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LABOR TRAFFICKING – THE CASE STUDY OF MARCO

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Understanding the root cause and push-and-pull factors that funnel people into labor trafficking can lead to a better understanding of the vulnerabilities that immigrant populations in the U.S. face. The [Polaris Project \(https://polarisproject.org/wp-content/uploads/2022/01/Polaris-Analysis-of-2020-Data-from-the-National-Human-Trafficking-Hotline.pdf\)](https://polarisproject.org/wp-content/uploads/2022/01/Polaris-Analysis-of-2020-Data-from-the-National-Human-Trafficking-Hotline.pdf)'s 2020 data from the National Human Trafficking Hotline identified 70% of persons trafficked for labor are foreign nationals, and 48% are from Latin America. The U.S. Department of State report "[2022 Trafficking in Person Report: United States \(https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/\)](https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/)" identified failures for human trafficking victims:

Although the government meets the minimum standards, in some cases survivors continued to be arrested for the unlawful acts traffickers compelled them to commit, and some victim-witnesses did not receive needed protections during their case. There was a continued lack of progress to comprehensively address labor trafficking in the United States, including in efforts to identify victims, provide them specialized services, and hold labor traffickers, including contractors and recruiters, accountable. The government continued not to mandate human trafficking screening for all foreign national adults in immigration detention or custody and did not screen for trafficking indicators among the

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people it removed. Advocates continued to report concerns that trafficking survivors were held in immigration detention and that the government's policy to return to Mexico certain individuals from the Western Hemisphere, while their U.S. removal proceedings were pending, exacerbated their vulnerability to human trafficking.

HOPES AND PROMISES FOR A BETTER FUTURE

Hope for Justice (<https://hopeforjustice.org/>), a global nongovernmental organization (NGO) combatting human trafficking, explored the reported concerns in 2022. Investigators with the NGO conducted a case involving "Marco," who was one of several minors interviewed regarding possible labor trafficking. Marco was born in Guatemala, where his father was involved with drug traffickers. Those same drug traffickers murdered his father and gave Marco an ultimatum to join the drug gang or suffer the same fate. Because of crime and oppressive poverty in the region, Marco had little choice but to leave behind his mother and siblings and seek entry and employment in the U.S. Marco knew there were opportunities to make money and, like many immigrants, hoped to earn enough to eventually bring his family to the U.S.

Like many before him (including the other minors interviewed during this investigation), Marco paid a *coyote* (a person who smuggles human beings) US\$6,000 to transport him to the U.S. border, a debt that Marco agreed to pay in monthly installments. Guatemala to Mexico took 4 days in a crowded bus, then an additional 14 days to arrive at the U.S. border, entering via California. While reflecting on his journey, Marco stated it was harder to cross into Mexico from Guatemala than into the U.S. from Mexico, where he recalled minimal to no security.

Once in the U.S., he went to a checkpoint where he and the others were taken to a child refugee camp in Pomona, California. A month later, he was taken to the airport by two workers from the camp who flew with him to West Virginia. In West Virginia, he was released to a person Marco described as an *uncle* but was not any biological relation. The uncle placed Marco to work in the construction industry and various restaurants. The uncle then took Marco from West Virginia to Iowa, where he placed Marco to work in large agricultural production plants and received payment for Marco's forced labor. The uncle advised Marco he would send the money back to pay off the debt (owed to the coyote) and some to his family. Marco was never in control of his earnings.

While in Iowa, Marco lived with several others in an apartment controlled by the uncle, who withheld money from him to pay for his share of the apartment. When investigators interviewed Marco, he had been in the U.S. for over two years and was still paying off the original debt. During the interview, Marco identified his uncle as a contractor who controls his employment, wages, rent, transportation, clothes, food, and documentation. In his story, the contractor sets the hours Marco (and his friends) work and where they work. Of course, this all comes at a fee paid to the contractor.

Many victims of labor trafficking never self-identify as victims. So, these crimes need to be identified and addressed to protect these vulnerable communities.

