

U.S. Advisory Council on Human Trafficking

2024 ANNUAL REPORT

Contents

Preface 3

Introduction 4

About the Council 5

About the President’s Interagency Task Force 7

Forms of Human Trafficking 8

Council Trip to Alaska 15

Council Trip to Texas and Mexico 28

Cross-Cutting Themes and Recommendations 40

Additional Council Priorities 54

Conclusion 61

Preface

Connecting the Council’s Experiences in Alaska and at the Texas–Mexico Border

In our work, we bear witness to the deep scars left by historical and ongoing injustices. We also have the privilege to witness the powerful and generational beauty of the many diverse communities who face these injustices. In 2024, the United States Advisory Council on Human Trafficking took two regional trips. These trips to the diverse lands of Alaska and the Texas-Mexico border illuminated the many ways in which injustice manifests—through high rates of human trafficking and violence that continue to harm communities. Though these regions may seem worlds apart, they share common threads woven from the fabric of cultural values, community, ceremony, and celebration that continue to strengthen and unite each generation’s fight against colonialism, systemic oppression, and the extraction of resources and people.

Both regions, though geographically and culturally distinct, are united by the common threads of systemic violence, exploitation, and the resilience of their people. The contributing factors to the high rates of trafficking and violence—such as poverty, lack of access to resources, and the ongoing effects of colonization—are deeply intertwined with the land and the histories of these areas.

Our 2024 annual report reflects on and makes recommendations based on these regional trips. As we reflect on both, it becomes clear that the struggle against trafficking and violence in these regions is not just a fight against individual acts of harm, but a battle against the very systems that perpetuate these injustices. In this report, we hope to amplify an intentional celebration and magnification of the wisdom of these communities, including their ability to lead and heal, and to protect themselves within their own cultures and communities. Our work must honor the resilience of these communities while advocating for the restoration of what has been stolen—land, culture, resources, language, autonomy, preventive and healing practices, and safety.

In Alaska and at the Texas-Mexico border, we see the urgent need for a holistic approach that addresses the root causes of trafficking and violence, centering the voices of those who have been most affected. This need is not unique to these regions but is reflective of broader challenges faced across the United States, a nation characterized by its remarkable diversity.

Our lands may be diverse, but the struggles we face are connected, and our commitment to addressing these issues must be as strong and enduring as our communities themselves.

The United States is one of the most racially and ethnically diverse countries in the world, with significant populations of various racial and ethnic groups.¹ This diversity is a strength, offering a rich tapestry of cultures, perspectives, and experiences. However, it also means that issues such as trafficking and violence can manifest differently in different communities, requiring tailored solutions that consider local contexts and the unique needs of each population.

¹ Jensen, E., Jones, N., Rabe, M., Pratt, B., Medina, L., Orozco, K., & Spell, L. (2021, August 12). 2020 U.S. population more racially and ethnically diverse than measured in 2010. U.S. Census Bureau. <https://www.census.gov/library/stories/2021/08/2020-united-states-population-more- racially-ethnically-diverse-than-2010.html>



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Introduction

At the core of preventing and healing from violence are hope, health, and well-being. When individuals do not have access to all the elements that contribute to their well-being, they are forced to make tradeoffs that increase their vulnerability to perpetrating crime or experiencing violence.² Care is fundamental to our approach. It involves creating a world rooted in deep respect, mutuality, reciprocity, nourishment, and life-affirmation, freeing us from relationships of domination, control, and violence. Black feminist scholar Saidiya Hartman stated, “Care is the antidote to violence—we do not yet know a world where people learn first and foremost that others are to be loved and cared for.” This concept is echoed globally: “In our context, survival is collective, and so is care.”³ It is present in Indigenous models that place care at the core of our community and work, recognizing that healing and survival are collective endeavors. By integrating these principles into our practices, we honor the wisdom of Indigenous communities and create a more inclusive and supportive environment for all survivors.

Care is not just shown through acts of kindness from one person to another. It is shown in the language we use to describe trafficking and people who are impacted. This language can shape perceptions, reinforce values, and drive action. Care is shown in how we approach “meaningful engagement.” We must look at equity as a process and an outcome by asking which survivors are we engaging, and how are we ensuring that their voices are front and center in the conversation? Our solutions must be rooted in the experiences and knowledge of those who have been most directly impacted.

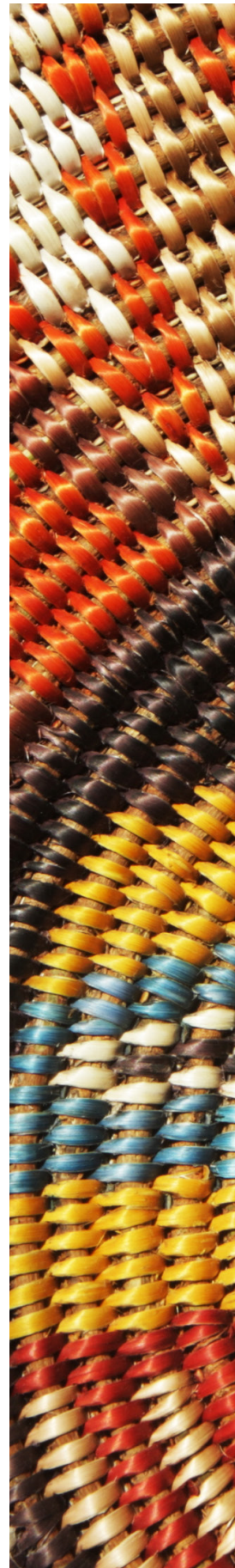
This kind of deep, collective care requires acknowledging that profound injustices have continued to beleaguer the criminal justice system and that we must work to repair them. It means honoring that the rightful place of individuals who have been directly impacted by trafficking is at the forefront and center of our efforts to end trafficking, and developing a clear roadmap that outlines what meaningful engagement with survivors looks and feels like beyond simply exploiting survivors for their stories.⁴ Because of our inability to imagine collective care and infuse it into our anti-violence efforts, survivors who need services the most have been the least likely to receive them.

Throughout this report, we highlight the need for systems and services to meet the needs of survivors rather than asking survivors to change to fit the programs that were not designed with their care in mind. We invite you to critically review the recommendations herein. Together, we can create a world where care, respect, and mutual support are at the heart of our efforts to prevent and heal from violence. Let us work collectively to ensure that every survivor’s voice is heard and valued, and that our systems truly serve, and are designed by, those they are meant to protect. Our collective engagement and commitment are crucial in the path toward a more just and caring society.

² Full Frame Initiative. (n.d.). *Analyzing tradeoffs to drive change* [Video]. <https://www.fullframeinitiative.org/learn/bootcamp/analyzing-tradeoffs/>

³ Equality Fund. (2024, May 28). *New research: This is what a feminist response to crisis looks like*. <https://equalityfund.ca/grantmaking/new-research-this-is-what-a-feminist-response-to-crisis-looks-like/>

⁴ United States Advisory Council on Human Trafficking. (2023). *United States Advisory Council on Human Trafficking: Annual report 2023* (pp. 21–23). https://www.state.gov/wp-content/uploads/2024/03/2023-Council-Annual-Report_508_FINAL-2.pdf



About the Council

The United States Advisory Council on Human Trafficking (Council) comprises 13 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 December 2022, January 2023, and February 2024, 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,⁵ 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 page 6.

⁵U.S. Department of State. (n.d.). *President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF)*. <https://www.state.gov/humantrafficking-interagency-task-force/>

United States Advisory Council on Human Trafficking

Below is biographic information on some of the appointed Council members:⁶



Christian Ash

Council Chair

Co-Founder and Co-Weaver, Collective Threads Initiative | Member, Lived Experience Panel of the Global Commission on Modern Slavery | Subject matter expert in violence prevention and lived experience engagement practices



Rafael Bautista

Council Vice Chair

Subject matter expert in labor trafficking



Jose Alfaro

Council Secretary

Peer support specialist | Public speaker | Consultant | Subject matter and lived experience expert in male, 2SLGBTQIA+,⁷ and minor sex trafficking



Tris Lester Bacani

Subject matter expert in labor trafficking



Marlene Carson

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



Andrea Hipwell

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



Sameer Jain

Subject matter expert in labor trafficking among immigrant and minor populations



Fainess Lipenga

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



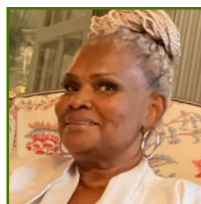
Christina Love

Award-winning advocate and broadcaster | Tribal member | Thought leader | Keynote speaker | Senior consultant | Subject matter expert | Educator and author | Not Invisible Act Commissioner | Member, Trilateral Working Group (U.S., Canada, Mexico)



Suleman Masood

Subject matter expert in human trafficking and male victimization



Brenda Myers-Powell

Founder of Ernestine's Daughter Not-for-Profit | Survivor expert | Motivational speaker | Published author

⁶ 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 such as 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.

⁷ 2SLGBTQIA+ stands for two-spirit, lesbian, gay, bisexual, transgender, queer, intersex, and asexual persons.

About the President's Interagency Task Force

The PITF 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)

Forms of Human Trafficking⁸

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.



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⁸ The 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>

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 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.



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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.

Additional Terms Identified and Defined by the Council

In addition to the foundational concepts laid out in the National Action Plan to Combat Human Trafficking (NAP) (above), the Council has identified and defined additional terms that reflect the lived realities of those most impacted by systemic disparities. These terms, such as disparity, equity, implicit bias, and intersectionality, extend beyond traditional definitions to include considerations of social, economic, and environmental factors, recognizing the importance of inclusivity and cultural sensitivity. The inclusion of specific definitions such as “Missing and Murdered Indigenous Relatives” and “substance use coercion” acknowledges the unique experiences of Indigenous communities and trafficking survivors, particularly the ways in which substance use is leveraged as a tool of control. By applying these terms, we aim to foster a more equitable, just, and comprehensive response to trafficking.

Disparity: A particular type of difference that is closely linked with social, economic, and environmental disadvantages, and/or other characteristics historically linked to systemic barriers or exclusion. Disparities adversely affect groups of people who have systematically experienced greater obstacles to well-being based on factors including their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; or geographic location.⁹

⁹ Centers for Disease Control and Prevention. (2024). Health equity guiding principles for inclusive communication. https://www.cdc.gov/health-communication/php/toolkit/?CDC_ARef_Val=https://www.cdc.gov/healthcommunication/Health_Equity.html

Equity: The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; 2SLGBTQIA+ persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.¹⁰ Equity is achieved when every person has the opportunity to “attain their full potential,” and no one is “disadvantaged from achieving this potential because of social position or other socially determined circumstances.”¹¹

Equity Assessment: A systematic examination of available data and expert input (including from experts with lived experience and other community partners) of how various groups, particularly racial and ethnic groups and other underserved populations, are or will likely be affected by a policy, program, or process.

Harm Reduction: A set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.¹²

Implicit Bias: Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.¹³

Intersectionality: People belong to more than one group and may experience overlapping health and social inequities, as well as overlapping strengths and assets.¹⁴

Lived Experience: Representation and understanding of an individual’s human experiences, choices, and options and how those factors influence that person’s perceptions or knowledge based on their own life. Lived experience provides insight into patterns, common behaviors, challenges, and barriers among individuals who share similar experiences.¹⁵

Mental Health Coercion: Refers to a range of manipulative tactics used to control, exploit, or harm an individual’s well-being. Types of mental health coercion include undermining mental health; eroding self-confidence, sense of self, and agency; interfering with treatment; controlling medications; threatening to report or discredit; and intentionally targeting individuals with mental health experiences. These actions are designed to isolate, destabilize, and maintain power over the individual.¹⁶

Missing and Murdered Indigenous Persons (MMIP): Encompasses all Indigenous people, regardless of gender. Recognizes the broader spectrum of violence affecting the entire Indigenous community.

¹⁰ The White House. (2021, January 20). *Executive order on advancing racial equity and support for underserved communities through the federal government*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

¹¹ Centers for Disease Control and Prevention. (2023). Health equity guiding principles for inclusive communication. https://www.cdc.gov/health-communication/php/toolkit/?CDC_AAref_Val=https://www.cdc.gov/healthcommunication/Health_Equity.html

¹² National Harm Reduction Coalition. (n.d.). Principles of harm reduction. <https://harmreduction.org/about-us/principles-of-harm-reduction/>

¹³ Office of Minority Health. (n.d.). Combating implicit bias and stereotypes. https://thinkculturalhealth.hhs.gov/maternal-health-care/assets/pdfs/Combating_implicit_bias_and_stereotypes.pdf

¹⁴ Centers for Disease Control and Prevention. (2023). Health equity guiding principles for inclusive communication. https://www.cdc.gov/health-communication/php/toolkit/?CDC_AAref_Val=https://www.cdc.gov/healthcommunication/Health_Equity.html

¹⁵ Skelton-Wilson, S., Sandoval-Lunn, M., Zhang, X., Stern, F., & Kendall, J. (2022, January 4). *Methods and emerging strategies to engage people with lived experience*. U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. <https://aspe.hhs.gov/reports/lived-experience-brief>

¹⁶ See, e.g., Warshaw, C., Lyon, E., Bland, P. J., Phillips, H., & Hooper, M. (2014). *Mental health and substance use coercion surveys*. National Center on Domestic Violence, Trauma & Mental Health and the National Domestic Violence Hotline. https://ncdvtmh.org/wp-content/uploads/2022/10/NCDVTMH_NDVH_MHSUCoercionSurveyReport_2014-2.pdf

Missing and Murdered Indigenous Relatives (MMIR): Uses the term “relatives” to emphasize familial and community ties. More inclusive and culturally sensitive, recognizing that the loss affects entire families and communities.

Missing and Murdered Indigenous Women (MMIW): Focuses specifically on Indigenous women who are missing or murdered. Highlights gender-specific violence against Indigenous women.

Missing and Murdered Indigenous Women and Girls (MMIWG): Extends the focus of MMIW to include both women and girls. Emphasizes the vulnerability of both adult women and young girls in Indigenous communities.

Substance Use: The act of consuming substances for reasons such as coping or social connection, while recognizing that some individuals may not consent to use. It exists on a spectrum, with multiple valid recovery pathways. This definition avoids moral judgment and rejects stigmatizing terms like “abuse” or “misuse.”¹⁷

Substance Use Coercion: Involves coercive tactics targeting a survivor’s use of substances as part of a broader pattern of abuse and control. This issue is critical for survivors of trafficking and has widespread implications for state and federal policymakers, as well as for the anti-violence and substance use disorder treatment and recovery fields. Survivors have long described these coercive tactics, which include introducing substances to lure victims into trafficking, sabotaging recovery efforts, and using addiction to maintain control. Substance use is often leveraged to keep individuals trapped in trafficking situations, and the stigma associated with substance use serves as a significant barrier to escaping trafficking and accessing help. Additionally, forced criminality related to substance dependency further complicates a survivor’s ability to seek assistance and regain autonomy. Addressing substance use coercion is essential for effectively supporting survivors and disrupting the cycles of abuse and control that keep them in vulnerable situations.¹⁸

Underserved Communities: Populations sharing a particular characteristic, as well as geographic communities, which have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”¹⁹

¹⁷ Language around substance use and mental health continues to evolve, as we strive to find ways to discuss these experiences without reinforcing stigma, bias, or discrimination. Many use the term “substance use disorders” and “mental health issues” when discussing the importance of accessibility for underserved survivors. This report uses the terms “substance use” and “mental health” experiences for two main reasons. First, because it is a best practice to not diagnose survivors with substance use related conditions, and so this report does not use diagnostic terms. Second, because survivors can experience the term “substance use disorders,” “mental health conditions” as stigmatizing and harmful labels.

¹⁸ National Center on Domestic Violence, Trauma, and Mental Health. (n.d.). What is substance use coercion? <https://ncdvtmh.org/resources/substance-use-coercion/>

¹⁹ The White House. (2021, January 20). *Executive order on advancing racial equity and support for underserved communities through the federal government*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

Identifying and Understanding Invisible Disabilities

We also want to raise awareness among PITF agencies and encourage increased training and awareness for federal staff to help challenge the stigma that many survivors with disabilities face when seeking help, support, and services. Disability is a natural and common part of human diversity. Many disabilities are not readily visible (some are developmental or chronic and may include a mental or physical impairment; or intellectual and may affect cognitive and adaptive behaviors) and those who suffer are often excluded, ignored, or stigmatized for needing help. Survivors with disabilities experience many layers of challenges; their voices should be a part of the conversation to determine how anti-trafficking funding is used to support them and what services they need.

“Just because you cannot see someone’s disability with your eyes or hear it with your ears, does not mean it is not there. They say, seeing is believing, but sometimes the most real things in the world are the things we cannot see. Disabilities can take many forms, and some may not be obvious. Those living with invisible disabilities are strong, but they are also grieving a future that they know will look different than they thought it would. Be patient and kind; do not make assumptions; do not get angry with someone because of their invisible disability—would you admonish someone with a broken leg for not running fast enough?”

—Fainess Lipenga, Member, United States Advisory Council on Human Trafficking



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Photo by Council Member from Council Trip to Alaska

Council Trip to Alaska

Goals, Objectives, Takeaways, and Reflections

The Council’s regional trip to Alaska marked a significant opportunity to delve deeper into the themes highlighted in our 2023 annual report²⁰ and expand our knowledge to inform this report. During this visit we aimed to understand the unique struggles that Tribal and Alaska communities faced in gathering and utilizing human trafficking data. The Council attended the Alaska Human Trafficking and MMIP Data Summit, a survivor-led and grass roots organized community event, and explored this important intersection while examining diversity, equity, inclusion, cultural responsiveness, accessibility, and sovereignty in data collection and use. Additionally, the trip focused on understanding the prevalence of labor trafficking within these communities and the prevalence of and response to forced drug trafficking and substance use and mental health coercion.

Through the visit, we also aimed to gain a deeper understanding of culture as a protective and healing factor and to deepen the Council’s understanding of the diversity of Indigenous peoples. We sought to comprehend the complexities of sovereignty and jurisdiction in a PL280 state,²¹ and to gain firsthand accounts of the current state of anti-trafficking work from the providers and local and statewide collaborative leaders actively engaged in Alaska. Engaging directly with Tribal leaders, community members, and survivor leaders in Alaska provided invaluable insights and fostered stronger partnerships. This visit also served to introduce the Council and its mission to community partners in Alaska, strengthening the bridge between federal efforts and local needs. Two of the Council members currently serving are Alaska Native women—this trip was more than just information gathering—it was a critical connection between lived experience advocacy and community building—deepening our understanding of each other and our capacity to write informed recommendations that represent diverse populations, cultures, and needs.

