



Sex  
Workers  
Project

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## **New York State Expands Access to Justice for Survivors of Trafficking**

*Governor Hochul signed the START Act into law, increasing record relief for trafficking survivors, including SWP clients*

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**New York, NY** – On November 16, 2021, the Sex Workers Project of the Urban Justice Center (SWP) realized one of its longest-standing goals, as Gov. Kathy Hochul signed the START (Survivors of Trafficking Attaining Relief Together) Act into law. The START Act builds on a 2010 vacatur law that allowed trafficking survivors to clear (vacate) their records of charges incurred through exploitation in the sex trades. The START Act allows survivors of human trafficking to petition a judge for relief of any crime committed because of being trafficked.

Now all survivors of human trafficking regardless of the industry they were trafficked into or the types of crimes they were forced to commit have the chance to clear their records. This is crucial because the presence of such crimes on a trafficking survivor's record limits them from attaining immigration status, public benefits, legal employment, and more. The START Act will, in other words, allow trafficking survivors to live with legal recognition of their human rights.

As SWP celebrates its 20<sup>th</sup> anniversary in December 2021, the passage of the START Act is representative of the incredible efforts of staff past and present. Throughout the years, SWP leadership has played a visionary role in identifying the need for robust vacatur laws to better ensure survivors of trafficking have access to justice. The legal expertise and advocacy of SWP staff was crucial for the passage of the initial vacatur law in 2010. SWP led in developing the original vacatur bill and fostering a relationship with Assemblymember Richard Gottfried, who has been a steadfast champion for the human rights of sex workers and trafficking survivors.

Most recently, SWP worked closely with the office of State Senator Jessica Ramos, the lead START Act sponsor in the Senate, and advocated with legislators and the governor's office for passage of the START Act. SWP also continued to work closely with Assemblymember Gottfried, State Assembly lead sponsor of the START Act. SWP extends its deep gratitude to Senator Ramos, Assemblymember Gottfried, Governor Hochul, co-sponsors and bipartisan supporters of the Act, and the many staff of the legislature and governor's office who helped move the bill to passage. SWP has also worked alongside survivors and partner organizations for two decades to expand New York State's vacatur laws, all of whom played a crucial role in the passage of the START Act.

Numerous SWP clients have spoken to the importance of the Act's passage:

**SWP Client Pamela** expressed, "When I heard that the START ACT was going to be signed into law, my body started shaking with optimism, happiness, and anticipation that my life might change for the better now. 20 years ago, a violent trafficker controlled every part of my life, and I was convicted of a drug crime for something he forced me to do. At that point in my life, my trafficker had taken so much of my dignity that I didn't meaningfully fight the charge and completed my community service and probation. But all this time I feel like I've been serving a 20-year sentence. When I submitted a T visa application as a survivor of trafficking, immigration denied it, saying that my criminal conviction made me a 'harm to society.' My immigration lawyer told me that since it wasn't a prostitution conviction, I wasn't eligible to have it vacated under NY state law.

I felt like I was being punished all over again. Like so many undocumented people, I've been living in the shadows—blocked from working, school, paying taxes, and accompanying my mother when she wants to travel. I have continued to suffer for the crimes that were committed by someone else. It has been such a huge weight on me that has felt impossible to lift. I feel different now. My dream is to be able to live a peaceful life with my US citizen husband, help give back to my LGBTQ community, and add a child to my family. I hope this change in the law will not only help me obtain immigration status and come out of the shadows but will also help a lot of other people like me who were unfairly punished under the law despite bravely surviving trafficking."

**SWP Client Rosalinda** said, "My name is Rosalinda, and I am a transgender immigrant woman and survivor of trafficking. Today, I am proud to be a citizen of the United States of America, and to be living a fulfilling life as an IT professional in the health care field. The day I took my citizenship oath was one of the most uplifting days of my life. Things weren't always easy, however. I'm also a survivor of trafficking. Starting from the time I was a minor, a violent man sex trafficked me, and as a result I ended up with criminal convictions that were because of his crimes against me.

Because of New York's vacatur law allowing people to vacate prostitution convictions, I was able to tell my story to law enforcement and get my record clean ---except for one single conviction I still have today that remains. My lawyers told me that while I could have my other convictions vacated as a victim of trafficking under New York State law, because I had taken a different plea after one of my arrests to get out of jail as swiftly as possible, I was not eligible to have that conviction vacated. That meant that during my citizenship interview, I had to explain to the officer why I had this criminal conviction, re-living the humiliation and the trauma all over again. Even today as a U.S. citizen, I still feel that that one conviction is sort of a stain on my life, and a remnant of the violence and trauma I suffered in the past. To be able to vacate that conviction under the START Act would mean restoring a measure of dignity to my life and be my next step in the healing process."

**Andy Bowen, Associate Director of Government Affairs at SWP** said, "With Governor Hochul's signature on the START Act, The Sex Workers Project of the Urban Justice Center sends its deepest thanks to the Governor, along with sponsors Senator Jessica Ramos and Assemblymember Richard Gottfried, for giving so many of our clients past and present greater hope for the future. We honor the survivors and steadfast supporters who pushed for so many years to expand the protections brought

about by the START Act. Now we can begin the work of vacating many more criminal records for human trafficking survivors across New York who were forced or coerced to engage in criminalized conduct beyond just sex work related charges, which were the only convictions eligible for vacatur prior to passage of the START Act. With START's enactment, we will see many kinds of healing."

**Mariah Grant, Director of Research and Advocacy at SWP** stated, "In 2010 New York made history as the first state to allow trafficking survivors to clear convictions for prostitution-related charges. While this was life-changing for some, many survivors of trafficking, including many SWP clients were compelled by traffickers to commit a range of acts leading to criminal convictions. With the passage of the START Act, survivors of trafficking now have the chance to be unburdened by unjust criminal records that cause life-long harm if left uncleared. The passage of the START Act is due to the tireless efforts of trafficking survivors, some who are current or former SWP clients, as well as the advocates making up the START Coalition, which includes SWP staff. We now look to the experiences of the states with robust record relief laws to guide the implementation of the START Act in New York. Laws are only effective if properly enforced, and we at SWP will continue to track the experiences of trafficking survivors in their pursuit of the clear record needed to fully enjoy their human rights."

**Clement Lee, Associate Director of Immigration Legal Services** expressed, "The passage of the START Act marks an important milestone in New York State meeting its responsibilities to mitigate the harm done to survivors of trafficking by penal laws that too often punish survivors. Every day, the Sex Workers Project works with clients who live with the indignities of criminal convictions that resulted from sex trafficking victimization. Until today's legislation, many of those clients lacked any realistic legal ability to vacate those convictions and heal, simply because their convictions were not on a limited list of criminal statutes eligible for vacatur under New York law.

For immigrant sex workers, these criminal convictions can create a real risk of deportation or languishing in immigration detention center cages for having supposedly committed multiple 'crimes involving moral turpitude.' These criminal convictions can block immigrant sex workers from getting green cards for which they are otherwise eligible, or prevent them from establishing their 'good moral character' for citizenship. These convictions follow our clients around and create legal, emotional, and symbolic barriers from healing and safety. Today's legislation allows the Sex Workers Project to defend our clients from deportation, make them eligible for bond to be released from immigration jails, and obtain humanitarian immigration relief to ensure their protection in the United States."