ISSUES RELATED TO UNDERREPORTING

Like countless other victims of labor trafficking, Marco never self-identified as a victim, stating he was pleased to be in Iowa (the U.S.) and making nearly US\$10 a week for himself. However, Marco asked the question, "If I report this, what is going to happen to me?" His concerns carry much weight because deportation could cost him any chance at income and repayment of his debt. Like many others interviewed, Marco did not want to take a chance at losing "so much of what they have already gained and what could be gained" as stated by Marco. Being in the U.S. is a chance to make a better life for themselves and their families, a chance he and others are willing to risk.

The 2021 study, "[Evaluation of the Enhanced Collaborative Model to Combat Human Trafficking, Technical Report](https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf) (<https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf>)," explores the lack of self-identification and illustrates reasons for self-identification problems, such as fear of deportation back to the survivor's home

country. Once back in their home countries, survivors may still owe money to the ones who initially brought them to a foreign country, thus decreasing their personal and families' safety and security.

The "[2022 Trafficking in Person Report: United States](https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/) (<https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/>)" specifically addressed the reduction of federal funds to combat human trafficking. The Department of Justice provided \$74.6 million to support human trafficking victim assistance programs in 2020 but only about \$60 million for 85 awards in 2021. This reduction influences and directly affects victim services throughout the country. In this same report, advocates expressed concerns regarding the use and inappropriate denials of [T nonimmigrant status](https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status) (<https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status>):

Advocates reported continued concern with the low number of Continued Presence requests made by law enforcement and noted the heightened importance of this temporary status to access services given increased obstacles to obtaining T nonimmigrant status. NGOs again called for targeted training of law enforcement in geographic areas with the greatest disparities between requests for Continued Presence and applications for T nonimmigrant status. Advocates again reported survivors of sex trafficking were more likely to obtain Continued Presence than survivors of labor trafficking.

LAW ENFORCEMENT'S ROLE IN TRAINING RELATED TO LABOR TRAFFICKING

There are fewer law enforcement investigations focusing on labor trafficking as opposed to sex trafficking investigations. A study funded by the [National Institute of Justice](https://www.jjay.cuny.edu/sites/default/files/Research/Meredith_Dank_Labor_Trafficking_Study.pdf) (https://www.jjay.cuny.edu/sites/default/files/Research/Meredith_Dank_Labor_Trafficking_Study.pdf) concluded in 2021 that only a small fraction of law enforcement was trained in human trafficking. Most trainings focused on sex trafficking and prostitution, overlooking labor trafficking entirely. Another 2019 study examining "[Policing Labor Trafficking in the United States](https://link.springer.com/article/10.1007/s12117-019-09367-6) (<https://link.springer.com/article/10.1007/s12117-019-09367-6>)" identified factors leading to the lack of law enforcement responses, lack of clarity in defining the crime, lack of agency readiness, and police work routines that guide officers away from labor trafficking cases.

Law enforcement training needs to encompass a general understanding of what sex and labor trafficking are on state, national, and international levels. Once knowledge of this crime is understood, the training needs to be tailored and focused on the geographic area the officers work in daily, as the issues in one jurisdiction may look quite different from those elsewhere. With the understanding of the crime, the training needs to focus on screening and spotting the signs of sex and labor trafficking. Focusing on ways officers can identify victims and then concentrating on what steps to take after identifying a victim. Training should also encompass victim screening and establish best practices for the investigative process.

Additionally, training must incorporate trauma-informed care and a victim-centered investigation, which victim advocates and healthcare partners often teach. When incorporated into law enforcement training, officers can meet and collaborate with victim groups (such as NGOs) and other members of multidisciplinary teams. Law enforcement being well-versed in not only identifying potential victims but understanding how to proceed after the identification is hopefully a step toward decreasing the number of trafficked people.

