



**February 1, 2023**

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**RE: Comment for Trafficking in Persons Report on United States 2023**

**1. What were the government's major accomplishments in addressing human trafficking since April 1, 2022? In what significant ways have the government's efforts to combat trafficking in persons changed in the past year? How have new laws, regulations, policies, or implementation strategies (e.g., substantive criminal laws and procedures, mechanisms for civil remedies, and victim-witness programs, generally and in relation to court proceedings) affected its anti-trafficking response?**

Federally, the US government has accomplished increased protections for victims in some areas while still needing to make significant improvements to overall victim protections. In 2022, the federal government continued to improve by stopping harmful policies seen during 2017-2021 that prioritized detention and deportation of noncitizen victims of trafficking. Most importantly, during 2022, the US Department of Labor issued and began implementing important policies that provide protections to victim-witnesses in labor investigations, allowing victims of labor trafficking to obtain victim services and protections from deportation while the investigation is pending. In addition, policies by the Department of Homeland Security and Department of Justice have expanded protections for victims and increased the ability to investigate and prosecute trafficking by prioritizing protections of victims against arrest, detention and deportation, providing flexibilities for removal cases to be administratively closed or terminated for victims to pursue protections, and continuing to provide some access to social supports to recover from trauma. These policies further bolstered the ability of the US government to investigate and prosecute trafficking as victim-witnesses remained in available in the US and also were more likely to report trafficking with less fear of negative law enforcement consequences.

**2. Over the past year, what were the greatest deficiencies in the government's anti-trafficking efforts? What were the limitations on the government's ability to address human trafficking problems in practice?**

Over the past year, the government continued to be deficient in ensuring trauma-informed and victim-centered approaches to combatting trafficking. At all levels, biases regarding criminal histories resulted in failures of government actors to identify and protect victims. The Advocates is aware of at least one case in 2022 that involved a victim of forced labor by a drug trafficker. The victim was arrested and charged with drug trafficking, participated in the investigation, but was never identified as a victim of trafficking to be referred for services or avoid criminal

liability. In other cases, The Advocates has found the US immigration services fail to identify and protect victims with criminal histories despite policies to the contrary. In multiple cases, the immigration service has failed to grant immigration benefits, or has kept individuals detained, where they have criminal histories due to trauma and vulnerabilities due to trafficking. An improved trauma-informed and victim-centered approach at all levels would better protect victims of trafficking and allow them to remain available to help investigations rather than face deportation and other consequences.

The US government failed to provide adequate social protections for victims over the past year. As relates to noncitizen victims, The Advocates has observed that the US government fails to provide interim benefits to victims awaiting immigration processing. This has significant harms for victims and the ability of the government to combat trafficking. Without interim benefits, victims lose immigration status, face penalties for visa overstays and cannot work. The inability to work often results in re-victimization as survivors may be forced to take less safe jobs or rely on dangerous individuals for basic needs. In other instances, victims will chose to return to their home countries rather than face such difficulties and the threat of losing status—this, of course, results in the loss of victim-witnesses who could otherwise support an investigation.

**3. Did the COVID-19 pandemic affect the government's efforts to coordinate, execute, and monitor its anti-trafficking response across its prosecution, protection, and prevention efforts? How have anti-trafficking officials, units, and coordinating bodies continued to operate and adapt?**

Yes. The COVID-19 pandemic impacted the Department of Labor's ability to undertake routine and other investigations. This resulted in challenges to identifying trafficking and prosecuting it. Since 2022, however, these operations appear to have restarted, which has allowed The Advocates to refer at least one case for investigation. Other agencies similar saw decreased ability to screen and identify for trafficking due to virtual hearings and fewer in-person investigation opportunities.

4. Please provide additional information and/or recommendations to improve the government's anti-trafficking efforts overall.

5. Please highlight effective strategies and practices that other governments could consider adopting.

## **Prosecution**

**6. Please provide observations regarding the implementation of existing laws, policies, and procedures. Are there gaps in anti-trafficking legislation that could be amended to improve the government's response? Are there any government policies that have undermined or otherwise negatively affected anti-trafficking efforts within that country?**

**7. Do government officials understand the nature of all forms of trafficking? If not, please provide examples of misconceptions or misunderstandings. Did the government effectively**

**provide or support anti-trafficking trainings for officials? If not, how could they be improved?**

No. Government officials fail to understand the nature of labor trafficking as compared to sex trafficking. While labor trafficking accounts for a much higher percentage of occurrences of trafficking, government officials often investigate and/or bring charges on sex trafficking at might higher rates than labor trafficking. Cases involving mixed sex and labor trafficking may be investigated only for sex trafficking, failing to send a message to labor traffickers. In at least one case, The Advocates is aware that government officials investigated a case involving both labor and sex trafficking; however, charges were only brought for the sex trafficking case.

