

Julie Dahlstrom, Esq.



- *Julie Dahlstrom is the Managing Attorney of the Immigration Legal Assistance Program (“ILAP”) of Lutheran Social Services of New England. She has represented numerous clients to apply for T visas as trafficking survivors, U visas as survivors of violent crime, asylum, and relief under the Violence Against Women Act. ILAP provides case management, educational, and legal services to survivors of human trafficking throughout Massachusetts.*

Practical Barriers to Combat Trafficking

- **The Beginning:** Effective Identification of Survivors;
- **The Grey Area:** Challenges during the investigation/prosecution process.
- **The Great Beyond:** When does advocacy end?

The Beginning: Identification

- *Understanding the case:*
 - *Overlapping legal framework;*
 - *Mixed sex/labor trafficking cases;*
 - *Establishing “force, fraud, or coercion;”*
 - *“Victim” vs. “Criminal.”*

Example

- *Jean was a survivor from Vietnam, who fled the country to escape an abusive husband. She was smuggled into the United States and once in the United States was victim of repeated sexual assaults at the hands of her employer. When Jean finally left this job, she sought to work as a masseuse only to be forced violently to perform sex for money. Eventually, she fled her traffickers.*
- *Later, she was approached by an employer asking her to perform sex for money. Jean was never overtly threatened or abused physically, but she was told, “you know what will happen” if you don’t do what you are told. She is arrested by law enforcement in a raid and charged with prostitution.*
- **Questions Raised:**
 - *Is this last incident trafficking?*
 - *How do you frame the case? Asylum, Victim of Crime, or Trafficking.*
 - *Is Jean a “victim” or a “criminal?”*

The “Grey Area”

- *Navigating the interview/investigation process;*
 - *Creation of adversarial relationship;*
 - *Lack of leverage of survivor in process;*
 - *Overabundance of unreviewable discretion;*
 - *Need for trust between victim service providers and law enforcement;*
 - *Failure of existing legal mechanisms (e.g., Continued Presence).*

The Great Beyond: When Does Advocacy End?

- *The End Game:*

- *Nature of trafficking requires long-term solutions;*
- *Limits of funding/capacity;*
- *Lack of effective international systems to respond to continuing threats;*
- *Failure of traditional social service models.*

Example

- *Josefina is a labor trafficking survivor from El Salvador. She received her T visa and is in the process of applying for her siblings to come to the U.S.*
- *During the process, her trafficker approached her family members in El Salvador asking them to pay her debt. He threatens to kill them if they don't pay up.*
- *At the same time, Josefina discovers that her sister, for whom she is petitioning, is being abused by family members in her home town. She becomes distraught because she feels powerless to protect her.*
- ***Questions raised:***
 - *What is the advocate's role? When does it end?*
 - *How to overcome real long-term barriers, such as debt?*
 - *What to do when there are no international structures to solve such problems? **Interconnection of issues of poverty, violence against women, etc.***

Keys to Success

- *Take time to unravel the survivor's story;*
- *Establish trust with law enforcement as possible (open real dialogue that promotes understanding about each others' role);*
- *Talk with other experts: immigration attorneys, social service providers, therapists, etc.;*
- *Zealously advocate even when outcome seems bleak;*
- *WORK TO DEVELOP new approaches to trafficking work.*