

THE LEGAL AID SOCIETY

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Contact:

Redmond Haskins
Director of Media Relations
The Legal Aid Society
929.441.2384
rhaskins@legal-aid.org

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Legal Aid's Exploitation Intervention Project Surpasses 2,000 Convictions Vacated for Victims of Trafficking

NYS Vacatur Laws, The START ACT Provides Transformative Relief for Legal Aid Clients

(NEW YORK, NY) - The Legal Aid Society [announced](#) that its Exploitation Intervention Project (EIP) has successfully vacated over 2,000 convictions for victims of human trafficking throughout New York City. Most of these conviction were prostitution-related offenses but with the expansion of New York State's vacatur law through [The Survivors of Trafficking Attaining Relief Together](#) (START) Act, survivors of labor or sex trafficking can vacate **any** criminal conviction obtained as a result of trafficking.

Vacatur allows survivors to rebuild their lives, seek stable employment and housing, and heal without the constant reminder of their exploitation and the resulting criminal convictions. Prior to November 2021, New York State only permitted vacatur of prostitution-related convictions. However, after five years of advocacy by survivors and advocates, Albany expanded the statute, allowing trafficking survivors to clear any criminal conviction related to their trafficking. New York now has one of the most progressive vacatur statutes for survivors in the United States.

“Vacatur is transformative, and hundreds of New Yorkers who have suffered immensely from trafficking have had their lives changed for the better because of these statutes,” said **Leigh Latimer, supervising attorney of the Exploitation Intervention Project at The Legal Aid Society**. “This result would not have been possible without the tireless advocacy of those directly affected, who fought for years to secure these reforms, and Legal Aid will continue to employ the law to secure our clients the justice they deserve.”

Following implementation of the START Act in November 2021, Legal Aid's EIP team has successfully vacated larceny, forged documents, misdemeanor assault, and unlicensed general vending convictions for their clients. The team has also secured consent from The New York County District Attorney's Office to vacate public lewdness, robbery, and drug sale convictions.

Among the trafficking survivors that EIP has helped, are:

- M, an undocumented woman in her mid-50's, was brought to the U.S. by her abusive husband and trafficker, with whom she shares four children. M's husband/trafficker was physically and verbally abusive. M's husband trafficked her into forced criminality, threatening her with deportation and the loss of their children if she didn't participate in his criminal schemes. M was arrested and pleaded guilty to felonies in New York and New Jersey for crimes her trafficker forced her to commit. A bench warrant was issued for M in the mid-90's. For over 20 years she lived in the shadows, constantly afraid of being arrested and deported. In 2021, she reached out to Legal Aid to help vacate her warrants and start over. Just weeks after the START Act passed, M had her felony conviction vacated under the new law. Prior to the START Act being passed, she would not have been eligible for relief. EIP continues to represent M, helping her attain legal status in the U.S.
- Maria, an undocumented transwoman of color from Peru, moved out of her family home after graduating high school as her gender identity was not respected. Once in a youth shelter in NYC, she was recruited and trafficked by individuals who preyed upon her vulnerability and familial isolation. Maria was forced to engage in sex work on the street and was routinely arrested and convicted of prostitution, loitering for the purposes of prostitution, and public lewdness. Maria's traffickers also compelled her to steal from clothing stores to support their "family." Maria was forced to turn over all the proceeds of her work. In 2018, Maria sought out the immigration services of EIP. Though eligible for a T visa, Maria was advised not to apply due to her numerous convictions. Now, thanks to the START Act, Maria will have her convictions vacated. Today, EIP continues to represent Maria, helping her to attain immigration relief.
- Amber's trafficker engaged in multiple acts of violence and degradation in order to force Amber to engage in sex work for his financial benefit. Over the course of a few years, Amber was arrested nearly 20 times. One evening, Amber got into an altercation with a "date" who refused to pay her and would not let her leave his apartment. Knowing that she would be beaten if she did not return to her trafficker with money, Amber attempted to physically take back the money she was owed. As a result, Amber was arrested and convicted of a misdemeanor assault. Thanks to the START Act, this conviction has been vacated. Amber has since left New York State, reunited with her child, finished her education, and has started her own business.

EIP BACKGROUND:

Founded in 2011, EIP is the first effort by a public defender office to address the systemic criminalization of victims of trafficking and gender-based violence. EIP has advocated for thousands of individuals, providing direct representation and comprehensive services to Legal Aid's clients charged with offenses related to sex work and survivors of trafficking and gender-based violence facing prosecution for other offenses in New York City. The citywide interdisciplinary team includes five criminal defense attorneys, a social worker/mitigation specialist, a paralegal/case handler, and an immigration attorney.

In 2018, EIP established an Advisory Board composed of former clients committed to seeing themselves and EIP grow. The first of its kind within a defender organization, the Advisory Board is a collaboration – together, staff and members address strategic decisions about EIP's post-conviction representation, engagement with outside organizations, and policy efforts.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org