The government has made efforts to improve this through training, but more remains to ensure all officers equally understand and address all forms of trafficking in persons. There also must be additional support to ensure that investigators and prosecutors understand labor trafficking and what kinds of evidence may be used for a successful investigation. Investigators should be trained on evidence gathering for labor trafficking, but prosecutors and judges must also better understand the types of evidence that supports a trafficking prosecution.

**8. Please provide observations on overall anti-trafficking law enforcement efforts and the efforts of police and prosecutors to pursue trafficking cases. Is the government equally vigorous in pursuing forced labor and sex trafficking, internal and transnational trafficking, and crimes that involve its own nationals or foreign citizens? Were anti-trafficking laws equitably enforced, or were certain communities disproportionately affected?**

Law enforcement fails to prosecute cases that may be less straightforward, high-profile or interesting to them. Labor trafficking was investigated at much lower numbers than sex trafficking when considering the instances of occurrence. Smaller cases of trafficking were rarely investigated with the same vigor as larger groups. Crimes that involve foreign citizens often failed to get the same attention as those involving US citizens. Moreover, because of the biased nature of the criminal justice system, BIPOC victims were provided fewer protections and may not have had their cases investigated or brought to trial as they appeared to be imperfect victims who were more likely to have negative criminal histories. In many cases, certain communities, especially foreign nationals and racial minorities, were disproportionately impacted by enforcement as compared to their non-foreign and white counterparts who may even hold higher positions in the trafficking infrastructure.

**9. Please note any efforts to investigate and prosecute suspects for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act.**

The Advocates for Human Rights has found<sup>1</sup> considerable progress in the State of Minnesota since adopting the Safe Harbor Law in 2011. The Advocates observed that service provision and prevention efforts, particularly awareness-raising on vulnerabilities and power imbalances that lead to sex trafficking, as well as the decrease in victim-blaming and -shaming have created a

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<sup>1</sup> The answers on sex trafficking efforts are based on The Advocates for Human Rights' research and advocacy on prevention of sex trafficking and evaluation

positive change within system actors, especially from law enforcement and prosecutors. In our research, The Advocates found multiple observations from system actor about the importance of shifting attitudes toward treating sex trafficked individuals as survivors rather than criminals.<sup>2</sup> The Advocates' research also underscores the need to include and expand prevention efforts, as success in anti-sex trafficking work has generally been focused mainly on reactive work:<sup>3</sup> number of arrests, prosecutions, and years of jail time secured.<sup>4</sup>

### **10. Does law enforcement pursue trafficking cases that would hold accountable private employers or corporations for forced labor in supply chains?**

In some cases, the government has held employers or corporations accountable; however, in a large number it has failed to either hold them accountable at all or did not provide adequate accountability, contributing to repeat offenders. For example, in several cases involving trafficking in the construction industry, The Advocates has also observed that state investigators held accountable only subcontractors, but failed to prosecute or investigate the larger contractors who had reason to believe the abuse was occurring. In another case, The Advocates was aware of a farm that had previously been held accountable only for “fraud in foreign labor contracting” despite numerous victims detailing trafficking factors. Because the farmer was allowed to continue operations and petitioning for visas, three years later, more than 50 new victims were identified by The Advocates and our partners.

### **11. Do judges appear appropriately knowledgeable and sensitized to trafficking cases? Do they implement and encourage trauma-informed practices in their courts?**

Judges interviewed by The Advocates have observed the importance of being aware of the inability to recall trafficking events by victims/ survivors because of trauma and distrust in the system product of that trauma.<sup>5</sup>

Protracted length of trials, power imbalance between victims and law enforcement, disagreement on the terms of the plea bargain are the main factors that commonly trigger trauma to the victims/survivors. Stakeholders also noted the need for further action to prevent prosecutors from retraumatizing victims/survivors in their courts by being rude to victims or even shaming victims for their clothing.<sup>6</sup>

12. Were there allegations of official complicity in trafficking crimes, via contacts, media, or other sources, including of state-sponsored forced labor? If so, what measures did the government take to end such practices? What proactive measures did the government take to prevent official complicity in trafficking in persons crimes? How did the government respond to

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<sup>2</sup> Research on file with The Advocates for Human Rights.

