
HUMAN TRAFFICKING PROTOCOL

FOR

LAW ENFORCEMENT

2011

**Police Chief's Association
Of
Santa Clara County**

Adopted June , 2011

POLICY STATEMENT

In 2000, Congress passed and the President enacted the Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.). The TVPA seeks to combat human trafficking by punishing traffickers, protecting victims, and mobilizing U.S. government agencies to wage a global anti-trafficking campaign. Human Trafficking is a global threat to the lives and freedom of millions of men, women, and children across the globe. The State Department is mandated to release a report each year on Trafficking in Persons (TIP report). The TIP report found that no country is immune from human trafficking. Each year, an estimated 600,000 to 800,000 men, women, and children are trafficked across international borders and the trade is growing. Of these, approximately 80 percent are women and girls and 50 percent are children. **The United States is a source, transit and destination country for women, men and children subjected to trafficking.**

Victims of trafficking are forced to work as prostitutes, laborers, domestics, and many other types of involuntary servitude. This is in fact modern day slavery. They are often brought into the country under false pretenses (e.g., the offer of legitimate employment or marriage, and then when they arrive, the ugly truth unfolds). The traffickers strip them of their passports and force them to do anything they ask. They are ignorant in the ways of the new country, don't speak the language, have no funds or family, and no means of escaping. Victims can also be brought into the country against their will as evidenced by the trafficking of women and children in the sex trade.

California has become one of the most prominent entry points for traffickers and their victims. It is a highly industrialized and agricultural state as well as home to a diverse range of immigrants. **The Human Trafficking Reporting System (HTRS) was developed in 2007 to collect data on alleged human trafficking incidents from state and local law enforcement agencies and task forces. Highlights include the following: 1,229 alleged incidents of human trafficking were reported to task forces from January 1, 2007 to September 30, 2008. Most (83%) involved allegations of sex trafficking. Labor trafficking accounted for 12% of incidents and other unknown forms of human trafficking made up 5%.**

Many victims of labor trafficking are foreign born but 83% of sex trafficking victims were U.S. citizens. (Human Trafficking Reporting System –HTRS). These victims were adults and minors. Minor victims were often runaway or homeless youth, some of the most vulnerable citizens in our community.

On September 21, 2005, the Governor of the State of California signed Assembly Bill 22 into law. This bill added sections 236.1 and 236.2 to the Penal Code and amended various other sections of the Penal and Civil Codes as it relates to human trafficking. This bill is a comprehensive anti-trafficking bill designed to protect and compensate victims, prosecute traffickers, **establish human trafficking advocates victim-caseworker confidentiality privilege and establish a statewide taskforce known as the California Alliance to Combat Trafficking and Slavery (CA ACTS).**

Penal Code section 236.1 states that any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of sections 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services, is guilty of human trafficking. The definition of human trafficking is equivalent to the federal definition of a severe form of trafficking found in section 7102(8) of Title 22 of the United States Code **in all aspects.**

Unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim. For purposes of this section, forced labor or services means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

The TIP report reveals the plight of victims of human trafficking as modern day slaves. It suggests that we cannot address and eradicate this problem without understanding victims and their plight. We must seek not only to prosecute those who would take advantage of them, but to also assist those victims so they can go on to lead productive lives. To this end in February of 2005 the South Bay Coalition Against Human Trafficking was created. The mission of the coalition is to ensure the protection of victims, the prosecution of offenders, and the prevention of human trafficking and slavery through an effective coordinated partnership and a victim-centered approach.

In 2005 the San Jose Police Department accepted a grant from the United States Department of Justice /Bureau of Justice Administration to create a Human Trafficking Task Force (HTTF). Initial HTTF members included the San Jose Police Department, Santa Clara County District Attorney's Office, Federal Bureau of Investigation, the United States Attorney's Office, and the South Bay Coalition to End Human Trafficking. Additional law enforcement agencies have since joined the HTTF, including Homeland Security Investigation (HSI), the Santa Clara County Sheriff's Office, Drug Enforcement Administration and the United States Department of Labor.

Since 2005, the HTTF has investigated human trafficking incidents, offered training to over **11,000** law enforcement and victim-service professionals, and implemented public awareness campaigns. New grant funding in 2011 from DOJ/BJA will support HTTF programs until at least March **2013**. Recognizing that human trafficking is a serious crime, the HTTF, in conjunction with the San Jose Police Department Human Trafficking Task Force, the South bay Coalition Against Human Trafficking and the Santa Clara County District Attorney's Office, all agree to respond to human trafficking as a crime.

The Human Trafficking Protocol for Law Enforcement provides guidelines and establishes standards for public safety call takers, dispatchers, first responders, and investigators in handling human trafficking incidents. The protocol seeks to interpret and apply statutory and case law related to human trafficking incident response and investigation. Human trafficking takes many forms and includes domestic trafficking. Domestic trafficking occurs when young women are forced into prostitution by persons (pimps and panderers). The fact that suspected prostitutes may be victims of human trafficking may not be readily apparent to the arresting officers. This protocol seeks to assist law enforcement in recognizing human trafficking in these cases and protecting victims. **(13519.14 Penal Code)**.

Particular attention is given to victims of all types of trafficking, including children, by working with support agencies to provide alternate shelter, relocation services, counseling, and legal services. Local agency training programs and materials will supplement information provided in the protocol.

This protocol will also follow the guidelines set up by POST (Police Officer Standards and Training). Victims of trafficking will be given all available assistance by law enforcement personnel responding to all incidents of trafficking. California law also requires that the Attorney General shall give priority to matters involving human trafficking. **This protocol is meant to have a victim centered approach.**

This protocol will not only seek to assist law enforcement officers in the prosecution of trafficking it will also explain the role that victim advocates and non-governmental agencies (hereinafter referred to as NGOs) play in assisting victims at all levels. This is a living document and as more is learned about successful ways of preventing and responding to human trafficking, the protocol will be updated. New legislation and research will also be reviewed periodically by the Human Trafficking Protocol Committee and presented to the Police Chief's Association of Santa Clara County in order to maintain an effective and sensitive response by the law enforcement community to this serious problem.



Chief Tuck Younis
Chair, Police Chiefs' Association of Santa Clara County



Date

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ACKNOWLEDGEMENT

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2011 Human Trafficking Committee

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APPENDIX

- A. VICTIM WITNESS ASSISTANCE
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- C. U VISA CERTIFICATION FORM (I-918, SUPPLEMENT B)
- D. T VISA CERTIFICATION FORM (I-914)

DEFINITIONS

- A. Human Trafficking occurs when any person violates the personal liberty of another with the intent to effect or maintain a felony violation of sections 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services. (Penal Code section 236.1(a)).
- B. Unlawful deprivation or violation of personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat or unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out. (Penal Code section 236.1(d) (1)).
- C. Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim. (Penal Code section 236.1(d) (2)).
- D. Forced labor or services means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, or coercion, or equivalent conduct that would reasonably overbear the will of the person. (Penal Code section 236.1(e)).
- E. Federal definition of severe forms of trafficking in persons means 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 (**force not needed**); or 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. **The California statute now closely mirrors the Federal law.**
- F. **Commercial Sex Act means any sexual conduct on account of which anything of value is given or received by any person. (Penal Code 236.1(2)).**
- G. Peonage means making a debtor work for his creditor until the debt is paid.
- H. Criminal Profiteering activity means any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as a crime under several Penal Code sections including human trafficking as defined in Penal Code section 236.1.
- I. T Visa may be available to individuals of severe forms of trafficking who have complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Minors under the age of 15 do not have to comply with such requests in order to be eligible. In addition, a victim of a severe form of trafficking is eligible to receive a T-visa only if she/he is physically present in the United States, American

Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry on account of such trafficking, and if she/he would suffer extreme hardship involving unusual and severe harm upon removal (see Appendix).

