

Mass Workforce Issuance

Workforce Issuance No. 08-27

Policy Information

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: July 28, 2008

Subject: **WIA Title I Eligibility for Victims of Human Trafficking**

Purpose: To provide information to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners with regard to WIA eligibility and services for victims of human trafficking through the Commonwealth's One-Stop Career Center system.

Background: The U.S. Department of Labor Employment and Training Administration (ETA) published Training and Employment Guidance Letter (TEGL) No. 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking:

<http://wdr.doleta.gov/directives/attach/TEGL19-01C1acc.pdf>

Trafficking in persons is a modern form of slavery victimizing approximately 600,000 – 800,000 individuals annually, primarily women and children. Victims are often lured into trafficking networks through nefarious employment schemes that promise good working conditions and high pay as domestic workers, factory/farm workers, nannies, waitresses, sales clerks or models. Other victims are merely kidnapped. Traffickers force their victims into the international sex trade, prostitution, slavery and forced labor through coercion, threats of physical

violence, psychological abuse, torture and imprisonment. Traffickers use strategies to isolate victims and prevent them from coming forward.

To deter such crimes, Congress enacted the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) that was reauthorized in 2003 and 2005 (Public Law 109-164). The law applies to all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sections 107(b)(1)(A) and (B) of the TVPA requires the Secretary of Labor to provide benefits and services to victims of severe forms of trafficking to the same extent as aliens who are admitted to the United States as refugees, without regard to immigration status. Section 103(8) of the Act defines the term “severe forms of trafficking in persons” to mean:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Additionally, the reauthorization of 2005 further defined the term “juvenile subjected to trafficking” as “a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.”

One-Stop Career Center staff can assist trafficking victims in several ways:

- The National Human Trafficking Resources Center (1-888-3737-888) should be contacted to assist staff to determine if an individual may be a victim of trafficking.
- If there is an immediate need to contact law enforcement, call 911 to report the crime.
- If criminal activity is suspected, the U.S. Dept. of Justice’s Trafficking in Persons and Worker Exploitation Task Force (1-888-428-7581) or the U.S. Dept. of Justice’s Human Trafficking Prosecution Unit (202-514-3204) should be contacted

An individual who has been determined to be a victim of a severe form of trafficking is eligible for workforce investment services under Title I of the Workforce Investment Act of 1998. Furthermore, an alien who has been determined to be a victim of a severe form of trafficking *cannot be denied WIA-funded services available to such victims based on their immigration status.*

An alien's status as a victim of trafficking may be demonstrated through various means of documentation:

- Letters of certification from the Office of Refugee Resettlement in the U.S. Dept. of Health and Human Services (HHS);
- Children under the age of 18 do not receive letters of certification from HHS, but instead receive a Letter of Eligibility to access Federal benefits and service.
- Some victims will have been issued "T" visas, created specifically in conjunction with Section 107(c) (3) of TVPA to protect trafficking victims.

Additionally, trafficking victims may be actively assisting authorities in the prosecution of their captors. In such cases victim witness coordinators in the local U.S. Attorney's Office may contact local career centers to arrange for workforce investment services.

NOTE: as with any WIA Title I participant, all applicable program eligibility requirements must be met by the individual.

There is no requirement to specifically track the provision of Title I services to this cohort.

Action

Required: Please assure that all staff are knowledgeable of the contents of this issuance.

Inquiries: All inquiries should be directed to the ETA Regional Office (617-788-0170).