<sup>3</sup> Research on file with The Advocates for Human Rights.

<sup>4</sup> Gallagher, A., & Surtees, R. (2012). Measuring the Success of Counter-Trafficking Interventions in the Criminal Justice Sector: Who decides—and how?. *Anti-Trafficking Review*, (1).

<sup>5</sup> Research on file with The Advocates for Human Rights.

<sup>6</sup> Research on file with The Advocates for Human Rights.

reports of complicity that arose during the reporting period, including investigations, prosecutions, convictions, and sentencing of complicit officials? Were these efforts sufficient?

13. Is there evidence that nationals of the country deployed abroad as part of a diplomatic, peacekeeping, or other similar mission have engaged in or facilitated trafficking, including in domestic servitude? Has the government vigorously investigated, prosecuted, convicted, and sentenced nationals engaged in these activities?

## **Protection**

**14. Did the government make a coordinated, proactive effort to identify victims of all forms of trafficking? Were there any new (or changes to preexisting) formal/standard procedures for screening for trafficking, including of individuals in immigration detention or removal proceedings, and for victim referral to protection services? If so, are those procedures sufficient, and did the government implement them?**

The government failed to provide proactive identification of victims of trafficking. Law enforcement officers who interacted with victims in other matters failed to identify victims. Victims arrested for criminal issues were not screened for trafficking, and those that were did not always get properly identified due to lack of training across all levels. Particularly in immigration detention and court proceedings, no screening for trafficking was present. Victims were routinely missed by ICE and then were not provided protections when alerted by legal or social services organizations.

The Department of Labor did introduce a new standard for victim protection, which is likely to assist. The new DOL policy on deferred action for victims-witnesses in labor investigations provides a new and necessary layer of protection for noncitizen victims of labor trafficking and other labor exploitation who are participating in investigations which may not immediately rise to trafficking but still require protections for victims to have work authorization and protection from deportation/detention. The policy is only newly rolling-out, so issues remain with process, awareness, education, and the like. The full strength of the policy remains to be seen.

**Did officials effectively coordinate among one another and with relevant NGOs to conduct screenings and refer victims to care?**

No. While officials tended to coordinate relatively well among themselves, officials failed to effectively coordinate with relevant NGOs to combat trafficking. Labor organizers and worker's rights organizations routinely reported that officials did not always follow-up on complaints/reports of trafficking, particularly as relates to labor trafficking. Legal services organizations are not routinely contacted by officials and most officials fail to provide referrals for legal services early in the process, resulting in the failure of victims to both obtain protections early in the process and many failing to participate in punishing trafficking due to fear and uncertainty of their rights. In many cases, federal officials referred victims for social services, particularly in relation to youth, but these services were insufficient without referrals for legal services.

**If commercial sex is legalized or decriminalized in the country, how did health officials, labor inspectors, or police identify trafficking victims among persons involved in commercial sex? If commercial sex is illegal, did the government proactively identify trafficking victims during law enforcement operations or other encounters with commercial sex establishments?**

**15. Does the government operate or fund any trafficking-specific hotlines (including those run by NGOs)? Did calls on government- or NGO-operated hotlines lead to victim identification, victim referral to care, and/or criminal investigations?**

The government does operate and fund a National Human Trafficking Hotline. We are unaware of the success of the hotline in leading to victim identification, care or investigations. In at least one case, The Advocates is aware that a victim contacted the NHTH and did not hear follow-up for several months—by then, he had contacted other organizations for help. In one of The Advocates' cases, we reported to the NHTH and heard back but had trouble ultimately reaching the NHTH due to challenges with their contact information and lack of direct contact number.

**16. Were there any new (or changes to preexisting) services available for victims and survivors (legal, medical, food, shelter, interpretation, mental health care, employment, training, etc.)?**

**If NGOs provide the services, does the government adequately support their work either financially or otherwise?**

The government failed to adequately support work for NGOs to provide services. As increasing need has arisen through outreach and awareness campaigns, government funding and staffing has failed to keep pace with the demand for NGO service providers. In several recent cases, The Advocates has referred victims for TVAP or OTIP benefits, crucial government-funded social supports and case management, but has been informed that there is either a lack of staffing in the victim's area or that the NGO contracted to provide services lacks sufficient funding to take new cases and must place the victim on a wait list.