- J. U Visa may be available to individuals who have suffered substantial physical or mental abuse as a result of being the victim of certain crimes designated by the Penal Code—including trafficking, domestic violence, sexual exploitation, sexual assault, peonage, involuntary servitude, and slave trade. To be eligible for a U-visa, the victim must possess information concerning the crime and the U-visa petition must include a certification from local law enforcement stating that the victim is helping, has helped, or is likely to be helpful in the investigation or prosecution of the crime. (see Appendix)
- K. Human trafficking caseworker privilege exists when a trafficking victim and his or her caseworker have a confidential communication. The confidential communication cannot be disclosed if the privilege is asserted. The privilege can be exercised by the victim, by a person the victim has authorized to claim the privilege, or by the caseworker, if the victim is still alive. A court, after a hearing, could compel disclosure if the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and the counseling services. (Evid. Code section 1038.1).
- L. Human trafficking caseworker is a person who is employed by any organization providing the programs specified in Section 18294 of the Welfare and Institutions Code, whether financially compensated or not, for the purpose of rendering assistance to victims of human trafficking, who has received specialized training in the counseling of human trafficking victims, and who also meets any of one of the following requirements: has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of human trafficking victims. Has at least 40 hours of training as specified in Evid. Code section 1038.2 and is supervised by an individual who qualifies as a counselor as listed above or is a psychotherapist (Evid. Code section 1010).
- M. Confidential communication means information transmitted between the victim and the caseworker in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary to effectuate what the victim needs accomplished. (Evid Code section 1038(c)).
- N. Confidential Emergency Shelter/Trafficking Shelter means a confidential location which provides emergency housing on a 24-hour basis for victims of human trafficking, including any person who is a victim under Penal Code section 236.1. **(Penal Code section 273.7(2) makes it a misdemeanor crime to reveal the location of a trafficking or domestic violence shelter).**

COMMON CHARGES

A situation involving human trafficking may result in a violation of one or more of the following sections of the Penal Code. (This list is not exhaustive.)

1. 186.2 - Criminal profiteering activity - any act committed or attempted or any threat made for financial gain or advantage involving Human trafficking, as defined in section 236.1.
2. 236.1 - Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of 266, 266h, 266i, 267, 311.4 or 518, or to obtain forced labor or services. For purposes of this section, unlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another's liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving the threat reasonably believes that it is likely that the person making the threat could carry it out. Duress includes knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.
3. **236.2 - Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a person suspected of violating subdivision (a) or (b) of Section 647, or a victim of a crime of domestic violence or rape, the peace officer shall consider whether the indicators of Human Trafficking are present.**
4. 236.5 - Within 15 business days of the first encounter **with a** victim of Human trafficking, **as defined by** section 236.1, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency Endorsement (LEA) Regulations as found in **paragraph** (1) of subdivision (f) of Chapter 8 of The Code of Federal Regulations. (See Appendix)
5. 266 - Every person who inveigles (lures) or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man.
6. 266h - Pimping – any person who, knowing another person is a prostitute lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from

- money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or solicits or receives compensation for soliciting for the person.
7. 266i - Pandering – any person who procures another person for the purposes of prostitution.
 8. 267 - Abduction for prostitution – every person who takes away any other person under the age of 18 years from the mother, father, guardian, or without their consent, for the purpose of prostitution.
 9. 273a - Abusing or endangering health of a child.
 10. 273.5 - Corporal injury of spouse, former spouse, cohabitant, former cohabitant, or parent of suspect’s child resulting in a traumatic condition (injury-serious or minor, internal or external).
 11. 273.7 - Disclosure of location of trafficking or domestic violence shelter .
 12. 293 - **Law enforcement to provide notice to a trafficking victim that victim’s name will become a matter of public record unless the victim requests otherwise. No law enforcement agency shall disclose, the address of a person who alleges to be the victim of a sex offense or who was forced commit an act of prostitution because he/she is the victim of human trafficking.**
 13. 311.4 - Using minor to assist in distribution of obscene matter-posing or modeling involving sexual conduct.
 14. 518 - Extortion – obtaining money or property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right.
 15. 422 - Criminal threats-willfully threatens to commit a crime which will result in death or great bodily injury to another person.
 16. 261 - Rape.
 17. 262 - Spousal rape.
 18. 784.8 - Jurisdiction for more than one act of human trafficking can be decided in a hearing with the court and the case (involving same victims and defendants) can be heard in one county for all prosecutions. All jurisdictions must agree.
 19. 207 - **Kidnapping-Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county.**

20. 209 - Kidnapping for ransom- Kidnapping with the intent to obtain a ransom, reward, or to commit extortion or to exact from another person any money or valuable thing.

FREQUENTLY USED PHONE NUMBERS

- 1. National Human Trafficking 24 Hour Hotline (888) 373-7888
- 2. San Jose Police Dept. Human Trafficking Task Force..... (408)-277-4322
- 3. San Jose Police Dept. Family Violence Center..... (408)277-3700
- 4. Next Door Solutions to Domestic Violence (408) 279-2962
- 5. Victim/Witness Assistance (408) 295-2656
- 6. Community Solutions (877) 363-7283
(877 END-SADV)
- 7. YWCA - Rape Crisis (408) 287-3000
- 8. South County Rape Crisis..... (877) 363-7283
- 9. Federal Bureau of Investigation (FBI) (408) 998-5633
- 10. Immigration and Customs Enforcement Bureau (ICE) (408) 558-1056
- 11. Federal Trafficking Hotline 1-(888) 428-7581
- 12. Child Abuse Neglect and Reporting Hotline..... (408) 299-2071
 - South County (408) 683-0601
 - North County (415) 493-1186
- 13. Officer Help Line (Crime Stoppers) (408) 947-7867
- 14. Support Network 1-(800) 572-2782
- 15. Asian Women’s Home (408) 975-2739
- 16. Maitri (Southeast Asian Women) 1-(888) 862-4874
- 17. Adult Protective Services..... 1-(800) 414-2002
- 18. National Center for Missing and Exploited Children (NCMEC)..... 1-(800) 843-5678

I. 911 CALL-TAKER/DISPATCHER RESPONSE

- A. The dispatcher who receives a human trafficking call shall dispatch officers to every reported incident. The dispatcher should, **when warranted**, give a human trafficking incident call the same priority as any other life threatening call and should, whenever possible, dispatch at least two officers to the scene. Human traffickers move victims frequently in order to avoid detection. Law enforcement must move with all deliberate speed
- B. Human trafficking victims are often reluctant to admit exactly what the situation is; therefore the call could come in as an injury call. No dispatcher shall, in speaking with a victim, inquire whether they desire to “prosecute” or “press charges.” Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate. **Remember: Human trafficking may be discovered during a variety of calls for service including but not limited to: sexual assault, aggravated assault/battery, domestic violence, kidnapping/false imprisonment, missing person reports (child/adult), traffic stops, prostitution , citizen complaints about numerous cars coming and going etc.**
- C. During the initial call for assistance, the call-taker can use the suggested questions below:
1. **Do you need an interpreter? What language?** Where is the emergency? What address? What apartment number?
 2. **Is this a gated community? What is the pass code?**
 3. Who am I speaking to (spell name)?
 4. What has happened? Is it occurring now?
 5. Has anyone been injured? If yes, is an ambulance needed?
 6. Is this happening to you? If not, are you a witness or have you witnessed? **What is your relationship to the victim?**
 7. Is the suspect present? Is he/she in the same room? Can he/she hear you? What is his/her name? Please describe the suspect and, if not present, his/her whereabouts.
 8. Does he have a vehicle? Vehicle description?
 9. Are weapons involved? If yes, what kind? Where are they located?
 10. Is the suspect under the influence of drugs, alcohol or prescription medication? If yes, what substance?
 11. **Does the suspect have any mental health issues?**
 12. Are children present? How many? Ages?
 13. Is the suspect on probation or parole?
 11. Are you free to leave? Can you stay on the phone?
 12. Does the residence/business have any kind of surveillance? What kind? Are there any escape routes? Where? Any areas where people are hidden?
 13. Is there a security door?

