

2015

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Recommended Citation

Winebrenner, Cheyenne (2015) "Human Trafficking and Smuggling in Tampa Bay, Florida: Processes, Policies and Procedures," *McNair Scholars Research Journal*: Vol. 2 , Article 5.

Available at: <https://commons.erau.edu/mcnair/vol2/iss1/5>

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**Human Trafficking and Smuggling in Tampa Bay, Florida: Processes, Policies and
Procedures**

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ABSTRACT

Human trafficking and smuggling are the paradigm of contemporary criminal activity. While these crimes occur throughout many states in the U.S., Florida and the Tampa Bay area specifically are heavily targeted by both foreign and domestic persons. This region is subject to a substantial influx of humans who are transported across borders and within the state. This is caused by the large service industry, coastlines and airports, agriculture and other ports that allow for transportation. These humans may be woman, children and men. Most people who are trafficked are used for two main purposes, slave labor and sex. This paper presents research on human trafficking with the Tampa Bay region and surrounding areas. This review includes laws and policies that have been created within the state in order to prevent and protect citizens of our nation and others from being kidnapped and/or sold as slaves; laws that will cause new enhancements from affected agencies and organizations. Understanding the definition of the word “victim” with human trafficking and human smuggling in mind and who is punished in our legal system for both of these crimes, may be two different things. This review of policies and procedures in the U.S. and the state of Florida will also show who is the criminal and the victim within these cases.

Introduction

Trafficking in persons and human smuggling are believed to be two of the most prolific areas of contemporary international criminal activity.¹ These networks of crime are of significant interest to U.S. homeland security and the international community as a serious human rights issue. This crime extends to all parts of the world with the U.S. at the forefront of controversy due to its large economic power and Florida is no different.² Within the state of Florida, human trafficking and smuggling are hot topics. For the past decade, this realm of criminal activity has become a known problem openly discussed politically; a big step for this topic that took a long time to be recognized. Politically and legally, the rights and actions of the smuggled, smugglers, the trafficked, and the traffickers have been at the forefront of action taken. An in-depth look at the rise in the human trafficking and smuggling situation in Florida could give insight to some of the truths and mysteries that remain within these criminal networks and the attempt from our government and private agencies at hindering the processes behind human trafficking and smuggling. Within this paper I will be examining what human trafficking and human smuggling has amounted to over the past decade. By doing so, I will be looking into the development of what defines these actions, legal actions taken and the methods of entry into our country. Additionally, I will be attempting to uncover vulnerabilities in U.S. homeland security that could potentially be playing a large role in the assistance to the criminals behind these activities.

Methodology

Existing human trafficking literature is one-dimensional in focus, addressing only the circumstances of the victims and perpetrators of the crime of human trafficking. The data rarely points to the networks of crime that are involved, to the evolution of the policies and procedures or to the entrance into these criminal networks. My interest in this overlooked migrant corridor piqued my curiosity in the subject and the depth to which other scholars had previously covered it. When I began to understand how little attention is devoted to the policies and procedures surrounding human trafficking nationwide, I felt compelled to pursue research on human trafficking within the state of Florida.

Over the course of my research, the interviews that were conducted proved to be the strongest areas of development for my work. I had the opportunity to interview some of the

¹ Seelke, Clare Ribando, and Alison Siskin. "Definitions." In *Trafficking in Persons U.S. Policy and Issues for Congress*, 1-18. Washington, D.C.: Congressional Research Service, Library of Congress, 2013.

² *Ibid*: 1-3

highest level officials in the state of Florida that deal with human smuggling and trafficking across multiple branches of the Department of Homeland Security, including the Transportation Security Administration and Immigration Customs and Enforcement. During the course of my research I have encountered a wide range of sources from interviews to existing literature and legal proceedings, and it has become increasingly apparent that the existing literature on human trafficking tends to bleed together the distinct issues of human trafficking and human smuggling. On the other hand, the interviews immediately placed emphasis on the differing factors between the two crimes. To illustrate, the interviewees almost unanimously reported on the U.S. homeland security vulnerability of the migrant visa process and the immigrants who are overlooked once they have reached the U.S.. While these victims may become human trafficking victims, they are first victims of smuggling and coerced into the criminal networks.