²⁰ United States Advisory Council on Human Trafficking. (2023). *United States Advisory Council on Human Trafficking: Annual report 2023* https://www.state.gov/wp-content/uploads/2024/03/2023-Council-Annual-Report_508_FINAL-2.pdf

²¹ Administration for Native Americans. (n.d.). American Indians and Alaska Natives – Public Law 280 Tribes [Fact sheet]. Administration for Children and Families. <https://www.acf.hhs.gov/ana/fact-sheet/american-indians-and-alaska-natives-public-law-280-tribes#:~:text=The%20states%20required%20by%20Public,except%20the%20Red%20Lake%20Reservation>

“When I joined the Council as the first Alaska Native woman to have this honor, I was overwhelmed with the responsibility of representing my home and writing actionable recommendations to address the unique challenges we have faced in anti-trafficking work. More than anything I wanted to change the generalized narrative of Native people that has sometimes left Alaska Native people either out of the conversation, or misrepresented. The Council coming to Alaska allowed my fellow Council members to see firsthand how complicated the issues are ... but most importantly, how deeply important our cultures and values are to this work. Watching this esteemed Council walk the icy roads of our urban hub, eat Akutuq²² made by my aunty, and dance alongside our traditional dancers was deeply profound and healing. I am constantly amazed at the strange ways in which life unfolds—this Council allowing me to bring them home with me and develop their own love and admiration of my community, was an important experience in my life. It said to me what I hope that this report and this Council will always communicate—all of our experiences matter and all are worthy of understanding the complexities, struggle, and beauty that shaped them.”
—Alaska Native Woman, Member of the United States Advisory Council on Human Trafficking

Trip Agenda

The Council engaged with a variety of federal, state, local, and Tribal agencies, as well as community organizations, to gain a comprehensive understanding of the human trafficking landscape in Alaska. These meetings and events provided the Council with invaluable insights into the specific challenges and needs of Alaska’s diverse communities, reinforcing the importance of tailored, collaborative approaches to combat human trafficking and support survivors.

FEDERAL LAW ENFORCEMENT AGENCIES: The Council met with representatives from DOJ, including the FBI and U.S. Marshals Service, as well as DOI, and DHS. Discussions focused on the barriers, needs, and current trends in federal law enforcement efforts to combat human trafficking, particularly the impacts of fentanyl and the complexities of investigating labor trafficking in Alaska’s unique geographic and jurisdictional landscape. The meeting highlighted the importance of coordination between federal, state, local, and Tribal entities to effectively address human trafficking.

STATE AND LOCAL PUBLIC SAFETY PARTNERS: Representatives from the Alaska Department of Public Safety, including the Alaska State Troopers and the Anchorage Police Department, as well as the Alaska Department of Law, shared insights into the challenges of law enforcement in Alaska. Key issues discussed included the logistical difficulties posed by Alaska’s vast geography, retention and staffing, and the need for increased education and awareness about human trafficking, in particular labor trafficking, among law enforcement and the public.

COVENANT HOUSE ALASKA AND PARTNERS: The Council visited Covenant House Alaska, where we learned about the organization’s comprehensive housing and support services for vulnerable youth. Discussions with Covenant House Alaska staff and partners—including the Alaska Institute for Justice, the Alaska Division of Juvenile Justice, and the Alaska Office of Children’s Services—focused on the barriers to providing services; the impact of federal funding limitations; and the challenges faced by highly vulnerable youth, particularly those with disabilities or mental health issues.

²² Sparks, Z. S. (2016, July 25). What is Eskimo ice cream? *Smithsonian Magazine*. <https://www.smithsonianmag.com/travel/eskimo-ice-cream-atlas-of-eating-native-cuisine-food-eats-smithsonian-journeys-travel-quarterly-180959431/>



Photo by Data for Indigenous Justice from Alaska Human Trafficking and MMIP Data Summit

COMMUNITY UNITED FOR SAFETY AND PROTECTION (CUSP): The Council met with representatives from CUSP, a survivor-led organization advocating for the rights and safety of people in the sex trades. The discussion centered on the impact of state laws on people in the sex trades, the need for law enforcement accountability, and recommendations for improving federal agency implementation efforts to better support individual sex workers and trafficking survivors.

ALASKA NATIVE JUSTICE CENTER (ANJC) AND TRIBAL ORGANIZATIONS: Representatives from ANJC, the Alaska Native Women’s Resource Center, and the Chickaloon Tribe shared their knowledge on the prevalence of human trafficking and MMIP in Tribal communities. The discussions highlighted the unique challenges faced by Alaska Native communities, including jurisdictional issues, the need for culturally responsive services, and the importance of data accuracy and collaboration among Tribal, state, and federal entities.

DOL: The Council met representatives from various divisions of U.S. DOL, both in-person and virtually, to discuss barriers in visa systems and specific industries, particularly in Alaska. The Wage and Hour Division investigates wage violations across multiple sectors and shared that it faces challenges such as fear of retaliation, lack of trust, and logistical difficulties in remote areas. The Occupational Safety and Health Administration highlighted jurisdictional issues, especially with floating fish operators, and communication barriers in remote locations. The discussion also uncovered for the Council the importance of addressing the complexities of labor trafficking cases and interagency coordination as well as the need for more criminal justice resources. The meeting emphasized the necessity of specialized training and better support for investigators to effectively address these issues.

HUMAN TRAFFICKING AND MMIP DATA SUMMIT: The Council also attended the 2-day Human Trafficking and MMIP Data summit, which focused on data collection, sovereignty, and the use of data in MMIP and human trafficking work within the community. This multidisciplinary event was survivor-led and survivor-defined, emphasizing the value of lived experience in these critical conversations. The summit provided a platform for discussing the complexities of data collection and use, particularly related to the sovereignty of Indigenous communities. It highlighted the importance of accurate and inclusive data to inform and improve anti-trafficking efforts and support services. Engaging with survivor leaders and community stakeholders at the summit reinforced the Council’s commitment to elevating the voices of those with lived experience and ensuring that their insights shape policy and practice.

The Council extends its heartfelt gratitude to the agencies and organizations that met with, hosted, and educated us during our 2024 regional trip to Anchorage, AK. We thank the Native Village of Eklutna Tribal President and Chair Aaron Legget for welcoming us to Dena’ina Etnena, the traditional homelands of the Dena’ina Athabascan people. Special thanks to Prevention Now,²³ Data for Indigenous Justice,²⁴ Signify Consulting,²⁵ and Ride my Road²⁶ for inviting us to listen, contribute, and learn at the 2024 Human Trafficking and MMIP Data summit. We are deeply grateful to MMIP Coordinator Ingrid Cumberlidge and Kelsey Potdevin at the Alaska Native Justice Center for their unwavering support and advocacy in the planning and coordination of this trip. Our trip was especially profound thanks to the Alaska Tribal Health Consortium for facilitating our participation in the Alaska Blanket Exercise,²⁷ which deepened our understanding of Alaska Native culture and strength. We also wish to thank the many Tribes, state and federal agencies, and service organizations that shared their stories and experiences with the Council with such heart, passion, and graciousness. Your voices were heard, and we are all forever changed in the way we do this work because of you.

Recommendations

In 2023, the Council put forth several key recommendations that remain relevant and were prominent in our discussions with Alaska organizations. We reintroduce these recommendations here to support the continued efforts and accountability to implement them.

Pursuant to NAP Principle 4.3 (*Strengthen federal anti-trafficking efforts by incorporating survivor input*),²⁸ we recommend that DOJ, DOL, DOI, HHS, DHS, the Department of Housing and Urban Development (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.

“We often hear from agencies that they want to work with us, but they ‘don’t know how,’ or ‘don’t know any survivors’—in my experience, we know each other. We work in community with each other, build trust and relationship, and have a deeply connected sense of understanding and comradery. It’s because of this natural networking that already occurs that it’s important to develop positions of authority within agencies for us to facilitate diverse and meaningful survivor access to the rooms, discussions, and decisions that impact survivors.” – Survivor of Human Trafficking from Alaska

Paramount in our discussions with Alaskan communities was the necessity of lived experience to lead, define, guide, and inform programs and policies. We witnessed firsthand that many survivors in Alaska are already serving as liaisons to the survivor community and the local, state, and federal programs that administer and oversee anti-trafficking programs and investigations. For many, this work is uncompensated and unstructured, done out of necessity and passion for change.

²³ Prevention Now. (n.d.). *Prevention Now: Stop trafficking before it starts*. <https://prevention-now.org/>

²⁴ Data For Indigenous Justice. (n.d.). *Data for Indigenous Justice*. <https://www.dataforindigenousjustice.org/>

²⁵ Signify Consulting. (n.d.). *Signify Consulting*. <https://www.signifyconsultingak.org/>

²⁶ Ride My Road. (n.d.). *Ride My Road*. <https://www.ridemymyroad.org/>

²⁷ Alaska Native Tribal Health Consortium. (n.d.). *Alaska blanket exercise*. <https://www.anthc.org/what-we-do/behavioral-health/alaska-blanket-exercise/>

²⁸ The 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>

Every organization that we visited expressed a strong desire to meaningfully engage with survivors of trafficking to better inform their work. We recognize that this work for survivors is already done in community, naturally leaning into each other and the importance of connection, and we recommend that these roles not be isolated to one position, but rather exist as multiple roles within agencies.

Survivor engagement coordinators would act as liaisons, helping to build sustainable community engagement with people with lived experience. This approach is especially actionable in areas with diverse and rural populations, such as Alaska, where the unique challenges and needs of the community can be better addressed through direct input from those who have lived through these experiences and who are connected to the community.

“As an Alaska Native woman with murdered relatives, a survivor of sexual assault, domestic violence, and human trafficking that included forced drug trafficking, I am representative of a common experience here in Alaska. However, I struggle to find myself represented in the local anti-trafficking conversation or services. Where I do see myself represented is in the members of our community who are denied services, labeled as criminals, and ostracized from society’s compassion.” —Survivor of Human Trafficking from Alaska

The desire for meaningful engagement with survivors, as expressed by agencies in Alaska, highlights the potential impact of this recommendation. By hiring survivor engagement coordinators, agencies can ensure that their efforts are sustainably grounded in real-world experiences and increase the accessibility for survivors to inform and define all levels of programs, leading to better outcomes for all communities, especially those that are diverse and rural.

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, DOL, and DOC create culturally responsive trainings and resources for Indigenous communities outside of the continental United States, such as in 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.

This recommendation highlights the need for tailored content that respects and incorporates the cultural practices, languages, and traditions of Indigenous communities. By involving local leaders and community members in the development and delivery of these trainings, information becomes more relevant and accessible. The focus on high-risk industries such as fishing, mining, canning, logging, and drilling are particularly pertinent to regions such as Alaska, where these industries are prevalent and known for their susceptibility to forced labor due to their remote locations and the nature of the work. Additionally, addressing drug trafficking is crucial as it often intersects with forced labor in Indigenous communities. Interagency collaboration between DOJ, DOI, DOL, and DOC is essential for creating comprehensive resources and training programs. Such collaboration ensures that efforts are well-coordinated and leverage the strengths of each agency.

The Council’s trip to Alaska is particularly relevant to this recommendation given the state’s unique geographic and cultural landscape, which requires specific approaches to combat human trafficking. Alaska’s vast and remote areas can make it challenging to monitor and address trafficking effectively. The state’s economy heavily relies on industries such as fishing, mining, and drilling—making these industries priority areas for implementing the recommended training and resources. The Council’s visit provided an opportunity to engage directly with Indigenous communities, understand their specific needs, and gather feedback on how to make the training and resources more effective. Building trust and partnerships with local communities is essential for the success of any anti-trafficking initiative. By focusing on culturally responsive approaches and addressing the specific challenges faced by Indigenous communities in high-risk industries, this recommendation aims to create more effective and sustainable anti-trafficking efforts in regions such as Alaska.

Furthermore, it is recommended that these agencies encourage or require (where possible) fishing and canning companies, where high rates of sexual violence are reported, to hire a local, independent advocate or liaison to whom survivors can report. This advocate should be external to the company's chain of command and have a memorandum of understanding (MOU) with local services to ensure a 24-hour coordinated response. In addition, this position must include cross-training, requiring at least 16 hours of training on human trafficking, labor trafficking, domestic violence, sexual assault, victims' rights, local and statewide resources, and the natural responses to trauma. This system would help address barriers such as language, addiction, and lack of knowledge about rights, ensuring that survivors of violence have confidential, safe access to reporting and support.

Additionally, these agencies should collaborate to oversee the implementation and enforcement of these protections by:

- **Incentivizing the hiring of advocates or liaisons among federal grantees or contractors:** The government should explore whether it can impose conditions on grants or contracts to require the hiring of independent local advocates and ensure MOUs with local programs are in place.
- **Offering incentives to organizations that hire advocates or liaisons:** If fishing or canning companies receive federal funding or operate on federal lands, for example, the government could explore offering those that adopt these standards benefits through tax breaks, subsidies, or access to federal programs.
- **Encouraging improved awareness of existing reporting mechanisms:** This may include agencies providing training to local service providers related to outreach and identification of trafficking victims in these industries, so individuals know how and where to seek services directly.

Prevention and Protection Strategies

HHS/Substance Abuse and Mental Health Services Administration (SAMHSA), HHS/Administration for Native Americans (ANA), HHS/Indian Health Service (IHS), DOI, DOJ, DOL, ED, and USDA collaborate with Indigenous and rural communities to develop and implement culturally-specific and language-accessible prevention and protection strategies.

Indigenous communities have long endured systemic oppression, historical trauma, and violence that disproportionately affect their safety and well-being. Many of these communities have been left out of traditional prevention and protection programs, leading to significant gaps in services and support. The 2023 Not Invisible Act Commission report highlights these persistent issues, urging a transformation in how we approach protection and prevention by centering Indigenous



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voices and knowledge.²⁹ The resilience and strength of these communities lie in their ability to reconnect with cultural traditions, language, and community-based responses to trauma and violence. Addressing this need ensures that prevention and protection strategies are not only effective but are also rooted in the unique cultural contexts of Indigenous and rural populations. To make this vision a reality, we specifically recommend that HHS/SAMHSA, HHS/ANA, HHS/IHS, DOI, DOJ, HUD, DOL, ED, and USDA:

- Empower Indigenous and rural communities to create comprehensive response systems that address forensic responses for assault, trafficking, and crises by providing the necessary resources and tools to enable self-protection and community healing. This includes supporting communities in building the capacity to develop integrated response systems that incorporate harm reduction strategies, cultural protective practices, and holistic support services. These systems should address safety, healing, and well-being for individuals, including men and boys, as well as communities.
- Increase access to culturally relevant response options by: (1) ensuring access to harm reduction services that prioritize safety, dignity, and health for individuals affected by substance use, including overdose prevention, medication-assisted treatment, and safe spaces for recovery and safety; (2) incorporating cultural protective practices that integrate traditional knowledge to address trauma, safety, and well-being through intergenerational healing, culturally grounded education on substance use prevention, and strategies to build community resilience; and (3) providing comprehensive wraparound care that includes medical care, housing, shelter, and basic assistance to meet both immediate and long-term needs.
- Increase Tribal set-asides and access to grant opportunities for Tribal nations by eliminating, to the extent allowable: (1) matching requirements for competitive and formula grants awarded to Tribes; (2) competitive grant structures that force Tribes to compete against each other; (3) burdensome or duplicative application or reporting requirements; and (4) mandates requiring Tribes to sustain previously funded programs without additional financial support, as many Tribes do not have the resources to maintain these critical services on their own.

DOJ and DOI enhance and expand the MMIP coordinator role by increasing the number of MMIP coordinators across the United States as well as expanding coordinators' capacity through training and other support to address cross-sectional issues between human trafficking and MMIP. DOJ should also prioritize and increase resources and support for MMIP coordinators, who serve as vital connections between Indigenous communities and law enforcement.

We commend the success of the MMIP coordinator role in Alaska, which has made significant strides, including meaningfully engaging with survivors of human trafficking, despite limited resources and the vast geographical coverage area. MMIP coordinators play a crucial role in bridging the gap between Indigenous communities and law enforcement agencies. These coordinators are often the first point of contact for families and communities when a loved one goes missing or is found murdered. Their work is not only about solving cases but also about providing emotional support and ensuring that the voices of Indigenous people are heard and respected.

To build on this success, and support MMIP coordinator roles nationally, we recommend DOJ and DOI expand their roles to include more community engagement and protection and prevention efforts. This means not only responding to cases of missing and murdered individuals, but also working proactively to protect targeted populations to prevent such cases from occurring. This can be achieved through community education programs, building trust between law enforcement and Indigenous communities, and addressing the root causes of violence and disappearance.

By prioritizing and increasing resources and support for MMIP coordinators, DOJ can make significant strides in addressing the crisis of MMIPs. This will not only help bring justice to victims and their families but also contribute to the healing and empowerment of Indigenous communities across the country.

In accordance with their authorities and existing infrastructures, DHS, DOJ, DOT, and the Federal Communications Commission (FCC) should prioritize and increase resources and support for the installation of discreet, accessible, untraceable emergency phones in select airports, bus stations, and transportation hubs along transportation

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

networks as part of a pilot initiative specifically designated for individuals in distress, including kidnapped or trafficking victims who may not have access to a phone.

This pilot should evaluate the importance and effectiveness of these phones in providing critical access for individuals in distress, including trafficking victims or those without access to personal phones. The pilot could first start in a select number of transportation hubs to assess its viability and effectiveness.

This approach is inspired by the wisdom of an Alaska Native elder who highlighted the gap in our current efforts.

“We urge people to call for help while in airports, yet many do not have access to a phone.”

—Alaska Native elder

In alignment with H.R. 7181, the Human Trafficking Prevention Act of 2022, federal agencies should ensure public awareness through signage and community outreach by posting the National Human Trafficking Hotline number in restrooms at transportation hubs and at each port of entry. Agencies should also further explore ways to raise awareness while maintaining discretion. A roundtable discussion with subject matter experts could help refine a pilot effort of this recommendation to maximize both accessibility and privacy.

In addition, the proposed phones should provide a direct line to the National Human Trafficking Hotline, Homeland Security Investigations or 911 for emergencies, ensuring victims can safely call for help without the risk of being tracked. Since many trafficking victims have their phones confiscated or monitored, these phones offer a secure means of communication, which is critical in escaping dangerous situations.

To maintain privacy and accessibility, the phones can be installed in discreet locations like restrooms, private nursing rooms, or other spaces. This ensures users can make calls confidentially. The phones should be near any posted hotline materials, much like the “blue light” systems on college campuses, where emergency phones are clearly marked and easily accessible.

This effort should further be carried out in partnership with:

- DHS Center for Countering Human Trafficking/Blue Campaign to provide public awareness and coordination with law enforcement and ports of entry.
- DOT’s Federal Aviation Administration to encourage installation and compliance in airports.
- DOJ/Office for Victims of Crime (OVC) to fund and support the victim services tied to these phones.
- HHS, through the National Human Trafficking Hotline, to ensure calls are directed to appropriate services.
- The FCC to ensure secure, untraceable communication through these devices.

