

The background of the entire page is an aerial photograph of a river delta. The water is a striking, vibrant blue, which contrasts sharply with the surrounding land. The land is a mix of dark brown and orange-brown, suggesting a wetland or marshy area. The river channels are intricate, with many small, winding paths that branch out from the main river. The overall effect is one of a complex, organic system.

United States Advisory Council on Human Trafficking

ANNUAL REPORT **2023**





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Acknowledgments

This Council is profoundly thankful to the members who served on this Council before us. As we face new challenges and opportunities as a nation, this Council strives to honor the legacy you built and uphold the standard of integrity and passion you demonstrated.

We would like to express our sincere appreciation to all the federal agencies that collaborated with the Council to prepare this report. This includes the U.S. Departments of Commerce, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Justice, and State. Your willingness to meet with us, share valuable insights, and respond promptly to our inquiries facilitated productive discussions and reinforced our belief in the power of partnership.

To the staff of the Department of State's Office to Monitor and Combat Trafficking in Persons and the ICF team—your unwavering dedication and commitment not only bolstered the Council's efforts but also inspired and uplifted us. Thank you for being a source of energy and hope.

Lastly, our gratitude extends to President Joseph R. Biden, Secretary of State Antony Blinken, and members of Congress for providing a platform for survivors of human trafficking to contribute their expertise to federal agencies.

Acknowledging and Highlighting the U.S. Department of Health and Human Services' (HHS) Efforts to Implement Council Recommendations

Since the Council's inaugural report in 2016, we have made more than 40 recommendations to HHS. In alignment with the National Action Plan to Combat Human Trafficking (NAP) Priority Action 4.3.1 (*Prioritize implementing recommendations of the United States Advisory Council on Human Trafficking*), HHS published an Information Memorandum (IM) in March 2023 reflecting its efforts to implement the Council's recommendations to date. This IM shared HHS's progress around implementing recommendations on numerous Council priorities such as increasing access to services, engaging with lived experience experts, and collaborating across federal agencies. We commend HHS for its proactive efforts to review the Council's recommendations closely and reflect to the Council and the public its ongoing efforts to implement them. This sort of accountability, responsive implementation, and ongoing inclusion of lived experience experts honor what this Council was created to do. We hope HHS's attention to the Council's priorities will improve ongoing federal anti-trafficking programs and policies and serve as a model for other federal agencies in the future.

Sources: White House. (2021, December). *The national action plan to combat human trafficking*. <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>; Office on Trafficking in Persons. (2023, March 16). *Implementation of the recommendations from the United States Advisory Council on Human Trafficking*. U.S. Department of Health and Human Services, Administration for Children and Families. https://www.acf.hhs.gov/sites/default/files/documents/otip/IM%20on%20HHS%20Implementation%20of%20US%20Advisory%20Council%20Recommendation_Clean_Final.pdf



About the Council

The U.S. Advisory Council on Human Trafficking comprises 11 Survivor Leaders who bring their expertise and experience to advise and provide recommendations to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) to improve federal anti-trafficking policies.

The Council was established on May 29, 2015, in section 115 of the Justice for Victims of Trafficking Act of 2015, Pub. L. 114-22, also known as the Survivors of Human Trafficking Empowerment Act. In June 2022, December 2022, and January 2023, the President appointed members of the Council to:

- Provide advice and recommendations to the U.S. government, specifically the Senior Policy Operating Group (SPOG) and the PITF,¹ to strengthen federal policy and programming efforts that reflect best practices in the anti-trafficking field.
- Review federal U.S. government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims.
- Gather information from U.S. government agencies, states, and the community for the Council's annual report.
- Publish an annual report that contains the findings derived from reviews conducted on federal government policy and programs.
- Serve as a point of contact for federal agencies reaching out to survivors of human trafficking for input on anti-trafficking programming and policies in the United States.
- Represent the diverse population of survivors of human trafficking across the United States.

The Council brings expertise from members' personal experiences of human trafficking as well as members' ongoing work and leadership in various national, state, and local anti-trafficking efforts. Information about some Council members is provided on pages 6-8.

¹ The PITF and the SPOG, which consists of senior officials designated as representatives of the PITF agencies, work year-round to address the many aspects of human trafficking in the United States and around the world. PITF agencies regularly convene to advance and coordinate federal policies and collaborate with a range of stakeholders.

U.S. Advisory Council on Human Trafficking

Below is biographic information on some of the appointed Council members.²



MARLENE CARSON

Council Chair

Services Committee

Black Leaders Against Sex Trafficking;
Housing, programming, and social
enterprise consultant

*“Demand justice, create change,
support BIPOC trafficking victims.”*

—Marlene Carson



RAFAEL BAUTISTA

Council Vice Chair

Compliance and Labor Committee

Subject matter expert in labor trafficking



TRIS LESTER BACANI

Compliance and Labor Committee

Subject matter expert in labor trafficking

² Not all Council member names are listed to respect and preserve the autonomy and privacy of Council members whose survivorship takes a less public form and to raise awareness of the diversity within survivor leadership. The choice of survivor leaders to maintain anonymity is a nuanced decision shaped by factors like culture, society, personal and professional needs, safety, legal complexities, and the persistent need to balance and evaluate wellness. Recognizing the choice to lead while remaining unidentified is crucial in fostering environments that encourage survivor leadership while respecting the many important and needed ways survivors choose to engage in this work.



ANDREA HIPWELL

Services Committee

Survivor Leader at Wellspring Living (Atlanta, GA); Lived experience advocate, expert, and consultant



BELLA HOUNAKEY

Compliance and Labor Committee

Survivor consultant and subject matter expert



SAMEER JAIN

Compliance and Labor Committee

Subject matter expert in labor trafficking among immigrant and minor populations



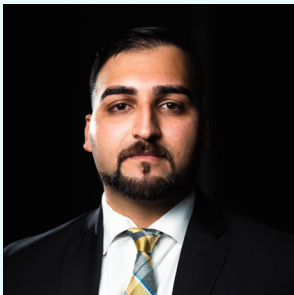
FAINESS LIPENGA

Services Committee

Subject matter expert and activist; Former training advisor for the Human Trafficking Legal Center; former Survivor Alliance Board Member and National Survivor Network member

“Being silent doesn’t change the world, it only diminishes our soul. Unpack the invisible. Speak up.”

—Fainess Lipenga



SULEMAN MASOOD

Services Committee

Subject matter expert in human trafficking and male victimization



BRENDA MYERS-POWELL

Services Committee

Founder of Ernestine's Daughter NFP; Survivor expert; Motivational speaker; Published author



RACHEL THOMAS

Services Committee

Speaker; Trainer; Creator of “Ending the Game: An Intervention Curriculum for Victims of Commercial Sexual Exploitation” and “The Cool Aunt Series: A Sex Trafficking Prevention Course for Teens”



About the President's Interagency Task Force

The President's Interagency Task Force to Monitor and Combat Trafficking in Persons was authorized by section 105(a) of the Trafficking Victims Protection Act of 2000, Pub. L. 106-386, and established by section 1(a) of Executive Order 13257 (Feb. 13, 2002).

The agencies of the PITF are:

- Department of State (State)
- Department of the Treasury (Treasury)
- Department of Defense (DOD)
- Department of Justice (DOJ)
- Department of the Interior (DOI)
- Department of Agriculture (USDA)
- Department of Commerce (DOC)
- Department of Labor (DOL)
- Department of Health and Human Services (HHS)
- Department of Transportation (DOT)
- Department of Education (ED)
- Department of Homeland Security (DHS)
- Domestic Policy Council (DPC)
- National Security Council (NSC)
- Office of Management and Budget (OMB)
- Office of the United States Trade Representative (USTR)
- Office of the Director of National Intelligence (ODNI)
- Federal Bureau of Investigation (FBI)
- U.S. Agency for International Development (USAID)
- U.S. Equal Employment Opportunity Commission (EEOC)



Introduction

Stewardship is defined as “the careful and responsible management of something entrusted to one’s care.”³ When applied to the work done on this Council, it speaks to our collective mission as leaders—past, present, and future. It speaks to the careful and responsible determination to form relationships, seek solutions, disrupt injustice, and work toward sustainable healing. Core to our responsibility as stewards is the pursuit of equity, distribution of knowledge, and restoration of human rights.

The recommendations presented in this report have been developed to further the work of the diverse Council members who came before us, who took on the role of steward themselves—and when the time came—entrusted this fight to us. As our report was developed this year, we often spoke of the immensely impactful and heart-driven work completed by previous Council members, leaders, communities, and agencies. We wrote this report with the passion of those Council members uplifting us, our own hard-forged constitutions driving us, the wisdom of fellow survivors guiding us, and the courage of the communities we serve anchoring us.

This year’s report was written in the spirit of unified stewardship. As a nation, our collective anti-trafficking work is generational. It unites on a shared river of progress that spans cultures, societies, and lifespans. Too often, agencies, communities, and people work in individual tributaries that run alongside each other—effective in their work but not maximized in their potential. Just as the powerful rivers that span this nation have carved through seemingly immovable canyons and mountains, we believe that the impact of our shared stewardship can end suffering and conquer corruption.

The following recommendations seek to leverage our shared power to identify gaps, celebrate successes, uplift unheard voices, and ask that we collectively push ourselves to the next level of possibility. We do this by building sustainable spaces for our leaders, evaluating the tone from the top, challenging social injustice, working with and not for our communities, and never settling for the status quo.

In the words of Dr. Martin Luther King Jr: “It really boils down to this: that all life is interrelated. We are all caught in an inescapable network of mutuality, tied into a single garment of destiny. Whatever affects one directly affects all indirectly.”⁴

The United States Advisory Council on Human Trafficking dedicates the 2023 report to those who did not survive trafficking. Their voices, memories, and light are carried in the hearts of so many and are never lost in this movement.

³ Merriam-Webster. (n.d.). *Stewardship*. Merriam-Webster.com dictionary. Retrieved November 20, 2023, from <https://www.merriam-webster.com/dictionary/stewardship>

⁴ Mapping Minds. (2014, December 3). *Martin Luther King, Jr., Christmas Sermon* [Video]. YouTube. <https://www.youtube.com/watch?v=1jeyIAH3bUI>

Forms of Human Trafficking⁵




FORCED LABOR: The term forced labor is defined for enforcement purposes in two separate sections of the United States Code. In the criminal statutes of Title 18, it encompasses the range of activities involved when an individual or entity uses prohibited means that include force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to obtain the labor or services of a person. Once a person's labor is obtained by such means, the person's previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim, or the government from prosecuting the offender. Forced labor in Title 18 also encompasses when an individual or entity knowingly benefits, financially or by receiving anything of value, from participating in a venture that has engaged in providing or obtaining labor or services by prohibited means, knowing or in reckless disregard of the fact that the venture has engaged in providing or obtaining labor or services by such prohibited means. In the customs-related statute of Title 19, it is also defined in connection with the prohibition on

the importation of goods produced wholly or in part by forced labor, including forced child labor; convict labor; and/or indentured labor under penal sanctions. In this context, forced labor is defined as: "all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." In addition, Title 22 includes the following definition to describe this as a severe form of human trafficking: "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

FORCED CHILD LABOR: Forced child labor is always implicitly included in prohibitions related to forced labor in U.S. law. Although some children may legally engage in certain forms of work depending on the jurisdiction, forced child labor continues to exist both in the United States and globally, despite legal prohibitions and widespread condemnation.

⁵ White House. (2021, December). *The national action plan to combat human trafficking*. <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf> (These definitions are derived from federal legislation and other sources from PITF agencies and collected in the glossary of the National Action Plan to Combat Human Trafficking.)



SEX TRAFFICKING: When a person is required to engage in a commercial sex act as the result of force, threats of force, fraud, coercion, or any combination of such means, or when a person under the age of 18 is caused to engage in commercial sex, that person is a victim of sex trafficking. Under such circumstances, perpetrators involved in recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a person for that purpose are guilty of the federal crime of sex trafficking. This is true even if the victim previously consented to engage in commercial sex.

CHILD SEX TRAFFICKING: U.S. law explicitly includes a distinct definition of “sex trafficking of children.” Any child (under the age of 18) who has been recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited to engage in a commercial sex act is a victim of human trafficking, regardless of whether or not force, fraud, or coercion is used. Children cannot consent to commercial sex, therefore, child sex trafficking occurs regardless of whether or not force, fraud, or coercion is used.

TRANSNATIONAL OR EXTRATERRITORIAL CHILD SEXUAL ABUSE (FORMERLY REFERRED TO AS CHILD SEX TOURISM): Transnational or extraterritorial child sexual abuse is a crime that occurs when an American citizen or legal permanent resident travels to a foreign country or resides abroad (whether permanently or temporarily) and engages in illicit sexual conduct with a child. Though not every instance of transnational or extraterritorial child sexual abuse is child sex trafficking, this offense can involve child sex trafficking when the offender engages in a commercial and sex act with a child. It is also a crime to arrange or facilitate such travel for the purpose of commercial or private profit. This conduct is a crime whether or not the offender had the intent to engage in sexual activity with a child before the travel took place.


ADDITIONAL TERMS

VICTIM: This term means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime.

SURVIVOR: A term used for an individual who suffered harm as a result of criminal conduct and that recognizes the strength it takes to continue on a journey toward healing in the aftermath of a traumatic experience.

VICTIM-CENTERED APPROACH: Placing the crime victim’s priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on self-determination, and assisting victims in making informed choices; ensuring that restoring victims’ feelings of safety and security are a priority and safeguarding against policies and practices that may inadvertently re-traumatize victims. A victim-centered approach should also incorporate a trauma-informed, survivor-informed, and culturally competent approach.

TRAUMA-INFORMED APPROACH: A trauma-informed approach recognizes signs of trauma in individuals and the professionals who help them and responds by integrating knowledge about trauma into policies, procedures, practices, and settings, and seeking to actively resist re-traumatization. This approach includes an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach places priority on safety, transparency, peer support, collaboration, empowerment, and cultural, historical and gender issues. Programs, services, agencies, and communities can be trauma-informed.



SURVIVOR-INFORMED: A program, policy, intervention, or product that is designed, implemented, and evaluated with intentional leadership, expertise, and input from a diverse community of survivors to ensure that the program, policy, intervention, or product accurately represents their needs, interests, and perceptions.