The literature pertaining to human smuggling and human trafficking has some obvious gaps. Grievous vulnerabilities in the Department of Homeland Security go unrecognized and unaddressed. As the literature stands, there is a wide range of case studies on victims of human trafficking and smuggling. The life of these victims before, during and after these events occurred is the primary focus of the literature. However, there is an immense amount of uncovered topics that go overlooked. It is with this research paper that I only begin to understand these vulnerabilities and the evolution of the policies and procedures that affect these criminals and victims.

Understanding human trafficking

While it is widely known in the field of trafficking in persons that Florida is an active region for human trafficking and smuggling, there is still a variable that is not understood: where are these victims entering the state? As of 2013, it is estimated that Florida hosts 18,000 to 50,000 trafficked and smuggled people.³ While there continue to be laws written, task forces created and training provided, Florida is only gradually seeing results in the numbers of assisted victims.⁴ This may be due in part to the exact definition of human trafficking and the differences in each presented case. Defining human trafficking ranges dependent on the source that provides the definition. The variables of each human trafficking case may have some similarities or overlap but for the most part, each case is vastly different.⁵ Thus, understanding the complex

³ Ibid: 1-3

⁴ "National Data 2010." Human Trafficking Programs in Florida. September 19, 2010. Accessed January 11, 2015.

⁵ "Convention on Transnational Organized Crime." United Nations. October 10, 2004. Accessed January 15, 2015.

layout of this crime and the operation of it, is vital. Within an immense understanding of the different systems human traffickers have built, finding the rings of trafficked victims is near impossible due to the fear, coercion and lack of control of the victims.

Human Trafficking vs. Human Smuggling

As mentioned in my methodology section, research and policies that relate to human trafficking are based on differences between two crimes: human trafficking and human smuggling. The difference between the two is found in the complex nature of each crime. Each scenario and criminal has a different set of circumstances and procedures that can vary so greatly from another criminal and case. Therefore, it is difficult to distinctly categorize these two crimes. It can be plausible for many cases to have grey areas that could fall under both categories. For instance, while the U.N. Office on Drugs and Crime definition of human trafficking is not synonymous with human smuggling, one person may fall victim to both.⁶

Human Trafficking according to the U.N. Office of Drugs and Crime:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) "Child" shall mean any person under eighteen years of age.

⁶ "United Nations Convention against Transnational Organized Crime And Protocols Thereto." Trends in Organized Crime, 2004, 11-21.

Human smuggling or “smuggling of migrants” according to the U.N. Office of Drugs and Crime:

- (a) The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
- (c) “Fraudulent travel or identity document” shall mean any travel or identity document:
 - (i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or
 - (ii) That has been improperly issued or obtained through mis-representation, corruption or duress or in any other unlawful manner; or
 - (iii) That is being used by a person other than the rightful holder;
- (d) “Vessel” shall mean any type of water craft, including non- displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.⁷

With these definitions in mind, the terminology of the “victim” must be defined for the purpose of this paper. According to Merriam-Webster dictionary, a victim is:⁸

1. one that is acted on and usually adversely affected by a force or agent: as
 - a. one that is injured, destroyed, or sacrificed under any of various conditions
 - b. one that is subjected to oppression, hardship, or mistreatment
 - c. one that is tricked or duped⁹

These definitions will set the tone for the paper and understanding that usage of each term is subjective to each individual person. However, clarifying the terms, definitions and standards could potentially help many people work against these crimes and trying to help the victims of human trafficking and smuggling.

Human trafficking

⁷ Ibid: 11-13

⁸ "An Encyclopedia Britannica Company." Merriam-Webster. February 8, 2015. Accessed March 10, 2015.

