



Alliance to End Slavery and
Trafficking
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February 29, 2016

The Honorable John Carter, Chairman
House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard, Ranking Member
House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven, Chairman
Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen, Ranking Member
Senate Appropriations Subcommittee on Homeland Security

Dear Chairmen Carter and Hoeven and Ranking Members Roybal-Allard and Shaheen:

On behalf of the Alliance to End Slavery and Trafficking (ATEST) and the undersigned organizations, we are writing to urge you to fund initiatives in the FY 2017 Department of Homeland Security Appropriations bill for the Bureaus of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) to combat the \$150 billion illegal human trafficking and forced labor industry. Congress voted overwhelmingly to reauthorize the Trafficking Victims Protection Act (P.L. 113-4), further validating the Department of Homeland Security's crucial role in fighting this despicable crime.

ATEST welcomes recent legislation to strengthen the authority to prohibit the importation of goods made with forced or prison labor into the United States, by repealing the exception for goods for which there is a "consumptive demand" in the United States. The legislation, which Congress passed in February 2016, provides a much more effective tool for the Department of Homeland Security, through Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), to take steps to prevent the importation of these goods. This enforcement would incentivize companies to examine their supply chains more deeply for the use of such labor to avoid disruptions of their supply. We urge the Administration to review the operations and funding for the Department of Homeland Security, especially within CBP and ICE, to ensure that DHS has the resources and structure to effectively implement this change of law.

As you begin to draft the fiscal year 2017 Department of Homeland Security Appropriations bill, we ask that you consider funding and report language to better combat human trafficking as follows:

1. Immigration and Customs Enforcement (ICE): \$34,400,000 for Investigations

We request \$34,400,000 in funding for investigations, training, and victim services by Immigration and Customs Enforcement (ICE) to combat severe forms of trafficking in persons as authorized by Sec. 113(i) of the TVPRA of 2013 (P.L. 113-4). This request is \$8,800,000 above

the FY16 President's request to support new positions to conduct forced labor and human trafficking investigations by ICE. Specifically, we request that the funds be allocated as follows: \$7,000,000 for specialized human trafficking ICE victims' services; \$12,000,000 for ICE forced labor investigations including the creation of new positions for ICE forced labor investigators; and, \$15,400,000 to support ICE trafficking in persons investigations including new positions for ICE human trafficking investigators.

Congress established this program under Section 113(i) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended by its reauthorization in 2005, 2008, and 2013. ICE plays a critical role in combating severe forms of human trafficking in the United States and is therefore one of the first lines of defense in stopping this heinous crime.

In 2014, ICE HSI opened 987 investigations into possible human trafficking cases, a decrease from 1,025 in 2013. Additional resources are needed to continue to expand investigations against suspected human traffickers and help reduce the incidents of trafficking and forced labor in the United States. Although we want to highlight the increasing number of investigations, we would also like to highlight that the focus has been on sex, not labor, trafficking cases and ask that some of the new positions be dedicated to forced labor investigations. For example, DOJ initiated a total of 208 federal human trafficking prosecutions in FY 2014, charging 335 defendants. Of these prosecutions, 190 involved predominantly sex trafficking, while only 18 involved predominantly labor trafficking.

Proposed Report Language:

The Committee recommends \$34,400,000 to support investigations, training, and victim services by Immigration and Customs Enforcement (ICE) to combat forced labor and trafficking in persons, including new positions to expand ICE investigations of suspected forced labor and human trafficking. Congress called on ICE to take a more active role in pursuing investigations of human trafficking under Sec. 113(i) of the TVPA of 2000, as amended by the TVPRA of 2005, the TVPRA of 2008, and the TVPRA of 2013. ICE is one of the first lines of defense in combating this crime as it enters the United States.

2. Immigration and Customs Enforcement (ICE): \$20,000,000 for Child Sexual Exploitation Investigations Unit

In addition to the amount listed above, we are requesting \$20,000,000 for the Department of Homeland Security to combat child sexual exploitation. DHS plays an important role in combating child sexual exploitation both at home and abroad. In FY14, ICE investigations led to the conviction of over 1,000 people for child exploitation. This was an increase of 50 percent over 2010. Additionally, ICE investigations resulted in the identification of over 1,000 child victims of trafficking. The funding requested would allow DHS to increase their ability to coordinate with other countries to prevent known registered child sex offenders from exploiting children.

