



# Freedom Network USA

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VIA EMAIL to [tipreportUS@state.gov](mailto:tipreportUS@state.gov)

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Acting Director  
US Department of State  
Office to Combat and Monitor Trafficking in Persons (JTIP)  
2201 C Street NW, SA-09 Suite NE3054  
Washington DC 20520

**RE: Freedom Network USA’s Input for the 2025 Trafficking in Persons Report**

Dear Acting Director Poynter:

Freedom Network USA (FNUSA), established in 2001, is a coalition of over 100 non-governmental organizations and individuals that provide services to and advocate for the rights of trafficking survivors in the US. Since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), FNUSA members have worked to ensure that trafficking survivors receive the full array of legal and social services needed and that they are engaged in ensuring effective implementation of the law. FNUSA members include survivors who experienced both sex and labor trafficking in the US, civil attorneys who have brought cutting-edge lawsuits against traffickers, criminal attorneys who have represented survivors wrongly charged with a crime, immigration attorneys who have represented thousands of individuals granted T and U visas, and social service providers who have assisted thousands of survivors — both US citizens and foreign nationals, and minors and adults, across the gender spectrum.

FNUSA offers the following information about the challenges facing the US Government in our shared mission to address human trafficking in the US. Although our comments are not an exhaustive list of all US Government efforts that impact human trafficking, we focus on those about which we have the most information and experience.

## Contents

Information Relevant to the Minimum Standards .....	3
Overview .....	3
1. Major Accomplishments .....	3
2. Greatest Deficiencies .....	5
3. Additional Information/Recommendations.....	7

4. Effective Strategies/Best Practices.....	7
Prosecution .....	7
5. Implementation of Laws, Policies, and Procedures .....	7
6. Understanding of all Forms of Trafficking.....	8
7. Overall Anti-Trafficking Law Enforcement Efforts .....	9
8. Prosecutions to Hold Private Employers or Corporations Accountable for Forced Labor in Supply Chains .....	11
9. Judges .....	11
10. Official Complicity .....	12
11. Evidence of Trafficking by Nationals Deployed Abroad.....	14
12. Impact of Bilateral, Multilateral, or Regional Anti-Trafficking Arrangements.....	14
Protection .....	14
13. Coordinated Government Efforts to Identify Victims of All Forms of Trafficking .....	14
14. Victim Service Referral Procedures.....	15
15. Formal Victim Identification for Services .....	16
16. Identifying potential victims under commercial sex criminalization .....	16
17. Victim Services .....	18
18. Quality of Victim Care .....	20
19. Specialized Care for Child Victims .....	22
20. Government Hotline Operations.....	24
21. Cooperation Between Law Enforcement and Victim Services.....	25
22. Restitution .....	25
23. Access to Justice .....	26
24. Immigration Protection for Victims.....	27
Non-trafficking Specific Protections .....	27
Protections for Unaccompanied Minors .....	29
Trafficking-specific Immigration Protections .....	29
25. Protection for Nationals Trafficked Abroad .....	32
26. Criminalization of Victims .....	32
Prevention.....	35
27. Prevention Efforts .....	35
28. National Action Plan.....	36
29. Government-funded Anti-Trafficking Information/Education Campaigns.....	36

30. Survivor Input .....	37
31. Labor Recruitment.....	38
32. International Coordination on Recruitment .....	39
33. Migration/Trade Policies and Trafficking .....	39
34. Prevention of Forced Labor in Supply Chains .....	40
35. International Governmental Assistance.....	42
36. Reduce Country Nationals in International and Domestic Child Sex Tourism .....	42
Territories and Semi-Autonomous Regions.....	42
37. Non-sovereign Territories and Semi-Autonomous Regions .....	42
Trafficking Profile .....	43
38. Trafficking Situation .....	43
39. Groups at particular risk of human trafficking .....	43
Black and Brown Communities .....	44
Immigrant Communities .....	45
LGBTQIA and Two Spirit Communities.....	46
LGBTQIA and Two Spirit Immigrants.....	47
American Indian/Alaska Native Communities .....	48
Sex Workers.....	49
People with Disabilities .....	51
People without access to reproductive healthcare.....	52
40. Chinese/Cuban/North Korean Workers.....	52
41. Risks, Trends, and Vulnerabilities from Climate Change, Climate Disasters, and Technology .....	52
Child Soldiering .....	55
42-44. Child Soldiers.....	55

## Information Relevant to the Minimum Standards

### Overview

#### 1. Major Accomplishments

The US Government made a few significant steps toward better-addressing trafficking in 2024. However, these actions were insufficient to ensure survivors have access to full services and protections, and progress was not made on preventing trafficking.

The T Visa is a temporary immigration status that is essential to the protections the US provides for immigrant trafficking survivors. USCIS finalized a new Final Rule for the T Visa program that includes critical changes, including an updated process for bona fide determinations (BFD). BFDs allow applicants to safely work and access necessary social services while waiting for their application adjudication, which is necessary due to increased processing times. The median processing time for T Visas was 14.9 months in FY24, up from 12.3 in FY23.<sup>1</sup> At the time of submission of these comments, the current processing time had increased to 19 months.<sup>2</sup> However, USCIS approved the highest number of T Visas in any fiscal year, with 3,786 approvals in FY24 compared to 2,181 in FY23. Denials decreased slightly, with 608 in FY24 compared to 638 in FY23. USCIS received 15,332 applications in FY24, a large increase over the 8,598 in received FY23 and 3,070 in FY22. This resulted in the case backlog more than doubling to 20,351 cases in FY24, compared to 9,394 cases pending at the end of FY23.<sup>3</sup> The T Visa is a lifesaving form of immigration relief, and maintaining increased adjudication levels is crucial to helping survivors seek repair and safety.

The Office of Refugee Resettlement finalized the Unaccompanied Children Program Foundational Rule in 2024. The Final Rule codifies protections for Unaccompanied Children (UAC), increased safeguards for UAC, and improved language access requirements.<sup>4</sup>

The Office for Victims of Crime (OVC) at DOJ implemented a new grant program to provide grantees with training and technical assistance on ethical and inclusive survivor engagement. The Survivor Engagement TTA (SETTA) project has shown that the US Government is capable of investing in sustainable survivor-led programs. (see Question 30 for more details). Lessons learned from the program should be utilized in any future efforts to engage survivors more in anti-trafficking programs.

The Office on Trafficking in Persons (OTIP) at HHS put out a long-awaited guiding framework for HHS programs addressing trafficking prevention.<sup>5</sup> The framework utilizes existing effective violence prevention public health frameworks to outline how HHS can improve its trafficking prevention efforts. This is one of the first pieces of guidance from the US Government that actually includes ways to work towards primary prevention (preventing trafficking before it ever occurs) rather than only preventing re-exploitation of identified survivors (see Question 27 for more details).

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<sup>1</sup> USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year*, <https://egov.uscis.gov/processing-times/historic-pt>

<sup>2</sup> USCIS, "Check Case Processing Times," accessed 1/7/2025, <https://egov.uscis.gov/processing-times/>

<sup>3</sup> USCIS, "Number of Form I-914, Application for T Nonimmigrant Status By Fiscal Year, Quarter, and Case Status," 12/2024, [https://www.uscis.gov/sites/default/files/document/data/i914t\\_visastatistics\\_fy2024\\_q4.xlsx](https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2024_q4.xlsx)

<sup>4</sup> NILC, "Explainer | Final Regulations on the Care of Unaccompanied Children in Federal Custody," 5/2024, <https://immigrantjustice.org/research-items/explainer-final-regulations-care-unaccompanied-children-federal-custody-0>

<sup>5</sup> HHS, National Human Trafficking Prevention Framework, 2/2024, [https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework\\_Final.pdf](https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework_Final.pdf)

## 2. Greatest Deficiencies

Overall, the US government fails to directly address the systemic factors that enable trafficking. The US response has focused mostly on protection and prosecution while continuing to support the policies and systems that protect profits over workers, abusers over victims, and economic growth over health and safety. This primary deficiency undermines the effectiveness of all anti-human trafficking programs and enables human trafficking in the US. The US must develop a framework for primary prevention and commit to its implementation, including a plan to address inhumane and unsafe immigration policies, build a social safety net, enforce labor rights, ensure human rights for all, and address systemic inequities. Without taking this first step, the US Government chooses to allow trafficking to flourish.

Recent attacks on federal funding for services for survivors and other necessary services survivors access show the US is undeserving of its Tier 1 status. The US Government is by far the largest funder of victim services in the country. Any proposed lapse in services presents a gross violation of the minimum standards set by the TVPA.<sup>6</sup> Any cut to federally funded services means the US Government will be responsible for survivors facing further abuse and exploitation, victims staying in trafficking situations for longer, and the lives of survivors being threatened.<sup>7</sup> Additionally, Executive Orders threatening the safety of immigrants, LGBTQIA individuals, and Black and Brown people all create the conditions for communities to become vulnerable to trafficking. The US is rolling back decades of progress that provided more protections to these communities and is, in turn, enabling trafficking.

Insufficient steps were taken to reverse the targeting, scapegoating, and denial of services to immigrants seeking to enter the US or live safely in the US put in place under the first Trump Administration. Under the Biden Administration, many harmful policies remained, and asylum restrictions were implemented that prevented trafficking survivors from receiving asylum, made immigrants more vulnerable to trafficking, and prevented survivors from coming forward.<sup>8</sup> As new threats<sup>9</sup> against the safety of immigrants are proposed and implemented, survivors' lives will be put at risk and immigrants will be put at greater risk of trafficking. The US Government continues to restrict access to humane asylum and is considering implementing

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<sup>6</sup> The White House, "OMB Q&A Regarding Memorandum M-25-13," 1/28/2025, <https://www.whitehouse.gov/fact-sheets/2025/01/omb-q-a-regarding-memorandum-m-25-13/>

<sup>7</sup> FNUSA, "FNUSA Condemns Pause on Federal Funding Leaving Survivors Without Lifesaving Services," 1/28/2025, <https://freedomnetworkusa.org/2025/01/28/fnusa-condemns-pause-on-federal-funding-leaving-survivors-without-lifesaving-services/>

<sup>8</sup> FNUSA, "New Proposed Asylum Ban Will Harm Trafficking Survivors," 2023, <https://freedomnetworkusa.org/2023/03/07/new-proposed-asylum-ban-will-harm-trafficking-survivors/>  
Altman, Heidi, "How the Biden Administration's Expanded Asylum Ban Puts Lives at Risk and Contradicts American Values," NILC, 9/2024, <https://www.nilc.org/resources/how-the-biden-administrations-expanded-asylum-ban-puts-lives-at-risk-and-contradicts-american-values/>

Human Rights First, "Don't Tell Me About Your Fear," 8/2024, <https://humanrightsfirst.org/library/dont-tell-me-about-your-fear/>

<sup>9</sup> ACLU, "Trump on Immigration: Tearing Apart Immigrant Families, Communities, and the Fabric of Our Nation," <https://www.aclu.org/trump-on-immigration>

immigration policies that will only put migrants in danger and create vulnerabilities to trafficking. Policies like Remain in Mexico, mandatory detention,<sup>10</sup> mass deportation, and expedited removal may all be implemented in the near future. These policies undermine due process, force people back into dangerous conditions where they are likely to be harmed or killed, and make people vulnerable to human trafficking. These policies enable trafficking across the country.

In 2022, the US Congress failed to fully reauthorize the TVPA, the critical legislative framework for the US anti-trafficking response. In 2024, Congress failed again to pass the remaining reauthorizations for the DOJ and HHS Victim Services programs, two of the biggest programs serving survivors in the United States. Congress has to start over for a third time in 2025 with new legislation to fix these critical lapses in authorizations.

The US Government must also improve its implementation of the protections outlined in the TVPA. Law enforcement rarely requests Continued Presence for immigrant survivors of human trafficking, leaving them unprotected for years while their T Visas are pending. Survivors who have been granted T Visas face long waits to obtain Social Security Numbers and issues accessing public benefits when SSNs are delayed or not recognized by the appropriate agencies. Sex trafficking survivors continue to be denied restitution, even in federal cases where restitution is mandatory.

The US continues to criminalize victims, including sex and labor trafficking survivors, for the crimes they are forced to commit by their traffickers. Survivors of both sex and labor trafficking are being criminalized for a wide variety of offenses across the US. Survivors are left with charges in multiple jurisdictions with varying criminal record relief options.<sup>11</sup> There continues to be no criminal record relief for federal convictions, leaving many survivors stuck with felony records even after they have managed to vacate or expunge state-level records.<sup>12</sup> FNUSA's Survivor Reentry Project is supporting over 137 survivors working to clear criminal records of a total of over 1716 charges, including Prostitution (37%), Drug Offenses (13%), Theft/Larceny (9%), Trespass/Loitering (8%), Forgery/false Documents (4%), Assault/Battery (3%), Robbery (2%), and Other (24%).

Credit reporting agencies began accepting requests for adverse credit information related to trafficking to be removed from credit reports following the 2022 Final Rule from the Consumer Financial Protection Bureau. While the rule presents a new opportunity for survivors to remedy some of the financial harms of trafficking and access previously blocked economic opportunities, there are few resources available to assist survivors in filing the documentation

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<sup>10</sup> Human Rights First, "Mandatory Detention is Cruel, Unnecessary, and Wasteful," 12/2023, [https://humanrightsfirst.org/wp-content/uploads/2023/12/Mandatory-Detention\\_-Dec-2023.pdf](https://humanrightsfirst.org/wp-content/uploads/2023/12/Mandatory-Detention_-Dec-2023.pdf)

<sup>11</sup> Freedom Network USA, *Criminal Record Relief Laws for Survivors*, <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

<sup>12</sup> KB White, Freedom Network USA, *Impact of Arrest and Conviction Histories on Trafficking Survivors*, 12/6/2021, <https://freedomnetworkusa.org/2021/11/10/impact-of-arrest-and-conviction-histories-on-trafficking-survivors/>

with credit reporting agencies, creating barriers to access for many.<sup>13</sup> Implementation has been difficult as survivors without legal representation have faced significant hurdles to obtaining victim determination documentation. Credit Reporting Agencies have also not complied fully with the rule, by denying eligible letters and refusing to block all of the information requested by survivors.<sup>14</sup> Survivors are finding it close to impossible to obtain the necessary documentation to apply because the rule created a convoluted system for NGOs to become authorized to provide the documentation.

### 3. Additional Information/Recommendations

FNUSA has no additional information to provide.

### 4. Effective Strategies/Best Practices

Worker-driven social responsibility<sup>15</sup> shows promise when the government refuses to act. The Coalition of Immokalee Workers Fair Food Program<sup>16</sup> and Milk with Dignity<sup>17</sup> are two examples of successful implementation of this approach in agricultural sectors in the US. Additionally, California's Little Hoover Commission has issued a series of reports laying out what should be done at the state level to identify labor trafficking<sup>18</sup>, coordinate a state-wide response<sup>19</sup>, and help victims.<sup>20</sup>

## Prosecution

### 5. Implementation of Laws, Policies, and Procedures

Despite trafficking falling under criminal statutes, US law characterizes most employment-related violations as civil, and not criminal, violations. Additionally, labor protections vary by jurisdiction, making it difficult for workers to understand and protect their rights. With limited funding for enforcement by the US Department of Labor (DOL) and US Equal Employment Opportunity Commission (EEOC), workers, especially low-wage workers, are left with few

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<sup>13</sup> FNUSA, *Freedom Network USA's Response to Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking*, Docket No. Bureau-2022-0023 or RIN 3170-AB12, 5/9/2022, <https://freedomnetworkusa.org/app/uploads/2022/05/FNUSACommentsCFPBAAdverseInformationRule9May2022.pdf>

<sup>14</sup> CFPB, *Supervisory Highlights*, Issue 32 (Spring 2024), <https://www.consumerfinance.gov/data-research/research-reports/supervisory-highlights-issue-32-spring-2024/>

<sup>15</sup> Worker-Driven Social Responsibility Network, *What is WSR?*, <https://wsr-network.org/what-is-wsr/>

<sup>16</sup> Worker-Driven Social Responsibility Network, *Fair Food Program*, <https://wsr-network.org/success-stories/fair-food-program/>; Fair Food Program: The Power of Prevention, <https://fairfoodprogram.org/>

<sup>17</sup> Worker-Driven Social Responsibility Network, *Milk with Dignity*, <https://wsr-network.org/success-stories/milk-with-dignity/>

<sup>18</sup> Little Hoover Commission, *Report #251 Labor Trafficking: Strategies to Uncover this Hidden Crime*, September 2020, <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/251/Report251.pdf>

<sup>19</sup> Little Hoover Commission, *Report #250 Human Trafficking: Coordinating a California Response*, June 2020, <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/250/Report250.pdf>

<sup>20</sup> Little Hoover Commission, *Report #252 Labor Trafficking: Strategies to Help Victims and Bring Traffickers to Justice*, October 2020, <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/252/Report252.pdf>

protections.<sup>21</sup> DOL's Wage and Hour Division (WHD) has demonstrated a commitment to investigating child labor violations, but has not received a funding increase that would allow for sufficient investigators to increase its investigation capacity.<sup>22</sup> This has resulted in vast gaps between identified sex trafficking and labor trafficking survivors, and fewer labor trafficking prosecutions across most jurisdictions. The government fails to invest in the identification and prosecution of labor trafficking.<sup>23</sup>

In addition, the US Government's immigration policies put immigrants and migrant workers at high risk of labor trafficking. Temporary work visas with limited protections and fear of deportation under strict immigration policies make workers more vulnerable to exploitation and less likely to report, so labor trafficking of immigrant workers goes widely underreported despite relief technically being available under US law.

***Recommendation:*** *The US government should provide dedicated funding for DOL and EEOC to develop effective programs to identify and support trafficking survivors within their areas of expertise and existing authorities. The US Government should expand the authorities of DOL and EEOC to better detect, deter, and prosecute labor trafficking. The WHD should be expanded to include enough investigators to properly investigate cases and be provided with sufficient funding to fulfill its mandates. The US Government should reform employment-related immigration categories to ensure that workers have the ability to escape abuse and exploitation without fear of harm.*

## 6. Understanding of all Forms of Trafficking

The US Government routinely fails to understand, identify, respond to, and address child labor trafficking, choosing to focus primarily on the sex trafficking of minors.<sup>24</sup> The Trafficking Victims Prevention and Protection Reauthorization Act of 2022<sup>25</sup> required child welfare agencies to collect data, train staff, and report on labor trafficking, which was previously left out of federal law. 2023 was the first year child welfare agencies had to implement this requirement and

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<sup>21</sup> Elizabeth Warren and Ro Khanna, *CNN Business Perspectives*, *10 Worker Protections that Should be in the US Government's Next Aid Package*, 5/13/2020, <https://www.cnn.com/2020/05/13/perspectives/stimulus-package-worker-protections/index.html>; Celine McNickolas and Margaret Poydock, *Economic Policy Institute Working Economics Blog*, *We Need an Essential Workers Bill of Rights*, 5/5/2020, <https://www.epi.org/blog/congress-must-include-worker-protections-in-the-next-coronavirus-relief-bill-we-need-an-essential-workers-bill-of-rights/>

<sup>22</sup> Departments of Labor and Health and Human Services, "Departments of Labor and Health and Human Services Announce New Efforts to Combat Exploitative Child Labor," 2/27/2023, <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-new-efforts-combat-exploitative-child-labor.html>

<sup>23</sup> Freedom Network USA, Input to UN Special Rapporteur on Forced Labor in Agriculture, 1/31/2022, <https://freedomnetworkusa.org/app/uploads/2022/02/FNUSAInputLaborTraffickingAgricultureUNSpecialRapporteur-January2022.pdf>

<sup>24</sup> Freedom Network USA, Input to UN Special Rapporteur on Forced Labor in Agriculture, 1/31/2022, <https://freedomnetworkusa.org/app/uploads/2022/02/FNUSAInputLaborTraffickingAgricultureUNSpecialRapporteur-January2022.pdf>; Center for the Human Rights of Children, Loyola University Chicago School of Law, NGO Input to the Special Rapporteur on Contemporary Forms of Slavery, 4/22/2021, <https://freedomnetworkusa.org/app/uploads/2021/10/NGOInputonChildLaborTrafficking.pdf>

<sup>25</sup> 42 USC 5106(g)(b)(1)



there are few resources and guidelines for agencies to ensure implementation is consistent. Guidance from the federal government was inconsistent and originally made reporting of child labor trafficking optional. However, in August 2024, OTIP released updated guidance clarifying that child welfare agencies are required to screen for and report instances of potential child labor trafficking.<sup>26</sup>

HHS did make progress in reducing this gap in focus by replacing the National Advisory Committee on the Sex Trafficking of Children and Youth with a newly established National Advisory Committee on the Trafficking of Children and Youth that will advise on policies about all types of child trafficking.<sup>27</sup>

In the last five years, the US Government has failed to identify all trafficking victims in the child welfare system due to this focus on sex trafficking. A report by Coalition to Abolish Slavery & Trafficking (CAST) highlights the disparate treatment of child labor and sex trafficking victims in the child welfare system in California, which provides an example of what is happening across the US.<sup>28</sup> Protections for children within the system are also insufficient to prevent trafficking by foster parents and ensure safe placements for all children.

