



Alliance To End Slavery & Trafficking

A Project Of Humanity United

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REAUTHORIZATION OF THE TRAFFICKING VICTIMS PROTECTION ACT

WHO WE ARE:

The Alliance to End Slavery and Trafficking (ATEST) is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end modern-day slavery and human trafficking around the world. We work together to create fundamental change—from strengthening laws and business standards to building public will—to change the accepted norms that enable the phenomenon to persist around the world. The fact that the enslavement and trade in human beings exists in our modern world as a disturbingly large, highly profitable illicit industry is unacceptable. Legal nowhere but present across the globe, slavery damages our communities, taints the products and services we consume and the profits we earn, and is one of the most pressing human rights challenges of our time. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Not For Sale Campaign, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, World Vision, and one individual member, Julia Ormond, former U.N. Goodwill Ambassador and president and founder of the Alliance to Stop Slavery and End Trafficking (ASSET).

THE OPPORTUNITY:

The Trafficking Victims Protection Act (TVPA) of 2000, which has been reauthorized in 2003, 2005 and 2008, must be reauthorized again in 2011. This is an opportunity to continue the fight to end modern-day slavery in our generation. Although the United States has taken significant steps to combat human trafficking through a comprehensive approach commonly referred to as the 4P's (prevention, protection, prosecution and, most recently, partnership), more needs to be done. ATEST members struggle daily to effectively address this issue both here in the U.S. and abroad. Our recommendations stem from our programmatic work helping survivors in the field and working hand-in-hand with the U.S. government and international agencies addressing this issue. Our recommendations are also bolstered by the 2010 Trafficking in Persons (TIP) report, which included, but was not limited to, strengthening enforcement tools related to the restriction of importing goods made from forced and child labor; strengthening enforcement of temporary worker programs; intensifying enforcement and workers' rights infrastructure; mandating victim identification training for immigration, detention and removal officers, and immigration services officers; increasing funding for victim services; and increasing U.S. government efforts to identify and assist U.S. citizen victims. We urge the President and Congress to expeditiously enact a Trafficking Victims Protection Reauthorization Act in 2011.

ATEST RECOMMENDATIONS FOR TVPA REAUTHORIZATION IN 2011¹:

Prevention of Human Trafficking and Modern Day Slavery

- Require state foster care programs to report in their annual plan, which is tied to federal funds, how they address the issue of child labor trafficking and commercial sexual exploitation of children or how they plan to do so in the future.
- Strengthen regulation of foreign labor recruiters (in the U.S. and abroad) to prevent human trafficking.
- Require retail sellers and manufacturers doing business inside the U.S. to develop, maintain, implement, and publically state their policies on eliminating and preventing human trafficking and slavery from their supply chain.
- Direct the Department of Labor to update the child-made and slavery-made products list and to include further information on certain products.
- Create an effective mechanism to ensure that goods consumed in the U.S. are not produced using forced or indentured labor or by benefit of human trafficking.

¹ This document is a summary of a more comprehensive ATEST document that includes proposed statutory language, detailed explanations, and salient case examples to illustrate the issues highlighted. The complete document may be found at www.endslaveryandtrafficking.org.

- Encourage country of origin governments and human rights organizations to establish pre-departure education sessions for persons going to work in the U.S. on non-immigrant visas to ensure that workers know their rights; allocate funds for development and distribution of pamphlets required by TVPRA 2008; and develop and fund a “Know Your Rights” video to play continually in local languages while individuals wait in line at U.S. consulates.
- Provide a mechanism for non-immigrant visa holders to find assistance and/or file a complaint about a trafficking experience in the USA from their country of origin.

Protection of Trafficking Victims

- Extend immigration protections to individuals who have been subject to fraud in foreign labor contracting.
- Provide immigration relief for those who have left the U.S. after the human trafficking occurred but who continue to cooperate with law enforcement.
- Ensure that law enforcement makes timely responses to requests for continued presence.
- Provide flexibility for human trafficking victims willing to cooperate with law enforcement where law enforcement has not responded to their efforts.
- Harmonize T and U-visa holders’ eligibility for adjustments of status.
- Enhance the self-sufficiency of trafficking victims who have pending T or U-visa applications by providing them with earlier access to employment authorization.
- Allow T and U-visa holders to adjust their status to that of lawful permanent residents even after their T and U-visas have expired.
- Ensure that the definitions section of the TVPA includes a definition for “abuse or threatened abuse of law or legal process.”
- Provide the right to seek restitution for child survivors of sex crimes by U.S. citizens in foreign places and civil remedies for personal injuries to child survivors of human trafficking.
- Strengthen the influence of G/TIP by elevating the Ambassador position to Assistant Secretary.
- Designate a portion of the TIP Report to highlight anti-trafficking successes.
- Clarify the definition of trafficking to ensure that trafficking survivors are not required to show proof of movement.

Prosecution of Human Trafficking and Modern-Day Slavery Cases

- Prohibit employers from holding workers’ identification and immigration documents.
- Criminalize the exploitation of children by U.S. citizens living overseas, and prevent sex tourists from using cultural “acceptance” of sex with children as an affirmative defense.
- Enhance trafficking prosecutions by providing whistleblower protections to exploited workers.
- Establish an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to human trafficking.
- Exclude crime victims’ restitution under the Internal Revenue Code so survivors of trafficking and modern-day slavery may rely on the entirety of funds recovered from their traffickers to rebuild their lives.
- Designate Department of Labor Wage & Hour funding specific for training, investigations and for specialized investigators for human trafficking.
- Clarify that corporations and municipal governments cannot escape accountability for trafficking crimes.

Partnership and Increased Capacity to Combat Modern-Day Slavery

- Authorize an emergency fund available for the unexpected needs of human trafficking survivors occurring in the U.S., which can be tapped by service providers and law enforcement to meet emergency needs such as shelter, interpretation, legal services and medical care.
- Enhance access to legal services for human trafficking victims in the U.S., including access to immigration and civil remedies and criminal victim-witness advocacy.
- Create a separate authorized pool of funding for law enforcement human trafficking taskforces.
- Support threshold programs to bring countries on the Tier II or Tier II Watch List into compliance.
- Provide assistance (grants, cooperative agreements, or contracts) for an eligible country with a significant prevalence of trafficking in children that enter into a Child Protection Compact with the U.S. to support policies and programs to eradicate the trafficking of children.
- Encourage G/TIP to address and eradicate severe forms of TIP from particular sectors or regions by developing a comprehensive approach to the problem.
- Strengthen G/TIP’s capacity to act quickly and effectively to prevent trafficking in post-conflict and emergency situations.
- Provide G/TIP with the authority and resources to carry out or commission investigations and data collection on slavery and trafficking prevalence so as to measure and improve effectiveness of its own programs and the effectiveness of national government initiatives to combat slavery and trafficking.
- Increase current authorization of appropriations for victim services and law enforcement activities in the U.S.