CULTURAL COMPETENCE: The ability of an individual or organization to interact effectively with people of different cultures. This includes drawing on knowledge of culturally based values, traditions, customs, language, and behavior to plan, implement, and evaluate service activities. Some organizations use the terms “cultural accountability” or “cultural responsiveness.”

DEBT BONDAGE: Debt may be used illegally as a prohibited means of compelling someone into forced labor. Some workers fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a condition of employment, while in certain countries some workers “inherit” the debt. Although contract violations and hazardous working conditions for migrant laborers do not in themselves constitute human trafficking, the imposition of costs and debts on these laborers can contribute to a situation of debt bondage. In other cases, employment-based temporary work programs in which the workers’ legal status in the country is tied to a particular employer present challenges to workers who would like to flee from such an employer.

IMMIGRATION OPTIONS

CONTINUED PRESENCE: A temporary immigration designation provided to individuals identified by law enforcement as victims of “severe forms of trafficking in persons” who may be potential witnesses. This status allows human trafficking victims to lawfully remain in the United States temporarily and work during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by the victims against their traffickers. Continued Presence is initially granted for two years and may be renewed in up to two-year increments. Continued Presence recipients also receive federal benefits and services.

T NONIMMIGRANT STATUS (“T VISA”): An immigration benefit that is available to eligible victims of “severe forms of trafficking in persons.” To be eligible, the victim must have complied with any reasonable request for assistance in a federal, state, local, tribal, or territorial investigation or prosecution of human trafficking cases, and meet other requirements. Victims under the age of 18 and victims unable to cooperate because of physical or psychological trauma are not required to comply with any reasonable law enforcement requests for assistance. The T visa is a tool intended to offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking. T nonimmigrant status is valid for 4 years; T nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.

U NONIMMIGRANT STATUS (“U VISA”): An immigration benefit that is available to victims of certain qualifying crimes in the United States—including human trafficking—who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the qualifying criminal activity and meet other requirements. The U visa is a tool intended to strengthen the ability of law enforcement agencies to investigate and prosecute certain types of crimes, while also protecting crime victims and encouraging them to come forward and assist law enforcement. U nonimmigrant status is valid for 4 years and can be extended in limited circumstances; U nonimmigrants may be able to adjust their status and become lawful permanent residents if they qualify.



COUNCIL REFLECTIONS ON OVERLAPS BETWEEN SEX TRAFFICKING AND LABOR TRAFFICKING

Human trafficking is a large umbrella under which sex trafficking and labor trafficking fall. Although sex trafficking and labor trafficking are commonly perceived as distinct experiences, it is essential to acknowledge the significant overlaps between them. Many victims of trafficking experience both sex trafficking and labor trafficking.

Three examples include:

- (1) Victims of sex trafficking being forced to commit drug trafficking, fraud, theft, and other forms of forced criminality.
- (2) Victims of sex trafficking being trafficked in illicit massage parlors while also being forced to maintain functioning spa businesses, including accounting and janitorial work.
- (3) Victims of labor trafficking in factories or fieldwork being “traded/loaned” and sexually assaulted by multiple bosses/traffickers.

By recognizing these intersections and approaching the issue collectively, we can better serve victims and enhance our efforts to combat human trafficking. The intersection of labor and sex trafficking becomes most clear when we examine the common reason for exploitation, the common impacts of exploitation, and the common need to address human trafficking holistically.

Labor and sex trafficking both involve the exploitation of vulnerable individuals for financial gain. Victims of labor trafficking often endure grueling work conditions, long hours, withheld wages, and debt bondage. Similarly, individuals trapped in sex trafficking are subjected to sexual exploitation for monetary purposes. Acknowledging the common economic motives and mechanisms behind these forms of trafficking allows us to see the broader picture and realize that, for traffickers, sex and labor trafficking are means to the same end.

Victims of labor and sex trafficking suffer severe psychological and physical trauma. They face violence, abuse, and constant fear, irrespective of the specific type of exploitation they endure. While the specific types of physical injuries victims of sex and labor trafficking sustain may differ, the overall trauma they experience necessitates a comprehensive approach to victim support, services, and reintegration.

Existing legal and policy frameworks often treat labor and sex trafficking as separate experiences, leading to limitations in victim assistance and prosecution efforts. We urge PITF agencies to explore and foster more integrated approaches that recognize the interconnections and complexities of victim experiences. This can enable law enforcement agencies, legislators, and nongovernmental organizations (NGOs) to develop more effective strategies to combat human trafficking.

Our collective responsibility is to stand united in the fight against human trafficking and ensure justice, protection, and support for all victims.



Services Committee

OVERVIEW

The Services Committee's purpose is to make recommendations to PITF agencies that will encourage them to leverage data and existing diversity, equity, inclusion, and accessibility (DEIA) initiatives to advance prevention, support services, and survivor engagement in a meaningful way. The Committee is focused on issues relating to:

- The intersections between human trafficking and missing and murdered Indigenous populations.
- Black and Brown communities.
- Identifying and supporting best practices in prevention and services while addressing intergenerational trauma.
- Increasing access to capacity building for culturally diverse organizations.


Data, survivor engagement, and a focus on DEIA are integral parts of each of our recommendations. We emphasize the need to gather, evaluate, and disseminate data to understand how and which programs, policies, and services are utilized and then use that data to inform how those programs, policies, and services can be improved. One key area we would like to highlight regarding data is survivor engagement. Survivor engagement is not a yes-or-no checkbox item. In this report, we highlight critical quantitative and qualitative criteria to consider when gathering, evaluating, and disseminating data regarding survivor engagement.

RECOMMENDATIONS

- 1. In alignment with NAP Priorities 4.1.2 (*Identify research gaps to better serve vulnerable populations and underserved victims*) and 4.1.3 (*Solicit research to identify effective interventions to combat forced labor*), we recommend that PITF agencies use a knowledge mobilization approach⁶ to meaningfully, transparently, and respectfully engage communities and individuals who are the subjects of federally funded research.**

The Council commends PITF agencies for prioritizing in the NAP the identification of research gaps, including conducting research relating to forced labor to enhance the federal government's understanding of service, prevention, and other needs of survivors of human trafficking. The Council strongly believes that agencies must fully engage the survivor community in all aspects of research design and implementation and effectively and respectfully engage survivors from diverse communities and those who are the subjects of federally funded research.

⁶ Knowledge mobilization is the process of creating and sharing research meaningfully for policymakers, practitioners, and communities. It is generally understood as a process based on collaboration between knowledge producers (often researchers) and knowledge users (such as service providers), using knowledge sharing, translation, exchange, and co-creation to inform program and policy decisions or to provide the basis for community-focused action. In knowledge mobilization, the goal is to maximize the impact of research and capture and communicate those impacts as widely as possible. Knowledge mobilization, knowledge transfer, and implementation science are all terms used to describe moving research into practice by engaging researchers and knowledge producers with knowledge users, including practitioners and other stakeholders, such as people with lived experience. See more here: Child and Youth Refugee Research Coalition. (n.d.). *What is knowledge mobilization?* <https://cyrrc.org/what-is-knowledge-mobilization-kmb/>; and Farley-Ripple, E., MacGregor, S., & Mazal, M. (2023, February 1). *Knowledge mobilization in the production of education research: A mixed methods study*. Institute of Education Sciences. <https://files.eric.ed.gov/fulltext/ED627980.pdf>



As one Council member said, “Don’t step over the people who have the keys to our community.” Many survivors and communities that are the focus of human trafficking research have a high distrust of government and systems. They may be suspicious or wary of engaging with and answering questions about sensitive or difficult topics with unfamiliar individuals; those who may use jargon or not speak in plain, relatable language; or those who may be intimidating because of their educational background or degrees. Well-intentioned questions or language used to gather data may be misunderstood as not contextually or culturally appropriate or relevant in the community.

As such, we specifically recommend that PITF agencies diversify how they engage survivors in research work to include roles within research design, data collection, data analysis, and research dissemination (to the extent that they plan for and conduct research on human trafficking).⁷ This knowledge mobilization approach will ensure that communities not only participate in research but touch every aspect of the research from start to finish and that they co-lead in the research agenda. PITF agencies should work with survivors from within the communities that are the subject of the research to:

- Identify and recruit research subjects.
 - Review and/or co-create data collection protocols that are culturally and contextually relevant.
 - Review language, scripts, and protocols in advance that are developed for use when interacting with research subjects directly (through interviews, focus groups, and surveys).
 - Employ survivors with similar experiences and backgrounds to help engage and collect data from research subjects directly to increase trust and engagement in the research process.
 - Review and/or co-create informed consent protocols to ensure research participants fully understand and feel empowered to decline or accept invitations to participate in research.
 - Help write, review, and provide feedback on research findings before they are published.
 - Help disseminate findings to the community that is the subject of the research.
- 2. We recommend that DOJ/Office for Victims of Crime (DOJ/OVC) and HHS/Office on Trafficking in Persons (HHS/OTIP) increase efforts to communicate directly with grantees and those they serve to collect formal and informal feedback on training and technical assistance (TTA) needs to improve services, ensure TTA draws from diverse perspectives, and ensure that grantee and survivor experiences inform future grantmaking.**

HHS and DOJ oversee and administer numerous grant programs that provide direct services to survivors and victims of human trafficking. For many of these programs, both agencies have contracts or agreements with TTA providers to provide training, coaching, guidance, and other resources to grantees. Often, the feedback provided to the federal agency regarding the effectiveness and outcomes of the TTA is filtered through or comes directly from the TTA provider, with less intentional feedback gathered from the grantees directly. However, soliciting feedback from grantees proactively ensures that the TTA meets the needs of the grantees and the survivors those grantees serve. It also helps ensure diverse points of view are represented in designing and delivering TTA to various grantees across the country.


⁷ See also GFEMS Media. (2023, January 31). *Meaningful engagement of people with lived experience*. Global Fund to End Modern Slavery (GFEMS). <https://gfems.org/resources/meaningful-engagement-of-people-with-lived-experience-2/> as a recent resource developed by the Global Fund to End Modern Slavery and the National Survivor Network that provides information and tools for measuring and increasing lived experience leadership across the engagement spectrum.



istock images/Peter Melkie

It is also essential that HHS and DOJ ensure TTA providers do not have any specific political or advocacy-related agendas that could influence or impact the organizations receiving TTA. TTA providers should be diverse and draw from perspectives across the survivor community, as survivors may have varied and distinct needs and approaches from community to community. DOJ and HHS must do their due diligence in vetting TTA providers to ensure this diversity within their TTA provider pool meets the varied needs of the organizations providing services to survivors and victims. Important factors like local laws and policies, employment and economic trends, level of engagement of individuals with lived experience, and availability of human and victim services, among others, all influence the types and focus areas of TTA needed from grantee to grantee. A cookie-cutter approach will not work, nor should grantees be encouraged or asked to change their service methods based on the preferences or agendas of TTA providers.

We commend DOJ's current efforts to allow grantees to submit any concerns or grievances relating to TTA provision and/or provide feedback via email. We also commend HHS for endeavoring to gather grantee feedback through the National Human Trafficking Training and Technical Assistance Center. We further recommend that DOJ and HHS consider additional ways to gather feedback and recommendations directly from grantees about their TTA needs and perceived outcomes from TTA provision. This will ensure robust accountability and that TTA providers' efforts align with HHS's and DOJ's missions and the unique and often distinct needs of various grantees and the survivors and victims they serve. DOJ and HHS may gather this feedback by having more robust and frequent direct check-ins or hosting listening sessions, one-on-one interviews, and/or focus groups with grantees.

- 
- 3. We recommend that PITF agencies continue to advance their survivor engagement efforts intentionally and meaningfully by conducting self-assessments to measure and collect data on their survivor engagement practices according to the eight areas of criteria outlined in this recommendation. We further urge PITF agencies to increase their accountability in ensuring that survivors are engaged as paid consultants within their agency and/or by grantees of any federally funded grants relating to human trafficking.**

We acknowledge that each PITF agency may engage with survivors differently according to their structures, capacity, mandates, programs, and degree of internal confidentiality. We commend several agencies that created networks of survivor consultants to inform their programs and policies. To the extent that PITF agencies hire staff or consultants to work on human-trafficking-specific workstreams, we support and encourage hiring survivors as employees and highlight the importance of engaging survivors as consultants. With consultancy-based engagements, survivors may advise agencies independent of agency restrictions, norms, or expectations in strategy, protocol, or practice to which employees must adhere. We believe survivors hold practical knowledge, valuable perspectives, and unique ideas based on lived experience that, partnered with PITF agency leadership, can lead to creative solutions to end human trafficking.


To the extent that PITF agencies hire staff or consultants to work on human trafficking-specific workstreams, we urge PITF agencies to measure and collect data on their engagement of survivor consultants according to the eight areas beginning on page 19.

CRITERION	ASSESSMENT CONSIDERATIONS
<i>Inclusion</i>	<ul style="list-style-type: none"> ■ Excellent execution: Survivors constitute 20% or more of the project team. ■ Acceptable execution: Survivors constitute 1–19% of the project team. ■ Poor execution: Survivors constitute 0% of the project team.
<i>Diversity</i> ⁸ (factors to consider include): <ul style="list-style-type: none"> ■ Affiliation with survivor network organizations⁹ ■ Sex and/or labor trafficking experience ■ Ethnicity ■ Domestic/foreign national ■ Gender ■ Spiritual beliefs ■ Position regarding legalization, decriminalization, or criminalization of sex work 	<ul style="list-style-type: none"> ■ Excellent execution: Survivors represent a wide diversity in at least four of the listed factors. ■ Acceptable execution: Survivors represent a wide diversity in at least two of the listed factors. ■ Poor execution: Survivors (if any) do not represent diversity in any of the listed factors.
<i>Compensation</i>	<ul style="list-style-type: none"> ■ Excellent execution: Compensation commensurate with the hourly average of other project team members with comparable professional skills and experience. ■ Acceptable execution (for consultants only): Compensation commensurate with current federal hourly consultant rates. ■ Poor execution (for consultants only): Survivors are unpaid.

⁸This factor can be ascertained through information publicly available or voluntarily shared by the survivor. Agencies are not encouraged to ask or require survivors to share personal demographic information that may make them uncomfortable or violate anti-discrimination laws or agency equal employment opportunity policies.