To implement this recommendation, agencies should:

- Consult and conduct listening sessions with community members, elders, and people with lived experience to inform the development and piloting of this initiative.
- Encourage the installment and maintenance of emergency phones in strategic locations within all major airports and transportation hubs. These phones should provide direct access to human trafficking hotlines and other essential resource and emergency response hotlines.
- Pending authority, provide training for airport and other transportation hub staff on the importance and use of these emergency phones. Staff should be equipped to assist travelers in locating and using the phones, ensuring that help is readily available when needed.
- Ensure the emergency phones are easily visible and accessible to all travelers, including those with disabilities. Clear signage in multiple languages should guide individuals to these phones.
- Implement awareness campaigns within airports to inform travelers about the availability of these emergency phones and the importance of using them if they or someone else is in need.

Education and Awareness

HHS, DOJ, DHS, and DOI increase outreach to community partners to provide essential and targeted services to Tribal and rural communities as well as increase education and awareness training on human trafficking—particularly related to dispelling myths.

At the core of enhancing outreach and increasing education and awareness is the need to honor and promote Tribal sovereignty. This means to:

- Ensure that all initiatives are conducted in a manner that respects and protects Tribal sovereignty. This includes working in consultation with Tribes to develop and implement solutions that are aligned with their values and traditions.
- Engage with Tribes in a manner that honors their traditional governance practices and structures. Recognize that leadership structures may differ, with some Tribes operating under traditional forms of government where leadership can change frequently.
- Tailor collaborative efforts to the specific needs and practices of each Tribe. This means recognizing that the support and sustainability of victim services may vary significantly across different Tribal communities.

With respect to reaching out to community partners to provide essential and targeted services to Tribal and rural communities we specifically call upon HHS, DOJ, DHS, and DOI to:³⁰

- Offer training and technical assistance to enhance the capabilities of grassroots and community organizations to deliver culturally appropriate services and support.
- Identify and collaborate with service providers who are already doing this work within communities to ensure there is mutual sharing of expertise to honor the reciprocal and relational nature of this work.
- Engage village public safety officers in Alaska as integral partners in messaging and increasing awareness within rural communities related to human trafficking.
- Ensure messages and outreach materials are distributed in the dialects and languages used in various Tribal communities and that distribution methods match what is accessible in rural, Tribal, and remote areas.



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³⁰ We acknowledge DOJ and HHS's Pilot Program for Community Based Organizations in Underserved Communities to Build Capacity and Serve Adolescent and Youth Victims of Trafficking and the Demonstration Grants to Strengthen the Response to Victims of Human Trafficking in Native Communities Program, respectively. We encourage agencies to continue to build on these foundations to support American Indian, Alaska Native, Native Hawaiian, and Pacific Islander victims of human trafficking.

With respect to increasing education and awareness training on human trafficking, we specifically recommend that HHS, DOJ, DHS, and DOI offer and promote such training to state and local law enforcement, federal grantees, victim support and other service providers, Tribes, and non-governmental organizations, as well as internally to federal staff. These trainings should:

- Be co-designed and delivered by the Tribal and rural communities.
- Enhance Tribal awareness of victim service organizations' roles; human trafficking indicators; and the community and individual benefits of raising awareness, identifying, and bringing perpetrators to justice.
- Provide training on the following topics for federal, state, and local law enforcement and federal grantees:
 - **Fostering trust:** with a focus on appropriately engaging with Tribes and Tribal communities in a culturally respectful and humble way to build relationships.
 - **Forced drug trafficking and substance use coercion:** see page 47 of this report.
 - **Familial and relationship trafficking:** with a focus on the prevalence and indicators of family and relationship trafficking as well as promising practices related to addressing it in small, rural, and Tribal communities where many community members may be related or know one another.
 - **Labor trafficking:** with a focus on statutory definitions and dispelling myths related to the prevalence and indicators of labor trafficking in rural and Indigenous communities.

Accountability

Note to Congress

We recommend Congress request that the Government Accountability Office (GAO) conduct reviews and provide recommendations to federal agencies, including the FCC and the DOC/National Telecommunications and Information Administration, that will help the federal government make strides in increasing public safety broadband networks, spectrum access, and telecommunication services on Tribal and territorial lands and Pacific Islander and Native Hawaiian homelands to allow for better reporting, coordination, and response to human trafficking in some of the most geographically remote and isolated areas in the country.

*"I remember calling 911 for help in a life-threatening violent situation. It was in the middle of the night when an operator picked up the phone. At the other end of the line, my voice shook with terror; in the background, she could hear a loud banging on my locked bedroom door. 'Help me, please!' I screamed. 'He's going to kill me!' I know this experience of violence is not unique, but what is unique is that no one came. The call was routed around the state of Alaska because many of our rural communities do not have 911 crisis systems, the infrastructure to support a response to calls, or funding for public safety. The lack of help in our rural communities is not unique; it is a call repeated—with variations—around the state, and around the year. Sometimes rural locations and weather conditions prevent emergency services from reaching victims for weeks. **WE ARE CALLING FOR HELP AND NO ONE COMES.**" —Alaska Trafficking Survivor*

This is one of many stories that are hard to hear and that speak to the multiple levels of harm and injustice that survivors of violence in Alaska face. American Indian and Alaska Native female victims are more likely to need services, but they are less likely to have access to those services. Almost 60% of all women in Alaska have experienced victimization.³¹ For Alaska Native people in rural communities, these

³¹Alaska Department of Public Safety. (2021). *Times without precedent: Fiscal year 2020-2021 annual report*. https://dps.alaska.gov/getmedia/cfb65955-a338-44af-be29-3a6ac01aa22a/0170_22_dps_2020-2021-Annual-Report_Final-Web_V2.pdf

rates can soar to 84%.³² We further know from anecdotal accounts that within certain communities almost all women and children have witnessed or experienced violence across generations.

We specifically recommend that Congress request GAO do the following:

- Conduct a review of the federal self-governance services provided by DOI and HHS to determine whether their broadband and wireless network connectivity rates, hardware requirements, data management systems, and technological equipment meet “industry standard” speeds and offer compatible/updated equipment to provide a “meaningful level” of self-governance services to Tribal citizens receiving the services. Currently, the FCC broadband capability requires consumers to, at a minimum, have access to actual download speeds of at least 25 Mbps and actual upload speeds of at least 3 Mbps to meet “industry standards.” The Not Invisible Act Commission recommends Tribal lands networks support 100/20 Mbps speeds.
- Review and provide recommendations on improvements or enhancements to broadband; what computer hardware, software, and technology be implemented to increase case response time; basic wireless communications; and/or access to other investigative federal-state-Tribal law enforcement data systems. GAO also should compare how the current technological systems utilized by the DOI/ Bureau of Indian Affairs (BIA)/Office of Justice Services compare to the current systems used by the FBI and DHS and what additional federal resources are needed.
- Update the report *Broadband Internet: FCC’s Data Overstate Access on Tribal Lands* (GAO-18-630).³³



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³² Rosay, A. B. (2016, June 1). Violence against American Indian and Alaska Native women and men. *National Institute of Justice Journal*. <https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men>

³³ U.S. Government Accountability Office. (2018). *Broadband internet: FCC’s data overstate access on Tribal lands* [GAO-18-630]. <https://www.gao.gov/products/gao-18-630>

DOJ, DOI/BIA,³⁴ and HHS ensure accountability in law enforcement responses and access to justice in rural communities. This involves addressing systemic gaps in life saving resources, access to safety, multiple pathways to healing, and justice for survivors in remote regions. This also involves prioritizing investigations and prosecutions of trafficking, sexual violence, domestic violence, and child abuse.

“Every woman you’ve met today has been raped. All of us. I know they won’t believe that in the lower 48, and the state will deny it, but it’s true. We all know each other, and we live here. We know what’s happened. Please tell Congress and the president before it’s too late.”—Tribal citizen (name withheld), statement provided during an Indian Law and Order Commission site visit to Galena, AK

Focusing on safety means looking beyond the forensic aspects and traditional notions of justice for survivors. Many survivors cannot, and will not, access safety through a criminal justice process, so it is critical to consider alternative pathways that prioritize their immediate and long-term well-being. Additionally, creating multiple pathways for healing and ensuring survivors have equitable access to justice and support services are critical components of this work, particularly for those in isolated areas.

The absence of consistent safety and justice in these communities not only leaves residents targeted but also represents a failure of our systems to provide safety and support to those in dire need. It is essential to acknowledge the depth of this crisis and the immediate need for reform to bring security and justice to every corner of Alaska and our nation.

Alaskan communities are facing a critical issue where, despite numerous cases in child advocacy centers and sexual assault examinations, Alaskans observe a disturbing absence of criminal convictions for all forms of violence, but most specifically trafficking.

The community of Nome, AK, has seen over 460 sexual assault kits be ignored over a 10-year span. In March 2017, Clarice “Bun” Hardy, an Iñupiaq woman, reported to the Nome Police Department that she had been sexually assaulted. Lawyers for Hardy said the Nome Police Department took more than a year to investigate Hardy’s report. A year and a half after her report, her alleged assailant had not been charged. Hardy says her case represented more people than herself.³⁵

“I quickly realized I wasn’t the only one the Nome Police Department disregarded,” Hardy said. “Hundreds of other people were ignored, too.”³⁶

The hundreds of cases she mentions were actually cold cases that were backlogged in the Nome Police Department, many of which were sexual assault and trafficking cases reported by Alaska Native women. This situation not only highlights the severe shortcomings in our legal system but also underscores the desperate need for immediate and effective action to ensure that justice is served, and such heinous crimes do not go unpunished.

Alaska Native people and children experience some of the highest rates of violence in the United States by non-native people,³⁷ with certain communities experiencing nearly universal victimization. Yet, these survivors often encounter significant barriers to justice, including law enforcement failures, untested sexual assault kits, and systemic racism.

³⁴ DOJ’s Missing and Murdered Unit (MMU) leverages Tribal, federal, state, and local law enforcement agencies and other stakeholders to enhance the criminal justice system, and focuses on analyzing and solving missing, murdered, and human trafficking cases involving American Indians and Alaska Natives. The MMU has also developed strategic partnerships with other federal and national partners including the FBI Forensic Laboratory, U.S. Marshals Missing Child Unit, and the National Center for Missing and Exploited Children.

³⁵ McKenzie, V. (2019, September 14). In Alaska hometown, Native women say police ignored rapes. *Associated Press*. <https://apnews.com/article/us-news-ap-top-news-sexual-assault-weekend-reads-ak-state-wire-25c397c5bba040d2ad507faf47d07255>

³⁶ Press, T. A. (2019, September 20). *Going to extremes to tell the story of sexual violence and shortcomings of enforcement*. The Associated Press. https://www.ap.org/news-highlights/best-of-the-states/2019/native_alaskan-women-say-police-ignored-rapes/

³⁷ Rosay, A. B. (2016, June 1). *Violence against American Indian and Alaska Native women and men*. National Institute of Justice. <https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men>

Law enforcement services in rural Alaska, including those provided by the Nome Police Department and other agencies, have historically failed to respond to reports of sexual violence and trafficking, leaving survivors without recourse.

We, therefore, call on:

- DOJ, DOI, and HHS to investigate how and whether federal guidelines mandating timely responses to sexual violence and trafficking reports in Alaska Native communities are adhered to. Federally funded initiatives must ensure that reports are investigated within a reasonable and federally mandated time frame. DOJ, DOI, and HHS should prioritize assessments on communities with the highest rates of assault, such as Nome.
- DOJ, DOI/BIA, and GAO to explore the creation of community-based public safety networks in isolated regions where formal law enforcement is unavailable. These networks should be Tribally led and federally funded to provide a first line of defense for reporting crimes, preventing violence, and coordinating with law enforcement.
- HHS and DOJ to ensure equitable access to services for survivors, including conducting equity audits to assess whether federally funded victim service programs meet the needs of Alaska Native women and children. Providers must integrate trauma-informed, culturally relevant practices and remove barriers to support, especially for survivors dealing with substance use and mental health coercion.

Note to Congress

We recommend Congress request GAO conduct a comprehensive justice review of law enforcement services in rural communities. This includes assessing the presence and effectiveness of law enforcement in rural regions; identifying gaps in criminal investigations and prosecution rates for violence and trafficking cases; and comparing investigative systems across federal, state, and Tribal agencies.

HHS/Office of Family Violence Prevention and Services (OFVPS), DOJ/Office on Violence Against Women (OVW), and HUD improve access to services for Alaska Native communities, ensuring that services are sustained, equitable, and culturally responsive and aim to prevent the exclusion of survivors with substance use and/or mental health experiences, eliminating systemic racism and discrimination in service provision.

Alaska Native individuals, who often need services the most, face significant barriers in accessing and sustaining services due to geography, disabilities, substance use, mental health experiences, systemic racism, and discrimination. These barriers are compounded by practices that screen out individuals with substance use or mental health experiences, contrary to the principles of the Mental Health Parity and Addiction Equity Act and the Americans with Disabilities Act (ADA), which mandate equal access to care. Addressing these disparities is essential for promoting equity and ensuring that those most in need receive compassionate, culturally relevant support that respects their dignity and autonomy. Specifically:

- HHS/OFVPS, DOJ/OVW, and HUD should increase accessibility by simplifying grant application processes for organizations serving Alaska Native communities. This includes providing technical assistance to support smaller, community-based organizations in accessing and sustaining funding. Simplifying these processes ensures that resources reach those most in need.
- HHS/OFVPS, OVW, and HUD should implement equity monitoring tools to ensure that all survivors, including those from Alaska Native communities, are not discriminated against or unfairly removed from programs. These agencies should conduct regular reviews and generate reports on service access and outcomes to hold programs accountable for equitable service provision. Monitoring should focus on ensuring that all services are provided in a manner that respects the dignity and cultural identity of all individuals, particularly those who are most vulnerable.
- HHS/OFVPS, OVW, and HUD should require all staff in federally funded programs to undergo cultural responsiveness and ADA training. This training should focus on reducing racism and discrimination and uplifting native values and strengths while ensuring that service providers understand the unique challenges faced by these communities, including those related to substance use and mental health experiences. The training could equip providers with the knowledge and skills to offer culturally responsive, inclusive, and non-discriminatory support.



Photo by ICF from Council Trip to Ciudad Juárez, Mexico

Council Trip to Texas and Mexico

Goals, Objectives, Takeaways, and Reflections

The Council visited El Paso, TX, and Ciudad Juárez, Mexico, with a goal of understanding efforts at the southern border to combat human trafficking during and following the migration process. Our main focuses were on the role of and relationships between government, law enforcement, social services, and non-governmental organizations in human trafficking prevention as well as identification of trafficking victims and ensuring they receive the necessary support such as legal aid, housing, counseling, and medical care.

While the trip, tearful for some and impactful for all, gave us some insight into processes and policies related to migration and human trafficking, the overall sentiment upon our departure was compassion and greater awareness of why and how the southern border has become a perilous area for trafficking activities, with various criminal networks exploiting the many vulnerabilities among migrants, asylum seekers, and unaccompanied children. Some of these vulnerabilities are pre-existing and are, in fact, the reason individuals have sought to migrate, but some of these vulnerabilities, as we learned, are created or exacerbated by failures in the migration process itself. We met with incredible leaders who were doing incredible work despite difficult and overwhelming circumstances, and we met with some who seemed less willing to confront and transparently discuss the discrepancies between their stated policies and the actual realities within their agencies.

In addition to interagency coordination, the Council's discussions with federal, state, and foreign authorities were aimed at comprehending the broader context of U.S. immigration policies and their impact on trafficking prevention. The focus on unaccompanied children is particularly pressing, as this demographic is often targeted by traffickers.³⁸ By identifying gaps in current protective measures, such as lack of adequate screening processes or insufficient resources for vulnerable populations and misinformation about U.S. immigration policies via social media, the Council seeks to recommend actionable solutions to improve the safety and well-being of individuals crossing the U.S. southern border.

³⁸ Congressional Research Service. (2024). *Unaccompanied alien children: An overview*. <https://crsreports.congress.gov/product/pdf/R/R43599>

Trip Agenda

The Council collaborated with various agencies to develop a thorough understanding of the landscape around border-related human trafficking. These meetings offered the Council critical insights into the unique challenges, needs, and opportunities of agencies serving southern border regions on both the Mexico and United States sides.

Federal Agencies: The Council met with representatives from the HHS/Office of Refugee Resettlement (ORR), State, and DHS/Customs and Border Protection (CBP). These meetings focused on examining migration trends and their overlap with human trafficking, particularly regarding unaccompanied children crossing the U.S.-Mexico border. Discussions addressed challenges in identifying human trafficking, the prevalence of such cases among young migrants, and the effectiveness of HHS/ORR and DHS protocols for screening and supporting these individuals. Additionally, the meetings aimed to gather and formulate recommendations for federal agencies to enhance awareness, coordination, and protection measures related to human trafficking among vulnerable populations.

Kids in Need of Defense (KIND): The purpose of this meeting was to learn about KIND's initiatives in supporting unaccompanied children within the immigration system, particularly focusing on the intersection with human trafficking cases. We learned about KIND's mission and the demographics of the populations served and discussed coordination efforts with various entities as well as gaps in legal protections and necessary recommendations for federal agencies.

Kiki Romero Municipal Migrant Shelter: On this tour in Mexico, led by Ciudad Juárez Municipal Human Rights Director Santiago Gonzalez, we met Ciudad Juárez's former mayor, Martin Chaparro. We discussed critical issues related to human rights and support for migrants, including cartel presence and recruitment, human trafficking screening, and the demographics of individuals served.

Consejo Estatal de Población (COESPO) and United Nations agencies (UNICEF, United Nations High Commissioner for Refugees, International Organization for Migration): This meeting was led by COESPO Director Enrique Valenzuela and Director of Migrant Services Dirvin García. It focused on a discussion of unaccompanied children, human trafficking trends between the U.S. and Mexico, and recommendations for the Council to present to federal agencies.

Todos Somos Mexicanos Medical Clinic: This meeting engaged Chihuahua state health officials in Mexico in a discussion about the facility's programs and services as well as their collaboration with the U.S. consulate and local government. The meeting also focused on screening protocols for human trafficking and insights for recommendations to be presented to federal agencies.

Consul General of Mexico in El Paso, TX: This meeting addressed various topics related to human trafficking such as services for crime victims, visa application processes, and strategies for improving fraud prevention and victim recovery efforts.

