



FAQs about Federal Criminal Record Relief for Human Trafficking Survivors

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Under a new law, the Trafficking Survivors Relief Act, human trafficking survivors can seek criminal record relief for federal arrests and convictions that were a direct result of their trafficking experience. This resource is intended for survivors who think they may qualify for record relief under this law. Since this is a first-of-its-kind federal record relief option, much is still unknown about how it will be implemented. The questions below reflect common questions from survivors and advocates about the law. The questions and answers will be updated as more information becomes available over the coming months.

What is the Trafficking Survivors Relief Act?

The Trafficking Survivors Relief Act (TSRA) became law on January 23, 2026. It creates a brand new process for survivors to seek record clearing for federal criminal records that were a direct result of trafficking. The TSRA opens the door for survivors with federal arrests and convictions to access record relief through **vacatur** and **expungement**, as well as **sentence reduction**, and allows survivors to assert an affirmative defense. Previously, criminal record relief was only available for some state-level charges and convictions.*

What is vacatur?

Vacatur is a ruling from a judge that voids a conviction. A conviction is a finding of guilt, either by plea or after a trial. Vacating a conviction undoes it as if it never existed. The survivor can state that they were never convicted of the vacated offense. While non-citizens are eligible for vacatur, we recommend consulting with an immigration attorney before filing a petition to assess how it may impact your immigration case.

* If you want to see what criminal record relief options are available in states where you have been arrested and might have convictions, check out the [Survivor Reentry Project's map of criminal record relief laws](#).

What is expungement?

An **expungement** order is an order to remove arrest and/or conviction records from public databases. While non-citizens are eligible for expungement, we recommend consulting with an immigration attorney before filing a petition to assess how it may impact your immigration case. It is also very important to keep a copy of all records prior to the expungement, as you may need the information at a later date after it has become inaccessible.

What is sentence reduction?

Sentence reduction is a process by which a judge can reduce the sentence of someone convicted of a crime. Vacatur with expungement is the best option for survivors, but sentence reduction may be life-changing if vacatur is unavailable. While non-citizens are eligible for sentence reduction, we recommend consulting with an immigration attorney before filing a petition to assess how it may impact your immigration case.

Who is eligible?

The main requirements are:

1. You are a survivor of sex and/or labor trafficking.
2. You have criminal charges and/or convictions that are a ‘direct result’ of the trafficking.
3. The charges are eligible under the TSRA.

Sentence reduction is available for survivors with convictions that are “non-violent” or “crimes of violence” with no minor victims. A survivor can request a sentence reduction, or the court can act on its own to reduce a sentence, even without a request from a survivor.

Vacatur is available for all federal crimes that are not “crimes of violence.” The determination as to whether a specific conviction is a “crime of violence” will be made on a case-by-case basis. As more cases are filed, the decisions made by judges as to which crimes are “crimes of violence” will inform future judges’ decisions. Crimes that are vacated are also eligible for expungement of the associated arrest records.



Who is eligible? (Continued)

Expungement is available for all federal crimes that are not “crimes of violence” as well as “crimes of violence” where there was no minor victim of the crime. Expungement for “crimes of violence” that do not have minor victims is only available if:

- The survivor who received the charge was acquitted,
- The government did not pursue charges or dismissed charges against the survivor, or
- The charges were reduced to non-violent charges, and the survivor was
 - Acquitted,
 - The government did not pursue or dismissed the reduced charges, or
 - The conviction of the reduced charge was vacated

Type of Offense	Eligible for Vacatur + Expungement	Eligible for Expungement	Eligible for Sentence Reduction
Level A - federal crime, not a “violent crime”	Yes	Yes	Yes
Level B- federal “violent crime,” no minor victim	No	Yes	Yes
Federal “violent crime” with a minor victim	No	No	No

The TSRA did not specify a specific list of crimes that would be eligible for relief, it only excluded “crimes of violence” from certain forms of relief. The federal definition of “crimes of violence” is confusing and may be interpreted differently in different courts. For all forms of TSRA relief, someone is only eligible if the crimes they are seeking relief for were committed as a direct result of having been a victim of trafficking. Please consult with an attorney to evaluate whether any arrests or convictions on your record may be eligible.



