

The Law

The **Trafficking Victims Protection Reauthorization Act** (TVPRA) provides the following:

For immigrant trafficking survivors—

- lets them *stay in the U.S.* for a period of time with the opportunity to apply for a “green card”
- lets certain *relatives* of trafficking survivors come to the U.S.
- gives *work authorization*
- lists the *services* to which survivors are entitled,

For all trafficking survivors—

- gives them the chance to *sue traffickers* for civil claims
- describes the criminal *penalties* for traffickers.

For immigrant survivors of certain crimes:

- lets them *stay in the U.S.* for a period of time with the opportunity to apply for a “green card”
- lets certain *relatives* of trafficking survivors come to the U.S.
- gives *work authorization*

The **Fair Labor Standards Act** (FLSA) provides:

- *protects workers*, especially children, from exploitation
- lets *all exploited workers* sue their former employers

AALDEF

Advancing the Rights of Women and Youth Immigrant Workers: The Anti-Trafficking Initiative provides legal representation to trafficked and exploited women and youth workers.

AALDEF: Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) protects and promotes the civil rights of Asian Americans through litigation, advocacy, and community education on issues such as immigrant rights, voting rights, economic justice, hate violence, and police misconduct.

Other AALDEF Projects

- **Economic Justice for Workers**
- **Educational Equity and Youth Rights**
- **Housing Justice Project**
- **Immigrant Access to Justice**
- **Voting Rights Project**
- **New Jersey Asian American Law Project**

AALDEF is a steering committee member of the New York Anti-Trafficking Network (NYATN).



Advancing the Rights of Women and Youth Immigrant Workers

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Know Your Rights

- All workers have the right to be free from being forced to work against their will; they can resign or quit their jobs.*
- All workers have the right to earn at least the minimum wage, regardless of their immigration status.
- Every person has the right to be free from physical or psychological abuse.
- Every person has the right to be free from false imprisonment.

Human Trafficking

Labor Trafficking: labor or services of a person through the use of force, fraud, or coercion

Sex Trafficking:

- A commercial sex act induced by force, fraud, or coercion *or*
- A commercial sex act of a youth or minor under 18 years old

Employment Violation

- The person is not paid at least the federal or state minimum wage.
- The person is not paid overtime for work performed over 40 hours per week.

* A worker who is subject to an employment contract may need to pay liquidated damages for violating the terms of the agreement. A worker with a certain immigrant visa may be in violation of her visa if she decides to resign or quit. Please consult an attorney.

Dispelling Myths about Trafficking

- **Trafficking is different from smuggling.** Smuggling is the voluntary crossing of international borders without authorization. While immigrants who are smuggled into the U.S. have violated the law, people who are trafficked into the U.S. and forced to work against their will are *protected by the law*.
- **Trafficking is more than the trade of people for prostitution or other sex work.** Trafficking survivors work in factories, farms, restaurants, construction, or private homes as domestic workers. Others are coerced into criminal activity or forced into marriage.
- **Trafficking involves more than employment violations.** An employment violation may involve a worker who is not paid minimum wage or overtime premiums, while trafficking may also involve harm or threats of harm to the worker that make her unable to leave the work situation.
- **Trafficking involves men, women, and children.** Trafficking survivors come in all sizes. The federal government estimates that 50% of trafficked persons are children, and 80% are female.
- **Trafficking survivors can be U.S. citizens.** Survivors of trafficking include citizens, nationals, lawful permanent residents of the U.S., as well as undocumented immigrants.

Identify a Trafficking Situation

Indicators of a possible trafficking situation if a combination of the following are true:

- The person is forced to work against her will.
- The person lives under constant fear for her safety or the safety of loved ones.
- The person is physically or psychologically harmed or abused.
- There are threats of imprisonment or deportation.
- The person's passport and other identification documents were taken.
- The person is not free to come and go as she pleases.
- The person is isolated and not allowed to interact with others.
- The person's phone calls are severely restricted or monitored.
- The person is not allowed to resign or quit.
- The person is always accompanied by another person who seems controlling.
- Threats of harm are made against the person's family or loved ones.
- The person is working to pay off a debt.
- Employment violations—the person is not paid at all or paid far below the federal or state minimum wage.