

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children, Families, and Elder Affairs Committee

BILL: SB 2032

INTRODUCER: Senator Margolis

SUBJECT: Human Trafficking/Immigrant Survivor

DATE: March 27, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Jameson	CF	Favorable
2.			CA	
3.			HA	
4.				
5.				
6.				

I. Summary:

The bill provides access to state funded social services for immigrant survivors of human trafficking, domestic violence and other serious crimes while they are waiting for processing from the U.S. Department of Homeland Security (DHS) or the U.S. Department of Health and Human Services (HHS). The bill permits the Department of Children and Family Services (DCF) to develop a public-awareness program on human trafficking.

The bill would take effect July 1, 2007.

The bill creates an unspecified section of law.

II. Present Situation:

Human trafficking is increasingly committed by organized, sophisticated criminal groups, and it is the fastest growing source of profits for organized criminal enterprise worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the U.S. and worldwide.¹

Men, women and children are trafficked, although most agree that women and children are more often victims of trafficking. Generally, traffickers prey on the vulnerability of the poor, the disabled, the very young or old, or those with low literacy skills and education levels. Between 18,000 and 20,000 people are trafficked in the U.S. annually.²

¹ <http://www.freedomnetworkusa.org/uslegislation.htm>, (Last visited, March 20, 2007)

² Id.

International and national estimates of the number of human trafficking victims are difficult to come by. It is unclear exactly how many people are trafficked into and out of the State of Florida, precisely who the traffickers are, or how victims can best be identified and assisted. International trafficking victims have been identified in 20 states throughout the nation, with Florida identified as one of the top three states (with New York and California) reportedly receiving the majority of the women and children trafficked annually into the U.S.³ Florida is the second largest hub of human trafficking in the U.S.⁴ Between 2001 and 2005, 14 percent of the human trafficking matters opened by U.S. attorneys were in Florida.⁵

In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA) was enacted. The TVPA defines human trafficking, or a “severe form of trafficking in persons” as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which a person induced to perform such an act is under 18; 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 subjecting that person to involuntary servitude, peonage (where someone is held against their will to pay off a debt), debt bondage, or slavery.⁶

The TVPA created two new nonimmigrant visas for a noncitizen victim of a crime, the T visa for a survivor of human trafficking and the U visa for a crime victim. Each visa is designed to provide immigration status to a noncitizen that is assisting or is willing to assist law enforcement in the investigation of a crime, although a trafficked child is exempt from this cooperation requirement. A victim who is a U.S. citizen may already be eligible to receive many of these benefits.

Assistance Available to Victims of Human Trafficking

T Visa

An adult victim of human trafficking (age 18 and over) who is certified by HHS can receive federally funded services and benefits to the same extent as a refugee. To receive certification, an individual must:

- Be a victim of human trafficking as defined by the TVPA;
- Be willing to assist with the investigation and prosecution of traffickers; and
- Have completed a bona fide application for a T visa; or
- Have received Continued Presence status from the HHS.

A child victim of human trafficking (under age 18) is immediately eligible for benefits, and he or she does not need to apply for a T visa or get Continued Presence status. Once HHS receives

³ Florida State University, Center for the Advancement of Human Rights, *Florida Responds to Human Trafficking*, pg. 27 (2003).

⁴ Florida Coalition Against Human Trafficking. <http://www.stophumantrafficking.org/Activism.htm>. (Last visited March 23, 2007)

⁵ Mark Motivans, Tracey Kyckelhahn, and BJS Statisticians, *Federal Prosecution of Human Trafficking, 2001-2005*, U.S. Bureau of Justice (2006).

⁶ Trafficking Victims Protection Act of 2000, Pub.L. No. 106-386, (2000).

proof that a child is the victim of trafficking, HHS issues a “letter of eligibility” for the victim. The victim or the victim’s advocate may then present the letter to a social service provider as proof of eligibility. A victim of human trafficking who is certified and eligible can receive benefits and services necessary for the safety and protection of his or her life including:

- Housing or shelter assistance.
- Food assistance.
- Income assistance.
- Employment assistance.
- English language training.
- Health care assistance.
- Mental health services.
- Assistance for victims of torture.