**Did all victims and survivors of both labor and sex trafficking—regardless of citizenship, gender identity, racial/ethnic identity, sexual orientation, religious affiliation, and physical ability—receive the same quality and level of access to services?**

No. The ability to access services depends heavily on the discretion of the official and their interest in advocating for the victim. Victims with criminal records, negative immigration histories, male victims, older victims, and labor trafficking victims appeared to have a more difficult time accessing services through government officials. NGOs provided services without discrimination subject to ability and resources; however, The Advocates has heard from several US citizen victims who had difficulties in accessing legal services and victim supports in navigating other needs.

**17. What was the overall quality of victim care? How could victim services be improved? Are services victim-centered and trauma-informed?**

**Were benefits linked to whether a victim assisted law enforcement or participated in a trial, or whether a trafficker was convicted?**

**Could victims choose independently whether to enter a shelter, and could they leave at will if residing in a shelter?**

**Could victims seek employment and work while receiving assistance?**

**18. What is the level of cooperation, communication, and trust between service providers and law enforcement?**

The level of cooperation and trust increased markedly since 2020; however, it continued to vary significantly depending on the office. The Department of Labor, for example, maintained strong cooperation and trust amongst service providers as it continually displayed a victim-centered approach and proactively reached-out to service providers before and during investigations to ensure robust victim protections. In one case, the DOL worked to reach-out to service providers in advance of an investigation, without providing any details that would compromise the investigation, to ensure services would be available for victims. The Minnesota Bureau of Criminal Apprehension (BCA) similarly engaged in robust cooperation with NGOs and service providers, building trust.

Where other agencies fail to engage service providers early in the process, throughout contact with victims, and in ongoing trust building, victim protections are slow or experience gaps and investigations are hampered by victims who lack the necessary supports and lifelines to thrive and feel safe participating—in some cases, victims have returned to their traffickers because of lack of support.

**19. Were there means by which victims could obtain restitution from defendants in criminal cases or file civil suits against traffickers for damages, and did this happen in practice? Did prosecutors request and/or courts order restitution in all cases where it was required, and if not, why?**

Yes, victims are entitled to restitution, which is mandatory in federal court cases, and victims are able to bring civil suits. Victims were hindered in obtaining restitution because of the complexity of civil suits, which require an attorney to navigate and may be too costly to undertake or may not be of interest to an attorney/firm where the pay-out may be too low. Similarly, victims were also hindered in obtaining restitution even where the court ordered it because the trafficker may not have sufficient ability to pay or may have been able to hide funds such that the court could not order significant fees.

In at least one case of a large group of farmworkers who were trafficked to the US, the court ordered some restitution and the victims were able to get an attorney to handle their civil suit pro bono; however, the civil attorneys indicated they felt the trafficker's full ability to pay was limited, resulting in a smaller settlement than the victims had hoped. That same trafficker has since been investigated for ongoing trafficking and exploitation. In another case, the victim was unable to find an attorney who felt the small business of the trafficker would be able to pay, and

the victim lacked language and educational skills to file his own claim. Moreover, The Advocates is aware that many victims are trafficked by family or other smaller operations that may not be connected with resources to pay any restitution. The Advocates has represented several unaccompanied minors who have been trafficked into forced labor by family or sponsors.

**20. Please provide observations on trafficking victims and survivors' ability to access justice, as they define it, and the treatment of survivors throughout the criminal legal process.**

Victims and survivors had some ability to access justice as they define it, but this was largely dependent on the specific agency being willing to identify and support the victim. Victims with criminal records or other negative factors, as well as male victims, non-minor victims, victims of labor trafficking, and noncitizens, were often unable to access justice because law enforcement failed to support their case. For noncitizens, their ability to access justice was restricted and denied by policies that resulted in deportation, leaving victims without access to justice systems or supports.

Treatment of survivors in the criminal legal process varied largely. Many survivors who with other criminal issues or who were victims of trafficking into criminal actions, particularly people trafficked into forced labor in drug sales or trafficking, were not adequately protected. Often, these victims were not identified as victims, resulting in criminal penalties as well as immigration consequences due to harsh drug-related immigration laws.

Regarding sex trafficking victims/survivors, stakeholders and system actors have observed that older victims/survivors are particularly challenged in accessing justice because of implicit bias against adult victims. In particular, they found that this bias leads law enforcement to find more often that the victims are engaging in criminal activity rather than viewing them as victims of sex trafficking. Findings have shown that the T-visas process is underutilized by migrant victims/survivors of sex trafficking due to the lack of assurance that conduct disclosed for visa purposes will not be held against victims/survivors in future naturalization processes.<sup>7</sup>

**How did the government encourage victims to assist in the investigation and prosecution of trafficking, and did it do so in a trauma-informed way? How did the government protect victims during the trial process and ensure victims were not re-traumatized during participation in the process?**

Interviewees have observed that system actors, and especially law enforcement, must build a rapport with victim/survivors, which may take longer than just one simple interview, but to engage them in multiple steps of the investigation process. Particularly, law enforcement actors should acknowledge, respect, and understand the agency and the decision of the victims/survivors of not cooperating as they want with the investigation.<sup>8</sup>

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<sup>7</sup> Research on file with The Advocates for Human Rights.