⁹Numerous state, local, and national network organizations of survivors exist. When implementing this factor relating to the diversity of employees or consultants, agencies should strive not to recruit individuals from only a single organization or network.

CRITERION	ASSESSMENT CONSIDERATIONS
<i>Professional Development Opportunities</i>	<ul style="list-style-type: none"> ■ Excellent execution: Several robust, relevant, and paid professional development opportunities are offered. ■ Acceptable execution: One or more relevant professional development opportunities are offered. ■ Poor execution: Professional development opportunities are not offered.
<i>Strategy Development</i> (e.g., brainstorming training content or awareness campaign strategy, strategizing approaches to data collection, strategizing approaches to increase prosecutions)	<ul style="list-style-type: none"> ■ Excellent execution: Survivors are fully included in strategy development, emphasizing gathering information from the wider survivor community. ■ Acceptable execution: Survivors are included midway through strategy development or on small portions of strategy development. ■ Poor execution: Survivors are only invited to help execute an already-determined strategy.
<i>Project Design</i> (e.g., co-writing training content, co-creating materials, helping to prepare data collection tools, gathering information from the wider survivor community to inform design)	<ul style="list-style-type: none"> ■ Excellent execution: Survivors are fully included in project design. ■ Acceptable execution: Survivors are asked to provide feedback on a nearly completed project design. ■ Poor execution: Survivors are only invited to provide feedback on a completed project design.
<i>Ongoing Execution, Revision, and Support</i> (e.g., co-leading trainings, being included in project launch meetings and materials, co-facilitating data collection as allowable, being included in all progress and revision meetings)	<ul style="list-style-type: none"> ■ Excellent execution: Survivors are an integral and visible part of project launch and ongoing execution. ■ Acceptable execution: Survivors are moderately yet visibly included in the project launch and ongoing execution. ■ Poor execution: Survivors are not included in project execution.
<i>Data Collection and Interpretation</i> (to inform future projects and interactions)	<ul style="list-style-type: none"> ■ Excellent execution: Meaningful data regarding project effectiveness and internal team experience effectiveness are collected and used proactively to inform future projects and interactions. ■ Acceptable execution: Data regarding internal team experience/effectiveness are collected and used proactively to inform future interactions. ■ Poor execution: No data are used to inform future projects and interactions.

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4. Pursuant to NAP Principle 4.3 (*Strengthen federal anti-trafficking efforts by incorporating survivor input*), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.


Effective and equitable community engagement means uplifting the work being done in communities and creating space for existing leaders and stakeholders to lead the charge. The “doing with and not for” principle also applies to the survivor community. Throughout the nation, survivor leaders are emerging faster than ever. These leaders with lived expertise are networking with their communities, listening to the need, showing up to address the issues, and fighting the battles closest to their hearts. These leaders exist in circles, big and small, often known to each other only through their own networking and commitment to steward the work to be more inclusive, accessible, and equitable. What we create in this mission to know each other, hear about the work we do, and support one another is trust. We are the bridge to the work, to the leaders in our community, and to the boots on the ground. We built relationships, paved new paths, and changed the course of history—and we did this with the bond of shared experiences that gives an unparalleled camaraderie.

“Relationships and trust are everything in this field; many of us are tired and weary of tokenism. I recently was asked to attend a federal hearing as a panelist. I didn’t agree to go just because I cared about the issue. I went because the Missing and Murdered Indigenous Persons (MMIP) coordinator in my community invited me, and I know her and trust her. She’s had tea with me, she listens to the work I am doing, and connects me with leaders and opportunities—she is an ally in our community. So, when she asks for my voice, I give it with confidence. That is the power of people who build relationships.”

—Survivor Leader in Alaska

The proposed Survivor Engagement Coordinator position is separate and distinct from victim advocate positions and is not a law enforcement position. This position is not intended to provide or refer victims to direct services. Instead, a Survivor Engagement Coordinator would serve, in an institutionalized and official capacity, as a **community liaison** available to address the community’s localized needs and help those interested in building partnerships with survivors to avoid tokenism. In alignment with the Services Committee’s recommendation #3, this position also helps to increase DEIA approaches to ensure that federal agencies, task forces, and grantees create equitable approaches to supporting survivors of all forms of trafficking based on the needs of their distinct communities. Coordinators would help to build bridges between law enforcement and the services available in local communities, even in areas where federal presence is limited. As noted in the Not Invisible Act Commission’s recent report, agencies must develop best practices for local, state, and tribal law enforcement and collaborate across jurisdictions wherever they may be.¹⁰ This includes collaboration with local, state, and tribal agencies within Alaska, Hawaii, the U.S. territories, and the Freely Associated States. Coordinators would represent/give voice to local survivor leaders, providing the opportunity to be heard in local, regional, and federal spaces.

¹⁰ The Not Invisible Act Commission. (2023, November 1). *Not one more: Findings and recommendations of the Not Invisible Act Commission*. U.S. Department of Justice. https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf




We believe that a dedicated Survivor Engagement Coordinator creates a place for this existing network and wisdom to be elevated intentionally to a permanent place within federal agencies and federally funded programs. This position can increase trust between federal programs and communities, champion diversity and equity, and start the path to survivor-led and curated dynamic, community-focused survivor engagement.

Therefore, we recommend that several PITF agencies create Survivor Engagement Coordinator positions.

- We recommend that DOJ, DOI, and DHS collaborate to explore options for funding and implementing Survivor Engagement Coordinator positions focused on improving law enforcement responses to trafficking. The individuals in these positions would have a broad understanding of community services, victim service organizations, and survivor-led organizations within local communities and build relationships with local leaders and service providers, even in areas where federal presence is limited. The positions could reach across agency silos since DOJ, DOI, and DHS may often serve the same families separately. In essence, this position could be a bridge across different federal programs that touch the same family. Coordinators could work out of DOJ regional offices to support adaptation and tailoring of localized strategies.
- We recommend that HUD hire a lived experience expert to work with the survivor community to disseminate and support the implementation of findings from its “*Study on Housing and Service Needs of Survivors of Trafficking*” (under the Violence Against Women Act Reauthorization Act of 2022) and support HUD’s efforts to build survivor-led trafficking efforts moving forward.
- We acknowledge HHS/Office of Refugee Resettlement’s (HHS/ORR) recent work to develop its National Youth Leadership Council (NYLC), which creates opportunities for refugee and newcomer youth to share their resettlement experience directly with HHS/ORR in addition to HHS/ORR’s other advisory councils. To take this work further, we recommend that HHS/ORR hire a Survivor Engagement Coordinator to support its advisory council efforts. The Survivor Engagement Coordinator could liaise with and attend/facilitate meetings with NYLC and HHS/ORR’s other advisory councils and help HHS/ORR implement advisory councils’ recommendations. This coordinator could also serve as a culturally dynamic interpreter and advocate between HHS/ORR and survivor populations. In this way, the coordinator would ensure HHS/ORR understands survivor language and culture, that survivors’ expectations and needs are met, and that sessions and engagements are structured and facilitated in ways that resonate with the populations HHS/ORR engages.
- We recommend that DOL create a Survivor Engagement Coordinator position that works to address the needs of temporary nonimmigrant workers specifically (see also the Compliance and Labor Committee’s recommendation #1). The Survivor Engagement Coordinator could focus on enhancing the understanding of force, fraud, and coercion within industries affected by labor exploitation and forced labor. Pursuant to NAP Priority Action 1.3.2 (*Develop initiatives for engaging with various industries on the issue of forced labor in product supply chains*), the coordinator could also help support DOL initiatives to provide information to the private sector about forced labor in product supply chains, leveraging and improving existing DOL resources such as the *Comply Chain* and the *Better Trade Tool* web-based resources.¹¹ Additionally, the coordinator could work with other DOL staff to create workers’ rights

¹¹ Bureau of International Labor Affairs. (n.d.). *Comply chain: Business tools for labor compliance in global supply chains*. U.S. Department of Labor. <https://www.dol.gov/agencies/ilab/comply-chain>



campaigns and work with DOJ-funded task forces to develop protocols for outreach and identification of those at risk of labor trafficking. In line with the Services Committee’s recommendation #7, the coordinator should further work with the DOJ/Office for Access to Justice and the private sector to ensure worker rights’ materials address rights that should be afforded to all workers.

We also recommend that PITF agencies apply the Survivor Engagement Coordinator construct to federally funded programs, as further specified herein, by encouraging grantees to create and fund similar positions. For example:

- We recommend that DOJ require Enhanced Collaborative Model to Combat Human Trafficking (ECM) grantees to fund Survivor Engagement Coordinators to build community trust, provide outreach to the public, and support partnerships with survivors.
- We acknowledge HHS/OTIP’s significant efforts to improve survivor engagement among grant programs, for example, by providing bonus points to grant applicants that plan to give survivors meaningful and ethical opportunities to engage and support project activities (e.g., developing agency-wide policies and comprehensive case management protocols; developing strategies for project implementation, victim identification, and program evaluation; developing and delivering outreach activities; building organizational capacity). We recommend that HHS/OTIP also encourage grantees to hire Survivor Engagement Coordinators to serve as liaisons to address the localized needs of the community and help those interested in building partnerships with survivors. We also recommend that HHS/OTIP encourage grantees to utilize these Survivor Engagement Coordinator positions to support hospital systems and address survivors’ needs through a public health framework (e.g., to help address patient needs, discrepancies in healthcare, aftercare needs).

As these positions are created and the work implemented, we recommend that all agencies evaluate these efforts to demonstrate need, impact, and inform future initiatives. This accountability within the federal government will set the standard for similar local and community-based efforts. Agencies must also ensure that these are quality roles. Agencies may consider the criteria in the Services Committee recommendation #3 as guidance.


5. We recommend that HUD work with survivor experts to develop and deliver foundational training on human trafficking for HUD and Public Housing Authority staff.

Despite not being a member of the PITF,¹² we commend HUD for its current efforts to increase awareness among its staff on issues relating to human trafficking, sexual assault, domestic violence, and trauma-informed practice. Through a voluntary, multi-part training series, all HUD staff had the opportunity to learn about these important and often interconnected topics.

Our 2021 annual report included several recommendations to HUD and other federal agencies relating to housing for survivors of human trafficking.¹³ Crisis and short- and long-term housing services are essential to helping victims and survivors find safety, permanence, and financial stability. HUD is a critical partner in

¹² U.S. Advisory Council on Human Trafficking. (2021, December 14). *United States Advisory Council on Human Trafficking annual report 2021*. U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/>

¹³ U.S. Advisory Council on Human Trafficking. (2021, December 14). *United States Advisory Council on Human Trafficking annual report 2021*. U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/> (The Council’s 2021 annual report recommended that HUD be invited to be a member of the PITF.)



researching the housing needs of survivors and providing housing programs and services. It is important that all HUD staff understand basic information about human trafficking and how it affects victims to inform federal housing policies and services. It is equally critical that Public Housing Authority staff across the country receive basic training on human trafficking to enhance their capacity to engage and support victims and survivors of human trafficking.

To that end, we recommend that HUD require human trafficking training for all its staff and promote and offer training to Public Housing Authority staff. These trainings should:

- Be co-designed and delivered with diverse survivors of labor and sex trafficking.
- Address intersectional experiences (e.g., various forms of victimization, medical and mental health issues, disabilities) that survivors of human trafficking face and how these experiences may affect their housing needs.
- Discuss trauma-informed practices within the specific lens of working with and on behalf of survivors of human trafficking.
- Explore the continuum of care needs that survivors have after receiving housing services.
- Discuss challenges and barriers (legal, policy, community, and individual) that survivors face when engaging with housing service providers and support.

We also encourage HUD to provide more advanced TTA to staff who oversee programs and policies that may affect survivors of human trafficking directly. This more intensive engagement should adapt the above-noted foundational training to the specific programs and policies that HUD staff implement, and it could also:


- Address biases and stereotypes that can influence perceptions of survivors of trafficking and their access to housing services.
- Explore the risks survivors face, including potential retaliation from traffickers when seeking housing services.
- Discuss needed safety procedures within housing programs to increase survivor access (such as physical security, housing location, confidentiality, and collaboration with law enforcement).

6. Pursuant to NAP Priority 2.6.5 (*Increase access to assistance broadly*), we recommend that HUD, in collaboration with HHS and DOJ, coordinate to expand anti-trafficking efforts so LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking have access to sustainable housing.

The Council acknowledges the absence of public or low-income housing across the United States for many vulnerable populations.¹⁴ The Council commends DOJ for its current grants relating to housing for survivors of human trafficking and HHS's victim service grants that include housing services.¹⁵ While we understand that HUD does not have any current housing programs specific to survivors of human trafficking, we acknowledge

¹⁴ National Low Income Housing Coalition. (2022, April). *The gap: A shortage of affordable homes*. https://nlihc.org/sites/default/files/gap/Gap-Report_2022.pdf

¹⁵ See, e.g., Office for Victims of Crime. (2023, April 3). *OVC FY 2023 anti-trafficking housing assistance program (services and training and technical assistance)*. <https://ovc.ojp.gov/funding/opportunities/o-ovc-2023-171705>; Office for Victims of Crime. (2022, April 18). *OVC FY 2022 housing assistance grants for victims of human trafficking*. <https://ovc.ojp.gov/funding/opportunities/o-ovc-2022-171256>; Office on Trafficking in Persons. (2019, December 17). *Victim Assistance Grants*. U.S. Department of Health and Human Services, Administration for Children and Families. <https://www.acf.hhs.gov/otip/victim-assistance/victim-assistance-grants>



its efforts to research the housing needs of survivors through its “*Study on Housing and Service Needs of Survivors of Trafficking*” to increase sustainable housing options. We also acknowledge HUD’s efforts to establish a Gender-Based Violence Prevention Office, which, among other things, seeks to address the needs of survivors of human trafficking.

While there are extraordinary housing shortages across the United States, there are even fewer options for LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking.¹⁶ Even with HUD’s recent focus on housing for survivors within its Gender-Based Violence Office, this narrowly defines the housing needs of survivors as those who have specifically experienced gender-based violence, which may exclude survivors of labor trafficking unless they also experienced gender-based violence. In addition, survivors with physical disabilities have a particularly difficult time finding housing as they may need longer-term options, assisted living, or other in-home support. Survivors with mental health challenges may also prefer to live with a roommate but may only receive a public housing voucher for a single individual and not be able to find housing that meets their immediate health needs. LGBTQ+ survivors may not be able to access shelter or immediate housing programs that offer gender-affirming services or supports.

