



Human Trafficking and Domestic Violence

FACT SHEET



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Advocates have long pointed to links between domestic violence and human trafficking. The federal government also has acknowledged the link between these two crimes, recognizing that cases that initially appear to be domestic violence may mask sex or labor trafficking. Understanding the connections between human trafficking and domestic violence is key to identifying appropriate criminal, civil, and immigration remedies. This Fact Sheet provides examples in each context, highlighting cases in which courts and administrative bodies recognized the nexus between human trafficking and domestic violence.

The Department of Justice's Human Trafficking Task Force eGuide¹ expressly lists domestic violence as a crime that may overlap with human trafficking. A recent Government Accountability Office (GAO) publication revealed that 12 of 27 tribal law enforcement agencies reported identifying domestic violence in their human trafficking investigations.² Decisions by the Administrative Appeals Office (AAO) of the Department of Homeland Security on T-visas similarly reflect this linkage.³ In a 2011 AAO decision, an applicant for a T-visa alleged that her husband forced her into prostitution in the United States, threatening to tell her children if she did not engage in forced commercial sex.⁴ And a recent AAO decision stated, "[t]he Applicant correctly notes on appeal that a personal relationship involving domestic violence may qualify as human trafficking in some cases, and that forced sex may qualify as a type of involuntary servitude."⁵

It is not uncommon in federal trafficking prosecutions for the trafficker to be the husband, boyfriend, or romantic partner of the victim.⁶ The fact that a trafficker is married to - or in an intimate relationship with - his victim does not vitiate the trafficking crime. And while the most widely understood domestic violence-human trafficking scenario involves perpetrators holding their domestic partners in *forced prostitution*,⁷ advocates also should look for forced labor in intimate-partner cases. Forced non-commercial sex may qualify as involuntary servitude,⁸ even in the context of an intimate-partner relationship. And intimate partners also may hold wives and girlfriends in forced labor.

Domestic Violence and Sex Trafficking

In some instances, a marriage or intimate relationship may be a fraud instigated by the trafficker from the start. This fact pattern is particularly common in sex trafficking cases, in which young victims are lured into marriages or romantic relationships only to be exploited by their partners through forced prostitution.

For example, a series of successful federal prosecutions revealed that traffickers from the town of Tenancingo, Mexico routinely recruited women and girls by pretending to fall in love with them.⁹ The Tenancingo defendants transported their victims, who often hailed from poor, rural parts of Mexico, up and down the East Coast of the United States. Traffickers then forced the women and girls into commercial sex with threats of force and physical and sexual violence. In some cases, traffickers purposefully impregnated their victims and held their children hostage in Mexico in order to coerce their victims into prostitution.¹⁰ The Tenancingo trafficking enterprises spanned New York, Georgia, Florida, and Texas.¹¹ Since 2009, federal authorities have prosecuted more than 50 Tenancingo defendants for trafficking.

This practice is not limited to Tenancingo. In *United States v. Martinez*, the defendant forced his girlfriend, a young woman from the State of Puebla, Mexico, into prostitution in the United States. The victim's children remained under the care of the defendant's relatives in Mexico. The defendant used physical force to coerce the victim into prostitution. He also instructed his relatives to hold her children hostage. After a violent physical assault, law enforcement authorities arrested the defendant, who was convicted of assault and harassment. Although prosecutors initially viewed this as a domestic violence case, subsequent law enforcement interviews revealed that the defendant had forced the victim into commercial sex. The defendant pled guilty to sex trafficking charges and was sentenced to time served.¹²

Domestically, traffickers use the same tactics on U.S. citizen victims. Boyfriends, husbands, and romantic partners have forced their U.S. citizen victims into commercial sex:

- In *United States v. Lee*, the defendant was sentenced to 15 years in prison after he pled guilty to sex trafficking of a child. Lee had forced multiple minor victims into commercial sex, including one victim to whom he was married and with whom he had a child.¹³
- In *United States v. McKinney*, the defendant pled guilty to production of child pornography and sex trafficking of a child. McKinney, the victim's legal guardian, secretly filmed her having sex with another man. In an effort to mitigate his sentence, the defendant claimed that he and the minor victim were married and that any prior sexual contact between them was consensual. McKinney was sentenced to life in prison.¹⁴
- In *United States v. Vianez*, the victim agreed to engage in commercial sex for the defendant in the hopes that he would "love her." She worked for Vianez for four years. Though she repeatedly tried

to leave, Vianez physically abused her and forced her to continue working. Vianez beat the victim so severely that she had to undergo emergency surgery for her injuries. Hospital staff called the police, who arrested Vianez and initially charged him with domestic assault. He was later convicted of sex trafficking and related crimes, sentenced to 20 years in prison, and ordered to pay the victim restitution in the amount of \$1,354,500.¹⁵

