

1-1-2013

## Interview With: Cindy Liou, Trafficking Coordinator with API Legal Outreach

Amanda Crews Slezak

Follow this and additional works at: <http://lawcommons.luc.edu/clrj>

 Part of the [Criminal Law Commons](#)

---

### Recommended Citation

Amanda Crews Slezak, *Interview With: Cindy Liou, Trafficking Coordinator with API Legal Outreach*, 33 CHILD. LEGAL RTS. J. 410 (2013).

Available at: <http://lawcommons.luc.edu/clrj/vol33/iss2/12>

This Featured Practice Perspectives is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Children's Legal Rights Journal by an authorized administrator of LAW eCommons. For more information, please contact [law-library@luc.edu](mailto:law-library@luc.edu).

## **Interview With: Cindy Liou, Trafficking Coordinator with API Legal Outreach**

*By: Amanda Crews Slezak*

The Trafficking Victims Protection Reauthorization Act (“TVPRA”) is essential legislation in the effort to combat human trafficking in the United States and throughout the world. Originally passed in 2000, the law established the State Department Office to Monitor and Combat Trafficking in Persons, authorized the yearly Trafficking in Persons Report, and created global minimum standards for preventing trafficking. The original law made trafficking a federal crime and advanced the rights of survivors by offering assistance programs. The legislation also created the T-visa, which provides immigration relief to survivors who were trafficked across United States’ borders.

Congress, after allowing the law to lapse in 2011, reauthorized the bill as an amendment to the renewed Violence Against Women’s Act, and President Obama signed it into law on March 7, 2013. While this federal legislation is critical, it is important for states to review existing laws to see how legislators can improve these laws to be more effective in protecting survivors of trafficking. State anti-trafficking laws need to be stronger because, as evidenced by the most recent authorization, the federal law’s protections are subject to the deliberations and delays of U.S. Congress. Many advocates argue that states should focus more on protecting and providing services for survivors, as the federal TVPRA does, instead of concentrating solely on criminalization.

Cindy Liou is a staff attorney and the Trafficking Coordinator with Asian Pacific Islander (“API”) Legal Outreach. API Legal Outreach has worked for more than thirty years as a community-based, social justice organization with offices in San Francisco and Oakland, California. The organization is also part of the Anti-Trafficking Collaborative of the Bay Area (“ATCBA”), formerly known as Asian Anti-Trafficking Collaborative (“AATC”) in the Greater Bay Area.

Interview With Cindy Liou

AATC was founded in 2001 as a partnership with four leading agencies in the area: API Legal Outreach, Asian Women's Shelter, Donaldina Cameron House, and Narika. Today, ATCBA, established in October 2012 in order to reflect the diversity of communities served, consists of API Legal Outreach, Asian Women's Shelter, Narika, The SAGE Project, and Mujeres Unidas y Activas. The organizations of ATCBA work closely together to provide trafficking survivors with legal options, as well as alternative options for shelter, other than returning back to the source of trafficking. The organizations involved in the ATCBA are close partners and have built trust over the years while collaborating to provide direct services for marginalized populations, particularly immigrants subjected to domestic violence, sexual assault, abuse, and exploitation. This trust is vital when working on complex cases together.

API Legal Outreach provides legal representation to those who have been able to escape their trafficking situations. Furthermore, API Legal Outreach helps trafficking victims to "stabilize their immigration status, protect and advocate . . . during the ensuing criminal investigation and prosecution, and work with [its] sister agencies in the Anti-Trafficking Collaborative of the Bay Area" to provide them with additional, necessary services. Those services include shelter, medical attention, aid when seeking refugee benefits, counseling, and job training.

API Legal Outreach is a particularly effective organization for many reasons, including its long-standing collaboration with service providers, its victim-centered approach, and the comprehensive services made available to victims. In addition, API Legal Outreach focuses on enabling the transition from victim to survivor, as well as providing long-term services to support survivors' independence. Ms. Liou highlighted the importance of providing linguistically, culturally, and age appropriate services, and always working with an attitude of empowerment – not rescue – even with children.

Ms. Liou provides direct legal services for survivors of both sex and labor trafficking. She represents survivors from all over the world in complex cases that often implicate the U.S. criminal, civil, and immigration systems. She and other attorneys at API Legal

Interview With Cindy Liou

Outreach offer services dealing with immigration issues that include T-visas, U-visas, VAWA, civil litigation, restraining orders, divorce, and other family law issues, such as child custody.

When asked how state laws can be improved to be more effective for survivors of trafficking, Ms. Liou stated that state laws must do more than simply criminalize trafficking. She offered the example of the California Trafficking Victims Protection Act. As it was passed in 2005, the law was comprehensive and effective. It criminalized human trafficking, but the law also promoted the rights of survivors of trafficking through a victim-centered approach that provided survivors with access to social services, a path to immigration relief under federal law, mandatory restitution, and a civil cause of action.

However, a recent change has negated some of those advances. Ms. Liou explained that California Proposition 35, which passed last year, shifted the California anti-trafficking law away from the basic goals advanced when the law first passed, such as the victim-centered approach, which is also reflected in the federal TVPA. While the California law was well intentioned in its goal to increase penalties for certain forms of sex trafficking, the law now emphasizes the criminalization of trafficking instead of the need to protect the survivors.