While NAP Priority 2.6.5 calls for broad increased access to assistance, NAP Principle 2.6 also calls upon PITF agencies to offer or connect victims to social services to increase short- and long-term stability. As the Council shared in its 2021 report, housing “is one of the greatest barriers many survivors face in becoming self-sufficient.”¹⁷ We also noted that many short- and long-term housing programs have few beds, services, and limited funds and supports specific to many survivor populations, including those with disabilities and LGBTQ+ individuals. This is compounded by the barriers many survivors face that prevent them from accessing housing relating to criminal records, substance use disorders, and poor credit histories.

Therefore, we call on HUD, in collaboration with DOJ and HHS, to continue to make strides to implement our housing-focused 2021 report recommendations and the NAP priorities as they relate to expanding services and assistance to vulnerable populations. We also call on:

- HUD, DOJ, and HHS to measure and evaluate current efforts to demonstrate need, impact, and inform future housing initiatives.
- HUD, DOJ, and HHS to evaluate what sustainable housing looks like that matches the specific and unique needs of LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking.
- HUD, DOJ, and HHS to directly engage LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking to inform research and service delivery relating to their housing needs.

¹⁶ See, e.g., Office for Victims of Crime-Human Trafficking Capacity Building Center. (n.d.). *Ask an expert series. Addressing the housing need: Sustaining critical services for victims of human trafficking during a remote environment.* https://htcbc.ovc.ojp.gov/sites/g/files/xyckuh311/files/media/document/OA-Addressing_the_Housing_Need_508c.pdf#:~:text=Trafficking%20survivors%20may%20also%20experience%20a%20barrier%20to,from%20housing%20options%20even%20when%20survivors%20of%20trafficking; Polaris. (2018, November 7). *More than four walls: The anti-trafficking housing landscape and the reality of finding shelter.* <https://polarisproject.org/blog/2018/11/more-than-four-walls-the-anti-trafficking-housing-landscape-and-the-reality-of-finding-shelter/>; Office of the Assistant Secretary for Planning and Evaluation. (n.d.). *Addressing the needs of victims in human trafficking: Challenges, barriers, and promising practices.* U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. <https://aspe.hhs.gov/reports/addressing-needs-victims-human-trafficking-challenges-barriers-promising-practices-0>

¹⁷ United States Advisory Council on Human Trafficking. (2021, December 14). *United States Advisory Council on Human Trafficking annual report 2021.* U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/>

- Within statutory and regulatory authorities, HUD to explore ways to encourage grant applicants and grantees to increase the availability of long-term supportive housing options for survivors of labor and sex trafficking who are LGBTQ+ or who have physical and mental health challenges.
- HUD, DOJ, and HHS to research housing options for diverse survivor communities, considering different communities' living norms.¹⁸
- HUD to work with local and state housing authorities or other federally funded housing providers to expand the number of properties that may accept the vouchers of survivors of human trafficking and explore ways to offer survivors flexibility on where they may use vouchers to ensure their safety (e.g., to help them find places to live that are not in proximity to their traffickers).
- HUD to work with local and state housing authorities or other federally funded housing providers to streamline and improve housing voucher application and oversight processes to be more survivor-centered and survivor- and trauma-informed to reduce re-traumatization and potential triggers, especially related to survivors' financial situations and capacities.

7. Pursuant to NAP Principle 1.3 (*Strengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures*), we recommend that DOJ, DOI, and DOC create culturally responsive trainings and resources for Indigenous communities outside of the continental United States, such as Alaska, Hawaii, the U.S. territories, and Freely Associated States, that address forced labor in high-risk industries (i.e., fishing, mining, canning, drilling) and drug trafficking.

In the teachings of “*Yuuyaraq: The Way of the Human Being*,” before the arrival of Western people, the Yup’ik people lived by the customs, traditions, and spiritual beliefs of their people and were shaped by these and their environment: the tundra, the river, and the Bering Sea. *Yuuyaraq* helped guide generations of the Yup’ik people to align their beliefs, communication, and harmony with nature, living creatures, and the spirit world. Colonizers brought with them the “*Great Dying*,”¹⁹ which plagued and almost annihilated Alaska Native people. Those who survived widespread disease further experienced the genocide of their cultures and ways of life.²⁰ In Yup’ik culture, *nallunguaq*, or to “acknowledge but refrain from discussing traumatic experiences,” remains a way of community care and dealing with the intergenerational trauma that has befallen these communities. Today, this refrain from speaking of traumas has become all too common among Native communities across the United States and impacts how these communities respond to forced labor within high-risk industries.

Additionally, Indigenous people outside of the continental United States, such as Native Hawaiians, Pacific Islanders, and those in U.S. territories, are excluded from anti-trafficking efforts focused on Indigenous communities. The visibility of these communities within the anti-trafficking space must increase. There must also be an increased understanding of the logistical realities of where many Indigenous populations reside. As stated in the Not Invisible Act Commission’s recent report, “Alaska tribes are ethnically, culturally, and linguistically diverse nations, occupying an area of about 365 million acres—more than double the size of the State of Texas and more than the combined area of Texas, California, and Montana. In addition, Alaska

¹⁸ For example, communal living and multigenerational homes are a cultural norm and expectancy in many cultures. Housing options for survivors of trafficking should allow for community protective factors to be considered when offering housing options.

¹⁹ AKALib. (2019, January 31). *The great dying of the Indigenous peoples of the Americas caused global cooling in the 17th century*. Daily Kos. <https://www.dailykos.com/stories/2019/1/31/1831209/-The-Great-Dying-in-the-Americas-after-1492-caused-Global-Cooling>

²⁰ Napoleon, H. (1996). *Yuuyaraq: The way of the human being* (E. Madsen, Ed.). Alaska Native Knowledge Network. <http://ankn.uaf.edu/Publications/Books/Yuuyaraq.pdf> (p. 10)

is unique in that most of its Native communities are located off the road system and accessible only by boat or plane—the road system is minimal at best.”²¹

Many Indigenous people working in the fishing, mining, canning, and drilling industries are also at greater risk of experiencing forced labor.²² Both minor and adult populations who are subject to forced labor in the fishing and canning industries, for example, are exposed to long hours without breaks, lack personal protective equipment, and may be required to perform job functions without the appropriate certifications, which may result in harmful exposure to chemicals or sharp objects that could lead to long-term health complications. In these industries, obtaining silence from workers is a key way traffickers profit from forced labor. To say the silence originates from shame or

“Native Hawaiians and Pacific Islanders have consistently been excluded from Indigenous conversations, especially around human trafficking. I see it in practice here as well that human trafficking is almost exclusively thought of as a teenage girl issue in sex trafficking when our labor trafficking is out of control...The labor trafficking of Native Hawaiians is largely done by drug trafficking but as we know it’s often not considered to be labor trafficking.”

—Ashley Maha’a CEO & Founder, My Truth Is Now



²¹ The Not Invisible Act Commission. (2023, November 1). *Not one more: Findings and recommendations of the Not Invisible Act Commission*. U.S. Department of Justice. https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

²² See, e.g., Office of Community Oriented Policing Services & Institute for Intergovernmental Research. (2020). *Investigating labor trafficking in tribal communities*. U.S. Department of Justice. <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0925-pub.pdf>

“I am Alaska Native and from an urban hub in Alaska, I grew up in both urban and rural communities and have had access to good health care, education, and supportive protective factors. I never once heard about traffickers in Alaska, I thought we didn’t have gangs in Alaska. I was targeted and recruited by a well-organized gang from California when I was 18. They targeted me because I was completely naive to who they were and what they were doing. I couldn’t tell anyone what was happening because I didn’t understand it myself and was scared to say anything. My shame kept me silent for years.”

—Labor and sex trafficking survivor

fear would be taking the issue lightly; forced labor that occurs in Indigenous communities is much more complex. Many workers come from rural communities and have known each other since adolescence. Supervisors live and worship in the same communities as their subordinates. A culturally responsive approach must acknowledge these realities to create equitable solutions aligned with individuals’ cultures, traditions, and customs. Solutions must also be localized and developed in partnership with private market analysts to understand industries affected by forced labor and ensure that workers’ rights are prioritized, and product supply chains are free of forced labor.

We also believe it is important to address the intersection of forced labor and drug trafficking within Indigenous communities. Too often, loved ones (blood and non-blood relatives) use force, fraud, or coercion to compel individuals to engage in forced labor as part of a drug trafficking scheme. In these instances,

those most trusted within a family or community may cause the harm that creates *nallunguaq*.²³ Through the traditional methods of grooming, minors in the community are taught to substitute love and acceptance for dependency and self-doubt by traffickers who see them solely as commodities. As stated in the Council’s 2021 report, “family honor and the preservation of cultural values may preclude a victim from coming forward to disclose their trauma out of fear of judgment and banishment from family members as well as cultural leaders in their community.”²⁴ Whether drug trafficking occurs through gang activity or not, the route of forced criminality remains the same: Minors are typically treated with less severe penalties than their adult counterparts, which makes minors ideal targets for victimization.

Community-coordinated responses to trafficking are increasing. Savanna’s Act²⁵ and the Not Invisible Act,²⁶ aimed at addressing the MMIP crisis, have propelled initiatives and multidisciplinary groups that are taking an action-focused approach to ending violence, including trafficking, against Indigenous people. These conversations must never exclude the Native people of lands outside the continental United States. The recently released “*HOLOI Ā NALO WĀHINE ‘ŌIWI: Missing and Murdered Native Hawaiian Women and Girls Task Force Report*” reports that “this year (2022) marked the first year that Kānaka Maoli (the Indigenous, anachronous peoples of Hawaii), were formally recognized by a United States President as belonging to the Indigenous populations disproportionately impacted by interpersonal and systemic violence that leads to Native women and girls being murdered and missing.”²⁷ This recommendation calls for PITF agencies to


²³ In Yup’ik culture, *nallunguaq* means to “acknowledge but refrain from discussing traumatic experiences.”

²⁴ U.S. Advisory Council on Human Trafficking. (2021, December 14). *United States Advisory Council on Human Trafficking annual report 2021*. U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2021/>

²⁵ Savanna’s Act, Pub. L. No. 116-165, 134 Stat. 760 (2020). <https://www.congress.gov/bill/116th-congress/senate-bill/227>

²⁶ Not Invisible Act of 2019, Pub. L. No. 116-166, 134 Stat. 766 (2020). <https://www.congress.gov/116/plaws/publ166/PLAW-116publ166.pdf>

²⁷ Cristobal, N. (2022). *Holoi ā nalo Wāhine ‘Ōiwi: Missing and Murdered Native Hawaiian Women and Girls Task Force Report (Part 1)*. Office of Hawaiian Affairs. <https://www.oha.org/wp-content/uploads/MMNHWG-Report-Web.pdf>



expand on these efforts to elevate the voices of Indigenous people from rural and remote communities across the United States and its territories.

Addressing the silence of forced labor requires extensive education that reaches beyond basic awareness or training on human trafficking. The Council appreciates its partnerships with DOJ, DOI, and DOC to influence and support educational materials, webinars, and training that provide introductory information on human trafficking's intersection within Indigenous communities. Yet, DOJ, DOI, and DOC must also recognize that educational materials and training must be tailored, culturally specific, and co-developed by those communities to address the root causes of forced labor effectively. The Council acknowledges the Not Invisible Act Commission's recent report recommendation that "DOJ/OVC must establish regional training centers, with non-Victims of Crime Act, permanent funding appropriated by Congress, to support practitioners working on MMIP and human trafficking cases. Trainers must leverage expertise existing in Tribal communities and be available to go out to Tribal communities to provide training on-site."²⁸ The Not Invisible Act Commission also recommends that federal law enforcement, such as DOJ, work to "[p]romote and facilitate universal and cross-jurisdictional training across law enforcement agencies. Universal training of Tribal and state law enforcement organizations brings together peace officers with a common foundation of skills and operational understanding."²⁹

With the context above, we share our recommendations on why culturally responsive training and resources co-created with the Indigenous communities they aim to serve are essential in helping to combat both forced labor in high-risk industries and the intersection between drug trafficking and forced labor.

We recommend that DOJ, DOI, and DOC collaborate with community-based programs and initiatives to create educational materials and training that are culturally responsive to Indigenous communities. These efforts should include:

- DOI, DOJ, and DOC coordinating to hold listening sessions to gather information and specific examples of how forced labor occurs in high-risk industries, along with successful strategies for detecting and responding to these crimes.
- DOI and DOJ measuring and evaluating current anti-trafficking programs to determine access and availability for rural and regionally remote areas.
- DOI and DOJ exploring ways to promote and raise awareness of federal funding opportunities relating to human trafficking prevention, training, and victim services within rural communities and territories and states outside of the continental United States, Alaska, Hawaii, and U.S. territories and Freely Associated States.
- DOI and DOJ identifying and building relationships with community programs working to increase human trafficking services in rural and regionally remote areas of the United States to increase those programs' engagement and equity in competing for federal funding.