⁹ Ibid

Human trafficking, or Trafficking in Persons (TIP), is commonly referred to as a form of modern day slavery and involves exploiting people through force, coercion, threat and deception.¹⁰ Trafficking can be used for both labor and sexual exploitation. When the perpetrator involved in the crime has recruited, harbored, enticed, transported, provided, obtained or maintained a person for the sole purpose of sex, they are guilty of trafficking an adult.¹¹ Sex trafficking may also occur with debt bondage that holds the victim to their handler figuratively, emotionally and physically.¹² This is the force used to continue in prostitution through the use of unlawful "debt." which may be incurred during the transportation, recruitment, or crude "sale."¹³ Handlers of these victims will ensure that the victims pay off these debts before they can be freed from them. Psychological manipulation and/or physical force for an adult to participate in prostitution allows for the consent of that adult to remain not legally determinative of the state.¹⁴

In Florida Statute 787.06, human trafficking is defined as a form of modern day slavery. The statute also recognizes janitorial work, restaurant work and sweatshop factory work along with migrant agricultural work and sexual trade.¹⁵

Human smuggling

The facilitation, transportation and illegal entry of a person across an international border in violation of one or more countries' laws regardless of deception or intent is human smuggling.¹⁶ Often the smuggler collects financial gains from the people being smuggled. However, the persons who are smuggled are usually entering this new country without the ability to be freed upon arrival.¹⁷ This is the merge from one law to another, the victim who was illegally smuggled into the country will then become a victim of human trafficking.¹⁸

In the state of Florida, under Statute 787.07, provided below, human smuggling is defined and regarded as an offense that is punishable in the third degree for the person smuggling

¹⁰ McCabe, Kimberly A. *Sex Trafficking: A Global Perspective*. Lanham, Md.: Lexington Books, 2010. 33-58.

¹¹ "FACT SHEET: Distinctions between Human Smuggling and Human Trafficking." The Human Smuggling and Trafficking Center. April 7, 2006. Accessed November 8, 2014. <http://www.state.gov/documents/organization/90541.pdf>.

¹² Ibid: 2-6

¹³ Ibid: 2-6

¹⁴ "Trafficking in Persons Report 2014." Department of State. June 26, 2014. Accessed February 18, 2015.

¹⁵ "The Florida Senate." Chapter 787 Section 07. July 7, 2012. Accessed February 18, 2015.

¹⁶ "Human Smuggling." Human Smuggling. November 12, 2014. Accessed February 6, 2015. <http://www.ice.gov/human-smuggling>.

¹⁷ DeStefano, Anthony M. "The Emerging Issues." In *The War on Human Trafficking U.S. Policy Assessed*, 9-16. New Brunswick, N.J.: Rutgers University Press, 2007.

¹⁸ Bernadin, Regina. Telephone interview by author. February 12, 2015.

victims into the U.S.. This violation can intensify per person that is transported into the country.¹⁹

1. A person who transports into this state an individual who the person knows, or should know, is illegally entering the United States from another country commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2. A person commits a separate offense for each individual he or she transports into this state in violation of this section.

The two different categories, human trafficking and human smuggling, are occasionally hard to distinguish. If, for instance, a person pays a smuggler to be smuggled into another country and then upon arrival is forced into human trafficking, they have been coerced and are now a victim of two separate crimes. This is a common way in which the human traffickers exploit individuals. As two separate crimes, it is easy to recognize human trafficking and smuggling and the difference between the two. These crimes are distinctly different and can be categorized by the party that the crime affects. While both crimes fault the victim, TIP is a crime against an individual while human smuggling is a crime against the state.²⁰ Theoretically, if an individual is smuggled into the country, upon the agreed upon payment, they have the right and free will to leave and become an illegal immigrant. If the coercion, threat or deception proceeds the act of smuggling, the two crimes now bleed into one another.²¹

Additionally, human trafficking and smuggling seem to have another difference. Under the regulations and policies set forth in Florida, trafficked persons have proven to be classified as the victim. While in cases regarding smuggled persons, the person being smuggled, as opposed to the handler, is often criminalized and punished. It is evident by the lack of cases held within the state and regulations set forth regarding human smuggling, that the focus is generally shifted towards human trafficking.²²

¹⁹ "The Florida Senate." Chapter 787 Section 07. July 7, 2012. Accessed February 18, 2015.