<sup>8</sup> Research on file with The Advocates for Human Rights.



Victims/survivors voices are key not only in individual processes but in training and policy advocacy. System actors and law enforcement must include victim/survivor leadership in implementing story-sharing beyond anecdotal experiences and about dynamics of trafficking that can lead to a better training of law enforcement.

**If a victim was a witness in a court case, was the victim permitted to obtain employment, move freely about the country, or leave the country pending trial proceedings? In what ways could the government increase support for victims in prosecutions against the traffickers?**

According to The Advocates' research findings, victims/survivors of sex trafficking who have been arrested or convicted encounter great difficulties accessing public benefits programs, obtaining employment, and securing parental rights to their children. Having a criminal record of prostitution limits victims' ability to meet their core and fundamental rights, including education, safe housing, and employment, making it challenging for victims to leave sex trafficking, or not to return to a trafficker once they have left. In Minnesota, clearing their criminal record is a lengthy and costly legal process for victims/survivors.

**21. Did the government provide, through a formal policy or otherwise, temporary or permanent residency status, or other relief from deportation, for foreign national victims of human trafficking who may face retribution or hardship in the countries to which they would be deported?**

The US government does offer the ability to apply for temporary status (T status), which provides a path to permanent residency. The US government also ostensibly provides interim immigration benefits, with relief from deportation (Continued Presence), for foreign national victims. The T status requires an individual to show that they reported to law enforcement and complied with reasonable requests to assist an investigation; however, there are exceptions for minors and people with trauma.

In practice, interim benefits and protections from deportation are rarely granted. Continued Presence requires a victim report to law enforcement and then law enforcement must get federal authorities—which are within the same branch as immigration enforcement officials—to grant interim benefits. Although policy indicates such should be requested *anytime a potential victim/witness is identified*, The Advocates has found that law enforcement will not request, and DHS will not grant, such benefits unless they identified the victim themselves or the case is particularly high-profile. If the victim has any negative factors, such as criminal history, or was a victim too long ago, they will not get such benefits.

In 2022, the Department of Labor introduced a new policy and procedure for victim-witnesses in labor investigations to request deportation protections and interim immigration benefits with the support of DOL. While this procedure is new and still requires training and uniform guidance, The Advocates found that in at least one case, we were able to easily request DOL support letters for any victims impacted by an employer and obtained such letters within 30 days to then submit to immigration for processing. Other advocates have indicated success with these procedures.

Most notably, the DOL procedure does not then discriminate against victims who may have some negative factors.

Without these interim benefits, victims have no other means of accessing work authorization and protections from deportation while their temporary immigration statuses are pending.

Currently, temporary immigration benefits are taking two years from application to be granted, which creates harms to victims who must wait for these applications to process to obtain lawful immigration status and protection from removal, as well as employment authorization. The Advocates has faced challenges in applying for T status due to staffing, training, resources and harsh policies within the granting agency—USCIS. The Advocates and numerous others have identified that USCIS has routinely denied requests for waivers of fees by victims. This has resulted in victims being unfairly denied immigration benefits and facing deportation to harm, retaliation and places with insufficient resources and supports for victims. In addition, The Advocates has found that USCIS staff lack guidance and training on trauma-informed adjudications of T status applications such that victims are denied benefits where they have negative factors which should be analyzed within a victim- and trauma-informed approach to see how the impact of trauma from trafficking experiences may result in future criminal histories, involvement in other harmful and exploitative relationships, and negative coping mechanisms. However, USCIS staff fail to conduct such analyses, resulting in denial of protections. And, finally, The Advocates has found that victims are negatively impacted by challenges in USCIS that result in lost applications/evident, mailing to incorrect addresses, and the like, which slows down access to stable status and employment authorization in addition to risking deportation, particularly for pro se individuals who may not be able to navigate these processes.

**Were foreign national victims given the opportunity to seek legal employment while in this temporary or permanent residency? Were such benefits linked to whether a victim assisted law enforcement, whether a victim participated in a trial, or whether there was a successful prosecution?**

Foreign national victims are not provided the opportunity to seek employment unless they are granted interim benefits (detailed above) or T status, which is taking at least two years.

