



Freedom Network USA

August 3, 2018

US Department of State
Office to Combat and Monitor Trafficking in Persons (JTIP)
VIA EMAIL to TIPreport@state.gov and balls@state.gov

RE: Freedom Network USA Comments on the 2018 Trafficking in Persons Report

Dear JTIP Office:

The Freedom Network USA commends the US State Department for the release of the 2018 Trafficking in Persons (TIP) Report. We look forward to the government's continued commitment to addressing human trafficking and supporting survivors.

The Freedom Network USA, established in 2001, is a coalition of 57 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. Freedom Network USA submitted input on the state of anti-trafficking efforts in the United States, based on the experiences of our members. We commend the inclusion of a number of these recommendations in the report, reflecting the reality of those working directly with survivors.

We note the importance of several specific successes highlighted by the Report including:

- DHS' efforts to expand access to Continued Presence through revised guidance; and
- Increased focus on labor trafficking via employment-based visas, including oversight of the J-1 Visa Exchange Visitor Program, data sharing between DHS and DOL, as well as publication of H-2B recruiters.

We especially commend the US State Department on its recognition of the vulnerability of children and the long-term harm caused by the institutionalization of children, particularly in light of President Trump's "zero tolerance" and family separation policy at the US-Mexico border.

However, we remain concerned about the low number of Continued Presence grants issued to victims of trafficking. Foreign national survivors rely on this temporary status to access emergency services and support while collaborating with law enforcement in the investigation and prosecution of their traffickers, and also working to apply for long-term immigration relief. Although the number of survivors granted Continued Presence increased in 2017, the number of grants (170) remains distressingly low compared to the number of T Visas issued in the same time period (672). Continued Presence was issued to only 25% of the number of T Visa grants, leaving 75% of trafficking victims unsupported during the critical initial investigation phase. We strongly recommend collaboration between DHS and DOJ to prioritize an increase in the number of federal agents submitting Continued Presence applications in 2019.

The report also recognizes the importance of ensuring survivors are not arrested or convicted for crimes they were forced to commit by their traffickers. We commend the US State Department for recognizing the need for expanded comprehensive legal services for human trafficking survivors and for victim-centered training for law enforcement agencies and adjudicators. However, this progress is undermined by the recent decision of the Department of Justice's Office for Victims of Crime to disallow grant-funded representation in vacatur and expungement cases for trafficking survivors, a decision that will cause wide-ranging harm to trafficking survivors and is in contradiction with the principles outlined in the TIP Report.

The report highlights the continued failure of both Congress and the federal government to give labor trafficking adequate attention. We are deeply concerned at the dismal 5.7% of human trafficking prosecutions initiated in 2017 involving charges of labor trafficking. The US government must increase training and funding at the federal, tribal, state, and local levels, coupled with specific objectives related to increased investigation and prosecution of forced labor crimes and identification of labor trafficking survivors so that the US may continue to meet minimum standards for the elimination of trafficking. Eighteen years after the TVPA became law, there continues to be no systematic effort to identify and address labor trafficking, and government agencies continue to lack the knowledge and capacity to engage in effective outreach, education and investigation of the most egregious forms of labor exploitation.

We also call on the government to address its own complicity in human trafficking, as seven lawsuits have been filed in the past year by immigrant detainees who alleged violations of the Trafficking Victims Protection Act (TVPA) during their detention. These lawsuits - involving ICE detention centers run by private prison companies throughout the country – contain extremely troubling allegations, with many immigrant detainees claiming they were forced to work for a dollar a day under the threat of solitary confinement and a general climate of fear.

We also call on the federal government to effectively address the root causes of trafficking and exploitation: poverty, insecure housing, discrimination, and a broken immigration system. We are especially concerned that the current administration's immigration enforcement efforts will cause survivors to fear seeking protection and will enable traffickers to thrive. Federal efforts must shift to tackling the issues that make populations vulnerable to exploitation in the first place. Without dedicating significant resources to supporting vulnerable communities, exploitation will flourish and trafficking will remain pervasive.

For more information on Freedom Network USA experience and input, see <https://freedomnetworkusa.org/app/uploads/2018/02/FNUSA2018TIPReportInput.pdf>.

Sincerely,



Jean Bruggeman
Executive Director
Freedom Network USA