

ACCESSING LEGAL SERVICES FOR SURVIVORS OF SEX TRAFFICKING

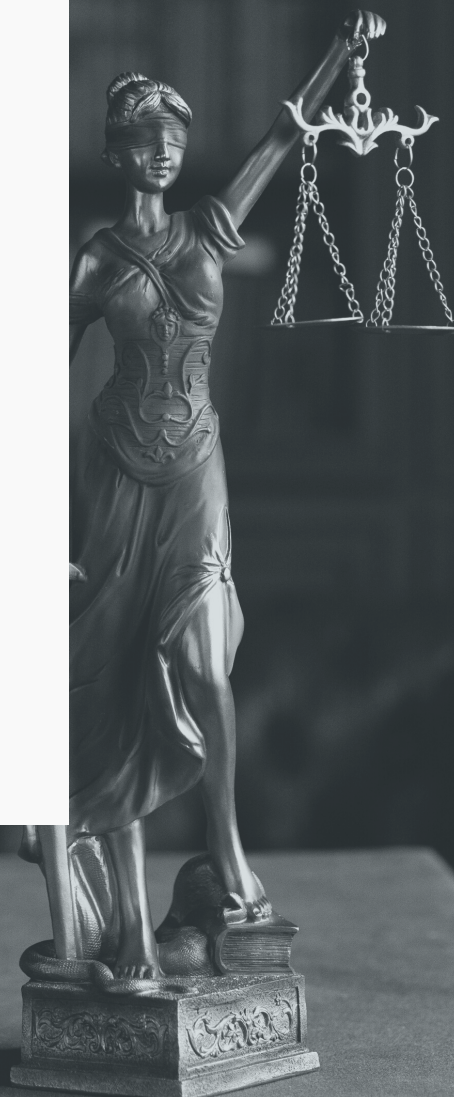
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# LEGAL DESERTS REPORT

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THE AVERY CENTER

NATIONAL SURVIVOR LAW COLLECTIVE



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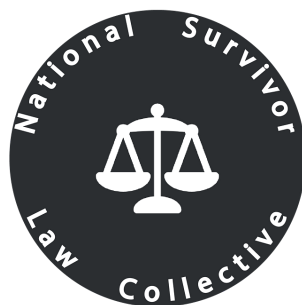
**JULY 2021**

# OUR PARTNERS



The Avery Center is an anti-trafficking nonprofit based in Colorado. Founded in 2014 by a survivor of domestic sex trafficking, Megan Lundstrom, The Avery Center performs survivor-centered research and provides survivor-led direct services.

Founded in 2020, the National Survivor Law Collective (NSL Collective) is composed of U.S. organizations focused on providing free legal services to victims and survivors of all forms of human trafficking.



## NSL COLLECTIVE MEMBERS INCLUDE:



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GLOBAL HUMAN TRAFFICKING

**Moore &  
VanAllen**



**"LIVED EXPERIENCE  
MUST INFORM  
CHANGE"**

**- MEGAN LUNDSTROM**





# LEGAL DESERTS REPORT

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## ABSTRACT

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Human trafficking victims who are exploited in the commercial sex industry are highly likely to be arrested for offenses catalyzed by their victimization. The resulting criminal records shadow survivors out of trafficking and serve as barriers to achieving sustainable independence. Over the last ten years, many states have enacted some form of criminal record relief for trafficking survivors. However, it is incredibly difficult for survivors to claim their legal right to relief without legal representation. Securing legal services can be a time consuming, trauma-inducing, and sometimes impossible endeavor. **This report analyzes the accessibility of various forms of legal services for survivors of trafficking.** The Avery Center's research team contacted 550 organizations that self-advertise as providing legal services for survivors and clarified the type of legal support available (and for whom). The resulting data showcases the dramatic gap of providers able to assist survivors. Although the law has adjusted to better support survivors, the benefit of the law is inaccessible for most survivors. Without adequate legal representation, trafficking survivors are left living with the reality of human rights deprivation. The result is – a legal desert.

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# INTRODUCTION

The term Legal Desert represents what many survivors of trafficking experience when seeking legal justice. They walk through a desolate desert devoid of resources, while consistently being deceived by what may look like help. The Avery Center is one of the few anti-trafficking nonprofits that provides direct services *and* conducts research. Almost all of the survivors they walk alongside require some form of legal services in order to successfully exit trafficking and secure sustainable independence. However, accessing that aid, even with The Avery Center's advocacy, can be an incredibly difficult process. The Avery Center believes that lived experience must inform change and, by default, that all services should be data-driven. Thus, after encountering these legal deserts with numerous clients, The Avery Center decided to conduct a comprehensive research project to determine the scale and severity of this drought. The goal of this project is to determine where and what type of legal services exist for sex trafficking survivors. Access to this information empowers practitioners to better understand and mitigate the obstacles that exist for survivors seeking legal services.

