

Responding to migrants at risk

By: [Georgina Costello](#)

Wednesday 25 May 2005

When Australian immigration authorities come across a victim of human trafficking enslaved in a brothel, exploited in a factory or trapped as a household maid, what is their response?

Recent news about the detention of Cornelia Rau and the deportation of Vivian Alvarez raises questions about what Department of Immigration officers do with sick and at risk illegal immigrants. In the same year Alvarez was deported, Ms Puongtong Simaplee was picked up in an immigration raid on a Sydney brothel. She said she had been sold into prostitution as a child several years earlier. Simaplee, who appeared to be a victim of human trafficking, was detained in Villawood, where she died three days later.

A country's response to human trafficking victims reveals its capacity to respond to irregular migration with important priorities other than just border control. Italian and American governments have demonstrated a sophisticated response to trafficking victims in need. By contrast, the Australian federal government has operated with a simplistic approach to irregular migration often dominated by mandatory detention and deportation of illegal immigrants, and at times, demonstrating insufficient regard for the person's vulnerability, needs or status as a victim of serious crime.

In New York City, a thirty strong team of US government Department of Labour inspectors uncover people trafficking rackets through random workplace checks and inspections prompted by complaints and reports. When they find trafficking victims, they can inform them of their right to 'T visas'. These visas give victims of trafficking who co-operate to a reasonable extent with law enforcement a right to stay in the US, with access to permanent residence and social support.



Source: [Dominican Leadership Conf](#) .

The US government funds human rights organisations across the US to assist victims who are traumatised and fearful after escaping slavery and servitude. Around 700 trafficking victims from more than 45 countries have been provided with various social benefits from the US Department of Health and Human Services. Five years ago, a specific US government office was established to monitor and combat trafficking in persons. In 2003, the US government gave \$72.2 million (USD) to 119 anti-trafficking projects in over 92 countries.

In the late 1990s, in response to the influx of trafficking victims brought to Italy, the Italian government introduced the most generous visa available to trafficking victims in the world. The article 18 stay permit allows migrant victims of exploitation to stay in Italy and receive assistance such as work rights, shelter, counselling and education.

The Italian government has funded more than 289 anti-trafficking projects such as community awareness campaigns and outreach programs. With the evidence provided by trafficking victims in Italy, by 2004, there had been 9004 prosecutions for crimes related to people trafficking in that country. The Italian government's free phone hotline on trafficking receives thousands of calls.



Thanks to Bill Leak

capacity to assist human trafficking victims. Since 2003, Australian Federal Police have received significant funding and training to work on trafficking crimes, but state and territory police still lack training and awareness of this issue.

To come up to par with the effective anti-trafficking work taking place in the US and Italy, Australia needs to make further changes in several areas. First, appropriate visas for victims of trafficking to remain in Australia and access to social support are needed. Second, NGOs need funding to support and advocate for trafficking victims and to train social service agencies to detect and refer trafficking victims to sources of help. Third, strong relationships between government, law enforcement bodies, victims' lawyers and NGOs should be developed, enabling referrals, information sharing and strategic collaboration.

Fourth, community awareness programs and free phone hotlines to assist in the detection of trafficking victims are needed. Fifth, high quality, accessible research into the nature and extent of people trafficking must inform anti-trafficking programs, responses and strategies. Finally, as in the case of the US, significant efforts to combat all forms of forced labour (rather than narrowly focusing on human trafficking for prostitution) are needed.

Improvement in these areas would mean that when authorities find a trafficking victim in Australia, the response could be world class, rather than embarrassing.

Australia is yet to convict anyone for trafficking crimes. Fortunately, the first prosecutions for human trafficking crimes are currently underway. Australia has a trafficking witness protection visa in theory, but beyond an initial period of thirty days, it is only available to useful witnesses, rather than victims in need. To date, Australia has scant trafficking specific criminal law at state and federal law. In general, Australian social services organisations lack funding and