As noted in the above question and recommendation, the US Government also fails to identify and respond to adult labor trafficking.

***Recommendation:*** FNUSA calls on the US Government to provide expanded guidance, training, and technical assistance for child welfare agencies on identifying potential labor trafficking and connecting children with services. States must ensure their child welfare systems prevent, identify, and serve victims of all forms of trafficking.

## **7. Overall Anti-Trafficking Law Enforcement Efforts**

As FNUSA continues to note, the US Government needs to increase its investigation and prosecution of labor trafficking. In FY23, the DOJ initiated a total of 181 federal human trafficking prosecutions, an increase from 162 in FY22, but a significant decrease from 228 prosecutions in FY21.<sup>29</sup> DOJ charged 258 defendants in FY23, down from 310 in FY22, and a dramatic decrease from a recent high of 553 defendants in FY17.<sup>30</sup> The cases continue to

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<sup>26</sup> OTIP, "OTIP Recipient FAQs: Working with Child Welfare," 8/2024, <https://www.acf.hhs.gov/otip/faq/otip-recipient-faqs-working-child-welfare>.

<sup>27</sup> *Establishment of the National Advisory Committee on the Trafficking of Children and Youth in the United States*, Federal Register, 2024-26881 (89 FR 91402), 11/2024, <https://www.federalregister.gov/documents/2024/11/19/2024-26881/establishment-of-the-national-advisory-committee-on-the-trafficking-of-children-and-youth-in-the#:~:text=SUMMARY%3A-.The%20National%20Advisory%20Committee%20on%20the%20Trafficking%20of%20Children%20and,to%20section%20121%20of%20the>

<sup>28</sup> CAST, *Child Labor Trafficking in California*, October 2019, <https://www.castla.org/wp-content/uploads/2019/11/ChildLaborTraffickinginCANov2019final.pdf>

<sup>29</sup> 2024 TIP Report.

<sup>30</sup> 2024 TIP Report.

involve predominantly sex trafficking (169 prosecutions), with only 12 prosecutions involving predominantly labor trafficking.<sup>31</sup> FNUSA remains concerned about the disturbingly low number of investigations and prosecutions involving labor trafficking compared to sex trafficking. The available data indicates that approximately 93% of DOJ's prosecutions are for sex trafficking cases, and less than 7% are for labor trafficking cases.<sup>32</sup>

However, service providers tell a very different tale of human trafficking in the US, identifying far higher percentages of labor trafficking victims. FNUSA members are serving a much more balanced division of cases, reporting that 36% of their clients were survivors of sex trafficking, 36% were survivors of labor trafficking, and 8% were survivors of both.<sup>33</sup> DOJ's human trafficking services grantees served 10,235 trafficking survivors in FY23; 69% were victims of sex trafficking, 19% labor trafficking, and 7% both sex and labor trafficking.<sup>34</sup> This distribution was very similar to the previous year. HHS-funded service providers reported that the majority of foreign national trafficking survivors they supported were labor trafficking survivors (64% labor, 18% sex trafficking, and 13% labor and sex).<sup>35</sup>

It is notable that while labor trafficking survivors identified by service providers are primarily foreign nationals, sex trafficking prosecutions are more likely to have US citizen survivors. The US Government continues to invest, focus, and act primarily to protect US nationals and fails to protect foreign nationals equally.

Law enforcement has relied on a set of indicators of potential trafficking to investigate online advertisements for potential human trafficking. These indicators are widespread and have previously not received much study into their efficacy. These indicators are even used by financial institutions to shut down accounts and prevent sex workers acting legally from accessing their payments. Recently, the DOJ National Criminal Justice Reference Service published a study assessing the likelihood of often-used indicators to point to human trafficking or to consensual sex work. Many of the indicators commonly used to trigger human trafficking investigations were found not to be significant predictors of human trafficking.<sup>36</sup> OVC's Human Trafficking Collective recommends moving away from these "red flags" in screening and training to identify human trafficking because of the often discriminatory and inaccurate results.<sup>37</sup>

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<sup>31</sup> 2024 TIP Report.

<sup>32</sup> 2024 TIP Report.

<sup>33</sup> Freedom Network USA 2024 Member Report, data reflecting services provided from 1/1/21 to 12/31/22, <https://freedomnetworkusa.org/app/uploads/2024/06/FNUSA-2024-Member-Report.pdf>.

<sup>34</sup> 2024 TIP Report.

<sup>35</sup> 2024 TIP Report.

<sup>36</sup> Kristina Lugo-Graulich, "Indicators of Sex Trafficking in Online Escort Ads," *Justice Research and Statistics Association*, 10/2022, <https://www.ojp.gov/pdffiles1/nij/grants/305453.pdf>.

<sup>37</sup> Office for Victims of Crime Human Trafficking Collective, "Shifting Current Practices in the Anti-Trafficking Field: the 'Red Flag' Framework," 3/2024, <https://nationalsurvivornetwork.org/wp-content/uploads/2024/03/RED-FLAGS-A-Shift-in-Framework-Training-Resource-Combined-FINAL.pdf>.

***Recommendation:*** Based on these data, FNUSA notes that survivors of forced labor, especially immigrants, cannot rely on the US Government to obtain justice and compensation. We call on the US Government to assess and address the reasons for the lack of investigation into labor trafficking, and the associated failure to protect immigrant trafficking survivors. The methods and indicators used by federal and state law enforcement to investigate potential human trafficking should be thoroughly evaluated to ensure resources are not wasted, and potential harms to sex workers and trafficking victims are limited.

## **8. Prosecutions to Hold Private Employers or Corporations Accountable for Forced Labor in Supply Chains**

The US Government fails to hold corporations accountable for forced labor committed by the employers directly, let alone further down in their supply chains. While the US Customs and Border Patrol (CBP) is increasingly using Withhold Release Orders to address the importation of goods made with forced labor, forced labor that occurs within the borders of the US continues with near impunity.<sup>38</sup>

***Recommendation:*** Based on these data, FNUSA notes that survivors of forced labor cannot rely on the US Government to obtain justice and compensation. We call on the US Government to assess and address the reasons for the lack of investigation into labor trafficking, and the associated failure to protect immigrant and migrant trafficking survivors.

## **9. Judges**

As noted in Question 2, judges continue to punish trafficking survivors for forced criminal acts. Judges also continue to support diversion courts designed to force suspected or confirmed survivors into services under the threat of incarceration, which is not trauma-informed and causes harm to survivors who are criminalized for their victimization.<sup>39</sup> Judges also require more training on safe harbor statutes, criminal record relief, and affirmative defense options for trafficking survivors in states where those remedies are available.

Service providers report that prosecutors and judges routinely fail to protect victims' rights during trials, including failure to update victims on the status of the case, to protect their privacy, to recognize victim rights counsel, and to order restitution.

Immigration judges fail to protect trafficking survivors when they deny relief, including asylum and other forms of protection. Immigration judges often defer to government attorneys,

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<sup>38</sup> Freedom Network USA, Input to UN Special Rapporteur on Forced Labor in Agriculture, 1/31/2022, <https://freedomnetworkusa.org/app/uploads/2022/02/FNUSAInputLaborTraffickingAgricultureUNSpecialRapporteur-January2022.pdf>

<sup>39</sup> Becca Kendis, Case Western Reserve Law Review, 2019, *Human Trafficking and Prostitution Courts: Problem Solving or Problematic?*, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=4815&context=caselrev>; Melissa Cook, et al, Health Justice, 2021, *A Longitudinal Study of Justice Characteristics Among Girls Participating in a Sex Trafficking Court Program*, <https://rdcu.be/cGnut>

provide the government with more flexibility (such as with filing deadlines and continuances), and deny applications on discretionary grounds.

***Recommendation:*** *Comprehensive training and technical assistance must be provided to judges so that they are able to identify and respond appropriately to trafficking survivors who appear before them as victims, witnesses, defendants, or parties to a civil case. The training must be inclusive of labor and sex trafficking, of US Citizens and foreign nationals, and of all ages and gender identities. Training and technical assistance should be expanded to include safe harbor statutes, criminal record relief, and affirmative defense options as those remedies become available. Diversion courts must not be allowed to coerce trafficking survivors into unwanted services with the threat of prosecution. The US should provide legal representation to all immigrants, and establish an independent immigration court system, including specialized courts for minors<sup>40</sup>, to protect the rights of immigrant trafficking survivors.<sup>41</sup>*

## 10. Official Complicity

FNUSA calls on the US Government to address its own complicity in labor trafficking in private detention facilities under contract with the US Government and in federal jails, prisons, and immigration detention. The Thirteenth Amendment to the US Constitution provides an exception to the ban on slavery and involuntary servitude for punishment of a crime.<sup>42</sup> This exception allows for forced labor in prisons across the US. At least seven lawsuits have been filed in recent years by immigrant detainees who have alleged violations of the Trafficking Victims Protection Act (TVPA) during their detention.<sup>43</sup> These lawsuits – involving ICE detention centers run by private prison companies throughout the country – contain well-documented allegations of labor trafficking, with immigrant detainees forced to work for a dollar a day under the threat of solitary confinement and a climate of fear. Multiple cases have been pending since 2017, clearly giving the US Government significant notice of the conditions at the detention centers. One case settled in late 2023, requiring CoreCivic to do the bare minimum to protect detained workers’ rights by providing basic safety equipment and training to employees as well

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<sup>40</sup> KIND, *For the Rule of Law, An Independent Immigration Court*, 1/19/2022,

<https://supportkind.org/resources/statement-for-record-for-the-rule-of-law-an-independent-immigration-court/>

<sup>41</sup> American Immigration Lawyers Association, *AILA Policy Brief: Restoring Integrity and Independence to America’s Immigration Courts*, 1/24/2020, <https://www.aila.org/advo-media/aila-policy-briefs/aila-calls-for-independent-immigration-courts>; American Bar Association, *ABA Testifies in Favor of Independent Immigration Court System*, 1/20/2022, <https://www.americanbar.org/news/abanews/aba-news-archives/2022/01/aba-testifies-in-favor-of-independent-immigration-court-system/>

<sup>42</sup> Verite, “Work Behind Bars: Analysis of Prison Labor in the United States Based on International Labor Standards,” 6/2022, <https://verite.org/wp-content/uploads/2022/06/Work-Behind-Bars-Briefing-Documents-June-2022-1.pdf>

<sup>43</sup> See, e.g., *Ruelas v. County of Alameda*, 3:19-cv-07637 (N.D. Cal. Nov. 20, 2019); *Barrientos v. CoreCivic*, 4:18-cv-00070-CDL (M.D. Ga. Apr. 17, 2018); *Gonzalez v. CoreCivic*, 1:18-cv-00169 (W.D. Tex. Feb. 22, 2018); *Gonzalez v. CoreCivic*, No. 3:17-cv-02573-AJB-NLS (S.D. Cal. Dec. 27, 2017); *Novoa v. The GEO Group*, No. 5:17-cv-02514 (C.D. Cal. Dec. 19, 2017); *Owino v. CoreCivic*, No. 17-cv-1112-JLS-NLS (S.D. Cal. 2017); *Menocal v. The GEO Group*, 1:14-cv-02887-JLK (D. Colo. 2014).

as notifying all detained people in its facilities of their rights.<sup>44</sup> The failure of the US Government to take action to protect these victims, stop these exploitive practices, or take any action against the corporations involved, shows the US Government's continued complicity in these acts of human trafficking.<sup>45</sup> Courts are also ordering defendants to complete sentences in rehabilitation facilities that require participants to work without pay, sometimes in dangerous conditions.<sup>46</sup>

The US Government has also been complicit in the abuse and exploitation of sex trafficking survivors. Law enforcement agents have knowingly engaged in sex abuse of suspected sex trafficking victims during their investigation of the very victimization that the law enforcement agents were committing.<sup>47</sup> State and local agencies often engage in the same type of abuse during investigations of sex work and massage parlors.

In addition, the US Government is enabling forced labor through a failure to properly screen visa applications for employers who are not attempting to hide their intention to violate federal labor and trafficking laws. In a recent case in New York, nurses from the Philippines working in the US on EB-3 visas experienced forced labor and left their jobs, only to be prosecuted by the US Government for leaving the abusive employer without enough staff to support patients. The US Government approved the employment contracts to grant visas for the nurses despite clauses preventing the workers from leaving despite exploitative working conditions.<sup>48</sup> In addition, many employment contracts of temporary workers include forced arbitration clauses that compel arbitration when a worker sues their employer for trafficking. These clauses prevent access to a fair hearing in front of a judge, public accountability, and identification of other survivors from that employer. Some workers are compelled into arbitration in other countries, losing their eligibility for a T Visa when they leave the US to participate in forced arbitration. These types of contracts are approved in many visa cases despite the intention for harm being visible in the contract language. The US Government is failing to screen potential abusive employers out of the visa pool and, in turn, sanctioning the forced labor occurring under its guestworker visa programs.

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<sup>44</sup> Southern Poverty Law Center, "Settlement in Forced Labor Case Against Private Prison Company Operating Immigration Detention Center," 10/19/2023, <https://www.splcenter.org/presscenter/settlement-forced-labor-case-against-private-prison-company-operating-immigration>

<sup>45</sup> Human Trafficking Legal Center, *Fact Sheet: Human Trafficking & Forced Labor in For-Profit Detention Facilities*, 2018, <http://www.htlegalcenter.org/wp-content/uploads/Human-Trafficking-Forced-Labor-in-For-Profit-Detention-Facilities.pdf>.

<sup>46</sup> Shoshana Walter, *Reveal News*, *At hundreds of rehabs, recovery means work without pay*, 7/7/2020, <https://revealnews.org/article/at-hundreds-of-rehabs-recovery-means-work-without-pay/>

<sup>47</sup> Mackensie Shulman, et al, *AP News*, *Documents: Federal Agents Engaged in Sex Acts with Victims*, 5/11/2020, <https://apnews.com/article/nv-state-wire-police-us-news-az-state-wire-ca-state-wire-1c86224532d2ab314fe0f245bdce62b9>

<sup>48</sup> Freedom Network USA, *FNUSA and the Human Trafficking Legal Center File Amicus Brief Asserting the Rights of Survivors Who are Unjustly Prosecuted*, 1/12/2023, <https://freedomnetworkusa.org/app/uploads/2023/01/Anilao-Amicus-Brief-As-Filed.pdf>

There was also a recorded instance of ICE illegally detaining workers at the request of their employers after the employee tried to exercise their rights to legally transfer to a safer job after receiving threats from their employer.<sup>49</sup> Abusive bosses use threats of deportation to force workers to stay. ICE detaining this worker only fuels workers' fears of deportation or detention.

***Recommendation:*** FNUSA recommends that the US Government amend the US Constitution to end the forced labor exception for punishment.<sup>50</sup> The US Government should immediately discontinue civil immigration detention. Failing that, the US Government must, at the very least, stop contracting with private corporations for immigration detention and join the plaintiffs as amici in their lawsuits against the private corporations who have exploited them. The US Government should also increase the oversight of visa applications to ensure employers intentionally subjecting workers to abusive employment contracts are held accountable and unable to apply for any foreign worker visas. Congress should pass the Ending Forced Arbitration of Human Trafficking Act to amend the Federal Arbitration Act to ban forced arbitration of human trafficking claims. FNUSA also recommends that the US Government immediately ban all law enforcement agents from engaging in sex acts as part of any investigation, prosecution, or other law enforcement activities.

### **11. Evidence of Trafficking by Nationals Deployed Abroad**

FNUSA has no comments on this issue.

### **12. Impact of Bilateral, Multilateral, or Regional Anti-Trafficking Arrangements**

FNUSA has no input on this issue.

## **Protection**

### **13. Coordinated Government Efforts to Identify Victims of All Forms of Trafficking**

The US Government's efforts to identify victims of human trafficking remain disjointed, uncoordinated, and opaque. There are few published protocols, policies, or procedures for federal agencies to follow when they encounter potential survivors of human trafficking. There is little coordination and accountability within or among federal agencies to ensure survivors are provided with appropriate services and support.

The Abolish Human Trafficking Act of 2017 requires that the Department of Homeland Security (DHS) establish a victim screening protocol to be used by all DHS personnel involved in human trafficking investigations. The protocol must be developed in consultation with "interagency partners and nongovernmental organizations that specialize in the prevention of human trafficking and support victims of human trafficking and survivors of human trafficking."<sup>51</sup> The

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<sup>49</sup> Texas Rio Grande Legal Aid, "Arkansas Federal Court Dismisses Lawsuit Filed by Farmworker Wrongfully Detained by ICE," 12/12/2022, <https://www.trla.org/news-releases/arkansas-federal-court-dismisses-lawsuit-filed-by-farmworker-wrongfully-detained-by-ice>

<sup>50</sup> End the Exception, "Abolition Amendment, <https://endtheexception.com/>

<sup>51</sup> Pub L 115-392.

Trafficking Victims Protection Act of 2017 requires the DOJ to establish a similar victim screening protocol for use in all DOJ anti-trafficking operations. The protocol must be developed in consultation with “survivors of human trafficking, and nongovernmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking.”<sup>52</sup> Neither protocol has been developed despite the deadlines included in the legislation.

Service providers report that law enforcement agencies fail to respond to reports of trafficking made by service providers. Law enforcement is least likely to respond when the survivor has already gotten out of the trafficking situation, the survivor experienced labor trafficking, the survivor was smuggled into the US, or in cases of trafficking by a family member. This disparity can be inferred from the data provided by USCIS, showing that although all T Visa applicants are required to report their trafficking experience to law enforcement, only 16% submitted the I-914 Supplement B documentation provided by law enforcement.<sup>53</sup> Law enforcement agencies also continue to fail to apply for Continued Presence to provide immediate protection to foreign national trafficking survivors.<sup>54</sup>

***Recommendation:*** FNUSA recommends that DHS and DOJ jointly convene a working group of survivors and service providers to provide guidance on the development of these protocols. FNUSA also recommends that DOL participate in this working group to specifically address the context of labor trafficking. FNUSA recommends that DHS require screening of all foreign nationals encountered during immigration enforcement activities for humanitarian protection, and err on the side of protection. The asylum process should be protected as expedited screenings and removals fail to identify survivors and potential victims of human trafficking, putting them in further danger. FNUSA further recommends that law enforcement be held accountable for their failure to respond to reports of all forms of trafficking and consistently provide support for foreign national survivors in the form of Continued Presence.

#### **14. Victim Service Referral Procedures**

Victim service referral procedures vary across agencies and states. Most federal law enforcement agencies have some victim-witness personnel that can assist survivors with identifying service providers. Results are inconsistent across agencies. Many survivors report not being connected with services when identified by law enforcement.

Some law enforcement agencies still utilize the problematic practice of arresting survivors in order to connect them to services or coerce them into testifying against their traffickers, including some OVC-funded task forces.<sup>55</sup> The Enhanced Collaborative Model Human Trafficking

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<sup>52</sup> Pub L 115-393.

<sup>53</sup> USCIS, *Characteristics of T Nonimmigrant Status (T Visa) Applicants*, January 2022

<sup>54</sup> Freedom Network USA, *Continued Presence Challenges and recommendations*, 2/18/2021, <https://freedomnetworkusa.org/app/uploads/2021/02/FNUSAContinuedPresenceChallengesRecommendationsFeb2020.pdf>

<sup>55</sup> Freedom Network USA, *FY2025 Human Trafficking Funding Recommendations*, 7/2024, <https://freedomnetworkusa.org/app/uploads/2024/07/FY25-FNUSA-Funding-Recommendations-for-OVC.pdf>

Task Forces (ECMs) were intended to ensure survivors identified by law enforcement in certain regions are referred to appropriate service providers, but the funding has been redirected to practices that are not trauma-informed and do not connect survivors to sustainable services.<sup>56</sup>

DOL's Wage and Hour Division has markedly increased its investigations into child labor across the US in recent years. However, DOL is not consistently referring children found working in illegal conditions to service providers for trafficking screenings.

***Recommendation:*** All federal, state, local, and tribal agencies that interact with potential trafficking victims should have required screening and referral practices implemented with trusted service providers. The ECM model should be discontinued and funding should be redirected to its intended recipients: victim service providers. If survivors are identified by law enforcement, there should be no requirements that they engage in an investigation in order to access services. Policies that allow for law enforcement to arrest or charge survivors, including the use of diversion courts, to connect them with services, should be banned.