²⁸ The Not Invisible Act Commission. (2023, November 1). *Not one more: Findings and recommendations of the Not Invisible Act Commission*. U.S. Department of Justice. https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf


²⁹ The Not Invisible Act Commission. (2023, November 1). *Not one more: Findings and recommendations of the Not Invisible Act Commission*. U.S. Department of Justice. https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

- DOI and DOJ partnering with local universities in Alaska, Hawaii, and the U.S. territories and Freely Associated States to pilot the development of outreach materials to offer culturally responsive resources to individuals and families to raise their awareness on drug trafficking and its connections to forced criminality.
 - DOJ's Office for Access to Justice partnering with private market analysts to gather and analyze market data on the types of industries that are affected by forced labor in Indigenous communities, including those in U.S. territories.
 - DOJ's Office for Access to Justice creating tailored, age-appropriate, and culturally responsive educational materials on legal remedies for minors who have experienced forced criminality in relation to labor trafficking.
 - DOJ's Office for Access to Justice working with DOL and DOI to create educational materials (e.g., training, webinars, and factsheets) focused on workers' rights, specifically within the fishing, drilling, canning, and mining industries. DOI and DOC should also work with a Survivor Engagement Coordinator (see the Services Committee's recommendation #4) to serve as a community liaison to understand the needs of underserved populations at risk of forced labor and build partnerships with private industry to prioritize workers' safety and rights.
 - DOJ coordinating with Alaska and Hawaii-specific community organizations to create a dedicated human trafficking training center in Alaska and Hawaii to develop and provide TTA to Indigenous communities to raise awareness and understanding of sex and labor trafficking indicators in those states.
 - DOJ, as part of its efforts to expand Tribal Enhanced Collaborative Model Human Trafficking Task Forces, focusing expansion efforts in part on addressing labor trafficking in Indigenous communities.
- 8. Pursuant to NAP Principle 2.2 (*Safeguard victims of human trafficking from being inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked*) and Priority Action 2.6.1 (*Increase access to mental health and other healthcare services*), we recommend that PITF agencies, and specifically HHS and DOJ, increase awareness, training, and services to serve people who have experienced trafficking impacted by the current fentanyl crisis that contributes to forced labor, criminality, substance coercion, barriers to service and safety, and mortality rates.**

"Fentanyl is the single deadliest drug threat our nation has ever encountered. Fentanyl is everywhere. From large metropolitan areas to rural America, no community is safe from this poison. We must take every opportunity to spread the word to prevent fentanyl-related overdose death and poisonings from claiming scores of American lives every day."

—U.S. Drug Enforcement Administration Administrator Anne Milgram

Source: United States Drug Enforcement Administration. (n.d.). Fentanyl awareness #justKNOW. <https://www.dea.gov/fentanylawareness>



According to recent data from the magazine *Foreign Affairs*, we are in the midst of the “deadliest drug crisis in U.S. history.” More than 100,000 Americans died from drug overdoses between June 2022 and June 2023 alone.³⁰ Much of this epidemic is driven by fentanyl, which now kills around 200 Americans every day.³¹ The impact of this epidemic can be especially felt in rural communities that face complex hurdles in addressing awareness, prevention, treatment, and recovery.³²

Across the United States, direct services providers, law enforcement, medical and mental health professionals, communities, and families are attempting to keep up with the fast-changing reality of anti-trafficking efforts being hit hard by this drug crisis.

Reports from the field tell a story of mental health clinicians with specialized training in addressing trafficking finding themselves focused on addressing substance use crises instead.

“I went from trying to stay on top of best practices in the anti-trafficking field to very suddenly needing to become specialized in opioid use, addiction, treatment, and services. Every day has become about fentanyl or ‘blues’ as they are called on the street. Every week there are overdoses. We carry Narcan at all times—it feels like it is all we do now. I can’t work with my clients to access safety from their traffickers because every day has become about managing the addiction.”

—Mental health provider in Alaska

The mass movement of this highly addictive and extremely dangerous, illicitly manufactured drug means more people being forced into criminality in the form of drug trafficking, more coercion through substance use, and more lethal threats to people experiencing trafficking. According to the U.S. Drug Enforcement Administration, “human traffickers often use drugs as ‘bait’ to recruit people who have a substance use disorder. Or conversely, trafficker use drugs as a means of control over their victims—to force compliance, harder work, longer hours, or to keep them ‘drugged out’ so they do not attempt escape.”³³

Urgent and immediate changes, including training and legal protections, are needed to protect the people who are forced into carrying, transporting, and selling

this drug. Anti-trafficking efforts need to promote awareness of the relationship between drug trafficking and labor trafficking, substance use coercion, opioid use treatment, and specialized housing and program options for individuals experiencing trafficking who also have opioid use disorders. The lethal intersectionality of these two public health crises must be evaluated, and structures must be rebuilt to support the gravity of the situation. We therefore specifically recommend that:

- PITF agencies convene to discuss the intersections between the fentanyl crisis and human trafficking to develop collective response strategies. PITF agencies should engage subject matter experts and lived experience experts in substance use coercion, forced criminality, and drug trafficking to inform their efforts.

³⁰ Ahmad F. B., Cisewski, J. A., Rossen, L. M., & Sutton, P. (2023). *Provisional drug overdose death counts*. National Center for Health Statistics, National Vital Statistics System. <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

³¹ Felbab-Brown, V. (2023, May 15). *Why America is struggling to stop the fentanyl epidemic*. *Foreign Affairs*. <https://www.foreignaffairs.com/mexico/why-america-struggling-stop-fentanyl-epidemic#:~:text=For%20one%20thing%2C%20synthetic%20opioids,chemicals%20is%20difficult%20and%20impractical>

³² U.S. Department of Agriculture (USDA). (n.d.). *Opioid misuse in rural America*. <https://www.usda.gov/topics/opioids>; Rural Community Toolbox. (2023). *Funding and resources for rural communities to address substance misuse*. <https://www.ruralcommunitytoolbox.org>

³³ Forget, J. (2021, January 28). *Violent drug organizations use human trafficking to expand profits*. United States Drug Enforcement Administration (DEA). <https://www.dea.gov/stories/2021/2021-01/2021-01-28/violent-drug-organizations-use-human-trafficking-expand-profits>

- HHS and DOJ increase the availability of educational resources and training on the fentanyl crisis to healthcare providers, law enforcement, and service providers, including those working in the anti-trafficking space.
- HHS and DOJ increase measurement and evaluation efforts to gain knowledge of the impact of fentanyl on HHS and DOJ grantees' anti-trafficking efforts.³⁴
- HHS and DOJ develop public awareness campaigns to increase victims' awareness of substance use coercion, forced criminality, and drug trafficking to increase victims' access to legal and direct care services (see also the Services Committee's recommendation #7).

9. Pursuant to Priority Action 2.6.1 (*Increase access to mental health and other healthcare services*), we recommend that HHS increase research, funding, and programming specific to survivors of trafficking impacted by a traumatic brain injury (TBI).

A TBI can be caused by a forceful bump, blow, or jolt to the head or body or from an object that pierces the skull and enters the brain, which affects how the brain works. While not all blows or jolts to the head result in a TBI (i.e., no signs or symptoms are experienced), some types of TBI can cause temporary or short-term problems with normal brain function, including problems with how the person thinks, understands, moves, communicates, and acts. More serious TBIs can lead to severe and permanent disability and even death.³⁵

A TBI can result in a disability. Victims of human trafficking may develop disabilities from abuse at the hands of their traffickers, and traffickers may target individuals with disabilities because they are vulnerable.³⁶ The physical, cognitive, and sensory complications occurring from frequently unrecognized diagnoses create barriers to services, including accessing safety and housing. A recent study focused on intimate partner violence (IPV) noted that unrecognized loss of cognitive function is a uniquely troubling health outcome of IPV-related head injuries. Alterations in cognitive functioning can silently increase the difficulty of leaving a violent relationship by limiting the person's ability to work and live independently.³⁷

TBIs should always be considered and screened for when assessing clients who have experienced trafficking. Programming and housing should be specialized to meet the level of need (see also the Services Committee's recommendation #6). More data and research are needed to inform best practices and implement TBI awareness, screening, and care into all elements of anti-trafficking work. We, therefore, recommend that HHS:

- Explore possible data sources to capture the incidence and prevalence of TBI among survivors of trafficking and identify promising practices or evidence-based programmatic activities that improve the care and support of survivors of trafficking with TBI.

³⁴ We commend DOJ's efforts to fund a new Forced Criminality study, beginning in 2024, that will collect information on the experiences of individuals forced into selling drugs, along with other crimes.

³⁵ National Institute of Neurological Disorders and Stroke. (2023, February 7). *Traumatic brain injury (TBI)*. National Institute of Health, National Institute of Neurological Disorders and Stroke. <https://www.ninds.nih.gov/health-information/disorders/traumatic-brain-injury-tbi>

³⁶ Office for Victims of Crime Training and Technical Assistance Center. (2023, November 16). *Victims with physical, cognitive, or emotional disabilities*. Office of Justice Programs. <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/>

³⁷ Oakley, L. D., Luebke, J., Dosch, N. C., Snedden, T. R., Hernandez, H., Lemke, M., & Voland, R. P. (2021, December 8). *Traumatic brain injury screening and the unmet health needs of shelter-seeking women with head injuries related to intimate partner violence*. *Women's Health Reports*, 2(1), 586–593. <https://www.liebertpub.com/doi/10.1089/whr.2021.0056>

- In both mental health and other healthcare services, increase data collection, research, and methods to measure and evaluate the correlation between TBIs and trafficking and identification of risk and protective factors that can predict new or worsening mental health sequelae following injury.
- Increase availability of educational resources (including TBI screening tools) and training on TBIs for HHS anti-trafficking grantees, IPV shelter staff, and other PITF agency staff.
- Enhance current TBI initiatives to work with anti-trafficking programs to increase access to services, collect prevalence data, inform research needs, and improve the health outcomes of survivors of trafficking.
- Consistent with its authorities, increase awareness among healthcare providers about the risk of TBI for survivors of trafficking and increase access to specialty TBI clinics for survivors of trafficking.

10. Pursuant to the President’s Executive Order 13985³⁸ on racial equity, NAP Priority 4.5.3 (*Adopt inclusive policies for government-run systems or programs that disproportionately and negatively impact marginalized communities or increase their vulnerability to human trafficking*), H.R. 5573: *Brittany Clardy Missing and Murdered Black Women and Girls Act*,³⁹ and the Council’s 2022 Call to Action,⁴⁰ we recommend that DOJ establish a community-led national advisory commission on Black victims/survivors of trafficking and missing and murdered Black women and girls.⁴¹

In our 2022 annual report, we specifically called on PITF agencies to “create a federal task force on missing and murdered Black women and girls.”⁴² This task force or commission could be modeled after the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives Operation Lady Justice or other state task forces specifically focused on missing and murdered Black women.⁴³

NOTE TO CONGRESS

We recommend Congress pass H.R 5573: *Brittany Clardy Missing and Murdered Black Women and Girls Act* to, among other things, create a national advisory commission focused on missing and murdered Black women and girls.

³⁸ Exec. Order No. 13985, 86 Fed. Reg. 7009. <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

³⁹ Brittany Clardy Missing and Murdered Black Women and Girls Act, H.R. 5573, 118th Cong. (2023). <https://www.congress.gov/bill/118th-congress/house-bill/5573/text>

⁴⁰ U.S. Advisory Council on Human Trafficking. *United States Advisory Council on Human Trafficking annual report 2022*. U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2022/>

⁴¹ C.F.R. § 102-3.5 (2021). <https://www.ecfr.gov/current/title-41/subtitle-C/chapter-102/subchapter-A/part-102-3>

⁴² U.S. Advisory Council on Human Trafficking. *United States Advisory Council on Human Trafficking annual report 2022*. U.S. Department of State. <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2022/>

⁴³ Office of Justice Programs. (2020, May). *Operation Lady Justice Task Force accomplishments fact sheet* [Fact sheet]. U.S. Department of Justice. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/operation-lady-justice-task-force-accomplishments-fact-sheet>; Minnesota Department of Public Safety Office of Justice Programs. (2023). *Missing and Murdered African American Women Task Force*. <https://dps.mn.gov/divisions/ojp/Pages/missing-murdered-african-american-women-task-force.aspx>




Black women and girls are disproportionately at risk for experiencing trafficking and other crimes. A report from 2020 found that of the 268,884 women reported missing, nearly 100,000 of them were Black women and girls, even though Black women account for less than 15% of the total U.S. population.⁴⁴ Additionally, some reports have found that Black women and girls comprise as much as 40% of victims of sex trafficking.⁴⁵

Therefore, we call on DOJ to establish a community-driven commission focused on Black victims/survivors of trafficking and missing and murdered Black women and girls in accordance with the *H.R. 5573: Brittany Clardy Missing and Murdered Black Women and Girls Act*. Such a commission would help the federal government achieve the goals of the President's Executive Order and the NAP's focus on racial equity by creating opportunities to improve support to communities that have been historically underserved. The commission should advise other PITF agencies, Congress, and the White House on the issues of missing and murdered Black women and girls and victims of human trafficking to seek ways to reduce violence against this population. In addition to what is stated in H.R. 5573, this commission should:

- Include diverse members with lived experience to inform the commission's mission and goals.
- Seek to improve law enforcement engagement with Black women and girls who are at risk of or who may have experienced human trafficking or other crimes.
- Explore other policies, practices, and institutions that impact violence against Black women and girls.
- Collect data and support research to have a deeper understanding of the intersectionality of racism, poverty, and violence that befalls this population.

⁴⁴ Kelly, R. (2022, March 10). *Crisis of missing Black women and girls deserves more public attention*. Chicago Sun Times. <https://chicago.suntimes.com/2022/3/10/22969776/missing-black-women-girls-abuse-sex-trafficking-house-subcommittee-representative-robin-kelly-op-ed>

⁴⁵ see Brown, Judge P. J. (2021). *Disparate impact considerations in human trafficking cases*. The Brief, 60(2), 8–9, 36. <https://www.proquest.com/docview/2532833726>; Davey, S. (2020). *Snapshot of the state of Black women and girls: Sex trafficking in the U.S.* Congressional Black Caucus Foundation. <https://www.cbccfinc.org/wp-content/uploads/2020/05/SexTraffickingReport3.pdf>

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- Coordinate with other federal and state commissions and task forces on issues relevant to Black women and girls.
 - Explore ways to increase the capacity and support of grassroots minority-led service and prevention organizations to apply for and receive federal funding.

11. Pursuant to NAP Priority Action 2.6.4 (*Increase access to education*), we recommend that ED explore ways to ensure survivors of trafficking have fair and equal access to student loans and Pell grants—regardless of the actions of their traffickers.