²⁰ "What Is Human Trafficking?" What Is Human Trafficking? November 20, 2014. Accessed February 7, 2015. <http://oag.ca.gov/human-trafficking/what-is>.

²¹ "What Is Trafficking in Persons?" Diplomacy in Action. June 20, 2014. Accessed February 15, 2015. <http://www.state.gov/j/tip/rls/fs/2014/233732.htm>.

²² *Ibid*

Destination: Florida

Florida has consistently been a “destination state” for both human smuggling and human trafficking. Over the course of the past decade, both crimes have remained problematic within the region due to industrial sectors, the large number of airports, the agricultural sector that spans across the state and tourism within Florida. These services, in addition to large coastlines and other transit ports make Florida an ideal region for the trafficking of persons.²³ Florida’s market is alluring for many different types of human exploitation, whether it is sexual exploitation, farm, labor, tourism jobs, domestic servitude, nail salons or massage parlors. Transients, runaways, migrant worker, organized crime and migrant workers understand the distinct nature of the state and willingly or through coercion move into the state, allowing human trafficking and smuggling to thrive.²⁴

Targeted by both human traffickers and law enforcement, Florida began promoting education on the problem and recognized the essential for this information in order to see a decline in activity and victims.²⁵ The problem was recognized in Tampa, one of the first four cities in the United States with a federal authority created to train officers to recognize the signs of victims whom they may come in contact with throughout their daily duties as a federal employee.²⁶ Tampa, being a central access point in the state, has routes that allow for traffickers to pass through easily. A campaign began in this portion of the state in the early millennium to eradicate trafficking and recognize victims.²⁷

Laws and Policies

The laws regarding human trafficking begin once the foreign immigrant is coerced beyond the state lines where they enter the country. As expressed above, it is a violation against the state for an individual to come into the country illegally. However, if this victim is coerced or held beyond their will, they are now the victim of trafficking. Whether or not they are willingly entering the United States, their fate is determined by their handler regarding the lack of control that they possess. This is due to the black market aspect of this act. If the handler or the victims trying to enter the U.S. were entering the U.S. legally, the communication could be open and

²³ "Clearwater Area Task Force on Human Trafficking." Problem: Human Trafficking. October 12, 2013. Accessed January 6, 2015. <http://www.catfht.org/index.php/problem>.

²⁴ Clarkson, Brett. "Human Trafficking in Florida." Tribune Digital. September 23, 2012. Accessed March 10, 2015.

²⁵ Johnston, Caitlyn. "Human Trafficking Issue Rises to the Forefront." Tampa Bay Times. April 18, 2013. Accessed November 8, 2014.

²⁶ Clarkson, 2012.

²⁷ Clearwater Area Task Force on Human Trafficking, 2013

help could be given to those in need. However, these operations are criminal and therefore allow for the victims to be victims. Due to coercion, intercepting the smuggled victims and understanding the methods of these criminal networks is imperative to stopping these crimes from perpetuating.

History of Laws and Policies

In 1949, the United Nations convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others was held. At this convention, many human rights relating to the sale and purchasing of humans were discussed. The articles that were defined and established at the end of the convention paved the way for the legislation regarding human trafficking and smuggling to come. These articles are the foundation for the rights that these victims are afforded if subjected to these crimes.²⁸ Some of the defined included:

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.²⁹

With these articles established that, for the first time, universal rights were considered for minorities, women and children, not just white males. All U.S. persons were afforded the rights of protection against slavery and trade, regardless of race or gender.³⁰ While these articles defined universal rights for all persons,

Since the Immigration and Nationality Act was established in 1952, prohibiting people from bringing, transporting or harboring these undocumented aliens into the U.S., smuggling

²⁸ "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others." United Nations Convention VII (1950): 3-4. Accessed March 1, 2015. https://treaties.un.org/doc/Treaties/1951/07/19510725_10-37_PM/Ch_VII_11_a_bp.pdf.

