

Human Trafficking Coalitions Support Protections for Unaccompanied Children

The Alliance to End Slavery & Trafficking (ATEST) and Freedom Network USA (FN USA) oppose any attempt to amend or eliminate section 235 of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, which provides important procedural protections for unaccompanied children and assists them in navigating the complex immigration process for an accurate determination of eligibility for relief as victims of trafficking or persecution. We are deeply concerned about legislative attempts to circumvent these important protections and remove the children apprehended at the border through a non-judicial process. We should abide by our own national values as well as international obligations and afford these children proper screening for trafficking and persecution, as well as the opportunity to receive fair and full consideration of their legal claims before an immigration judge. cursory screenings have proven to be entirely inadequate to identify genuine asylum and trafficking claims.

In 2008, Congress gave consideration to the unique circumstances of children when it unanimously passed the bi-partisan TVPRA that put safeguards in place to provide due process for these children. The law includes protections such as the access to counsel and the appointment of child advocates, which help ensure that unaccompanied children from non-contiguous countries receive proper care and that their requests for asylum and other legal relief are processed fairly and in a way that is consistent with their age and development. We are deeply troubled that the Protection of Children Act of 2017 (H.R. 495) would swiftly remove many of these vulnerable children, denying them any due process to determine if they experienced exploitation or have well-founded fears of persecution.

Amending the TVPRA is not the solution. The proposed changes would weaken legal and human rights protections for the many unaccompanied children who would qualify for asylum or other existing forms of relief. These changes would also increase the vulnerabilities of victims of human trafficking by curtailing access to due process, legal representation, and child-appropriate services. Eliminating these protections does not provide additional immigration benefits to these children – it only provides time and process for children’s voices to be heard. Traumatized children, including victims of human trafficking, do not open up immediately. Given the corruption of police in their home countries, their ability to trust law enforcement officials here is severely compromised. Some arrive in the US under the control of traffickers and cannot disclose the abuse they have suffered until they are safely separated from the traffickers. They often need time in an appropriate setting not only to express their true reasons for fleeing to the United States, but also must be interviewed by the right individuals – namely, those who have expertise and training in human trafficking, as well as child welfare and development.

ATEST and FN USA oppose calls by Congress for changes to section 235 of TVPRA intended to weaken protections that these children deserve.

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, Futures Without Violence (FUTURES), International Justice Mission, National Domestic Workers Alliance (NDWA), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, and Vital Voices Global Partnership. ATEST is a project of Humanity United Action.

Freedom Network USA is the nations' largest alliance of experienced advocates advancing a human rights-based approach to human trafficking. Our 52 members work directly with over 1,000 survivors annually in over 30 states. Through our national effort, we increase awareness of human trafficking, support adoption of best practices, and provide decision makers, legislators, and other stakeholders with the expertise and tools to make a positive and permanent impact in the lives of all survivors.