of Catholic Healthcare West: the Auburn and Burlingame Mercies, the San Rafael, Adrian and Kenosha Dominicans, the Houston Charities of the Incarnate Word, and the Redwood City Franciscans. They sponsor 40 hospitals in California, Arizona and Nevada. The hope is that information received at the meeting would further help the seven healthcare sponsors to discover ways to collaborate in efforts to spot and help victims and report cases of human trafficking.

Safe Housing: Healing & Hope

One religious congregation recently leased a five-bedroom house with two of the bedrooms set aside for women rescued from trafficking. One bedroom has its own bathroom and small sitting area; the second is a regular room with two beds. *"Our guests eat with us and are welcome to use any part of the house. In other words our home is their home,"* the sisters shared.

- Issue they took into consideration in choosing the location include:
- A multicultural neighborhood that is also a safe environment;
- An area where it would be possible to network with others, who are working in the same field;
- A contractual relationship with a social service agency that provides the following services: case management, legal immigration services, health care, independent living skills such as English as a second language, advocacy services, group counseling where appropriate or needed.
- Accessibility to: church, public transport, stores, and gainful work.

The potential advantages or disadvantages of the chosen setting will become clear as time goes on. The sisters realize they will learn much from their evolving experience. Housing cont. pg. 6

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Wetback: Undocumented Documentary

Wetback is a 93-minute film in Spanish, with English subtitles, that follows several immigrants from Central America and Mexico on their extraordinary and extremely dangerous journey to North America. The film interviews armed U.S. citizen groups trying to block illegal entry of "criminals, rapists and terrorists." The migrants in fact are mostly simple, poor people from Central American countries where unemployment is rampant, wages sub-standard, and inflation uncontrolled. As one person commented, "The reason Americans can get bananas for 29¢/lb is because farmers are paid less than a living wage." Twenty-five percent of the Nicaraguan GNP comes from money sent home by illegal immigrants.

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The film interviews people, who lost limbs falling from cargo train cars they use to reach the borders. They

face many other perils along the way as they cross as many as five borders. Eighty percent are robbed, many by corrupt police who bribe them before sending them back home. Rape, murder and "disappearance" are common. Only about 300 of the estimated 3,000 who leave daily will actually reach their desired destination. Most, including mothers leaving young children behind, take the risk hoping to be able to feed families back home. Wetback won the best documentary award at the Cinequest film fest in San Jose CA in 2005. http://www.amnestyusa.org/ filmfest/slc/11032005.html

Editor's Note:

If you know of good video/ book resources, please notify us so we can pass the word on to other readers. Thank you!

> Toll-Free Hotline: (Trafficking Information and Referral) 1.888.3737.888

Housing cont. from pg. 5

The two sisters have one guest but may have two more by mid-January. Each guest signs an agreement with the sisters. The guidelines address such issues as health, safety and household matters. The guest also signs a 'Waiver of Liability,' arranged in conjunction with the social service agency and an interpreter that they provide.

One of the sisters commented, "Our home is not a shelter, but a place that is meant to provide hospitality for three or four women, who are in need. By having a contract with an experienced social service agency, we are free from the professional duties of case management and can devote our energy to providing an environment of healing and hope."

Idaho Begins Legislative Process

On December 15, 2005 Idaho's *Interim Committee on Trafficking of Human Beings* agreed to push toward legislation. Reps. Debbie Field (R) and Donna Boe (D) will bring the legislation to the Idaho House in 2006.

Merikay Jost, Boise Diocesan Conference of Catholic Women

'Letter to Editor' Inspires Legislative Action

After NY State Senator Thomas P. Morahan (R) read pieces in the Op-Ed Section of the White Plains, NY *Journal News* submitted by Srs. Eileen Cunningham and Dorothy Maxwell OP, he was moved to introduce antihuman trafficking legislation into the Senate to companion Bill 1898-a introduced into the NY State Assembly.

(S. Eileen Cunningham's letter was featured in the December 2005 issue of *Stop Trafficking*, pg. 6)

Bill HR 4437 *cont. from pg. 2* currently refer or recruit workers to use this massive EEVS. It would affect the employment rights of every worker as well as the daily employment decisions of every business and employer in the U.S."

