



COVID-19 Impacts on Trafficking

A Supplementary Brief to *A Presidential Agenda for Ending Modern Slavery and Human Trafficking* | 2021-2024

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About the Alliance to End Slavery and Trafficking (ATEST)

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 forced labor around the world. We promote lasting solutions to prevent forced labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. Our collective experience implementing programs at home and abroad gives us an unparalleled breadth and depth of expertise.

As ATEST, we are social workers, counselors, lawyers, doctors, workers' rights activists, children and youth advocates, researchers, immigrant rights protectors, human rights defenders and others. We believe in a holistic, comprehensive approach to anti-trafficking work, striving to address the needs and vulnerabilities of communities particularly at risk, including immigrants, migrant workers and refugees, LGBTQ+, children, runaway and homeless youth, communities of color, and ethnic and religious minorities. We are committed to focusing on racial and gender equity throughout our work. We promote victims' rights and access to justice and remedy, and the decriminalization of coerced and forced conduct. We insist on the separation of labor law and immigration enforcement. We take a victim-centered, trauma-informed, and worker-experience approach and center our work in a human, civil, and worker rights framework. We advocate for inclusion of survivor voices in the shaping of anti-trafficking policies and programs. We believe in consensus building, collaboration, and partnerships to support bi-partisan solutions that address the root causes of trafficking and the vulnerabilities of the populations for whom we advocate. We promote inclusive growth and sustainable development in our anti-trafficking programming and advocacy, focused on concrete actions, long-term solutions, and measurable impact.

Since its inception, ATEST has focused equally on both labor and sex trafficking. In recent years, we have witnessed back sliding and misinformation about the scope and extent of human trafficking, with the much less attention given to forced labor, and false information about the scope and underlying root causes of trafficking for sexual exploitation. We urge the new administration to engage in an awareness raising information campaign and implement meaningful policies to dispel the harm caused by this unbalanced and unsubstantiated approach.

ATEST member organizations include: Coalition to Abolish Slavery & Trafficking (CAST), Coalition of Immokalee Workers (CIW), Free the Slaves, HEAL Trafficking, Human Trafficking Institute, Humanity United Action (HUA), McCain Institute for International Leadership, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verité and Vital Voices Global Partnership.

INTRODUCTION

The COVID-19 pandemic has dramatically increased the need for comprehensive services for survivors of human trafficking. ATEST members have seen both an increase in the number of victims of human trafficking reaching out for assistance and the amount of services required. Analysis by Polaris, the administrator of the National Human Trafficking Hotline, has revealed that the number of crisis cases requiring immediate assistance reported to the hotline increased by 40 percent after the shelter-in-place orders were implemented.¹ Service providers have also had to modify their services in order to comply with guidance from the Centers for Disease Control, local Public Health Agencies, and state and local government orders. Many are seeing a backlog in cases as they are not able to provide services quickly enough or have not received sufficient funding to meet the increased caseload.

As the economic crisis continues, more people are becoming vulnerable to trafficking. Service providers that provide direct assistance to prevent people from becoming vulnerable to trafficking and help protect victims and survivors are essential. These organizations require more funding and support to provide ongoing and new services. The U.S. counter-trafficking in persons (C-TIP) strategy is incomplete without financial support for these organizations and effective responses to changing vulnerabilities like homelessness, high unemployment rates, lack of healthcare, decreased income, risky visa extensions such as essential workers on temporary visas that have been extended, and increased hazardous working conditions during the pandemic.

In order to address the vulnerabilities created by the COVID-19 pandemic and to show a commitment to a comprehensive survivor-focused C-TIP response, ATEST provides the following recommendations. We recommend this Administration show a commitment to victims by providing additional resources for victim services programs, encouraging cooperation among agencies to coordinate C-TIP efforts to better assist victims, reducing vulnerabilities for guestworkers so everyone may work safely without exploitation in the United States, and providing support for families and youth experiencing the financial burden of the crisis and housing insecurity. This Administration has an obligation to dedicate resources to a whole-of-government response to the COVID-19 crisis that puts victims and survivors at the forefront. Without this commitment, the U.S. Government response will leave people vulnerable to exploitation and be unable to effectively assist victims and survivors.