The Avery Center partnered with the National Survivor Law Collective ("NSL Collective") to produce this report. The NSL Collective is a collaboration among private legal services organizations that have been providing *pro bono* legal services to trafficking survivors for many years. The NSL Collective provides a strong collective response to survivors' legal and other needs across the United States. The goals of the NSL Collective include: (1) connecting survivors to attorneys through an active listserv and provider database development; (2) training lawyers in the delivery of trauma-informed and survivor-centered legal representation; and (3) to proactively develop and implement models of legal services that meet the needs of survivors today and into the future, shaped by their direct voice and participation. The NSL Collective leadership is geographically diverse and consists of representatives from Free to Thrive, Justice Restoration Center, ALIGHT (Alliance to Lead Impact in Global Human Trafficking), the Trafficking Law Center, Paul Hastings LLP and Moore & Van Allen PLLC.

## BACKGROUND

### TRAFFICKING 101

According to the International Labor Organization, there are an estimated 40.3 million people experiencing human trafficking globally, with hundreds of thousands located in the United States [1]. The survivors of this crime are men, women, adults, children, foreign nationals, and U.S. citizens [2]. Human trafficking

applies to a broad category of exploitation, however this study concentrates exclusively on sex trafficking. Sex trafficking is defined as, “a commercial sex act that is induced by force, fraud, or coercion, or when a commercial sex act involves a person below 18 years of age” (The Victims of Trafficking and Violence Protection Act of 2000). For the purpose of this report, the terms survivor and victim are used interchangeably in reference to trafficked persons.

The underground nature of trafficking makes it hard to predict with certainty how prevalent sex trafficking is. However, the U.S. Department of Justice estimated that 200,000 American children are at risk for trafficking into the sex industry [3]. Additionally, they estimated 14,500 to 17,500 foreign nationals are trafficked into the US each year [4]. According to the National Survivor Network (NSN) Members Survey, roughly 50% of trafficking survivors are first trafficked as minors and roughly 13% are trafficked after the age of 28 [5]. When it comes to sex trafficking, there are no boundaries. Victims can be any age, gender, or demographic.

## SURVIVORS AND CRIMINAL RECORDS

Survivors face the dual issues of criminalization and stigmatization long after they escape trafficking situations. Trafficked individuals are often arrested and convicted of prostitution-related offenses [6]. According to the NSN, 90.8% of trafficking survivors reported being arrested during their time being trafficked [7]. Of those, over 50% were arrested at least once as a juvenile and over 40% were arrested 9 times or more [8]. The most common arrest charges include prostitution, solicitation, intent to solicit, truancy, and drug-related crimes. The majority of these charges resulted from actions that were orchestrated in some way by their trafficker. Substances are used both as a means of control by traffickers and as a way to numb the pain of the repeated trauma [9]. Trafficked persons are rarely recognized as victims by police or prosecutors, and are thus pressured into pleading guilty [10].

These charges result in long-term adverse effects for survivors after they exit trafficking. An extensive criminal background can result in difficulties seeking employment and housing. In the NSN Members Survey of 130 survivors, 73% of respondents reported losing or not receiving employment because of their criminal records [11]. Furthermore, 58% of respondents suffered barriers to accessing safe and affordable housing due to their past criminal convictions [12]. The lack of employment and stable housing can create vulnerability that leads to re-trafficking or other forms of exploitation. Additionally, survivors who want to begin or continue their education may be denied acceptance or financial aid due to their criminal records [13]. A criminal record can also affect access to government benefits (like food stamps) and impact the ability of parents to retain custody of their children. The consequences are even more severe for foreign nationals, as their ability to remain and/or work in the United States is impacted greatly by having a criminal

record [14]. As a result of these factors, trafficking survivors need specialized legal services that can assist with expungement, vacatur, and record sealing. Beyond criminal records, survivors also face other legal obstacles. A survivor may require legal assistance with debt or identity theft resulting from their trafficking. Additionally, legal services are needed for family law and custody cases (particularly where the father of the child is a trafficker or buyer). Survivors of trafficking may also wish to press criminal charges or file civil cases against their traffickers or others who benefited financially from their exploitation. The legal needs of trafficked persons are as vast and unique as each individual.

## THE NEED FOR TRAUMA-INFORMED SERVICES

Regardless of the type of legal help sought, all survivors require support from legal providers who are familiar with the trafficking industry and can operate in a trauma-informed and survivor-centered manner. This requirement is in large part needed to redress the distrust that many survivors harbor for the criminal justice system. Trafficked persons are routinely arrested, detained, prosecuted, convicted, and, in some cases, incarcerated or deported, without ever being identified as victims [15]. This is influenced by the victim's trauma, language barrier, fear of authorities, fear of retribution, or lack of self-identification as a survivor. Additionally, law enforcement and legal professionals often lack sufficient training on identifying trafficking victims. Survivors are often victim-blamed by law enforcement and deemed responsible for their exploitation. As a result of their past interactions with law enforcement, most survivors do not view the judiciary as a trusted resource that is 'on their side.' They have very little faith in the system to achieve justice for them. The following quotes are from survivor interviews conducted by The Avery Center: they represent the distrust many survivors have for the criminal justice system.

“Some cops were real nasty and mean, calling us sluts and saying that's what we get and we should be ashamed of ourselves.”