**Does the government repatriate victims who wish to return home or assist with third country resettlement? Are victims awaiting repatriation or third country resettlement offered services? Are victims indeed repatriated, or are they deported?**

Unknown—not within our scope of work.

22. Does the government effectively assist its nationals exploited abroad? Does the government work to ensure victims receive adequate assistance and support for their repatriation while in destination countries? Does the government provide adequate assistance to repatriated victims after their return to their countries of origin, and if so, what forms of assistance?

**23. Does the government arrest, detain, imprison, or otherwise punish trafficking victims (whether or not identified as such by authorities) for unlawful acts traffickers compelled**

**them to commit (forgery of documents, illegal immigration, unauthorized employment, prostitution, theft, or drug production or transport, etc.)? If so, do these victims disproportionately represent a certain gender, race, ethnicity, or other group or particular type of trafficking?**

Yes. Unfortunately, the US government does not have a clear policy against arrest and detention of individuals who are victims of trafficking and there is no consistency across state jurisdictions as to arrest and imprisonment for unlawful acts committed due to the trafficking. Foreign national victims were routinely arrested and placed in immigration detention, and the immigration authorities have no requirement to screen for trafficking in such instances. This resulted in numerous victims remaining in immigration custody, as well as being deported.

In other instances, victims of trafficking were arrested and detained for crimes they were compelled to commit by their traffickers, but were not screened for trafficking or were not identified as a victim even after disclosing such red flags. This issue persists because there is little to no guidance available on trauma-informed and victim-centered approaches as relates to “imperfect” trafficking victims, and there is no national legislation or push for national funding to support policy and training that would ensure victims are adequately screened and protected even where they have been forced to commit acts by their traffickers. In at least two cases, The Advocates has indicated with victims of trafficking who were forced to sell drugs by their trafficker. As a result, they were arrested for drug offenses. Despite disclosing red flags of trafficking and being a victim, they were not provided victim services or protections. In both cases, the victims were then put into immigration proceedings due to the drug convictions and were fast-tracked for detention and deportation where they another opportunity for screening and protections was missed as immigration authorities and judges failed in such.

Despite The Advocates’ efforts to advocate in these cases and continue to push for greater protections for “imperfect victims,” we have identified this as one of the greatest impediments to victim protections, particularly for foreign nationals who face deportation and bars on return—even in the case of retaliation and lack of protections in home country—due to improper convictions and failures to screen and provide protections for trafficking victims.

## **Prevention**

**24. What efforts has the government made to prevent human trafficking? Did the government enforce any policies that further marginalized communities already overrepresented among trafficking victims, increasing their risk to human trafficking? If so, did it take efforts to address those policies?**

At the federal level, the government has funded awareness campaigns and trainings, as well as staffing at the federal level to prevent trafficking. In Minnesota, The Advocates has been happy to see the state government invest in prevention through funding training for law enforcement and communities. Minnesota also introduced legislation that would increase penalties for labor trafficking with the aim of preventing and punishing the act, but this bill has not yet passed.

With increased efforts aimed at prevention through criminalization and targeting perpetrators, BIPOC communities were disproportionately impacted as they fall victim to structural biases that result in more policing, arrests and greater penalties for BIPOC people.

The Government at all levels failed to prevent trafficking by failing to address many root causes, such as homelessness and poverty. Without having their basic needs met, many individuals become vulnerable to exploitation and trafficking. In addition, the Government continued to implement and further policies aimed at harsh immigration consequences, particularly at the southern border. Contrary to many stated aims of reducing trafficking and protecting victims, such programs have proven to increase the vulnerability to trafficking. The Government's continued use of Title 42 expulsions, for example, has resulted in individuals being forced to return to Mexico where criminal organizations and traffickers now prey on such individuals. Moreover, with fewer safe, orderly and regular means of seeking safety and permanence in the US, individuals have been forced to seek less safe routes, relying on predatory actors who force them to work to pay off exorbitant debts, hold them hostage and force them into sex and labor trafficking, and the like. The Advocates has also seen an increase in people, especially unaccompanied minors, who are trafficked by sponsors out of immigration custody with promise of providing them support and ability to attend immigration proceedings but ultimately force them into labor and/or sexual relationships, refuse to allow them to attend hearings causing additional fears of immigration, and keeping them in conditions of involuntary servitude.

25. If the government had a national action plan to address trafficking, how was it implemented in practice? Were NGOs and other relevant civil society stakeholders consulted in the development and implementation of the plan?