MULTIDISCIPLINARY EFFORT TO AIDE SURVIVORS

Multidisciplinary teams should comprise law enforcement, prosecutors, medical staff, mental health staff, forensic interviewers, victim services specialists, advocates, housing personnel, treatment facilities and personnel, NGOs, travel/transportation personnel, and the Department of Labor (think [T-Visas](https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status) (<https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status>) and [U-Visas](https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status) (<https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>)), all with the understanding of the victim-centered approach. Like a puzzle, if pieces are missing from multidisciplinary teams, they will fail to serve victims and survivors, and many will fall through the cracks.

Proactive work in communities will support the work within communities and improve strong relationships with those susceptible to trafficking. Serious consideration must be dedicated to more funding (victim services, NGOs, and law enforcement), training for law enforcement trafficking indicators, and follow-up actions once a victim has been recovered/identified. Since victims seldom self-identify, investigations must be approached from a victim-centric lens, which leads to assisting victims through recovery and yields useful information that law enforcement can use to further investigations.

Immigrants picking strawberries during harvest season in California, November 10, 2020 (Source: [Tim Mossholder](https://unsplash.com/@timmossholder?utm_source=unsplash&utm_medium=referral&utm_content=creditCopyText) (https://unsplash.com/photos/xDwEa2kaeJA?utm_source=unsplash&utm_medium=referral&utm_content=creditCopyText)) on Unsplash (https://unsplash.com/photos/xDwEa2kaeJA?utm_source=unsplash&utm_medium=referral&utm_content=creditCopyText)).

NGOs in the community can assist with housing, victim necessities, treatment, advocacy, counseling, transportation, translation, investigations, intelligence, and more. Using NGOs helps reduce the overall cost of combating human trafficking per agency. As stated in the [Evaluation of the Enhanced Collaborative Model to Combat Human Trafficking, Technical Report](https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf) (<https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf>), law enforcement from all 10 Enhanced Collaborative Model task forces that were interviewed reported that a large majority of their investigations focus on sex trafficking. Prosecutors from 9 of the 10 task forces also said that their caseloads consist overwhelmingly of sex trafficking cases. They had little experience prosecuting labor trafficking cases.

On the other hand, service providers from at least 8 of the 10 task forces interviewed reported that a substantial share of the survivors they provide services to are survivors of labor trafficking. As stated in the United Nations Office on Drugs and Crime's [Civil Society Actors – Non-Governmental Organizations](https://www.unodc.org/e4j/en/tip-and-som/module-10/key-issues/civil-society-actors.html) (<https://www.unodc.org/e4j/en/tip-and-som/module-10/key-issues/civil-society-actors.html>) module, many NGOs include awareness-raising and community economic development to prevent trafficking in persons:

A smaller number of NGOs assist law enforcement agencies in the investigation and prosecution of trafficking cases by providing information and evidence on suspected trafficking activities in the communities in which they are working... Advocacy networks between NGOs can also be important, with different organizations working together to fill gaps in governmental responses to trafficking in persons (Noyori-Corbett and Moxley 2018, p. 955 (<https://research-portal.najah.edu/migrant/18697/>)). Rousseau (2018, p. 7) (<https://www.unodc.org/e4j/en/tip-and-som/module-10/key-issues/civil-society-actors.html>) argues that, for some areas, NGOs can be more effective and have a more positive impact than state agencies. For example, given that NGOs are less focused on criminal justice efforts, they are better placed "to provide grassroots interventions that empower survivors and facilitate their long-term reintegration. Civil society can use its close interactions with the individuals and communities affected by human trafficking to develop innovative reintegration models that place victim empowerment at the core of the aftercare system."

ADDITIONAL SUPPORT FOR VICTIMS

In most human trafficking investigations (whether sex trafficking or labor trafficking), victims need not only advocacy but also legal representation. If victims are charged in jurisdictions with crimes as a result of their traffickers, then they need and should have legal representation such as [The Human Trafficking Legal Center](https://htlegalcenter.org/lawyers-advocates/) (<https://htlegalcenter.org/lawyers-advocates/>) in Washington, D.C., which provides pro bono legal services to human trafficking victims. Some states like Iowa (<https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=hf2464>) have or are trying to pass additional laws that protect victims such as the "Safe Harbor Law." There are currently 27 to 30 other states that have a so-called "Safe Harbor" law. These laws are designed to protect victims while they are being trafficked and to have criminal charges against the victims of human trafficking (e.g., prostitution) expunged from their records.