El Paso County, TX, Migrant Support Services Center and Border Servant Corps' Hospitality Center –Vista Nueva, and Other Partners: The meeting's purpose was to discuss the local government services provided to asylum seekers and families by the County of El Paso's Migrant Support Services Center and Border Servant Corps, including issues related to human trafficking, coordination among various entities, and the effectiveness of screening processes. Additionally, we identified challenges and gaps in current practices and collaborated to formulate recommendations for federal agencies regarding the support and protection of migrant populations.

We extend our heartfelt gratitude to staff from State and DHS and all the incredible individuals and agencies who graciously hosted the Council in El Paso, TX, and Ciudad Juárez, Mexico. Your warmth and hospitality created an inviting atmosphere that fostered meaningful discussions and collaboration on critical issues affecting our communities. Thank you for your invaluable contributions in our efforts to address the challenges we face together. Your support inspires us to continue our important work with renewed vigor and purpose.

Recommendations

Prevention

DHS and HHS enhance support, services, education, and training for unaccompanied children and transition-age youth (ages 18–24),³⁹ their sponsors, and government staff (and contractors) to help prevent human trafficking among these populations who enter the United States without a parent or guardian.

In our 2023 annual report we prioritized support and services for unaccompanied children who enter the United States without a parent or guardian, with a particular focus on child labor trafficking given both the increase in cases of child labor exploitation⁴⁰ and changes in state laws that increase the risk of child labor trafficking.⁴¹ We recommended that “HHS, DOJ, and DOL increase oversight and support for unaccompanied and other vulnerable children at risk of experiencing child labor trafficking.” Specifically, we called upon DOL, HHS, and DOJ to increase efforts to identify and address instances of child labor trafficking among unaccompanied children, as well as HHS to 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.

Today, thousands of children continue to come to the United States unaccompanied.⁴² Some are very young and do not come to the United States by choice, but to survive or to help their families, which inherently makes them more vulnerable to exploitation—including both sex and labor trafficking.⁴³ Transition-age young people—or those who are between the ages of 18 and 24—are also vulnerable to trafficking. Research is clear that young people continue to develop intellectually, emotionally, and socially well into their mid-20s. While the age of majority in the United States is 18, young people between the ages of 18 and 24 are continuing to mature in many ways, including their capacity to understand cause and effect, use rational decision-making processes, and initiate tasks.⁴⁴ Many young adults coming to the United States alone have further experienced displacement from their home countries; many have experienced poverty, natural disasters, and violence that have brought them to the United States.

Note to Congress

To better support unaccompanied children, we call upon Congress to increase funding to ORR beyond \$750 million for legal/social services. The amount does not meet the acute continuing need for these services given historical levels of arrivals. We also call upon Congress to support the Fair Day in Court for Kids Act, which would mandate that every unaccompanied child get an attorney in their immigration case.⁴⁵

³⁹ Youth.gov. (n.d.). Transition & aging out. <https://youth.gov/youth-topics/transition-age-youth>

⁴⁰ United States Advisory Council on Human Trafficking. (2023). *United States Advisory Council on Human Trafficking: Annual report 2023* https://www.state.gov/wp-content/uploads/2024/03/2023-Council-Annual-Report_508_FINAL-2.pdf

⁴¹ Fliter, J. A., & Wood, B. (2023, June 26). States are weakening their child labor restrictions nearly 8 decades after the US government took kids out of the workforce. *The Conversation*. <https://theconversation.com/states-are-weakening-their-child-labor-restrictions-nearly-8-decades-after-the-us-government-took-kids-out-of-the-workforce-205175>

⁴² Office of Refugee Resettlement. (2024, December 6). *Unaccompanied Children Bureau* [Fact sheet]. Administration for Children and Families. <https://www.acf.hhs.gov/orr/fact-sheet/programs/uc/fact-sheet>

⁴³ Inter-Agency Coordination Group against Trafficking in Persons. (2024, July 30). Leave no child behind in the fight against human trafficking. *International Labour Organization*. <https://www.ilo.org/resource/statement/leave-no-child-behind-fight-against-human-trafficking>

⁴⁴ Arain, M., Haque, M., Johal, L., Mathur, P., Nel, W., Rais, A., Sandhu, R., & Sharma, S. (2013). Maturation of the adolescent brain. *Neuropsychiatric Disease and Treatment*, 9, 449–461. <https://doi.org/10.2147/NDT.S39776>

⁴⁵ Fair Day in Court for Kids Act of 2021. S.3108, 117th Congress (2021–2022). <https://www.congress.gov/bill/117th-congress/senate-bill/3108>

Why Do People Leave?

“I had the necessary things to live in my country. I had a piece of land, a little house, and a way of living. It was simple but enough. Then the maras [gangs] threatened to take away or recruit my 15-year-old. [One day] a man with a black jacket showed up at my house ... I did not know him, and I thought that he was going to kill me, but why? I have not done anything. He asked me to go and talk to his boss. ‘We are not going to do anything to you,’ he said. ‘But we want you to work with us [selling drugs].’ I told them I could not join them because I had four children. After some months, they started surveilling my house. I saw them around more frequently until one day they approached me and told me, ‘Since you could not work with us, maybe your son can work with us. He is a boy, so maybe he will understand better. You have one week to think about it.’ I did not wait a week, I left everything and fled to protect my child. I do not want them to take him away or that something may happen to him.” – Gabriela, a Honduran mother of four children [excerpt from Olayo-Méndez, A. (2024). Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>]



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Therefore, below are specific recommendations to DHS and HHS to enhance human trafficking prevention efforts among children and transition-age young people:

- **Pursuant to NAP Priority Actions 2.1.1 (Develop or update, validate, and implement screening forms and protocols) and 2.1.3 (Regularly train federal law enforcement and service provider agencies on identifying human trafficking), DHS hire and deploy qualified, licensed child welfare professionals to support human trafficking screenings, the development of standards of care, and provide services at DHS facilities that**

temporarily house unaccompanied children. Many unaccompanied children have experienced significant harm or trauma en route to the United States. DHS is required by law to screen children upon their arrival to assess if they have experienced human trafficking.⁴⁶ DHS/CBP performs these screenings, but as trained law enforcement professionals, many may lack the developmentally appropriate, child-centered expertise and training to engage and solicit information from children as part of their intake protocols and related to identifying potential instances of human trafficking—tasks that require specialized training and education. Congress already dedicated funds to equip DHS/CBP with child welfare specific support but the administration has only recently started to post jobs and hire child welfare professionals to support human trafficking screenings of unaccompanied children in DHS custody.⁴⁷ We therefore recommend that child welfare professionals be hired by DHS to train CBP staff on how to conduct human trafficking screenings in a child-centric and developmentally appropriate way. We further suggest that child welfare professionals be hired to conduct these screenings directly. Child welfare professionals hired by DHS should also be tasked with helping DHS design and implement trauma-informed standards of care with the guidance and support of migrant communities, former unaccompanied children, and shelters that temporarily house unaccompanied children. These standards should focus on how initial medical, behavioral health, and other screenings are performed, as well as culturally responsive food provision, sleeping arrangements, and implementation of complaint or grievance protocols.



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- **DHS/CBP and Immigration and Customs Enforcement (ICE) receive specialized training to engage and support transition-age immigrant youth who are traveling alone to the United States.**
 - Given the vulnerabilities transition-age youth face when coming to the United States alone, we call upon DHS/CBP and ICE to offer specialized training for agents who engage with young people ages 18–24 in DHS detention short- and longer-term facilities, with a specific focus on:
 - Understanding adolescent development and the related neurobiology of transition-age youth, including being able to assess the young person’s social and emotional capacities.

⁴⁶ Child Trafficking Victims Protection and Welfare Act of 2019, S. 661, 116th Congress (2019). <https://www.congress.gov/bill/116th-congress/senate-bill/661>

⁴⁷ U.S. Senator for Georgia Jon Ossoff. (2024, April 5). *Sen. Ossoff presses Biden administration to address lack of child welfare professionals at southern border* [Press release]. <https://www.ossoff.senate.gov/press-releases/sen-ossoff-presses-biden-administration-to-address-lack-of-child-welfare-professionals-at-southern-border/>

- Using age-appropriate motivational interviewing approaches when conducting screenings or otherwise engaging with young people.
 - Understanding cultural differences and norms among transition-age youth based on their countries of origin, which may impact their comfort with engaging in various screenings, services, or other support.
 - Providing targeted and individualized support to transition-age youth who are differently abled and based on their expressed needs.
- **HHS/ORR increase efforts to ensure unaccompanied children know their rights with respect to work, services, and other public benefits before they are released to a sponsor within the United States.** ORR policy Section 3.7.1 Know Your Rights Presentation & Confidential Legal Consultation for Legal Relief codifies that ORR delivers Know Your Rights presentations to all children in ORR care within 10 days of admission. These presentations must “be provided by an independent legal service provider that has appropriate qualifications and experience” and must “include information notifying the unaccompanied child of their legal rights and responsibilities in the immigration system, including protections under child labor laws, and of services to which they are entitled, including educational services. The presentations must be delivered in the native or preferred language of the unaccompanied child and in an age-appropriate manner.”⁴⁸ To further ensure children fully understand their rights and the benefits to which they are entitled, ORR should also include the below items in these presentations as well as reiterate the importance of maintaining any materials shared during them. ORR should further consider making these state-specific resources and contact information available via a searchable directory on the ORR National Call Center:
 - Contact information for state medical, behavioral health, disability, and public benefit and financial support programs to which the children may be eligible in the state in which they will reside with their sponsor.
 - Mechanisms and contact information to report abuse, neglect, or abandonment as well as violations of child labor or human trafficking laws.
 - If known and where applicable, the contact information of the local service providers who will support the young person post-release.

We further encourage HHS/ORR to coordinate with DOJ’s Legal Orientation Program for Custodians of Unaccompanied Children (LOPC) to explore ways to update LOPC’s information sessions for sponsors both related to available benefits and service programs for the child in their state, but also mechanisms to report exploitation and abuse, including child labor exploitation and trafficking.

- **As part of its post-release services, HHS/ORR update its policy guidance to prioritize outreach to children that ORR has been unable to reach to ensure they are safe.** ORR policy Section 6.2.2. Prioritization of Services notes that in times where there is a high volume of referrals for post-release services and ORR has created a waitlist as a result, its contracted providers will prioritize serving released children in a certain order, in part based on the age of the child.⁴⁹ To help prevent exploitation and trafficking of children post-release, we recommend that ORR further refine this prioritization, so that if a child is not reachable when ORR conducts what it refers to as a Level 1 check-in (i.e., virtual check-in), ORR should automatically advance the child to Level 2 (community-based check-in and safety planning), which would allow for local service providers to connect with the child. If a child is identified to receive Level 2 support, but is not reachable, this should also automatically trigger advancement to Level 3 (intensive case management and intervention).

⁴⁸ Office of Refugee Resettlement. (2024). *Unaccompanied Children Bureau program policy guide: Section 3*. Administration for Children and Families. <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-3#3.7>

⁴⁹ Office of Refugee Resettlement. (2024). *Unaccompanied Children Bureau program policy guide: Section 6*. Administration for Children and Families. <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-6#6>

- DHS/U.S. Citizenship and Immigration Services (USCIS) and HHS/ORR enhance support to young people who have or are going to “age out” of ORR care to decrease their vulnerability to exploitation and human trafficking.** When youth age out of ORR care, they face numerous challenges related to housing, income, and work. Young people leaving ORR care need support to connect to opportunities for skills development and work authorization and in preventing homelessness—lack of access to these basic needs leads to vulnerability. We, therefore, recommend that:
 - DHS/USCIS explore ways to improve and expedite the work authorization process for eligible youth so that youth, when they leave ORR care, are less vulnerable to exploitative labor situations. DHS/USCIS processing times are often long (months to years). During this time, youth must wait for immigration related benefits or work authorization—which means they also must wait to get identification information, such as a Social Security number. DHS/USCIS must continue to explore how to expedite processing of work permit applications for youth, as they reach age 18 and before they leave ORR care, to reduce the risk of human trafficking.
 - DHS/USCIS and ORR share information and data related to young people who “age out” of ORR care and who do not yet have work authorization to support these individuals in requesting expedited assistance to receive a work permit or other benefits to help reduce their risk of labor exploitation or trafficking.
 - DHS/USCIS notify children with a bona fide T visa application that they may obtain an Eligibility Letter from HHS/Office on Trafficking in Persons (OTIP), which makes them eligible to apply for benefits and services to the same extent as a refugee (e.g., health insurance, cash assistance, foster care).
 - ORR: (1) start discharge planning with young people as soon as it is aware that a young person may “age out” of care; (2) provide additional resources, services, and support to the young person before discharge that builds their skills and understanding relating to financial literacy and banking; getting an identification card; education and work opportunities, including connecting them to workforce services or American Job Centers; and (3) connect the young person with local community navigator programs that provide wraparound supports (including relating to work, education, health, housing, medical, and mental health care) that can assist them after discharge.

Note to Congress

We reshare this note to Congress from our 2023 annual report given its importance in support of unaccompanied children:⁵⁰ The Trafficking Victims Protection Act (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.

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 for 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.

⁵⁰ United States Advisory Council on Human Trafficking. (2023). *United States Advisory Council on Human Trafficking: Annual report 2023* https://www.state.gov/wp-content/uploads/2024/03/2023-Council-Annual-Report_508_FINAL-2.pdf

Education and Awareness

We recommend DHS and State enhance efforts to reduce vulnerabilities to trafficking during the migration process by increasing awareness of U.S. immigration policies and practices and making improvements to the CBP One™ app.

During our regional trip, both federal officials and community partners raised concerns about the role of disinformation, misinformation, and general lack of understanding of U.S. immigration policies and practices.⁵¹ Ill-intentioned actors and organized crime groups may use disinformation campaigns to serve their own purposes (as distractions meant to drive border patrol officials to one area of the border, for example). The use of smartphones, which are required to access CBP One (the app that is now the only official way to request an appointment to present at a port of entry at the U.S. southern border, which is required to apply for asylum), are associated with misinformation and increased “risk of providing information to criminal groups,” and many migrants “do not know where to find official information” or how to assess and determine “reliable sources of information.”⁵² This confusion is complicated when the law says one thing, government actions say another, and executive orders contradict one or both. For example, Title 8 of the U.S. Code allows “any individual who is physically present in the United States or who arrives at the border” to be given an opportunity to seek asylum,⁵³ while a recent presidential proclamation and final rule from DOJ and DHS restrict asylum for those crossing at the southern border to those who apply using the CBP One app.⁵⁴ Misinformation can lead to harm, subjugation, and dehumanization of migrants (such as when they are misled into situations where they are kidnapped, mugged, or extorted). Extended wait times in Mexico due to CBP One inefficiencies exacerbate the humanitarian crisis at our southern border. These circumstances increase the vulnerability of migrants to initial experiences of human trafficking as well as re-exploitation. Therefore, we recommend:

- **DHS and State coordinate to enhance messaging campaigns to dispel myths and counter misinformation about U.S. immigration policies and practices among immigrants to reduce vulnerabilities to trafficking during the migration process to the United States. DHS and State also partner with DOJ and law enforcement to hold those accountable who promote misinformation.** Research into the digital practices of migrants shows that a majority find information about how to seek asylum and CBP One on social media, with the most commonly used online platforms being Facebook, Messenger, WhatsApp, Google, TikTok, and YouTube.⁵⁵ Simplified messaging campaigns that meet communities where they are (and on the apps that they use) are essential, and government agencies can work with communities to best understand how to communicate effectively with them. It is essential that the United States sends information that is unified, uniform, and clear to let people know what they can expect. This messaging should be developed in partnership with organizations that advocate for the safety of migrants and should include information about the Securing the Border Final Rule⁵⁶ and how crossing the border outside of approved methods can impact migrants’ asylum cases.⁵⁷ The Legal Orientation & Education section of the National Partnership for New Americans’ ‘Always Welcome’ Toolkit⁵⁸ provides examples of clear, plain-language, explanations of U.S. asylum practices. Similarly, DOJ and DHS should, within existing federal authorities, hold accountable those individuals and organizations that intentionally promote misinformation and disinformation

⁵¹ American Psychological Association. (n.d.). Misinformation and disinformation. <https://www.apa.org/topics/journalism-facts/misinformation-disinformation>

⁵² Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs*. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>

⁵³ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁵⁴ While both the Circumvention of Lawful Pathways rule and Securing the Border Proclamation contain exceptions for victims of trafficking, migrants might not know at the time of their migration that their experiences might fit a U.S. framing that provides an exception to using the CBP One app.

⁵⁵ Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs*. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>

⁵⁶ DHS, DOJ. (2024, Oct. 7). *Securing the Border*, 89 FR 81156. See also The White House. (2024, June 4). *FACT SHEET: President Biden announces new actions to secure the border*. <https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/04/fact-sheet-president-biden-announces-new-actions-to-secure-the-border/>

⁵⁷ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁵⁸ National Partnership for New Americans. (n.d.). ‘Always welcome’ toolkit. <https://docs.google.com/document/d/1UZ2TVA5xFEhzxPqnUxlexUXWtD7DnN-0KAK0SLHwNCE/edit>

and try to bring individuals into the United States under false pretenses.⁵⁹ There are instances when individuals are under the impression that they are coming into the United States for a specific job, and instead experience trafficking.⁶⁰ This is all the more reason that clear messaging needs to be shared with individuals so that they are aware of potential deception. These campaigns would be focused on countering disinformation and would not constitute legal counseling.

- **DHS support local or national call centers in the United States that can share reliable and up-to-date information with migrant populations about immigration policies and practices, and State coordinate with consulates in countries of origin to provide accurate awareness campaigns and informational tools to better inform migrants of the risks to expect on the journey to the U.S. southern border and the U.S. immigration policies they will encounter.** U.S. hotlines and campaigns that provide information about immigration do not reach into Mexico, and migrants encounter multiple transnational criminal organizations along the journey (including those posing as fellow migrants in social media groups for hopeful asylum-seekers).⁶¹ In our discussions in Texas we learned that El Paso used to operate a local call center, but it closed due to lack of funding. When provided better information before beginning their trips and along the way, migrants may be better prepared to avoid scams and fraud (such as fraudulent “lawyers” offering to set up CBP One appointments or cartel-associated traffickers posing as smugglers).⁶² These messaging campaigns should provide information and develop fact sheets on risks and indicators for human trafficking along the journey and as new Americans. Messaging plans should include formal evaluation of what messaging is effective without reinforcing stigmas as well as which platforms reach the target audience.⁶³
- **DHS engage culturally-specific organizations or victim or immigration specialists trained in trauma-informed engagement and asylum procedures to conduct human trafficking screenings during the inspection process and address and reduce learned distrust of government and systems.** Asylum-seekers may be fleeing state violence from corrupt government actors or encounter kidnapping, extortion, or other violence from real or fraudulent government officials along their migration journeys, and migrants may experience additional abuse from DHS/CBP officers upon arrival at the southern border.⁶⁴ Screenings at consulates and immigration offices conducted by trained advocates can build trust while improving disclosure and accuracy of information.