²⁹ Ibid: 10-14

³⁰ Collett, Elizabeth, and Elizabeth Dziak. Research on Human Trafficking in North America: A Review of Literature. 2nd ed. Geneva, Switzerland: International Organization for Migration, 2010.

unauthorized migrants for cheap labor has been a problem.³¹ This law was originally created in order to ban employers from “harboring an alien.”³² It is with this terminology that the United States first legally recognized that an employer might be luring a migrant into the country under false pretense in order to obtain cheap or illegal labor. However, there was a problem with this legal action; it completely disregards the migrant’s desire to come into the country for the opportunities within. In the late 1960’s, the United States saw an influx of migrants entering the country for perceived work and opportunities that were afforded to legal migrants. Unfortunately, many of the foreign nationals that were entering were not legal but illegal. Our nation’s founding principles aimed to provide protection for every person of the U.S., however, what about the illegal persons of the U.S.? This is tightly circumscribed as a result of the status in which they entered our nation.³³

In 1986, reforms allowed employers who willfully or knowingly employ these undocumented workers to be criminalized under the legal system for the first time. This is known as the Immigration Reform and Control Act (IRCA).³⁴ This definition of “harboring” an illegal alien was now extended to the employer who could be prosecuted accordingly.

The Act provided that “any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce ... any woman or girl for the purpose of prostitution or debauchery or for any other immoral purpose, or with the intent or purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice... shall be deemed guilty of a felony”.³⁵ These legal reforms allowed for the companies and employers to be held accountable for the conditions in which they were creating for immigrants drawn to the U.S. from both a harboring, trafficking and smuggling standpoint.

As previously noted, the legal proceedings for immigrants in the U.S. has never been in their favor and the laws have historically prosecuted these victims. The victims of these crimes have suffered from the coercion of employers looking for cheap labor, a nation striving for diversity and ultimately a land of people who are working against their rights as an “illegal alien”

³¹ Chacon, Jennifer. "Fordham Law Review." In *Misery and Myopia: Understanding the Failures of U. S. Efforts to Stop Human Trafficking*. Irvine: University of California, 2006.

³² *Ibid*: 7-9

³³ *Ibid*: 7-9

³⁴ "Immigration and Nationality Act, 1986." EEOC. November 6, 1986. Accessed March 3, 2015. <http://www.eeoc.gov/eeoc/history/35th/thelaw/irca.html>.

³⁵ Chacon, 2006

until deemed an official “citizen.” The victims of human trafficking and human smuggling are still at a disadvantage with the law regardless of the changes and amendments that are beginning to occur.³⁶ This crime is almost never a choice of the victim but instead one made by the perpetrator. Yet it is the prostitutes, illegal aliens and coerced persons who are arrested or prosecuted. If there was a shift in thinking, a light shed on the real perpetrators of the law, would the statistics change? By attempting to thwart the handlers, traffickers and smugglers, our system may be overwhelmed initially but the result could mean human lives.

Present Day Laws and Policies

While human smuggling and trafficking in persons may be two separate realms of law, the overlaps could be the cause of an aggravated trafficking problem due to the solutions utilized to prevent or mitigate smuggling issues. Chacon points out that anti-smuggling laws have placed a good deal of “discretionary authority” at the will of the employers. In conjunction with labor laws that reduced the legal protections available for non-citizens in the workplace, the combination allows for practices to equate to human trafficking with the use of coercion. Coupled with the United States’ efforts to patrol borders instead of focusing on internal enforcement procedures, this calls for reinforcements on an already alarming increase in human trafficking and smuggling.³⁷

Within this past decade, there have been amendments and policies implemented that help promote the well being of the victims of human smuggling and trafficking. For instance, in July of 2012, there was a promotion and strengthening of current laws that attempted to combat sex trafficking and the possession of slaves.³⁸ These changes were outlined in the House of Representatives Bill 7049 that was passed in July of 2012. Some of the amendments and changes included:

- Combine Florida’s three existing statutes into one, making it more user-friendly for law enforcement.
- Increase penalties for crime of human smuggling from a first-degree misdemeanor to a third degree felony.