### **15. Formal Victim Identification for Services**

The US does not require formal victim identification for survivors to access victim services provided by nonprofit organizations. However, foreign national survivors must receive a Certification Letter from HHS to access federal benefits. This letter allows survivors to access the same benefits and services as refugees, which are critical to achieving economic stability to keep survivors from facing re-exploitation. Adults can only receive a Certification Letter after receiving bona fide determination, a T Visa, or Continued Presence from DHS. Children are eligible for Child Eligibility Letters after OTIP reviews an application for assistance from a service provider.

### **16. Identifying potential victims under commercial sex criminalization**

Sex work is largely illegal across the US, which has resulted in the criminalization of survivors and contributed little to law enforcement's ability to respond to trafficking. Instead, law enforcement is often unable to distinguish between voluntary sex work and sex trafficking, leading them to arrest victims.<sup>57</sup> Law enforcement also targets transgender people for loitering and prostitution arrests at high rates, further restricting their rights to exist in public spaces.<sup>58</sup> These arrests prevent access to services by misidentifying survivors and block access to housing and safer employment by creating arrests or criminal records. It also leads to distrust of law enforcement, which acts as a barrier to reporting trafficking or abuse and can lead to unwillingness to participate as a witness if they are later recognized as a survivor.

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<sup>56</sup> Ibid.

<sup>57</sup> Hannah Garry and Maura Reinbrecht, *Over-Policing of Sex Trafficking: How U.S. Law Enforcement Should Reform Operations*, International Human Rights Clinic at USC Gould School of Law, 15 November, 2021, <https://humanrightsclinic.usc.edu/2021/11/15/over-policing-sex-trafficking-how-u-s-law-enforcement-should-reform-operations/>

<sup>58</sup> Dustin Gardinier, "Police much more likely to stop transgender people in California for 'reasonable suspicion'," San Francisco Chronicle, 7/31/2022, <https://www.sfchronicle.com/politics/article/Transgender-California-police-LGBTQ-stop-report-17337333.php>



Criminalization forces sex workers to the margins which only *creates* vulnerabilities to trafficking. When sex workers can share information with each other about unsafe clients, details about where and when they are working, develop collaborative safety plans and check-ins, and work in the same location, they are able to create safe networks that prevent violence.<sup>59</sup> Sex workers have no labor department to report workers' rights violations to and cannot safely report harm to law enforcement. They may have to take on riskier clients and work in isolation to pay for basic needs for themselves and their families.<sup>60</sup>

Law enforcement does not need commercial sex to be criminalized in order to effectively investigate trafficking. Human trafficking laws remain strict in countries with various forms of decriminalization.<sup>61</sup> More sex workers will be able to report violence and trafficking if they are no longer afraid of arrest for prostitution.<sup>62</sup> Law enforcement would waste less time and money investigating prostitution and would have more time for thorough trafficking investigations. Law enforcement is fully able to investigate crimes (including trafficking, discrimination, fraud, and violence) in other industries, like manufacturing, hospitality, and agriculture; demonstrating that criminalization of workers is not required to investigate worker exploitation and abuse. Sex workers are also often harassed and abused by law enforcement, who feel emboldened by the threat of criminalization to abuse them with impunity.<sup>63</sup>

The criminalization of commercial sex also prevents funding and prioritization of services for sex workers that can help prevent trafficking. Sex workers and trafficking survivors have extensive knowledge of tools to keep each other safe, but surveillance and criminalization prevent them from protecting each other.<sup>64</sup> There is little funding for sex worker-led harm reduction efforts that help prevent many forms of violence against sex workers. Instead, by criminalizing sex work, the US Government and state governments force sex workers to take on more risk by working alone, without the ability to screen for unsafe clients, and without a safe

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<sup>59</sup> Global Network of Sex Work Projects, The Impact of 'End Demand' Legislation on Women Sex Workers, February 12, 2018, [https://www.nswp.org/sites/default/files/pb\\_impact\\_of\\_end\\_demand\\_on\\_women\\_sws\\_nswp\\_-\\_2018.pdf](https://www.nswp.org/sites/default/files/pb_impact_of_end_demand_on_women_sws_nswp_-_2018.pdf)

<sup>60</sup> Erin Albright and Kate D'Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, AMA Journal of Ethics, 1/19/2017, <https://journalofethics.ama-assn.org/article/decreasing-human-trafficking-through-sex-work-decriminalization/2017-01>

<sup>61</sup> ACLU, *Is Sex Work Decriminalization the Answer? What the Research Tells Us*, 10/16/2020, <https://www.aclu.org/publications/sex-work-decriminalization-answer-what-research-tells-us>

<sup>62</sup> UN Human Rights Special Procedures, "Mandate of the Working Group on discrimination against women and girls: Eliminating discrimination against sex workers and securing their human rights," 10/2023, <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/sex-work-pp-fin-proofread-24-sept.pdf>

<sup>63</sup> Richard Saenz, "How Criminalization, Stigma, and Discrimination Continue to Harm Sex Workers," Lambda Legal, 12/15/2023, [https://lambdalegal.org/blogs/us\\_20231215\\_international-day-end-violence-against-sex-workers/](https://lambdalegal.org/blogs/us_20231215_international-day-end-violence-against-sex-workers/)

<sup>64</sup> Jennifer, Suchland, "What's Wrong with the US Federal Response to "Sex Trafficking"?", The Gender Policy Report, 11 January, 2023, <https://genderpolicyreport.umn.edu/whats-wrong-with-the-us-federal-response-to-sex-trafficking/>

way to report violence and trafficking without fear of arrest.<sup>65</sup> Criminalization also discourages funders from providing funds for harm reduction and prevention efforts for fear of legal liability and moral backlash.

***Recommendation:*** FNUSA calls on the US to fully decriminalize sex work in the US, at the federal, state, and local levels in order to prevent human trafficking.<sup>66</sup>

## 17. Victim Services

FNUSA notes that the US Government provides funding for services for human trafficking survivors. Appropriations for victim services and training grants include over \$100 million annually, and US law provides for significant immigration protections for trafficking survivors, including Continued Presence (CP) and the T and U Visas. However, these investments are insufficient, especially in light of the growing number of survivors needing services and budget cuts to other social safety net services survivors rely on. In 2023, pandemic supplemental assistance programs ran out, significantly reducing the amount of aid people receive through programs like the Supplemental Nutrition Assistance Program, rental assistance funds, and funding for child care centers. The child tax credit, which is credited with helping reduce child poverty throughout the US ended and is unlikely to restart.<sup>67</sup> The lack of social safety net programs creates vulnerabilities to trafficking by forcing people into poverty.

FNUSA notes with concern that the Congressional funding authorizations under the TVPA and its progeny expired in 2021, and both the 117<sup>th</sup> and 118<sup>th</sup> Congress failed to reauthorize the programs. The TVPA funding authorizations also include two harmful restrictions. First, the ‘prostitution pledge’ suggests that service providers who provide supportive services to trafficking survivors who are engaged in sex work are not eligible for funding and that agencies that express opposition to the End Demand framework do not qualify for funding. This clause increases vulnerability to trafficking in the sex trades. This clause also limits survivors’ self-determined agency by forcing them to frame their experiences in government-sanctioned ways to work in the field, replicating coercive patterns. This clause also explicitly violates the First Amendment in seeking to restrict or compel speech by US Citizens and US corporations. Second, the funding requires that providers document raising and expending non-federal funds for the same programs, a 25% match. This requirement is complex, time-consuming, and does

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<sup>65</sup> Freedom Network USA and National Survivor Coalition, *Re-Centering Sex Worker Safety in Anti-Trafficking Work: Perspectives from the Field*, <https://freedomnetworkusa.org/app/uploads/2023/10/Recentering-Sex-Worker-Safety-in-Anti-Trafficking-Work.pdf>

<sup>66</sup> Freedom Network USA, *Preventing Sex Trafficking Requires the Full Decriminalization of Sex Work*, September 2021, <https://freedomnetworkusa.org/app/uploads/2021/09/FNUSAStatementDecrimSept2021.pdf>; Freedom Network USA, *End Demand Fact Sheet*, 2018, <https://freedomnetworkusa.org/app/uploads/2018/07/End-Demand.pdf>; Beyond Trafficking and Slavery, Open Democracy, *It’s Time to Get Off the Fence on Sex Workers’ Rights*, 2021, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/sex-work-on-bts/>; ACLU, *Is Sex Work Decriminalization the Answer? What the Research Tells Us*, 2020, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_sex\\_work\\_decrim\\_research\\_brief.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_sex_work_decrim_research_brief.pdf)

<sup>67</sup> Shannon Pettypiece, “Stretched social safety net could see more strain in 2024,” 12/25/2023, NBC News, <https://www.nbcnews.com/politics/politics-news/2024-food-stamp-rent-assistance-programs-get-hit-hard-rcna130833>

not ensure high-quality services are provided to survivors. Since the pandemic, service providers have faced severe burnout, staffing issues, and an increase in the need for services, all while dealing with shortages in funding and falling volunteer numbers (a critical source of in-kind matches). These conditions continue to make it difficult for providers to meet the match requirement.<sup>68</sup>

Major gaps in services exist across the country. Rural areas often have no service providers or shelters, leaving survivors with few to no options for resources.<sup>69</sup> Shelter services, both trafficking-specific and general, lack safe shelters for men and boys. Few shelters will accept families and allow them to stay together. Many survivors will choose to remain in unsafe and unstable housing situations in order to keep their families together or because there are few shelter options available to them.

Service gaps are also created when providers are unable to offer full language or accessibility access to survivors. Even in major cities like New York, where survivors can speak hundreds of languages, survivors are turned away because staff does not possess the language skills to speak directly with clients, and interpretation services are limited. Courts lack interpretation services, preventing survivors from acting as witnesses. American Sign Language services are also severely limited and auto-caption tools are insufficient to have complicated conversations with clients. Virtual services have opened doors to survivors who live in areas with limited services, but these require a stable internet connection and privacy, which survivors often lack. Physical offices may not be truly accessible to survivors with disabilities. Some clinics operate on a one-stop-shop model, which allows for survivors to access multiple services at once, but often include law enforcement offices or are located in courthouses. For survivors who have faced criminalization or harm by law enforcement, these programs are made inaccessible by the law enforcement presence.

Across the US, victim services and prevention programs are funded at significantly lower levels than law enforcement. For example, in FY20 the foster care system for the state of New York received a 23 times smaller budget than the New York City Police Department.<sup>70</sup> A portion of the DOJ TVPA funding for victim services is carved out for law enforcement task forces. This diverts funds intended to be provided to service providers to law enforcement. This disparity in funding becomes apparent when considering that survivors may need years of service

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<sup>68</sup> Matt Sinclair, "Nonprofits, foundations adjust to the post-pandemic era," *Philanthropy News Digest*, 3/30/2023, <https://philanthropynewsdigest.org/news/exclusives/nonprofits-foundations-adjust-to-the-post-pandemic-era>

<sup>69</sup> See the US Advisory Council on Human Trafficking 2024 Annual Report for further recommendations on improving and increasing services for rural and Indigenous communities: <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2024/>

<sup>70</sup> New York State, Office of Children and Family Services, *Division of the Budget*, <https://www.budget.ny.gov/pubs/archive/fy20/exec/agencies/appropData/ChildrenandFamilyServicesOfficeof.html>

New York City Government, *In the Face of an Economic Crisis, Mayor de Blasio Announces Budget that Prioritizes Safety, Police Reform, Youth Services, and Communities of Color*, 6/30/2020, <https://www.nyc.gov/office-of-the-mayor/news/487-20/in-face-an-economic-crisis-mayor-de-blasio-budget-prioritizes-safety-police#:~:text=The%20%2488.19%20billion%20budget%20was,the%20safety%20of%20all%20communities.>

provision, including assistance with housing and medical and mental health care, but only a small portion of survivors receive assistance from law enforcement to leave their trafficking situation.

In addition, many benefits and resources offered to survivors are contingent on cooperation with law enforcement during an investigation, including the T Visa. For survivors who have experienced harm or exploitation by law enforcement agents or fear deportation or harm from law enforcement, these benefits are out of reach. FNUSA member clients have also reported facing criminal charges or being reported to employment licensing agencies while assisting law enforcement in an investigation. Immigrant massage workers have had their certifications restricted as part of the law enforcement crackdown on massage parlors, preventing them from accessing safe work. These present significant barriers to service access for survivors and may increase fear of harm from law enforcement, making it less likely for survivors to report exploitation.

***Recommendation:*** FNUSA urges the US Government to immediately reauthorize the TVPA victim services programs, including removing the ‘prostitution pledge’ and removing or significantly reducing the 25% match requirement from trafficking services grants. The US Government should reduce the administrative burdens on providers so that they can focus on services for survivors.<sup>71</sup> The US Government should direct all victim services funds to service providers and training and technical assistance providers as well as significantly increase the amount of funding for victim service programs. US Government funding should prioritize reaching rural communities and expanding access to survivors with disabilities and language needs.

## **18. Quality of Victim Care**

There is insufficient oversight for federal government-funded service providers and almost no oversight for service providers with private funding. There have been reports of exploitation and discrimination by providers, and there are few options for recourse.<sup>72</sup> HHS funnels all funding for services to foreign nationals through a single grant program that is not victim-centered and does not allow services to be tailored to survivors’ needs. The services are time-limited, limit support for dependent family members of the survivor, and utilize a budget formula that overly restricts funding for clients. This disparity in the various funding programs leaves survivors at risk of insufficient support depending on the available provider.

Access to many services is still too limited for all survivors to receive necessary services. FNUSA members report there is limited housing overall, both temporary and permanent, due to the ongoing affordable housing crisis. Within the limited housing options, transgender survivors,

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<sup>71</sup> Freedom Network USA, *FNUSA’s Priorities for 2021 Reauthorization of the Trafficking Victims Protection Act*, May 2021, <https://freedomnetworkusa.org/app/uploads/2021/05/FNUSAs-Priorities-for-TVPA-Reauthorization-2021.pdf>

<sup>72</sup> Sarah Lynch, Reuters, *Exclusive: Justice Department anti-human trafficking grants prompt whistleblower complaint*, 2/10/2020, <https://www.reuters.com/article/us-usa-justice-grants-exclusive-idUSKBN20425G> (noting an OVC grant recipient is alleged to require survivors to participate in religious programs)

male survivors, families, people who use substances, and survivors who continue to perform sex work have even fewer options due to restrictive housing programs. Language access policies and procedures are not widespread enough, creating barriers to accessing quality services for survivors who need services in languages other than spoken English or sign language. There are few educational services, job training, or employment assistance available for survivors.

Many privately-funded service providers utilize problematic practices that are not trauma-informed or victim-centered. Rules around curfews, drug testing, requirements to participate in religious practices, and limits on the types of jobs survivors can work all create immense barriers to accessing services. Survivors need inclusive services that are welcoming to all survivors, regardless of gender identity, sexuality, religion, family status, or the type of trafficking they experienced. In certain areas, these may be the only service providers operating, effectively excluding a large portion of survivors from accessing care.

Recent attacks on access to comprehensive medical care for those who can get pregnant are reducing access to needed reproductive health care for human trafficking survivors. Sexual assault is a common form of abuse perpetrated against labor and sex trafficking survivors, and it is critical that survivors have access to comprehensive reproductive health care without restrictions. In the aftermath of the Supreme Court's decision to strike down Roe v. Wade, many states have established bans on abortion without exceptions for children, rape, or incest, leaving many survivors without reproductive healthcare options.<sup>73</sup> States that require parental consent for minors to access abortion care also put victims of familial trafficking at risk of further harm.

***Recommendation:*** FNUSA recommends that DOJ and HHS work together to ensure survivors have access to voluntary, non-discriminatory, and trauma-informed services. FNUSA recommends that the US Government take immediate action to protect access to comprehensive reproductive health care, including abortion, throughout the US.<sup>74</sup> FNUSA recommends the development of a field-driven national resource center to provide training and technical assistance to providers and hold federal grantees accountable. FNUSA further recommends making changes to the grant awards to ensure that funding is proportionate to the number of survivors supported, supports survivors of all forms of trafficking, and is shared with community-based organizations connected to communities most at risk of trafficking.<sup>75</sup>

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<sup>73</sup> New York Times, *Tracking the States Where Abortion Is Now Banned*, Updated 1/6/2025,

<https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html>

<sup>74</sup> Joint Letter Calling for Helms Amendment Repeal, 12/17/2021,

[https://freedomnetworkusa.org/app/uploads/2022/01/Helms-Anniversary-Community-Letter\\_2021.pdf](https://freedomnetworkusa.org/app/uploads/2022/01/Helms-Anniversary-Community-Letter_2021.pdf)

<sup>75</sup> Freedom Network USA, *FY2022 Human Trafficking Funding Recommendations*, 12/17/2021,

<https://freedomnetworkusa.org/app/uploads/2021/12/FY22FNUSAFundingRecs.pdf>; Freedom Network USA, *Supporting Human Trafficking Survivors During the Coronavirus Pandemic: Challenges and Solutions*, April 2020, <https://freedomnetworkusa.org/app/uploads/2020/04/FNUSAs-Recommendations-on-Supporting-Human-Trafficking-Survivors-Coronavirus-17April2020.pdf>

## 19. Specialized Care for Child Victims

Child victims of human trafficking are disproportionately involved in the juvenile justice system, the child welfare system, and homelessness services. Youth who are particularly vulnerable to trafficking because they are facing poverty, unsafe homes, homelessness, unemployment, lack support systems, or have faced prior abuse, are often in contact with these systems. These systems are not designed to handle survivors of complex trauma and often traumatize youth, but are some of the only options provided for responding to child trafficking. The US has created this network of systems that forces children into repeated interactions with these systems, often making them more vulnerable to trafficking, rather than reducing vulnerabilities.

2023 was the first year all state child welfare systems were required to screen for labor trafficking among youth in their care and provide them with needed services, but few states have fully implemented updated screening protocols. State agencies struggled to implement the new requirement and understand how to screen for child labor trafficking due to confusing guidance from HHS. When children are identified, there is a widespread lack of services available. Child victims who cannot return safely to their own families are placed into child welfare care, but the specialized care they need is not always available.<sup>76</sup> Some children are placed into the system even if their parents were not involved in their trafficking, separating families unnecessarily. The child welfare system can also make children more vulnerable to trafficking, making it an imperfect and sometimes harmful placement for children.

The juvenile justice system in the US disproportionately criminalizes Black and Brown youth, youth who have experienced trauma, and youth experiencing homelessness. The sexual abuse-to-prison pipeline has a disproportionate impact on Black girls. Despite laws protecting child victims of sex trafficking from criminalization, youth, particularly Black youth are charged with prostitution and treated as perpetrators, receiving over half of prostitution arrests for youth under age 18.<sup>77,78</sup> The juvenile justice system does not connect criminalized youth with appropriate services to help survivors or prevent trafficking, on top of traumatizing youth involved in the system. There is a lack of safe places to take trafficked minors who do not have a safe home to return to, so they are often kept in juvenile detention, which can cause additional trauma.<sup>79</sup> Around 46% of youth experiencing homelessness have also been in a

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<sup>76</sup> Child Welfare Information Gateway, “Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies,” 4/2023, [https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/trafficking\\_agencies.pdf?VersionId=AsPy7dEfBXOqjszIQysX8WXfJL4XQfmX](https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/trafficking_agencies.pdf?VersionId=AsPy7dEfBXOqjszIQysX8WXfJL4XQfmX)

<sup>77</sup> National Black Women’s Justice Institute, “Sex Trafficking of Black Women & Girls,” 1/2022, [https://www.nbwji.org/files/ugd/0c71ee\\_cd4d16e2b9ce4568be165c09a6badf53.pdf](https://www.nbwji.org/files/ugd/0c71ee_cd4d16e2b9ce4568be165c09a6badf53.pdf)

<sup>78</sup> US Government Accountability Office, “Child Trafficking: Addressing Challenges to Public Awareness and Survivor Support,” GAO-24-106038, 12/11/2023, <https://www.gao.gov/assets/d24106038.pdf>

<sup>79</sup> US Government Accountability Office, “Child Trafficking: Addressing Challenges to Public Awareness and Survivor Support,” GAO-24-106038, 12/11/2023, <https://www.gao.gov/assets/d24106038.pdf>

juvenile detention facility, jail, or prison.<sup>80</sup> This creates further vulnerabilities to trafficking for criminalized children.

Children who have run away or are experiencing homelessness are also disproportionately impacted by human trafficking. In a study of 641 youth, 19% were identified as victims of human trafficking.<sup>81</sup> Misperceptions about trafficking prevent youth experiencing homelessness from accessing shelter services, and services are lacking when they do.<sup>82</sup> Youth experiencing homelessness sometimes choose not to access shelters or avoid the child welfare system because they feel they are safer on their own. Youth who have run away from child welfare system placements are particularly vulnerable to trafficking.