- In *United States v. Yarbrough et al.*, Yarbrough repeatedly used false promises of romantic relationships and family to target and lure vulnerable victims into forced prostitution. He targeted victims as young as 15 years old. One victim testified that she and other victims were “in love” with Yarbrough. If victims refused to engage in commercial sex, Yarbrough used extreme physical violence to coerce them. Yarbrough was convicted of 10 counts of sex trafficking and sentenced to serve 536 months in prison.¹⁶
- In *United States v. Saddler*, the defendant and his 15-year-old victim began dating. Shortly thereafter, Saddler forced the victim to engage in commercial sex in migrant worker camps, physically abusing and threatening her if she refused. Saddler was convicted of conspiracy to commit sex trafficking and sex trafficking of a minor. He awaits sentencing.¹⁷
- In *United States v. Knight*, authorities arrested the defendant for aggravated domestic assault after his girlfriend alleged that he had hit, choked, and threatened to kill her. The subsequent medical report and police investigation identified markers of possible human trafficking. The defendant forced the victim and other women into prostitution, using violence and threats of serious harm to coerce them. Knight pled guilty to lesser charges.¹⁸

Domestic Violence and Forced Labor

Traffickers also have used the promise of a relationship or marriage to obtain forced labor. In *Doe v. Faraghala*,¹⁹ a Moroccan citizen alleged that the defendant married her in Egypt and brought her to the United States. Upon arrival, the victim learned that the defendant was already married with two children. The defendant and his wife allegedly forced her to work as a domestic servant in their home and as a janitor in their limousine business, using physical violence, sexual assault, emotional abuse, and threats against the victim’s family as means of coercion.

In *Pichardo v. Francisco*,²⁰ the victim alleged that the defendant lured her to the United States from the Dominican Republic with false promises of marriage and forced her to work in his parking garage without compensation. A federal court awarded the victim a default judgment in the amount of \$148,863.²¹

It is not always the case that the relationship between a trafficking victim and trafficker is a fraud at its inception. Trafficking victims often have complex relationships with their traffickers. A bona fide marriage or relationship may devolve into a situation of human trafficking.²²

For example, in *Shuvalova v. Cunningham*,²³ the plaintiff, a Russian national, and the defendant met online. After “wooing” the plaintiff for approximately two years, the defendant married her, promising to care for her and her 16-year-old daughter. The plaintiff and her daughter moved to the U.S. The defendant and his son then allegedly forced the plaintiff and her daughter to perform heavy manual labor. The complaint alleged that the men also sexually abused the daughter. In response to the defendants’ argument that the Trafficking Victims Protection Reauthorization Act did not apply to married parties, the court noted, “there is no basis for the proposition that marriage eliminates a tort claim, including one under the TVPRA.”²⁴ The case was voluntarily dismissed with prejudice (usually an indication of settlement).

Domestic Violence and Human Trafficking Involving Other Family Members

Human trafficking can occur alongside domestic violence, particularly when other family members direct the forced labor. Traffickers may use the victim’s fear of retaliation by her community or extended family as a form of coercion. In *Stein v. World-Wide Plumbing*, the plaintiff alleged that her husband, his parents, and additional relatives held her in forced labor in their illegal fencing operation in New York. According to the complaint, the husband frequently raped her, physically abused her, held her children hostage, seized her wages, and forced her to work at a pizza restaurant owned by the family. The court refused to dismiss the forced labor allegations against several family members.²⁵ Similarly, in *Mistry v. Udwardia*, the plaintiff alleged that her parents-in-law forced her to perform domestic work by confining her, controlling her diet, and “leverag[ing]...cultural practices to coerce [her] into providing domestic labor.”²⁶ The defendants allegedly threatened to have their son divorce the plaintiff and send her back to India.