“Police don't really care. Even when I was arrested as a minor, they didn't ask me, 'Do you have a pimp? Is somebody doing this to you?' They just took me to juvenile detention.”

“It would not have been safe to call the police, because I had purchasers who were police officers.”

“I had a torrid affair with an FBI agent that was trying to get me to help him on drug busts... They call it building a relationship, building trust, or whatever. It's very exploitive.”

“I've slept with judges, I've slept with lawyers and cops too, of course! Why would someone trust their exploiter to help them?”



As these quotes display, survivors are often skeptical to seek legal assistance after exploitation. Pursuing legal justice requires some degree of faith that the system will work in your favor. After repeated exposure to a system that treated them like criminals instead of victims, that faith is often nonexistent. Survivors of color may face additional barriers as a result of structural inequalities and disparities in policing people of color.

Given the general distrust of the legal system to protect or provide justice, survivors are often skeptical about pursuing legal assistance at all. If a survivor is interested in pursuing legal justice, the process can be long, expensive, and emotionally taxing. It may also result in additional trauma as survivors are made to retell their stories repeatedly. Thus, the legal support needed for survivors must be trauma-informed and survivor-centered to be successful. Legal professionals require training on how the sex trafficking industry operates and how to work with survivors. More information on this topic can be found in the *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys'* by the American Bar Association [16].

## LEGAL DEVELOPMENTS IN TRAFFICKING PROTECTIONS

This legal predicament is not new for survivors, however the public attention surrounding it is. The Trafficking Victims Protection Act (TVPA) of 2000 was the first comprehensive federal law to address trafficking in persons. The United States did not formally acknowledge that trafficking was happening domestically until a re-authorization of the Act in 2013. In 2010, New York became the first state to pass a law specifically allowing survivors of sex trafficking to vacate prostitution convictions that were a direct result of being trafficked [17]. This law became a model for legislation in many other states. More than half of the states in the U.S. have enacted laws that allow survivors to vacate, expunge, or seal prior convictions for prostitution-related or other offenses that resulted from being trafficked [18]. A parallel legal trend of Safe Harbor laws has developed alongside the push for criminal relief. Although the laws vary drastically state by state, generally Safe Harbor laws aim to protect children from being charged with prostitution and to connect trafficked minors with supportive services. As of 2015, 34 states had adopted some version of a Safe Harbor Law which provides special protection for sex-trafficked minors [19].

Although this legal development is promising, it may seem like 'too little, too late' for many survivors. The NSN reported that 75% of survivors have not been able to vacate their convictions [20]. Cost and difficulty were cited as the most prominent barriers. The process is incredibly complex, even for experienced practitioners. The new statutes differ in important ways, making it crucial that legal providers are familiar with the specific statutory requirements of their jurisdiction. Additionally, many survivors are trafficked across state lines, increasing their chances of having convictions in multiple jurisdictions.

Convictions in multiple jurisdictions may require filing multiple motions, each with their respective legal representative. Additionally, the survivor is required to prove a nexus between their convictions and their status as a trafficking victim. It can be difficult for survivors to produce proof of this nexus years after conviction. Likewise, some statutes require the survivor to file a motion for post-conviction relief within a certain time frame. Without legal guidance, the various jurisdictions and statutes are difficult for survivors to navigate. Attempting to remedy past convictions or file new motions *pro se* severely reduces the chance for desired outcomes. These highlighted examples illustrate the need for legal professionals who are educated on the recent developments and are willing to advocate for their clients despite the difficulties.

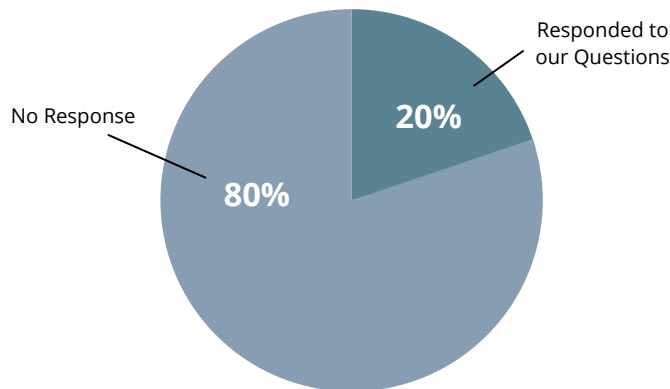
In theory, it should be easier than ever for survivors to remedy past human rights injustices. However, in practice this is not the case. In 2019 Polaris, The American Bar Association, Brooklyn Law School, and the University of Baltimore School of Law produced a joint report that surveyed all 50 states on the effectiveness of their criminal record relief laws for trafficking survivors [21]. Nearly all states received failing grades either for (1) having no criminal record relief, or (2) having relief that is too limiting in scope. This project was ground-breaking for exposing the inadequacies of the current laws. In addition to the legal inadequacies, the practical impact of these laws are of no use without lawyers who are trained to use these laws to assist survivors. If a state passes substantial vacatur laws, but has no trauma-informed and trafficking-trained attorneys, the law is of little use.

## METHODS

No previous report has researched how accessible legal services are for survivors in practice. Although many anti-trafficking organizations (and more importantly, survivors) have experienced the difficulties of acquiring legal services, there is no existing data on the availability and accessibility of legal services for survivors of sex trafficking. We created this project to change that.