There is a lack of comprehensive services for youth survivors, both those in placements and those not. Youth survivors need access to intensive services like mental healthcare, healthcare, safe housing, education, and mentorship, but are often not able to access every form of care they need. Many children are not provided any form of government care, and face barriers to finding appropriate services. A portion of the specialized services available to children experience an overlap of other issues like homelessness, criminalization, or other forms of abuse like domestic violence and sexual assault. There is a countrywide lack of well-trained mental health providers. There are insufficient services for boys, child labor trafficking survivors, and survivors who are Black, Indigenous, LGBTQIA, or foreign nationals.<sup>83</sup> Many of the services survivors need and access are non-trafficking-specific, such as libraries, afterschool programs, camps, clothing closets, food pantries, city services, non-profit youth centers, church youth groups, and cultural affinity groups.

There is also a lack of strong prevention services for children. Comprehensive sex education and workers' rights training for all students are primary prevention activities that are not widespread. Existing awareness and prevention campaigns are not evidence-based or spread misinformation about trafficking and sexual health.

***Recommendation:*** *The US Government should fund expanded services for youth, both trafficking-specific and general social services. The child welfare system should be reformed to provide more protections for children. Law enforcement, prosecutors, and judges should receive extensive training on Safe Harbor laws and avoiding the criminalization of child survivors. An expansive social safety net should be implemented to prevent children from becoming vulnerable to poverty and trafficking. Child labor laws should be strengthened to protect*

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<sup>80</sup> Coalition for Juvenile Justice, Addressing the Intersections of Youth Legal System Involvement and Homelessness," <https://www.juvjustice.org/sites/default/files/resource-files/Principles%2520for%2520Change-3-compressed-2.pdf>

<sup>81</sup> Laura T. Murphy, *Labor and Sex Trafficking Among Homeless Youth*, Loyola University New Orleans, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/murphy-labor-sex-trafficking-homeless-youth.pdf>

<sup>82</sup> US Government Accountability Office, "Child Trafficking: Addressing Challenges to Public Awareness and Survivor Support," GAO-24-106038, 12/11/2023, <https://www.gao.gov/assets/d24106038.pdf>

<sup>83</sup> Ibid.

*children, including extensive workers' rights training for children. Workers' rights training and comprehensive sexual education should be taught in all schools.*

## **20. Government Hotline Operations**

The US Government supports a national human trafficking hotline but requires it to operate as a law enforcement tipline as well as a hotline for survivors. This conflation of law enforcement tiplines and hotlines intended to refer survivors to services is deeply problematic and presents immense hurdles to survivors seeking safety. The US hotline should operate as an independent hotline and law enforcement reporting should be done separately, except in cases in which a survivor wants to report anonymously.<sup>84</sup> JTIP should amend this question to remove the conflation of hotlines and tiplines for all countries evaluated for the TIP report. The question including assisting law enforcement investigations under the mandate of hotlines is deeply problematic.

Survivors may not want to report their cases to law enforcement due to fear of retaliation, deportation, or further trauma from an investigation. They may belong to a community that is subjected to routine over-policing and refuse to engage with law enforcement due to the harms committed in their community. Survivors may have been personally subjected to abuse, exploitation, or false arrests by law enforcement in the past. This conflation of opposite and ethically conflicting duties harms survivors who may not trust this dual resource, may not understand that their information may be shared with law enforcement, and serves to divert limited resources away from survivors.<sup>85</sup>

In 2023, Attorneys General across the country attacked the hotline for insufficient reporting of cases and requested Congress pass legislation to require the hotline to report tips to law enforcement upon request. There is a lack of understanding of the intent of the hotline among law enforcement, Congress, and the general public. No other hotline for survivors of violence reports tips to law enforcement. The hotline is already overwhelmed with tips from the general public and survivors report difficulty reaching a hotline representative to connect to services. Requiring the hotline to report tips to law enforcement, will result in a further loss of trust in the hotline from survivors and further delay their access to services.<sup>86,87,88</sup>

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<sup>84</sup> FNUSA, *FY2025 OTIP Human Trafficking Funding Recommendations*, 8/2024,

<https://freedomnetworkusa.org/app/uploads/2024/08/Final-FNUSA-FY25-OTIP-Funding-Recommendations.pdf>

<sup>85</sup> Freedom Network USA, *Public Comment on the Evaluation of the National Human Trafficking Hotline*, 10/25/2019, <https://freedomnetworkusa.org/app/uploads/2019/11/FNUSAHotlineEvaluatioSurveyComment-1.pdf>

<sup>86</sup> Freedom Network USA, "The National Human Trafficking Hotline Cannot Act as a Law Enforcement Tipline and Help Survivors," 11/1/2023, <https://freedomnetworkusa.org/2023/11/01/the-national-human-trafficking-hotline-cannot-act-as-a-law-enforcement-tipline-and-help-survivors/>

<sup>87</sup> Ella Cockbain and Lisa Tompson, "The role of helplines in the anti-trafficking space: examining contacts to a major 'modern slavery' hotline," *Crime, Law and Social Change* (2024) 82:463–492 <https://doi.org/10.1007/s10611-024-10151-z>

<sup>88</sup> "HR 2601 Hotline Bill Would Harm Survivors," 9/8/2023, <https://freedomnetworkusa.org/app/uploads/2023/10/Opposition-letter-to-HR2601.pdf>



***Recommendation:*** FNUSA recommends that the US Government immediately cease using the National Human Trafficking Hotline as a law enforcement tipline, discontinue using any outreach or education materials that present it as such, cease requiring the hotline to report on the number of cases referred to law enforcement, and ensure that all hotline resources are dedicated to connecting survivors with services and not in gathering unnecessary data or providing tips to law enforcement. Additional recommendations were provided by FNUSA to OTIP in August 2024.<sup>89</sup>

## **21. Cooperation Between Law Enforcement and Victim Services**

In most cases, law enforcement and victim services do not work together to support survivors. DOJ has tried to incentivize cooperation through the Enhanced Collaborative Model Task Force Grants (ECM) for more than 10 years, but they have failed to achieve this goal. Therefore, by continuing to fund these grants, DOJ is diverting victim services funds to law enforcement operations that often harm survivors. Evaluations conducted by DOJ have found that the law enforcement and service provider partners are identifying completely different survivors, and the grants do not result in increased law enforcement support of survivors identified by service providers.<sup>90</sup> As noted above, law enforcement continues to arrest survivors, abuse survivors in the course of investigations into suspected human trafficking, and fails to provide documentation to support immigration protection for immigrant survivors.

***Recommendation:*** FNUSA recommends that DOJ discontinue diverting victim services funds to law enforcement agencies by replacing the law enforcement partners in the ECM grants with community-based organizations connected to communities most at risk of all forms of trafficking.<sup>91</sup>

## **22. Restitution**

FNUSA continues to be concerned about the US Government's failure to order mandatory criminal restitution in all human trafficking cases, and the woefully low rate of payment of restitution once it is ordered. Trafficking as a crime revolves around economic gain for the trafficker. Restitution provides one path to survivors regaining some of the financial losses from trafficking, but when it is rarely ordered or paid, this remedy becomes inaccessible to survivors. Courts awarded mandatory restitution to trafficking victims in just 36% of human trafficking cases brought between 2009 and 2012.<sup>92</sup> Even after this disturbing report was provided to the US Government, little improvement has been made. "Data collected and analyzed since the publication of the initial findings provide a disheartening portrait of a continuing failure on the

<sup>89</sup> FNUSA, *FY2025 OTIP Human Trafficking Funding Recommendations*, 8/2024,

<https://freedomnetworkusa.org/app/uploads/2024/08/Final-FNUSA-FY25-OTIP-Funding-Recommendations.pdf>

<sup>90</sup> William Adams, et al, Urban Institute, *Evaluation of the Enhanced Collaborative Model to Combat Human Trafficking, Technical Report*, May 2021, <https://www.ojp.gov/pdffiles1/nij/grants/300863.pdf>

<sup>91</sup> Freedom Network USA, *FY2025 Human Trafficking Funding Recommendations*, 7/2024,

<https://freedomnetworkusa.org/app/uploads/2024/07/FY25-FNUSA-Funding-Recommendations-for-OVC.pdf>

<sup>92</sup> Human Trafficking Legal Center and WilmerHale, *When "Mandatory" Does Not Mean Mandatory: Failure To Obtain Criminal Restitution in Federal Prosecution of Human Trafficking Cases in the United States*, September 2014, <https://htlegalcenter.org/wp-content/uploads/HTProBono-Trafficking-Restitution-Report.pdf>

part of United States federal courts to order criminal restitution to trafficking victims. The updated data indicated that the percentage of trafficking cases ending with a mandatory criminal restitution order dropped from 36% in the prior period to just 27% in the current research date range.”<sup>93</sup> The most recent data indicates that in 2022, mandatory restitution was only ordered for 48% of convicted defendants, an increase from 36% ordered in 2021.<sup>94</sup> Prosecutors should also be trained to request restitution in the prosecution of similar and lesser offenses, such as visa fraud or smuggling, when victims have suffered abuse or exploitation.

***Recommendation:*** FNUSA recommends that the US Government increase and improve training and technical assistance for prosecutors and judges about mandatory restitution in human trafficking cases, provide resources to assist prosecutors in presenting their arguments in court, and provide trafficking victims with victim-witness counsel to advocate for restitution and other victims’ rights issues before federal courts. FNUSA additionally recommends that the US Government use all authorities at its disposal to ensure that restitution is actually paid to survivors, including the use of impoundment and forfeiture, as well as the authorities of the State Department and Treasury, including sanctions, freezing foreign assets, limitations on diplomatic visas and downgrading TIP Report rankings.

### **23. Access to Justice**

The US Government provides insufficient funding and support for trafficking victims and witnesses, including a lack of relocation and living expenses available to victims vulnerable to retaliation. Service providers report that prosecutors threaten to bring charges against survivors if they do not assist with the prosecution of the traffickers, and in fact, do prosecute victims for crimes they were forced to commit by traffickers. Providers also report that prosecutors do not uniformly protect victims’ rights during trial, as mentioned in Question 9.

Providers also report that prosecutors and federal law enforcement refuse to grant Continued Presence (CP) until after a witness has testified, which is against the intention of the law. CP is intended to provide immigration protection and stability for survivors who may potentially serve as witnesses. [Using w](#)Withholding CP as a means to coerce survivors into testifying is a gross misuse of power and replicates the dynamics of a trafficking situation. Survivors should have access to the full benefits they are eligible for, including work authorization, to keep themselves safe.

***Recommendation:*** FNUSA recommends that the US Government increase and improve training for prosecutors, law enforcement, and judges about victims’ rights, ensure adequate financial support to victims and witnesses cooperating with the prosecution, request CP as soon as a

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<sup>93</sup> Human Trafficking Legal Center and WilmerHale, *United States Federal Courts’ Continuing Failure to Order Mandatory Criminal Restitution for Human Trafficking Victims*, September 2018, <https://htlegalcenter.org/wp-content/uploads/2018-Mandatory-Restitution-Report.pdf>.

<sup>94</sup> Lindsey Lane, et al., Human Trafficking Institute, *2022 Federal Human Trafficking Report*, <https://traffickinginstitute.org/federal-human-trafficking-report/>

*survivor is identified as a possible witness, and stop prosecuting survivors for the crimes they were forced to commit by their traffickers.*

## **24. Immigration Protection for Victims**

In recent years, immigrants, including immigrant survivors of human trafficking, have been specifically targeted with regulatory and procedural changes that decrease access to health, safety, and success. These actions cause immigrants to fear the US Government and create a hostile environment for immigrants, increasing their risk of trafficking and making it more challenging for survivors of human trafficking to access services and support. FNUSA has raised the issues and concerns in its comments for the 2018-2025 TIP Reports. Federal policies, including increased and indiscriminate immigration enforcement and increased barriers to immigration relief, have had a direct and marked impact on immigrant survivors of abuse and exploitation,<sup>95</sup> including human trafficking. The cumulative effects of the US Government's immigration policies and rhetoric have stopped immigrant survivors of human trafficking from seeking protection from law enforcement and accessing legal and social services. Victims remain in trafficking situations longer, believing that the US Government will not protect them from harm.<sup>96</sup> The decrease in prosecutions of trafficking in recent years, as noted in the 2022 to 2024 TIP Reports, are the inevitable result of this fear of law enforcement. While many of these policies have been reversed, many are being reintroduced. The US Government will need to engage in serious and sustained efforts to rebuild trust with immigrant communities in order to successfully address trafficking of immigrants.

### Non-trafficking Specific Protections

The US Government's limitations on protections for asylum-seekers and other immigrants also harm human trafficking survivors who are navigating those systems. FNUSA members have represented numerous immigrants who were trafficked by family members, gangs, and other private actors outside of the US, but then fled to the US for protection. These human trafficking survivors have relied on asylum due to their fear of persecution, or actual retaliation, inflicted upon the victims and/or their family members from their traffickers. Significant procedural hurdles undermine due process.<sup>97</sup> Immigration restrictions like expedited asylum screenings and deportation,<sup>98</sup> extended detention, and the "Remain in Mexico" policy create conditions in which migrants are vulnerable to human trafficking and other forms of exploitation. Further

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<sup>95</sup> Immigrant Survivors Fear Reporting Violence, 2019, <https://www.tahirih.org/wp-content/uploads/2019/06/2019-Advocate-Survey-Final.pdf>

<sup>96</sup> See Cast, Freedom Network USA, and Polaris report, "2017 Social Service, Advocate and Legal Service Survey Regarding Immigrant Survivors of Human Trafficking," <https://freedomnetworkusa.org/app/uploads/2018/01/ImmigrationSurveyReportFinal.pdf>; and "In Trump's America, Bosses are Accused of Weaponizing the ICE Crackdown, December 18, 2018," <https://www.bloomberg.com/news/features/2018-12-18/in-trump-s-america-bosses-are-accused-of-weaponizing-the-ice-crackdown>

<sup>97</sup> National Immigration Project, "Community Explainer: Week 1 Under Donald Trump 2.0," [https://nipnl.org/sites/default/files/2025-01/2025\\_NIPNLG-Trump-Week1.pdf](https://nipnl.org/sites/default/files/2025-01/2025_NIPNLG-Trump-Week1.pdf)

<sup>98</sup> National Immigrant Justice Center, "The Biden Administration Continues to Thwart Access to Counsel for People Seeking Asylum, June 2023," <https://immigrantjustice.org/staff/blog/obstructed-legal-access-june-2023-update>

dangerous immigration restrictions along the border by states like Texas create additional vulnerabilities to trafficking and force immigrants to make dangerous choices to seek safety.

Trafficking survivors, like most trauma survivors, need time and a safe place to process their trauma sufficiently to be able to provide the information required by asylum agents to assess their claims properly. These policies prevent human trafficking survivors from attaining legal status by closing off asylum as a potential legal avenue, hindering them from securing counsel due to limited continuances in immigration court (as lawyers must spend more time and effort on each case, they will take fewer cases, and immigrants will be unable to retain a lawyer before their immigration hearings), and precluding them from securing collateral relief from USCIS. Current processing times for T Visas have slowed significantly and now exceed 19 months, which presents a long waiting period for survivors to access the benefits of T Visa status, including work authorization.<sup>99</sup> Trafficking survivors are increasingly held in immigration detention, even when T Visas are pending, leaving traumatized trafficking survivors in unsafe, unsanitary conditions without access to sufficient medical and mental health care or adequate access to their attorneys.<sup>100</sup> Newly released memos suggest that ICE should arrest survivors of crimes who have pending visas, increasing the incarceration and deportation of trafficking, sexual assault, and domestic violence survivors.<sup>101</sup> This also limits the ability of survivors to assist in the investigation and prosecution of the traffickers if they are removed from the US. Thus, these policies, again, protect traffickers instead of trafficking survivors.

The Deferred Action for Labor Enforcement (DALE) program introduced in January 2023, has provided expanded access to Deferred Action for workers reporting labor violations, including trafficking survivors who report forced labor. While the process has expanded access, systemic barriers like lack of affordable immigration legal services, insufficient resources for worker organizing, labor agency delays, and underrepresented immigrant communities, have prevented full access to the relief.<sup>102</sup> Additionally, FNUSA members report that trafficking survivors are often issued Deferred Action instead of the more protective Continued Presence.

***Recommendation:*** *FNUSA recommends the US Government not reinstate harmful immigration policies and restrictions on safe asylum, and instead prioritize protecting immigrants. FNUSA recommends that DHS eliminate civil detention of immigrants, allowing all immigrants access to legal counsel, healthcare, and reduced exposure to violence, illness, and trauma. FNUSA recommends federal and state labor agencies, DHS, and Congress implement the*

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<sup>99</sup> As of 1/21/2025. USCIS provides current case processing time estimates for forms (including the I-914 Application for T Nonimmigrant Status) at <https://egov.uscis.gov/processing-times/> and historical averages at <https://egov.uscis.gov/processing-times/historic-pt>

<sup>100</sup> Von Werthern et al, BMC Psychiatry, *The Impact of Immigration Detention on Mental Health: A Systemic Review*, 12/6/2019, <https://bmcp psychiatry.biomedcentral.com/articles/10.1186/s12888-018-1945-y>; Linton et al, *Pediatrics*, March 2017, <https://pediatrics.aappublications.org/content/early/2017/03/09/peds.2017-0483>

<sup>101</sup> ICE, "Issuance of Interim Policy Guidance Regarding Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits," 1/31/2025.

<sup>102</sup> National Immigration Law Center, *Building Worker Power Through Deferred Action: a Report on the First Year*, 1/12/2024, <https://www.nilc.org/news/special-reports/deferred-action/>

recommendations provided by the National Immigration Law Center to improve access to DALE.<sup>103</sup>

### Protections for Unaccompanied Minors

Unaccompanied minors (UACs) are at high risk of trafficking. The TVPA contains specific provisions to ensure that they are appropriately screened for trafficking and then provided with age-appropriate services and protections. However, the US Government has failed to fully implement these protections, especially in border areas, and has failed to provide comprehensive legal and social services once the minors are released from HHS custody.

***Recommendation:*** FNUSA recommends that the US Government provide employment authorization to unaccompanied minors with approved Special Immigrant Juvenile petitions to ensure that they have access to employment, education, and healthcare.<sup>104</sup> FNUSA also recommends that the US Government discontinue efforts to reinstate Title 42-like measures and re-establish regular processing and screening of immigrants at all border crossings to provide UACs with access to safety and protection in the US. FNUSA also recommends that the US Government provide post-release services, including case management and legal representation, to all UACs upon their release from either ORR or DHS custody, even if they are over the age of 18 at the time of their release. FNUSA recommends the US Government implement the UAC protections recommended by the US Advisory Council on Human Trafficking in its 2024 annual report.<sup>105</sup>

### Trafficking-specific Immigration Protections

Although the TVPA created extensive protections for immigrant survivors of human trafficking, implementation has not lived up to the legal promise.<sup>106</sup> Continued Presence is rarely provided to victims and the T Visa adjudications have been applying a more restrictive standard that has denied protection for survivors. The T Visa program is underutilized, and these administrative barriers make it difficult for survivors to access its protections.

Although FNUSA commends DHS's efforts to expand access to Continued Presence (CP) through revised guidance and new training materials, we remain deeply concerned about the low number of CP grants issued to victims of trafficking. Foreign national survivors rely on this temporary immigration status to access emergency services and support while cooperating with law enforcement and working to apply for long-term immigration relief. The number of

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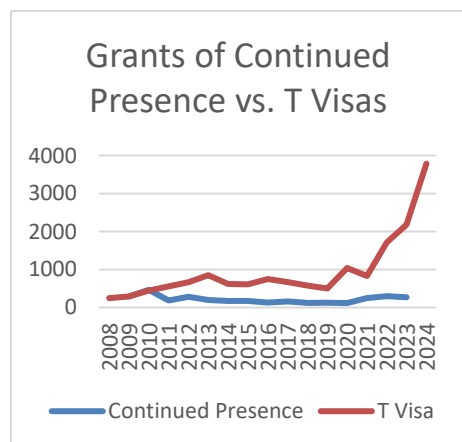
<sup>103</sup> National Immigration Law Center, *Building Worker Power Through Deferred Action: a Report on the First Year*, 1/12/2024, <https://www.nilc.org/news/special-reports/deferred-action/>

<sup>104</sup> KIND, *Left in Limbo: Why Special Immigrant Juveniles Need Employment Authorization*, 1/10/2021, <https://supportkind.org/wp-content/uploads/2022/01/SIJS-EAD-Brief-1.10.21-FINAL.pdf>; The Door, "Any Day They Could Deport Me" Over 44,000 Immigrant Children Trapped in SIJS Backlog, November 2021, <https://www.sijsbacklog.com/any-day-they-could-deport-me>

<sup>105</sup> US Advisory Council on Human Trafficking, "," p.30-34,

<sup>106</sup> *Joint Comment in Response to Request for Public Input: Identifying Barriers Across USCIS Benefits and Services*, 5/19/2021, <https://freedomnetworkusa.org/app/uploads/2021/05/Joint-Comment-on-Barriers-to-Services-and-Benefits-5.19.2021.pdf>

survivors granted CP decreased in FY 2023 (269) compared to FY 2022 (298 grants).<sup>107</sup> The number of CP grants remains shockingly low compared to the number of T Visas issued in 2024 (3786) and 2023 (2281).<sup>108</sup> This trend is consistent over time, as shown in the chart, even as T Visa adjudications have increased significantly.<sup>109</sup> Furthermore, FNUSA members have reported that survivors of sex trafficking are more likely to obtain CP than survivors of labor trafficking.