³⁶ Chacon, 2006

³⁷ Logan, T.K., R. Walker, and G. Hunt. "Understanding Human Trafficking In The United States." *Trauma, Violence, & Abuse*, 2009, 3-30.

³⁸ Snyder, William. "Human Trafficking (H.B. 7049)." House Bill 7049. April 7, 2012. Accessed March 27, 2015.

- Provide that those convicted of human sex trafficking may be designated as sex offenders/predators.
- Provide that any property used for human trafficking is subject to forfeiture.
- Require massage establishments/employees to present valid photo identification upon request.
- Give jurisdiction for human trafficking to the Statewide Prosecutor and the Statewide Grand Jury.³⁹

While these amendments were underway, other initiatives in Florida were starting that would work to combat human trafficking and smuggling.⁴⁰ However, this was not the extent of the changes made in 2012. In the greater Tampa Bay area, a task force designated to working against human trafficking has been working since 2006 to intercept these criminal activities. As of 2012, the Miami-Dade area gained its own task force, the South Florida Human Trafficking Task Force. This group's mission however, is different from the Clearwater Task Force. One aspect of human trafficking that the South Florida Human Trafficking Task Force handles involves determining in what court and under what circumstances the perpetrators will be charged. They can determine whether the case should go to federal or state courts based on the circumstances of the case.⁴¹ Additionally, in July 2012, laws went into effect that made human smuggling a felony and allowed convicted traffickers to be labeled as sex offenders and sexual predators.

In 2014, the Safe Harbor Act went into effect, allowing for children rescued from sex trafficking or seeking help and treatment from child welfare scammers to be helped instead of criminalized by the justice system.⁴² However, while this clause benefits the children who are coerced into these situations, there was no inclusion of the women and migrants who work as prostitutes for a handler or in sweatshops, parlors, agriculturally or other forms of modern slavery. If this Act were to be expanded to include individuals with similar situations but a different story then combating human trafficking and smuggling would progress.⁴³

Visas and the migrant corridor

³⁹ Snyder, 2012

⁴⁰ "Human Trafficking of Minors in Tampa Bay Florida Subject of Media Investigation." The Childrens Campaign. March 22, 2014. Accessed November 8, 2014.

⁴¹ Clarkson, 2012

⁴² "Human Trafficking of Minors in Tampa Bay Florida Subject of Media Investigation", 2014

⁴³ "U.S. Visa Law, Regulation, and Policy Basics." Department of State. February 14, 2015. Accessed March 7, 2015.

As previously mentioned, in the laws and policies surrounding human smuggling and trafficking, coercion is of the smuggled victims and understanding the methods of these criminal networks is imperative to stopping these crimes from perpetuating. However, it is arguably more important to focus on finding smuggled victims who are living within the U.S. beyond the provisions of their documented stay and violating their visa. To illustrate, the interviewees of the conducted interviews for this report unanimously reported on the U.S. homeland security vulnerability of the migrant visa process and the immigrants who are overlooked once they have reached the U.S. For many, advocating for the visa system to be reformed means entrapment, coercion and wage theft to be nullified.⁴⁴

In the past there have been efforts to prevent fraud services from operating and servicing foreigners with credentials to enter the U.S.. However, one of the biggest obstacles that prevent these efforts from being effective is the communication gap between agencies and the jurisdictions from federal and local agencies.⁴⁵

In 2011, Immigration Customs and Enforcement agents arrested a man who had sold over 3,000 fraudulent immigration documents while impersonating a federal agent.⁴⁶ After the hearing, the man was sentenced to 3 years in prison.⁴⁷ Also in 2011, federal official were tasked with conducting a multi-agency sweep in order to deal with the growing problem with the visa system.⁴⁸ The exploitation crimes against immigrants have been on the rise over the past few decades and the government is attempting to combat this problem. This was the first time the government was collaborating with scam artists in order to thwart these perpetrators. The efforts began in departments under DHS and the Justice and Federal Trade Commission. Reforms for the visa system were underway, some of which included a crack down on employers that mistreat immigrant employees and the possibility for these workers to move freely to another job with fairer wages.⁴⁹ However, the illegal immigrants that are coerced into the work they provide have yet to see any justice. The reforms stopped short of illegal immigrants, or the biggest victim to our modern slavery problem.