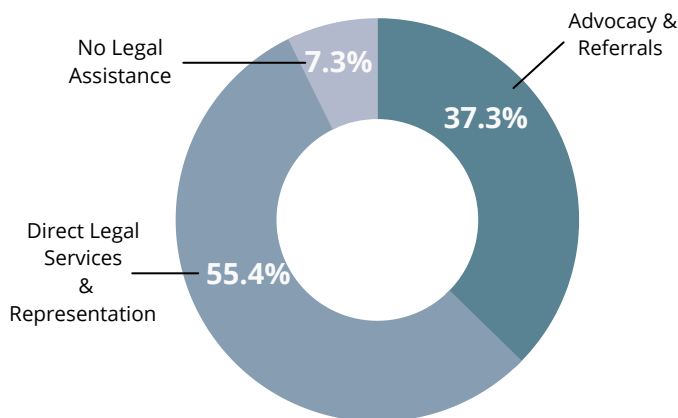
The study was conducted with an intentionally broad reach. The Avery Center gathered a list of 550 organizations from across the United States that self-advertise as providing legal services to survivors of sex trafficking. This list was gathered in part: from The National Human Trafficking Hotline's public list of legal resources for survivors [22]; from internal client-referral lists from peer anti-trafficking nonprofits that were volunteered for the study; from Google searches mirroring what a survivor may search for (i.e. "legal help for trafficking victim/survivor"); and with assistance from the NSL Collective. In this database, all types of legal services were included. Contact was attempted with each organization three times. When contact was achieved, the organizations were asked to clarify the legal services they offer and their target demographic. More information about the contact method and survey questions can be found in the appendix on page 21.

# STUDY RESULTS



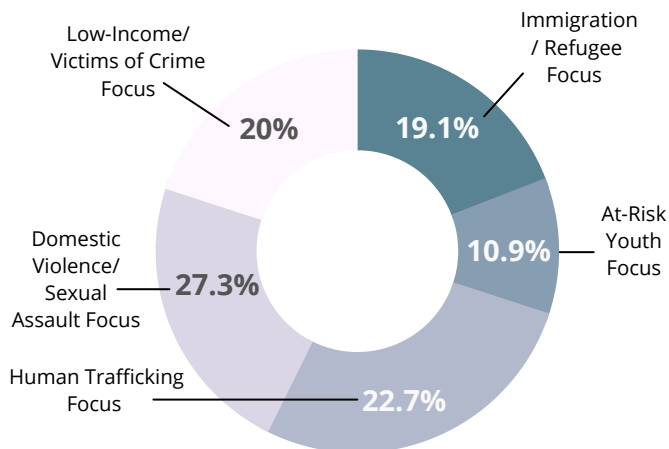
## RESPONSE RATE

Of the 550 organizations we reached out to, we heard back from 110 (20%). Although this is a great response rate for a blind survey, it is a dismal response rate for a survivor reaching out for support and with consideration to the extent of outreach, as outlined in the appendix.



## TYPE OF LEGAL SERVICE

Of the 110 organizations that responded, 7.3% said they do not provide any form of legal services. Another 37.3% were able to offer lay advocacy, court escorts, and referrals. The remaining 55.4% provide direct legal services in the form of consultations and representation.

