

Testimony of  
**Mr. Charles Song**

July 7, 2004

Chairman Cornyn, Ranking Member Feingold and Distinguished Members of the Subcommittee:

Thank you very much for the privilege to testify today on behalf of the hundreds of survivors of trafficking and their families I have had the honor of directly serving as the Staff Attorney at the Coalition to Abolish Slavery & Trafficking (CAST) and as a member of the Freedom Network, a group of 22 community based organizations that provide direct services to survivors of trafficking throughout the United States.

I would also like to thank this administration, Congress, and the American people for rightfully taking a leadership role in the global struggle to eradicate one of the most egregious human and civil rights violations known to humankind by courageously championing the most advanced anti-trafficking legislation in the world: the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) and the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) which have literally saved the lives of hundreds of survivors of trafficking and their families.

As you know, the VTVPA and TVPRA provided comprehensive federal legislation to address the problem of human trafficking through a holistic, three-pronged approach of protection, prosecution, and prevention. This legislation has dramatically improved the ability of prosecutors to punish traffickers while providing the critical protections survivors need to cooperate with law enforcement. By creating new trafficking crimes and increasing sentencing requirements, these laws ensure that traffickers are punished for the full panoply of offenses associated with trafficking and given appropriately severe sentences.

Furthermore, the VTVPA, recognizing that effective prosecution of human traffickers requires survivors to risk their lives and their family's lives to cooperate with law enforcement agencies, provides greater protections for trafficked persons by creating two new immigration benefits: T Nonimmigrant status and continued presence. It also guarantees victims specific services and enumerates legal rights that include: the right to social services and benefits available to refugees; the right to appropriate shelter not incompatible with their status as victims of a crime; the right to receive medical care; the right to witness protection; the right to access information about legal and translation services; and the right to mandatory restitution and civil action.

Make no mistake about it, survivors of trafficking risk their lives and their family's lives to assist in the investigation and prosecution of their former captors, and legislators' primary intent in passing the VTVPA was to protect victims of these violent crimes. Representative Chris Smith (R-NJ), one of the authors of the VTVPA, unequivocally confirmed this was the case in his keynote address at the State Department conference on trafficking in February 2003. Speaking for the American people, he stated:

While it was the intent of the legislation [the Victims of Trafficking and Violence Protection Act of 2000] that victims of trafficking should help in the investigation or prosecution of trafficking cases, there should be no doubt that the T-visa was primarily intended as a humanitarian tool to facilitate the rehabilitation of trafficking survivors.

In narrow circumstances, the VTVPA saves the lives of survivors of trafficking and assists them in rebuilding their lives as the American people intended. For example, I am pleased to announce that due to the collaborative efforts of local law enforcement, the Department of Homeland Security, and many other dedicated individuals, CAST recently obtained a T-visa for a woman sold into sexual slavery at the age of 16 and later wrongfully imprisoned because of her trafficking situation. When she finally obtained a T-visa, this woman took her first breath of freedom in almost 27 years. Additionally, she is also receiving other urgent social and legal services through the VTVPA.

However, nearly four years after the enactment of the VTVPA, which authorized 5,000 T-visas per year, or nearly 20,000 over four years, only 371 T-visa applications have been granted since 2000. Perhaps even more disturbing is the fact that only 21 children have been identified as eligible for services by the Unaccompanied Refugee Minors Program as trafficked minors. These statistics are extremely disturbing, particularly in light of the fact that experts have estimated anywhere from 14,500 to 50,000 men, women, and children, just like our own sons and daughters, are being trafficked and enslaved in the United States every year. What these numbers indicate is that survivors of trafficking are not being provided the critical protections they need in order to assist in the investigation and prosecution of their traffickers as Congress intended.

A few weeks ago, I received a phone call from a woman who informed me her brother had been tricked into coming to the United States and was being physically and legally forced to work. I advised the woman that her brother's life may be in imminent danger and recommended immediately contacting the proper authorities. I also advised her of the federal protections available to her brother and the legal and social services CAST could provide him. She asked if I could guarantee he would not be deported if she reported to law enforcement because he would be seriously injured or murdered if he was deported. I told her I could not guarantee anything but, based on the information she had provided me, he would be permitted to legally stay in the United States and provided many other benefits to help him recover from his enslavement if he cooperated with law enforcement. After discussing these issues further, she concluded the telephone call by saying that she was terrified of subjecting him to the risk of deportation and would think it over and contact me as soon as possible. I never heard from the woman again.

Fortunately, concerned legislators, such as yourselves, and government officials, such as Assistant Attorney General Acosta, are asking why survivors such as these are not coming forward. In my view, United States' efforts to combat human trafficking and slavery are being thwarted by unintentional, yet overly restrictive barriers to critical victim protections. Relatively speaking, there is tremendous benefit and very little risk and cost associated with the United States providing life-saving protections and services to human beings who have narrowly escaped from violent criminals with their lives. Conversely, survivors of trafficking are confronted with the highest possible cost and risk: theirs, their parents', their siblings', and their children's lives. On behalf of the thousands of men, women, and children who are enslaved in the

United States and whose constitutional and civil rights are being violated as I speak to you today, I urge you to review the critical victim protections contained in the VTVPA that were unintentionally drafted too narrowly out of an abundance of caution and ensure survivors of trafficking can more easily access these protections and assist in investigating and prosecuting their traffickers.

Due to the brief period of time I have to speak with you today, I have not discussed the specific legislative amendments I am recommending. However, I and other members of the Freedom Network would be more than happy to provide detailed briefing papers on specific recommendations as well as review these important changes with members of the Subcommittee. The recommendations include: amendments to the threshold requirements for benefits, amendments to make it easier to protect family and reunite family members with trafficking survivors, and the addition of a requirement that trafficking survivors have access to legal counsel.

I look forward to continuing to work with Members of Congress to eradicate all instances of human trafficking in our country and the world. I am confident that, with your support, the VTVPA can be amended to more fully realize the goals and intentions of American people when they passed the VTVPA.

Thank you for your attention and for the invitation to appear here today. I look forward to your questions.