Federal grants can and should be applied for and used as an Enhanced Collaborative Model or multidisciplinary team. One such grant is the Office for Victims of Crime's "[FY 2023 Enhanced Collaborative Model \(ECM\) Task Force to Combat Human Trafficking](https://ovc.ojp.gov/funding/opportunities/o-ovc-2023-171656)." Within the grant language, "Develop and expand collaborative partnerships among federal, state, local, and tribal law enforcement, prosecution, nongovernmental, labor, and regulatory agencies and system- and community-based service providers." Working together with NGOs is a force multiplier for law enforcement agencies. Labor trafficking cases are underreported, routinely not investigated, and a trending issue for the U.S. to address as the nation witnesses a swell of migrants at the southwest border and reports of both adult and child labor trafficking. Funding, training, and a public/private partnership collaboration are warranted as this crisis escalates.



Richard Schoeberl, Ph.D., has over 25 years of experience, including the Federal Bureau of Investigation (FBI) and the National Counterterrorism Center (NCTC). He served in various positions throughout his career, ranging from a supervisory special agent at the FBI's headquarters in Washington, D.C., to acting unit chief of the International Terrorism Operations Section at the NCTC. In addition to the FBI and NCTC, he is an author of numerous articles on terrorism and security and has served as a media contributor for Fox News, CNN, PBS, NPR, Al-Jazeera Television, Al Arabiya Television, and Al Hurra. He works with the international nonprofit organization Hope for Justice, combatting human trafficking, and additionally serves as a professor of Homeland Security at The University of Tennessee Southern. He also is an advisor to the Domestic Preparedness Journal.



Anthony (Tony) Mottola has over 35 years of law enforcement and security experience including the New York City Police Department and the United States Air Force. He retired as a sergeant detective (SDS) after 25 years as a member of NYPD. He served as executive officer for the NYPD Intelligence Bureau's Strategic Unit, which is a covert counterterrorism initiative and director of the Domestic Liaison Program. He represented the Intelligence Bureau in numerous investigations including the Boston Bombing, civil unrest, mass shootings, and large-scale incidents outside New York City. During his tenure with the NYPD, he worked additional assignments in Counter Terrorism, Gang Intelligence, Detective Bureau, Task Force, Street Narcotics Enforcement Unit, anti-gang/graffiti units, and patrol. He was a first responder/search leader for recovery efforts and supervisor of security details in the immediate aftermath of World Trade Center attacks. He holds a master's degree from Marist College and is a doctoral candidate at Nova Southeastern University. Additionally, he is a professor with The University of Tennessee Southern.



David Gonzalez has over 30 years of combined military and law enforcement experience with many years of training, including sniper, airborne, weapons specialist, communications specialist, Ranger indoctrination, air assault, and recon. After departing the military, he began working as an Iowa law enforcement officer and certified law enforcement polygraph examiner. As a detective, he worked white-collar crimes, sex crimes (adult and children), crimes against persons/Violent crime, major case crimes (including high-profile crimes), cold-case homicides, and human sex-/labor-trafficking investigations. He led his team (including federal law enforcement, state law enforcement, and local law enforcement) in human sex-/labor-trafficking investigations encompassing many U.S. states. He received two awards for his work in human trafficking by the Iowa governor, many awards (including human trafficking) from the U.S. Attorney's Office and federal government, and two "Law Enforcement Officer of Year" awards for his investigative work. He retired from law enforcement after 26 years of service and is now a specialist consultant to law enforcement teams handling complex trafficking cases and conducting investigations in coordination with law enforcement agencies. Additionally, he works with Hope for Justice – a global nonprofit combatting human trafficking – and provides training to law enforcement and civilian entities throughout the United States.