The introduction of the Deferred Action for Labor Enforcement (DALE) option in 2023 for workers reporting labor violations has further revealed the faults in the CP process. Law enforcement is largely unwilling to request

CP for survivors, which forces survivors reporting labor trafficking to apply for DALE instead, which offers fewer protections. CP offers a two-year renewable authorization and access to federal benefits, which are all crucial supports for survivors. CCHT released guidance for law enforcement<sup>110</sup> about CP that recommends requesting CP for every identified victim and encouraging CP over deferred action, but this guidance has not done enough to improve law enforcement and prosecutors' misuse and disregard for CP.

FNUSA members and others report barriers to obtaining T Visas in the form of frequent Requests for Evidence (RFEs) and denials that contravene legal standards.<sup>111</sup> Recent RFEs and denials have included victim-blaming language and clear errors of law, in which USCIS adjudicators improperly interpret the Immigration and Nationality Act (INA) and the regulations put out by USCIS itself. For example, USCIS has prevented immigrant survivors from receiving status due to crimes that their traffickers forced them to commit, in violation of INA § 212(d)(13). As each day without status is another day of vulnerability for a victim of trafficking, RFEs are increasing challenges to properly serving survivors and impacting survivors' decision to come forward at all. The increased time that legal service providers spend responding to the RFE and appealing denials also means fewer survivors can be assisted.

<sup>107</sup> 2024 TIP Report

<sup>108</sup> USCIS, "Number of Form I-914, Application for T Nonimmigrant Status By Fiscal Year, Quarter, and Case Status," 12/2024, [https://www.uscis.gov/sites/default/files/document/data/i914t\\_visastatistics\\_fy2024\\_q4.xlsx](https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2024_q4.xlsx)

<sup>109</sup> CP data is compiled from previous TIP Reports and AG Reports; T Visa data is pulled from USCIS' chart, [https://www.uscis.gov/sites/default/files/document/data/i914t\\_visastatistics\\_fy2024\\_q4.xlsx](https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2024_q4.xlsx)

<sup>110</sup> Blue Campaign, "Continued Presence: Temporary Immigration Designation for Victims of Human Trafficking," <https://www.dhs.gov/blue-campaign/materials/pamphlet-continued-presence>

<sup>111</sup> Yael Schacher, Refugees International, May 2019, <https://www.refugeesinternational.org/reports/2019/5/21/abused-blamed-and-refused-protection-denied-to-women-and-children-trafficked-over-the-us-southern-border>

Adjudication for T Visa applications is currently averaging 19 months<sup>112</sup>, over double the 6 to 9-month processing times that were common only a few years.<sup>113</sup> The number of applications for T Visas has increased significantly in FY24 and FY25. However, USCIS has not sufficiently increased the number of adjudicators allotted to the T Visa to prevent an ever-growing backlog. The 2024 Final T Visa rule finally implemented an updated process to provide bona fide determinations to T Visa applicants, allowing them to work legally and access social services while they await their application decisions. This addition will ensure survivors are able to remain safe and will be less likely to experience re-exploitation during the long wait times.

Other trafficking survivors are stuck in immigration detention, with limited access to the legal, social services, and family support they need to recover from their victimization. While USCIS approved the highest number of T Visas in any fiscal year (3786), the backlog more than doubled last year with 20,351 applications left pending at the end of the year.<sup>114</sup> Even survivors with CP are impacted, as many prosecutors urge survivors to wait to file the T Visa application until after the investigation and prosecution are complete. CP, however, lasts only for 2 years. Once the investigation is closed, the CP status ends, and survivors are again left in limbo while they wait for another 2 years in unlawful status and without employment authorization while their T Visas are adjudicated.

***Recommendation:*** *FNUSA recommends that DHS and DOJ analyze their own data to find the regions of the US with the highest disparity in numbers of CP grants vs. T Visa grants, and to prioritize those areas for intensive training and support to federal and local law enforcement partners. FNUSA also recommends that federal agencies authorize victim-witness personnel at the FBI, US Attorneys' Offices, DOJ Human Trafficking Prosecution Unit, and DHS Homeland Security Investigations to prepare and submit CP applications. These personnel are most likely to have the relevant identification information about the survivor, the survivor's needs, and the case's status. The US Government must expand the list of entities eligible to file CP applications to include at least law enforcement agencies at the State, Local, and Tribal levels. FNUSA also recommends additional changes to ensure increased access to Continued Presence for survivors.*<sup>115</sup>

*FNUSA recommends that USCIS immediately provide sufficient training, staffing, and supervision and remove any restrictions, unnecessary requirements, or unnecessary reviews to adjudicate all immigration applications in a timely manner consistent with past precedent. FNUSA recommends that USCIS provide regular training, in partnership with nongovernmental experts, for USCIS adjudicators that includes detailed guidance on the updated regulations, examples of*

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<sup>112</sup> Current processing times are provided by USCIS at <https://egov.uscis.gov/processing-times/>

<sup>113</sup> USCIS reports processing times of 6.8 to 9.6 months for FY 2012 to FY 2017, <https://egov.uscis.gov/processing-times/historic-pt>.

<sup>114</sup> USCIS, "Number of Form I-914, Application for T Nonimmigrant Status By Fiscal Year, Quarter, and Case Status," 12/2024, [https://www.uscis.gov/sites/default/files/document/data/i914t\\_visastatistics\\_fy2024\\_q4.xlsx](https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2024_q4.xlsx)

<sup>115</sup> Freedom Network USA, *Continued Presence Challenges and Recommendations*, 2/18/2021, <https://freedomnetworkusa.org/app/uploads/2021/02/FNUSAContinuedPresenceChallengesRecommendationsFeb2020.pdf>

*actual trafficking situations, explanation of the impact of trauma on survivors, and instructions on drafting victim-centered RFEs. This training should be developed with the input of survivors to ensure that it properly and accurately reflects the lives, fears, and motivations of trafficking victims.*

## **25. Protection for Nationals Trafficked Abroad**

FNUSA has no comment on this issue.

## **26. Criminalization of Victims**

As noted in Question 2, the US continues to criminalize victims, including sex and labor trafficking survivors, for the crimes they are forced to commit by their traffickers. Survivors are left with charges in multiple jurisdictions with varying criminal record relief options.<sup>116</sup> There is no criminal record relief for federal convictions.<sup>117</sup> FNUSA's Survivor Reentry Project<sup>118</sup> is supporting over 137 survivors working to clear criminal records of a total of over 1716 charges, including Prostitution (37%), Drug Offenses (13%), Theft/Larceny (9%), Trespass/Loitering (8%), Forgery/false Documents (4%), Assault/Battery (3%), Robbery (2%), and Other (24%).

Commercial sex remains unlawful throughout the US at the local, state, and federal levels. Law enforcement continues to arrest those believed to be engaged in sex work, even when they suspect that those being arrested may be sex trafficking survivors. Recent raids in Ohio, framed as anti-trafficking efforts, primarily resulted in the arrest of sex workers, consensual sex buyers, and sex trafficking survivors.<sup>119</sup> The Ohio Attorney General's press release on the raid detailed the arrest of 158 people seeking consensual paid sex with an adult, 50 sex workers, and law enforcement detained 51 potential sex trafficking survivors.<sup>120</sup> In contradiction with the federal statute classifying all minors engaged in commercial sex as victims, states and local governments continue to criminalize these minors. While some jurisdictions use 'diversion courts' or other mechanisms to allow criminalized victims to avoid incarceration, they continue to be traumatized by the arrest and experience of criminalization.

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<sup>116</sup> Freedom Network USA, *Criminal Record Relief Laws for Survivors*, <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

<sup>117</sup> KB White, Freedom Network USA, *Impact of Arrest and Conviction Histories on Trafficking Survivors*, 12/6/2021, <https://freedomnetworkusa.org/2021/11/10/impact-of-arrest-and-conviction-histories-on-trafficking-survivors/>

<sup>118</sup> Freedom Network USA, <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

<sup>119</sup> Leila Goldstein, WYSO, *The Ohio AG says stings rescue trafficking victims. Often that means they're arrested.*, October 18, 2021, <https://www.wyso.org/local-and-statewide-news/2021-10-18/the-ohio-ag-says-stings-rescue-trafficking-victims-often-that-means-theyre-arrested>; Leila Goldstein, WCBE News, *"Rescued" Trafficking Victims In Ohio Often Arrested As Well*, October 19, 2020, <https://www.wcbe.org/news/2021-10-19/rescued-trafficking-victims-in-ohio-often-arrested-as-well> ;

<sup>120</sup> Ohio Attorney General, *Attorney General Dave Yost Announces Success of Statewide Anti-Human Trafficking Sting: Operation 'Ohio Knows' Nets 161 Seeking to Buy Sex*, October 4, 2021, <https://www.ohioattorneygeneral.gov/Media/News-Releases/October-2021/Attorney-General-Dave-Yost-Announces-Success-of-St>.



Only 30 states and the District of Columbia have non-criminalization Safe Harbor laws that protect child victims of sex trafficking from facing prostitution charges.<sup>121</sup> These laws tend to ignore potential charges or immigration issues that child victims of labor trafficking may face, including drug charges or other criminal charges from crimes victims were forced to commit. The lack of special provisions for this criminal activity results in survivors with criminal records that create significant barriers to access to benefits and services that are essential to healing. In states with Safe Harbor legislation, there are issues with enforcement due to funding or staffing constraints. Washington State, for example, passed its Safe Harbor law in 2020 but has faced significant staffing hurdles in providing services mandated by the law. When youth do face charges related to their trafficking, some are unable to have the charges or arrests cleared from juvenile or family court records. Record sealing can be lifted if someone faces a charge as an adult or turns 18 in some states, and Child Protective Services and law enforcement can access and reference sealed files.<sup>122</sup> These charges can follow people for their entire lives and create significant barriers to obtaining safe work, education, and housing.

Even for survivors who have received record relief, vacated or expunged records often show up on criminal background checks. This creates barriers to accessing safe housing and job-specific licensing. The Consumer Financial Protection Bureau put out a new advisory in January 2024 that may help more survivors receive accurate background checks and improve access to housing.<sup>123</sup>

DOJ's Office for Victims of Crime provides funding to Enhanced Collaborative Model Human Trafficking Task Forces (ECMs) that must be shared by a state or local law enforcement agency and a service provider. For too long, law enforcement agencies have used these funds to support 'raids and rescues' that include arresting sex workers, sometimes even if the workers are identified as sex trafficking survivors. In New York, for example, reporting has revealed that ECM Task Force member NYPD engaged in routine criminalization of sex workers and possible sex trafficking victims.<sup>124</sup> Task Forces also support 'diversion courts' that rely on arrest to coerce survivors into programs or services.<sup>125</sup> Some law enforcement agencies use these funds for 'john stings' designed to arrest potential sex buyers using decoys completely unrelated to identifying sex trafficking survivors. Each dollar spent arresting a sex worker or customer

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<sup>121</sup> Shared Hope, "Safe Harbor Map," <https://reportcards.sharedhope.org/safeharbormap/?location=wa>; Freedom Network USA, "Criminal Record Relief Laws for Survivors," <https://freedomnetworkusa.org/advocacy/survivor-reentry-project/>

<sup>122</sup> Andrea Coleman, OJJDP, *Expunging Juvenile Records: Misconceptions, Collateral Consequences, and Emerging Practices*, 12/2020, <https://ojjdp.ojp.gov/publications/expunging-juvenile-records.pdf>

<sup>123</sup> CFPB Advisory Opinion, 12 CFR Part 1022, 1/23/2024, <https://www.govinfo.gov/content/pkg/FR-2024-01-23/pdf/2024-00788.pdf>

<sup>124</sup> For example, NYPD is part of an ECM Task Force, Joshua Kaplan and Joaquin Sapient, ProPublica, *NYPD Cops Cash in on Sex Trade Arrests with Little Evidence, While Black and Brown New Yorkers Pay the Price*, <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

<sup>125</sup> Melissa Gira Grant, *The Appeal*, *Inside NY Courts Where Sex Workers are 'Painted as Victims and Treated as Criminals'*, September 21, 2018, <https://theappeal.org/inside-ny-courts-where-sex-workers-are-painted-as-victims-and-treated-as-criminals/>

seeking consensual sex with an adult is a dollar taken away from housing, legal services, food, or education for a trafficking survivor.

FNUSA's members report that clients in the US experience administrative punishments that prevent survivors from performing legal and safe work related to their expertise and interests. These administrative hurdles can also increase vulnerability to trafficking for both people with lived experience and those without. In some cases, the loss of these administrative rights is tied to existing criminal charges. There are few opportunities for second-chance employment for people with felony records.<sup>126</sup> Many jobs that require licenses in order to perform work legally, like social work, teaching, law, medical care, and massage, often do not allow people with criminal records to hold licenses, even if they have completed the necessary training.<sup>127</sup> Other service trades like firefighting also exclude people with records, even if they have received the necessary training as part of serving their sentence. In other cases, administrative rights are removed without criminal charges, creating a need to find a new form of safe work or operate without a license.

***Recommendation:*** *FNUSA recommends discontinuing the ECM funding in order to focus on services for survivors. If the ECM grants continue, DOJ must disallow activities and expenses that criminalize survivors or divert resources away from services for survivors and urge a greater allocation of funding for the service provider arm of the Task Force.<sup>128</sup> The US must also decriminalize sex work at the Federal, state, and local levels and shift resources to providing services and support to sex trafficking survivors and sex workers seeking alternate employment.<sup>129</sup> The US should expand opportunities for second-chance employment, remove hurdles to obtaining work licenses for survivors with criminal records, and legislate federal criminal record relief for both adult and juvenile records to help survivors obtain safe, living wage employment. Reforms to the criminal legal system should be extended to include immigration consequences. FNUSA urges the US Government to study the effects of forced criminalization as part of labor trafficking, including non-prostitution charges like drug charges from survivors forced to work in the drug trade.*

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<sup>126</sup> Sabra Boyd, Vice, *What It's Like to Look For a Job After Prison*, 4/11/2022, <https://www.vice.com/en/article/pkp4xm/second-chance-employment-prison>

<sup>127</sup> Don Thompson, KQED, *'An Untapped Pool of Talent': Why Isn't California Hiring More Formerly Incarcerated Firefighters?*, 8/22/2022, <https://www.kqed.org/news/11923117/an-untapped-pool-of-talent-why-isnt-california-hiring-more-formerly-incarcerated-firefighters>

<sup>128</sup> Freedom Network USA, *FY2025 Human Trafficking Funding Recommendations*, 7/2024, <https://freedomnetworkusa.org/app/uploads/2024/07/FY25-FNUSA-Funding-Recommendations-for-OVC.pdf>

<sup>129</sup> Freedom Network USA, *Preventing Sex Trafficking Requires the Full Decriminalization of Sex Work*, September 2021, <https://freedomnetworkusa.org/app/uploads/2021/09/FNUSASTatementDecrimSept2021.pdf>; Freedom Network USA, *End Demand Fact Sheet*, 2018, <https://freedomnetworkusa.org/app/uploads/2018/07/End-Demand.pdf>; Beyond Trafficking and Slavery, Open Democracy, *It's Time to Get Off the Fence on Sex Workers' Rights*, 2021, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/sex-work-on-bts/>; ACLU, *Is Sex Work Decriminalization the Answer? What the Research Tells Us*, 2020, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_sex\\_work\\_decrim\\_research\\_brief.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_sex_work_decrim_research_brief.pdf)

## Prevention

### 27. Prevention Efforts

The US Government has failed to engage in primary prevention efforts to change the conditions that allow trafficking to thrive in the US. The lack of affordable access to basic needs like housing, food, healthcare, mental healthcare, childcare, education, and transportation, as well as the actively harmful immigration and carceral systems, create and increase vulnerabilities to exploitation. Systemic reforms to labor, immigration, social safety net support, the child welfare system, education, family support, the juvenile and criminal justice systems, community education, and the creation of positive market forces (through programs such as the Coalition of Immokalee Workers' Fair Food Program<sup>130</sup>) are more important in preventing human trafficking than billboard campaigns and interventions after the fact. In a more broadly focused approach, workers are free from discrimination, learn their rights, are fairly paid, have access to safe and affordable housing, health care, and education, and can report concerns without fear of reprisal. Additionally, employers gain access to committed buyers and can advertise products that are free of labor trafficking. The US Government's approach to sex trafficking, has been overly focused on criminal justice interventions, devoting few resources to ensuring youth and adults have access to fair wages and living conditions. Both youth and adults need resources and support for avoiding homelessness, protection from abuse, and accessing safe alternatives.

Some progress was made in turning the US Government's focus to primary prevention. HHS released its National Human Trafficking Prevention Framework, a guiding document for the agency and for advocates in the field to more comprehensively address prevention.<sup>131</sup> The framework relies on well-researched public health frameworks that involve addressing individual, relationship, community, and societal factors that make someone vulnerable to being a victim or perpetrator of violence. Because this framework finally includes more emphasis on addressing root causes that create vulnerabilities to trafficking, it is the first holistic guidance put forth by the US Government since the TVPA was enacted 24 years prior. A full plan to put the framework into practice across government programs is necessary to see any progress in preventing trafficking in the US.

***Recommendation:*** *FNUSA urges the US Government to more comprehensively address the conditions of vulnerable populations to prevent labor and sex trafficking. By taking a strong public health approach to trafficking, the US can move beyond prosecution and into holistic prevention approaches to prevent trafficking from happening in the first place.*<sup>132</sup> *Extensive*

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<sup>130</sup> For more information, see <http://ciw-online.org/>.

<sup>131</sup> HHS, National Human Trafficking Prevention Framework, 2/2024, [https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework\\_Final.pdf](https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework_Final.pdf)

<sup>132</sup> For more information, see FNUSA, HEAL Trafficking and National Survivor Network's comments submitted to HHS' Office on Trafficking in Persons on Human Trafficking Prevention, <https://freedomnetworkusa.org/app/uploads/2019/11/RevisedFNUSAHealNsNRecsOTIPPrevention-1.pdf> and FNUSA's 2023 Public Comment on Proposed HHS Prevention Framework,

*mandatory screening and referrals to services for trafficking throughout the juvenile justice, immigration, criminal justice, and child welfare systems should be instituted.*

## **28. National Action Plan**

While the US Government released a National Action Plan in 2021, it lacks sufficient detail and commitments to substantial change to have a significant impact. It also continues to support End Demand strategies that cause harm. There was no meaningful opportunity for NGOs to engage in the development of the original Plan or the revised Plan. There is no clear mechanism for accountability in the implementation of the Plan.

***Recommendation:*** *FNUSA urges the US Government to provide further detail and accountability measures to make any new National Action Plan meaningful. FNUSA further recommends any new National Action Plan reject End Demand policies and implement the reforms recommended by FNUSA throughout this document.*

## **29. Government-funded Anti-Trafficking Information/Education Campaigns**

The US Government does provide useful Know Your Rights pamphlets and information at the Embassies. However, the information is insufficient to counter the threats of traffickers and systematic ways in which workers, especially BIPOC and immigrant workers, are left with limited options and power. Workers often report not receiving the information or being unable to find the right contact information later when they experience labor violations.