II. PATROL OFFICER RESPONSE/INVESTIGATION

A. Enforcement of laws in human trafficking incidents

The San José Police Department (SJPD), through the efforts of the HTTF (Human Trafficking Task Force) has taken a strong stance against any type of illicit activity involving the exploitation or violation of human dignity. In order to stop this illicit activity, the department operates several units that work toward the apprehension of individuals who engage in any type of illegal, clandestine business activity that inflicts harm. The SJPD HTTF is housed within the Bureau of Investigations. The HTTF is available to offer technical assistance to any Santa Clara County law enforcement agency with human trafficking investigations, or related victim assistance. The primary goal of the HTTF is to offer a coordinated response involving local and federal agencies to identify and rescue human trafficking victims, and prosecute offenders. Agencies are encouraged to notify the HTTF as soon as possible of any suspected human trafficking incident.

First and foremost, Human Trafficking is a crime (Penal Code section 236.1). An arrest shall be made in the event there is probable cause to believe that a felony has occurred.

- A. A felony arrest shall be made even if the officer believes the offense may be ultimately prosecuted as a misdemeanor.
- B. An officer shall not ask the victim whether or not he/she wants the perpetrator arrested.

While early anti-human trafficking efforts focused heavily on the sexual exploitation or pimping of human trafficking victims, the SJPD HTTF and other law enforcement agencies have learned that human trafficking victims can be located in a variety of circumstances. Therefore, it is critical that all law enforcement officers (both patrol and investigators) receive training on recognizing potential victims and how to assist them, along with investigating possible violations. When interviewing suspected victims, officers should obtain information about how they arrived in the United States or in this county. It is important to spend an adequate amount of time interviewing prostitutes as they can be potential trafficking victims. They are often coached by traffickers about what to say if police question them. It will take time for victims to feel safe enough to be honest with officers. Please call victim support agencies for assistance.

Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a person suspected of violating subdivision (a) or (b) of Penal Code Section 647, or a victim of a crime of domestic violence or rape, the peace officer shall consider whether the following indicators of human trafficking are present (Penal Code 236.2):

- **Signs of trauma, fatigue, injury or other evidence of poor care.**
- **The person is withdrawn, afraid to talk, or his or her communication is censored by another person.**
- **The person does not have freedom of movement.**
- **Bars on the windows.**
- **The person lives and works in the same place.**

- **The person owes a debt to his or her employer.**
- **Security measures are used to control who has contact with the person (i.e. covert video cameras, bouncers or guard dogs).**
- **The person does not have control over his or her own government-issued identification, his or her worker immigration documents, social security card, passports or visa.**
- **Large amounts of cash or condoms at the location.**
- **Customer logbook or receipt book.**
- **The rooms are sparse.**
- **Men come and go frequently.**

As stated above, most trafficking involves illicit and clandestine business activity. In order to flush out traffickers, law enforcement agencies have to initiate investigations as well as handle those cases that are called in by victims or citizens.

A. Initiating investigations

1. Massage parlors – although most are law abiding, some are not. Illicit sexual activities and human trafficking can also occur in these locations. Code enforcement officers have the responsibility of making sure all massage parlors are operating within the law. In the event arrests are made for trafficking, officers must keep in mind the vulnerability of victims and make sure that representatives of victim support groups are contacted as soon as is practicable to assist victims. NGOs and victim service providers shall also be contacted to provide further assistance to victims (e.g., legal redress, shelter, counseling, immigration, and health issues).

A. In cases involving the investigation of massage parlors, if officers see mattresses instead of massage tables, this can be a clue there is illegal activity in the business. Other clues can include: doors that lock only on the outside, leg chains and manacles, barbed wire over fences that face inward instead of outward, or unusual quantities of condoms, lubricating jelly, or sex toys.

2. Prostitution is also a primary source of trafficking. Law enforcement agencies work to prevent and apprehend prostitution purveyors in their cities. Some agencies have specialized units that handle these cases. Officers in these units will be trained to ask the appropriate questions which can flush out trafficking. Again, as noted in (1) above, special care shall be taken to call in **victim service providers** to assist victims through the process and keep them safe from traffickers. NGOs and **victim service providers** can also provide appropriate legal redress for victims **twenty four hours a day**. It is also anticipated that other officers, not in these specialized units, will also be trained to recognize human trafficking in all its forms.
3. A cross-section of departmental staff composed a process that enables law enforcement department members to capture reported incident and field interview information that is human trafficking. A dedicated “MO/Suspect Action” code will be used for the coding of reported incident information in the department’s records management system. In addition to reported

incidents, department members will also capture human trafficking-related information on field-interview (FI) contact cards. This information shall be shared throughout the department. Research and analysis will be developed to identify profiles of traffickers and trafficked victims; this information will be given to front-line police officers to enable them to identify traffickers and victims. Officers will make sure law enforcement or uninvolved impartial third parties are used for translation purposes.

4. They should not use on site translators as they may be tied to the traffickers. The Federal Bureau of Investigation has linguists on file that may be able to assist.
5. The special vulnerability and needs of child trafficking victims is recognized the world over. Special care must be taken when information is discovered involving children. Keeping those children safe and holding the trafficker accountable is our primary concern. To this end, law enforcement will contact **victim service providers** (governmental and non-governmental), victim support agencies, social workers, Refugee Foster Care Program, Department of Children and Family Services (DFCS) and other NGOs concerned with victim assistance from the country of origin for additional assistance. See information in re handling of children below:

B. Handling of the incident

1. The existence of the elements of the crime of trafficking shall be the sole factor that determines the proper method of handling the incident. The following factors, for example, ARE NOT to influence the officer's decision to arrest in Human Trafficking incidents except as they relate to the elements of the crime.
 - a. The relationship or marital status of the suspect and the victim;
 - b. The potential financial consequence of arrest;
 - c. The complainant's history or prior complaints;
 - d. Verbal assurances that the problem will end;
 - e. The complainant's emotional state;
 - f. The complainant's **sobriety or lack thereof**;
 - g. The location of the incident (e.g., public or private);
 - h. Speculation that the complainant may not follow through with the criminal justice process or the arrest may not lead to a conviction
 - i. **The victim's citizenship status.**
2. An officer shall make no statements which would tend to discourage a victim from reporting a human trafficking incident.

C. Investigation of trafficking incident

1. Officers arriving at a trafficking scene should conduct a thorough investigation and submit reports of all incidents of trafficking and all crimes related to it. If the incident occurred in another jurisdiction, the officer should contact that jurisdiction to determine which local or federal agency will investigate the incident.