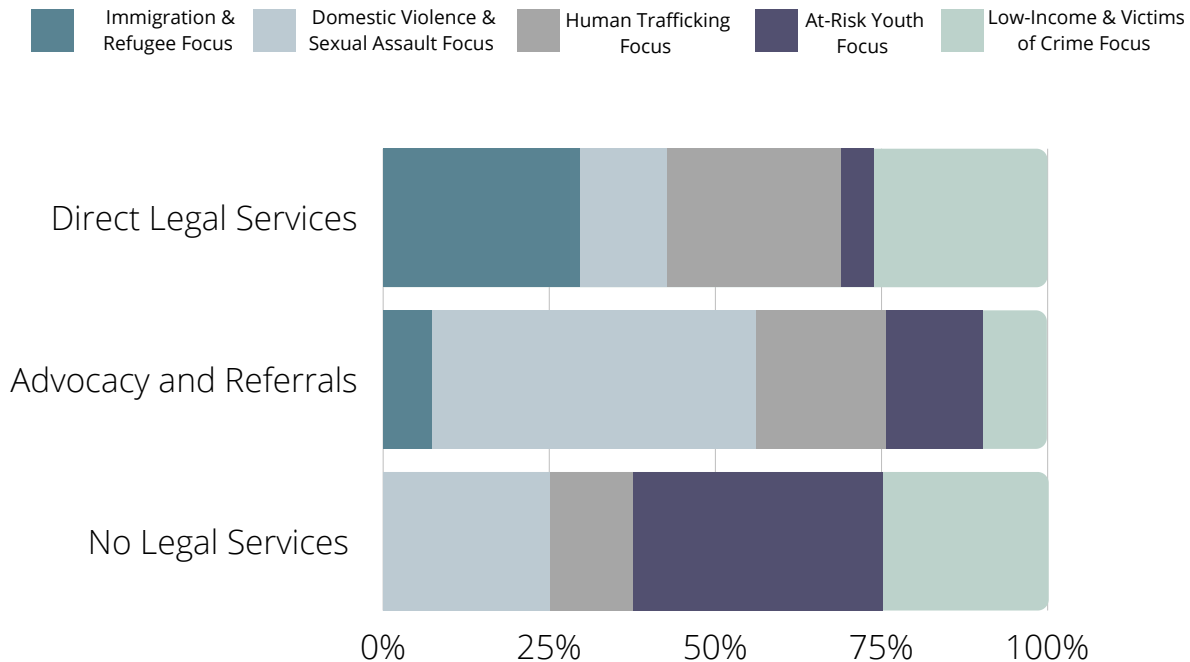


## TARGET DEMOGRAPHIC / ORGANIZATION FOCUS

Each organization was asked about their target demographic or organizational focus. Exactly 27.3% focus on domestic violence and sexual assault victims; 22.7% focus on human trafficking; 20% focus on victims of crime and low-income populations; 19.1% focus on immigrant and refugee populations; and 10.9% concentrate on serving at-risk youth.



## TYPE OF LEGAL SERVICES SEPARATED BY ORGANIZATION FOCUS



Of the 61 organizations that provide **direct legal services**:

- 18 focus on immigrant and refugee populations
- 16 focus on human trafficking victims
- 16 focus on low-income populations and victims of crime
- 8 focus on domestic violence and sexual assault victims
- 3 focus on at-risk youth



Of the 41 organizations that provide **advocacy and referrals**:

- 20 focus on domestic violence / sexual assault victims
- 8 focus on human trafficking victims
- 6 focus on at-risk youth
- 4 focus on low-income populations and victims of crime
- 3 focus on immigrant / refugee populations



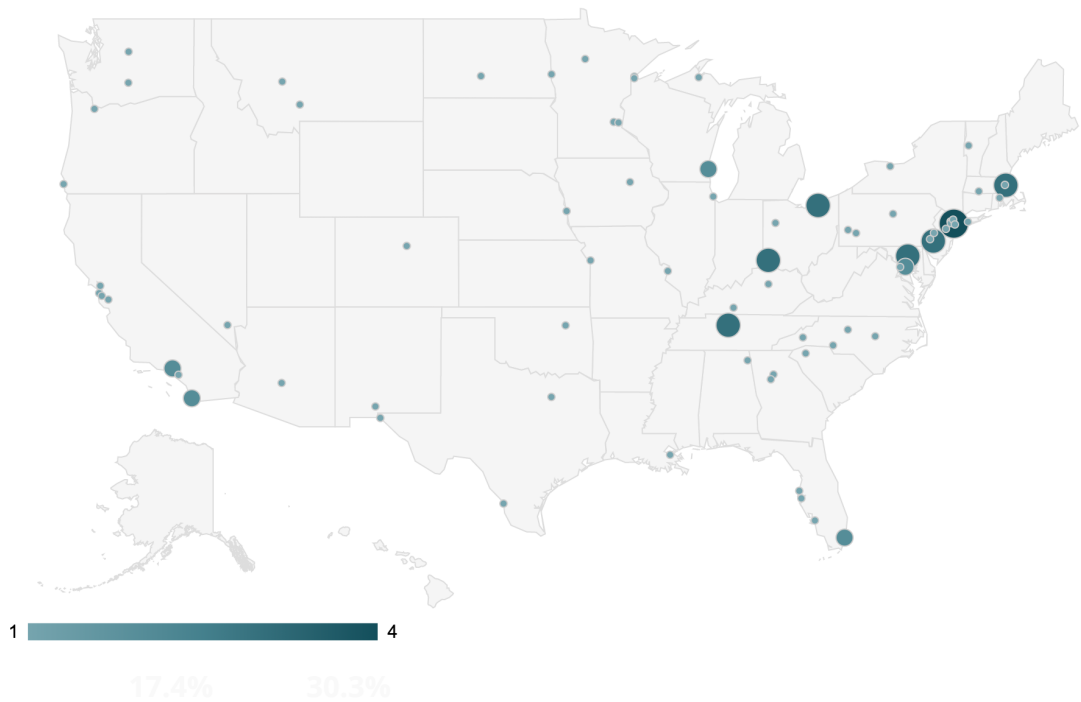
Of the 8 organizations that **do not provide any legal services**:

- 3 focus on at-risk youth
- 2 focus on domestic violence / sexual assault victims
- 2 focus on low-income populations and victims of crime
- 1 focuses on human trafficking victims
- 0 focus on immigrant / refugee populations