Proposed Report Language:

The Committee recommends \$20,000,000 for the Child Exploitation Investigations Unit within the ICE Cyber Crimes Center to combat child sexual exploitation.

3. Immigration and Customs Enforcement (ICE): \$20,000,000 for Victim Witness Coordinators

We request an additional \$20,000,000 for the Department of Homeland Security for victim witness coordinators and to support investigations overseas into child sex tourism and forced labor. With this additional funding DHS would be able to hire additional victim witness coordinators and support staff essential to making sure that the DHS response to this crime is victim-centered. We also urge DHS to prioritize partnering with NGOs and service providers that are experienced in children's rights so that child victims of sexual exploitation receive appropriate care and services.

Proposed Report Language:

The Committee recommends \$20,000,000 for victim witness coordinators and to support investigations overseas into child sex tourism and forced labor. The Committee also urges ICE to prioritize partnering with NGOs and service providers that are experienced in children's rights so that child victims of sexual exploitation receive appropriate care and services.

4. Immigration and Customs Enforcement (ICE): Training for Officers

As mentioned above, ICE officers are on the frontlines of our efforts to combat human trafficking. The nuances of trafficking cases may be ignored in the rush of large immigration cases. Too often, victims are treated as criminals rather than the victims they are. Additionally, victims are not provided with the benefits and support that is mandated by the TVPA. It is critical that ICE officers receive the training they need to identify and assist trafficking victims. Furthermore, we recommend that ICE officers receive enhanced training on the identification of trafficking for labor. Several recent studies, including one conducted by the Urban Institute in 2015, have documented the shortcomings of law enforcement in identifying and protecting victims of trafficking for labor. In particular, there is widespread confusion around how "coercion" typically manifests in trafficking for labor as a part of the "force, fraud, or coercion" element in the definition of severe forms of human trafficking under the TVPA. Amendments to the TVPA further clarified the kind of coercion often experienced by workers, such as a climate of fear and intimidation, immigration-based threats, and other kinds of psychological harm. Yet these subtler forms of coercion, as opposed to the common fact patterns in trafficking for commercial sex, are difficult for untrained law enforcement officers to identify. This leaves countless victims of human trafficking without resources, or worse – wrongfully detained and deported.

Additionally, ICE investigators need consistent training in identifying the distinctions between smuggling and trafficking for labor, and between labor exploitation and human trafficking for labor, and importantly, how to refer people for assistance at any point in the spectrum of exploitation and ensure continued presence (CP) is granted to potential victims. Disturbingly, in FY 2014, DHS issued CP to 130 trafficking victims who were potential witnesses, a continued decrease from 171 in FY 2013 and 199 in FY 2012. The training could be delivered in partnership with the Department of Labor and non-governmental organizations who work with survivors of trafficking for labor, who have already invested time into helping advocates identify trafficking for labor in "hard to reach" populations like farm workers and domestic workers. To accomplish these goals, we ask that the following language be included in the Committee Report for the FY 2017 Homeland Security Appropriations bill.

Proposed Report Language:

ICE plays a critical role in investigating criminal organizations trafficking individuals into and within the United States. The Committee encourages ICE to work with appropriate non-governmental organizations and victim services providers to improve the training of ICE officers in the field to assist in the identification of human trafficking victims, secure CP for victims, and provide appropriate referrals to victim services organizations. The Committee also encourages ICE to develop, in consultation with Department of Labor or non-governmental organizations, enhanced training for ICE officers on the identification of labor trafficking, as well as on the distinctions between smuggling and labor trafficking, between labor exploitation and labor trafficking, and appropriate process of referral for identified victims of labor exploitation or labor trafficking. In addition, the Committee encourages ICE to examine its policies around granting Continued Presence to ensure that victims who come forward to report to law enforcement are granted this form of relief.