Family-controlled human trafficking may also include identity theft, tax fraud, and the filing of false tax returns. These fraudulent tax returns can result in IRS enforcement actions against the trafficking victims even years after they escape. Trafficker-perpetrated tax fraud is a risk for all trafficking victims, but the risk is particularly pronounced in situations of domestic violence and family-controlled trafficking.

Conclusion

As these cases illustrate, victims of domestic violence may also be victims of sex trafficking and/or labor trafficking. Growing recognition of the connection between domestic violence and human trafficking will enable survivors to achieve justice and immigration relief.

Additional Resources on Domestic Violence and Human Trafficking

- UNICEF USA, *Domestic Violence and Human Trafficking*, (Nov. 15, 2017), <https://www.unicefusa.org/stories/domestic-violence-and-human-trafficking/33601>.

- Freedom Network USA, *Human Trafficking and Domestic Violence Factsheet*, (Apr. 2015), <https://freedomnetworkusa.org/app/uploads/2016/12/HT-and-Domestic-Violence.pdf>.
- Dorchen A. Leidholdt, *Human Trafficking and Domestic Violence A Primer for Judges*, 52(1) THE JUDGES' J. (2013), https://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_domestic_violence_a_primer_for_judges.html.
- National Human Trafficking Resource Center, *Human Trafficking: Intersections with Domestic Violence: Webinar* (Oct. 2011), <https://humantraffickinghotline.org/resources/human-trafficking-intersections-domestic-violence>.
- Amy Barasch & Barbara C. Kryszko, *The Nexus Between Domestic Violence and Trafficking for Commercial Sexual Exploitation*, in *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims* 83 (Jan. 2011).
- Lori L. Cohen, *Sex Trafficking and Labor Trafficking: Overlap and Convergence*, in *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims* 95 (Jan. 2011).
- American Bar Association, *Meeting the Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys & Advocates* (2009), http://apps.americanbar.org/humanrights/docs/project_docs/DV_Trafficking.pdf.

For technical assistance or access to the Human Trafficking Legal Center's federal case databases, please visit our website at www.htlegalcenter.org or write to us at info@htlegalcenter.org.

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¹Dep't of Justice, *Human Trafficking Task Force eGuide*, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/12-recognizing-the-crime/>.

²Of the 27 tribal law enforcement agencies (LEAs) that reported initiating human trafficking investigations, 12 reported identifying domestic violence as an additional crime when investigating human trafficking. U.S. Gov't Accountability Office, GAO-17-624, *Survey Results for Selected Tribal and Major City Law Enforcement Agencies and Victim Service Providers on Human Trafficking* 15 n.28 (2017), <https://www.gao.gov/assets/690/686051.pdf>.

³T-visas, a form of immigration relief created specifically for victims of sex and labor trafficking, require an extensive written application. T-visa applications denied by the Vermont Service Center, the office that adjudicates the applications, may be appealed to the Administrative Appeals Office. 8 C.F.R. § 214.11(10).

⁴The applicant's visa application was initially denied for failure to establish that the applicant had complied with law enforcement requests for assistance. On appeal the decision was withdrawn and the application was remanded for further consideration and action. See Administrative Appeals Office Decision, ID#01D12101 (AAO Apr. 5, 2011).

⁵*Matter of N-O-S*, ID#00561455, 5 (AAO Oct. 11, 2017). The petitioner did not prevail in this T-visa appeal. The decision appeared to turn on two facts: 1) the victim was able to leave the perpetrator to return to Mexico; and 2) she later traveled back to the United States to rejoin the perpetrator.