Survivors of trafficking are often left with financial debts that can impede their ability to recover and thrive. Some of these debts come from student loans or Pell grants. For example, survivors may have taken out student loans and then not completed their education because of their trafficking experience. In other cases, survivors may have fallen victim to loan fraud whereby traffickers take out student loans in their victims' names and then use the money—deposited into the survivor's bank account but controlled by the trafficker—for the trafficker's benefit. Many survivors then carry student loan debt, never earn a degree, and cannot repay the loan. These issues can create significant barriers for survivors to access employment, safe housing, credit, and loans.⁴⁶

This recommendation intends to empower ED to support survivors of trafficking proactively in their pursuit of education, aligning with the objectives of NAP Priority Action 2.6.4. We recommend that ED specifically:

- Forgive outstanding education-related debts accrued by survivors of trafficking in instances when the trafficker prevented a survivor from completing their education and/or fraudulently took out a student loan in the survivor's name. This will provide a clean slate for survivors, eliminating financial burdens stemming from their trafficking experience.
- Enhance partnership efforts with the Consumer Financial Protection Bureau (CFPB) to create a support system to assist survivors in handling penalty fees resulting from their trafficking experience. This could include support for mitigating the effects of fraud, building credit, and overcoming poor credit scores in alignment with CFPB's final rule⁴⁷ and the NAP. This will help alleviate the financial burden on survivors who could not attend school due to the trafficker's interference.
- Establish scholarship programs or tuition waivers to offer survivors of trafficking free access to education, remove financial barriers, and ensure education is accessible to all survivors.
- Implement safeguards to guarantee that survivors of trafficking have equitable access to Pell grants, irrespective of trafficker interference. This will prevent fraudulent grant applications by traffickers and ensure survivors have fair access to education funding.
- Establish a reapplication process for survivors who defaulted on Pell grants or failed to meet grant requirements due to traffickers' restrictions/actions to provide a second chance for survivors to access education funding and pursue their educational and employment goals.

⁴⁶Human Trafficking Prevention Project. (2020). *Assisting trafficking survivors with debt, fraud, and identity theft: Tips for attorneys and advocates*. University of Baltimore School of Law and Maryland Volunteer Lawyers Service. https://mylaw.org/wp-content/uploads/2020/09/HTPP-Tip-Sheet_HT-and-Consumer-Issues-May-2020.pdf

⁴⁷Consumer Financial Protection Bureau. (2022, June 23). *CFPB helps survivors mitigate the financial consequences of human trafficking*. <https://www.consumerfinance.gov/about-us/newsroom/cfpb-helps-survivors-mitigate-the-financial-consequences-of-human-trafficking/>

Compliance and Labor Committee

OVERVIEW

The Compliance and Labor Committee's purposes are to support PITF agencies in adopting data-driven approaches and addressing loopholes in labor laws that increase the possibility of adult and child labor trafficking for both domestic and foreign nationals. The Committee further aims to support prevention and prosecution frameworks that identify and support children at risk of or experiencing labor trafficking.


As such, we chose to focus on the following topics in this report:

NOTE TO CONGRESS

We encourage Congress to amend the Wagner-Peyser Act to provide DOL the resources and authority to conduct field checks at least annually in high-risk industries, such as migrant and seasonal farm work, seafood processing, and hospitality industries, and whereby DOL has authority to support field checks on agricultural sites where U.S. workers have not been placed by a state workforce agency.

- **Temporary nonimmigrant workers:** This group is most associated with labor trafficking because nefarious individuals, contractors, and employers exploit workers, misuse immigration pathways designed to help people legally migrate and work in the United States, and make it difficult for workers to break free from exploitative work situations.
- **Unaccompanied and system-involved children:** We must identify and address the risks of labor trafficking faced by children who migrate to the United States alone and are taken into government custody and later released to sponsors with limited follow-up or oversight, and U.S. citizen children who are in the child welfare system, particularly those in foster or congregate care settings.





Underlying these topics is our call for government agencies to seek ways to rebuild relationships and trust with communities and populations where mistrust of government acts as an impediment to preventing, identifying, and addressing all forms of human trafficking, and labor trafficking in particular. Throughout this report and our recommendations, we also call on PITF agencies to measure and evaluate current anti-trafficking programs and policies, gather standardized data and information to demonstrate need and impact, and inform what works in the fight against human trafficking.

RECOMMENDATIONS

1. Pursuant to NAP Principle 1.5 (*Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders*), we recommend that DOL, DHS, and State increase efforts to prevent labor trafficking among temporary work visa holders.

Temporary workers, particularly holders with H-2A, H-2B, and H-1B visas, are at increased risk for labor exploitation and labor trafficking. According to NAP Principle 1.5 (*Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders*), “hundreds of thousands of people enter the United States on temporary nonimmigrant worker visas. Programmatic challenges can potentially increase an individual’s vulnerability to being targeted by a trafficker. Ongoing reports from workers and advocates highlight the urgent need to examine the ways in which current nonimmigrant visa programs could inadvertently facilitate the exploitation of workers and exchange visitors.”⁴⁸ Through numerous agency meetings, the Council learned that DOL, DHS, and State each play important and distinct roles in processing temporary work visas. With this division of roles comes an enhanced need for a high degree of information sharing across agencies, both in the aggregate and regarding individual employer and employee data, to help close loopholes that traffickers may exploit. For example, traffickers will:


- Falsify information about their business and/or individual employee needs.
- Alter prospective employees’ resumes, education credentials, or experience letters.
- Repeatedly apply for petitions, changing information about their organization until accepted.

NOTE TO CONGRESS

We urge Congress to afford additional funding and resources to DOL, DHS, and DOS to build and manage a shared data system that tracks the workflow of H-2A, H-2B, and H-1B visas from employer certification requests to DOL to individual employee visa applications and through employer and employee renewal applications.

We further recommend that Congress expand the definition of “prevailing wage” in the context of DOL reviewing Labor Condition Applications (LCA) and Temporary Labor Certifications (TLC) when processing temporary work visas so that DOL can consider not just the prevailing wage based on the pay of workers in similar occupations in the area of intended employment but also the costs associated with living in that locality, such as those relating to medical care, housing, and food.

⁴⁸White House. (2021, December). *The national action plan to combat human trafficking*. <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>



After employees are already working as temporary workers within the United States, traffickers may—upon the need to renew their petition—use appeal processes to prolong the review of their applications while continuing to exploit workers. A single shared and current database of employer and employee data accessible by DOL, DHS, and State and updated in real-time, including information from the first certification application to ongoing renewal requests, would help agencies review and audit individual employers to **prevent fraudulent applications** that lead to labor trafficking. It could also provide a clearer picture of where employees are placed to facilitate identification and oversight of potential trafficking.

We commend DOL, DHS, and State’s individual and coordinated efforts to combat labor trafficking among individuals applying for or who have already received temporary work visas. We particularly commend efforts through joint task forces to share data as much as possible when investigating and prosecuting instances of labor exploitation and labor trafficking. We further acknowledge State’s efforts to research employer petitioners before individual employees apply for specific work visas. We also acknowledge and commend Congress’s and DHS Citizenship and Immigration Services Ombudsman’s recommendations, urging DHS to provide status documentation to nonimmigrant workers when labor-based petitions are filed on their behalf.⁴⁹

Traffickers increasingly leverage technology, agents, recruiters, and other actors to exploit and take advantage of workers. Experts with lived experience of labor trafficking can help shed light on the changing modus operandi of traffickers and how such individuals or organizations identify and groom victims. We, therefore, recommend that:

- DOL, DHS, and State coordinate to engage lived experience experts to help create case studies relating to visa fraud prevention and how victims of human trafficking experience it to help each agency prevent and identify labor trafficking (see also the Services Committee’s recommendation #1). Such case studies should be shared in fraud prevention training with federal, state, and local civil and criminal enforcement officers across each agency who review and process visas.

One of DOL’s primary functions relating to temporary work visas is to review and approve employer’s LCAs for H-1B or TLCs for H-2A and H-2B visas. We see this review process as the first line of defense in identifying and preventing labor exploitation and trafficking. We urge DOL to assess its resources and legal and regulatory authorities to determine how it can undertake prevention efforts during this critical first review that may help detect potential exploitation, particularly in relation to H-2A, H-2B, and H-1B classifications. We believe a more thorough review of employer-related documents at this stage, and the factors that help determine prevailing wages, would help prevent labor trafficking. Similarly, when DHS next undertakes its review of employer petitions, it should—to the extent feasible—undertake a more thorough audit of the employer before adjudicating petitions. Reviewing additional employer documents may shed light on the organization’s business practices and potential exploitative actions. Therefore, to increase efforts to prevent labor trafficking among temporary workers, we recommend these specific actions:

- DOL and DHS conduct a study on how certain nonimmigrant classification (e.g., H-2A, H-2B, H1-B) positions are advertised to foreign workers online.


⁴⁹ See Joint Explanatory Statement to Department of Homeland Security Appropriations Act, 168 Cong. Rec. H2395, H2418 (daily ed. March 9, 2022) (“USCIS shall also establish a process whereby workers may confirm that they are the beneficiaries of H-2A petitions and can receive information about their own immigration status, including their authorized period of stay and the status of any requested visa extensions.”) <https://www.congress.gov/congressional-record/volume-168/issue-42/house-section/article/H1709-1>; U.S. Department of Homeland Security. (2022, September 16). *CIS Ombudsman’s recommendations to U.S. Citizenship and Immigration Services 2022*. <https://www.dhs.gov/publication/cis-ombudsmans-recommendations-uscis-2022>

- DOL consider regulatory changes to increase review and oversight of LCAs and TLCs from employers for H-2A, H-2B, and H-1B classifications by requiring the submission of additional documents, such as employer tax and insurance documents and social media postings, to the extent practicable and relevant.
- Per the note to Congress at page 37, when DOL is determining whether to approve or deny LCAs or TLCs, consider that prevailing wages include a combination of the basic hourly wage rate and any fringe benefits rate paid to workers in a specific job classification⁵⁰ and the costs associated with living in that locality, such as those relating to medical care, housing, and food. Immigrants who receive temporary work visas (such as an H-1B visa, but have not received, for example, T nonimmigrant status) are not eligible for the same cash or basic assistance benefits (such as Temporary Assistance for Needy Families, Medicaid, and Supplemental Nutrition Assistance Program) as U.S. citizens, which are often vital to helping families achieve financial stability. By only focusing on prevailing wages as currently defined and not these other basic assistance needs, many temporary workers and their dependents cannot achieve self-sufficiency when they receive their temporary work visas and are at greater risk of experiencing labor exploitation and trafficking.
- DOL require petitioning employers to list the names of prospective employees within their LCA when available and to the extent practicable under current laws and regulations. Doing so will help DOL, DHS, and State identify potential exploitation or trafficking earlier.
- DHS increase reviews and oversight of petitions from employers for H-2A, H-2B, and H-1B classifications by requiring the submission of additional documents, such as employer tax and insurance documents and social media postings, to the extent practicable, relevant, and available under current laws and regulations. Requesting these additional documents can help detect fraudulent submissions by offering DHS reviewers more in-depth information about businesses' practices and potential exploitative actions.
- DOL and DHS explore whether they can develop, deliver, and require human trafficking training for employers who hire temporary workers to the extent practicable and available under current laws and regulations. This training should be co-designed and reviewed by lived experience experts and focus on what constitutes labor exploitation and trafficking and increasing awareness of temporary workers' rights, as well as the repercussions for employers in violating those rights.

Finally, we understand State's critical role in reviewing individual employee visa applications once DOL and DHS adjudicate employer certifications and petitions; therefore, we recommend the following:

- State increase review and oversight of H-2A, H-2B, and H-1B visa applications by checking additional documents—if individual applicants have them and to the extent practicable and available under current laws and regulations—such as resumes, professional licenses from their local government, cover letters, individual tax and insurance documents (e.g., the equivalent of wage and tax statements or 1099 forms) from their country of origin, and employer and employee social media postings.
- The Council commends State, DHS, and DOL's efforts to share data as part of ongoing investigations and enforcement actions and State's sharing of visa issuance data with DOL semi-annually to inform DOL's

⁵⁰ Office of Foreign Labor Certification. (n.d.). *Prevailing wages*. U.S. Department of Labor. <https://flag.dol.gov/programs/prevailingwages>; Wage and Hour Division. (n.d.). *Prevailing wage and the Inflation Reduction Act*. U.S. Department of Labor. <https://www.dol.gov/agencies/whd/IRA>



program compliance analyses. We further encourage State to explore ways to share individual employee data with DOL and DHS to help identify and prevent human trafficking among temporary workers in addition to sharing data after a labor exploitation or trafficking investigation begins. We believe having a single shared database of employer and employee real-time data (as discussed above) would help increase data sharing and further prevent labor trafficking.

- State share data on labor exploitation and trafficking among documented and undocumented workers with the foreign governments from which those visa holders emigrated. Doing so will help raise awareness of potential laws, policies, and practices that could be strengthened abroad to help prevent exploitation in those countries that lead to visa fraud, labor exploitation, and trafficking in the United States.

2. Pursuant to NAP Principle 1.5 (*Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders*), we recommend that DOL enhance efforts to identify potential instances of labor trafficking among temporary workers and in high-risk industries.

In addition to increasing efforts to prevent labor trafficking among temporary workers, we also call on DOL to enhance efforts to identify potential instances of labor trafficking, particularly in high-risk industries, such as seasonal farm work, seafood processing, and hospitality. DOL is uniquely positioned through its wage and hour and occupational safety oversight functions to detect potential instances of labor trafficking. With the number of H-2A visas (for Temporary Agricultural Workers) issued or status granted increasing substantially in recent years (reaching 213,394 in 2020), there is a great need for more oversight.⁵¹ If exploitative farm employers are aware of upcoming audits, field visits, or investigations, they may only temporarily change practices to comply with safety regulations. In addition, many temporary workers may not be aware of local labor laws or their employee rights. They may also not be aware of how to file a complaint or share their concerns about their employers. Some may fear retaliation against them and their families if they complain about their employer. Random inspections and checks undertaken as part of DOL's enforcement of domestic labor laws can help ensure basic safety procedures are followed, such as breaks, first aid access, and accessibility of restrooms and water. During these random checks, DOL staff can also inform workers, particularly in the farming and hospitality industries, of their rights as workers in the United States.

