

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 07-18
Date:	June 21, 2018
Keyword:	WIOA, General
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

From: *Courtney Arbour*
Courtney Arbour, Director, Workforce Development Division

Subject: **Human Trafficking and the Role of Local Workforce Development Boards**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information, guidance, and resources on human trafficking and on the Boards' role in identifying and assisting human trafficking victims.

BACKGROUND:

Human trafficking affects millions of individuals worldwide. Researchers estimate that in Texas there are as many as 79,000 victims of sex trafficking who are minors or youths and that as many as 234,000 workers are victims of labor trafficking.¹ Individuals can be lured or kidnapped into human trafficking networks. Many victims are difficult to detect because of the strategies used by perpetrators, including isolating victims to prevent them from seeking help. Many human trafficking victims do not think of themselves as victims and are not aware of the resources and services that can help them.

The federal Victims of Trafficking and Violence Protection Act (Act) of 2000 defines "severe forms of trafficking in persons" as:

- "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; 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."

Under Texas law, there are four types of human trafficking:

- Trafficking of adults for forced labor (for example, in agriculture, food service, and factory work)
- Trafficking of adults for sex (for example, in strip clubs, brothels, massage parlors, and street or internet prostitution)

¹ Noël Busch-Armendariz, Nicole Levy Nale, Matt Kammer-Kerwick, Bruce Kellison, Melissa Irene Maldonado Torres, Laurie Cook Heffron, and John Nehme. *Human Trafficking by the Numbers: The Initial Benchmark of Prevalence and Economic Impact for Texas*. (Austin, TX: Institute on Domestic Violence and Sexual Assault, The University of Texas at Austin, 2016), 13.

- Trafficking of children under the age of 18 for forced labor
- Trafficking of children under the age of 18 for sex

The US Department of Labor requires states, through the public workforce system, to play a key role in providing benefits and services to victims of trafficking. Workforce Solutions Office staff members may have the opportunity to help identify and assist human trafficking victims.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

NLF: Boards must ensure that staff members provide human trafficking victims with benefits and services that are similar to the benefits and services provided to other customers. The services:

- must consider the needs of human trafficking victims, in accordance with TWC policies, procedures, and case management processes; and
- must address the needs of customers who have issues such as limited English proficiency, a criminal record (for example, as a result of forced prostitution), limited résumés, or lack of official documentation.

NLF: Boards must ensure that foreign nationals who are victims of a severe form of human trafficking are eligible for services provided through Title I of the Workforce Innovation and Opportunity Act (WIOA), if they meet all applicable program eligibility requirements. Documentation can include the following:

- A letter of certification issued by the US Department of Health and Human Services (HHS), in compliance with 22 USC §7105(b)(1), to an individual who is 18 years old or older and whose circumstance meets the definition of “severe forms of trafficking in persons”
- A letter of eligibility issued by HHS to minors (that is, individuals younger than age 18) who are victims of trafficking

NLF: Boards must ensure that individuals who have a T visa (that is, who have “T nonimmigrant” status) from the US Department of Homeland Security are eligible for WIOA Title I services if they meet all applicable eligibility requirements. T visas (also known as I-914s) are issued to human trafficking victims to allow them to remain in the United States to assist with the investigation and prosecution of human trafficking networks. T visas are not listed on the federal Employment Eligibility Verification form (I-9), which lists the documents that are acceptable for determining identity and the right

to work; however, T visas are issued at the same time as the federal Employment Authorization Document (I-766), and the I-766 is listed on the I-9.

NLF: Boards must ensure that staff members have access to hotlines and resources, such as the following:

- US Department of Justice, Worker Exploitation Task Force Complaint Line: (888) 428-7581
- National Human Trafficking Hotline: (888) 373-7888
- Homeland Security Investigations Tip Line: (866) 347-2423
- Texas Office of the Attorney General, Human Trafficking Prosecutor, (512) 463-1646 or humantrafficking@texasattorneygeneral.gov
- [*Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers*](#)

LF: It is strongly recommended that Boards provide additional staff training on how to identify and provide services to human trafficking victims. Staff training may include the following:

- [Information and resources](#) on human trafficking, published by the Texas Office of the Attorney General (OAG)
- [*Be the One in the Fight Against Human Trafficking*](#), a video by OAG
- [*Human Trafficking: The Role of the Public Workforce System in the Delivery of Services*](#), a video by Workforce3One
- [Awareness videos and other resources](#), Blue Campaign, US Department of Homeland Security
- Training and Employment Guidance Letter No. 09-12, Attachment A, [Characteristics of Potential Victims of Trafficking](#)

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

REFERENCES:

Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers, <https://www.acf.hhs.gov/sites/default/files/otip/traffickingservices.pdf>

Trafficking Victims Protection Reauthorization Acts of 2003, 2005, 2008, and 2013

Training and Employment Guidance Letter No. 19-01, Change 1,

<https://wdr.doleta.gov/directives/attach/TEGL19-01C1.PDF>

Training and Employment Guidance Letter No. 09-12,

https://wdr.doleta.gov/directives/attach/TEGL/TEGL_9_12.pdf

Victims of Trafficking and Violence Protection Act of 2000

Worker Exploitation Task Force Complaint Line (888) 428-7581, US Department of Justice

Workforce3One, www.workforce3one.org

WD Letter 24-01, issued June 22, 2001, and entitled “Prohibition Against Discrimination Based on Disability or Limited English Proficiency in the Administration of Workforce Services”