



February 1, 2024

The Honorable Cindy Dyer

Ambassador-at-Large

U.S. State Department Office to Monitor and Combat Trafficking in Persons (J/TIP)

RE: Request for Information for the 2024 Trafficking in Persons Report, United States Government (Public Notice: 12260 | 88 FR 77398)

Dear Ambassador Dyer:

Thank you for the opportunity to participate in the creation of the 2024 Trafficking in Persons Report. The J/TIP team's diligence in soliciting and integrating information from civil society organizations bolsters the credibility of the TIP Report as a tool to promote global governmental action.

ATEST is a U.S.-based coalition that advocates for solutions to prevent and end forced labor and human trafficking around the world. We advocate for lasting solutions to prevent forced labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. Our collective experience implementing programs at home and abroad in more than 30 U.S. cities and 100 countries provides our coalition with an unparalleled breadth and depth of expertise.

ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), Covenant House, Free the Slaves, HEAL Trafficking, Human Trafficking Legal Center, Humanity United Action (HUA), McCain Institute for International Leadership, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, United Way Worldwide, Verité, and Vital Voices Global Partnership.

U.S. ACCOMPLISHMENTS

There have been promising actions taken during the reporting period of April 1, 2023 to March 31, 2024. These include:

- **Continued Implementation of the Uyghur Forced Labor Prevention Act:** This legislation takes important steps to ensure the United States does not import goods

made by forced labor in the Xinjiang Uyghur Autonomous Region in China. Enforcement began in 2022 and has continued to expand during the current reporting period. As of Dec. 31, 2023, the Department of Homeland Security (DHS) reports nearly 3,000 shipments worth more than \$2 billion have been blocked at U.S. ports of entry. DHS continues to solicit input from civil society organizations through quarterly meetings and in 2023 launched publicly available listings of enforcement statistics and the names of entities determined to be prohibited from importing goods. This law breaks new legal ground by presuming that goods from a region with an extensive record of forced labor are tainted unless proven otherwise, setting a precedent that Congress is already attempting to apply to other goods. In December 2023, H.R. 6909 was introduced “to ensure that goods made using or containing cobalt refined in the People’s Republic of China do not enter the United States market under the presumption that the cobalt is extracted or processed with the use of child and forced labor in the Democratic Republic of Congo.”

- **Progress Toward Conducting a National Prevalence Study:** America lacks reliable statistics to determine the extent of human trafficking inside the United States and within different economic sectors and geographic regions. Congress has mandated this work, and it has not been completed, but work has now begun. In January 2024, civil society experts were convened by the National Institute of Justice to prioritize needs in the development of prevalence research methodologies.
- **Advancing Survivor Leadership:** The U.S. government has continued to advance the goal of survivor engagement and leadership by institutionalizing mechanisms for lived experience experts to shape public policy and implementation. These include the U.S. Advisory Council on Human Trafficking, training and technical assistance centers at the Departments of Justice and Health and Human Services, the Human Trafficking Leadership Academy, and the Human Trafficking Consultant Expert Network. While executive branch agencies have made progress in integrating survivor expertise, members of the Advisory Council would benefit from increased policy training on the detailed operations of federal agencies. As well, Congress needs to develop formal mechanisms to ensure that lived experience counsel is provided in the development of new legislation. A harmful bill threatening the privacy of callers to the National Human Trafficking Hotline was introduced in 2023 without any survivor input and without a public hearing. The bill continues to be promoted by its sponsors despite universal survivor opposition.

U.S. DEFICIENCIES

- **Failure to Fully Reauthorize the Trafficking Victims Protection Act:** Two bills, one passed by the House of Representatives, and one passed by the Senate, failed to receive final passage during the 117th Congress. This has left significant gaps in the U.S. government's anti-trafficking response, including:
 - Funding authorization for trafficking victim and survivor programs at the U.S. Department of Health and Human Services, including funding to operate the National Human Trafficking Hotline. Between 1 April, 2023, and 15 January, 2024, the National Human Trafficking Hotline reported over 1,800 potential situations of human trafficking to appropriate law enforcement agencies. The Trafficking Hotline provided 7,000 unique referrals to service providers for 3,200 potential situations of human trafficking. However, federal funding does not cover the full cost of the Hotline's operating costs. Current funding covers less than 50% of the Hotline's total costs, when including both its cash budget and additional private support that is raised by the Hotline's operator.
 - Funding for the State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP), which creates annual Trafficking in Persons Report, runs the President's Interagency Task Force on Human Trafficking and the Senior Policy Operating Group to coordinate anti-trafficking programs across federal agencies, runs the U.S. Advisory Council on Human Trafficking, and provides grants that support governmental and civil society anti-trafficking programs around the world
 - Integrating anti-trafficking strategies into all aid and humanitarian assistance programs run by the U.S. Agency for International Development
 - Strengthening protections for domestic workers brought to the U.S. by diplomats and workers at international institutions
 - Championing of anti-trafficking assessments and mitigation measures when considering the approval of loans by multilateral development banks

The two bills have been reintroduced in the 118th Congress during the current TIP Report reporting period, but as of this writing have not passed.