Photo by ICF from Council Trip to the U.S. Southern Border

⁵⁹ Title 8, U.S.C. § 1324 (n.d.). *Bringing in and harboring certain aliens*. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1324&num=0&edition=prelim>

⁶⁰ The Human Smuggling and Trafficking Center. (2006). *FACT SHEET: Distinctions between human smuggling and human trafficking*. U.S. Department of State. <https://2009-2017.state.gov/documents/organization/90541.pdf>

⁶¹ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁶² Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁶³ Savoia, E., Piltch-Loeb, R., Muiibu, D., Leffler, A., Hughes, D., & Montrod, A. (2023). Reframing human trafficking awareness campaigns in the United States: Goals, audience, and content. *Frontiers in Public Health*, 11. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10450333/>

⁶⁴ Human Rights Watch. (2022, June 6). Mexico: Asylum seekers face abuses at southern border. <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border>

- DHS not restrict migrant processing at the U.S. southern border to exclusively require use of the CBP One app to request and schedule appointments and explore alternative methods, such as arranging initial appointments via phone, in person, or by mail.** Mandatory use of CBP One presents many well-documented barriers for migrants hoping to seek asylum in the United States. Access to a device capable of running the app without continually crashing (and hoping that device does not get stolen or damaged) as well as reliable internet access present barriers, as many might lack digital, reading, or language proficiency. Migrants entering at the U.S. southern border may come from other countries in Africa or Asia and speak one of their many languages, and speakers of Latin America’s more than 500 Indigenous languages experience disproportionately high rates of discrimination and poverty and may be seeking asylum. Because the app is only available in three languages, its usefulness is limited for these populations.⁶⁵ Out of migrants surveyed by Jesuit Refugee Services, 69% needed someone to help them fill out the application, and this makes them vulnerable to fraudulent offers of assistance.⁶⁶ HIAS México, a non-governmental organization, has found that desperate migrants often pay exorbitant fees (sometimes to scammers who do not deliver) for assistance filling out the CBP One application.⁶⁷ Having official phone and in-person options can increase accessibility for many migrants who need it most.

“We do not have a phone ... La Migra (migration authorities) in Mexico City robbed us of all our money and the phone. I am not sure what we are going to do ... without a phone we cannot download the application.”
 —Miguel, a 22-year-old male [excerpt from Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs* (p. 15). Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>]

- DHS improve access to and the utility of the CBP One app by allocating appointments in the order of registration and further exploring alternatives to and researching the use of facial recognition software, which can have disproportionate error rates for individuals with darker skin.** Research from those working closely with migrants hoping to seek asylum shows that the number of daily appointments allotted is inadequate to meet our ethical and legal obligations under Title 8 to allow asylum requests by all eligible migrants who arrive at our borders.⁶⁸ Allocating appointments in the order of registration would help with reported confusion among migrants about why some individuals receive appointments quickly and others wait months. When a family group registers in CBP One, they must then restart their application if their family group changes while waiting (such as in the case of the birth of a baby during a lengthy waiting period), and individuals also must restart their application if the appointment is missed.⁶⁹ Migrants who have become desperate after lengthy wait periods may pay for assistance with getting an appointment only to be scammed and have to start over, and kidnappings of migrants increase after scheduling their CBP One appointment (as criminals know they will be desperate to get released and not miss the appointment).⁷⁰

⁶⁵ Fleischner, N. (2016, August 9). Weekly chart: Indigenous languages in Latin America. *Americas Society/Council of the Americas*. <https://www.as-coa.org/articles/weekly-chart-indigenous-languages-latin-america>

⁶⁶ Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs*. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>

⁶⁷ HIAS México. (2023, October 25). CBP One: Puente hacia el asilo entre México y Estados Unidos. *Reliefweb*. United Nations Office for the Coordination of Humanitarian Affairs (OCHA). <https://reliefweb.int/report/mexico/cbp-one-puente-hacia-el-asilo-entre-mexico-y-estados-unidos>

⁶⁸ Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs*. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>

⁶⁹ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁷⁰ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

While artificial intelligence (AI) has many promising uses, advocates working with migrants have reported darker-skinned migrants experiencing challenges using existing facial recognition software used by CBP One.^{71,72,73} Even with changes to CBP One, Black asylum seekers have been “unable to upload photographs which resulted in them being unable to register themselves.”⁷⁴ We recommend DHS perform a large-scale scenario test of the CBP One photo capture and face recognition process, consistent with the approach recommended by the U.S. Commission on Civil Rights as described in “*The Civil Rights Implications of the Federal Use of Facial Recognition Technology*.”⁷⁵ This test should include a large sample size of individuals with darker skin tones and different races using CBP One using multiple smartphones and under various lighting and settings. This evaluation should examine, track, and assess errors in CBP One photograph acceptance and matching rates by race and skin tone to identify any needed improvements to address race or skin tone-based disparities. Additionally, DHS should ensure that any error messages that appear within the app be in the language the migrant has selected for use in the app.⁷⁶

Note to Congress

We recommend Congress increase funding to DHS to support additional infrastructure and staffing at the U.S. southern border to increase the number of CBP One app appointments from 1,450 to 5,000 per day. Research from those working closely with migrants hoping to seek asylum shows that the number of daily appointments allotted is inadequate to meet our ethical and legal obligations under Title 8 to grant asylum requests by all eligible migrants who arrive at our borders.⁷⁷

Accountability

DHS should assess ways to enhance processes to review and swiftly address instances of abuse and misconduct by staff at DHS detention facilities that hold unaccompanied children and/or adults. Through our discussions with DHS, we learned of the department’s efforts to review mistreatment, abuse, or harm caused while in DHS/CBP custody, through reports to its Office for Civil Rights and Civil Liberties and via reviews conducted by the DHS Office of Inspector General and the DHS/CBP Office of Professional Responsibility. However, reports show that civil rights violations of individuals in DHS/CBP custody persist. Of the 78 complaints tracked by the Kino Border Initiative between 2010 and 2022 and filed on behalf of migrants, “95% led to no proper investigation or disciplinary action. Specifically, 35% of cases were recorded in a database with no action taken; 25% of cases died after acknowledgment; 14% were closed due to ongoing litigation or previous recommendations; 10% were closed because allegations could not be substantiated or because it was determined policies were not violated; and 4% led to recommendations it was unclear were followed. Only 1% of complaints resulted in disciplinary action.”⁷⁸

⁷¹ HIAS México. (2023, October 25). CBP One: Puente hacia el asilo entre México y Estados Unidos. *Reliefweb*. United Nations Office for the Coordination of Humanitarian Affairs (OCHA). <https://reliefweb.int/report/mexico/cbp-one-puente-hacia-el-asilo-entre-mexico-y-estados-unidos>

⁷² Cook, C. M., Howard, J. J., Sirotnin, Y. B., Tipton, J. L., Vemury, A. (2019). Demographic effects in facial recognition and their dependence on image acquisition: An evaluation of eleven commercial systems. *IEEE Transactions on Biometrics, Behavior, and Identity Science*, 1(1), 32–41. <http://ijhoward.org/pubs/demographic-effects-image-acquisition.pdf>

⁷³ Romine, C. (2020, February 6). Facial recognition technology (FRT). *National Institute of Standards and Technology*. <https://www.nist.gov/speech-testimony/facial-recognition-technology-frt-0>

⁷⁴ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁷⁵ United States Commission on Civil Rights. (2024, September). *The Civil Rights implications of the federal use of facial recognition technology*. <https://www.usccr.gov/reports/2024/civil-rights-implications-federal-use-facial-recognition-technology>

⁷⁶ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁷⁷ Olayo-Méndez, A. (2024). *Navigating the US-Mexico border: Digital practices of migrants and their psychosocial needs*. Jesuit Refugee Service/USA (JRS/USA). <https://jrs.net/en/resource/navigating-the-us-mexico-border-digital-practices-of-migrants-and-their-psychosocial-needs/>

⁷⁸ Erum, S. (2023, August 2). US border agents habitually abuse human rights, report reveals. *The Guardian*. <https://www.theguardian.com/us-news/2023/aug/02/us-mexico-border-human-rights-abuses>

Therefore, based on the reports and data above, we recommend that DHS improve and enhance review and transparency efforts by expanding the capabilities of DHS’s Immigration Detention Ombudsman (OIDO) or an outside mandatory third-party auditor, if appropriate, to review any claims of harm while individuals are in DHS custody. DHS/OIDO is already tasked with independently examining immigration detention to promote and support safe and humane conditions and resolving problems related to and improving conditions of individuals and families in immigration detention, including assisting individuals with complaints about the potential violation of standards and/or misconduct by DHS or contract personnel.⁷⁹ OIDO’s process includes maintaining staff presence in detention facilities. It offers flyers, posters, and wallet cards to post in facilities as a notice to individuals in custody and provides pathways to report that include discussions with case managers, through a paper form, and online.^{80,81}



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We recommend DHS/CBP refer all complaints of abuse and misconduct by DHS/CBP staff and contractors to OIDO or another third-party entity. We also know that many individuals in detention are unlikely to file complaints due to fear of retaliation. Therefore, if claims are referred to OIDO, we recommend it improve its processes by:

- Conducting random follow-ups (by phone, text, or email) with individuals within 30 days of custody exit to offer support and a pathway for filing claims, as needed. In doing so, individuals may be more likely to file claims with OIDO without fear of retaliation.
- Delivering more transparency in its annual report to Congress, specifically on the numbers of cases addressed (not just received) and how they were addressed and resolved.
- Improving its awareness materials, by consulting with lived experience experts, to ensure that they are clear, easy to understand, and accessible.

Handling abuse and misconduct in DHS detention facilities is crucial for many reasons. It ensures the protection of human rights and highlights the dignity of all individuals, especially vulnerable populations. Efficient review processes help monitor accountability and transparency, promoting trust in government offices. Additionally, handling these issues in a timely manner can prevent unnecessary harm and trauma to detainees, upholding a safer environment. This is not only in line with national and global standards but also reflects our country’s commitment to justice and equality. By focusing on these reviews, DHS can contribute to a fairer immigration system.

⁷⁹ U.S. Department of Homeland Security. (2023). About the Office of the Immigration Detention Ombudsman (OIDO). <https://www.dhs.gov/aboutoido>

⁸⁰ U.S. Department of Homeland Security. (2021). Questions and answers – The CIS Ombudsman’s listening session: Get to know DHS’s new Office of the Immigration Detention Ombudsman (OIDO). https://www.dhs.gov/sites/default/files/publications/questions_and_answers_-_oido_engagement_11.5.21.pdf

⁸¹ Office of the Immigration Detention Ombudsman. (2023). *OIDO 2023 annual report to Congress*. U.S. Department of Homeland Security. https://www.dhs.gov/sites/default/files/2024-05/24_0329_oido_2023-annual-report-to-congress-508.pdf

Cross-Cutting Themes and Recommendations

While each of the regional trips provided unique insights and practical needs, several cross-cutting themes emerged. These themes suggest recommendations that would be applicable in both Alaska and at the U.S.-Mexico border, with potential for nationwide relevance and impact. These themes center on the need for community-driven solutions and care; primary prevention; education and awareness around forced criminality and conflated data; common barriers to anti-trafficking efforts; and substance use and mental health coercion.

Care (Response)

While there are universal human needs that may be shared by survivors, our two regional trips highlighted how each community and region may have unique needs that are best understood by those who are part of or deeply connected to that community. For example, both migrants fleeing violence and Alaska Native people may share concerns about potential harmful impacts of child welfare involvement. However, migrant families and former unaccompanied children will have the most relevant insights for how to support migrant families and children, and Alaska Native communities (many of whom have survived residential schools and out-of-community adoptions in the decades before the Indian Child Welfare Act) will have the most relevant insights for supporting native families and children.⁸² These communities are most aware of the need for long-term ongoing support services as well as the kinds of support services and policies that they need to foster hope, healing, and well-being.

Recommendations

Community-Driven Solutions

Pursuant to NAP Priority Action 1.1.1 (*Enhance community-coordinated responses to human trafficking*), HHS and DOJ prioritize federal victim service grants and capacity-building to community-led, population-specific organizations and audit grant application and management processes to ensure equitable and relevant access to funds for community-led, population-specific organizations.

Local programs that are culturally-specific and/or rooted in the communities and populations they serve (whether they are anti-trafficking specific or related direct services such as community services, immigrant services, rape crisis, or domestic violence programs, for example) often have the trust of impacted communities and a deep understanding of their needs, fears, and barriers to well-being. By investing in these organizations, including in their ongoing capacity-building, we reduce the learning curve often encountered by nonprofits led from outside the impacted community as well as barriers to culturally-competent, relevant services for survivors and populations with increased statistical risk of trafficking. We applaud existing efforts to create funding priorities for advancing equity and removing barriers and encourage all PITF agencies to continue and/or expand this work.

Whether an organization is a culturally-specific organization or a traditional broad-service nonprofit, grant application and management processes often include expectations and practices that are inherently exclusionary, given how small nonprofits are often organized. Equity audits of existing grant application and management processes by experts in culturally-specific organizational practice would ensure all organizations have a fair chance at supportive funding. These equity audits could be incorporated into the ongoing Notice of Funding Opportunity simplification processes that federal agencies are already undertaking and could be conducted in partnership with existing technical assistance providers as well as relevant agency staff with expertise in diversity and equitable outcomes. Equitable grant application and management processes and prioritization of culturally-specific and community programs should similarly be expected of state and local federal grant recipients including when they issue sub-grants to local partner organizations.

PITF agencies may consider offering accessible support to assist smaller, under-resourced organizations in applying for grant funding. In 2023 and 2024, for example, HHS/OTIP published a series of how-to guides and answers to frequently asked questions to assist organizations in better understanding application guidance, and in 2024 HHS/OTIP launched

⁸² Indian Child Welfare Act Law Center. (n.d.). Understanding the ICWA. <https://www.icwlc.org/education-hub/understanding-the-icwa/>

a specialized grant program to support survivor-led organizations and collaborations.⁸³ The Anti-Trafficking Leadership, Innovation, and Sustainability (ATLIS) grant program provides small stipends to survivor-led organizations along with training and technical assistance to achieve participant goals.⁸⁴

Continuum of Care, Closing Gaps, and Ensuring Ongoing Support for Marginalized Populations

Transition-age youth are often especially vulnerable to violence and exploitation when they age out of existing care services. This is especially true for children leaving ORR care who may be forced to choose between detention, deportation, and going “off grid”; youth aging out of foster care systems; and youth with substance use experiences who often have prior juvenile justice involvement and reduced support. While these youth should not be forced into ongoing connection with welfare systems once they become adults, voluntary services should be available, appropriate, and well-funded. Opportunities supporting economic justice, professional and academic development, and financial advocacy can reduce vulnerability to initial or repeat human trafficking victimization and should be part of these voluntary supports.

Delays in grant application and disbursement processes make it difficult for community-based and culturally-specific organizations to respond to the rapidly changing needs and environmental contexts of their communities, and quicker access to funding for post-release services rollout and effectiveness would allow agencies working with transitional age youth to better meet the needs of impacted people in a timely manner.

Primary Prevention

Violence prevention can be thought of as primary, secondary, and tertiary.⁸⁵ Primary prevention is preventing the initial perpetration and/or experience of violence. Secondary prevention is meeting the immediate needs of people who have already experienced violence, so they are less likely to experience the harmful impacts of the violence. Tertiary prevention is setting up longer-term systems of care and support so that survivors of violence are less likely to experience continued or ongoing violence. Historically, trafficking prevention efforts have focused on secondary and tertiary prevention and have not directly addressed root causes that continually leave certain populations with increased risk factors for both perpetration and victimization. While recognizing the signs of trafficking is essential to secondary and tertiary prevention, it is not primary prevention.

Recommendations

We applaud HHS/Administration for Children and Families’ (ACF’s) recent development and publication of the *National Human Trafficking Prevention Framework (NHTPF)*, which emphasizes primary prevention of violence. Pursuant to NAP Priority Actions 1.1.2 (*Implement the HHS Administration for Children and Families National Human Trafficking Prevention Action Plan*) and 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*):

- **HHS/ACF should ensure that primary prevention efforts focusing on the community and society levels of the social ecological model be prioritized at least as much as individual and relationship level secondary and tertiary prevention in funding opportunities and technical assistance efforts (see also text box on outer-layer primary prevention at page 42).**

All PITF agencies should review the evidence-based list of community and society risk factors for both perpetration and victimization of trafficking found on pages 12–13 of the NHTPF (and the associated list of community-level protective factors on page 15) to identify and change any practices or biases that may inadvertently contribute to community- and society-level risk factors for human trafficking.⁸⁶

⁸³ Office on Trafficking in Persons. (2024, March 21). New resources available for OTIP award applicants and recipients. Administration for Children and Families. <https://www.acf.hhs.gov/otip/news/new-resources-available-otip-award-applicants-and-recipients>

⁸⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Office on Trafficking in Persons. (2024, January 25). OTIP announces the Anti-Trafficking Leadership, Innovation, and Sustainability (ATLIS) project. <https://www.acf.hhs.gov/otip/news/office-trafficking-persons-announces-anti-trafficking-leadership-innovation-and>

⁸⁵ U.S. Department of Health and Human Services. (2024). *Human trafficking prevention framework: A public health approach to preventing human trafficking*. https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework_Final.pdf

⁸⁶ For example, the Department of Defense could review all existing protocols for any that might increase contractors and/or employees’ statistical risk of initial trafficking victimization, or the Department of Homeland Security could review existing immigration, asylum, and refugee processes for any that increase known risk factors for human trafficking.

By addressing the historical gap in primary prevention efforts to end human trafficking and thus creating strategies that target all levels of the social ecological model, we can ensure that our prevention strategies across different levels support each other, are comprehensive, and are effective. While we are grateful for advocacy that highlights solutions that reduce poverty, housing insecurity, and food insecurity *for trafficking survivors*, a primary prevention lens highlights that social policy addressing these and other issues for all Americans helps prevent trafficking. While we are grateful for improved services for Black, Brown, Indigenous, and/or 2SLGBTQIA+ survivors, we are reminded that “discrimination based on sex, gender identity, race, ethnicity, and/or sexual orientation” is a risk factor for both victimization and perpetration and that “lack of family, community, or social support for navigating identity including but not limited to 2SLGBTQIA+” is a risk factor for victimization.⁸⁷ Trafficking cannot be prevented without advocating for policies that reduce these and other known risk factors and the oppressive root causes that drive them.