Write the U.S. Senate

HR 4437 passed in the House on Dec. 16th by a vote of 239 to 182. The Bill threatens to eradicate due process protections for legal immigrants, including asylum seekers and refugees. If passed, it would assess criminal penalties to anyone, who assists non-citizens who lack lawful status to reside or remain in the United States. This could impact teachers, health care providers and faith-based organizations, to name but a few.

Let your U.S. Senators know that you oppose this legslation. Tell them to support the **Secure America and Orderly Immigration Act** (S 1033/HR 2330).



Action

Thank You

We wish to gratefully acknowledge those who provided generous monetary support for the Salvatorian Sisters Anti-Human Trafficking Project during 2005:

> Congregation of the Sisters of Notre Dame (Sponsorship) Wilton, CT · Sisters of the Holy Names of Jesus and Mary (CA Region of the **US-Ontario Province**) Missionary Sisters Servants of the Holy Spirit Techny, IL • Adrian Dominicans -Sisters & Associates of the Western Region Phoenix, AZ • Gerrie and James Frank Hartland, WI Olds Family Phoenix. AZ

Stop Trafficking! is dedicated exclusively to fostering an exchange of information among religious congregations, their friends and collaborating organizations, working to eliminate all forms of trafficking of human beings.

Use the following web address to access back issues of *Stop Trafficking!* http:/homepage.mac.com/srjeanschafersds/stoptraffic/index.html

To contribute information, or make requests to be on the mailing list, please use this e-mail address: <u>jeansds2000@yahoo.com</u>

> Editing and Layout: Jean Schafer, SDS

Getting State Legislation Passed

Key factors helpful in getting antitrafficking legislation passed at the state level include:

- Use the *federal government's* model for state legislation and adapt it to fit within the existing state laws.
- → Utilize a network of experts and advocates that have knowledge of, interest in, and experience with finding and helping victims of human trafficking within the state. Immigration attorneys, personnel from homeless and domestic abuse shelters, social service agencies and faith-based or non-profit charities may have encountered persons suspected of being trafficked. Such persons would be able to offer technical assistance and anecdotal information that would facilitate creating a good law and promoting its passage.
- → Ascertain whether trafficking is an issue in the state. Again agencies would have anecdotal information. Research groups, such as within university social science or law departments, would be able to help determine the extent of trafficking and create a statistical basis for why legislation is important to the state.
- → Collect information to use in refuting what opponents may posit. Such information should encompass evidence: that human trafficking exists, that existing laws do not address the coercive nature of the acts and the inability of victims to assert their rights, and that states can collaborate with federal agents to obtain the necessary resources to help victims and prosecute perpetrators.
- → Get the information out into the public arena. Hold hearings in

Informative Web Sites:

(Each contains information related to human trafficking) U.S. Government Status of Bills in Congress http://thomas.loc.gov/

> U.S. Government Information http://usinfo.state.gov/ gi/global_issues/ human_trafficking.html

U.S. Dept. of Health & Human Services: Trafficking http://www.acf.hhs.gov/ trafficking/

USCCB Justice for Immigrants Campaign http://www.justicefor immigrants.org

Caritas Internationalis http://www.caritas.org

US Senators http://www.senate.gov/

which key people can testify to the problem and its impact on society. Have articles and editorial opinions featured in newspapers. Have interviews broadcasted on radio.

- → Show citizen concern to the legislators through letters, e-mails, phone calls and personal visits either at the State Capitol or in the legislators' home districts. Leave key information about the issue and how it impacts citizens in their districts with legislators and their staffs.
- → Use the Internet to obtain up-todate information about the issue and about the position of legislators.
- → Put forth the time and effort needed to build a credible constituent base of citizens motivated to push for the passage of good laws that safeguard the lives and well-being of people.
- → Believe that citizens' concerns matter to state legislators.

(From an interview with Brian Augusta, Senior Consultant to Assemblywoman Sally Lieber, CA 22nd Dist.)