There are also awareness campaigns at airports and other places of transportation and accommodation. There has been a proliferation of education campaigns targeting schools and students. However, there have been limited or no evaluations to ensure that the campaigns are effective in any respect and that the campaigns do not cause harm. In fact, there have been numerous examples in 2024 alone of trained airline personnel causing harm by accusing interracial and LGBTQIA families of being engaged in trafficking.<sup>133</sup>

***Recommendation:*** *FNUSA urges the US Government to conduct a rigorous evaluation of the effectiveness of human trafficking training before it is recommended for widespread*

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<https://freedomnetworkusa.org/app/uploads/2023/06/FNUSA-Comments-on-HHS-Prevention-Framework-June-2023.pdf>

<sup>133</sup> Ken Brown, "Mom claims she was falsely reported for human trafficking at CVG," *FOX 19 NOW*, 2/2024, <https://www.fox19.com/2024/02/20/airline-calls-police-mother-human-trafficking-passenger-says/>;

Chris Horne, "Virginia man on Southwest flight with daughter, friend gets profiled as possible human trafficker," *FOX59*, 10/2024, <https://fox59.com/news/national-world/virginia-man-on-southwest-flight-with-daughter-friend-gets-profiled-as-possible-human-trafficker/>;

Alexandra Samuels, "'The hairs on the back of my neck stood up': Frontier flight attendant says they're trained to spot human trafficking. She just did in Atlanta," *Daily Dot*, 5/2024, <https://www.dailydot.com/news/frontier-flight-attendant-spots-human-trafficking-atlanta/>;

Mateusz Maszczyński, "Transgender Father Says He Was Forced to Publicly Out Himself On Frontier Airlines Flight After Crew Made a False Child Trafficking Report," *PYOK*, 8/2024, <https://www.paddleyourownkanoo.com/2024/08/07/transgender-father-says-he-was-forced-to-publicly-out-himself-on-frontier-airlines-flight-after-crew-made-a-false-child-trafficking-report/>

*implementation in industries. The evaluation should determine if the training increases the ability to accurately identify potential trafficking victims without racial profiling, victim blaming, or resulting in misinformation. Training materials used in schools should use a harm-reduction, sex-positive approach that helps students to learn about the importance of sharing consent and establishing healthy relationships.*

### **30. Survivor Input**

The US Government does seek input from the US Advisory Council on Human Trafficking. Notably, payment for the members of the Council has finally been authorized. However, the US Government provides limited support to ensure that the Council has the information and expertise, either within the members or provided by consultants, to develop the most effective recommendations and information. The members of the Council are chosen through a secretive political process, with no accountability to ensure that the Council members are representative of the wide variety of experiences and perspectives of trafficking survivors.

The US Congress rarely considers the input of people with lived experience of trafficking when creating new laws. When lived experience experts are consulted, often only one or two survivors are allowed to provide input, rarely reflecting the broad range of survivors' experiences. It is critical to involve survivors with a wide range of experiences to prevent tradeoffs of protections that are critical for some groups of survivors. Unlike other branches of the US Government, Congress has no formal mechanism for lived experience experts to inform legislative efforts.

OVC has taken substantial steps towards implementing more effective survivor engagement throughout its grant programs. The Survivor Engagement TTA project has been largely successful at building real infrastructure to support consultants with lived experience with varied needs and identities. Other federal agencies should follow OVC's lead and rely on lessons learned from the program to invest in survivor engagement programs that are built by survivors to meet their needs alongside grantees' needs. Choosing the right grantee who is committed to hiring survivors and integrating survivor leadership at every level of the project is crucial.

JTIP has started a survivor leadership TTA grant to assist international partners as well. As it is in the beginning stages, we urge JTIP to exercise caution in simply exporting the US survivor-leadership model without considering the local context and allowing communities to lead the process. The US model still includes many types of tokenization. Programs in the US have only improved when grassroots community-based programs and direct community involvement have forced them to change survivor-engagement policies. Community-based programs (both trafficking-specific and other programs addressing root causes like poverty, inequality, and violence) can help ensure survivor-engagement programs fit the actual needs of survivors and are not harmful. Communities may already involve survivors in different ways than those used by US programs that are more effective in their local context.

***Recommendation:*** *FNUSA urges the US Government to evaluate the SETTA project and utilize the learnings to invest directly in improving the effectiveness and outcomes of survivor*

*engagement across programs. Any survivor-engagement programs should be led by survivors from impacted communities. The US Government should provide survivor advocates with training and technical assistance through a survivor-led NGO effort. The US Government should also improve the impact of the US Advisory Council by providing the Council with expert consultants to provide in-depth expertise on the systems and challenges that the Council identifies. The US Government should also provide a response to the Council's recommendations, including whether the recommendations are accepted or rejected and the status of implementation for all accepted recommendations.*

### **31. Labor Recruitment**

The US Government has failed to sufficiently address the widespread abuses of labor recruiters that lead directly to the abuse and exploitation of immigrant workers, despite massive increases in the amount of temporary work visas requested by US employers. Even when employers are found to utilize forced labor or illegal recruitment practices, they often just register under different business names to continue to abuse the US temporary work visa system.<sup>134</sup>

Although some regulations have been enacted, they have been insufficiently implemented, and US businesses are not held responsible for the labor recruitment abuses from which they benefit. Both federal and state laws are insufficient to prevent forced labor recruitment and hold employers and recruiters accountable.<sup>135</sup> Most migrant workers are trapped by visa restrictions that tie them to their employer or require the employer's permission to change jobs.

***Recommendation:*** *FNUSA urges the US Government to expand protections for all workers and hold employers accountable for any abuses committed in the process of obtaining workers for employment in the US. The US Government must also increase transparency about employer sanctions, ensure abusive employers are barred from all forms of employment-based visas, and engage in reforms of employment-based visas to ensure that workers are empowered to leave and report abusive employers without harm.*<sup>136</sup>

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<sup>134</sup> Loyola Law School, "Summary of Reports: The Growth of Temporary Work Visa Programs and Widespread Abuse of Temporary Immigrant Workers," [https://www.lls.edu/media/loyolalawschool/academics/clinicexperientiallearning/sji/publicationsandreports/SUMMARY%20OF%20REPORTS%20-%20Widespread%20Abuses%20of%20Temporary%20Immigrant%20Workers%20and%20Growth%20of%20Temporary%20Visa%20Programs%20%20\(1\).pdf](https://www.lls.edu/media/loyolalawschool/academics/clinicexperientiallearning/sji/publicationsandreports/SUMMARY%20OF%20REPORTS%20-%20Widespread%20Abuses%20of%20Temporary%20Immigrant%20Workers%20and%20Growth%20of%20Temporary%20Visa%20Programs%20%20(1).pdf)

<sup>135</sup> Loyola Law School, "Foreign Labor Recruiter Protections Are Needed for All Temporary Work Visa Categories - Especially H-2A Workers - to Prevent Human Trafficking Before It Starts," <https://www.lls.edu/media/loyolalawschool/academics/clinicexperientiallearning/sji/publicationsandreports/BRIEF%20-%20How%20Illegal%20FLR%20Practices%20Impact%20ALL%20Temporary%20Immigrant%20Workers,%20Especially%20H-2A.pdf>

<sup>136</sup> Freedom Network USA, Input to UN Special Rapporteur on Forced Labor in Agriculture, 1/31/2022, <https://freedomnetworkusa.org/app/uploads/2022/02/FNUSAInputLaborTraffickingAgricultureUNSpecialRapporteur-January2022.pdf>

### 32. International Coordination on Recruitment

FNUSA has no comment on this issue.

### 33. Migration/Trade Policies and Trafficking

The US guestworker and student visa programs continue to be rife with abuse and exploitation, including labor trafficking.<sup>137</sup> Providers report that overseas recruiters continue to charge excessive fees to workers and perpetrate fraud and other recruitment abuses, which lay the foundation for human trafficking in the US. In 2020, the US Government issued a rule to restrict wages for H-2A workers regardless of market conditions.<sup>138</sup> Additionally, the structure of the low-wage programs in particular (for example, the H-2A<sup>139</sup>, H-2B<sup>140</sup>, and J-1<sup>141</sup> programs) and even religious worker visas, which generally bind a worker's lawful status in the US to the employer who sponsored their visa, makes it almost impossible for a worker to leave an abusive employer without facing deportation or economic ruin.<sup>142</sup> Despite new protections for workers added to the 2024 H-2A Final Rule, it is insufficient to protect workers from trafficking.

There have been several recent investigations and indictments in guestworker cases, such as 'Operation Blooming Onion' (extensive multi-year exploitation of H-2A visas that led to the deaths of at least 2 workers),<sup>143</sup> ongoing investigation of around 200 religious workers exploited

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<sup>137</sup> Justice in Motion's Visa Pages, <https://www.justiceinmotion.org/visa-pages>; and see cases including: USA v. Patricio, et al. (<https://www.justice.gov/usao-sdga/pr/human-smuggling-forced-labor-among-allegations-south-georgia-federal-indictment>); Francis et al. v. Apex USA Inc. et al, 5:18-cv-00583 (D. Okla.); Chaidez v. Hemphill, 2:18-cv-01837 (E.D. Pa.); Rosas v. Sarbanand Farms, 2:18-cv-00112 (W.D. Wash.); Bernal v. Coleman, 1:18-cv-00088 (W.D. Ky.).

<sup>138</sup> <https://www.federalregister.gov/documents/2020/11/05/2020-24544/adverse-effect-wage-rate-methodology-for-the-temporary-employment-of-h-2a-nonimmigrants-in-non-range>

<sup>139</sup> Freedom Network USA, *Human Trafficking and H-2 Temporary Workers*, May 2018, <https://freedomnetworkusa.org/app/uploads/2018/05/Temporary-Workers-H2-May2018.pdf>; Colorado Legal Services, *Overworked and Underpaid: H-2A Herders in Colorado*, 1/14/2010, <https://humantraffickinghotline.org/sites/default/files/Overworked%20and%20Underpaid%20-%20CLS.pdf>; Centro de los Derechos Del Migrante, Inc., *Ripe for Reform: Abuses of Agricultural Workers in the H-2A Visa Program*, April 2020, <https://cdmigrante.org/wp-content/uploads/2020/04/Ripe-for-Reform.pdf>;

<sup>140</sup> Centro de los Derechos Del Migrante, Inc., *Breaking the Shell: How Maryland's Migrant Crab Pickers Continue to be "Picked Apart"*, 09/2020, <https://cdmigrante.org/breaking-the-shell/>;

<sup>141</sup> Freedom Network USA, *Human Trafficking and J-1 Visas for Temporary Workers*, May 2018, <https://freedomnetworkusa.org/app/uploads/2018/05/Human-Trafficking-and-J-1-Visas-May2018.pdf>; International Labor Recruitment Working Group, *Shining a Light on Summer Work: A First Look at the Employers Using the J-1 Summer Work Travel Visa*, 2019, <https://cdmigrante.org/wp-content/uploads/2019/07/Report-Shining-A-Light-on-Summer-Work.pdf>; International Labor Recruitment Working Group, *Shortchanged: The big Business Behind the Low Wage J-1 Au Pair Program*, 2018, <https://cdmigrante.org/wp-content/uploads/2018/08/Shortchanged.pdf>

<sup>142</sup> See this report for extensive information on the H-2B Visa program: Justice in Motion, *Visa Pages: U.S. Temporary Foreign Worker Visas: H-2B Visa*, 10/2022, [https://www.justiceinmotion.org/files/ugd/64f95e\\_6df196b8539949209a16e97ab6571bd4.pdf](https://www.justiceinmotion.org/files/ugd/64f95e_6df196b8539949209a16e97ab6571bd4.pdf)

<sup>143</sup> US Attorney's Office, Southern District of Georgia, Press Release, *Human smuggling, forced labor among allegations in south Georgia federal indictment*, <https://www.justice.gov/usao-sdga/pr/human-smuggling-forced-labor-among-allegations-south-georgia-federal-indictment>

by a temple,<sup>144</sup> Utah AG indictment of a carnival for abusing H-2B visas to exploit workers,<sup>145</sup> and a recent indictment for labor trafficking of seasonal workers in South Carolina.<sup>146</sup>

The US Government continually raises the number of guestworker visas issued each fiscal year without first implementing proper safety measures for workers. The number of H-2B visas for FY25 was increased on January 7, 2025 despite the Biden Administration failing to publish a final H-2B rule before the end of its term.<sup>147</sup>

***Recommendation:*** FNUSA calls on the federal government to reform these guestworker programs to guarantee robust protections for workers, including visa portability for all guestworkers, robust workers' rights information provided to all workers both pre-departure and upon their arrival in the US, safeguards against exploitative employment contracts being approved with visas, and robust enforcement against employers and recruiters who have abused or exploited their workers or benefited from the actions of recruitment agencies that they directly or indirectly engaged.<sup>148</sup> Congress and federal agencies should prioritize regulation of these visa categories before expansion of the program is allowed to continue.

### **34. Prevention of Forced Labor in Supply Chains**

As discussed in multiple sections of this document, while there have been some investigations and prosecutions into labor trafficking in the US, the US has failed to enact needed reforms in immigration and labor laws or invest sufficient resources in agencies with expertise in employment violations (DOL and EEOC) to effectively prevent forced labor.

The US fails to ensure that workers always have the full right to organize for better working conditions, a vital component of preventing forced labor. A 2021 Supreme Court decision eroded the rights of migrant workers to organize by barring farmworker union organizers from

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<sup>144</sup> Joe Atmonavage, NJ.com, *Lawsuit accusing NJ temple of human trafficking on hold as criminal investigation continues*, <https://www.nj.com/news/2021/12/lawsuit-accusing-nj-temple-of-human-trafficking-on-hold-as-criminal-investigation-continues.html>

<sup>145</sup> Utah Attorney General's Office, Press Release, *Labor Trafficking Arrest: Mexican Nationals Held Against Their Will, H2B Visas Withheld, Forced into Horrendous Working & Living Conditions*, <https://attorneygeneral.utah.gov/11317-2/>

<sup>146</sup> US Attorney's Office, District of South Carolina, Press Release, *Multi-Count Federal Indictment Returned for Labor Trafficking Violations*, <https://www.justice.gov/usao-sc/pr/multi-count-federal-indictment-returned-labor-trafficking-violations>

<sup>147</sup> USCIS, "Temporary Increase in H-2B Nonimmigrant Visas for FY 2025," 1/7/2025, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/temporary-increase-in-h-2b-nonimmigrant-visas-for-fy-2025>

<sup>148</sup> Freedom Network USA, Input to UN Special Rapporteur on Forced Labor in Agriculture, 1/31/2022, <https://freedomnetworkusa.org/app/uploads/2022/02/FNUSAInputLaborTraffickingAgricultureUNSpecialRapporteur-January2022.pdf>; Joint Comments on J-1 Au Pair Program Rulemaking, 11/4/2021, <https://freedomnetworkusa.org/app/uploads/2021/11/Au-Pair-Rule-Sign-On-Letter-FINAL.pdf>; FNUSA's Comments on RIN 1400-AD14, Proposed Rule, "Exchange Visitor Program – Summer Work Travel," February 2017, <https://freedomnetworkusa.org/app/uploads/2016/10/FNUSACommentsRIN1400-AD14.pdf>



speaking about the union with workers on farm property, even during non-working hours.<sup>149</sup> While there was an increase in workers represented by unions and unionization efforts across industries, union density is not increasing across the country due to decades of policies that erode organizing rights.<sup>150</sup> Weak federal laws and right to work laws in many states, alongside company union busting efforts prevent workers from organizing for better working conditions, which are also *trafficking prevention* measures.

Child labor restrictions are an indispensable form of prevention of child labor trafficking. These labor laws were created because children were working in unsafe factory conditions and exposed to hazardous chemicals.<sup>151</sup> Federal law prohibits children under 18 from working in meatpacking plants and bars and restricts their work hours so they can attend school.<sup>152</sup> Despite these protections, DOL closed 736 investigations with child labor violations in FY2024, finding 4,030 children employed in violation of child labor laws. In May 2024, DOL reached one of the largest wage violation settlements in the poultry industry, requiring the company to pay over \$1 million in profits made off of dangerous child labor to the children exploited in its meatpacking plants.<sup>153</sup> After an inspector witnessed a child younger than 18 operating dangerous machinery and determined the company violated the “hot goods” standard by shipping goods made with oppressive child labor, the company was required to pay \$1.5 million to the children it illegally employed.<sup>154</sup>

The children most likely to end up in dangerous jobs and working extended hours are the ones who have greater vulnerability to human trafficking. Children who do not speak fluent English, live in mixed-status or undocumented households, have parents out of work or who do not make enough to support a family, have disabilities, or face housing insecurity or homelessness may seek work to support themselves or their family and are more likely to end up in exploitative jobs. In the recent DOL lawsuit in Nebraska, most of the children hired illegally in the meat packing plants did not speak fluent English.<sup>155</sup> Children in illegal labor in rural areas

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<sup>149</sup> Nina Totenberg, NPR, *Supreme Court Hands Farmworkers Union A Major Loss*, 6/24/2022, <https://www.npr.org/2021/06/23/1000129827/in-a-narrow-ruling-supreme-court-hands-farmworkers-union-a-loss>

<sup>150</sup> Heidi Shierholz, et. al., “Workers want unions, but the latest data point to obstacles in their path,” Economic Policy Institute, 1/23/2024, <https://www.epi.org/publication/union-membership-data/#:~:text=Unionization%20is%20much%20lower%20in,the%20public%20sector%20experienced%20losses.>

<sup>151</sup> US Bureau of Labor Statistics, *History of child labor in the United States—part 2: the reform movement*, 1/2017, <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-2-the-reform-movement.htm>

<sup>152</sup> Daniel Weissner, Reuters, *U.S. company fined for hiring kids to clean meatpacking plants*, 2/17/2023, <https://www.reuters.com/world/us/us-company-fined-hiring-kids-clean-meatpacking-plants-2023-02-17/>

<sup>153</sup> US Department of Labor, “Department of Labor finds children employed illegally in dangerous jobs, obtains \$4.8M in wages, damages for poultry industry workers in California,” 5/2/2024, <https://www.dol.gov/newsroom/releases/whd/whd20240502>

<sup>154</sup> US Department of Labor, “US Department of Labor requires Tennessee parts manufacturer to turn over profits from oppressive child labor use, compensate victims,” 3/25/2024, <https://www.dol.gov/newsroom/releases/whd/whd20240325>

<sup>155</sup> Daniel Weissner, Reuters, *U.S. company fined for hiring kids to clean meatpacking plants*, 2/17/2023, <https://www.reuters.com/world/us/us-company-fined-hiring-kids-clean-meatpacking-plants-2023-02-17/>

are less likely to be identified and provided services due to the lack of resources and less frequent opportunities for third-party intervention.

Efforts to remove child labor protections are rising in states with large industrial economies. More teenagers are looking for work than ever, with 2023 having the highest annual rates since 2009, and child labor violations are rising as companies face little to no consequences for exploiting or harming children.<sup>156</sup> Removing these protections and shielding companies from liability if a child is harmed or killed will put more children in danger and increase the risk of child labor trafficking. A tight labor market and refusal by companies to pay competitive, livable wages will not be solved by putting more children in dangerous jobs and longer shifts.

***Recommendation:*** *FNUSA calls on the US Government to dedicate resources to evaluating US supply chains and businesses using illegal child labor, violating child labor laws, and the impact of reducing protections on children. The US Government should also commit more resources to expand the WHD to ensure all labor violations are thoroughly investigated. Federal child labor law should be strengthened to provide increased protections to minors working in all states. Services and referral networks should be expanded to ensure children who have experienced labor violations and labor trafficking can access the comprehensive resources necessary to heal. Every child working in unsafe conditions by federal or state DOL investigation should be screened for trafficking by a service provider. An increase in funding is necessary for rural areas to increase oversight of businesses and expand services available to survivors. FNUSA also recommends expanding efforts to ensure US citizen and noncitizen workers of all ages know their rights.*

*The US Government should take extra care to protect Unaccompanied Migrant Children (UAC) to ensure these particularly vulnerable children do not face abuse and exploitation. The government should provide expanded services and legal counsel to UAC after leaving government care (either immigration detention or HHS custody) so that these children can receive critical prevention services like medical, social, mental health, and legal services.*

### **35. International Governmental Assistance**

FNUSA has no input on this issue.

### **36. Reduce Country Nationals in International and Domestic Child Sex Tourism**

FNUSA has no input on this issue.

## **Territories and Semi-Autonomous Regions**

### **37. Non-sovereign Territories and Semi-Autonomous Regions**

Investment by the US Government into trafficking prevention, protection, or prosecution is alarmingly low. Without sufficient funding, Puerto Rico lacks the capability to track data on

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<sup>156</sup> Lauren Kaori Gurley, “America is divided over major efforts to rewrite child labor laws,” The Washington Post, 4/5/2025, <https://www.washingtonpost.com/business/2024/03/31/us-child-labor-laws-state-bills/>

human trafficking and fund survivor services on the island. Without access to services, survivors are put in danger of re-exploitation and anti-trafficking efforts are made ineffective.