5. Immigration and Customs Enforcement (ICE): Rights for Human Trafficking Victims

When ICE initiates a crime raid, trafficking victims often are swept away and initially detained as criminals. We request report language to encourage ICE to identify trafficking victims early in the investigations and, if possible, prior to detention. The treatment of trafficking victims as criminals undermines their cooperation in the prosecutions of their traffickers, insofar as the trafficking victims do not trust the government and will not cooperate after incarceration. It is critical to the future prosecution of traffickers and the rehabilitation of the victims that the victims receive the appropriate medical, psychological, and legal assistance as soon as possible. Indeed, the TVPA gives specific legal rights to trafficked persons, including the right to appropriate shelter not incompatible with their status as victims of a crime (22 U.S.C. § 7105(c)(1)(A)). Additionally, Continued Presence, a temporary form of immigration relief, was explicitly created under the TVPA of 2000 to provide status to potential trafficking victims. As noted above, too often victims are not receiving this form of relief in a timely matter, and additional burdens are placed on the cooperating victim as well as the service providers assisting the victim who remains without status in the United States.

Proposed Report Language:

The Committee directs ICE to identify potential victims of human trafficking and forced labor early in any ICE or ICE-led investigations and provide informational materials and referrals for victim assistance as quickly as possible prior to any legal action. The Committee encourages ICE to work with non-governmental organizations and victim service providers on victim referrals and assistance. The Committee also encourages ICE to seek: (1) Continued Presence for potential trafficking victims as soon as possible to assist in the prosecution of traffickers and aid in victim recovery and (2) assist local and state law enforcement to understand the requirements of CP and promptly respond to any state or local requests by law enforcement for CP for potential victims of human trafficking.

6. Customs and Border Protection (CBP): Training for Officers

Like ICE officers, CBP officers play an integral role in our efforts to combat human trafficking, most especially at our borders. Training the agents to understand and appreciate the nuances of human trafficking cases and to accurately identify trafficking victims is imperative to servicing the victims, prosecuting the traffickers, and deterring future trafficking crimes. We ask that the following language be included in the Committee Report for the FY 2017 Homeland Security

Appropriations bill.

Proposed Report Language:

CBP plays a critical role in identifying potential human trafficking victims as they enter the United States. The Committee encourages CBP to work with appropriate nonprofit organizations and victim services providers to improve the training of CBP officers in the field to assist in the identification of human trafficking victims and provide appropriate referrals to victim services organizations.

7. Customs and Border Protection (CBP): Human Trafficking Hotline Number

The National Human Trafficking Resource Center is a national, toll-free hotline, available to answer calls from anywhere 24 hours a day, seven days a week, every day of the year. The hotline is used to collect tips on human trafficking cases, connect victims with anti-trafficking services in their area, and to provide training and technical assistance and specific anti-trafficking resources. We request that the Committee include report language directing the Commissioner to post the hotline number and website in all U.S. ports of entry.

Proposed Report Language:

The Committee directs the Commissioner to post the National Human Trafficking Resource Center hotline, email address, text messaging number, and website information in all U.S. ports of entry.

We understand the extremely difficult funding situation you are facing in FY 2017. We have carefully vetted our requests to reflect priorities that are targeted on the most effective DHS programs to combat human trafficking. We thank you for your consideration of these requests and your continued leadership in fighting the scourge of human trafficking and forced labor. If you have any questions, please contact Melysa Sperber, ATEST Director, at msperber@humanityunited.org or (631) 374-0749.

Sincerely,

Coalition to Abolish Slavery and Trafficking (CAST)

Coalition of Immokalee Workers (CIW)

ECPAT-USA

Free the Slaves

Futures Without Violence (FUTURES)

International Justice Mission

National Domestic Workers Alliance (NDWA)

National Network for Youth (NN4Y)

Polaris

Safe Horizon

Solidarity Center

Verité

Vital Voices Global Partnership

ATEST is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end all forms of modern-day slavery and human trafficking domestically and globally. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, Futures Without Violence (FUTURES), International Justice Mission, National Domestic Workers Alliance (NDWA), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, and Vital Voices Global Partnership.