2. The following steps should be included in an officer's investigation and subsequent report:

a. Arrival at scene

- i. Determine location and condition of victims, suspect, and any children;
- ii. Determine if any weapon is involved or **on the premises**;
- iii. Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or physical assault, officers shall take temporary custody of any firearm or deadly weapons in plain sight or pursuant to a lawful search. If unable to book the weapons (**other than firearms**) due to size or other extenuating circumstances, photograph the weapon;
- iv. Provide appropriate level of aid to injured parties;
- v. Separate suspect, victim, and witnesses. (Victim should be out of suspect's view.);
- vi. Collect all other potential evidence of Human Trafficking (see pages 15 and 16 for examples).

b. Preliminary investigation

- i. Interview everyone separately – victim, suspect, children, other witnesses. Officers should record these statements. If the victim speaks a language other than English, call for another officer conversant in that language or arrange for other professional translation services (including the FBI). Avoid using children to translate statements. Do not use any on-site witnesses; they may be tied to the trafficker. Document the names and personal information of all witnesses and translators. Note information concerning the victim's whereabouts for the next few days in the police report. Also attempt to locate passports of victims because human traffickers frequently confiscate all documents of identification in order to keep victims from fleeing. **Allow the victim to describe the experience in his/her own words without interrupting. Open-ended questions should be used to help clarify.**

Minor victims: Each child should be interviewed separately. Santa Clara County's policy is to minimize the number of interviews of child victims. Use a comfortable room and make every effort to put the victim/witness at ease. The suspect shall not be present. Non-suspect parents should not be present in the immediate area. Children who are suspected victims of abuse shall be interviewed in a non-leading, non-suggestive manner. Law enforcement can also use the Child Interview Center located at 777 N. 1st street in San José. If complications or questions arise, contact a child abuse detective.

Document names and ages of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home. Also document the names, addresses, and ages of children present in the home at the time of the incident, which may not be related to the victim and/or suspect.

If the initial report is to law enforcement, officers shall determine whether an immediate response by DFCS is warranted. If appropriate, the responding officer shall immediately contact DFCS at 408-299-2071. If immediate contact is not

warranted, a representative of the law enforcement agency shall cross-report to DFCS as soon as possible. Also, do not forget to document on the supplemental report “yes” or “no” when victim responds to his/her desire to have an advocate contact them.

Penal Code section 279.6 independently authorizes law enforcement officers to take children into protective custody, without a warrant, when any of the following conditions exist:

- a. It reasonably appears that a person is likely to conceal the child, flee the jurisdiction with the child, or evade the authority of the court by flight or concealment;
- b. There is no lawful custodian available to take custody of the child;
- c. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should have custody of the child;
- d. The child is an abducted child.

When an officer takes a child into protective custody, he or she should do one of the following:

- a. The officer shall release the child to the lawful custodian, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.**
- b. Obtain an emergency protective order placing the child with an interim custodian who agrees in writing to accept interim custody (Contact DFCS joint response 299-2071 for assistance in finding the Interim custodian)**
- c. Release the child to the social services agency of DFCS.**
- d. Return the child as ordered by a court of competent jurisdiction.**

The investigating officer shall include the DFCS worker in the interview with the child victim whenever possible. State law and standing orders of the court authorize the investigating officer and DFCS workers to share relevant information relating to child abuse or neglect. Document transfer of custody of child to DFCS worker.

Note: Suspected child abuse must be cross-reported as required pursuant to Penal Code sections 11165, 11166, and 11172(a).

- ii. Document victims, suspects, and child’s condition and demeanor:
 - Document torn clothing;
 - Document smeared make-up;
 - Investigate the evidence of injury;
 - Examine the entire scene, take appropriate photographs. Remember to take those photos preserving the dignity of the victim;
- iii. Document if the defendant has made any threats against anyone;
- iv. Document spontaneous statements by the victim and/or suspect;
- v. Advise suspect of Miranda rights and obtain a waiver;
- vi. Conduct interviews and document statements of the suspect. If a “violent felony” is alleged, the interview of the suspect will be electronically

recorded as outlined in the Santa Clara County Police Chief's Association Recording of Violent Suspect Statement Protocol." See Penal Code section 667.5(c) for a listing of violent felonies.

D. Medical Treatment

1. Obtain authorization for release of medical records from victim, if possible;
2. Document extent of injuries/treatment, if known;
3. Obtain names, addresses, and phone numbers of fire and emergency medical personnel treating the victim, if possible;
4. Transport or call for transport of victim and children to a hospital for treatment when necessary, or stand by until victim or children can safely leave.

D. Completing Crime Report

1. Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect;
2. Ensure that elements of all involved crimes are included in the report;
3. Document any injuries victim and suspect have sustained;
4. Document statements of victim, suspect, and all witnesses including children;
5. Document physical evidence obtained. Photograph the area where the crime occurred (e.g., bars on windows, cameras, sparsely furnished rooms, etc.);
6. Document probation/parole status;
7. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. Officers shall not advise victims of human trafficking that the victim has the authority to "press" or "drop" charges. Remember, trafficking victims are very fearful of law enforcement. They may have been told by traffickers that officers will lock them up. They are also afraid of deportation and or fear of reprisal against family members who are still back home. Make sure you obtain future addresses of victims so they can be located for court proceedings.
 - a. Officers should inform victims that there is help available for trafficking victims. **Victims need to feel safe before they will speak with officers/investigators.** Make contact with the **victim service providers** or NGO's which has agreed to respond to the scene of identified trafficking incidents. Give the victim the hotline and local numbers for victim assistance. Victims are also eligible for assistance from the California Victim Compensation and Government Claims Board which can authorize a case payment or reimbursement to an adult victim or child victim of trafficking for specified expenses. Counseling funds for victims/children may also be available for those identified in the police reports. Officers should provide victims with the following phone number: 1-800-777-9229; Victim Witness Assistance Center.
 - i. Provide for victim safety (e.g., transporting to NGO location, hospital etc. The actual whereabouts of the victim will be kept confidential by the victim service provider
 - ii. Make sure all victims are informed of their rights under the California Constitution (Article 1, Section 28 (b)-Marcy's law) by providing them with a card which outlines those rights.

F. When completing a Probable Cause Affidavit, officers will ensure that the following

information is provided:

1. The officer shall complete all applicable sections of the Affidavit, including non narrative portions;
2. The narrative portion shall fully detail the injuries received and how they were inflicted. The officer should not merely check the box to indicate extent of injuries;

III. FOLLOW UP INVESTIGATIONS

(The SJPD HTTF should be advised of any suspected human trafficking incidents to assist with a coordinated response and proper reporting of the incident to DOJ/BJA.)

A. Follow up investigations should include the following:

1. Verify the inclusion of all investigative steps described above regarding patrol officer response/investigation;
2. Obtain medical records, if available;
3. Preserve a copy of the 911 tape involving the original call for assistance, as needed;
4. Interview/re-interview the victim, **do not use on scene translators. As suggested above use open ended questions and do not interrupt the victim.** Listed below are some suggested questions:
 - a. Did you come to the U.S. for a specific job or purpose?
 - b. Are you doing different work than expected?
 - c. Who is your employer?
 - d. Does your employer provide housing food, clothes or uniforms?
 - e. Do you have an employment contract? What does it say?
 - f. Do you owe money to their employer? How do they repay it?
 - g. Did your employer tell you what to say to the police?
 - h. Were you forced to have sex as a part of their job?
 - i. Are you free to leave?
 - j. Are you paid regularly or does your employer hold their wages?
 - k. Is anyone or thing (e.g., TV cameras) monitoring you during off work hours?
 - l. Have you been threatened or your family members threatened if you seek to leave?
 - m. Have you been threatened with deportation?
 - n. Where is your passport? Green card (if you have one)?
 - o. Have you been physically harmed? Have you been deprived of food, water, sleep, medical care, or other necessities of life?
 - p. Were you kidnapped or sold?
 - q. Are you allowed to purchase any items on your own?
 - r. Are you isolated from the community?
 - s. Are minors allowed to attend school?
 - t. Were you charged a fee for coming to this country?
5. Interview/re-interview the witnesses and suspect as necessary;
6. Contact the victim to inform him/her of the status of the case and the intended

referral to the District Attorney;

