



# Freedom Network USA

June 29, 2020

## Freedom Network USA's 2020 Trafficking in Persons Report Release Response

The US is no longer an international leader in responding to human trafficking. In the [2020 Trafficking in Persons Report](#)<sup>i</sup>, released last week, the State Department admits that the US has merely “prosecuted fewer cases and secured convictions against fewer traffickers”<sup>ii</sup> and has “decreased protection efforts”<sup>iii</sup> and “did not adequately screen vulnerable populations for human trafficking indicators.”<sup>iv</sup> While the report claims that the US has “increased efforts to prevent trafficking,”<sup>v</sup> the section on Prevention is simply a laundry list of clearly ineffective training, mostly for Federal agency staff. In spite of this evidence of the US’ refusal to protect victims of trafficking, the State Department gave the US an undeserved Tier 1 ranking, making a mockery of these rankings.

As the US’ largest coalition of human trafficking survivors and direct service providers, Freedom Network USA<sup>vi</sup> knows the painful truth. The US has not only failed to comprehensively address human trafficking, but is actively putting people at increased risk, and making it more difficult for survivors to find protection, services, and safety. Policies that roll back protection for those most vulnerable to human trafficking, including immigrants and LGBTQIA+ communities, have been especially cruel.

Immigrants are at high risk of human trafficking, and the policy actions of the past few years have worked to further silence, oppress, and exploit immigrant workers, while slamming the door in the face of those seeking protection and support. The TIP Report points to the laundry list of actions the Administration has taken to make the T Visa, previously held up as an international model, almost impossible to access. T Visa applicants are now threatened with deportation if they apply<sup>vii</sup>, denied for leaving a single blank space on the extensive application<sup>viii</sup>, required to wait over 2 years for a decision without interim protection<sup>ix</sup>, and told that they need not apply if they were exploited by a family member or smuggler<sup>x</sup>. And while Secretary Pompeo claimed in his remarks that, “We take government-sponsored trafficking very seriously,”<sup>xi</sup> the report highlights that there are 7 on-going lawsuits filed by immigrants who have been subjected to labor trafficking by US government contractors running immigration detention centers inside of the US<sup>xii</sup>.

LGBTQIA+ community members are at increased risk of trafficking, overrepresented in runaway and homeless youth programs, and report trading sex for housing while running away from the child welfare system that they find even more harmful than living on the streets.<sup>xiii</sup> And yet, this Administration pushes forward policies to deny protections<sup>xiv</sup> in housing<sup>xv</sup>, healthcare<sup>xvi</sup>, and schools<sup>xvii</sup>, pushing folx away from the places where they should be offered supportive services and acceptance.

The Department of Labor, the agency you might expect to lead the charge in rooting out labor trafficking, has issued a new directive to step back<sup>xviii</sup>. They will now send labor trafficking survivors on a wild goose chase among other federal agencies instead of using their expertise in labor law and prevailing wages and conditions to identify trafficking survivors. Immigrants who report exploitive practices in labor recruitment are silenced with a denied visa<sup>xix</sup>, while the exploitive employer just moves on to exploit someone who keeps it quiet.

These actions are layered on top of policies that, while not specific to trafficking, generally create conditions that make human trafficking inevitable. Governments who do not provide people with access to healthcare, affordable housing, living wages, protection from discrimination, fair immigration policies, and human rights protections are intentionally creating systems of abuse and exploitation. The US has developed an economy based on the exploitation of black and brown workers, and continues to enact policies that support this ongoing abuse while claiming to be dedicated to the eradication of human trafficking.

Freedom Network USA calls on the US Government to live up to the promise of the Trafficking Victims Protection Act and truly earn a Tier 1 ranking. We urge federal agencies to work with survivors and advocates to make services and protection a reality for all victims of abuse and exploitation.

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<sup>i</sup> US Department of State, *Trafficking in Persons Report: June 2020*, hereinafter 2020 TIP Report, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

<sup>ii</sup> Id at 514.

<sup>iii</sup> Id at 517.

<sup>iv</sup> Id at 514.

<sup>v</sup> Id at 519.

<sup>vi</sup> Find the full list of Freedom Network USA members at <https://freedomnetworkusa.org/join-us/>.

<sup>vii</sup> USCIS Policy Memorandum, *Updated Guidance for the Referral of Cases and Issuances of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens*, June 28, 2018, available at:

<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf> ; USCIS confirmed that this policy applies to human trafficking survivors in a November 2018 stakeholder call

[https://www.uscis.gov/sites/default/files/files/nativedocuments/USCIS\\_Updated\\_Policy\\_Guidance\\_on\\_Notice\\_to\\_Appear\\_NTA\\_11.15.18.pdf](https://www.uscis.gov/sites/default/files/files/nativedocuments/USCIS_Updated_Policy_Guidance_on_Notice_to_Appear_NTA_11.15.18.pdf)

<sup>viii</sup> USCIS added a new Alert to their website warning that applications can be denied for failure to fill in all spaces on the form even if the answer is none or N/A. <https://www.uscis.gov/i-914>

<sup>ix</sup> 2020 TIP Report at 518, Current I-914 processing times are 20-28 months, <https://egov.uscis.gov/processing-times/home>.

<sup>x</sup> Yael Schechter, Refugees International, *Abused, Blamed, and Refused: Protection Denied to Women and Children Trafficked Over the US Southern Border*,

<https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5cfbf5c55c747a0001e19274/1560016326718/Trafficking+Report+-+May+2019+-+final.pdf>

<sup>xi</sup> US Department of State, *Remarks at the 2020 Trafficking in Persons Report Launch Ceremony*, available at <https://www.state.gov/at-the-2020-trafficking-in-persons-report-launch-ceremony/>

<sup>xii</sup> 2020 TIP Report at 521.

<sup>xiii</sup> USDOJ Office for Victims of Crime, *OVCTTAC Human Trafficking Task Force eGuide*, available at:

<https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/lgbtq-victims/>

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<sup>xiv</sup> National Center for Transgender Equity, *The Discrimination Administration*, available at:

<https://transequality.org/the-discrimination-administration>

<sup>xv</sup> SAGE, *Trump Administration is Making Anti-LGBTQ Housing Discrimination Worse, Advocates Say*, available at:

<https://transequality.org/the-discrimination-administration>

<sup>xvi</sup> Human Rights Watch, *Trump Administration Doubles Down on Trans Discrimination*, available at:

<https://www.hrw.org/news/2020/06/25/trump-administration-doubles-down-trans-discrimination#>

<sup>xvii</sup> Erica Green, NY Times, *LGBTQ Rights Cases Stall Under DeVos, Report Finds*, July 29, 2019, available at:

<https://www.nytimes.com/2019/07/29/us/politics/gay-transgender-rights-devos.html>

<sup>xviii</sup> US Department of Labor, *Field Assistance Bulletin No. 2011-1 Addendum 2*, available at:

<https://www.dol.gov/agencies/whd/field-assistance-bulletins/2011-1-addendum-2>

<sup>xix</sup> 2020 TIP Report at 521.