



SECURE COMMUNITIES & HUMAN TRAFFICKING

New York State, especially New York City, is a destination for trafficked persons from all over the world who are forced into various labor sectors, such as restaurant, domestic, or commercial sex work. To address this important concern, New York State enacted the New York State Anti-Trafficking Law of 2007 (NYATL).¹ While the federal Trafficking Victims Protection Act (TVPA) (first passed in 2000 and later re-authorized) was very substantial, improvements still needed to be made on the state level to more effectively carry out the mission. The NYATL was enacted to further those ends. The dual intent behind both the federal and state laws is to serve a humanitarian need and to safeguard the public. Secure Communities contradicts the intent of these laws and further pushes trafficking victims underground. We applaud the recent effort of Governor Cuomo to suspend Secure Communities in New York State.

Secure Communities is a devastating program for immigrant crime victims. Advocates for domestic violence, anti-trafficking, and other crime victims have worked diligently for years to open communication between survivors and law enforcement, allowing victims to seek help and law enforcement to arrest and prosecute abusers. Secure Communities forces these victims further into the shadows and allows perpetrators to continue abuse by perpetuating the fear of law enforcement. Trafficked persons are often unwilling and afraid to come forward in the first place. Because they are vulnerable and often unfamiliar with the U.S. legal system, they often do not self-identify as trafficking victims and are even unaware trafficking is a crime and a human rights violation. Persons who are trafficked are isolated and invisible, and they are generally afraid of the authorities. Secure Communities reinforces the fear of law enforcement. This fear and reluctance to report crimes affects everyone in the community, allowing abusers to continue to evade law enforcement. Secure Communities is a misnomer, as the program actually makes our communities far less secure.

Secure Communities is particularly harmful to victims of human trafficking:

- 1. Secure Communities impedes cooperation between immigrant communities and law enforcement, rapidly undermining trust built up over years of law enforcement and advocacy efforts, and making the already difficult investigation and prosecution of human trafficking even more so.**

Secure Communities makes everyone in the community less safe: due to lack of information from the community, law enforcement cannot effectively investigate and prosecute predators, who are allowed to roam free and continue their abusive criminal behavior. The New York City Police Department's "Police Immigrant Outreach" program was recently one of only 17 programs recognized nationally as an exemplary public safety program for immigrant communities by the National League of Cities (NLC).² S-Comm directly contradicts this type of exemplary work undertaken in New York and makes immigrants go deeper into the shadows. When immigrant victims are unwilling to assist law enforcement, the successful investigation and prosecution of traffickers in persons is highly unlikely.

¹ The law took effect on November 1, 2007. S.B. 5902, 228th Leg. , Reg. Sess. (N.Y. 2007), chaptered on June 6, 2007.

² Cities Recognized for Public Safety Programs in Immigrant Communities, National League of Cities (June 8, 2011, <http://www.nlc.org/news-center/press-room/press-releases/2011/mai-public-safety-report>).

2. S-Comm Directly contradicts the intent of existing federal immigration laws designed to assist victims of human trafficking.

Over the past decade, new federal immigration options were created that have allowed trafficking victims to come forward, report their abuse, and apply for special immigration status for cooperating with law enforcement, the U Visa or the T Visa. Anti-trafficking advocates have worked in collaboration with federal, state and local law enforcement in over the past decade to facilitate communication between law enforcement and our communities with the goals of preventing trafficking, protecting victims, and prosecuting traffickers. Secure Communities directly contradicts the spirit of the U and T Visas and decreases public safety for everyone. It perpetuates the idea in immigrant communities that law enforcement is not there for public safety but to merely deport people, including crime victims.

3. S-Comm is especially dangerous for trafficking victims, who are often arrested as a direct result of having been trafficked.

Traffickers often force their victims into illegal activities, and trafficking victims are frequently arrested for crimes such as prostitution and drug offenses, which make them deportable. Trafficking victims who are arrested for crimes they are forced to commit will be swept into the immigration courts. Once in immigration detention and in removal (deportation) proceedings, these victims are highly unlikely to obtain counsel or realize they have legitimate immigration claims as trafficking victims.

4. Secure Communities prevents escaped trafficking victims, who often must cooperate with law enforcement in order to receive services, from successfully reintegrating with society.

The NYATL amended both the New York Penal and Social Services laws. The objective was to establish trafficking as a crime in New York State, including both sex and labor trafficking. In order to receive some social services benefits, victims must cooperate with law enforcement in the investigation or prosecution of their trafficker. Benefits are also available on the federal level and include immigration status for a victim if they cooperate with law enforcement. With Secure Communities in place, human trafficking victims are far less likely to receive the services necessary for them to successfully reintegrate into society.