

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION OWI/Wagner-Peyser
	CORRESPONDENCE SYMBOL OWI
	DATE October 24, 2012

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 9-12

TO: ALL STATE WORKFORCE LIAISONS
 ALL STATE WORKFORCE AGENCIES
 ALL STATE WORKER ADJUSTMENT LIAISONS
 ALL AMERICAN JOB CENTER SYSTEM LEADS
 WORKFORCE INVESTMENT ACT SECTION 166 INDIAN AND
 NATIVE AMERICAN GRANTEEES

FROM: Jane Oates /s/
 Assistant Secretary

SUBJECT: Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking

- Purpose.** To provide further information to the workforce investment system about the importance of providing workforce, training, and referral services to victims of human trafficking and to give updated guidance on how to deliver these services under the Workforce Investment Act of 1998 (WIA), the Trafficking Victims Protection Act of 2000 (TVPA) and the Trafficking Victims Protection Reauthorization Acts of 2003, 2005 and 2008 (TVPRA).
- References.** The Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) (containing the Trafficking Victims Protection Act of 2000 (TVPA)); the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) (TVPRA 2003); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164) (TVPRA 2005); the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457) (TVPRA 2008); the Workforce Investment Act of 1998 (WIA) (Public Law 105-220, 29 U.S.C. 2801, et seq.); WIA Final Rule, 20 C.F.R. parts 652, 660-671 (65 F.R. 49294 (August 11, 2000)); Interim Final Rule implementing the non-discrimination and equal opportunity provision (section 188) of WIA, 29 C.F.R. part 37 (64 F.R. 61692 (November 12, 1999)); and the Immigration and Nationality Act (8 U.S.C. 1101-1537); Training and Employment Guidance Letter (TEGL) 19-01; TEGL 19-01 Change 1; TEGL 26-02; Training and Employment Notice (TEN) 14-05.

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3. **Background.** Trafficking in persons affects millions of individuals worldwide. Individuals may be lured into trafficking networks through false promises of good working conditions and high pay as domestic workers, factory and farm workers, childcare workers, waitstaff, sales clerks, models, or in other occupations. Others are simply kidnapped. Many victims of trafficking may remain undetected because strategies used by the perpetrators isolate victims and prevent them from coming forward. Additionally, many victims of trafficking do not self-identify and may be unaware of resources and services that are available to assist them.

The Department of Labor (DOL) plays a role in the U.S. Government's efforts to combat trafficking in persons, including by identifying and seeking restitution for unpaid labor performed by victims of trafficking; providing training and employment services to victims of trafficking who qualify for those services and helping them to become self-sufficient; funding research and technical assistance to combat the worst forms of child labor overseas; and maintaining lists of goods, including their countries of origin, that are made using forced labor or forced child labor.

4. **Definitions.** The Trafficking Victims Protection Act (TVPA), Sections 107(b)(1)(A) and (B), requires the Secretary of Labor to provide benefits and services to victims of "severe forms of trafficking in persons" to the same extent as aliens who are admitted to the United States as refugees. Under section 103(8) of the TVPA, the term "severe forms of trafficking in persons" is defined as:

- (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.

5. **Trafficking Victim Services and the American Job Centers.** The public workforce system plays a key role in providing benefits and services to victims of trafficking. Finding employment is an essential step in integrating victims of trafficking into society and American Job Centers can play a critical role in assisting victims find and prepare for employment.

It is important to note that victims of trafficking may have suffered psychological and often physical trauma. A broad body of literature exists on how to engage with victims of physical or psychological trauma, which is a topic beyond the scope of this guidance letter.

American Job Center staff can assist trafficking victims in the following ways, as applicable:

- A. ***Recognize the characteristics of victims of trafficking and refer individuals to proper authorities and resources.***

Many victims of trafficking do not self-identify. A role for staff at American Job Centers is to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. For information on how to identify potential victims of trafficking, see Attachment A, "Characteristics of Potential Victims of Trafficking." For information about hotlines that frontline staff can call to

get help for potential victims, see Attachment B, “Trafficking Hotlines.” If an individual is under immediate threat or states that they are in danger, staff should call 911.

B. Provide employment and training services.

U.S. citizens or lawful residents who are victims of trafficking can receive the same services at American Job Centers that are provided to the general public under WIA.

In addition, under section 107(b) of the TVPA, certain foreign nationals are also eligible for WIA Title I services. This includes: (1) victims of a severe form of trafficking in persons, or (2) individuals granted a nonimmigrant “T” visa.

For purposes of being eligible for WIA Title I services as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the Department of Health and Human Services. 22 U.S.C. § 7105(b)(1).
- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to minor victims of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIA Title I services.

Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIA Title I services. The T nonimmigrant Status (T visa) is available to individuals who are or have been victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking. Additional information about T visas and the HHS certification process can be found in TEGL 19-01 Change 1.

Employment and training services should be provided to victims of trafficking to the same extent and following the same procedures and case management processes as for other customers at the American Job Centers. However, in the case of victims of trafficking, services may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may have Limited English Proficiency (LEP), criminal records (including from being forced into prostitution), or limited resumes.

Victims of trafficking who have LEP will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. Frontline staff should work with local training providers and community colleges to find ESL course offerings as needed. TEGL 26-02 (“Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting

Limited English Proficient Persons”) and TEN 14-05 (“Release of On-Line Training Resources and Census Data on Limited English Proficiency Individuals in Local Workforce Areas and a translatable Glossary of Workforce Terms”) provide some resources and guidance on working with LEP persons.

C. Offer information and referral to other wraparound services and/or law enforcement.

In most cases, victims of trafficking will approach American Job Centers towards the end of their rehabilitation process and will have already been working with other Federal, state, local or nonprofit organizations and agencies.

In the event that the victim has not yet received services, it is important for American Job Center staff to be aware of and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest American Job Center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by Federal agencies or provided by local service providers with funding from the U.S. Government can be found in the document “Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers” available at: <https://www.hsdh.org/?view&did=706130>.

If no local service providers are known, the **National Human Trafficking Resource Center (NHTRC) at 1-888-3737-888** can help determine best steps for assisting the individual. See Attachment B, “Trafficking Hotlines,” for additional information. Frontline staff may also call the NHTRC ahead of time to inquire about local service providers and familiarize themselves with what is available for victims in the local community.

6. **Action Required.** State Workforce Agency staff should familiarize themselves with the content of this TEGL and follow the procedures set forth herein for working with trafficked persons. Key frontline staff and American Job Center managers should also plan, where schedules and resources allow, to participate in the forthcoming training Webinar on Trafficking in Persons Awareness. This Webinar will also be recorded and made available online for future use via the Workforce3one Web site (www.workforce3one.org/).
7. **Inquiries.** Questions should be addressed to the appropriate ETA Regional Office.
8. **Attachments.**
 - Attachment A, “Characteristics of Potential Victims of Trafficking.”
 - Attachment B, “Trafficking Hotlines.”