Note to Congress

As of September 2024, states have proposed over 500 bills aimed at eroding the rights and dignity of the 2SLGBTQIA+ community—bills that seek to restrict access to gender-affirming healthcare, limit discussion on 2SLGBTQIA+ issues in educational environments, enforce discriminatory bathroom laws, regulate participation in sports, deny services to businesses, and limit public funding for organizations that support 2SLGBTQIA+ rights or offer related services.⁸⁸ These discriminatory measures can severely affect mental health, obstruct access to necessary healthcare, promote social isolation, and create tension within family relationships, often leading to rejection, homelessness, and an increase in bullying and harassment in educational settings—each of which may increase individuals’ risks and vulnerabilities to experiencing human trafficking. The pervasive nature of anti-2SLGBTQIA+ legislation is deeply damaging, underscoring the critical need for policies that uphold and affirm the rights and identities of 2SLGBTQIA+ individuals as a primary strategy to prevent human trafficking among these vulnerable communities. We therefore call upon Congress, as part of its commitment to address and prevent human trafficking, to pass pending federal legislation that supports 2SLGBTQIA+ populations, including the Equality Act (S. 5), Pride In Mental Health Act of 2024 (S. 3949), The Therapeutic Fraud Prevention Act (S. 2242), The Respect for Marriage Act (H.R. 8404), and The Gender Equity in Education Act (S. 2186).

What is Outer-Layer Primary Prevention?

“Outer layer” prevention refers to prevention strategies focused on the community and society level of the social ecological model. While individual and relationship strategies may focus on changing individual behaviors and increasing individual knowledge and skill, community and society strategies focus on changing conditions for communities and shifting any societal structures or beliefs that normalize violence.

“Primary prevention” refers to prevention strategies that focus on preventing violence before it ever occurs. While secondary and tertiary strategies may focus on identifying and empowering survivors to reduce re-exploitation, primary strategies change the conditions that create violence *before the initial incidence of violence has even occurred*.

⁸⁷ U.S. Department of Health and Human Services. (2024). *Human trafficking prevention framework: A public health approach to preventing human trafficking*. https://www.acf.hhs.gov/sites/default/files/documents/otip/HHS%20Human%20Trafficking%20Prevention%20Framework_Final.pdf

⁸⁸ American Civil Liberties Union. (2024). *Mapping attacks on LGBTQ rights in U.S. state legislatures in 2024* [Data set]. <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024?impact=>

So “outer-layer primary prevention” refers to changing community conditions and societal norms that allow violence to happen so that the violence is less likely to happen in the first place. Individual- and relationship-level strategies (such as youth curriculum, worker rights education, and healthy relationships education) will be more effective when paired with a community- or society-level strategy.

A youth curriculum can be paired with a series of community town halls to educate parents and caregivers on how to foster open dialogue with their children about online safety. A worker rights campaign can be paired with community education and advocacy about how proposed workplace rights initiatives may impact worker safety. Targeted education on healthy relationships for college youth could be paired with student-led campaigns to increase accountability for Title IX claims.

One example of outer layer prevention by an agency is the work of the Joint Forced Labor Working Group (JFLWG). The JFLWG is a public-private partnership led by HHS/OTIP and New York’s largest healthcare provider. The JFLWG develops tools and resources to assist the healthcare and public health sectors mitigate the risk of and remediate forced labor and related exploitation in their supply chains, including purchased goods and services.



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We encourage cross-agency dialogue to ensure that the success of public health violence prevention efforts focused on community- and society-level risk factors is not undermined. Legislation and administrative policy on issues such as housing, immigration, healthcare, child welfare, and anti-discrimination can either increase or decrease vulnerability to trafficking *even if the policy is not itself about trafficking*.

Collaboration and Barriers

As anti-trafficking professionals who also have lived experience, we are keenly aware of barriers encountered by survivors and advocates in the efforts to support survivors and end trafficking. Many barriers were mentioned in both regional trips, including funding barriers, barriers related to collaboration and systems, and confusion about data and definitions.

Recommendations

Funding Barriers

Pursuant to NAP Priority Action 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), DOJ/OVC prioritize funding for alternatives to the criminal legal system to support restorative justice programs.

Many survivors from communities who have faced injustice will not want increased involvement with existing systems that they feel have harmed their families and communities. These survivors are often faced with a binary dilemma: seek justice through systems that have been unjust to your communities, or no justice at all. Rather than focusing on punishment, “restorative justice conceives of justice as ‘repair’ to the harm caused by crime and conflict.”⁸⁹ Systematic reviews of restorative justice models funded by DOJ/Office of Juvenile Justice and Delinquency Prevention have been shown to provide greater satisfaction for victims and bring more offenders to justice.⁹⁰ And in Alaska Native and other Indigenous communities, there are well-developed and longstanding cultural models of accountability and healing. Providing funding to support and co-develop alternative models for accountability, justice, and healing will increase access to justice for survivors.

Note to Congress

We recommend Congress expand PITF agencies’ ability to fund and oversee victim service grants with a focus on population-based and culturally-specific services that do not support or allow a required inclusion of a criminal justice component whereby access to federally-funded supports are tied to engagement with the federal or state criminal justice system. While the work of DOJ/OVC is essential, we have heard a desire from both survivors and service providers to include frameworks for understanding and addressing the violence of trafficking outside of the criminal justice system. For many Alaska Native people and migrants, criminal legal and border patrol systems are a source of violence, abuse, and family separation. Having service program funding tied to criminal legal system requirements makes those programs feel less safe or approachable for individuals who have been traumatized by those systems.

Collaboration and Systems Challenges

Pursuant to NAP Priority Actions 4.3.2 (Conduct an assessment of United States Government allocation of existing resources to combat human trafficking), 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), and 4.2.1 (Formalize routine law enforcement and Intelligence Community engagement to ensure consistent knowledge sharing), and past Council reports:

- **All PITF agencies prioritize meaningful engagement with survivors as leaders as a cornerstone of all aspects of their anti-trafficking work to include developing and delivering training to government employees; conversations about trafficking that occur between countries and their representatives; and the development, application, and implementation of grants.**
- **All PITF agencies prioritize engagement of diverse partners in anti-trafficking work, to include those outside of federal agencies (i.e., community-based and culturally-specific nonprofits, grassroots organizations, survivor-led anti-trafficking organizations, and survivor-led organizations serving people in commercial sex).**

⁸⁹ Pointer, Lindsey (2021). What is “Restorative Justice” and how does it impact individuals involved in crime? U.S. Department of Justice, Bureau of Justice Assistance National Training and Technical Assistance Center. <https://bjatta.bja.ojp.gov/media/blog/what-restorative-justice-and-how-does-it-impact-individuals-involved-crime>

⁹⁰ Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2017). *Effectiveness of restorative justice programs: OJJDP-funded research brief*. Office of Juvenile Justice and Delinquency Prevention [OJJDP]. <https://ojjdp.ojp.gov/library/publications/effectiveness-restorative-justice-programs-ojjdp-funded-research-brief>

- **All PITF agency staff that collect, use, and report data on human trafficking complete training and receive resources on the federal definitions of human trafficking and related crimes.**

All federal agencies, particularly those involved in social services, health, public health, justice, and community development (e.g., HHS, DOJ, HUD, DOL, and others), should implement strategies to meaningfully engage individuals with lived experience in the design, implementation, and evaluation of their programs and policies. Numerous frameworks identified elsewhere in this report and in past Council reports provide concrete guidance and assessment models to ensure the kind of meaningful engagement that would improve the relevance and effectiveness of anti-trafficking efforts. Survivors are particularly skilled at helping individuals understand the dynamics of force, fraud, coercion, and manipulation.

We cannot create funding calls, grant application and management processes, federal administration protocols, programmatic expectations, or on-the-ground prevention efforts that will be effective and relevant without the direct participation of individual and organizational partners from impacted communities at every level of the work.

What is Meaningful Engagement? What Makes it Meaningful?

Meaningful engagement is not just about the number of survivors engaged, or the amount they are paid, or the steps in the processes at which they are consulted (although each of these can be indicators of the quality of the engagement). At its core, meaningful engagement is about attitudes and beliefs about people who have experienced trafficking, and how those show up in engagement with survivors. These attitudes and beliefs can include negative bias (“Survivors are not capable of making good decisions without help,” “I can develop the solutions based on my professional knowledge and primarily need survivors to help me refine them,” or “If a survivor disagrees with me it must be because they are triggered or biased”) as well as benevolent bias (“Survivors need to be protected from their own bad choices or communities,” “Survivors can never be wrong,” or “If I have a disagreement with a survivor it will go badly so I should protect them from professional dialogues”).

Our 2023 report included criteria for the diversity of survivors engaged to provide feedback; we recommend PITF agencies review these criteria.⁹¹ In addition to diversity of survivor engagement, PITF agencies should consider how to match the engaged survivor’s knowledge base, professional skills, and relevant lived experiences to the expectations of the engagement. Every survivor can be engaged to provide relevant feedback—individuals currently experiencing trafficking can often tell outreach specialists what they would need to pursue safety and current program clients can be engaged via anonymous surveys to inform agencies which programs are beneficial and which are inaccessible. A survivor who has lived in shelters can provide essential feedback on how survivors experience shelters; a survivor who has both lived in and later managed shelters can provide essential feedback on how the complexities of shelter funding impact both management and survivors. A survivor who has been through a legal case can provide insights into their survivor experience of the criminal justice system; a survivor who has been through their own case, later became a paralegal, and supported dozens of other survivors through navigating their cases can provide additional and nuanced feedback. A survivor who has consulted with organizations on their programs can provide insights about how they experienced survivor leadership; a survivor who has provided training, mentoring, and technical assistance to dozens of other survivor leaders can provide additional nuanced insights about dynamics and patterns.

⁹¹ United States Advisory Council on Human Trafficking. (2023). *United States Advisory Council on Human Trafficking: Annual report 2023*. https://www.state.gov/wp-content/uploads/2024/03/2023-Council-Annual-Report_508_FINAL-2.pdf

All these individuals' insights are essential to meaningful engagement of lived experience leadership in program design, implementation, and evaluation. The ask or engagement should consider that their own lived experience of human trafficking is only one facet of an individual's expertise that they bring into their work. They have professional skills, experience, and training in diverse specialties; education gained through formal or informal learning opportunities; and lived experience of navigating bias and barriers in anti-trafficking professional and other settings. "Meaningful" means that a diversity of survivors with different kinds of expertise are engaged *at the levels that honor their kind and level of expertise* so that we can avoid both tokenization (asking survivors to do things the individual survivor is not equipped to do) and invalidation (minimization of the survivor's other skill sets and knowledge by forcing them into a one-size-fits-all model of engagement).

What could this look like in program design?

An agency hopes to develop a request for proposals (RFP) for funding innovative housing solutions for trafficking survivors. To create and manage the RFP, the program director hires a project manager who is a survivor who later founded and managed a shelter. The manager convenes an advisory group of individuals with lived and housing advocacy experience (e.g., those who have volunteered in shelters, assisted with point-in-time counts, served on their county's continuum of care board, conducted harm reduction outreach, and so on) to meet regularly throughout the project and advise the manager and their team. A focus group of survivors who have experienced being unhoused provides the foundational concepts to include in the RFP and applicant scoring, and the advisory group works with the manager to develop both the funding announcement and the scoring rubric. The members of the advisory group do not always agree with each other, but their collaboration provides broader insights than any one of them could have provided as individual consultants.

What could this look like in program implementation?

An agency is ready to implement a training program to deliver information about best practices to local partners. Trainers who have lived and/or professional experience are selected based on their skills as dynamic presenters. They are provided with a series of "train-the-trainer" modules; these include a training on the mandate and work of the agency, a survivor panel on how survivors experience the agency and its work, a presentation of findings from a recent agency survey of survivors, training on trauma-informed presentations, training on adult learning theory delivered by a survivor who developed their own curriculum, and other relevant skills. All trainers complete the same training and have the same expectations and are well prepared for implementing the program. Training is delivered in teams of two, and each team has at least one person with lived experience on it (who may also have other professional experience). Survivor trainers are not required or expected to share their survivor status or details of their trafficking.

What could this look like in program evaluation?

An agency wants to evaluate its processes for investigating and addressing harm and abuse by agency officials against potential survivors it encounters. The agency engages an evaluation consulting group that specializes in trauma-informed evaluation practices; while not all of its skilled evaluators are survivors of trafficking, some are. They survey 250 individuals about their experiences with the accountability system (half of whom are survivors, so that they can disaggregate results where needed), and conduct four focus groups—three with trafficking survivors and one with individuals who did not disclose trafficking during their engagement with the agency. The evaluation consulting group then meets with agency officials to develop a plan for revision and improvement of its accountability processes. The plan includes points at which additional focus groups may be convened as well as communication processes to inform focus group participants of how their feedback was incorporated.

An example from DOJ: Survivor Engagement Training and Technical Assistance (SETTA)

DOJ/OVC supports a technical assistance funding call to assist grantees who want to improve the quality of their lived experience engagement. Grantees are matched to a skilled consultant to partner with the grantee on agreed-upon objectives. The consultants then meet regularly with the grantee to *guide* the work (e.g., consulting on the development of a process and protocols for a survivor advisory council) rather than *being* the work (joining a survivor advisory council). Consultants, who all have lived experience, then work regularly with the grantee for a set period to advise on the project. Consultants are well-supported through regular individual and/or group meetings with SETTA staff or their survivor leadership network.

On both regional trips, partners shared challenges with definitions and data collection. Many of these challenges cannot be resolved through federal recommendations, but still present barriers to improved services and accurate data to inform solutions that all federal agencies should consider. For example, law enforcement in Alaska reported seeing very little labor trafficking in our discussions, while non-governmental partners reported having challenges getting services for their community members who have experienced labor trafficking. Similarly, many non-governmental partners expressed seeing confusion among their partners between sex work and sex trafficking. At the southern border, we were told of similar confusion between human smuggling and human trafficking and found ourselves often having to clarify that our focus was on human trafficking when conversations veered into discussions of non-trafficking human smuggling activities.

Terminology challenges are made even more complicated when state definitions of human trafficking differ from federal definitions (leading to confusion among those who work across levels), as well as when global definitions may include an element of movement or smuggling as part of human trafficking, which presents unique challenges with collaborative efforts in border regions.

Confusion about definitions and the language we use have three significant impacts on federal anti-trafficking work. First, it creates barriers to multidisciplinary partnerships when different organizations on the local, state, and federal levels are operating according to divergent definitions. Second, it creates barriers to relevant and appropriate services when awareness campaigns and training and technical assistance materials emphasize narratives around human trafficking that are divergent from legislative definitions.⁹² Finally, it leads to inaccurate or misrepresented data when the data that is collected, shared, and cross-referenced use divergent or even non-legal definitions of who is a trafficker or a victim. Conflated and confusing data makes it impossible to develop data-driven, relevant solutions.

As always, even when governmental agencies and partners use standardized language to facilitate multidisciplinary work or data, those interfacing directly with survivors (whether as clients or as colleagues) should respect each survivor's ability to define *their own* experiences with language that is personalized.

Education and Awareness

In both of our regional trips, we were sharply reminded of the need for accurate education and awareness of definitions and data, not just among the general public but also among government officials and responders. This is particularly prominent in our discussions of forced criminality and in struggles to access accurate cross-agency data.

Recommendations

Forced Criminality

Pursuant to NAP Priority Actions 2.2.3 (*Provide remedies for victims with inappropriate arrests and criminal records*), 2.2.4 (*Encourage state, local, Tribal, and territorial governments to protect victims from inappropriate punishment for conduct committed as a direct result of experiencing trafficking*), and 4.1.2 (*Identify research gaps to better serve*

⁹² Stoklosa, H., & Ash, C. (2021). 'It has to be their choice. We need to give them options.' *Journal of Health Services Research & Policy*, 26(4), 232–240. <https://doi.org/10.1177/13558196211034898>

vulnerable populations and underserved victims), all PITF agencies better recognize and develop support for survivors of forced criminality, which may include: (1) stronger training for government employees on the dynamics and signs of forced criminality, (2) policy and protocol review for whether forced criminality and survivors of forced criminality are acknowledged in validated screening tools and services, and (3) inclusion of forced criminality representation in public awareness and education campaigns.

In both Alaska and at the southern border (as in communities across the country), individuals may be engaged in criminal activity through force, fraud, or coercion. Migrants may be forced into working for cartels along the route or desperate migrants waiting for CBP One app appointments may be recruited through force, fraud, or coercion to participate in forced drug trafficking or human smuggling by those they have gone to for help with the migration process. For example, people may be kidnapped along the journey and may be forced to work for the cartels if they cannot afford the ransom.⁹³ In Alaska, traffickers often exploit the substance use crisis by leveraging substance use and mental health coercion, as well as outright threats and violence, to engage individuals into forced drug trafficking. While anyone can experience trafficking in these kinds of forced criminality, criminal actors regularly target minors, exploiting their youth, vulnerability, and protected status for power and profit.

Note to Congress

We recommend that Congress fund HHS/ACF community-based research into risk and protective factors for forced criminality, and DHS and State research and support the identification and revision of any U.S. border practices that increase asylum-seekers' risk of experiencing trafficking in forced criminality at the U.S. southern border or upon entry into the United States.

A common theme in many of our meetings was surprise that victims of forced criminality should be afforded some degree of protection due to their status as victims of human trafficking. For example, immigration officials would indicate that they screen for both human trafficking and criminal involvement as part of the migration process, but when we asked if there was any consideration for victims of forced criminality in that process we were often met with confusion.

Substance Use and Mental Health Coercion In Trafficking

Survivors of gender-based violence and human trafficking often experience complex trauma and natural responses to that trauma, including negative impacts on mental health, use of substances to cope with trauma, substance use and mental health coercion, and attempted and completed suicide. Discrimination and bias sometimes serve as the greatest barriers for survivors of gender-based violence and human trafficking to equitably access mental health and substance use services. The unfortunate reality is that for many survivors it is easier to find substances than to find safety, recovery, or services for the effects of surviving violence.

Addressing forced criminality is crucial for both prevention efforts and ensuring victims receive proper care. Forced criminality also plays a significant role in perpetuating human trafficking. A key example is the illicit fentanyl trade, which often involves forced labor to traffic drugs.⁹⁴ These drugs then contribute to substance use coercion in other contexts, regardless of whether they are directly linked to drug trafficking operations.

⁹³ Amnesty International. (2024, May 8). *USA: CBP One: A blessing or a trap?* <https://www.amnesty.org/en/documents/amr51/7985/2024/en/>

⁹⁴ See, e.g., Forget, J. (2021, January 28). *Violent drug organizations use human trafficking to expand profits*. United States Drug Enforcement Administration. <https://www.dea.gov/stories/2021/2021-01/2021-01-28/violent-drug-organizations-use-human-trafficking-expand-profits>

“THE USE OF SUBSTANCES KEPT ME ALIVE. *Substances saved my life until I could find another way to cope with my trauma.*” —Alaska Native Survivor of Trafficking



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We must establish systems that prioritize accessibility, cultural responsiveness, and trauma-informed care and resources. Our approach should not only be reactive but also proactive, focusing on prevention and early intervention with multiple pathways to safety, recovery, and healing. We need a full continuum of care (beyond the medical model, which includes behavioral health) that addresses the natural ways that survivors survive, including substance use and mental health experiences. A lack of response and easy-to-access services benefits only the people who perpetrate violence and reconfirms the need for integrated services.