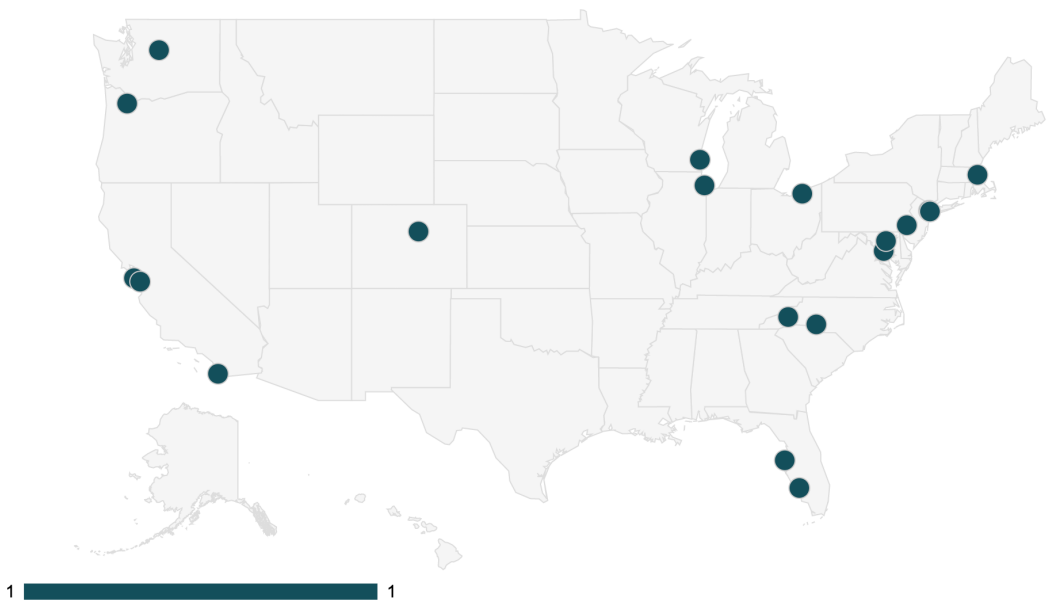


# GEOGRAPHIC DISTRIBUTION

RESPONDING ORGANIZATIONS WHO PROVIDE REFERRALS OR DIRECT LEGAL SERVICES



RESPONDING ORGANIZATIONS WHO PROVIDE DIRECT LEGAL SERVICES AND FOCUS ON HUMAN TRAFFICKING



# ANALYSIS

## RESPONSE RATE

It is relevant to first acknowledge that this response rate may not be indicative of the response rate for an individual survivor who reaches out. The Avery Center reached out under the premise of expanding their internal referral database for the survivors they serve across the nation. The response rate was 20%. For a general survey response, this rate is incredibly generous. However, for a survivor seeking support, particularly on a time-sensitive matter, a 1 in 5 response rate is dismal. This rate means that a survivor would have to reach out to at least 5 organizations, and be ignored for several months by 4, before hearing back from one. Even at this point, the response does not indicate a positive result (i.e. the provision of the type of legal services needed), it simply means that a call or email was returned. The experience of The Avery Center and of the National Survivor Law Collective has further shown that many survivors reveal having to wait for months, if not years, to be assigned an attorney even when they do reach an organization.

## PROTECTION GAPS

One of the most notable outcomes of this survey was exposing the protection gap resulting from the separate categorization of trafficking survivors. Many responding organizations limit their services to a specific subset of the human trafficking population. For example, 29.5% of responding organizations that provide direct legal services focus solely on survivors of international trafficking. Thus, our list contained numerous refugee clinics which can provide legal services to recent immigrants and refugees, some of whom may be victims of international trafficking for the purpose of sexual exploitation. However, these organizations are typically not able to provide any support for US citizens or long-term residents who are victims of domestic sex trafficking.

For domestic survivors, the most widely available services (making up 27.3% of the responding organizations) fall under the broader category of gender-based violence. Many women's clinics and rape crisis centers on our list serve a target demographic of, 'victims of domestic violence, sexual assault, stalking, and trafficking.' Although gender-based violence clinics may be able to provide support for domestic survivors of trafficking, the concentration on women may ostracize male survivors. Additionally, these organizations vary regarding whether or not they are able to serve foreign nationals.

Although the different needs of international and domestic trafficking survivors may warrant separate organizations, the legal services available to each group are



starkly different. Roughly 86.7% of immigration clinics offer direct legal services (meaning they have an attorney on-site who can provide legal counsel or representation). However, only 26.6% of domestic violence clinics offer direct legal services.

Additionally, the legal services offered at domestic violence clinics are often limited to family law and protective orders. Similarly, the legal services offered at immigration clinics are often limited to immigration law. Thus, this separation of legal providers results in a protection gap for survivors seeking trafficking expungements or filing civil charges against traffickers. Although these are some of the most crucial legal needs for survivors, they are typically not provided for under the two largest service categories.

## FINANCIAL OBSTACLES

If a survivor does not identify as an immigrant/refugee or a victim of domestic violence, they are likely to be directed to a general legal clinic which provides assistance to all low-income residents or victims of crime within a given region. These more general clinics represented 20% of responding organizations. The benefit of these organizations is that there is no need to prove your status as a trafficking survivor in order to qualify. As with all organizations on this list, each clinic is limited by the type of legal services available. Some clinics only help with certain types of legal services (evictions, employment, discrimination, etc.). Very few of them provide criminal defense representation. Only some of these organizations offer trafficking-specific training for legal professionals on staff. Furthermore, most services offered by these organizations are predicated on qualifying income. In many cases, income-based aid is a just and equitable way to ensure help is available to those most in need. However, it can serve as a barrier to accessibility for survivors who are financially manipulated during trafficking. Depending on the relationship with the trafficker and the amount of time they have been out of trafficking, their financial records may show far more income than they have access to.