7. Photograph injuries of the victim (irrespective of whether photos were taken by the responding officer);
8. Record the name, address, and phone number of two close friends or relatives of the victim who will know the victim's whereabouts 6-12 months from the time of the incident.
9. Conduct a complete CJIC, CII, and NCIC criminal history check of the suspect. Also, conduct queries on the suspect in the Consolidated Firearms System (CFS), Prohibited Armed Persons (PAP), Domestic Violence Restraining Order System (DVROS), the Violent Crime Information Network (VCIN) and **The Financial Crimes Enforcement Network (FINCIN) Information**. Attach results of these checks to the investigator's report.
10. If children are present at the scene or living in the home, a copy of the incident or crime report shall be provided to the designated on-site **Department of Family and Child Services (DFCS)** social worker. Note also that suspected child abuse must be cross-reported as required by sections 11165, 11166, and 11172(a) of the Penal Code.
 11. Follow up investigation shall not consider the desire of the victim to "drop" charges in assessing whether the cases should be submitted to the District Attorney's office.
12. Investigative personnel handling human trafficking cases should analyze each trafficking case by asking the following questions:
 - a. Can the elements of the offense be established without the testimony of the victim?
 - i. If the answer is "yes," the case should be submitted to the District Attorney for review, irrespective of the wishes of the victim.
 - ii. If the answer is "no," the next question should be considered.
 - b. Will the victim come to court and tell the truth if subpoenaed to do so by the District Attorney?
 - i. If the answer is "yes," the case should be submitted to the District Attorney.
 - ii. If the answer is "no," can further investigation locate additional witnesses which would allow prosecution, such as:
 - Witness statements;
 - Prior inconsistent statements;
 - Physical evidence;
 - Content of 911 tape;
 - Circumstantial evidence;

- Defendant's statements;
- Spontaneous statements.

If so, the evidence should be obtained and the case submitted to the District Attorney.

13. Under NO circumstances should a victim be asked if he/she wishes to "press charges" or "drop charges." Investigative personnel should not ask a victim if he/she wants to prosecute his/her abuser **or ask their citizenship status.** The focus of the investigative follow up should be on the questions contained above in section 4 and the victim should be informed that the decision to proceed is out of his/her control.

IV. VICTIM ASSISTANCE

- A. If a victim has injuries, visible or not, which require medical attention, officers shall administer first aid, as appropriate and offer to arrange for proper medical treatment. The officer shall **coordinate transport of the victim and children to the hospital when necessary.**
- B. In all human trafficking incidents, an officer shall:
 1. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the officer determines a need exists.
 2. Explain options available to the victim including Emergency Protective Orders, if applicable.
 3. Advise the victim of available community resources and the California Victims' Compensation and Government Claims Board. (This includes the victim of an alleged battery or corporal injury to a domestic partner). A victim of human trafficking is eligible to apply for victim witness assistance from the Victim/Witness Assistance Center in Santa Clara County (408-295-2656). The California Victim Compensation and Government Claims Board (1-800-777-9229) produces the application which a victim must fill out in order to receive victim witness compensation.
 4. **Within 15 business days of the first encounter with a victim of human trafficking law enforcement agencies shall provide brief letters that satisfy the Law Enforcement Agency (LEA) endorsement regulations as found in paragraph (1) of subdivision (f) of Section (4) 214.11 of Title 8 of the Code of Federal Regulations. The LEA must be submitted on Supplement B, Declaration of Law Enforcement Officer for Victims of Trafficking in Persons, of Form 1-914. It must include the dates when the trafficking in persons occurred and it must be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or service, or for the purposes of a commercial sex act (see Appendix B).** An application for a claim based on Human Trafficking as defined in Penal Code section 236.1 can be approved based on any reliable corroborating information including a police report, a Law Enforcement Agency Endorsement issued pursuant to section 236.2 of the Penal Code, or the attestation of a human trafficking caseworker (identified in section 1038.2 of the Evidence Code) that the victim was indeed the victim of human trafficking.

5. Contact the assigned NGO or victim service provider and explain to them all the needs of the victim/s. The basic information provided should include, where the victims are located, how many there are, what languages are spoken and any health issues/concerns they may have.
6. Because of the sensitive nature of these investigations, early notice of a possible enforcement action can not be given. In order to ensure that the needs of the possible victims are met; NGO coordinators and service providers will provide the best up-to-date information to law enforcement about resources that are available on a regular basis so that law enforcement can take into account the support available following an enforcement action.

V. TRAINING

- A. Each law enforcement agency shall conduct mandated human trafficking training for members of its agency on a timetable formulated by their agency executive. (The SJPD HTTF regularly conducts Train the Trainer seminars which will allow agencies to train their officers. The HTTF is also available to provide direct training for agencies.)
- B. The goals of the training are to inform officers of:
 1. The human trafficking laws;
 2. This protocol;
 3. The department's human trafficking policy and procedures;
 4. The signs and dynamics of human trafficking and its effects on victims;
 5. **Appropriate** investigative techniques;
 6. District Attorney Human Trafficking policies;
 7. Victim advocacy agencies working in their jurisdictions and available resources;
 8. The policy and procedures of the other state and federal organizations collaborating with the department;
 9. Human trafficking issues specific to various cultures and lifestyles;
 10. **Civil and immigration remedies and community resources;**
 11. **Protection of victims.**
- C. Additional training may include written bulletins, videotapes, verbal reminders, and updates during patrol briefings. **Where appropriate training presenters shall include human trafficking experts with experience in the delivery of direct services to victim of human trafficking.**
- D. Provide Human Trafficking Training for the public at large upon request. (Assistance and materials available from the SJPD HTTF.)
- E. The Chief of Police, Sheriff, or his/her designee, shall ensure the review of his/her department's training policies annually and make any revisions deemed necessary.

Assistance for Domestic Violence Victims
SV FACES Santa Clara County
Victim Witness Assistance Center
(408) 295-2656

Who is eligible for the Victim Compensation Program?

“Victim” – anyone who suffers physical injury or threat of physical injury as a result of a crime that occurs in California providing the person is willing to assist law enforcement in the investigation and/or prosecution of the crime. A California resident, victimized elsewhere, may also be eligible for assistance. Children who reside in a home where domestic violence has occurred are also considered victims, regardless of whether they witnessed the crime.

“Derivative Victim” – other members of the victim’s family or household (**may include, but not limited to:** parent, sibling, spouse, grandparents, grandchildren) who are affected emotionally by the crime. Persons who become primary caretakers of children as a result of a crime may also be considered derivative victims.

What assistance is available through the Victim Compensation Program?

- **Temporary Lodging.** When the need is immediate, police officers may recommend victims to seek lodging (hotel, motel) for later reimbursement. **Benefits include a maximum of \$700 for temporary lodging expenses or 7 days; whichever is less.**
- Counseling and mental health treatment up to \$10,000 for victims and \$3,000 for derivative victims (a higher limit of \$10,000 is available to some derivative victims). Children who reside in a home where domestic violence has occurred are considered direct victims.
- Home security **upgrade** up to \$1,000.
- Medical and dental expenses.
- Moving or relocation expenses up to \$2,000 per household.
- Qualifying wage or income loss due to a crime related disability.
- Support loss for dependents of deceased or disabled victims, up to \$70,000 per household.
- Job retraining for disabled victims.
- Home or vehicle renovation or retrofitting for permanently disabled victims up to \$70,000.
- Funeral and/or burial expenses up to \$7,500.
- Crime scene clean-up up to \$1,000 for qualifying crimes that occurred in a residence performed by persons licensed by the State.

Important: Victims are encouraged to **file a claim with the Victim Compensation Program** to establish eligibility whether or not there is current need.

