



Freedom Network USA

## **Alliance to End Slavery and Trafficking (ATEST) and Freedom Network USA (FNUSA)**

### **Policy Recommendations & Supplemental Appropriations Requests**

#### **Human Trafficking Victims, and Those Vulnerable to Trafficking, Need Increased Protections In Response to COVID-19 Pandemic**

April 2020

Human trafficking thrives in times of crisis and uncertainty, when the needs of the most vulnerable among us are often overlooked. Congress recently passed the \$2 trillion coronavirus relief legislation, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. 748. Lawmakers are already at work on a fourth major legislative package (“Phase Four”) to respond to the COVID-19 outbreak. The CARES Act provided significant new resources for education, early care, housing, nutrition, and services; however, it fell short in some significant ways. Due to underlying vulnerabilities, those most at risk of, and victim to, human trafficking and labor exploitation will experience disproportionate impacts as a result of COVID-19 in the short, medium, and long-term. As a result, the current funds allocated for human trafficking services and prevention are insufficient to protect the marginalized from sexual abuse and severe labor exploitation. Low-wage workers, including documented and undocumented immigrants; runaway and homeless youth; those fleeing domestic violence and sexual assault; and previously identified victims of human trafficking who need ongoing support and access to additional resources are being left behind. Notably, the legislation to date has failed to provide support to immigrant workers, including undocumented workers, many of whom are providing essential services but are at greater risk for forced labor and other forms of human trafficking during this pandemic.

Accordingly, the recommendations and supplemental appropriations outlined below address the most urgent needs of human trafficking survivors, victims, and those particularly susceptible to exploitation. We urge Congress to include these provisions in “Phase Four” of its COVID-19 response package.

#### **Funding Essential Direct Services and Research**

- **Direct Victims' Services:** \$200 million for all victim service programs for which funds were appropriated in FY20 pursuant to the Trafficking Victims Protection Act (TVPA). Many of the clients that ATEST and FNUSA member organizations serve report heightened financial instability since the pandemic started, including loss of employment and immediate need for food and shelter. Additionally, ATEST and FNUSA expect that many more victims will come forward in the aftermath of the pandemic and will need immediate assistance, given the record unemployment rate putting many more at risk of being recruited into sex or labor trafficking.
  - \$200 million in supplemental funding for existing Department of Justice (DOJ) and Department of Health and Human Services (HHS) trafficking grantees to provide direct survivor support and operate the National Human Trafficking Hotline, including but not limited to financial assistance for needs related to legal services, emergency shelter, food, medical and behavioral health treatment and medication, personal care items and clothing, transportation, education, workforce development and employment training.
  - Remove the 25% matching grant required for DOJ Office of Victims of Crime (OVC) funding for human trafficking victim service grants for FY18, FY19, FY20 and FY21, given the difficulty of recruiting and working with volunteers due to the COVID-19 crisis.
  - Expand allowable use of funding to temporarily permit the redeployment of staff members to support programming adjustments needed to provide services in a safe manner in response to COVID-19.
- **Data on Trafficking in Crises:** \$5 million for HHS to collect data on how increased unemployment rates and economic and social instabilities related to COVID-19 impact human trafficking, including among immigrant populations, both documented and undocumented.

### **Protecting Vulnerable Immigrants and Guestworkers**

- **Unemployment Assistance and Tax Rebate Exclusion:** Expand tax rebates to all federal taxpayers and migrant workers who file taxes with an Individual Taxpayer Identification Number (ITIN), including U.S. citizen children and spouses who are hardest hit by the pandemic. Non-immigrant guest workers should also have access to state and federally available unemployment assistance, in recognition that many workers in both essential and non-essential services are immigrant workers who constitute a substantial percentage of the American workforce and are at heightened risk for human trafficking. Undocumented immigrant workers in the U.S. should also be provided with financial assistance and access to healthcare without fear of deportation.
- **Workers on temporary non-immigrant visas such as H2A, H2B, B-1, and J-1:** Non-immigrant guest workers, many of whom provide essential services like agricultural work, food processing and packaging, and commercial cleaning in hospitals and municipal buildings have been left out of the previous stimulus packages, and their temporary visa status makes them even more vulnerable to human trafficking and labor exploitation. Furthermore, there should be provisions protecting workers who are temporarily floated to other positions or industries from suffering reductions in pay. The fourth stimulus should ensure that guest workers already in the United States have expedited renewal of their current visas so that they are not displaced by new guest workers and should have access to COVID-19 related health care that is accessible in remote areas

where they often work. Guest workers awaiting visas in countries of origin must continue to receive vital State Department consular screenings and Know Your Rights materials to reduce vulnerability to exploitation - a process that was paused as the U.S. Embassy and consulates closed in Mexico. Visa sponsors and employers must receive clear instruction from the State Department on upholding guest workers' rights, particularly if they are deemed "essential" or if their work has been terminated. Guestworkers should also have the ability to easily change employers while in the U.S., and easier mechanisms to report abuse such as forced overtime and nonpayment (or delayed payment) of wages.