We acknowledge DOL's efforts to support random field checks as part of the Wagner-Peyser program and through DOL's Wage and Hour Division. We also commend DOL's "no wrong door" framework to ensure workers are connected to various services. To further increase efforts to identify potential instances of labor trafficking among temporary workers, we recommend that DOL specifically:

- Per the note to Congress on page 36, enhance existing efforts to conduct random and unannounced field checks in high-risk industries, such as migrant and seasonal farm work and hospitality industries. Random and unannounced field visits help ensure the identification of labor exploitation and trafficking in high-risk industries, as exploitative employers will not have time to fix non-compliant practices. These inspections should occur at least annually. Things that may raise a flag at seasonal farms, for example, include new water containers, portable restrooms, tents, canopies, or first aid kits that do not appear

⁵¹ Polaris. (2022). *Labor trafficking on specific temporary work visas: A data analysis 2018-2020*. <https://polarisproject.org/labor-trafficking-on-specific-temporary-work-visas-report/>

to have been used; no tracks that show where portable restrooms are moved during working hours; whether there are ice buckets for water; or if there is sufficient equipment or protective gear for the number of workers present.

- Provide enhanced training and resources to state departments of labor and agriculture and state workforce agencies to increase their awareness and efforts to identify labor exploitation and trafficking. Training and resources should provide information about indicators of labor trafficking and how state licensing and inspection staff in the agricultural, hospitality, and other high-risk industries can help detect potential instances of labor exploitation and trafficking.

3. We recommend that HHS, DOJ, and DOL increase oversight and support for unaccompanied and other vulnerable children at risk of experiencing child labor trafficking.⁵²

Every year, a significant number of children cross the U.S. border unaccompanied. In federal Fiscal Year (FY) 2022, more than 128,000 unaccompanied migrant children were referred to HHS/ORR custody.⁵³ Many enter the care of HHS/ORR until they can be released to a U.S.-based sponsor while their immigration case is pending. In February 2023, the New York Times reported a high number of unaccompanied migrant children had left HHS/ORR care and were working in unsafe and unlawful conditions—working overnight in slaughterhouses, sawing wood, scrubbing dishes late at night, and operating dangerous machinery in factories.⁵⁴ That same month, DOL reported that since 2018, there has been a 69% increase in illegal employment of children by U.S. companies.⁵⁵ Also, in FY 2022, DOL investigated and found that 835 companies had employed more than 3,800 children in violation of U.S. child labor laws.⁵⁶ It further noted

NOTE TO CONGRESS

To increase efforts to prevent child labor exploitation in the United States, we recommend that Congress:

- Substantially increase the maximum civil monetary penalty to companies for child labor violations and increase protections from retaliation for individuals who report child labor law violations.
- Increase funding for DOL to investigate child labor cases.
- Increase funding for HHS/ORR to expand voluntary post-release services and mental health support to unaccompanied children who are victims of trafficking after discharge from HHS/ORR care and are between the ages of 18 and 24, regardless of their immigration status.
- Require HHS to gather information from sponsors of children after their release from HHS/ORR care about their whereabouts, needs, and any safety concerns or issues they may face.


⁵² U.S. Department of Health and Human Services. (2023, February 27). *Departments of Labor and Health and Human Services announce new efforts to combat exploitative child labor* [Press release]. <https://www.hhs.gov/about/news/2023/02/27/departments-labor-and-health-and-human-services-announce-new-efforts-combat-exploitative-child-labor.html>

⁵³ U.S. Department of Health and Human Services (HHS). *Fact sheet: Unaccompanied Children (UC) Program*. <https://www.hhs.gov/sites/default/files/uac-program-fact-sheet.pdf>

⁵⁴ Dreier, H. (2023, February 25). *Alone and exploited, migrant children work brutal jobs across the U.S.* *New York Times*. <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>

⁵⁵ U.S. Department of Labor. *Departments of Labor, Health and Human Services announce new efforts to combat exploitative child labor*. <https://www.dol.gov/newsroom/releases/osec/osec20230227>

⁵⁶ U.S. Department of Labor. *Departments of Labor, Health and Human Services announce new efforts to combat exploitative child labor*. <https://www.dol.gov/newsroom/releases/osec/osec20230227>



that, under current law, the maximum civil monetary penalty for a company's child labor violation is only about \$15,000 per child. The Council believes that this amount does not reflect the prevention, protection, prosecution, or partnership values of the Trafficking Victims Protection Act (TVPA). Plus, as DOL states, it is not a deterrent for large U.S. companies that make substantial financial gains on goods produced by child labor.

Simply put, unaccompanied children who enter the care and supervision of the U.S. government need greater protections. Additionally, companies that hide behind a corporate veil, deny knowledge or responsibility, and/or use staffing agencies or their subcontractor or supplier(s) to engage in illegal acts must be held accountable. There must be greater oversight and legal consequences to address this form of systemic trafficking fueled by U.S. companies. Each branch of the federal government has a role in adhering to its commitment to the safety of children within U.S. borders, honoring the goals of the TVPA, and holding individuals and organizations accountable for criminal and negligent acts relating to child labor exploitation.

Similarly, children involved in the child welfare system—particularly those in foster and congregate care settings—also deserve greater focus and protection from potential labor exploitation and trafficking. Federal legislation and government programs have, in recent years, focused on the connection between foster care and domestic child sex trafficking,⁵⁷ but there has been less focus on the risks children in the child welfare system face relating to labor exploitation or labor trafficking. We commend HHS's efforts to work with state and local child welfare agencies to increase young people's understanding of the risk factors associated with all forms of human trafficking. We also commend DOL for leading the Interagency Task Force to Combat Child Labor Exploitation and its focus on increased oversight and accountability to address child labor trafficking in this country.⁵⁸ We further acknowledge DOL's and HHS's efforts to share data and information on child labor exploitation through its Interagency Data Sharing Memorandum of Agreement (MOA).⁵⁹

To protect vulnerable children at risk of experiencing labor trafficking at the hands of U.S.-based companies, we specifically recommend that:

- DOL continue to share information with HHS on companies subject to child-labor-related enforcement actions. Timely information regarding current or past investigations of child labor violations will help HHS improve its sponsor vetting processes by addressing potential geographic or other concerns. It will also help HHS provide appropriate and needed post-release services.
- DOL provide HHS with information on companies subject to child-labor-related enforcement actions. As part of its discharge documentation and consistent with its authorities, HHS to then share this information with sponsors of unaccompanied children based on their state of residence and any information about federal and state child labor law protections available and what types of work are considered harmful or hazardous by the federal government at specific ages. Sharing this information will empower sponsors to make informed decisions to help protect the children under their care.

⁵⁷ National Council of Juvenile and Family Court Judges. (2019, November 11). *The disturbing connection between foster care and domestic child sex trafficking*. <https://www.ncjfcj.org/webcasts/the-disturbing-connection-between-foster-care-and-domestic-child-sex-trafficking>; Administration for Children and Families. (2022, December 1). *Responding to human trafficking among children and youth in foster care and missing from foster care*. U.S. Department of Health and Human Services. <https://www.acf.hhs.gov/policy-guidance/responding-human-trafficking-among-children-and-youth-foster-care-and-missing>


⁵⁸ U.S. Department of Labor. *Departments of Labor, Health and Human Services announce new efforts to combat exploitative child labor* [News release]. <https://www.dol.gov/newsroom/releases/osec/osec20230227>

⁵⁹ U.S. Department of Labor. (2023). *Memorandum of agreement between the United States Department of Labor Wage and Hour Division and the United States Department of Health and Human Services Administration for Children and Families regarding inter-agency data sharing memorandum of agreement*. <https://www.dol.gov/sites/dolgov/files/WHd/MOU/MOU-hhs-whd.pdf>



- DOL and HHS coordinate to share lists of companies subject to child labor-related enforcement actions with state, tribal, and local child welfare agencies. Frequently sharing this information will help child welfare agencies increase oversight of potential child labor exploitation among children in their care.
- HHS use its post-release services funds to support continuous post-release mental health services for unaccompanied children who have experienced any form of human trafficking (see the note to Congress on page 41). The Council commends HHS's and the Interagency Task Force's call to expand post-release support, including funding medical and mental health and family counseling services. We call on HHS to explore ways to use these funds to provide ongoing mental health support for unaccompanied children who have experienced human trafficking after release from HHS/ORR care. Additionally, to help prevent children from re-experiencing trafficking after release, HHS/ORR should not only follow up with children who have reported safety concerns after release (as noted by the Interagency Task Force) but attempt to follow up with any child who has been found to have experienced human trafficking before or while in HHS/ORR custody.
- To better understand the connection between domestic child labor trafficking and the child welfare system, HHS conduct a prevalence study of labor exploitation and labor trafficking to begin to gather data and information on the impact of child labor trafficking among children in the child welfare system.
- DOL and HHS amend their current Interagency Data Sharing MOA⁶⁰ to include the HHS/Children's Bureau to help extend child labor protections to children involved in the child welfare system—particularly those in foster or congregate care.

⁶⁰ U.S. Department of Labor. (2023). *Memorandum of agreement between the United States Department of Labor Wage and Hour Division and the United States Department of Health and Human Services Administration for Children and Families regarding inter-agency data sharing memorandum of agreement*. <https://www.dol.gov/sites/dolgov/files/WHd/MOU/MOU-hhs-whd.pdf>

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- DOJ develop training and resources with lived experience experts on force, fraud, and coercion tactics traffickers use in child labor trafficking cases for federal investigators and prosecutors. The resources and training will help federal law enforcement better understand how children experience labor trafficking. Engaging lived experience experts in the design and delivery of these resources will provide DOJ with important information on the unlawful recruiting and hiring tactics traffickers undertake and the unconventional and technological means they use to lure child victims. It can also shed light on how traffickers obtain false identification, work permits, and other documents and falsify payroll relating to child victims.

NOTE TO CONGRESS

The TVPA does not contain a distinction between forced labor of adults or forced labor of minors—making prosecution of these cases incredibly difficult with variable results. Forced labor and other crimes that require proof of force, fraud, or coercion are difficult to charge and prove when children are isolated and afraid to come forward, and other labor laws covering child labor may not carry criminal penalties.

As noted above, in recent years there has been an increase in illegal employment of children by U.S. companies. Our current laws only enable and do not effectively deter companies from hiring minors and placing them in dangerous working conditions.

Treating children and adults the same within the TVPA definition of forced labor is fundamentally wrong. We urge the Administration to submit to Congress, in the next reauthorization of the TVPA, a legislative proposal to bring criminal charges involving forced child labor, child labor trafficking, and child labor exploitation. This proposal may include an amendment to 18 U.S.C. 1589 to remove the force, fraud, or coercion element for situations in which a minor is employed in violation of federal or state labor laws.



4. We recommend that DHS increase collaboration with vulnerable immigrant populations, males, and LGBTQ+ survivors as consultants to increase trust with these communities.

We acknowledge DHS's ongoing efforts to raise awareness about human trafficking with the public, various industries, and with law enforcement. We also acknowledge DHS/Blue Campaign's efforts to include survivors in developing and planning various publications and campaigns. Today, DHS's relationship with various immigrant populations and those without legal status is strained. Perceptions of DHS/Immigration and Customs Enforcement (DHS/ICE) among immigrant populations are fraught with distrust and fear of imprisonment and deportation,⁶¹ which poses barriers to reporting instances of human trafficking and collaboration with law enforcement to advance anti-trafficking efforts.

To repair DHS's reputation and relationship with various communities that have negative perceptions and/or have been harmed by DHS, DHS must reframe and rebrand its efforts across programs to be collaborative, supportive, and engaging of diverse populations of survivors of human trafficking. We, therefore, call on DHS to:

- Increase the diversity of survivors with whom they consult on various awareness and outreach campaigns to include vulnerable immigrant populations, males, and LGBTQ+ survivors. DHS may consider engaging these diverse populations at upcoming roundtables or cross-collaboration symposia.
- Engage vulnerable immigrant populations, males, and LGBTQ+ survivors in developing and delivering training for law enforcement and other DHS staff with an emphasis on adopting trauma-informed, culturally sensitive, and survivor-informed approaches.
- Increase its presence at and participation in anti-trafficking events and increase production and distribution of educational materials regarding DHS/ICE's anti-trafficking efforts. These materials should be accessible/designed for those with limited English proficiency to reach vulnerable immigration communities. Increased dissemination of educational materials about DHS/ICE's anti-trafficking work would encourage greater trust and partnership between DHS/ICE and vulnerable communities.
- Increase collaboration with local service providers to gain insight into current trends and barriers among vulnerable immigrant populations, males, and LGBTQ+ survivors. This will also support relationship and trust building with those who support vulnerable communities and the communities themselves.
- Increase diverse depictions/images of males in awareness materials and training. This increased diversity in imagery will help to overcome cultural stigmas around masculinity that may prevent male victims from coming forward or disclosing their trafficking situation.

⁶¹ See, e.g., Hacker, K., Chu, J., Leung, C., Marra, R., Pirie, A., Brahim, M., English, M., Beckmann, J., Acevedo-Garcia, D., & Marlin, R. P. (2011, August). The impact of immigration and customs enforcement on immigrant health: Perceptions of immigrants in Everett, Massachusetts, USA. *Social Science and Medicine*, 73(4), 586–594. <https://doi.org/10.1016/j.socscimed.2011.06.007>

5. We recommend that DHS continue to make expeditious efforts toward creating a bona fide determination process for T nonimmigrant applicants⁶² and provide training to employers on T classification and green card processes.