The TVPA signified a shift in the immigration law policy, which previously treated a victim of human trafficking as an illegal alien subject to deportation. It established the T visa to give a victim of human trafficking temporary status in the United States. The Act recognizes that returning a victim to his or her country of origin is often not in the best interest of the victim and that victim’s need for the opportunity to rebuild his or her life without facing the threat of deportation.

After three years, a T visa recipient can apply for permanent residence status. In certain situations, it enables a victim of human trafficking to get T visas for family members. The following are some of the specific benefit programs for which a victim can apply:⁷

- Temporary Assistance for Needy Families (TANF) - A cash benefit and work opportunities program for needy families with children under age 18.
- Food Stamp Program - Used like cash to pay for food at most grocery stores.
- Supplemental Security Income (SSI) - A monthly benefit for people who are blind, have severe disabilities, or are at least 65 years old and have limited income and resources.
- Torture Treatment Program - HHS-funded social, legal, health, and psychological services for victims of torture.
- State Children’s Health Insurance Program (SCHIP) - The public health insurance program for low-income, uninsured children 18 years of age or younger who do not qualify for Medicaid.
- Unaccompanied Refugees Minor Program - Assists unaccompanied minor refugees and trafficking victims in developing skills to enter adulthood and achieving economic and social self-sufficiency. Provides family reunification assistance where appropriate.
- Medicaid - The public health insurance program for people with low income and limited resources.
- Health Screening - Provided by the State Department of Public Health for diagnosis, treatment and prevention of any illness (includes screening for TB, parasites, and hepatitis and vaccinations for children).

⁷ U.S. Department of Health, Administration for Children and Families.
http://www.acf.hhs.gov/trafficking/about/victim_assist.html (Last visited, March 22, 2007).

- Refugee Cash and Medical Assistance (RCA & RMA) - HHS program available to victims who are ineligible for other cash or medical assistance programs such as TANF, SSI and Medicaid. Victims may receive this assistance for the eight months following issuance of the letter of certification/eligibility.
- One-Stop Career Center System - Free job search and employment centers that provide information and assistance for people who are looking for a job, or who need education and training in order to get a job.
- Job Corps - DOL residential and job education program for youth aged 16-24.
- Matching Grant - HHS-funded self-sufficiency program administered by private agencies. Provides job counseling and placement, case management, cash and living assistance.
- Public housing assistance.
- State specific programs.

U Visa

The U visa is designed for a noncitizen crime victim who has suffered substantial physical or mental abuse from criminal activity and who agrees to cooperate with government officials investigating or prosecuting the criminal activity.

An approved U visa petitioner is granted temporary legal status and work authorization. After three years, the victim is eligible to apply for permanent resident status.⁸

The U.S. government renewed its commitment to identify and assist victims exploited through labor and sex trafficking in the United States with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003⁹ and TVPRA of 2005.¹⁰

III. Effect of Proposed Changes:

The bill provides that during an interim period between application for a visa and receipt of it, victims of trafficking and other serious crimes are eligible for existing state and local benefits and services to the same extent as a refugee.

The bill provides that these individuals have access to a state-funded equivalent of the federal refugee cash, medical, and social service programs.

The bill permits a survivor of a serious crime to receive medical care, mental health care, and basic assistance in securing housing, food, and supportive services.

The bill provides for the creation of a state-funded component of the refugee cash, medical and social services programs to serve these victims during a temporary period while they wait for federal processing to be completed.

⁸ Trafficking Victims Protection Act of 2000, Pub.L. No. 106-386, (2000).

⁹ Trafficking Victims Protection Reauthorization Act of 2003, Pub.L. No. 108-193, (2003).

¹⁰ Trafficking Victims Protection Reauthorization Act of 2005, Pub.L. No. 109-164, (2005).

The bill provides that a sworn statement by a victim is sufficient evidence for determining eligibility if that statement is supported by at least one item of additional evidence providing a basis for the claim including, but not limited to:

- Police and court records;
- News articles;
- Documentation from a professional agency;
- Physical evidence; or
- A statement from an individual with knowledge of the circumstances.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Family Services estimates that this bill will create a recurring fiscal impact of \$483,854 beginning in FY 2007-2008. This amount includes:

- Administration - \$30,254
- Refugee Cash Assistance (based on an estimated 300 cases) - \$162,000
- Food Stamps - \$139,500
- Refugee Medical Assistance - \$152,100

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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