- **Overemphasis on Sex Trafficking:** Global U.N. estimates and statistics from direct service providers indicate that labor trafficking is more prevalent than sex trafficking. However, U.S. law enforcement focuses more heavily on sex trafficking than labor trafficking. The most recent data available in the Human Trafficking Institute's 2022 Federal Human Trafficking Report show that although 70% of those trafficked are trafficked into labor, U.S. prosecutors only report 6% of their trafficking cases as labor

cases and 94% as sex trafficking prosecutions.¹ This leaves the majority of trafficking situations with inadequate investigations and prosecutions as required in the Trafficking Victims Protection Act. Some progress to correct this imbalance has occurred during the reporting period: New teams have been established within the Federal Bureau of Investigation and the Department of Homeland Security with funding and agents dedicated solely to investigating forced labor trafficking. However forced labor receives less attention throughout U.S. government programs overall, leading to inadequate levels of service provision and immigration relief, as well as insufficient attention given to eradicating forced labor, debt bondage and other forms of labor trafficking globally.

- **Lack of Shelter Beds and Housing for Victims and Survivors:** There is a critical scarcity of emergency, transitional and long-term housing for trafficking survivors. Providing housing for male-identified and trans-identified survivors is especially challenging; LGBTQ-affirmative spaces that respect gender identity and expression are exceptionally hard to find.
- **Inequitable State-by-State Patchwork for Vacatur of Criminal Convictions:** Previous TIP Reports have noted the need for vacatur laws that encompass a range of non-violent offenses that trafficking victims are forced to commit. But there is an absence of uniform state action in this area. Some states are leading the way with model legislation, though many states are failing to provide survivors with this essential element of protection. Polaris's latest update to its criminal records relief report cards ranked only 13 states higher than a C grade, and New York, Georgia, and New Hampshire were the only three states with A grades.² Furthermore, there is a critical need for a federal vacatur law. A vacatur bill was introduced in January 2024 in the House of Representatives which would provide relief for federally criminalized survivors of human trafficking.
- **Inadequate Regulation of Foreign Labor Recruiters:** Without comprehensive laws or policies to regulate foreign labor recruitment consistently across visa programs, nonimmigrant foreign and immigrant workers are at extreme risk of debt bondage and forced labor. Hotline data from the pandemic reveals that 52% had their earnings taken or withheld, and 42% had been threatened with immigration consequences.³ Recruiters

¹ 2022 Federal Human Trafficking Report. (2023). Trafficking Institute.
https://traffickinginstitute.org/wp-content/uploads/2023/06/2022-Federal-Human-Trafficking-Report-WEB-Spreads_compressed.pdf

² Criminal Record Relief for Trafficking Survivors: Updating Grades and Rubric to Reflect Current Improvements and Changes. (2023). Polaris.
<https://polarisproject.org/wp-content/uploads/2023/04/Criminal-Record-Relief-for-Trafficking-Survivors-by-Polaris.pdf>

³ Human Trafficking During the COVID and Post-COVID Era. (2022). Polaris.
<https://polarisproject.org/wp-content/uploads/2020/07/Hotline-Trends-Report-2023.pdf>

charge substantial illegal fees, fail to reimburse visa and travel expenses, and lure workers with false promises about pay and working conditions.

- **Exploitative Temporary Work Visa System:** A substantial number of labor trafficking victims who contacted the National Human Trafficking Hotline held temporary visas such as H-2A, H-2B, J-1, B-1 and F-1. There are serious structural and institutional flaws in these programs that increase foreign workers' vulnerability to forced labor and other forms of trafficking. These visas tie an individual's immigration status to their employer, leaving them vulnerable to exploitation and abuse. Debt bondage from recruitment fees and other deductions is also common in these programs. Such visa programs also systematically limit workers' freedom of association and ability to access justice for violations, including forced labor. Important administrative reforms were developed during the current TIP Report reporting period, though the underlying inequity of the guestworker program remains.
- **Insufficient Responses to Trafficking Along the Southern Border:** There are no reliable statistics as to the number of individuals being trafficked into the U.S. along the southern border, but with increases in migration there is reason to believe the number of trafficked individuals may be increasing as well. Congress has declined to increase funding to expand the capacity of the asylum adjudication system and to provide services for those seeking asylum as a result of human trafficking. Although more T-visas are being issued, there's an unacceptably large backlog of T-visa applicants awaiting hearings. The House has voted to end protections contained in the Trafficking Victims Protection Act for unaccompanied child migrants. Proposals to fortify the border without expanding capacity for asylum processing, if enacted, will increase human trafficking because individuals will seek unsafe, informal pathways to migrate.
- **Failure to Create a National Victim Protocol:** States across the U.S. continue to arrest trafficking victims for crimes committed as a result of their trafficking situation. The U.S. Departments of Justice and Homeland Security have failed to develop legislatively mandated protocols for law enforcement agencies to treat trafficked individuals as victims and not as criminals.

Thank you for taking this information into consideration in drafting the 2024 TIP Report. If you have any questions, please contact ATEST Director Terry FitzPatrick:
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