How do I seek relief?

Criminal record relief under the TSRA is requested by filing a motion in the district court in which the conviction or charges originated. Survivors will likely need to be represented by an attorney to submit the motion on their behalf. The motion will need to include proof of trafficking, that the crime was a “direct result” of trafficking, and that the crime is eligible for relief. The law does not define what will qualify as a “direct result” of trafficking.

To be successful, it is likely that survivors will have to provide a lot of information about the trafficking experience, its impact on their lives, and the impact of the criminal record. Survivors may face questions that are re-traumatizing and have to recount details about the trafficking experience and why they were involved in the alleged criminal activity. The petition process will likely take significant time and require multiple interviews with attorneys and other experts to build successful cases.

There is no deadline to submit a petition for relief, as this is now an ongoing opportunity for survivors.

What happens after the motion is filed?

The US Attorney’s Office (the prosecuting agency from the original conviction) has 30 days to respond after the motion is filed. The prosecutor can support your motion, oppose your motion, or not respond to it. There may be a hearing in which your attorney can submit evidence and you can testify in support of your motion. There is a possibility you would have to appear during the hearing to testify and the prosecutor will be able to ask you questions (cross-examination). The prosecutor can present evidence in opposition to the motion, including testimony from the law enforcement agency that arrested you and investigated the trafficking. The evidence needed in each case will vary, and an attorney can help you understand what will need to be provided for a motion.



What happens when vacatur or expungement is granted?

When a judge grants a vacatur motion, the conviction is no longer considered a conviction under Federal law. When an expungement motion is granted, the arrest is no longer considered an arrest under Federal law.

Under the TSRA, the court is not required to amend or return any fines or restitution from the conviction, but the court may choose to do so.

Does the trafficker have to be arrested or convicted for a survivor to seek relief?

No, the TSRA explicitly states that survivors can be eligible for federal criminal record relief regardless of whether any traffickers involved were arrested or convicted of trafficking. However, without an arrest/conviction, it may be more difficult to prove that the applicant is a survivor of human trafficking and that the criminal records are a direct result of the trafficking.

Will the request for relief be publicly accessible?

No, all documents associated with a petition for relief will be under seal. This means the public cannot access any records associated with the petition. Government agencies may still be able to view the records.

Considerations for immigrant survivors

Noncitizen survivors of human trafficking can be eligible for criminal record relief, but should consult with an attorney about potential implications for their immigration case. This [practice alert](#) shares special considerations for noncitizen survivors seeking relief under the new law and their attorneys.

How do I find an attorney to represent me?

Some trafficking legal service providers will be able to provide pro bono legal services for clients. There will also likely be some law firms that will be able to offer pro bono services to survivors as the law becomes more familiar. We will update this guide with resources about pro bono services as they become available. For now, if you previously received services from a victim service provider, we recommend reaching out to them for assistance with a legal referral.

Survivors can also choose to have a private attorney represent them. Attorneys may charge a fee or collect a portion of returned fines or fees, if they are paid back to you. Some attorneys may advertise their services for TSRA petitions online. If you decide to reach out to an attorney you are unfamiliar with, we recommend verifying the firm is legitimate and reviewing the fee agreement before signing anything or sending any payments. If any promises from an attorney seem too good to be true, it is always best to verify they are legitimate and have the right expertise to help you file an effective petition.

We recommend reviewing [A Trafficking Survivor's Guide to Legal Representation](#) from the Human Trafficking Legal Center for guidance on finding, vetting, and working with attorneys.

For more information about criminal record relief
for human trafficking survivors and to see what
charges/convictions are eligible for relief in your state,
check out the [Survivor Reentry Project](#)