⁴⁴ Smith, Matthew. "How Obama's Immigration Plan Will Help Skilled Workers Who Hold Visas." *Reveal*. December 1, 2014. Accessed January 7, 2015.

⁴⁵ Moffett, Dan. "Federal Crackdown Against Immigration Scams." *About News*. October 16, 2014. Accessed January 7, 2015.

⁴⁶ Zloch, William. "Florida Man Arrested on Charges of Impersonating Homeland Security Agents." *Reveal*. January 13, 2010. Accessed January 7, 2015.

⁴⁷ *Ibid*

⁴⁸ *Ibid*

⁴⁹ Smith, 2014

Analysis of Laws and Policies

While the changing laws, policies and procedures are a step in the right direction to fight human trafficking and human smuggling, there is the overlying factor that recruitment and coercion for human trafficking and smuggling begins with the introduction into one of these criminal networks. As I previously mentioned, I believe that one of the biggest vulnerabilities to our homeland security and the lives of many is the direction in which these efforts are focused. If the real criminals and perpetrators were to be caught and taken off of the streets, our focus on the victims could be about their care, livelihood and life after modern slavery. If the focus were to be shifted to point out the flaws and weaknesses in this system, it is plausible that human trafficking and smuggling would diminish greatly. One of the biggest issues centers on the fact that an estimated 50% of the trafficked individuals are foreigners and the other half are domestic. Many preventative measures could be taken to ensure that foreigners are documented and required to report into a system once in the country.

As multiple Department of Homeland Security specialists that I have interviewed mentioned, human trafficking and smuggling is not a border security issue; it would not be cost effective to improve and increase the security that would stop individuals being smuggled into the U.S.. As one of the Miami division special agents of Transportation Security Administration remarked, "Criminals have mastered getting people into our nation because they know what the regulations are."⁵⁰ However, following through with the temporary visas that migrants use to illegally enter the country could impact the problem of human trafficking. "People don't even know what human trafficking is. They think if Tampa is number three in human trafficking, they think that's people shipped into the port of Tampa in containers. There's not a lot of education about what the actual issue is."⁵¹ Human trafficking and human smuggling are two very prominent issues that present challenges and cause violations of human rights and our laws. It is difficult to stereotype the broken regulations and even more difficult to spot the signs of a victim caught in transportation.

The idea of the "American Dream" can become something that is chased by foreigners. However, the network of individuals that are helping them cross into the U.S. will typically consist of crime and injustice. Regardless of the initial intentions, the criminal act of entering the

⁵⁰ ICE, Special Agent. "Immigration Visas." Telephone interview by author. February 28, 2015.

⁵¹ Johnston, Caitlyn. "Human Trafficking Issue Rises to the Forefront." Tampa Bay Times. April 18, 2013. Accessed November 8, 2014.

U.S. illegally, the outcome is largely negative with repercussions and lifestyles that are not consistent with the dream these individuals are chasing.⁵² Whether or not that is by choice, past cases have shown that the law is not prosecuting the people who are perpetuating this lifestyle. Instead, the repercussions are solely placed on the victims.⁵³

In conclusion, the current policies and laws relating to the processing of these victims may be morphing in their favor. Florida is at a point of critical shift, leading the nation, that will be fighting a broken system rather than prosecute a victim. With the start of the Clearwater Task Force, the recognition of human trafficking and smuggling within our state and a highly supportive Florida Senate, there have been initiatives that work towards mending the current situation and helping the victims of both human trafficking and smuggling. However, there is still much work to do.

⁵² "FACT SHEET: Distinctions between Human Smuggling and Human Trafficking.", 2015

⁵³ "Hidden Slaves: Forced Labor in the United States." *Berkeley Journal of International Law* 23, no. 1 (2005): 49-107. Accessed January 3, 2015.

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