

HUMAN TRAFFICKING ASSESSMENT FOR DOMESTIC WORKERS

The following document contains questions that can be used to assess a client for potential signs that she/he has been a victim of labor trafficking for the purpose of domestic work.

HUMAN TRAFFICKING ASSESSMENT OVERVIEW

Victims of human trafficking who are domestic workers may reach out to social service providers or law enforcement to access help while in a trafficking situation or after exiting a situation. In order to assess whether an individual is a potential victim of trafficking, it is important to understand the definition of human trafficking, as well as red flags and potential indicators of a human trafficking situation.

Please note that throughout this assessment the term “controller” is used generally to describe the potential trafficker or the person(s) who maintain(s) control over the potential victim(s).

Definition of Human Trafficking from the Trafficking Victims Protection Act (TVPA)

- Sex Trafficking: the recruitment, harboring, transportation, providing, or obtaining of a person for a commercial sex act, 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 yet attained 18 years of age.¹
- Labor Trafficking: 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.²

Labor Trafficking of Domestic Workers

Domestic workers perform work within their employers’ households, such as cooking, cleaning, childcare, eldercare, gardening and other household work. Domestic workers may or may not live in their employer’s homes; they may work for a single employer or family, or several employers or families. Employers may include relatives, diplomatic officials or employees of international organizations such as the World Bank or the United Nations and may or may not be from the same national, cultural, ethnic, or linguistic backgrounds as the domestic worker. Domestic workers may be U.S. citizens, or foreign nationals – with or without legal documentation. Specific work visas that a domestic worker may have can include: A-3, G-5, NATO-7 or B-1. Females make up the large majority of this population, however males may also be employed as domestic workers. Victims may be adults or minors.

A situation becomes labor trafficking for the purpose of domestic work when the employer uses force, fraud and/or coercion to maintain control over the worker and to cause the worker to believe that he/she has no other choice but to continue working for the employer. For more information, consult Polaris Project’s [Labor Trafficking of Domestic Workers At-A-Glance](#).

¹ 22 U.S.C. § 7102.

² Ibid.

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RED FLAGS & INDICATORS FOR HUMAN TRAFFICKING

The suggestions and indicators below are not exhaustive or cumulative in nature and each question taken alone may not indicate a potential trafficking situation. Assessment questions should be tailored to your program and victim's specific needs.

General Trafficking Indicators

- Inconsistencies in a victim's story regarding where he/she lives or when he/she arrived at the current location; may not know his/her actual address or even the city and state where he/she is located.
- No access to personal documents or identification (ID, Visa, Passport, Birth Certificate, etc.).
- No access to a bank account or money; no control over personal finances.
- Not allowed to contact friends or family; conversations are monitored.
- Not allowed to leave living or working situation except under supervision, or allowed to leave only for limited, specific purposes (e.g. to attend religious services or ESL courses, to take children to park or school).
- Signs of physical and/or sexual abuse, physical restraint, confinement, malnourishment, or torture.
- A third party speaks or interprets for the victim; victim's responses seem canned, or victim looks to a third party for a response.

Specific Labor Trafficking Indicators for Domestic Workers

- Works excessively long hours, usually inside the home, for little or no compensation.
- Does not have any days off, is required to complete work on her/his days off (e.g. provide childcare, complete household chores before leaving, etc.), or is unable to leave the house on her/his days off. May be required to care for children around the clock, even if they wake during the night or when the employer is present.
- Is not allowed to leave the home to run errands, especially those which are personal in nature, or is only allowed to leave the home to transport children to school or to attend ESL courses, religious services, or school.
- Is often monitored or timed when she/he leaves the home.
- Does not have consistent access to food, medical care, and/or other basic necessities.
- Does not have a private room in the home, or does not have bed. Is forced to sleep in a garage, basement, or other
- Is not allowed to communicate with family or friends, or is monitored while communicating with family or friends. Is forbidden to or restricted from communicating with others in the community.
- Is monitored by the controller, even when the controller is not present, possibly by a neighbor, a friend or the children under the victim's care, or by electronic surveillance.
- Does not have access to personal identification documents, often because the controller confiscated them or is holding them under the pretense of keeping them safe.
- Does not have valid documentation to work in the U.S., or does not know if he/she has a valid work visa. The controller may have made false promises to acquire a work visa for the victim or to renew the visa but has allowed it to expire.
- Is not paid, is not paid consistently or in full, or is promised future payment. Does not have access to his/her pay.
- Is forced to engage in sexual acts against his/her will at the controller's request. Is sexually assaulted by the controller or someone within the household.
- Is physically assaulted or verbally or emotionally abused by the controller or someone within the household.

- Is threatened with deportation, arrest, breach of contract, or other legal action.
- Is threatened with harm or loss of life. Is threatened with harm to loved ones or family members.

TRAFFICKING ASSESSMENT PREPARATION

General Trafficking Assessment Tips

Listed below are general tips for conducting an assessment with a potential victim of trafficking. For a comprehensive list of trafficking assessment tips, consult Polaris Project's [Comprehensive Trafficking Assessment](#).