⁹Federal trafficking prosecutions with a domestic violence nexus include: *United States v. Knight*, No. 1:17-cr-00166 (D.N.D.); *United States v. Washington*, No. 1:17-cr-00071 (S.D. Oh.); *United States v. Hamidullah et al.*, No. 6:16-cr-00027 (M.D. Fla.); *United States v. Saddler*, No. 5:16-cr-00251 (E.D.N.C.); *United States v. Pruitt*, No. 2:16-cr-00285 (D. Nev.); *United States v. Foster et al.*, No. 2:16-cr-00241 (E.D. Cal.); *United States v. Glenn*, No. 1:15-cr-20632 (S.D. Fla.); *United States v. Williams et al.*, No. 8:15-cr-00073 (M.D. Fla.); *United States v. Primus*, No. 4:15-cr-00373 (E.D. Mo.); *United States v. Shelton*, No. 5:14-cr-20033 (E.D. Mich.); *United States v. Natal-Bracetti*, No. 3:14-cr-00245 (D.P.R.); *United States v. Cyprian*, No. 2:14-cr-00236 (W.D. Wash.); *United States v. Sibley*, No. 2:14-cr-00196 (S.D. Oh.); *United States v. Estrada-Tepal et al.*, No. 1:14-cr-00105 (E.D.N.Y.); *United States v. Williams*, No. 5:13-cr-00123 (E.D.N.C.); *United States v. Norris*, No. 1:13-cr-10077 (D. Mass.); *United States v. Rojas-Coyotl et al.*, No. 1:13-cr-00128 (N.D. Ga.); *United States v. Scott*, No. 4:12-cr-00433 (S.D. Tex.); *United States v. Williams*, No. 3:12-cr-05084 (W.D. Wash.); *United States v. Williams*, No. 0:12-cr-60116 (S.D. Fla.); *United States v. McKinney*, No. 4:11-cr-00109 (W.D. Mo.); *United States v. Zimmer*, No. 3:11-cr-00501 (D. Or.); *United States v. Stinson*, No. 2:11-cr-20117 (D. Kan.); *United States v. Patrick*, No. 2:11-cr-00238 (E.D. Wis.); *United States v. Velasquez et al.*, No. 1:11-cr-20005 (S.D. Fla.); *United States v. Lee*, No. 1:11-cr-00237 (D. Colo.); *United States v. Yarbrough et al.*, No. 2:10-cr-20283 (W.D. Tenn.); *United States v. Vianez*, No. 3:09-cr-05065 (W.D. Wash.); *United States v. Valdez*, No. 1:09-cr-20213 (S.D. Fla.); *United States v. Martinez*, No. 1:09-cr-00535 (E.D.N.Y.).

⁷Dorchen A. Leidholdt, *Human Trafficking and Domestic Violence A Primer for Judges*, 52(1) *The Judges' J.* (2013), https://www.americanbar.org/publications/judges_journal/2013/winter/human_trafficking_and_domestic_violence_a_primer_for_judges.html; Lori L. Cohen, *Sex Trafficking and Labor Trafficking: Overlap and Convergence*, in *Lawyer's Manual on Human Trafficking: Pursuing Justice for Victims* 95 (Jan. 2011).

⁸See *Opinion, Ricchio v. McLean*, 853 F.3d 553, 556 (1st Cir. 2017); *Opinion, Doe v. Howard*, No. 1:11-cv-01105 (E.D. Va. Sept. 4, 2012); *Opinion, United States v. Udeozor*, No. 06-4467 (4th Cir. Feb. 1, 2008); *United States v. Kaufman*, 546 F.3d 1242, 1261 (10th Cir. 2008).

⁹Max Kutner, *Sex Slaves on the Farm*, NEWSWEEK, FEB. 5, 2015, <http://www.newsweek.com/2015/02/13/sex-slaves-farm-304354.html>.

¹⁰Press Release, U.S. Dep't of Justice, *Member Of Mexican Sex Trafficking Ring Sentenced To 188 Months in Prison* (Feb. 24, 2017), <https://www.justice.gov/usao-edny/pr/member-mexican-sex-trafficking-ring-sentenced-188-months-prison-term>.

¹¹*Id.* Cases with a nexus to Tenancingo include: *United States v. Mendez*, No. 3:14-cr-00040 (E.D. Va.); *United States v. Flores-Mendez et al.*, No. 1:13-cr-00031 (S.D.N.Y.); *United States v. Granados-Rendon et al.*, No. 1:11-cr-00557 (E.D.N.Y.); *United States v. Hernandez et al.*, No. 1:11-cr-00297 (E.D.N.Y.); and *United States v. Cortez-Granados*, No. 1:11-cr-00657 (E.D.N.Y.).

¹²*United States v. Martinez*, No. 1:09-cr-00535 (E.D.N.Y.). Other criminal cases involving wives and girlfriends lured from Mexico to the United States include: *United States v. Velasquez et al.*, No. 1:11-cr-20005 (S.D. Fla.); *United States v. Valdez*, No. 1:09-cr-20213 (S.D. Fla.). Administrative Appeals Office cases include: *Matter of L-R-P*, ID# 60332 (AAO Dec. 13, 2017); *Matter of N-O-S*, ID#00561455 (AAO Oct. 11, 2017); *Administrative Appeals Office Decision*, ID#01D12101 (AAO Apr. 5, 2011).