WE NEED SERVICES TO BE AS EASY TO ACCESS AS ALCOHOL, HEROIN, AND FENTANYL

“When I was ‘exited’ from a domestic violence shelter at 3 a.m. in the morning, it was a drug dealer who answered the phone; a flop house that gave me shelter, drugs to get me high, and more drugs used to coerce, force, and manipulate me into being trafficked. None of these people who harmed me went to jail, but I did go to jail for drug related issues.” —Alaska Native Survivor of Trafficking

Research indicates that survivors are more likely to end up incarcerated for drug-related crimes than to see their abusers convicted.⁹⁵ This pattern is particularly evident among survivors of domestic violence, sexual assault, and human trafficking, who frequently turn to substances as a means of coping with their trauma and are then punished by the legal system rather than provided support.

⁹⁵ Stanford Law School. (2023). *Great weight: A review of California Board of Parole Hearings transcripts to assess frequency and consideration of intimate partner violence among women convicted of homicide offenses.* <https://law.stanford.edu/wp-content/uploads/2023/06/Great-Weight-June-2023.pdf>

“Over 90% of trafficking survivors reported being arrested at least once, many for crimes directly tied to their trafficking, including drug possession, while their traffickers went unpunished.”—Excerpt from: National Survivor Network. (2016). *National Survivor Network members survey: Impact of criminal arrests and detention on survivors of human trafficking*. <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>

Recommendations

HHS/SAMHSA, HHS/OTIP, DOJ/OVC, OVW, the Drug Enforcement Administration (DEA), and SPOG working committees develop and implement comprehensive strategies to address substance use and mental health coercion in sex trafficking, domestic violence, sexual assault, and labor trafficking.

These agencies must provide targeted training for service providers, create specialized support services, and integrate these concerns into existing anti-trafficking, anti-violence, and addiction and recovery frameworks. Additionally, they should address the unique challenges involved in investigating and prosecuting cases where substance use and mental health coercion are present.

Substance use and mental health coercion are widespread tactics employed by sex traffickers, domestic violence perpetrators, and labor traffickers to control and exploit victims. According to the National Center on Domestic Violence, 43% of domestic violence survivors reported that their abusers engaged in substance use coercion—pressuring or forcing them to use substances, sabotaging their recovery, or threatening to expose their substance use to authorities as a means of control.⁹⁶ Additionally, the Polaris Project highlights that traffickers frequently use substances to manipulate and control victims, either by introducing drugs to create dependency or exploiting addiction to maintain control over them.⁹⁷ These coercive tactics are central to maintaining power over victims in both domestic violence and trafficking situations, significantly complicating victims’ ability to seek help or break free from abusive dynamics.

Another common tactic is leveraging a victim’s existing substance use or mental health experiences as a form of extortion. Traffickers may threaten to expose the victim’s drug use to authorities or child protective services, using the fear of legal consequences or the loss of their children to keep victims in line. They may also use the stigma and discrimination associated with addiction to isolate victims, convincing them that no one would believe or help them due to their substance use. This undermines the victim’s self-worth and increases their dependence on the trafficker. In addition, traffickers may use drugs to incapacitate victims, reducing their ability to resist or escape and making them more vulnerable to further exploitation.

In labor and sex trafficking, these coercive tactics are widespread. Traffickers use substances to break down the physical and mental resistance of their victims, trapping them in a cycle of addiction and exploitation.

The overlap between domestic violence, sexual assault, and labor trafficking is significant. Victims of labor trafficking are often subjected to extreme forms of exploitation, including sexual violence, to maintain control. The Polaris Project has documented that traffickers use sexual violence and substance use as tools to exploit victims’ vulnerabilities, making it difficult for them to escape or seek help.⁹⁸

Labor traffickers frequently use substance use as a tool of control, coercing victims into drug dependency to maintain dominance over them. By introducing or forcing victims into substance use, traffickers create physical and psychological dependence, making it harder for victims to escape. This tactic is particularly prevalent in vulnerable/targeted populations,

⁹⁶ Warshaw, C., Lyon, E., Bland, P. J., Phillips, H., & Hooper, M. (2014). *Mental health and substance use coercion surveys*. National Center on Domestic Violence, Trauma & Mental Health and the National Domestic Violence Hotline. https://ncdvtmh.org/wp-content/uploads/2022/10/NCDVTMH_NDVH_MHSUCoercionSurveyReport_2014-2.pdf

⁹⁷ Anthony, B. (2018). *On-ramps, intersections, and exit routes: A roadmap for systems and industries to prevent and disrupt human trafficking*. Polaris Project. <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf>

⁹⁸ Anthony, B. (2018). *On-ramps, intersections, and exit routes: A roadmap for systems and industries to prevent and disrupt human trafficking*. Polaris Project. <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf>

such as individuals already struggling with addiction, whom traffickers lure with false promises of work or support. In industries such as agriculture, construction, and hospitality, traffickers may use drugs to increase productivity or suppress pain from overwork, further entrenching victims in their situation. Victims may be rewarded or punished with substances, creating a cycle of reliance that traffickers exploit. Additionally, traffickers often manipulate victims' fears of legal consequences or stigmatization due to substance use, preventing them from seeking help. The combination of addiction, fear, and physical dependence (on their trafficker for basic needs and on substances that could elicit a withdrawal response) serves as a significant barrier, making it difficult for victims to escape labor trafficking.

“Fentanyl has had a big impact on victims in Alaska. It has been harder to prove the elements of force, fraud, and coercion among sex trafficking victims who are using fentanyl. It presents as a choice based on their desire to get the drugs. While we recognize that coercion is related to the drug use, it has made it harder to prove sex trafficking cases. We also see reluctance to talk to investigators because of addiction and fear of losing access to the drug. Drugs being used as a coercion tool in sex trafficking cases is not new, but traffickers seem to be using it more and targeting its use with individuals with mental health challenges or other disabilities.” —Anonymous (from the Council’s regional trip to Alaska)

To implement this recommendation, the following actions should be taken:

- **HHS/SAMHSA, in collaboration with HHS/OTIP, DOJ/OVW, and DEA, develop and disseminate cross-training programs for service providers, law enforcement, healthcare professionals, advocates, and judicial personnel.**⁹⁹ These programs should focus on recognizing and addressing substance use and mental health coercion in trafficking, domestic violence, sexual assault, and labor trafficking situations, with a specific emphasis on the dangers and challenges associated with fentanyl. Cross-training should involve a multidisciplinary approach, with a harm reduction lens,¹⁰⁰ ensuring that professionals from various fields are equipped to identify and respond to the complex needs of survivors who face substance use and mental health challenges.
- **PITF agencies expand specialized support services for survivors of sex trafficking, domestic violence, sexual assault, and labor trafficking who have been subjected to substance use and mental health coercion.** This includes providing access to trauma-informed substance use and recovery services and mental health services specifically designed for these survivors. HHS/OTIP, DOJ/OVC, and DOJ/OVW should specifically integrate these specialized services into existing victim assistance programs and ensure that survivors have easy access to them, regardless of their status (such as immigration status, prior criminal history, or current engagement with law enforcement in an ongoing investigation) or geographic location. These services should be integrated into a broader network of care that includes legal support, housing, and employment assistance, ensuring that survivors receive holistic support that addresses all aspects of their recovery and reintegration.
- **DOJ and DEA develop guidelines and best practices for law enforcement, judges, and attorneys investigating and prosecuting cases in which traffickers, domestic violence perpetrators, and labor exploiters use substances such as fentanyl as tools of coercion and manipulation, including forced criminality.** This includes addressing the evidentiary challenges in proving coercion and intent, as well as ensuring that survivors are not inappropriately criminalized or penalized. Specialized legal support should be provided to survivors to navigate the complexities of the criminal justice system, ensuring they receive access to resources, protection and justice without being re-traumatized by the process.

⁹⁹ The Council acknowledges OTIP’s online training, SOAR Working with Individuals with Substance Use and/or Co-Occurring Disorders, which teaches providers about the intersection between substance use, co-occurring disorders, and human trafficking. This training also includes information about potential indicators of substance use and/or co-occurring disorders and different treatment options. See: National Human Trafficking Training and Technical Assistance Center. (2023). *SOAR working with Individuals with substance use and/or co-occurring disorders*. <https://www.train.org/main/course/1100474/details>

¹⁰⁰ Substance Abuse and Mental Health Services Administration. (2024). Harm reduction. <https://www.samhsa.gov/find-help/harm-reduction>

- **The White House update the NAP to include specific strategies to address substance use and mental health coercion.** Substance use and mental health coercion should be explicitly recognized and addressed in federal anti-trafficking and anti-violence policies and frameworks. This includes updating the NAP as well as DOJ/OVW’s strategic initiatives to include specific strategies for addressing these forms of coercion.
- **SPOG committees can also help implement comprehensive strategies to address substance use and mental health coercion by:**
 - **Research & Data Committee:** Explore available options to improve data collection on the intersection of human trafficking, substance use coercion, and mental health challenges by prioritizing gathering disaggregated data on trafficking victims, especially in high-risk industries such as agriculture and construction, where traffickers often use substance use to control workers. It should collaborate with federal, state, and Tribal partners to ensure comprehensive reporting mechanisms and to help bridge gaps in data related to underserved and geographically remote communities. It should also promote cross-sector studies that explore the relationship between human trafficking, substance use coercion, and barriers to accessing support services in rural and isolated regions.
 - **Grantmaking Committee:** Work with grant-making PITF agencies to explore ways to increase funding and support for trauma-informed, culturally sensitive programs that address the specific needs of trafficking survivors dealing with substance use and mental health experiences. This may include identifying ways agencies can prioritize grants that provide integrated services such as housing, mental health care, substance use treatment, and legal support, especially in underserved areas, and exploring grant opportunities for local organizations, including Tribal and community-based organizations, that provide holistic support to survivors, ensuring multiple pathways to recovery such as harm reduction.
 - **Public Awareness & Outreach Committee:** Promote agency efforts to launch targeted public awareness campaigns focusing on substance use and mental health coercion as a tactic used by traffickers. These campaigns should highlight how traffickers exploit addiction to maintain control over victims and raise awareness among healthcare providers, law enforcement, and the public about the signs of trafficking linked to coercion while also normalizing the ways that victims survive violence. These outreach materials and digital campaigns should include survivor voices and provide actionable information for community members and professionals to identify.
- **DOJ and HHS research components collaborate to collect data and conduct prevalence research on substance use, mental health coercion, addiction and recovery, and their impacts on victimization.** This research will help the field better understand how substance use coercion intersects with domestic violence, sexual assault, and trafficking. It will also help in understanding intersections between trafficking, victimization, and mental health coercion, and in tailoring interventions among DOJ and HHS federal grantees. It can further help to refine policies, improve service delivery, and ensure that all survivors, especially those who face stigmatization as a barrier and those with complex needs, have access to the support they require.
- **DOJ/OVW, DOJ/OVC, and HHS/OFVPS examine grantee screening and service practices when working with survivors dealing with substance use and mental health coercion to increase grantee capacity to serve all survivors.** This includes examining screen-in/screen-out practices for grantees related to engaging survivors who have experienced substance use and mental health coercion. It also includes providing targeted training and technical assistance to grantees to expand and improve service options for survivors with these experiences, ensuring that programs incorporate trauma-informed, culturally responsive, accessible, and equitable approaches. Current regulations should also be reviewed and addressed to prevent programs from excluding survivors who use substances.
- **DOJ and HHS implement federal grant monitoring protocols to assess whether grantees are meeting the needs of all survivors, particularly the most vulnerable, including those dealing with substance use or mental health experiences, whether or not those challenges are related to coercion.** All agencies that serve survivors need to be able to serve those with current substance use issues or mental health issues—which require

highly skilled and niche practitioners who are trained and versed in detox, drug rehabilitation, drug counseling services, and/or mental health crisis management.

- **HHS and DOJ explore and raise awareness among federal grantees about service models that prioritize survivors' autonomy and empowerment.**¹⁰¹ This includes offering a range of options that respect survivors' choices, providing continuous support tailored to their evolving needs and safety concerns, and incorporating culturally-specific healing practices. A report posted on Faces & Voices of Recovery highlights that individuals who use substances are not primarily seeking abstinence-based programs; they desire dignity, compassion, and access to comprehensive services that address their holistic needs.¹⁰² This approach ensures that survivors are met with respect and care, rather than rigid or punitive frameworks that may not align with their personal goals for recovery.



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- **DOJ/OVW, DOJ/OVC, HHS/SAMHSA, and other relevant federal agencies collaborate to integrate substance use and mental health services with survivor support programs.** This collaboration should focus on creating comprehensive support systems that address the multifaceted needs of survivors.
- **DOJ and HHS collaborate with survivors who have lived experience in mental health and substance use to conduct equity audits, ensuring that programs are accessible and inclusive.** These audits should assess whether services effectively incorporate harm reduction and culturally relevant practices into all policies and programs. It is crucial to center the voices and experiences of survivors, including those affected by substance use and mental health coercion, to ensure that interventions are grounded in lived experience and meet the needs of the most vulnerable populations.
- **PITF agencies and federally funded programs implement policies that address domestic violence, sexual assault, mental health, and substance use both within their organizations and among populations their grantees serve.** These policies must, consistent with relevant and applicable authorities, prioritize non-punitive approaches, focusing on behavior rather than substance use itself, while recognizing that substance use is often a natural response to trauma. This recommendation applies to both federal employees and federally funded grantees, as well as the individuals served by these programs. By addressing substance use with non-punitive approaches, we are not only helping individuals with substance use experiences but also indirectly addressing human trafficking, domestic violence, and sexual assault, which are often interconnected. Survivors of these crimes frequently use substances as coping mechanisms, and a non-punitive, trauma-informed approach will better support their healing and recovery.

¹⁰¹ The Council acknowledges HHS/OTIP's current efforts to include traditional healing practices as allowable costs for all of HHS/OTIP's direct service programs.

¹⁰² National Alliance for Recovery Residences. (2019). *Helping recovery residences adapt to support people with medication-assisted recovery*. <https://face-sandvoicesofrecovery.org/wp-content/uploads/2019/06/Helping-Recovery-Residences-Adapt-to-Support-People-With-Medication-Assisted-Recovery.pdf>

Additional Council Priorities

In addition to our recommendations stemming directly from our 2024 regional trips, we also share the below priorities and recommendations given their ongoing import in the anti-trafficking movement. The first re-states and builds upon a recommendation in our 2023 report focused on missing and murdered Black women and girls. The second focuses on the importance of restitution for survivors.

Missing and Murdered Black Women and Girls

Pursuant to the President’s Executive Order 13985 on racial equity, NAP Priority Action 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*; and the Council’s 2022 and 2023 reports, DOJ establish a community-led national advisory commission on Black victims/survivors of trafficking and missing and murdered Black women and girls, and leverage AI to help prevent and address trafficking and exploitation of Black women and girls.

The crisis of missing Black women and girls in the United States remains a persistent and deeply concerning issue. In 2020 alone, 90,333 Black women and girls were reported missing, representing a disproportionate percentage relative to their population size.¹⁰³ On average over the past 20 years, Black women were six times more likely to be murdered than their White counterparts.¹⁰⁴ Additionally, Black women and girls are estimated to constitute up to 40% of sex trafficking victims.¹⁰⁵ Despite ongoing efforts, the scale of the problem demands innovative and multifaceted approaches to prevention, identification, and recovery.

In our 2023 report, we called on DOJ, along with support from Congress, to establish a community-driven commission focused on Black victims/survivors of trafficking and missing and murdered Black women and girls in accordance with H.R. 5573: the *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. In addition to what is stated in H.R. 5573, in 2023 we recommended that the 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.¹⁰⁶
- 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.
- 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.

¹⁰³ Squires, C., Lewis, B., Martin, L., Kopycinski, A., & James, A. (2022). *Missing and murdered African American women task force: Final report*. Minnesota Department of Public Safety, Office of Justice Programs. <https://static1.squarespace.com/static/619da6fcd79aa2566431b873/t/63f6831dcd2f111bc-1da77b/1677099810307/MMAAW+full+report+final.pdf>

¹⁰⁴ Columbia University Mailman School of Public Health. (2024, February 8). *Black women in the U.S. murdered six times more often than White women*. <https://www.publichealth.columbia.edu/news/black-women-u-s-murdered-six-times-more-often-white-women>

¹⁰⁵ Davey, S. (2020). *Snapshot on 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>

¹⁰⁶ Some ways to improve engagement relate to how law enforcement initially engage Black women and girls, in terms of the types of questions they ask and how they ask them (for example, using trauma-informed and victim-centered approaches; using age appropriate language and asking questions that are appropriate to a child’s developmental age; and asking questions that reflect an understanding and respect for the culture of the community that do not introduce unintended bias). See, e.g., Office for Victims of Crime Training and Technical Assistance Center. (n.d.). *Strategies for prosecutors & law enforcement*. In *Human trafficking task force e-guide* (Section 5.5). <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/55-strategies-for-prosecutors-law-enforcement/>

We urge DOJ to review and implement this recommendation, along with previous recommendations (from our 2016, 2020, and 2022 reports) related to racial equity; diversity, equity, and inclusion; and missing and murdered Black women and girls. We reiterate the importance of previous recommendations that emphasize the need for diverse representation in public awareness campaigns, comprehensive services for all survivors, and the creation of a federal task force focused on missing and murdered Black women and girls. These foundational efforts are crucial for building a holistic approach to combatting trafficking among this population.