- Conduct the assessment in a comfortable and safe environment.
- Keep in mind that many victims do not self-identify as “victims of human trafficking” due to a lack of knowledge about the crime itself, power and control dynamics involved in trafficking situations, and normalization of abusive situations.
- The phrasing of all questions included in this assessment should be changed, amended or revised to fit the client and context you are in, and the assessment should be conducted in the victim’s native language whenever possible. Be cognizant of the language that you use when speaking with a potential victim of trafficking. Mirroring the language that the potential victim uses can be a helpful first step.
 - Example: Victims may or may not refer to the controller as their “employer.” In some cases victims may refer to their controller as a family member or family friend.
 - Example: A victim may not refer to childcare or housework as a form of labor, particularly if the controller is a family member or someone towards whom the victim feels indebted.
- Be aware of power dynamics when a third party is accompanying or interpreting for the victim. Try to speak to the victim alone or secure an outside interpreter.
- Be aware that canned stories are common and that the true story may not emerge until trust has been built with the victim after multiple meetings.

Safety Check

It is important to conduct a safety check with the victim before proceeding with the assessment, particularly if he/she has recently exited the situation or is still in the situation. Below are a few considerations to keep in mind and you can access the NHTRC’s full [Safety Planning tool here](#).

In-Person:

- Is it safe for you to talk with me right now?
- Is there anything that would help you to feel safer while we talk?

Over the Phone:

- Are you in a safe place? Can you tell me where you are?
- Are you injured? Would you like for me to call 911/an ambulance?
- *If calling from the residence* - Is your [employer] likely to return soon? How much time do we have to talk?
- If someone comes on the line, what would you like for me to do? Hang up? Identify myself as someone else, a certain company/person/friend?
- Hang up at any point during our conversation if you believe that someone may be listening in. Feel free to call us back later.
- How can we communicate if we get disconnected? Would I be able to call you back/leave a message?
- Would you prefer to call me back when you are in a safe place/at a safer time?

TRAFFICKING ASSESSMENT QUESTIONS FOR DOMESTIC WORKERS

Note: Terms in brackets should be substituted with language that is tailored to the victim's specific situation. For a comprehensive list of trafficking assessment questions, consult Polaris Project's [Comprehensive Trafficking Assessment](#).

Working Conditions

- What are your tasks in the home (childcare, cleaning, cooking, yard work, eldercare, etc.)?
- How many hours do you work during the day or night? Do you get regular breaks? Are you required to be on call 24 hours a day?
- Do you have any days off? Are you able to leave the house on your days off? Are you ever expected to complete work on your days off (provide childcare, complete household chores before leaving, etc.)?
- How did you meet your [employer]? How did you find out about this job?
- What were your expectations of the [job/working hours/living situation]? Has your experience matched your expectations or what you were promised?
- If you wanted to leave the job, would your [employer] let you? What would happen if you left your [controller/job/situation]?
- What would happen if you didn't do what your [controller] asked of you?

Living Conditions

- Do you live with your [employer]?
- Where do you sleep? Do you have your own room in the home? What is the condition of the room? Do you have your own bed?
- Do you have consistent access to food? Are you ever made to go without food? Do you have to get permission to eat?
- Do you have access to medical care? Do you have access to your own hygiene products? Do you have to get permission in order to see a medical professional or obtain hygiene products? Have you ever been to a doctor or needed medical help? If yes, how were the medical bills paid?

Payment

- Are you paid? How much are you paid (per hour, day, week, etc.)? Does your [employer] pay you the full amount you agreed upon? How were you paid? By check, cash, direct deposit into a bank account? Do you have your own bank account?
- Do you have access to your pay/money? If not, does your [employer] promise to pay you in the future for what you are owed now? Does your [employer] say that he/she is sending your pay to someone else, such as family in your home country?
- Are deductions made from your pay? If so, for what (housing, taxes, repaying costs to come to the US, etc.)?
- Does your [employer] pay you through in-kind gifts, rather than with money? Has your [employer] promised to pay you in the future with an in-kind gift for what you are owed now?

Movement & Communications

- Are you allowed to communicate with your family or friends? Are your conversations with your family or friends monitored or restricted?
- Does your [employer] forbid you or restrict you from communicating with others in the community?
- Are you able to leave the [house/place of employment]? How often? For what purpose (to run errands, transport children to school or go to church)? Are there restrictions on where you can go? If so, what would happen if you went someplace else?

- Are you monitored while you are [in the home/working]? Are you monitored or timed when you leave the home for work purposes? For personal activities?
- Do the neighbors, friends, or the children of your [employer] monitor you? Does your [employer] monitor you through other means, for example, with cameras or other technology? Does your [employer] ever threaten that you are being watched by any of these means?

Immigration Status

- Do you have control over your documents (visa, passport, etc.)? Has your [employer] ever taken your documents for any reason? If you do not have control over your documents, do you have access to your documents? What would happen if you asked for your documents?
- Do you have a valid visa to work in the U.S.? If yes, what type of visa? If not, has your visa expired while you were working for your [employer]? Has your [employer] ever promised to acquire a visa for you or renew your current visa? Has your [employer] ever threatened to take away/invalidate your visa or report you to immigration for any reason?

Contract

- Did you sign a contract or make a verbal agreement with your [employer] before coming into the U.S.? If it was a written contract, was it written in your native language? If not, was it written in a language you are able to read and understand? Were you provided with a copy of the contract? Do you have a copy of it?
- What are the basic terms of the contract? What type of work did it say you would be doing? How many hours a day or week did you agree to work? Were you promised days/time off? What wages did you expect to earn?
- Did your contract or any verbal agreements with your [employer] change at any point?

Threats, Physical & Sexual Abuse

- Have you been threatened in any way? Either with threats of violence, deportation, or arrest? Has anyone in your family been threatened? If yes, what was the nature of the threat?
- Have you ever been physically assaulted, verbally abused or emotionally abused by your [employer/member of the household]?
- Did your [employer/member of the household] ever force you to engage in sexual acts against your will?