26. Please describe any government-funded anti-trafficking information or education campaigns or training, whether aimed at the public or at specific sectors or stakeholders/actors. What strategies did the campaigns employ to ensure messaging and images did not legitimize and/or perpetuate harmful or racialized narratives and/or stereotypes about what victims, survivors, and perpetrators look like? Were campaign materials readily available, cost-free, and accessible in various languages, including braille? Does the government provide financial support to NGOs working to promote public awareness?

**27. Did the government seek and include the input of survivors in crafting its anti-trafficking laws, regulations, policies, programs, or in their implementation? If so, did the government take steps to ensure input was received and incorporated from a diverse group of survivors?**

The government did not have a systemic means of seeking input from survivors, particularly in terms of seeking input from survivors of diverse backgrounds. In Minnesota, the government did take an important step of holding a survivor working group to provide feedback on law enforcement labor trafficking protocols. The federal government opened comments on regulations related to immigration benefits for trafficking victims. While comments could be submitted by anyone, including survivors, the government did not target survivors, provide engagement opportunities, specifically request survivor input or provide any training or special accessibility accommodations for survivors to contribute.

28. How did the government regulate, oversee, and screen for trafficking indicators in the labor recruitment process, including for both licensed and unlicensed recruitment and placement agencies, individual recruiters, sub-brokerages, and microfinance lending operations? Did the government prohibit (in any context) charging workers recruitment fees and prohibit the recruitment of workers through knowingly fraudulent job offers (including misrepresenting wages, working conditions, location, or nature of the job), contract switching, and confiscating or otherwise denying workers access to their identity documents? If there are laws or regulations on recruitment, did the government effectively enforce them? Did the government allow migrant workers to change employers in a timely manner without obtaining special permissions?

29. Did the government coordinate with other governments ( *e.g.*, via bilateral agreements with migrant labor sending or receiving countries) on safe and responsible recruitment that included prevention measures to target known trafficking indicators? To what extent were these implemented? Are workers (both nationals of the country and foreign nationals) in all industries ( *e.g.*, domestic work, agriculture, etc.) equally and sufficiently protected under existing labor laws?

**30. Did government policies, regulations, or agreements relating to migration, labor, trade, and investment facilitate vulnerabilities to, or incidence of, forced labor or sex trafficking? If so, what actions did the government take to ensure that its policies, regulations, and agreements relating to migration, labor, trade, border security measures, and investment did not facilitate trafficking?**

As noted in Question 24, the government’s migration policies contributed to vulnerabilities toward trafficking. No additional actions were taken to ensure these policies did not facilitate trafficking or mitigate concerns through increased victim protections, screening and resources. The government continues to utilize limited labor and family visas with structural issues that numerous victims and experts highlight as facilitating trafficking, such as tying an applicant to one employer, allowing employers to request batch visas rather, failing to provide individualized know your rights and screening at the consular level, and failing to fund investigators to ensure people on such visas are not trafficked. The government failed to expand access to other safe, orderly and fair pathways for family-based migration as well as migration for employment. It failed to pass permanent protections for farmworkers, childhood arrivals and others, creating ongoing systems of vulnerability. Moreover, failures to provide interim benefits to victims of trafficking awaiting adjudication of immigration benefits resulted in victims being re-trafficked or otherwise victimized due to lack of regular employment access and basic supports.

31. Did the government take tangible action to prevent forced labor in domestic or global supply chains? Did the government make any efforts to prohibit and prevent trafficking in the supply chains of its own public procurement?

Unknown—not within our scope of work.

32. If the government has entered into bilateral, multilateral, or regional anti-trafficking information-sharing and cooperation arrangements, are they effective and have they resulted in concrete and measurable outcomes? If not, why?

Unknown—not within our scope of work.

33. Did the government provide assistance to other governments in combating trafficking in persons through trainings or other assistance programs?

Unknown—not within our scope of work.

34. What measures has the government taken to reduce the participation by nationals of the country in international and domestic child sex tourism?

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

35. Please provide any information about trafficking trends and government anti-trafficking efforts in non-sovereign territories and semi-autonomous regions to prosecute traffickers, identify and provide services to victims, and prevent trafficking.

Unknown—not within our scope of work.

## **Trafficking Profile**

36. Were there any changes to the country's trafficking situation, including the forms of trafficking that occur, industries and sectors in which traffickers exploit victims, countries/regions in which traffickers recruit victims, locations and regions in which trafficking occurs, and recruitment methods? Are citizens of the country identified as victims of human trafficking abroad? As COVID-19-related restrictions begin to lift in many parts of the world, were there additional changes in trafficking trends?