We commend DHS's recent efforts to implement a bona fide determination process for U nonimmigrant applicants, which provides employment authorization and deferred action for noncitizens pending their U nonimmigrant status petitions.⁶³ This effort will help reduce the potential for re-victimization and give victims needed security during the criminal justice process. We also commend DHS for its efforts to explore a more streamlined review of T nonimmigrant status classifications through its rulemaking processes. We encourage DHS to move expeditiously to complete the process of creating a bona fide determination process for T nonimmigrant applicants.⁶⁴ As of November 2023, the current processing time for T nonimmigrant applications is approximately 17 months.⁶⁵



A similar process for T nonimmigrants that is publicized and known among communities, victim service organizations, attorneys, and advocates will also help victims find stability. Victims awaiting T status determinations have no legal or immigration protections, are at increased risk of deportation, and do not have guaranteed access to resources, housing, or employment. During this time, they are also at risk for re-exploitation. Implementing and publicizing a bona fide determination process for T visas will further uphold the purposes of the T visa itself, which are to investigate and prosecute human trafficking and **offer protection to victims.**⁶⁶


⁶² U.S. Citizenship and Immigration Services. (n.d.). *I-918, petition for u nonimmigrant status*. U.S. Department of Homeland Security. <https://www.uscis.gov/I-918>

⁶³ U.S. Citizenship and Immigration Services. (2021, September 23). *National engagement - u visa and bona fide determination process - frequently asked questions*. U.S. Department of Homeland Security. <https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions>

⁶⁴ U.S. Citizenship and Immigration Services. (n.d.). *I-918, petition for u nonimmigrant status*. U.S. Department of Homeland Security. <https://www.uscis.gov/I-918>

⁶⁵ U.S. Citizenship and Immigration Services. (n.d.). *Check case processing times*. U.S. Department of Homeland Security. <https://egov.uscis.gov/processing-times/>

⁶⁶ Victims of Trafficking and Violence Protection Act of 2000, H.R. 3244, 106th Cong. (2000). <https://www.congress.gov/bill/106th-congress/house-bill/3244/text>



Additionally, to continue to provide stability for victims during the pendency of their T status and while they are applying for their lawful permanent residence (green card), DHS should further raise awareness and provide training to employers about T nonimmigrant status and green card processing times. We encourage DHS to coordinate with DOL's Employment and Training Administration to explore how such training could be developed and delivered and help connect DHS to the workforce and private sector employer community. Under current law, individuals may apply for their green card after they are granted T status and have maintained continuous physical presence in the United States for at least 3 years since the date they received the T status or the continuous period during the trafficking investigation or prosecution, whichever is shorter.⁶⁷ Often, however, green card processing takes many years, well beyond the 4-year T classification period. If a T nonimmigrant's green card application is pending beyond 4 years, the visa period and its accompanying work permits will be extended. However, anecdotally, many survivors struggle to maintain employment when their T status and work permits have been extended because employers cannot verify that the status or work permit has been extended, even if the employer has been provided an extension letter from DHS.

6. We recommend that DHS continue to increase awareness among all DHS/Customs and Border Protection (DHS/CBP) law enforcement officers on what T status is and the rights and benefits it affords to victims of human trafficking within the United States.

Between about 500 and 1,700 T visas were issued per year between FY 2018 and 2022.⁶⁸ The T visa allows certain victims of a severe form of trafficking to remain in the United States for up to 4 years if they comply with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking or qualify for an exemption or exception. T nonimmigrants are also eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents.⁶⁹

Anecdotally, the Council is aware of numerous instances where T nonimmigrants have been detained at various U.S. ports of entry due to a lack of knowledge or understanding among customs and border agents and/or U.S. Citizenship and Immigration Services officers of what T nonimmigrant status is and the rights and benefits they afford. These detentions are re-traumatizing for T nonimmigrants and can have a significant impact on an individual's mental health and willingness to collaborate with law enforcement in the future. We acknowledge that all DHS/CBP law enforcement officers receive annual training on T nonimmigrant status and that new officers also receive this mandatory training. We further recommend that DHS:

- Explore ways to enhance its T nonimmigrant status training by gathering feedback for improvement from individuals with lived experience.
- Offer refresher training for DHS/CBP law enforcement officers biannually.
- Create desk reference tools DHS/CBP law enforcement officers can use on the job that share key aspects of the T visa and its holders' rights.

⁶⁷ U.S. Citizenship and Immigration Services. (2018, May 10). *Green card for a victim of trafficking (t nonimmigrant)*. U.S. Department of Homeland Security. <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-a-victim-of-trafficking-t-nonimmigrant>

⁶⁸ U.S. Citizenship and Immigration Services. (n.d.). *Number of form I-914, application for t nonimmigrant status by fiscal year, quarter, and case status, fiscal years 2008-2023*. U.S. Department of Homeland Security. https://www.uscis.gov/sites/default/files/document/data/i914t_visastatistics_fy2023_qtr3.pdf

⁶⁹ U.S. Citizenship and Immigration Services. (2023, August 21). *Victims of human trafficking: T nonimmigrant status*. U.S. Department of Homeland Security. <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-t-nonimmigrant-status>



Conclusion

In closing, we stand at the end of this report with hearts brimming with gratitude and passion. We are profoundly thankful for the trust placed in us by the survivors who shared their stories, the PITF agencies that welcomed us, and the countless individuals who dedicated their time and effort to this cause. Through your strength and resilience, we find the motivation to push forward.

Let this report serve as a testament to our collective determination to create a more just and equitable future. As we move forward, let us harness the power of our shared passion to drive meaningful action. The road ahead may be challenging, but we are armed with survivors' wisdom, our communities' strengths, and invaluable partnerships with PITF agencies. Together, we have the potential to bring about the change we all aspire to see.

In the spirit of unity and purpose, we call upon PITF agencies to increase their efforts, be unwavering advocates for justice, and fight for a world free of exploitation. Let us carry the torch of change forward, for it is not only a duty but a privilege to be part of this transformative journey. Together, we can make a difference that will resonate for generations.





Appendix A: Index of Council 2023 Recommendations

PAGE	COUNCIL RECOMMENDATION
U.S. DEPARTMENT OF AGRICULTURE	
21	Pursuant to NAP Principle 4.3 (<i>Strengthen federal anti-trafficking efforts by incorporating survivor input</i>), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.
U.S. DEPARTMENT OF COMMERCE	
26	Pursuant to NAP Principle 1.3 (<i>Strengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures</i>), we recommend that DOJ, DOI, and DOC create culturally responsive trainings and resources for Indigenous communities outside of the continental United States, such as Alaska, Hawaii, the U.S. territories, and Freely Associated States, that address forced labor in high-risk industries (i.e., fishing, mining, canning, drilling) and drug trafficking.
U.S. DEPARTMENT OF EDUCATION	
35	Pursuant to NAP Priority Action 2.6.4 (<i>Increase access to education</i>), we recommend that ED explore ways to ensure survivors of trafficking have fair and equal access to student loans and Pell grants—regardless of the actions of their traffickers.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

16	We recommend that DOJ/Office for Victims of Crime (DOJ/OVC) and HHS/Office on Trafficking in Persons (HHS/OTIP) increase efforts to communicate directly with grantees and those they serve to collect formal and informal feedback on training and technical assistance (TTA) needs to improve services, ensure TTA draws from diverse perspectives, and ensure that grantee and survivor experiences inform future grantmaking.
21	Pursuant to NAP Principle 4.3 (<i>Strengthen federal anti-trafficking efforts by incorporating survivor input</i>), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.
24	Pursuant to NAP Priority 2.6.5 (<i>Increase access to assistance broadly</i>), we recommend that HUD, in collaboration with HHS and DOJ, coordinate to expand anti-trafficking efforts so LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking have access to sustainable housing.
30	Pursuant to NAP Principle 2.2 (<i>Safeguard victims of human trafficking from being inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked</i>) and Priority Action 2.6.1 (<i>Increase access to mental health and other healthcare services</i>), we recommend that PITF agencies, and specifically HHS and DOJ, increase awareness, training, and services to serve people who have experienced trafficking impacted by the current fentanyl crisis that contributes to forced labor, criminality, substance coercion, barriers to service and safety, and mortality rates.
32	Pursuant to Priority Action 2.6.1 (<i>Increase access to mental health and other healthcare services</i>), we recommend that HHS increase research, funding, and programming specific to survivors of trafficking impacted by a traumatic brain injury (TBI).
41	We recommend that HHS, DOJ, and DOL increase oversight and support for unaccompanied and other vulnerable children at risk of experiencing child labor trafficking.

U.S. DEPARTMENT OF HOMELAND SECURITY

21	Pursuant to NAP Principle 4.3 (<i>Strengthen federal anti-trafficking efforts by incorporating survivor input</i>), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.
37	Pursuant to NAP Principle 1.5 (<i>Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders</i>), we recommend that DOL, DHS, and State increase efforts to prevent labor trafficking among temporary work visa holders.
45	We recommend that DHS increase collaboration with vulnerable immigrant populations, males, and LGBTQ+ survivors as consultants to increase trust with these communities.
46	We recommend that DHS continue to make expeditious efforts toward creating a bona fide determination process for T nonimmigrant applicants and provide training to employers on T classification and green card processes.
47	We recommend that DHS continue to increase awareness among all DHS/Customs and Border Protection (DHS/CBP) law enforcement officers on what T status is and the rights and benefits it affords to victims of human trafficking within the United States.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

21	Pursuant to NAP Principle 4.3 (<i>Strengthen federal anti-trafficking efforts by incorporating survivor input</i>), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.
23	We recommend that HUD work with survivor experts to develop and deliver foundational training on human trafficking for HUD and Public Housing Authority staff.
24	Pursuant to NAP Priority 2.6.5 (<i>Increase access to assistance broadly</i>), we recommend that HUD, in collaboration with HHS and DOJ, coordinate to expand anti-trafficking efforts so LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking have access to sustainable housing.

U.S. DEPARTMENT OF THE INTERIOR

21

Pursuant to NAP Principle 4.3 (*Strengthen federal anti-trafficking efforts by incorporating survivor input*), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.

26

Pursuant to NAP Principle 1.3 (*Strengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures*), we recommend that DOJ, DOI, and DOC create culturally responsive trainings and resources for Indigenous communities outside of the continental United States, such as Alaska, Hawaii, the U.S. territories, and Freely Associated States, that address forced labor in high-risk industries (i.e., fishing, mining, canning, drilling) and drug trafficking.

U.S. DEPARTMENT OF JUSTICE

16

We recommend that DOJ/Office for Victims of Crime (DOJ/OVC) and HHS/Office on Trafficking in Persons (HHS/OTIP) increase efforts to communicate directly with grantees and those they serve to collect formal and informal feedback on training and technical assistance (TTA) needs to improve services, ensure TTA draws from diverse perspectives, and ensure that grantee and survivor experiences inform future grantmaking.

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24

Pursuant to NAP Priority 2.6.5 (*Increase access to assistance broadly*), we recommend that HUD, in collaboration with HHS and DOJ, coordinate to expand anti-trafficking efforts so LGBTQ+ survivors, survivors with physical and mental health challenges, male survivors, and survivors of labor trafficking have access to sustainable housing.


26

Pursuant to NAP Principle 1.3 (*Strengthen efforts to identify, prevent, and address human trafficking in product supply chains and ventures*), we recommend that DOJ, DOI, and DOC create culturally responsive trainings and resources for Indigenous communities outside of the continental United States, such as Alaska, Hawaii, the U.S. territories, and Freely Associated States, that address forced labor in high-risk industries (i.e., fishing, mining, canning, drilling) and drug trafficking.

30	Pursuant to NAP Principle 2.2 (<i>Safeguard victims of human trafficking from being inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked</i>) and Priority Action 2.6.1 (<i>Increase access to mental health and other healthcare services</i>), we recommend that PITF agencies, and specifically HHS and DOJ, increase awareness, training, and services to serve people who have experienced trafficking impacted by the current fentanyl crisis that contributes to forced labor, criminality, substance coercion, barriers to service and safety, and mortality rates.
33	Pursuant to the President's Executive Order 13985 on racial equity, NAP Priority 4.5.3 (<i>Adopt inclusive policies for government-run systems or programs that disproportionately and negatively impact marginalized communities or increase their vulnerability to human trafficking</i>), H.R. 5573: Brittany Clardy Missing and Murdered Black Women and Girls Act, and the Council's 2022 Call to Action, we recommend that DOJ establish a community-led national advisory commission on Black victims/survivors of trafficking and missing and murdered Black women and girls.
41	We recommend that HHS, DOJ, and DOL increase oversight and support for unaccompanied and other vulnerable children at risk of experiencing child labor trafficking.
U.S. DEPARTMENT OF LABOR	
21	Pursuant to NAP Principle 4.3 (<i>Strengthen federal anti-trafficking efforts by incorporating survivor input</i>), we recommend that DOJ, DOL, DOI, HHS, DHS, HUD, and USDA hire and encourage their federally funded programs to hire and compensate Survivor Engagement Coordinators with lived experience to act as liaisons and help build sustainable community engagement with persons with lived experience to ensure equitable and inclusive representation in communities' grant programs, task forces, and/or initiatives.
37	Pursuant to NAP Principle 1.5 (<i>Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders</i>), we recommend that DOL, DHS, and State increase efforts to prevent labor trafficking among temporary work visa holders.
40	Pursuant to NAP Principle 1.5 (<i>Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders</i>), we recommend that DOL enhance efforts to identify potential instances of labor trafficking among temporary workers and in high-risk industries.
41	We recommend that HHS, DOJ, and DOL increase oversight and support for unaccompanied and other vulnerable children at risk of experiencing child labor trafficking.

U.S. DEPARTMENT OF STATE	
37	Pursuant to NAP Principle 1.5 (<i>Address aspects of nonimmigrant visa programs that may facilitate exploitation of visa holders</i>), we recommend that DOL, DHS, and State increase efforts to prevent labor trafficking among temporary work visa holders.
ALL PITF AGENCIES	
15	In alignment with NAP Priorities 4.1.2 (<i>Identify research gaps to better serve vulnerable populations and underserved victims</i>) and 4.1.3 (<i>Solicit research to identify effective interventions to combat forced labor</i>), we recommend that PITF agencies use a knowledge mobilization approach to meaningfully, transparently, and respectfully engage communities and individuals who are the subjects of federally funded research.
18	We recommend that PITF agencies continue to advance their survivor engagement efforts intentionally and meaningfully by conducting self-assessments to measure and collect data on their survivor engagement practices according to the eight areas of criteria outlined below. We further urge PITF agencies to increase their accountability in ensuring that survivors are engaged as paid consultants within their agency and/or by grantees of any federally funded grants relating to human trafficking.
30	Pursuant to NAP Principle 2.2 (<i>Safeguard victims of human trafficking from being inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked</i>) and Priority Action 2.6.1 (<i>Increase access to mental health and other healthcare services</i>), we recommend that PITF agencies, and specifically HHS and DOJ, increase awareness, training, and services to serve people who have experienced trafficking impacted by the current fentanyl crisis that contributes to forced labor, criminality, substance coercion, barriers to service and safety, and mortality rates.



An aerial photograph of a coastal wetland. A wide, light blue river flows horizontally across the middle of the frame. To the left of the river, there are large, irregular patches of brown and tan marshland, separated by dark, winding channels. To the right of the river, the terrain is more uniform, appearing as a dark, textured expanse. The overall scene is a complex mosaic of natural elements.

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