### **Human Trafficking Around the World**

- **Ensure Ongoing Enforcement of Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) Traffic Act:** The COVID-19 pandemic has resulted in an increased demand for medical equipment, personal protective equipment, and other essential products. It is well documented that medical equipment and "surgical consumables" are often "produced with medieval labor conditions that would result in felony charges in the US." [1] As the U.S. government seeks to replace and increase necessary medical equipment and supplies, we must ensure protections for workers producing these goods in both domestic and overseas factories. The United States's need for these goods from other countries should not mean the United States is willing to receive goods produced by workers in forced labor.

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[1] Forced Labor in Surgical and Healthcare Supply Chains Simone Sandler, MBBS, MPH, Kristin Sonderman, MD, MPH, Isabelle Citron, BmBCh, MPH, Mahmood Bhutta, FRCS, DPhil, John G Meara, MD, FACS Journal of the American College of Surgeons (December 2018). [https://www.journalacs.org/article/S1072-7515\(18\)32082-9/abstract](https://www.journalacs.org/article/S1072-7515(18)32082-9/abstract)

- **Increase funding to respond to the impact of COVID-19 on vulnerabilities to international human trafficking:** \$5 million to the U.S. State Department Office to Monitor and Combat Trafficking in Persons (J/TIP) to launch urgent new programs and modify existing projects. Natural disasters such as earthquakes and droughts cause spikes in forced labor and other forms of human trafficking, as desperate individuals fall into debt bondage or risk unsafe migration to seek work. The COVID-19 pandemic will have similar consequences. The J/TIP office oversees a wide range of global anti-trafficking interventions. J/TIP will need additional funds as trafficking risks increase. The funding will allow new programs to be launched as traffickers adapt and take advantage of changing conditions, and will provide for needed extensions and modification to existing programs to strengthen their effectiveness during the pandemic and its aftermath.
- **Ensure that international humanitarian response integrates counter-trafficking strategies:** \$350,000 to the Counter-Trafficking in Persons office of USAID to create and print urgent educational materials to be distributed as part of U.S. funded humanitarian relief projects. Information about safe migration should be distributed at the community level along with relief supplies such as food and medicine. The community networks already established by grassroots anti-trafficking organizations should be utilized to effectively spread health information and educational materials about the rights of individuals to be free from forced labor.

ATEST and FNUSA also support the national policy recommendations and additional requests for resource support for vulnerable communities from Migration that Works (focusing on temporary workers), National Network 4 Youth (focusing on runaway and homeless youth), National Coalition Against Domestic Violence and National Alliance to End Sexual Violence (focusing on those fleeing violence), National Coalition for the Homeless; the Casey Family Programs (focusing on foster youth), the National Immigrants Law Center (NILC); and Kids in Need of Defense (KIND).

***The Alliance to End Slavery and Trafficking (ATEST)*** is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery in the U.S. and around the world. ATEST is comprised of the following organizations: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), Free the Slaves, Human Trafficking Institute, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way, Verité and Vital Voices Global Partnership. Please do not hesitate to contact ATEST co-chairs Anita Teekah ([Anita.Teekah@safehorizon.org](mailto:Anita.Teekah@safehorizon.org)) or Terry FitzPatrick ([terry@freetheslaves.net](mailto:terry@freetheslaves.net)) with any questions. [www.endslaveryandtrafficking.org](http://www.endslaveryandtrafficking.org)

***Freedom Network USA (FNUSA)***, established in 2001, is a coalition of 68 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. As the largest network of providers working directly with trafficking survivors in the US, we are uniquely situated to evaluate the impact of US government efforts to address human trafficking, identify challenges, and propose solutions. Contact Executive Director Jean Bruggeman ([jean@freedomnetworkusa.org](mailto:jean@freedomnetworkusa.org)) with any questions. <https://freedomnetworkusa.org/>

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