**37. What groups, including underserved communities, are at particular risk of human trafficking? Underserved communities are populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. This term may include, but is not limited to, women and girls, persons with disabilities, indigenous peoples, people of African descent, racial and ethnic minorities, refugees and internally displaced people, religious minorities, LGBTQI+ persons, rural residents, migrants, as well as those who are otherwise adversely affected by persistent poverty or inequality.**

The Advocates notes that lack of access to basic needs, particularly housing and a means of income, are the main factors that result in vulnerabilities to trafficking. We cannot know for certain which groups are most at-risk of trafficking, and must identify that the root vulnerabilities are layered by systemic discriminations and injustice across communities, such as BIPOC and LGBTQI+ individuals. Hence, addressing systemic racism and injustice in ways that meet basic needs and reduce vulnerabilities such as criminal records and uncertain statuses, will significantly address vulnerabilities to trafficking.

Based on The Advocates' work, noncitizens are at particular risk of human trafficking. Noncitizens are vulnerable because traffickers either hold power over their immigration status

(such as H2A visa sponsors, family visa sponsors or ORR sponsors for youth) or are aware of their lack of status—both of which allow traffickers immense power to exert coercive control. The U.S. immigration system’s structure, particularly during years when an anti-immigrant focus and misinformation are rampant, fosters and exacerbates these power dynamics.

Within these groups, The Advocates has found through its work that noncitizen youth, noncitizen male-identifying Latinos, and women represent the largest groups of which we are aware. Noncitizen youth are at risk of trafficking by sponsors out of immigration custody, as they may have loose or no ties to the child and are poorly screened or monitored by the government upon release. Often, after promising and agreeing to provide care and schooling opportunities they instead then force the child to work in involuntary servitude with income going to the sponsor while being kept in such conditions out of fear of immigration consequences, lack of other supports, and lack of community connections. Male-identifying Latinos often fall victim to immigrant visa sponsors for migrant laborers as well as by employers/traffickers who are aware of their lack of immigration status and use that for coercive control. Moreover, The Advocates has seen a large number of women who have been enticed into the U.S. as fiancées or on the promise of family supports and opportunities, but who are then forced into domestic relationships involving physical/sexual abuse as well as forced labor in and outside the home. The fears of immigration consequences in all cases allow coercive control.

38. Chinese/Cuban/North Korean workers: Are any of these populations subjected to or at high risk of forced labor in the country as part of government-to-government agreements and/or in foreign government-affiliated projects?

**39. Please provide any information about trafficking trends or risk factors stemming from slow-onset, climate-related change and sudden-onset climate-related disasters, as well as any efforts to mitigate these vulnerabilities.**

## **Child Soldiering**

*Unknown—not within our scope of work.*

40. Using the definition of “child soldier” as defined by the Child Soldiers Prevention Act of 2008 (CSPA), describe instances, cases, and reports, including anecdotal reports, of:

- a. Use of any person under the age of 18 in direct hostilities as a member of governmental armed forces, police, or other security forces;
- b. Conscription or forced recruitment of persons under the age of 18 into governmental armed forces, police, or other security forces;
- c. Voluntary recruitment of any person under 15 years of age into governmental armed forces, police, or other security forces;
- d. Recruitment (forced or voluntary) or use in hostilities of persons under the age of 18 by armed groups distinct from the armed forces of a state.

e. Abuse of male and female children recruited by governmental armed forces, police, or other security forces, and government-supported armed groups ( *e.g.*, sexual abuse or use for forced labor). Describe the manner and age of conscription, noting differences in treatment or conscription patterns based on gender.

41. Did the government provide support to an armed group that recruits and/or uses child soldiers? What was the extent of the support ( *e.g.*, in-kind, financial, training, etc.)? Where did the provision of support occur (within the country or outside of the country)? In cases where the government was included on the CSPA list in 2021 based on its support to non-state armed groups that recruit and/or use child soldiers, describe whether the government took steps to pressure the group to cease its recruitment or use of child soldiers, publicly disavow the group's recruitment or use of child soldiers, or cease its support to that group.

*Unknown—not within our scope of work.*

42. Describe any government efforts to prevent or end child soldier recruitment or use, including efforts to disarm, demobilize, and reintegrate former child soldiers. ( *i.e.*, enacting any laws or regulations, implementing a United Nations Action Plan or Roadmap, specialized training for officials, procedures for age verification, etc.)

*Unknown—not within our scope of work.*