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In addition to these previous recommendations, we propose leveraging AI technology as a powerful tool to both prevent and address the ongoing crisis around missing and murdered Black women and girls. During the Council's trip to Alaska, Council members heard from the AI-focused anti-trafficking nonprofit Prevention Now at the Alaska Human Trafficking and MMIP Data Summit about this promising practice. Specifically, we recommend the following:

- **DOJ leverage AI to assist in prevention efforts.** DOJ should implement AI-driven analytics to monitor and detect patterns indicative of trafficking and abductions, particularly among vulnerable populations such as Black women and girls. This technology can analyze vast datasets,¹⁰⁷ including social media activity, missing persons reports, and other digital footprints, to identify potential threats in real time.¹⁰⁸ AI tools can also be utilized to predict high-risk areas and individuals, enabling proactive interventions before women and girls go missing. By identifying trends and patterns, AI can inform law enforcement and social services to deploy resources more effectively, focusing on prevention rather than solely on reactive measures.¹⁰⁹

¹⁰⁷ Lederer, T. (2023, March 21). The challenges of tracking persons of interest across video files (Part 1). *Veritone Blog*. <https://www.veritone.com/blog/the-challenges-of-tracking-persons-of-interest-across-video-files-part-1/>

¹⁰⁸ Veritone. (n.d.). AI and missing persons: New solutions to an age-old problem. <https://www.veritone.com/blog/ai-public-safety-missing-persons/#:~:text=However%2C%20AI%20is%20transforming%20the%20search%20for%20missing,and%20predictive%20analysis%2C%20geospatial%20analysis%2C%20and%20biometric%20recognition>

¹⁰⁹ Veritone. (n.d.). AI and missing persons: New solutions to an age-old problem. <https://www.veritone.com/blog/ai-public-safety-missing-persons/#:~:text=However%2C%20AI%20is%20transforming%20the%20search%20for%20missing,and%20predictive%20analysis%2C%20geospatial%20analysis%2C%20and%20biometric%20recognition>

- **DOJ address research gaps and data deficiencies related to missing and murdered Black women and girls.**
In accordance with NAP Priority Action 4.1.2 (*Identify research gaps to better serve vulnerable populations and underserved victims*), we recommend that federal agencies, led by DOJ, collaborate to identify and address research gaps related to the impact of trafficking on underserved and underrepresented groups, including Black women and girls. AI can be instrumental in filling these gaps by analyzing data that is often overlooked, thus enhancing our understanding and informing more effective interventions.

Note to Congress

We continue to recommend the passage of *H.R. 5573: Brittany Clardy Missing and Murdered Black Women and Girls Act*, which seeks to establish a national advisory commission focused on Black victims and survivors of trafficking, as well as missing and murdered Black women and girls. This legislation aligns with the broader objective of addressing the intersectionality of racism, poverty, and violence that disproportionately affects this population.

Restitution

DOJ address and improve challenges related to restitution for survivors of human trafficking.

Restitution in the context of human trafficking refers to court-ordered monetary redress or reimbursement by defendants provided to victims for the harm they have suffered because of trafficking. This can include financial compensation for lost wages, medical expenses, psychological counseling, and other damages incurred during their exploitation.¹¹⁰

Restitution aims to help alleviate the burdens associated with victims' financial losses and acknowledge the injustices they have faced. It is pursued through criminal cases, where victims can seek compensation from traffickers or those responsible for their exploitation. In some jurisdictions, laws may mandate that convicted traffickers pay restitution to their victims as part of their sentencing.

Federal law requires that victims of human trafficking receive restitution, and it also compels courts to order the forfeiture of assets involved in human trafficking offenses, as well as any proceeds obtained because of these violations. Paying restitution to victims takes precedence in the allocation of these forfeited assets. To enhance the likelihood of asset recovery and ensure that funds are available for victim restitution or compensation, it is crucial to identify and, if feasible, seize and forfeit the assets of traffickers as early as possible during investigations. NAP Priority Action 2.5.1 (*Create comprehensive training on restitution*) advocates for the establishment of thorough training programs focused on restitution and victim compensation. Additionally, under the Justice for Victims of Trafficking Act, federal district courts are required to impose a \$5,000 special assessment on all convicted individuals who are not considered indigent and who have committed human trafficking, sex offenses against minors, or alien smuggling crimes. The funds collected from these assessments are allocated to a Domestic Trafficking Victims' Fund, which provides grants to programs dedicated to supporting victims of such offenses.¹¹¹

¹¹⁰ Crimes and Criminal Procedure. (2023). Title 18 U.S.C. § 1594. <https://www.govinfo.gov/content/pkg/USCODE-2023-title18/pdf/USCODE-2023-title18-partl-chap77-sec1594.pdf>

¹¹¹ Justice for Victims of Trafficking Act of 2015, S. 178, 114th Cong. (2015). <https://www.congress.gov/bill/114th-congress/senate-bill/178>

Common Challenges Survivors Face with Restitution Processes

We know, not only from literature and research, but also from the lived experiences of survivors across the United States, that there are common barriers we face when seeking restitution. These include:

- Some victims do not want to come forward because they are not in the United States legally or because they have a criminal history.
- There may be a lack of accessible support services, including legal aid and counseling, which can help survivors navigate the restitution process.
- Lack of survivor-informed training on restitution and survivors' rights to state and local prosecutors to ensure survivors know their rights.
- Survivors may face stigma or discrimination in their communities, which can complicate their desire to come forward and seek justice.
- Survivors may fear retribution from their traffickers or associated parties, which can deter them from pursuing legal action or seeking restitution.
- The legal process for prosecuting traffickers can be lengthy and complicated, potentially delaying restitution efforts for victims.
- Restitution payments are often one-time awards or limited in duration, while public benefits are designed to provide ongoing support. Survivors may find themselves in a difficult situation where they have temporary financial relief but lack the necessary support for future needs.
- In many instances, courts assess survivors based on their current age, often overlooking the age at which the crime was committed when determining the appropriate amount of restitution owed.
- Survivors may not always be recognized as victims by law enforcement or the judicial system, which can hinder or prolong their ability to access restitution.

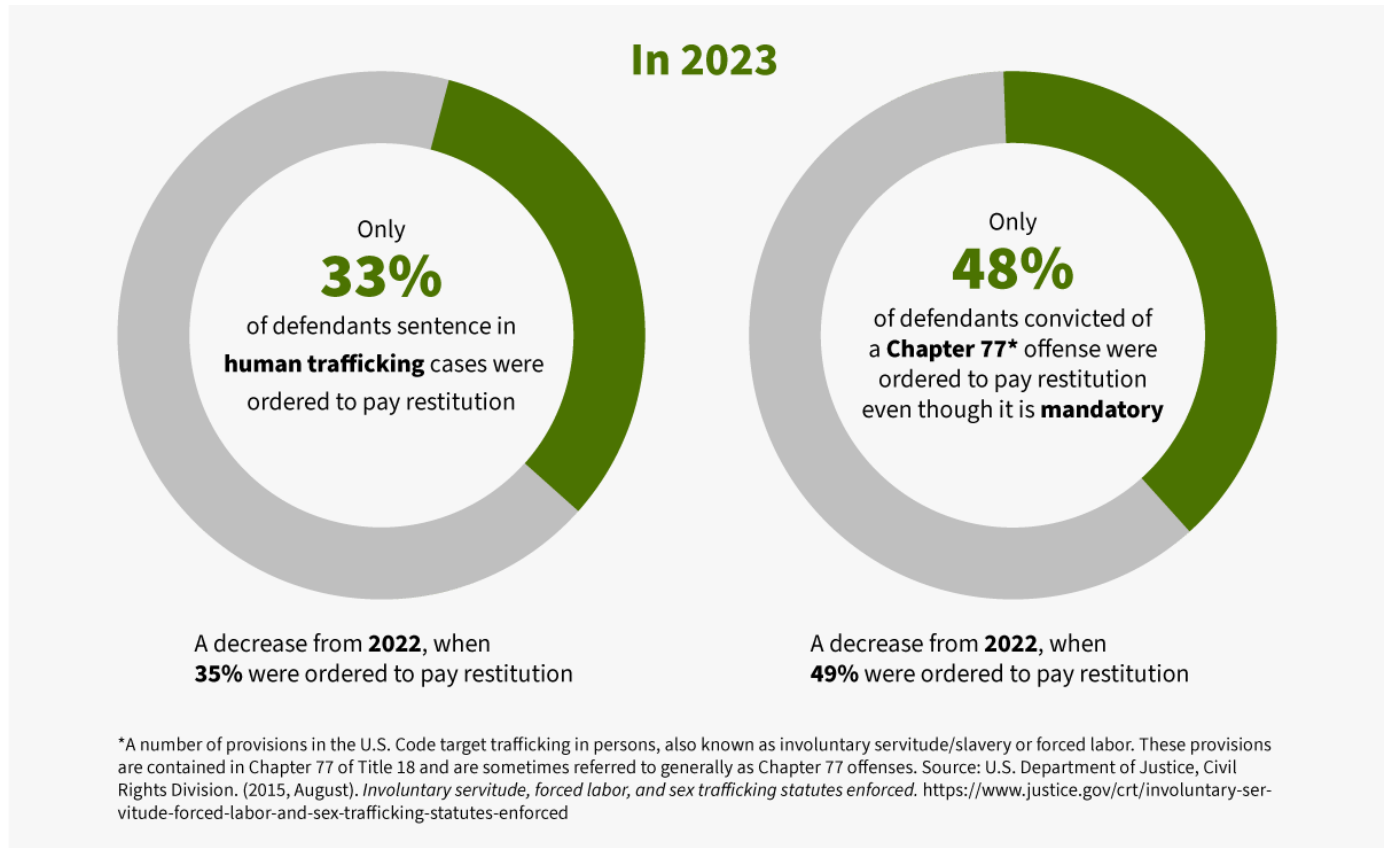


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Trafficking victims require comprehensive support. This includes access to housing, employment, mental health services, and vocational training. These supports can help survivors rebuild their lives and reduce the risk of re-exploitation. Research indicates that receiving restitution and other restorative justice services can significantly impact a survivor's recovery.

Victims who receive financial support often report improved mental health outcomes and greater stability in their lives.¹¹²

While specific data on restitution awards in human trafficking cases can vary by jurisdiction, studies have shown that many survivors do not receive the full compensation they are entitled to or receive, in some cases, no compensation at all. For example, the Human Trafficking Institute's *2023 Federal Human Trafficking Report* shares data on restitution in terms of amounts, by type of case, and what restitution may include. The figures below show specific data on restitution orders in 2023.¹¹³



Restitution in human trafficking cases is a multifaceted issue that requires a concerted effort from legal, social, and community sectors because it is a critical aspect of ensuring justice for survivors and aiding in their recovery. While significant progress has been made in recognizing the rights of trafficking victims and providing avenues for restitution, considerable challenges remain in effectively obtaining compensation for survivors. These challenges can significantly impede the recovery and healing process for survivors of human trafficking, making it vital to create supportive legal frameworks and resources to assist them in obtaining restitution. Therefore, we specifically recommend that:

General

- **DOJ dedicate resources to facilitate access to pro bono legal aid to assist trafficking victims in navigating legal processes, including seeking representation during the sentencing and restitution stages of criminal proceedings.** Legal representation can be costly, and survivors may lack the financial resources to pursue restitution claims. Collecting restitution often requires evidence of the trafficking experience and associated damages. Survivors may struggle to provide documentation for their losses. They may lack access to records of medical expenses, lost wages, or other financial impacts due to their exploitation. Legal representation can be vital in helping victims compile this evidence.

¹¹² Nascimento, A. M., Andrade, J., & de Castro Rodrigues, A. (2023). The psychological impact of restorative justice practices on victims of crimes—A systematic review. *Trauma, Violence & Abuse*, 24(3), 1929–1947. <https://doi.org/10.1177/15248380221082085>

¹¹³ Human Trafficking Institute. (n.d.). *2023 federal human trafficking report*. <https://traffickinginstitute.org/federal-human-trafficking-report/>

- **DOJ evaluate the U.S. Attorney’s Office restitution form provided to trafficking victims to ensure it is understandable and easy to use as well as ensure victim advocates or other personnel help victims complete the form accurately and properly.** Anecdotally, the Council has heard that the current form used is difficult to complete; does not use plain language; and lacks clear, easy to understand instructions. In some instances, victims have been provided the form and simply asked to complete it. DOJ should ensure victim advocates and attorneys are always available to guide victims and answer their questions to properly complete these forms to ensure restitution is properly sought. In addition, if a defendant does not have funds, the attorney or victim advocate should discuss with the victim the possibility of applying for victim compensation within the state in which they reside; any limitations or restrictions relating to their application; and if interested, help them complete the necessary state compensation fund forms.
- **DOJ prosecution components proactively address potential restitution and forfeiture from the outset of an investigation rather than waiting for the indictment, plea negotiations, trial, or sentencing phases as well as encouraging DOJ’s state and local law enforcement grantees to do the same.** In many cases, traffickers may not have the financial means to pay restitution or assets may be untraceable, making it difficult for survivors to collect any awarded victim compensation. Therefore, law enforcement agents and DOJ prosecution components as well as other state and local prosecutors should proactively address potential restitution and forfeiture from the outset of an investigation, rather than waiting for the indictment, plea negotiations, trial, or sentencing phases. This proactive approach includes conducting financial investigations to uncover the trafficker’s assets.
- **With respect to restitution for minors, DOJ should engage the court to ensure a suitable representative is assigned to assure restitution funds for minors are appropriately protected and managed.** The Council is aware of several instances in which minor victims of human trafficking received restitution, but there were disputes over who should serve as the guardian or how the funds should be managed prior to the child reaching the age of majority. Additionally, once funds are disbursed, there have been cases in which there is limited oversight of how guardians use the money, which can lead to situations where funds are not used for their intended purposes, negatively impacting the minor and creating additional legal challenges. In some cases, guardians have misused funds for personal expenses, diverting needed resources away from the minor. In other cases, there have been instances where minors need funds immediately but are unable to access funds quickly due to account-related restrictions or long review or legal processes. As such, we specifically recommend that DOJ prosecutors make appropriate and case-specific recommendations to courts with respect to who should be a suitable representative for the child. They should also make recommendations, when applicable, with respect to the type of account the restitution should be held in; the level of protections and flexibility the account should afford; whether a financial advisor should be engaged to set up and oversee the account; and the frequency with which the account and its management should be reviewed by the court.

Education and Training

- **DOJ train U.S. Attorney’s Office personnel and state and local law enforcement grantees in trauma-informed practices and collaborate with individuals with lived experience when providing this training to enhance its effectiveness.** The trauma associated with human trafficking can hinder victims’ ability to navigate the legal system. This psychological trauma may impair their capacity to engage in legal proceedings or advocate for themselves effectively.¹¹⁴ Survivors often experience feelings of intimidation or mistrust toward law enforcement and judicial processes, which can discourage them from seeking restitution. It is crucial that U.S. Attorney’s Office personnel and other state and local prosecutors receive education on trauma-informed practice, distinct from victim-centered methodologies, and that its application is carefully monitored when attorneys or other staff interact with survivors. Furthermore, training related to restitution should include insights from individuals with lived experience.

¹¹⁴ Trujillo, O., & Moen, P. (2020). *Enhancing legal advocacy through a trauma-informed approach*. The National Resource Center for Reaching Victims. <https://reachingvictims.org/wp-content/uploads/2020/01/Enhancing-Legal-Advocacy-through-a-Trauma-Informed-Approach.pdf>

- **DOJ provide survivor-informed training on restitution and survivors' rights to U.S. Attorney's Office personnel to ensure survivors know their rights.** Navigating the legal system can be a daunting and complicated experience for survivors. Many individuals may not fully understand their rights or the legal procedures necessary for seeking restitution. U.S. Attorney's Office personnel and state and local prosecutors should be equipped to provide clear explanations of the legal process and dispel myths and misinformation related to the concept of restitution to survivors. DOJ should engage individuals with lived experience to assist in the creation and implementation of the training to enhance its effectiveness.

Data

DOJ/Bureau of Justice Statistics coordinate with U.S. Probation and Pretrial Services through a data sharing agreement, if needed, to collect and analyze restitution data over a 10-year period to capture a more accurate picture of restitution-related successes and challenges. We acknowledge DOJ's efforts to collect and report on restitution payments through its annual report to congress on trafficking in persons.¹¹⁵ We also know that it often takes years for survivors to collect/receive restitution payments, and many are paid incrementally. Looking at, and relying on, data over a 1-year period does not provide a full picture of how and when collection occurs. For example, reporting may show that survivors have not been paid when their case may still be pending or only partially paid. Therefore, DOJ/Bureau of Justice Statistics should work with federal U.S. courts and its probation and pretrial component to coordinate a comprehensive review and analysis of restitution-related data, via both entities' central data repositories, over a 10-year period to capture a more accurate picture of restitution-related successes and challenges.

In addition to the recommendations above, we also recommend that:

- **In alignment with DOJ's National Strategy to Combat Human Trafficking, Section II.8, DOJ should make available training and resources to federal courts on the importance of awarding restitution and factors to consider when disbursing restitution with a focus on addressing survivors' individual financial and other circumstances.**¹¹⁶ In some cases survivors may need an immediate one-time paid-in-full restitution payment; in others they may prefer or need payments spread out. For example, for survivors who are receiving public benefits, courts should consider whether to spread payments out, so they do not lose benefits. When survivors receive restitution, it can be classified as income, leading to reductions or loss of public benefits such as housing assistance, disability benefits, nutrition assistance, or healthcare. This can put survivors in a vulnerable position, forcing them to rely solely on the restitution funds, which may not be sufficient for long-term sustainability. Survivors also may not be informed about how restitution awards can affect their eligibility for public benefits, which may lead to unexpected financial hardship. Alternatively, for victims who are not on public benefits and need a one-time payment, some judges may spread out payment over long periods of time, which prevents them from getting the money they need right away. This is especially the case where defendants are in prison, and they may only be able to collect \$25 per quarter from their prison-related earnings. Additionally, some court clerks' offices will wait to distribute these funds if the amount is below a certain threshold to reduce the administrative burden associated with sending out payments when they may only be a few dollars at a time. In these instances, and where there is need, DOJ should make available training to federal courts on issuing orders of restitution that reflect the full amount owed to survivors regardless of what the perpetrator can or cannot pay immediately.

¹¹⁵ U.S. Department of Justice. (2023). *Attorney General's annual report to Congress on U.S. government activities to combat trafficking in persons: Fiscal year 2021*. <https://www.justice.gov/d9/2023-04/AG%20HT%20Report%20FY21FINALPDF.pdf>

¹¹⁶ U.S. Department of Justice. (2022). *National strategy to combat human trafficking*. https://www.justice.gov/d9/press-releases/attachments/2022/01/31/doj_ht_strategy.pdf

Conclusion

In conclusion, our experiences in Alaska and along the Texas-Mexico border underscore a profound truth: while these regions may appear distinct, they are interconnected through shared struggles against systemic violence and exploitation. The Council's 2024 report emphasizes the necessity of a holistic approach that prioritizes the voices and wisdom of those directly impacted by injustice. By centering care, respect, and mutual support, we can begin to dismantle the oppressive structures that perpetuate harm. It is imperative that we transform our systems to prioritize the needs of survivors, fostering environments where their experiences guide our efforts. We urge PITF agencies to implement the recommendations contained in this report. As we move forward, let us commit to honoring the resilience of these communities, advocating for the restoration of what has been stolen, and creating a world where every survivor is not only heard but valued. Together, we can cultivate a more just and compassionate society that uplifts and empowers all.



Artwork by Jennifer Duncan



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