***Recommendation:*** *The US Government should pursue intentional investment in trafficking prevention and response services in Puerto Rico and other territories. An increase in funding is critical to comprehensively address human trafficking in the United States.*

## Trafficking Profile

### 38. Trafficking Situation

The most detailed information on US Government anti-trafficking efforts is included in the Attorney General's Report to Congress and Assessment of US Government Activities to Combat Human Trafficking (AG Report)<sup>157</sup> as mandated by the TVPA.<sup>158</sup> The most recent report available covers FY23.<sup>159</sup> This report represents the first AG report released in a timely manner in over 5 years.

***Recommendation:*** *The US Government must continue to comply with the law and release the report annually, using comparable data so that governments and civil society can access the most accurate information about the government's efforts to address human trafficking. The government should not change the data presented without good reason. The agencies should provide additional data, detail, explanation, or disaggregation; while still providing comparable data to allow an analysis of the progress made.*

### 39. Groups at particular risk of human trafficking

US policy continues to uphold the systemic marginalization of Native people, LGBTQIA individuals, immigrants, Black and Brown people, and low-income communities. This marginalization causes abuse and exploitation, including human trafficking, and reduced access to protection, services, and support. US Government efforts must shift to tackling the issues that make populations vulnerable to abuse and exploitation in the first place. Without dedicating significant resources to dismantling racist systems that oppress vulnerable communities, the US Government is *enabling* the exploitation of people in these communities.

Lack of access to safe and affordable housing, child care, safe living-wage employment, medical and mental health care, effective child and family support, and immigration relief, coupled with ongoing discrimination against Black and Brown people, immigrants, and LGBTQIA individuals, are all direct contributors to vulnerability. A significant reduction in human trafficking requires significant changes to the systems that have put these communities at risk. It requires expanded social services and support for those most vulnerable to exploitation and abuse. There must be significantly increased access to health and mental healthcare, protections for

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<sup>157</sup> Request for Information for the 2021 Trafficking in Persons Report, 85 FR 77482.

<sup>158</sup> 22 USC 7103(d)(7).

<sup>159</sup> US Department of Justice, *Attorney General's Annual Report to Congress on US Government Activities to Combat Trafficking in Persons*, April 28, 2020, <https://www.justice.gov/humantrafficking/media/1386086/dl>

LGBTQIA individuals, and legal status for immigrants. We must transform systems of accountability to end the ongoing horror of police violence against Black and Brown people. The impact of these systemic issues has been exacerbated by the COVID-19 pandemic, where gig workers, sex workers, and immigrants were excluded from relief packages, and Black and Brown people have been getting sick and dying at disproportionately high rates and are being vaccinated at disproportionately low rates.<sup>160</sup> As the US ended COVID-19-related assistance programs, these disparities have only worsened.

***Recommendation:*** *FNUSA calls on the US Government to effectively address the root causes of trafficking and exploitation: racism, poverty, insecure housing, discrimination, and a broken immigration system. The US Government must ensure that affordable housing, medical and mental health care, substance use care, childcare, and education are available to all, dramatically increase efforts to reform the child welfare system to focus on supporting families and providing legal representation for system-involved children, eliminate discrimination, reform policing, and enact comprehensive immigration reform.*<sup>161</sup>

### Black and Brown Communities

US history is replete with systemic and individual acts of abuse and exploitation of Black and Brown people. The development of US legal protections for workers was explicitly racist, excluding agriculture and domestic work, sectors filled with formerly enslaved people, from seminal labor rights legislation.<sup>162</sup> These industries continue to be rife with abuse and exploitation, including labor and sex trafficking. The explicit exclusion of prison labor from the US Constitutional ban on slavery demonstrates the intentional, systemic oppression of Black communities in the criminal legal system.<sup>163</sup>

Black women, girls, and gender non-conforming people are disproportionately represented as victims of trafficking, and transgender youth of color are at a high risk of sex trafficking. Despite this, significantly more Black youth survivors are criminalized with arrests for prostitution than white youth.<sup>164</sup>

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<sup>160</sup> Leonard Egede and Rebekah Walker, *New England Journal of Medicine*, *Structural Racism, Social Risk Factors, and Covid-19 – A Dangerous Convergence for Black Americans*, 9/17/20, <https://www.nejm.org/doi/full/10.1056/NEJMp2023616>

<sup>161</sup> Freedom Network USA, HEAL Trafficking and National Survivor Network’s comments submitted to HHS’ Office on Trafficking in Persons on Human Trafficking Prevention, <https://freedomnetworkusa.org/app/uploads/2019/11/RevisedFNUSAHealNsNRecsOTIPPrevention-1.pdf>.

<sup>162</sup> Juan Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, 2011, <https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1150&context=facpubs>

<sup>163</sup> Harvard University, *Confronting Anti-Black Racism Resource: Criminal Justice*, <https://library.harvard.edu/confronting-anti-black-racism/criminal-justice>; Kica Matos and Jamila Hodge, Vera Institute of Justice, *The Chains of Slavery Still Exist in Mass Incarceration*, 6/17/2021, <https://www.vera.org/blog/the-chains-of-slavery-still-exist-in-mass-incarceration>.

<sup>164</sup> National Black Women’s Justice Institute, “Sex Trafficking of Black Women & Girls,” 1/2022, [https://www.nbwji.org/files/ugd/0c71ee\\_cd4d16e2b9ce4568be165c09a6badf53.pdf](https://www.nbwji.org/files/ugd/0c71ee_cd4d16e2b9ce4568be165c09a6badf53.pdf)

The recent backlash against teaching students about discrimination in schools, misusing the term Critical Race Theory,<sup>165</sup> bans on books with protagonists of color or discussing race and racism,<sup>166</sup> and restrictions on voting rights<sup>167</sup> are further examples of ongoing, systemic, government-supported racism. The Supreme Court striking down Affirmative Action has only fueled efforts to prevent education on racism and access to literature that features Black and Brown people, and its long-ranging impacts on access to higher education may be devastating. States that previously targeted primary and high school materials have turned their attention toward banning curriculum about race in higher education, both in legislation and by targeting educators with lawsuits and threats of firing.<sup>168,169</sup> Recent attacks on DEI programs and attempts to roll back Civil Rights protections have shown blatant intentions to discriminate against Black and Brown people in the US and undo decades of progress in seeking equity in federal programming, education, jobs, and housing.

***Recommendation:*** FNUSA calls on the US Government to engage in extensive anti-racist policymaking to address the systemic abuse and exploitation of Black and Brown people in the US. Comprehensive action is needed to not only remove barriers and protect the rights of Black and Brown people, but also to provide redress for the harm suffered and to invest in communities that have been impoverished and exploited. Specific recommendations include the adoption of labor protections for domestic workers and agricultural workers, redirecting funding from law enforcement to community development organizations that are rooted in Black and Brown communities, increased funding and support for public schools, encouragement of local legislation that protects teaching on race and racism, expansion of affordable housing, expansion of voting rights protections, and expanded access to affordable healthcare and mental healthcare for all. The federal government should act to protect access to content and education about Black and Brown people and racism. The US Government should restore Civil Rights protections for all. States should enact legislation that protects Black and Brown people and content about Black and Brown communities.

### Immigrant Communities

The US Government's immigration policies have long been rooted in racism.<sup>170</sup> It is incredibly difficult for immigrant survivors of human trafficking to come forward and government-led

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<sup>165</sup> Stephen Sawchuk, Education Week, *What is Critical Race Theory, and Why Is It Under Attack?*, 5/18/2021, <https://www.edweek.org/leadership/what-is-critical-race-theory-and-why-is-it-under-attack/2021/05>

<sup>166</sup> Kasey Meehan et. al, "Banned in the USA: Beyond the Shelves," PEN America, 11/1/2024, <https://pen.org/report/beyond-the-shelves/#heading-0>

<sup>167</sup> Tonya Mosley, "The Voting Rights Act is being attacked from 'every possible angle,' journalist says," NPR, 9/30/2023, <https://www.npr.org/2023/11/30/1216054095/the-voting-rights-act-is-being-attacked-from-every-possible-angle-journalist-say>

<sup>168</sup> Daniel Golden, "Muzzled by DeSantis, Critical Race Theory Professors Cancel Courses or Modify Their Teaching," ProPublica, 1/3/2023, <https://www.propublica.org/article/desantis-critical-race-theory-florida-college-professors>

<sup>169</sup> Kamilah Mims, "CRT Forward Tracking Project Trends as of 12/20/2023," UCLA Law, 12/20/2023, <https://crtforward.law.ucla.edu/crt-forward-tracking-project-trends-as-of-12-20-2023/>

<sup>170</sup> Richard Boswell, Journal of Gender, Race & Justice, *Racism and US Immigration Law: Prospects for Reform After '9/11?'*, 2003,

discrimination and xenophobia<sup>171</sup> make immigrants, particularly immigrant children and LGBTQIA immigrants, increasingly vulnerable to human trafficking.

FNUSA is deeply concerned about the return of racist immigration policies that exacerbate trafficking. The return of Remain in Mexico, the sensitive locations memo, and restrictions on safe asylum are attacks on the basic human rights of people seeking safety. These policies have long been touted as anti-trafficking efforts, but in reality, they put immigrants in immense danger that, makes them significantly more vulnerable to trafficking. Under the first Trump Administration, these policies left leave immigrants subject to inhumane conditions in shanty settlements where they are frequently abused and exploited by gangs, and have limited access to the legal and social services needed to heal from the trauma they are fleeing.<sup>172</sup> These policies have caused lasting harm. Immigrants remain fearful of accessing the services and support from governmental agencies for which they are eligible (including emergency medical care and protection from sexual abuse, domestic violence, and human trafficking), leaving them vulnerable to abuse and exploitation.

***Recommendation:*** *FNUSA calls on the US Government to ensure the safety of immigrants and engage in concerted and sustained efforts to rebuild trust with immigrant communities and immigrant survivors of human trafficking. While rescinding harmful regulations, rules, and procedures is a necessary step, it is not sufficient. New versions of harmful policies only put asylum seekers in harm's way and at risk of trafficking. The US Government must engage in more comprehensive reforms of immigration, public benefits, employment, and civil rights laws and enforcement to dismantle the systemic racism that harms immigrants, especially those who are Black, Brown, and LGBTQIA.*

### LGBTQIA and Two Spirit Communities

In a study released by the DOJ's Office of Juvenile Justice and Delinquency Prevention on youth trading sex (victims of sex trafficking using the federal definition), over half of the individuals surveyed were LGBTQIA-identified.<sup>173</sup> FNUSA has noted for years that LGBTQIA communities are both overrepresented among youth trafficking survivors and desperately underserved in terms of both resources and protections.<sup>174</sup> Scaling back these limited protections causes further marginalization and increases vulnerability to exploitation and abuse, particularly for LGBTQIA youth, who are often pushed out of their homes due to discrimination.

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[https://repository.uchastings.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1057&context=faculty\\_scholarship](https://repository.uchastings.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1057&context=faculty_scholarship)

<sup>171</sup> Miriam Jordan, *The New York Times*, *GOP Governors Cause Havoc by Busing Migrants to East Coast*, 9/15/22, <https://www.nytimes.com/2022/08/04/us/migrants-buses-washington-texas.html>

<sup>172</sup> See KIND, *The Border, Trafficking, and Risks to Unaccompanied Children: Understanding the Impact of US Policy on Children's Safety*, [https://supportkind.org/wp-content/uploads/2019/12/KIND\\_Child-trafficking-at-border-paper-11-18-19-FINAL-1.pdf](https://supportkind.org/wp-content/uploads/2019/12/KIND_Child-trafficking-at-border-paper-11-18-19-FINAL-1.pdf).

<sup>173</sup> Swaner, et al., *Youth Involvement in the Sex Trade: A National Study*, March 2016, <https://www.courtinnovation.org/publications/youth-involvement-sex-trade>.

<sup>174</sup> Freedom Network USA, 2016 Member Report, *Spotlight: Unique Vulnerabilities of LGBTQIAI Community Members*, <https://freedomnetworkusa.org/app/uploads/2016/12/Member-Report-2015-Electronic-Version.pdf>

A recent rise in anti-LGBTQIA policies and violence, including attempting to restrict government services to cis people by refusing to recognize transgender and intersex people,<sup>175</sup> banning books with LGBTQIA themes or protagonists,<sup>176</sup> violence and threats of violence directed towards LGBTQIA community gatherings,<sup>177</sup> and proposed legislation to restrict and censor drag shows,<sup>178</sup> present greater threats to the rights of the LGBTQIA community and further marginalization. These types of bans and restrictions on rights fuel violence and threats of violence against LGBTQIA people and educators who teach about LGBTQIA communities. Additionally, discrimination by law enforcement agencies often results in the inability of law enforcement to recognize the trafficking of transgender survivors. The US Government is actively enabling trafficking by making LGBTQIA and Two-Spirit people more vulnerable to trafficking.

***Recommendation:*** *The US Government must engage in a proactive effort to increase services, protection, and support for LGBTQIA and Two-Spirit communities and individuals.<sup>179</sup> The federal government should act to protect access to safety the LGBTQIA community and education about LGBTQIA people and rights. Policies intended to restrict access to rights, services, education, healthcare, and jobs for LGBTQIA people should be revoked. States should enact legislation that protects LGBTQIA people and content about the LGBTQIA community.*

### LGBTQIA and Two Spirit Immigrants

In light of the rollbacks in protection for both immigrants and LGBTQIA individuals, LGBTQIA immigrants are especially vulnerable. The abuses suffered by transgender asylum-seekers at the border, exemplified by the death of trans woman Roxsana Hernandez Rodriguez in ICE custody amid signs of physical assault and abuse,<sup>180</sup> cause increased fear of the US government among LGBTQIA immigrants, especially as policies requiring indefinite detention without just cause are implemented.<sup>181</sup> However, LGBTQIA immigrants have come to the US because they

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<sup>175</sup> Orion Rummel and Kate Sosin, "On day one, Trump pits his administration against transgender people," *The 19th*, 1/20/2025, <https://19thnews.org/2025/01/trump-transgender-executive-order/>

<sup>176</sup> Samantha Laine Perfas, "Who's getting hurt most by soaring LGBTQ book bans? Librarians say kids." *Harvard Gazette*, 6/28/2023, [https://news.harvard.edu/gazette/story/2023/06/lgbtq-book-challenges-are-on-the-rise-heres-](https://news.harvard.edu/gazette/story/2023/06/lgbtq-book-challenges-are-on-the-rise-heres-why/#:~:text=The%20primary%20reason%20cited%20in,investigation%20by%20The%20Washington%20Post.)

[why/#:~:text=The%20primary%20reason%20cited%20in,investigation%20by%20The%20Washington%20Post.](https://www.washingtonpost.com/news/energy-environment/wp/2023/06/28/lgbtq-book-challenges-are-on-the-rise-heres-why/#:~:text=The%20primary%20reason%20cited%20in,investigation%20by%20The%20Washington%20Post.)  
<sup>177</sup> Trent Brown, *Texas Tribune*, *Texas drag shows become a right-wing target amid rising extremism*, 10/9/2022, <https://www.texastribune.org/2022/12/09/texas-drag-shows-all-ages-family-friendly/>

<sup>178</sup> Edward Hellmore, *The Guardian*, *Republican legislators introduce new laws to crack down on drag shows*, 1/21/2023, <https://www.theguardian.com/world/2023/jan/21/anti-drag-show-laws-bans-republican-states>

<sup>179</sup> Center for American Progress, *Improving the Lives and Rights of LGBTQ People in America: A Roadmap for the Biden Administration*, 1/12/21, <https://www.americanprogress.org/article/improving-lives-rights-lgbtq-people-america/>

<sup>180</sup> Sandra Garcia, *New York Times*, *Independent Autopsy of Transgender Asylum Seeker Who Died in ICE Custody Shows Signs of Abuse*, 11/27/18, <https://www.nytimes.com/2018/11/27/us/trans-woman-roxsana-hernandez-ice-autopsy.html>

<sup>181</sup> Exec. Order, "Securing our Borders," Issued 1/202/2025, <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>

are fleeing violence and prejudice in their home countries and have no choice but to remain in the relative safety of the US.<sup>182</sup> The US Government's refusal to protect LGBTQIA immigrants forces them into underground economies, increasing their vulnerability to future abuse, including human trafficking.

In addition to the already inhumane environment created by US immigration policy, transgender immigrants detained by the US Government are held in horrific conditions and denied needed healthcare.<sup>183</sup> Service providers report that transgender trafficking survivors are less likely to be released from immigration detention, even after being identified as a trafficking survivor by law enforcement, than cisgender survivors.

***Recommendation:*** FNUSA calls on the US Government to limit the detention of immigrants and close all privately-run immigration detention facilities.<sup>184</sup> If LGBTQIA immigrants are detained, they must be provided ongoing gender-affirming healthcare and be placed according to their gender identity. The US Government should take extra care to protect LGBTQIA UACs and provide expanded services and legal counsel to UACs after leaving government care (either immigration detention or HHS custody), so that these children can receive medical, social, mental health, and legal services. FNUSA also calls on the US Government to immediately and permanently end the Remain in Mexico program and Title 42 border restrictions and allow UACs and asylum seekers to enter the US at border crossings to pursue their claims.

### American Indian/Alaska Native Communities

American Indian and Alaska Native (AI/AN) communities have been subject to abuse, internment, displacement, forced sterilization, and attempted genocide by the US Government.<sup>185</sup> These communities continue to experience generational trauma leading to increased violence and substance abuse rates.<sup>186</sup> Sex and labor trafficking of Native people are

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<sup>182</sup> Rebecca Morin, USA Today, *Dangerous Wait for Freedom: Hurdles Abound for Transgender Migrants Seeking Asylum in US*, 12/12/2021, <https://www.usatoday.com/story/news/politics/2021/12/12/transgender-migrants-hit-immigration-hurdles-when-seeking-asylum-us/8641213002/?gnt-cfr=1>

<sup>183</sup> Mica Rosenberg and Ted Hesson, Reuters, *Exclusive: Serious Health Care Lapses Found in US Detention Center Housing Transgender Migrants*, 3/2/2020, <https://www.reuters.com/article/us-usa-immigration-transgender-exclusive/exclusive-serious-health-care-lapses-found-in-u-s-detention-center-housing-transgender-migrants-idUSKBN20P1OT>; Sam Levin, The Guardian, *A Trans Woman Detained by ICE for Two Years is Fighting for Freedom: 'I've Been Forgotten'*, 6/9/2021, <https://www.theguardian.com/us-news/2021/jun/09/a-trans-woman-detained-by-ice-for-two-years-is-fighting-for-freedom-ive-been-forgotten>

<sup>184</sup> Joint Letter Calling for Closure of Immigration Detention Facilities, 4/2/2021, <https://freedomnetworkusa.org/app/uploads/2021/04/First-10-to-CNC-Organizational-Letter.pdf>

<sup>185</sup> National Geographic, *The United States Government's Relationship with Native Americans*, <https://www.nationalgeographic.org/article/united-states-governments-relationship-native-americans/>; Donald Fixico, History.com, *When Native Americans Were Slaughtered in the Name of 'Civilization'*, 10/25/2021, <https://www.history.com/news/native-americans-genocide-united-states>

<sup>186</sup> Editorial Staff, American Addiction Centers, *Risks of Alcoholism Among Native Americans*, 10/26/2021, <https://americanaddictioncenters.org/alcoholism-treatment/native-americans>; US National Institutes of Health, National Institute on Drug Abuse, *Higher Rate of Substance Use Among Native American Youth on Reservations*,



not comprehensively addressed in US policy, practice, funding, or training. The lack of resources, support, and understanding leave AI/AN survivors with limited support and create programs that are not designed to meet the needs of AI/AN survivors. Persistent, systemic oppression has left AI/AN communities without the resources and respect they need to heal and grow, creating vulnerabilities for AI/AN community members on and off reservations.<sup>187</sup>

The US Government has failed to address the Missing and Murdered Indigenous Women crisis. Structural and systemic racism against Indigenous people creates vulnerabilities to trafficking.