Questions & Answers

How can police officers assist a victim in obtaining assistance through the Victim Witness Assistance Center?

Police officers should always provide a domestic violence victim with the phone number for the Victim Witness Assistance Center and explain benefits available through this program.

During weekday business hours, police officers may call the Victim Witness Assistance Center to refer a victim and facilitate the submission of an application by the victim. Victims may also call the Victim Witness Assistance Center directly. Completion of a **Law Enforcement Relocation Recommendation Form** (form attached) by a police officer will **help** expedite requests for temporary lodging, permanent relocation, or a **home** security upgrade.

When temporary **lodging** (hotel, motel) is needed after business hours, a police officer should explain to a victim that reimbursement for temporary lodging expenses is **possible** through the Victim Witness Assistance **Center**. The officer should complete a **Law Enforcement Relocation Recommendation Form** (form attached), fax the form to the Victim Witness Assistance Center, and instruct the victim to call the Center as soon as possible during business hours to submit an application for assistance.

Note: A Letter of Recommendation may be made by any law enforcement officer, **and can include a probation officer, a parole agent, a District Attorney or a Judge.**

Are all persons involved in a domestic violence incident eligible for assistance?

No, those ineligible for assistance include:

- Perpetrators or persons who committed the crime
- Persons who were victims but participants in mutual combat
- Persons under supervision for a felony conviction (even if a domestic violence victim) except when the victim is killed, then funeral and burial expenses may be covered but not medical expenses.
- Victims who are unwilling to assist law enforcement in the investigation and/or prosecution of the crime

How quickly can a victim receive reimbursement for qualifying expenses?

Once an application is submitted and a copy of the crime report received by the Victim Witness Assistance Center, a reimbursement check for qualifying expenses **may** be issued to the victim on the same day.

Must a victim provide assistance to law enforcement in the investigation and prosecution of the crime before benefits are provided?

The Victim Witness Assistance Center will accept the law enforcement referral as valid at the time application is made, including law enforcement's affirmation that the victim intends to support prosecution. Benefits will be provided based upon this understanding. If a victim later refuses or neglects to assist law enforcement, the victim will be refused additional benefits through the Victim **Compensation** program.

If a victim receives benefits through the Victim **Compensation** program, then refuses or neglects to assist law enforcement in the investigation and/or prosecution of the crime; will the victim be required to repay the State?

Under these circumstances, the Victim Witness Assistance Center **must** report to the State that assistance rendered to the victim **may be** an “overpayment.” The State could attempt to collect this money from the beneficiary by demand letter or lien. In practice, this typically occurs only when victim misuses money provided through the program, e.g. buys alcohol, drugs or otherwise misspends money that was provided for a specific purpose, such as a permanent relocation.

What are the time limitations for seeking assistance through the Victim Compensation Program?

Victims must establish eligibility for assistance within one year of the incident date. Child victims may file up to one year after their 18th birthday. Late applications may be allowed under some restricted good cause guidelines. Once a victim establishes eligibility, the victim may request assistance at anytime thereafter.

Is temporary lodging and permanent relocation both available to a victim?

Yes, a victim may request temporary lodging and assistance with permanent relocation. However, assistance provided for temporary lodging (up to \$700 in expenses or 7 days; whichever is less) is included in the victim’s maximum relocation benefit of \$2,000 per qualifying family or household member.

For additional information or to apply for assistance, contact:

The SV FACES Santa Clara County Victim-Witness Assistance Center:
777 North 1st Street, Suite 220
San Jose, CA 95112
Phone: (408) 295-2656 Fax: (408) 289-5430
www.victim.org

OMB No. 1615-0099

Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

START HERE - Type or print in blank ink. This form should be completed by Federal, State, or local law enforcement authorities for victims under the Victims of Trafficking and Violence Protection Act, Public Law 106-386, as amended.

For USCIS Use Only

PART A. Victim Information

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Other Names Used (include maiden name/nickname)		
<input type="text"/>		
Date of Birth (mm/dd/yyyy)	Gender	
<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
A # (if known)	Social Security # (if known)	
<input type="text"/>	<input type="text"/>	

Part B. Agency Information

Name of Certifying Agency	
<input type="text"/>	
Name of Certifying Official	Title and Division/Office of Certifying Official
<input type="text"/>	<input type="text"/>
Agency Address - Street Number and Name	
<input type="text"/>	
Suite #	
<input type="text"/>	
City	State/Province
<input type="text"/>	<input type="text"/>
Zip/Postal Code	
<input type="text"/>	
Daytime Phone # (area code and/or extension)	Fax # (with area code)
<input type="text"/>	<input type="text"/>
Agency Type	
<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local	
Case Status	
<input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> Local	
Certifying Agency Category	
<input type="checkbox"/> Judge <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecutor <input type="checkbox"/> Other	
Case Number	FBI # or SID # (if applicable)
<input type="text"/>	<input type="text"/>

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Remarks	

Part C. Statement of Claim

1. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of: *(Check all that apply. Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 CFR 214.11(a).)*
- Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
 - Sex trafficking and the victim is under the age of 18.



Part C. Statement of Claim (Continued)

- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery.
- Not applicable.
- Other, specify on attached additional sheets.

2. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case, as well as any relevant reports and findings. Include relevant dates, etc. Attach additional sheets, if necessary.

3. Has the applicant expressed any fear of retaliation or revenge if removed from the United States? If yes, explain. Attach additional sheets, if necessary.

4. Provide the date(s) on which the acts of trafficking occurred.

Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)

5. List the statutory citation(s) for the acts of trafficking being investigated or prosecuted, or that were investigated or prosecuted.

6. Provide the date on which the investigation or prosecution was initiated.

Date (mm/dd/yyyy)

7. Provide the date on which the investigation or prosecution was completed (if any).

Date (mm/dd/yyyy)



Part D. Cooperation of Victim *(Attach additional sheets, if necessary)*

The applicant:

- Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has not been requested to assist in the investigation/prosecution of any crime of trafficking.
- Has not yet attained the age of 18.
- Other, specify on attached additional sheets.

Part E. Family Members Implicated In Trafficking

- Yes No Are any of the applicant's family members believed to have been involved in his or her trafficking to the United States? If "Yes," list the relative(s) and describe the involvement. Attach additional sheets if necessary.

Full Name	Relationship	Involvement

Part F. Attestation

Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the VTVPA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the acts of trafficking of which he/she is a victim, I will notify USCIS.

Signature of Law Enforcement Officer *(identified in Part B)*

Date *(mm/dd/yyyy)*

Signature of Supervisor of Certifying Officer

Date *(mm/dd/yyyy)*

Printed Name of Supervisor



**I-918 Supplement B,
U Nonimmigrant Status Certification**

START HERE - Please type or print in black ink.

Part 1. Victim information.

Family Name Given Name Middle Name

Other Names Used (Include maiden name/nickname)

Date of Birth (mm/dd/yyyy) Gender Male Female

Part 2. Agency information.

Name of Certifying Agency

Name of Certifying Official Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

Agency Address - Street Number and Name Suite #

City State/Province Zip/Postal Code

Daytime Phone # (with area code and/or extension) Fax # (with area code)

Agency Type Federal State Local

Case Status On-going Completed Other _____

Certifying Agency Category Judge Law Enforcement Prosecutor Other _____

Case Number FBI # or SID # (if applicable)

For USCIS Use Only.

Returned	Receipt
Date	
Date Resubmitted	
Date	
Date Reloc Sent	
Date	
Date Reloc Rec'd	
Date	
Date	
Date	
Remarks	
<input type="text"/>	

Part 3. Criminal acts.