¹³*Plea Agreement, United States v. Lee*, No. 1:11-cr-00237 (D. Colo. July 12, 2011); see also Press Release, Fed. Bureau of Investigation, *Former Denver Man Sentenced for Sex Trafficking of a Child and Aiding and Abetting* (Dec. 2, 2011), <https://archives.fbi.gov/archives/denver/press-releases/2011/former-denver-man-sentenced-for-sex-trafficking-of-a-child-and-aiding-and-abetting>.

¹⁴Press Release, Dep't of Justice, *KC Man Sentenced to Life in Prison for Child Sex Trafficking, Producing Child Porn* (Sept. 10, 2013), <https://www.justice.gov/usao-wdmo/pr/human-trafficking-rescue-project-3>.

¹⁵Press Release, Fed. Bureau of Investigation, *Violent Pimp Sentenced to 20 Years in Prison for Sex Trafficking, Witness Tampering, and Interstate Transportation of a Minor for Prostitution Pierce County Man Used Threats and Violence to Force 17-Year-Old Into Prostitution* (Sept. 24, 2010), <https://archives.fbi.gov/archives/seattle/press-releases/2010/se092410.htm>; see also *United States v. Vianez*, supra n. 6.

¹⁶Press Release, Dep't of Justice, *Sex Trafficker Terrence "T-Rex" Yarbrough Sentenced to Serve 536 Months in Prison* (Oct. 29, 2013), <https://www.justice.gov/opa/pr/sex-trafficker-terrence-t-rex-yarbrough-sentenced-serve-536-months-prison>. See also, *United States v. Yarbrough*, supra n. 6.

¹⁷Press Release, Dep't of Justice, *Federal Jury Finds Man Guilty of Sex Trafficking of A Minor* (Nov. 30, 2017), <https://www.justice.gov/usao-ednc/pr/federal-jury-finds-man-guilty-sex-trafficking-minor>.

¹⁸*United States v. Knight*, supra n. 6.

¹⁹*Complaint, Doe v. Faraghala*, No. 113-cv-238958 (Superior Court of CA, County of Santa Clara Jan. 14, 2013).

²⁰*Complaint, Pichardo v. Francisco*, No. 13-cv-04300 (S.D.N.Y. June 20, 2013).

²¹*Default Judgment, Pichardo v. Francisco*, No. 13-cv-04300 (S.D.N.Y. Nov. 12, 2013).

²²Two memoirs authored by trafficking survivors illustrate this link between domestic violence and trafficking. Rachel Lloyd, *GIRLS LIKE US: FIGHTING FOR A WORLD WHERE GIRLS ARE NOT FOR SALE: A MEMOIR* (2011); Bukola Oriola, *IMPRISONED: THE TRAVAILS OF A TRAFFICKING VICTIM* (2009).

²³*Amended Complaint, Shuvalova v. Cunningham*, No. 10-cv-02159 (N.D. Cal. Jan. 11, 2011).

²⁴See *Order Granting in Part and Denying in Part Motion to Dismiss, Shuvalova v. Cunningham*, No. 10-cv-02159 (N.D. Cal. Dec. 22, 2010).

²⁵*Stein v. World-Wide Plumbing, Inc., et al.*, 1:13-cv-6795 (E.D.N.Y.); *Memorandum Decision and Order Granting in Part and Denying in Part Motion to Dismiss*, 2014 WL 6783739 (E.D.N.Y. Dec. 2, 2014). The court later dismissed the case for failure to prosecute after the plaintiff's attorneys withdrew from the representation.

²⁶*Complaint, Mistry v. Udawadia*, No. 12-cv-0034 (W.D. Ok. Jan. 10, 2012). The case was voluntarily dismissed.



About The Human Trafficking Legal Center

The Human Trafficking Legal Center is a not-for-profit, national legal clearinghouse for survivors of human trafficking. HT Legal creates a bridge between trafficking survivors and highly-skilled pro bono legal representation. Standing with trafficking survivors, HT Legal partners with pro bono law firms nationwide to hold traffickers accountable for their crimes. Pro bono litigators trained by HT Legal win compensation for survivors. With these recoveries, trafficking survivors can reclaim their lives. Since 2012, HT Legal has trained more than 3,400 pro bono attorneys and placed more than 280 trafficking-related matters at top law firms.

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