PRIORITY ISSUES

1. Additional Resources for Victim Services

The COVID-19 crisis has drastically changed the landscape for serving human trafficking victims and survivors. We anticipate a 35 percent decrease in funding for service providers in the anti-trafficking movement as part of the economic fallout from this global health crisis.ⁱⁱ The need for sustained comprehensive services will only increase as unprecedented unemployment rates and expanded vulnerabilities to exploitation continue throughout the crisis. The United States has a moral duty to provide more comprehensive services to victims and survivors of trafficking, especially in the midst of the COVID-19 crisis.

Recommendations

- White House
 - Congressional Support: The COVID-19 pandemic has required service providers and programs to modify their services in order to comply with guidance from the Centers for Disease Control (CDC), local Public Health Agencies, and state and local government orders. In order for these programs to continue to operate and serve their clients effectively amidst the pandemic, this Administration should urge Congress to act and provide the following temporary flexibilities:
 - Waive match requirements for federal funding since many organizations have been unable to hold the types of fundraisers they typically did in order to raise the matching funds, and many private funders will be unable to continue grant-making at their pre-pandemic levels;
 - Allow clients to stay enrolled in programs or stay in housing programs beyond the current length of time limitations. This is needed because many people's lives and incomes have been impacted by the pandemic and many persons are not able to complete programs within the current limited timeframes, people in housing programs with time limits are largely unable to afford rent due to loss of employment and income; and
 - Increase flexibility in what programs and providers can spend federal funds on, such as personal protective equipment, increased personnel costs, transportation assistance, health care, childcare, housing-related costs and other basic needs such as food and hygiene supplies.

- Office of Management and Budget: Starting in the fiscal year (FY) 22 Budget request, the Administration should begin to systematically scale up investments in victim services including:
 - Advocating for increased funding for prevention and victim services programs in light of COVID:
 - HHS is in need of additional resources to fund both existing and newly created victim services programs, particularly in the light of the COVID-19 pandemic increasing vulnerabilities for trafficking survivors; and
 - The Administration should also increase funding to HHS victim services programs threefold to bring into alignment with DOJ OVC funding to ensure programming that places community response and prevention at the forefront have equal, if not additional, priority.
- Department of Health and Human Services:
 - Increase services to meet expanded needs for all victims of trafficking during the COVID-19 crisis;
 - Commit additional resources to prevention programs to combat the heightened vulnerabilities to exploitation from the COVID-19 crisis;
 - Expand funding for outreach and training programs that take a public health approach to combating trafficking and forced labor. Outreach and training programs should not be funded by resources dedicated to victims services, but should be supported with additional funding; and
 - Provide sufficient funds for a per capita program to fund services for foreign national victims for up to two years with flexibility to extend beyond 2 years if needed given extended visa processing times and COVID-19 related impacts.
- Department of Justice:
 - Due to funding constraints related to the COVID-19 pandemic, we recommend eliminating the matching fund requirement for OVC grants from FY 21 to FY 24;
 - Eliminate the prohibition that services providers receiving the DOJ comprehensive services grant cannot also access HHS TVAP funding streams;
 - Ensure service providers who received OVC and OVW grants in 2019 are no longer barred from providing criminal re-entry legal services to survivors; and
 - Ensure victim services money is not provided to fund Law Enforcement Agencies (LEAs) through the task forces and the money currently used for LEA taskforces comes from LEA monies.

2. Interagency Cooperation and Data Sharing

The counter-trafficking in persons (C-TIP) response during the COVID-19 crisis will be more effective if agencies across the government cooperate to provide services, identify victims, and share data. ATEST calls for a whole-of-government approach to combating sex trafficking and forced labor to better serve victims and increase the capacity of prevention programs. Interagency coordination is essential during the COVID-19 crisis to improve the federal response and ensure COVID-19 related data about prevalence and impacts is shared amongst all agencies supporting C-TIP efforts. We call on this Administration to lead an improved interagency response during this time of crisis.

Recommendations

- Executive Office of the President
 - Promote data sharing across agencies to increase coordination. While we face the global COVID-19 pandemic, this data sharing should include pandemic-related impacts on the prevalence of forced labor and human trafficking and its effects on vulnerable groups.
 - Designate a senior White House staffer to ensure every agency participates fully in the Senior Policy Operating Group (SPOG) and facilitate coordination efforts; and
 - Require all agencies to consult with the U.S. Advisory Council on Human Trafficking on C-TIP efforts and compensate survivor consultants accordingly.