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

<input type="checkbox"/> Abduction	<input type="checkbox"/> Female Genital Mutilation	<input type="checkbox"/> Obstruction of Justice	<input type="checkbox"/> Slave Trade
<input type="checkbox"/> Abusive Sexual Contact	<input type="checkbox"/> Hostage	<input type="checkbox"/> Peonage	<input type="checkbox"/> Torture
<input type="checkbox"/> Blackmail	<input type="checkbox"/> Incest	<input type="checkbox"/> Perjury	<input type="checkbox"/> Trafficking
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Involuntary Servitude	<input type="checkbox"/> Prostitution	<input type="checkbox"/> Unlawful Criminal Restraint
<input type="checkbox"/> Extortion	<input type="checkbox"/> Kidnapping	<input type="checkbox"/> Rape	<input type="checkbox"/> Witness Tampering
<input type="checkbox"/> False Imprisonment	<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Sexual Assault	<input type="checkbox"/> Related Crime(s)
<input type="checkbox"/> Felonious Assault	<input type="checkbox"/> Murder	<input type="checkbox"/> Sexual Exploitation	<input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.)
<input type="checkbox"/> Attempt to commit any of the named crimes	<input type="checkbox"/> Conspiracy to commit any of the named crimes	<input type="checkbox"/> Solicitation to commit any of the named crimes	<input type="text"/>

Part 3. Criminal acts. (Continued.)

2. Provide the date(s) on which the criminal activity occurred.

Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)

3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States?

Yes No

a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute?

Yes No

b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

c. Where did the criminal activity occur?

5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.

6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

Part 4. Helpfulness of the victim.

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in Part 3.

Yes No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.)

Yes No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.)

Yes No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.)

Yes No

Part 4. Helpfulness of the victim. (Continued.)

5. Other, please specify.

Part 5. Family members implicated in criminal activity.

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? Yes No

2. If "Yes," list relative(s) and criminal involvement. *(Attach extra reports or extra sheet(s) of paper if necessary.)*

Full Name	Relationship	Involvement

Part 6. Certification.

I am the head of the agency listed in Part 2 or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in Part 1 is or has been a victim of one or more of the crimes listed in Part 3. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2.

Date (mm/dd/yyyy)

I-914, Application for T Nonimmigrant Status

START HERE - Type or print. Use black ink. See Instructions for information about eligibility and how to complete and file this application.

For USCIS Use Only

PART A. Purpose for Filing the Application

Check all that apply:

- I am filing an application for T-1 nonimmigrant status, and have not previously filed for such status.
- I have a T-1 application pending. EAC #: _____
- I have received T-1 status.
- I am applying to bring family member(s) to the United States.

PART B. General Information About You (Person filing this form as a victim)

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

Other Names Used (Include maiden name/nickname)

Home Address - Street Number and Name Apt. #

City State/Province Zip/Postal Code

Safe Mailing Address (if other than above) - Street Number and Name Apt. #

C/O (in care of):

City State/Province Zip/Postal Code

Home Telephone # Safe Daytime Phone # E-Mail Address
 (with area code) (with area code) (optional)

A # (if any) U.S. Social Security # (if any) Gender
 Male Female

Marital Status:
 Married Single/Never Married Divorced Widowed

Date of Birth (mm/dd/yyyy) Country of Birth Country of Citizenship

Passport # Place of Issuance Date of Issue (mm/dd/yyyy)

Place of Last Entry Date of Last Entry (mm/dd/yyyy)

I-94 # (Arrival/Departure Document) Current Immigration Status

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

Validity Dates
 From: _____
 To: _____

Remarks

Conditional Approval
 Stamp # _____ Date _____

Action Block

To Be Completed by Attorney or Representative, if any
 Fill in box if G-28 is attached to represent the applicant.

ATTY State License #



PART C. Additional Information

Answers to the following questions about your claim require explanation and supporting documentation. You should attach documents in support of your claim that you are a victim of a severe form of trafficking in persons and the specific facts on which you are relying to support your claim. It is strongly encouraged that you attach a personal narrative statement describing the trafficking. If you are only applying for T derivative status for a family member subsequent to your (the principal applicant) initial filing, evidence supporting the original application is not required to be resubmitted with the new Form I-914.

Attach additional sheets of paper as needed. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet and indicate the number of the item that you are answering. Include the Part and letter or number relating to the additional information you provided (example: Part C, 3).

1. I am or have been a victim of a severe form of trafficking in persons. (Attach evidence to support your claim.) Yes No

2. I am submitting a law enforcement agency (LEA) declaration on Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. (If "No," explain why you are not submitting the LEA Certification.) Yes No

3. I am physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry, on account of trafficking. (If "Yes," explain in detail and attach evidence and documents supporting this claim.) Yes No

4. I fear that I will suffer extreme hardship involving unusual and severe harm upon removal. (If "Yes," explain in detail and attach evidence and documents supporting this claim.) Yes No

5. I have reported the crime of which I am claiming to be a victim. (If "Yes," indicate to which law enforcement agency and office you have made the report, the address and phone number of that office, and the case number assigned, if any. If "No," explain the circumstances.) Yes No

Law Enforcement Agency and Office	Address	Phone Number	Case Number
Circumstances:			

6. I am under the age of 18 years. (If "Yes," proceed to Question 8.) Yes No

7. I have complied with requests from Federal, State, or local law enforcement authorities for assistance in the investigation or prosecution of acts of trafficking. (If "No," explain the circumstances.) Yes No

8. This is the first time I have entered the United States. (If "No," list each date, place of entry, and under which status you entered the United States for the past five years, and explain the circumstances of your most recent arrival.) Yes No

Date of Entry	Place of Entry	Status



PART C. Additional Information (Continued)

9. My most recent entry was on account of the trafficking that forms the basis for my claim. (Explain the circumstances of your most recent arrival.) Yes No
10. I want an Employment Authorization Document. Yes No
11. I am now applying for one or more eligible family members. (If "Yes," complete and include a Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient, for each family member for whom you are now applying. You may also apply to bring eligible family members to the United States at a later date.) Yes No

PART D. Processing Information

Answer the following questions about yourself. For purposes of this application, if applicable, you must answer "Yes" to the following questions, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. (If your answer is "Yes" to any one of these questions, explain on a separate sheet of paper. Additionally, explain if any of the acts or circumstances below are related to you having been a victim of a severe form of trafficking. Answering "Yes" does not necessarily mean that you will be denied T nonimmigrant status or are not entitled to adjust your status or register for permanent residence.)

1. Have you EVER:
- a. Committed a crime or offense for which you have not been arrested? Yes No
 - b. Been arrested, cited, or detained by any law enforcement officer (including DHS, former INS, and military officers) for any reason? Yes No
 - c. Been charged with committing any crime or offense? Yes No
 - d. Been convicted of a crime or offense (even if violation was subsequently expunged or pardoned)? Yes No
 - e. Been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? Yes No
 - f. Received a suspended sentence, been placed on probation, or been paroled? Yes No
 - g. Been in jail or prison? Yes No
 - h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? Yes No
 - i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? Yes No

If you answered "Yes" to any of the above questions, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date of arrest, citation, detention, charge (mm/dd/yyyy)	Where were you arrested, cited, detained, or charged? (City, State, Country)	Outcome or disposition (e.g., no charges filed, charges dismissed, jail, probation, etc.)