## JURISDICTION AND GEOGRAPHIC LIMITATIONS

Referencing the maps on page 13, this report emphasizes the geographic limitations for survivors. The first map illustrates all responding organizations which provide direct legal services or referrals. Perhaps predictably, most legal providers are located in large urban centers. The bottom map illustrates the organizations that provide direct legal services *and* have an organization focus or program specifically for trafficking survivors. The results are even more limited. Survivors who live in rural regions or in states with no providers may struggle to find available resources. Additionally, a survivor may live near a legal provider, but

that does not necessarily mean that organization offers the type of legal services that are being sought. The survivor may not qualify based on citizenship or income, or the legal provider may not cover the type of law required.

It is important to note that geographic limitations often mirror jurisdictional limitations. Most providers with attorneys on staff are only available to handle cases in the state in which they are located. Thus a survivor who lives in Texas, but has prior convictions in Nevada, may reach out to numerous providers in Texas, only to find that none of them are able to assist. They may then turn to a provider in Nevada, only to be turned away because they only serve clients residing in Nevada. Navigating the complexity between state/federal charges or civil/criminal proceedings takes time for legal professionals to understand, but can seem unmanageable for survivors. Survivors may know that they are in need of legal services, while being unsure of the exact jurisdiction, type of proceeding, or legal strategy they want to pursue. This is just one example of the difficulty presented by seeking justice and the vast amount of self-advocacy expected of the survivor. There are a few exceptions to these jurisdictional limitations, such as with federal charges and immigration proceedings. Additionally, some organizations such as ALIGHT (featured in the following section) are based in one state, but connect survivors with qualified attorneys in multiple states and jurisdictions.

## HOPEFUL TRENDS

Although few in number, 40% of responding organizations focus specifically on trafficking and are fighting to meet the demonstrated legal need. Since 2010, there has been a spur of new organizations with a specific focus on human trafficking. We will highlight a few examples and the approaches they are taking to provide justice for survivors. The standard approach to meeting this protection gap has been the creation of legal centers and law-school clinics that concentrate on the needs of sex trafficking survivors. To highlight one example, the Amara Legal Center is based in the Washington, DC metro area and provides free, trauma-informed legal representation, access to support systems, and advocacy [23]. They have attorneys on staff and can provide legal assistance with civil protection orders, family law, child custody, criminal defense, expungements/sealings/vacatur, and victim-witness advocacy. The target demographic is sex trafficking survivors and sex workers, without regard to age, gender, race, ethnicity or income. In addition to nonprofit organizations, law school clinics like those at the University of Michigan, Villanova School of Law, and Pepperdine Law School also provide direct legal service to survivors of trafficking.

An alternative approach to meeting the protection gap has been the creation of 'matching' organizations that serve as a bridge between survivors and qualified *pro bono* attorneys. One such example is ALIGHT (Alliance to Lead Impact in Global

Human Trafficking) based in Denver, Colorado [24]. ALIGHT matches survivors with screened attorneys using an app (similar to the Lyft model). They focus on recruiting and training attorneys with available *pro bono* hours to meet the demand for legal services for trafficking survivors. Because they work with a broader range of attorneys, they are able to service a wide variety of legal matters, including: revenge porn, child custody, expungements, and criminal defense. The tech model supports survivors' choice and control by allowing them the freedom to choose when and with whom they work.

The third noticeable trend is a growing movement towards civil remedies for trafficking survivors. While expungements/vacatur allow survivors a fresh start to build a new life, civil remedies allow survivors to seek justice against their trafficker. Pressing criminal charges can be a triggering and exhausting experience with no guarantee that the trafficker will be found guilty. Even if the trafficker is charged, the survivor does not receive any compensation for the harm they endured. By bringing civil cases against traffickers or third-parties who benefited from these crimes, survivors can seek damages. This route can provide survivors with a sense of justice and financial compensation that allows them to rebuild. Several legal centers are pursuing this route both through the in-house attorney model (like the Justice Restoration Center) and through the match-making attorney model (like the Human Trafficking Legal Center) [25-26].

The fourth area of recent impact is the growing number of private law firms devoting significant resources to providing *pro bono* representation to trafficking survivors. For example, the Moore & Van Allen *Pro Bono* Project in Charlotte, North Carolina has represented survivors in over 300 matters ranging from expungement of criminal records, to victim-witness advocacy in investigations and prosecutions against traffickers, to custody, name change, credit repair, and immigration assistance. This program has over 200 legal professionals devoted to supporting survivors and regularly trains other lawyers and law firms on delivering the same *pro bono* services. Trauma-informed, competent private lawyers can help ensure that every survivor has a *pro bono* lawyer to advocate for their legal needs [27].