3. Reducing Vulnerabilities for Guestworkers

Guestworkers in the United States are provided with visas with few protections if their employers become exploitative. Early in the COVID-19 crisis, new rules were put in place at the Department of Homeland Security (DHS) that further increased the vulnerabilities of H-2A and H-2B workers to forced labor by removing limitations on guestworker visa extensions.ⁱⁱⁱ In addition, during the COVID-19 crisis, it is even more difficult for workers to leave abusive employers or ones that do not follow worker-centered COVID-19 protocols. ATEST urges DHS and the Department of Labor (DOL) to provide protections for vulnerable workers during this crisis, rather than maintaining policies that put them at more risk.

Recommendations

- Department of Homeland Security
 - Reverse the temporary rule change published in April 2020 and extended in August 2020 that removes certain limitations on visa extensions for H-2A visa workers;^{iv} and
 - Reverse the temporary rule change published in May 2020 removing certain limitations on visa extensions for H-2B visa workers;^v
- Department of Labor
 - Increase protections for guestworkers so they are able to leave their employers if they do not follow worker-centered COVID-19 guidelines;
 - Automatically extend worker visa authorizations should a guestworker be laid off due to COVID-19; and
 - Work with Congress to reform the system of temporary visas to untie visas from employers, allowing workers to leave abusive and exploitative employers without fear of deportation. This situation has been exacerbated during the COVID-19 pandemic but has been an issue since well before the pandemic as well.

4. Support for Families and Youth

COVID-19 has only exacerbated the already dire situations of young people and families experiencing homelessness and human trafficking. In a September 2020 survey of youth homelessness service providers of 63 communities, a significant loss of beds was recorded due to providers complying with CDC COVID-19 guidelines.^{vi} Providing housing-related and other services to children, youth, and families experiencing homelessness as early as possible prevents trafficking, supports survivors of trafficking, reduces transmission of COVID-19, and mitigates compounding trauma and negative lifelong impacts of homelessness. Housing insecure families and youth have been largely left out of COVID-19 relief packages, it is essential this Administration prioritizes legislation and programs to assist youth, young adults, and families in unstable conditions during this crisis.

Recommendations

- Upcoming Legislation
 - The COVID-19 pandemic delayed a full House vote on this bill in this Congress. The passage of the Runaway and Homeless Youth Trafficking Prevention Act (RHYTPA) (H.R. 5191/S.2916 in the 116th Congress) should be a priority for this Administration; and

- This Administration should prioritize the Emergency Family Stabilization Act (EFSA) (H.R.7950/S.3923 in the 116th Congress). This legislation would fill an urgent gap in the nation’s social safety net by allowing youth- and family-serving agencies to provide immediate support to children, youth, and families—including those who are ineligible for HUD homeless assistance because they do not meet HUD’s definition of homelessness.
- Department of Education
 - Create a model curriculum for educators on identifying and reporting possible trafficking cases; and
 - Adapt existing and new materials to challenges faced in the identification of trafficking during the COVID-19 pandemic.

POINTS OF CONTACT

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ENDNOTES

ⁱ Polaris, “Human Trafficking During the COVID-19 Pandemic,” June 10, 2020, available at: <<https://polarisproject.org/press-releases/human-trafficking-during-the-covid-19-pandemic/>>

ⁱⁱ ATEST, “Letter to the House and Senate Appropriations Subcommittees on Commerce, Justice, Science and Related Agencies,” (2020) available at: <https://endslaveryandtrafficking.org/wp-content/uploads/2020/05/CJS_ATEST_FY21_REVISED.pdf>

ⁱⁱⁱ See: Migration that Works, “Our letter regarding the latest temporary rule changes to the H-2 programs,” (July 2020), available at: <<https://migrationthatworks.org/2020/07/02/our-letter-regarding-the-latest-rule-changes-to-the-h-2-programs/>>

^{iv} U.S. Citizenship and Immigration Services, *Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due to the COVID-19 National Emergency*, April 2020, extended August 2020, see 85 FR 21739.

^v U.S. Citizenship and Immigration Services, *Temporary Changes to Requirements Affecting H-2B Nonimmigrants Due to the COVID-19 National Emergency*, May 2020, see 85 FR 28843.

^{vi} National Network for Youth, *There Are Less Beds for Youth and Young Adults Experiencing Homelessness as a Result of COVID* (2020), available at: <<https://nn4youth.org/wp-content/uploads/There-Are-Less-Beds-for-Youth-as-a-Result-of-COVID.pdf>>