PART D. Processing Information (Continued)

2. Have you EVER received public assistance in the United States from any source, including the U.S. Government or any State, county, city or other municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? Yes No
3. Have you:
- a. Engaged in prostitution or procurement of prostitution or do you intend to engage in prostitution or procurement of prostitution? Yes No
 - b. EVER engaged in any unlawful commercialized vice, including, but not limited to illegal gambling? Yes No
 - c. EVER knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? Yes No
 - d. EVER illicitly trafficked in any controlled substance, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? Yes No
4. Have you EVER committed, planned or prepared, participated in, threatened to, attempted to, or conspired to commit, gathered information for, or solicited funds for any of the following:
- a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No
 - b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
 - c. Assassination? Yes No
 - d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? Yes No
 - e. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive; or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
5. Have you EVER been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of title 18, United States Code) by or on behalf of, or been associated with an organization that is:
- a. Designated as a terrorist organization under section 219 of the Immigration and Nationality Act? Yes No
 - b. Any other group of two or more individuals, whether organized or not, which has engaged in or has a subgroup which has engaged in:
 - 1. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No
 - 2. Seizing or detaining, and threatening to kill, injure, or continue to detain another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
 - 3. Assassination? Yes No
 - 4. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property? Yes No
 - 5. Soliciting money or members or otherwise providing material support to a terrorist organization? Yes No



PART D. Processing Information (Continued)

6. The use of any biological agent; chemical agent; or nuclear weapon or device; explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
-
6. Do you intend to engage in the United States in:
- a. Espionage? Yes No
 - b. Any unlawful activity, or any activity the purpose of which is in opposition, to control, or overthrow of the government of the United States? Yes No
 - c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? Yes No
-
7. Have you ever been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? Yes No
-
8. Have you, during the period of March 23, 1933, to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion? Yes No
-
9. Have you EVER been present or nearby when any person was:
- a. Intentionally killed, tortured, beaten, or injured? Yes No
 - b. Displaced or moved from his or her residence by force, compulsion, or duress? Yes No
 - c. In any way compelled or forced to engage in any kind of sexual contact or relations? Yes No
-
10. a. Are removal, exclusion, rescission, or deportation proceedings pending against you? Yes No
- b. Have removal, exclusion, rescission, or deportation proceedings EVER been initiated against you? Yes No
- c. Have you EVER been removed, excluded, or deported from the United States? Yes No
- d. Have you EVER been ordered to be removed, excluded, or deported from the United States? Yes No
- e. Have you EVER been denied a visa or denied admission to the United States? (If a visa was denied, explain why on a separate sheet of paper.) Yes No
- f. Have you EVER been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? Yes No
-
11. Have you EVER ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:
- a. Acts involving torture or genocide? Yes No
 - b. Killing any person? Yes No
 - c. Intentionally and severely injuring any person? Yes No
 - d. Engaging in any kind of sexual contact or relations with any person who was being forced or threatened? Yes No
 - e. Limiting or denying any person's ability to exercise religious beliefs? Yes No



PART D. Processing Information (Continued)

12. Have you EVER:

- a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization? Yes No
- b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? Yes No

13. Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? Yes No

14. Have you EVER assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? Yes No

15. Have you EVER received any type of military, paramilitary, or weapons training? Yes No

16. Are you under a final order or civil penalty for violating section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act)? Yes No

17. Have you EVER, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, for entry into the United States or any immigration benefit? Yes No

18. Have you EVER left the United States to avoid being drafted into the U.S. Armed Forces? Yes No

19. Have you EVER been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? Yes No

20. Have you EVER detained, retained, or withheld the custody of a child, having a lawful claim to U.S. citizenship, outside the United States from a U.S. citizen granted custody? Yes No

21. Do you plan to practice polygamy in the United States? Yes No

22. Have you entered the United States as a stowaway? Yes No

23. a. Do you have a communicable disease of public health significance? Yes No

b. Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? Yes No

c. Are you now or have you been a drug abuser or drug addict? Yes No



PART E. Information About Your Family Members

Provide the following information about your spouse and all of your sons and daughters. If you need more space, attach an additional sheet of paper.

1. Spouse

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
Country of Birth		Current Location	

2. Children

a.

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
Country of Birth		Relationship	Current Location

b.

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
Country of Birth		Relationship	Current Location

c.

Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)	Date of Birth (mm/dd/yyyy)
Country of Birth		Relationship	Current Location

Complete Form I-914, Supplement A, Application for Immediate Family Member of T-1 Recipient, for each family member listed above for whom you are now applying to have join you in the United States, and attach it to this application.

PART F. Attestation, Release, and Signature

After reading the information regarding penalties in the instructions, complete and sign below. If someone helped you prepare this application, he or she must complete Part G.

I have read, or had read to me, this form, the information provided on it and the evidence provided with it, and I certify, under penalty of perjury under the laws of the United States of America, that all of the information in this entire application package, including the documentary evidence submitted with it, is true and correct.

I authorize the release of any information from my record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking, to investigate my claim, and to investigate fraudulent claims. I further authorize USCIS to release information to law enforcement agencies and prosecutors investigating or prosecuting crimes of trafficking or related crimes. I further authorize USCIS to release information to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to 8 USC 1641(c).



PART F. Attestation, Release, and Signature (Continued)

Applicant's Statement (Check one):

- I can read and understand English, and I have read and understand each and every question and instruction on this form, as well as my answer to each question.
- Each and every question and instruction on this form, as well as my answer to each question, has been read to me in the _____ language, a language in which I am fluent, by the person named in **Interpreter's Statement and Signature**. I understand each and every question and instruction on this form, as well as my answer to each question.

I certify, under penalty of perjury under the laws of the United States of America, that the information provided with this application is all true and correct. I certify also that I have not withheld any information that would affect the outcome of this application.

Signature of Applicant (the Person in Part A)

Date (mm/dd/yyyy)

--	--

PART G. Preparer and/or Interpreter Certification (To be completed and signed if form is prepared by a person other than the applicant)

Preparer's Statement and Signature (if applicable)

I declare that I prepared this application at the request of the above person, and it is based on all information of which I have knowledge. I have not knowingly withheld any material information that would affect the outcome of this application.

Attorney or Representative: In the event of a Request for Evidence, may USCIS contact you by fax or e-mail? Yes No

Preparer's Signature

Date (mm/dd/yyyy)

--	--

Preparer's Printed Name

Preparer's Firm Name (if applicable)

--	--

Preparer's Address

--

Daytime Phone Number (with area code)

Fax Number (if any)

E-Mail Address (if any)

--	--	--

Interpreter's Statement and Signature (if applicable)

I certify that I am fluent in English and the below-mentioned language.

Language Used (language in which applicant is fluent):

--

I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and the applicant has understood each and every instruction and question on the form, as well as the answer to each question.

Interpreter's Signature

Date (mm/dd/yyyy)

--	--

Printed Name

Telephone Number (with area code)

--	--



PART H. Checklist

- I completely filled out and signed the form.
- I have attached evidence that:
- a. I am or have been a victim of a severe form of trafficking;
 - b. I am physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry, on account of trafficking;
 - c. I am cooperating with Federal, State, or local law enforcement authorities in the investigation or prosecution of the traffickers (unless under age 18); and
 - d. I would suffer extreme hardship involving unusual and severe harm upon removal from the United States.
- I have included three photographs of myself.

If I am applying for one or more family members:

- I have completed Form I-914, Supplement A for each member for whom I am now applying and, if he or she is in the United States, each family member has signed that Form I-914, Supplement A.
- I have submitted the required evidence, including evidence of:
- a. My relationship to the family member for whom I am applying;
 - b. My age, if I am applying for my parent or unmarried sibling under the age of 18;
 - c. My child's age, if I am applying for my child; and
 - d. My sibling's age, if I am applying for my unmarried sibling; and
- I have included three photographs of each family member for whom I am now applying.
- I have included Form I-765, Application for Employment Authorization, if I am requesting employment authorization for my family member, along with fee or request for fee waiver.

WARNING: Applicants who are in the United States illegally are subject to removal if their claims are not granted. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn.