Proposition 35 requires traffickers to pay fines up to \$1.5 million to governmental agencies and non-governmental service providers, but does not allocate any of this money to trafficking victims, either in the form of restitution or a civil action. Most human traffickers will not have sufficient resources to pay both the fines to the government and a judgment awarded to the victim. Therefore, even if a trafficking survivor succeeds in a claim against her trafficker, it is unlikely she will be able to collect a monetary award once the trafficker pays the fines imposed by Proposition 35. Additionally, Ms. Liou stated that Proposition 35 increased sentences for sexual exploitation to much higher levels than those for labor exploitation. This diminishes the harsh experience that survivors of forced labor face and creates a sentencing scheme that prioritizes certain forms of trafficking over others.

Interview With Cindy Liou

Ms. Liou believes that anti-trafficking laws should prioritize the advancement of survivors' rights. In fact, she said, most state anti-trafficking laws focus on criminalization when the focus should be on measures to protect the survivors. For example, Ms. Liou mentioned that states should "encourage comprehensive immigration reform to continue supporting the rights of immigrant survivors of violence."

Ms. Liou suggested that California Assembly Bill 1899, which went into effect January 1, 2013, is another example of how states can improve anti-trafficking laws. This law allows access to in-state tuition rates, scholarships, and other forms of financial aid that would otherwise be available to crime survivors who were granted immigration status based on their cooperation with law enforcement. This would include survivors who have been granted the "T" or "U" nonimmigrant status. The law ensures that these crime survivors continue their education from high school to college without interruption.

Ms. Liou also suggested that laws such as AB 241, the California Domestic Worker Bill of Rights, which would extend labor protections such as breaks for meals and overtime to domestic workers, would increase protections for many domestic workers who are exploited, abused, and sometimes trafficked. After Governor Brown vetoed the first domestic worker's bill, Assemblyman Ammiano re-introduced the bill in the 2013-2014 legislative session.

Considering the extended delay of Congress to reauthorize the federal TVPRA, it is imperative that Congress protects workers' rights and prevents exploitation of immigrants in Comprehensive Immigration Reform efforts and additionally, that states focus on strengthening anti-trafficking laws so that they are more effective in protecting the victims, rather than simply criminalizing trafficking. More can and must be done at the state level to protect and provide services for those who have survived this modern-day form of slavery.

**Sources:**

Interview With Cindy Liou

ASIAN PAC. ISLANDER LEGAL OUTREACH,  
<http://www.apilegaloutreach.org/> (last visited Mar. 25, 2013).

API LEGAL OUTREACH, ASIAN ANTI-TRAFFICKING  
COLLABORATIVE (AATC),  
[http://www.apilegaloutreach.org/downloads/Brochure\\_for\\_providers.pdf](http://www.apilegaloutreach.org/downloads/Brochure_for_providers.pdf).

E-mail from Cindy Liou, Trafficking Coordinator, API Legal Outreach, to Amanda Crews, Law Student, Loyola Univ. Chi. Sch. of Law (Apr. 27, 2013, 11:06 CST) (on file with author).

E-mail from Cindy Liou, Trafficking Coordinator, API Legal Outreach, to Amanda Crews, Law Student, Loyola Univ. Chi. Sch. of Law (May 2, 2013, 4:30 CST) (on file with author).

*Freedom Network Chair Emeritus Florrie Burke Attends VAWA and TVPRA Signing with President Obama*, FREEDOM NETWORK USA BLOG (Mar. 8, 2013),  
<http://freedomnetworkusa.org/freedom-network-chair-emeritus-florrie-burke-attends-vawa-and-tvpra-signing-with-president-obama/>.

Kathleen Kim, Kevin Kish & Cindy Liou, *Don't Undermine Victims' Rights in Fighting Sex Trafficking*, PAC. STANDARD (Oct. 18, 2012), <http://www.psmag.com/legal-affairs/prop-35-case-act-undermines-victims-rights-48314/>.

Kathleen Miles, *Domestic Workers Bill in California Brings Housekeepers & Nannies to the Streets*, HUFFINGTON POST: L.A., Mar. 7, 2013, [http://www.huffingtonpost.com/2013/03/07/domestic-workers-california-bill\\_n\\_2822520.html](http://www.huffingtonpost.com/2013/03/07/domestic-workers-california-bill_n_2822520.html).

Telephone Interview with Cindy Liou, Trafficking Coordinator, API Legal Outreach (Oct. 2, 2012).

Telephone Interview with Cindy Liou, Trafficking Coordinator, API Legal Outreach (Mar. 26, 2013).

*The Trafficking Victims Protection Reauthorization Act*, INT'L JUST. MISSION, <http://www.ijm.org/node/195> (last visited Mar. 27, 2013).

Silvia R. Argueta, *Silvia's Sidebar*, LAFLA MATTERS (Legal Aid Found. of L.A., L.A. Cal.), Oct. 2012, <http://www.lafla.org/newsletter.php?id=47>.