***Recommendation:*** *The US Government must increase investments and support of AI/AN communities so that they may heal from generational trauma and deprivation caused by decades of US Government policies. The US Government must also provide increased training for social and legal service programs, law enforcement, and court systems on trauma-informed cultural humility so that these mainstream systems are able to respond more appropriately to the needs of AI/AN community members and increase opportunities and support for AI/AN community-based and community-led solutions. The US Government should also fund increased culturally competent services for Indigenous communities, especially rural communities and those in noncontiguous US states and territories.*<sup>188</sup>

### Sex Workers

US law, at the federal and local levels, criminalizes adults engaged in consensual commercial sex work.<sup>189</sup> This puts sex workers in a state of constant vulnerability. They are vulnerable to abuse and exploitation by third-party exploiters, customers, and even law enforcement. Sex workers are reluctant to report crimes committed against them because they report that law enforcement rarely acts to protect them and sometimes abuses them.<sup>190</sup> Even when the abuse rises to the level of human trafficking, survivors are unlikely to report these crimes to law enforcement due to the stigma, fear, and lack of trust in law enforcement. Criminal records

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5/31/2018, <https://nida.nih.gov/news-events/news-releases/2018/05/higher-rate-of-substance-use-among-native-american-youth-on-reservations>

<sup>187</sup> HHS Office on Trafficking in Persons, *Human Trafficking Leadership Academy Class 5 Recommendations*, 9/10/2020, [https://nhhtac.acf.hhs.gov/sites/default/files/2020-11/HTLA%20Class%205%20Recommendations%20Report\\_508c.pdf](https://nhhtac.acf.hhs.gov/sites/default/files/2020-11/HTLA%20Class%205%20Recommendations%20Report_508c.pdf)

<sup>188</sup> See the US Advisory Council on Human Trafficking 2024 Annual Report for further recommendations on improving and increasing services for Indigenous communities: <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2024/>

<sup>189</sup> Freedom Network USA, *Human Trafficking and Sex Worker Rights*, April 2015, <https://freedomnetworkusa.org/app/uploads/2018/07/HT-and-Sex-Workers-Rights.pdf>

<sup>190</sup> Lou Chibbaro Jr., *Washington Blade*, DC, *PG Cops Investigated for 'Coercing' Trans Sex Worker*, 11/19/18, <https://www.washingtonblade.com/2018/11/19/d-c-p-g-cops-investigated-for-coercing-trans-sex-worker/>; Kathleen Deering, et al, *Am J Public Health*, *A Systematic Review of the Correlates of Violence Against Sex Workers*, May 2014, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3987574/>; Sam Levin, *The Guardian*, *Abused then Arrested: Inside California's Crackdown on Sex Work*, 11/28/18, <https://www.theguardian.com/us-news/2018/nov/28/california-sex-workers-crackdown>; Robin Scullin, *Johns Hopkins University Hub*, *Police Interactions Linked to Increased Risk of Client Violence for Female Sex Workers*, 11/18/19, <https://hub.jhu.edu/2019/01/08/violence-against-sex-workers-police/>.

from multiple prostitution arrests limit the ability of sex workers and trafficking survivors to access education, alternative employment, housing, social services, and respect.<sup>191</sup> While states are increasingly decriminalizing minors engaged in commercial sex work, those over the age of 18 are routinely arrested. Together, these factors put sex workers at high risk of human trafficking.<sup>192</sup>

In the wake of the enactment of Public Law 115-164, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA), many sex workers have reported more unsafe work environments and increased vulnerability to traffickers.<sup>193</sup> Whereas sex workers previously could use online platforms to work more safely and independently, FOSTA has caused many sex workers to rely on intermediaries, leading to an increased risk of sex trafficking. One study found that Craigslist's 'Erotic Services' section reduced the female homicide rate by over 17 percent.<sup>194</sup>

Some US states have pursued legislation to partially decriminalize sex work (often called the Nordic Model or the Equality Model), which decriminalizes sex work but maintains the criminalization of purchasing sex. These models create significant harm by forcing sex workers to take on more risky clients since they are unable to vet clients, and their clients are still under the threat of criminalization, preventing workers from working together for safety.<sup>195</sup> Partial

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<sup>191</sup> *On the Super Bowl, Safety, and Solidarity: Finding Common Ground in a Time of Crisis ... and Beyond...*, 2/2/2021, <https://freedomnetworkusa.org/app/uploads/2021/02/On-the-Super-Bowl-Safety-and-Solidarity2Feb2021.pdf>

<sup>192</sup> Freedom Network USA, 2016 Member Report, *Spotlight: Criminalization of Sex Work*, <https://freedomnetworkusa.org/app/uploads/2016/12/Member-Report-2015-Electronic-Version.pdf>.

<sup>193</sup> Freedom Network USA, *Freedom Network Urges Caution in Reforming the CDA*, 2017, <https://freedomnetworkusa.org/app/uploads/2017/10/FNUUSAUrgesCautionCDAREform.pdf>, Survivors Against SESTA, *What Is SESTA/FOSTA*, [https://survivorsagainstsesta.files.wordpress.com/2018/09/post-sesta\\_0917.pdf](https://survivorsagainstsesta.files.wordpress.com/2018/09/post-sesta_0917.pdf); Emily McCombs, *Huffpost Personal*, 'This Bill is Killing Us': 9 Sex Workers on Their Lives in the Wake of FOSTA, 5/11/18, [https://www.huffingtonpost.com/entry/sex-workers-sesta-fosta\\_us\\_5ad0d7d0e4b0edca2cb964d9](https://www.huffingtonpost.com/entry/sex-workers-sesta-fosta_us_5ad0d7d0e4b0edca2cb964d9); Siouxsie Q, *Rolling Stone*, *The War on Sex Workers Needs to Stop Now*, 4/13/18, <https://www.rollingstone.com/politics/politics-news/the-war-on-sex-workers-needs-to-stop-now-628335/>; Pimps are Preying on Sex Workers Pushed Off of the Web Because of FOSTA-SESTA, *Motherboard*, April 30, 2018, [https://motherboard.vice.com/en\\_us/article/bjqqvz/fosta-sesta-sex-work-and-trafficking](https://motherboard.vice.com/en_us/article/bjqqvz/fosta-sesta-sex-work-and-trafficking); COYOTE RI, *Four Years of FOSTA: the Survey*,

<https://www.swopbehindbars.org/so/5dOD1Yfon/c?w=kJEovD72L3ryrjlbjlluZbQ7tCK3lyqWxQIE-f8dFxE.eyJ1joiaHR0cHM6Ly9mNmEzZDg4Mi1iN2UwLTQ5M2ItYmNjYy0zMjMzNTc1ZTQ2OWYudXNyZmlsZXMuY29tL3VnZC80YTBIOGfMzc4NjM3NTM3MjJkNDU5YmI3Y2I0YjhjYWQ0ZTAwMGUucGRmP2RuPUZvdXJZ2WFyc09mRm9zdGEucGRmliwici6lJFjYzU1NDY2LWNmOTMtNDJfYS1mMjAwLWZlMGZiOWZlMDIxMCIsm0iOiJtYWlsX2xwliwiYyI6ljQ2MjI4MmYxLTg1ZDYtNDk4OS05NmY2LTNkMzg5N2UxMmEwNSJ9>

<sup>194</sup> Scott Cunningham, Gregory DeAngelo, and John Tripp, *Craigslist Reduced Violence Against Women*, February 2019, <https://s3.documentcloud.org/documents/5720120/craigslistFOSTA.pdf> (forthcoming publication in *Journal of Human Resources*, <https://www.scunning.com/publications.html>); Alison Bass, *Huffpost*, *Craigslist's Erotic Services Site Appears to Have Reduced Female Homicide Rates by 17 Percent*, [https://www.huffpost.com/entry/craigslist-erotic-services-site-appears-to-have-reduced\\_b\\_59df8778e4b0cee7b9549e66](https://www.huffpost.com/entry/craigslist-erotic-services-site-appears-to-have-reduced_b_59df8778e4b0cee7b9549e66)

<sup>195</sup> Amnesty International, *Explanatory Note on Amnesty International's Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, 26 May 2016, <https://www.amnesty.org/en/documents/pol30/4063/2016/en/>

decriminalization is ineffective at preventing human trafficking because workers are often still unable to report to law enforcement and access trafficking-related services due to fear of retaliation from clients who face criminal charges. This legislative model is dangerous and should not be replicated in more states.

***Recommendation:*** *FNUSA calls on the US to fully decriminalize sex work in the US, at the federal, state, and local levels in order to prevent human trafficking.*<sup>196</sup>

### People with Disabilities

The US Government needs to take more steps to understand the scope and dynamics of trafficking targeting persons with disabilities. In its 2016 Trafficking in Persons Report, the State Department noted that persons with disabilities are especially vulnerable to human trafficking. The National Human Trafficking Hotline received reports of more than 2,000 cases of trafficking of persons with disabilities between 2015 and 2017 in the US. More training, better screening, and expanded outreach are necessary to correctly identify this population.<sup>197</sup> Specific services and support are needed to address the unique procedural hurdles faced by immigrants with disabilities, including UACs with disabilities. Programs and services for people with disabilities are often restricted based on immigration status, lack of language access resources, and lack of culturally appropriate services. The Social Security Disability Insurance program is crucial to ensuring people with disabilities receive appropriate healthcare, but the income limits prevent them from achieving economic stability, which is a key trafficking prevention factor.

***Recommendation:*** *To better understand the extent to which anti-trafficking programs are appropriately serving persons with disabilities, FNUSA recommends that the US Government fund research that will document: the extent to which service providers are screening survivors of trafficking for either existing disabilities or those resulting from the abuse suffered during the trafficking experience; and the extent to which trafficking services are fully accessible to survivors with disabilities, including, but not limited to, physical, sensory, developmental, and/or communications needs. Research is also needed to better document the training and resource needs of community programs serving persons with disabilities and to provide them with the training and technical assistance to identify and respond to trafficking. The US Government should provide training and technical assistance to all human trafficking services grantees to ensure that they are able to both identify survivors of trafficking with disabilities and provide survivors with necessary accommodations in accordance with the Americans with Disabilities*

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<sup>196</sup> Freedom Network USA, *Preventing Sex Trafficking Requires the Full Decriminalization of Sex Work*, September 2021, <https://freedomnetworkusa.org/app/uploads/2021/09/FNUSAStatementDecrimSept2021.pdf>; Freedom Network USA, *End Demand Fact Sheet*, 2018, <https://freedomnetworkusa.org/app/uploads/2018/07/End-Demand.pdf>; Beyond Trafficking and Slavery, *Open Democracy, It's Time to Get Off the Fence on Sex Workers' Rights*, 2021, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/sex-work-on-bts/>; ACLU, *Is Sex Work Decriminalization the Answer? What the Research Tells Us*, 2020, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_sex\\_work\\_decrim\\_research\\_brief.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_sex_work_decrim_research_brief.pdf)

<sup>197</sup> Human Trafficking Legal Center, *Fact Sheet: Trafficking of Persons with Disabilities in the United States*, <http://www.htlegalcenter.org/wp-content/uploads/Trafficking-of-Persons-with-Disabilities-in-the-United-States-Fact-Sheet.pdf>.

*Act and related laws. Accommodations may include, but are not limited to, interpreters, specialized transportation services, communication devices, and accessible physical spaces. The US Government should provide training and technical assistance to law enforcement and judicial personnel to ensure that they are able to recognize the trafficking of persons with intellectual and/or cognitive disabilities or in cases where theft of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits are involved.*

#### People without access to reproductive healthcare

Throughout the US, access to reproductive healthcare of all forms has been significantly restricted. The 2022 Supreme Court decision to strike down Roe v. Wade provided a catalyst for states to ban access to lifesaving medical care. In 2024, 39 provisions were enacted in states to restrict access to reproductive health or curtail rights to healthcare and 21 were enacted that restrict access to abortion care. Trans rights were swept up in these efforts leading to 6 enacted provisions that restrict access to gender-affirming care.<sup>198</sup> Access to all forms of healthcare is essential for preventing trafficking and helping survivors. As more rights are restricted, more people will be placed into debt to get the care they need or prevented from accessing care at all, both of which create and exacerbate vulnerabilities to trafficking.

***Recommendation:*** States should enact legislation that protects access to all forms of reproductive and gender-affirming care. The US Government should act to protect the rights to reproductive and gender-affirming care for all.

#### **40. Chinese/Cuban/North Korean Workers**

FNUSA has no input on this issue.

#### **41. Risks, Trends, and Vulnerabilities from Climate Change, Climate Disasters, and Technology**

The US Government has done little to prepare for the effects of climate change on human trafficking. In the wake of natural disasters and climate-related disasters, the government response has exacerbated vulnerabilities to trafficking and exploitation. Post-disasters, both residents of the area experiencing the disaster and the disaster relief workers can face increased vulnerability to all forms of human trafficking.

Disasters can result in the internal displacement of communities, including sudden losses of homes, livelihoods, and support networks.<sup>199</sup> With the US already facing an affordable housing crisis<sup>200</sup>, climate crises put further pressure on the accessibility of affordable housing. Extreme weather also prevents service providers from serving existing clients and people newly needing

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<sup>198</sup> Kimya Forouzan and Isabel Guarnieri, "State Policy Trends 2024: Anti-Abortion Policymakers Redouble Attacks on Bodily Autonomy," Guttmacher Institute, 12/2024, <https://www.guttmacher.org/2024/12/state-policy-trends-2024-anti-abortion-policymakers-redouble-attacks-bodily-autonomy>

<sup>199</sup> Sunita Jain Anti-Trafficking Initiative and Leanne McCallum Desselle, Public Comments On Federal Disaster Preparedness And Relief And Community Resilience With An Anti-Trafficking Lens, 6/3/2022, <https://www.regulations.gov/comment/EPA-HQ-OA-2022-0050-0062>

<sup>200</sup> National Low Income Housing Coalition, *The Gap: A Shortage of Affordable Homes*, 4/2022, <https://nlihc.org/gap>

services. During the major winter storm that shut down most of Texas' power grid in 2021, multiple domestic violence shelters lost power and faced structural damage that closed the shelters for weeks.<sup>201</sup>

The US disaster response through the Federal Emergency Management Agency (FEMA) is not designed to ensure that everyone affected by a disaster is able to access shelter and services. FEMA does not provide cash assistance or Disaster Unemployment Assistance to people who are undocumented and does not coordinate with other federal agencies to work with noncitizens.<sup>202</sup> Federal government websites with information on evacuation orders, safety protocols, and FEMA aid applications are often inaccessible for the first 36 hours after a disaster, making it extremely difficult for anyone in the area to apply for aid. In southern states, where FEMA has often been deployed in coordination with the military, the agency is viewed as a heavily militarized force, resulting in residents' fear of mistreatment and an unwillingness to approach representatives.<sup>203</sup>

Prisons and jails rarely evacuate in the case of extreme weather. They often do not have thorough evacuation plans in place, leaving thousands of incarcerated people in unsafe and unsanitary conditions during climate disasters.<sup>204</sup> Incarcerated workers are also often deployed to assist in disaster management and recovery, but are put in danger, have little to no choice in participating in the work, and are paid significantly less than the minimum wage. Over 900 incarcerated firefighters were deployed to fight the devastating fires in California throughout January 2025, earning less than \$30 per day.<sup>205</sup> In the aftermath of climate disasters, the US has shown it is unprepared and unwilling to provide comprehensive and effective aid that would mitigate increased vulnerability to human trafficking.

Disaster relief workers are part of a unique mobile labor force brought to sites of climate disasters to assist with debris cleanup, construction, hospitality, and maid services. These jobs are often dangerous and performed by a majority of undocumented workers. These workers are in uniquely vulnerable positions because they are isolated from support systems, non-English speaking, do not know the area well, rely on their employer for basic needs, and are seeking economic security. In the aftermath of Hurricanes Katrina and Michael, DHS deployed

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<sup>201</sup> Lorena O'Neil, Marie Claire, They Fled Domestic Violence in a Pandemic. Then Came the Winter Storm. 10/4/2021, <https://www.marieclaire.com/health-fitness/a35584601/genesis-womens-shelter-dallas-texas-winter-storm/>

<sup>202</sup> Sunita Jain Anti-Trafficking Initiative and Leanne McCallum Desselle, Public Comments On Federal Disaster Preparedness And Relief And Community Resilience With An Anti-Trafficking Lens, 6/3/2022, <https://www.regulations.gov/comment/EPA-HQ-OA-2022-0050-0062>

<sup>203</sup> Sunita Jain Anti-Trafficking Initiative and Leanne McCallum Desselle, Public Comments On Federal Disaster Preparedness And Relief And Community Resilience With An Anti-Trafficking Lens, 6/3/2022, <https://www.regulations.gov/comment/EPA-HQ-OA-2022-0050-0062>

<sup>204</sup> N'dea Yancey-Bragg, USA Today, *Hurricane Ian brings renewed focus to 'life and death' struggle for prisoners during a disaster*, 10/14/2022, <https://www.usatoday.com/story/news/nation/2022/10/14/hurricane-ian-jails-prisons-florida/8189762001/>

<sup>205</sup> Megan Cerullo, "Among those fighting the Los Angeles wildfires: Prison inmates earning less than minimum wage," *CBS News*, 1/20/2025, <https://www.cbsnews.com/news/wildfires-california-los-angeles-prison-inmates/>

agents to arrest and deport undocumented migrant workers, but employers were not held accountable for purposefully seeking out cheap labor and breaking labor and immigration laws.<sup>206</sup> Employers use the fear of law enforcement and immigration enforcement to coerce undocumented workers into staying in their jobs and not reporting victimization.

Efforts to address online trafficking have largely focused on law enforcement tools and not on tested solutions to preventing online trafficking. Online trafficking, like all other forms of trafficking, is fueled by harmful social conditions that make people vulnerable to trafficking. While some technological developments can be critical to addressing tech-facilitated trafficking, they will never be fully effective without primary prevention efforts in the physical world. Both online and off-line, youth are more likely to experience abuse from people they already know, not strangers. Children and youth should be provided safety education that explains how to keep themselves safe, identify safe adult relationships, report harm, and know their rights both online and off-line rather than portraying the internet as a uniquely dangerous place.<sup>207</sup> More tools that allow users to report and take down non-consensual images and AI-generated or altered images are needed for survivors.

The internet is an invaluable tool for education and community and access to these resources should not be restricted in order to address potential harms. When people cannot find community in-person because it is unsafe, online communities can be life-saving. Instead of restricting access to information because policymakers lack understanding of how trafficking happens online, we should prepare all youth and adults with tools to access information safely, identify misinformation, identify unsafe users, and protect their data. People's rights online are just as important as addressing trafficking.

Additionally, the production of new technology should not rely on exploitation. US-based tech companies profit from exploitative labor practices and trafficking of workers in the Global South to produce new cell phones and batteries.<sup>208</sup> New AI tools used to detect child sexual abuse material and other harmful material on tech platforms have to be trained by humans. American companies outsource this labor to countries with fewer labor protections and low wages, where employees are forced to view graphic and violent images with little to no resources for coping with the trauma. In order to create "ethical AI," non-ethical practices like forced labor are being used.<sup>209</sup>

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<sup>206</sup> Sunita Jain Anti-Trafficking Initiative and Leanne McCallum Desselle, Public Comments On Federal Disaster Preparedness And Relief And Community Resilience With An Anti-Trafficking Lens, 6/3/2022, <https://www.regulations.gov/comment/EPA-HQ-OA-2022-0050-0062>

<sup>207</sup> David Finkelhor et al., "Youth Internet Safety Education: Aligning Programs With the Evidence Base," *Trauma Violence Abuse*, 12/2021, <https://pubmed.ncbi.nlm.nih.gov/32242503/>

<sup>208</sup> Amnesty International, "Exposed: Child labour behind smart phone and electric car batteries," 1/19/2016, <https://www.amnesty.org/en/latest/news/2016/01/child-labour-behind-smart-phone-and-electric-car-batteries/>

<sup>209</sup> Billy Perrigo, "Inside Facebook's African Sweatshop," TIME, 2/17/2022, <https://time.com/6147458/facebook-africa-content-moderation-employee-treatment/>

**Recommendations:** FNUSA calls on the US Government to extend its federal disaster relief efforts to all residents, regardless of immigration status, and to improve the resources available to residents to find housing when they are displaced. The government should also increase protections for migrant and incarcerated workers who perform the majority of the labor necessary to rebuild after climate disasters in the US. The recommendations provided by the Sunita Jain Initiative and Leanne McCallum Desselle to the White House Environmental Justice Advisory Council should be consulted in the process of improving federal disaster preparedness efforts.<sup>210,211</sup> The US Government should pass policies that ensure more rights to privacy online, require online platforms to restrict data collection and privacy settings automatically to the most protective for all users, and fund education for youth and adults on using online platforms safely. The US Government should ensure the rights of all are protected online, traded away to protect a few.

## Child Soldiering

### 42-44. Child Soldiers

FNUSA has no input on this issue.

Thank you for your time and attention to these matters. Please contact me (emma@freedomnetworkusa.org) if you have any questions or need further information.

Sincerely,



Emma Ecker  
Senior Policy Specialist  
Freedom Network USA

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<sup>210</sup> Sunita Jain Anti-Trafficking Initiative and Leanne McCallum /Desselle, Public Comments On Federal Disaster Preparedness And Relief And Community Resilience With An Anti-Trafficking Lens, 6/3/2022, <https://www.regulations.gov/comment/EPA-HQ-OA-2022-0050-0062>

<sup>211</sup> Lesley Stahl et al., "Kenyan workers with AI jobs thought they had tickets to the future until the grim reality set in," CBS News, 12/24/2024, <https://www.cbsnews.com/news/ai-work-kenya-exploitation-60-minutes/>