"IF ONE REALLY WISHES TO KNOW HOW JUSTICE IS ADMINISTERED IN A COUNTRY, ONE DOES NOT QUESTION THE POLICEMEN, THE LAWYERS, THE JUDGES, OR THE PROTECTED MEMBERS OF THE MIDDLE CLASS. ONE GOES TO THE UNPROTECTED - THOSE, PRECISELY, WHO NEED THE LAW'S PROTECTION MOST - AND LISTENS TO THEIR TESTIMONY."

- JAMES A. BALDWIN



# CONCLUSION

## AND RECOMMENDATIONS



Trafficking survivors have more legal protections than ever before. In practice, survivors are often unable to access the legal assistance that would allow them to realize their rights. Human rights that exist only in theory are nothing more than mirages in a desolate desert. Focusing on the big picture, this report demonstrated that almost all survivors are in need of legal services, particularly on expungement matters, given the likelihood of a criminal record resulting from their victimization. The resulting criminal records follow survivors out of trafficking and serve as a barrier to establishing secure livelihood and independence. Although there are new statutes in almost every state to protect survivors, this relief is only accessible with legal guidance. However, the deep distrust of the criminal justice system prevents many survivors from ever reaching out. Although there are some notable exceptions, the chances of finding relevant legal services remain rare.

There is still national confusion regarding the nature of trafficking, particularly in the case of domestic sex trafficking. Under the current system, sex trafficking survivors are often funneled into one of two broad categories: immigration/refugees center or domestic violence centers. Survivors who cannot meet their legal needs through these avenues may find themselves at a general *pro bono* legal center. General legal centers may be a great option for some survivors, but they may not be trained on the specifics of newly developed trafficking statutes or trauma-informed services. All three of the previous categories are limited by jurisdiction and the type of legal assistance they offer. Additionally, the majority of them are bound by geographic constraints and are inaccessible to survivors who do not live nearby or who need support with cases/claims filed in a different jurisdiction. It is important to note that legal providers that are not properly trained and equipped to serve this population may do more harm than good. There is an urgent need for more legal service providers in this field, but the quality of service is just as important as the accessibility.

Despite the difficulties, there are promising developments worth highlighting. Since 2010, numerous new organizations and programs with a specific focus on human trafficking opened around the country. Although they vary in operations, all

of them promote trauma-informed and survivor-centered services. They provide legal services that cater to trafficking survivors' needs, such as: expungements, child custody, protective orders, criminal defense, victim-witness rights representation, and civil claims against traffickers or financial beneficiaries. The following proposals would allow this growth to continue.

## RECOMMENDATIONS

- 1 In order to address the root problem, legal reform is needed to reduce the necessity for legal services. Trafficked persons should be identified as victims of a crime and never criminalized for crimes they are forced or coerced to commit.
- 2 In order to remedy past convictions, more legal professionals are needed to volunteer *pro bono* hours and support expungement, record sealing, and vacatur.
- 3 In order to ensure quality services, continued support is needed for agencies that provide training on trafficking developments and trauma-informed practices for attorneys.
- 4 In order to expand accessibility, more comprehensive legal services for trafficking survivors, whether nonprofits, law firms, or law school clinics, are needed in geographic areas lacking these services, particularly rural areas.
- 5 In order to expand inclusivity, legal services should be available for all trafficking survivors regardless of gender, age, nationality, race, or income.
- 6 In order to inform future practice, further research should study what personal support is needed to overcome the mistrust of the criminal justice system. Even with an ideal legal system in place, it remains inaccessible for survivors with severe distrust of law enforcement.

Further research followed by further action will continue to propel us towards a justice system that is actually just for survivors of trafficking. This report matters because the life of each individual survivor matters. And every survivor who does not receive the legal services required to regenerate their life is a victim to further injustice.

# ENDNOTES

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# APPENDIX

## THE AVERY CENTER'S RESEARCH TEAM REACHED OUT TO EVERY ORGANIZATION ON THE LIST THROUGH EVERY AVAILABLE MEANS:

- Contact was attempted three times for each organization.
- When available, contact was varied (phone call, email, online contact form).
- The data collection phase took place over 4 months (January – April 2021), allowing each organization at least one month to respond.

## EACH ORGANIZATION WAS ASKED THE FOLLOWING QUESTIONS REGARDING THE SERVICES THEY OFFER SURVIVORS.

- What type of legal assistance do you offer (advocacy/ referrals/ direct legal services)?
- If you do provide direct legal services, what type of law can you assist with (immigration, criminal, civil, etc.)?
- Do you have a primary/ target demographic (Immigrants, youth, domestic violence victims, etc.)?
- Are your services available regardless of citizenship?
- Is there a charge for your services / if so – how much?
- Is your staff equipped to work with survivors of trafficking (trauma-informed, trained on trafficking basics, etc.)?
- Other comments on the nature of your services?
- Do you know any other legal providers in your area who provide legal services to victims of trafficking?



## LEGAL DESERTS REPORT

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"EQUAL RIGHTS, FAIR PLAY,  
JUSTICE,  
ARE ALL LIKE THE AIR;  
WE ALL HAVE IT OR  
NONE OF US HAS IT."

-MAYA ANGELOU



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JULY 2021