

September 14, 2022

The undersigned non-governmental organizations (NGOs) and anti-trafficking leaders who work to end human trafficking, write in support of [H.R. 8672](#), the Trafficking Survivors Relief Act of 2022 (TSRA) introduced by Representatives Owens (R-UT) and Lieu (D-CA) in the House of Representatives. A companion bill is pending introduction in the Senate.

The Trafficking Survivors Relief Act of 2022 provides relief to trafficking survivors who have been unjustly criminalized as a result of their trafficking victimization. Too often, trafficking victims are arrested and convicted of criminal offenses directly related to their victimization.¹ Despite this, there is currently no legal framework at the federal level for trafficking survivors to either avoid unjust criminalization at the outset and/or address the harmful effects of having been charged and convicted of crimes resulting from their victimization. The TSRA helps to address both of those gaps.

The legislation would allow survivors of human trafficking with federal records for certain crimes committed as a direct result of their trafficking situation to vacate convictions and expunge arrest records.² It would also allow for an affirmative defense for victims of human trafficking to assert at the outset of the criminal justice process. Finally, the bill would expressly permit Department of Justice (DOJ) grants to allow for legal representation for survivors including proceedings related to vacatur, expungement and other post-conviction relief measures.

Many survivors have a criminal record as a result of being trafficked. This criminal record impedes survivors from moving forward with their lives, including impacting opportunities for employment, housing and rental applications, loans for higher education, and purchasing their own home. This legislation recognizes the injustice of leaving trafficking survivors to carry convictions for crimes that resulted from their victimization, and instead creates a pathway for survivors to continue their journey of healing and restoration.

As sex trafficking survivor and advocate Julie Whitehead stated, “My trafficker forced me into situations where I easily could have been arrested, but I complied because I knew it was a matter of life and death. I knew if I didn’t do exactly what my trafficker told me, he would make good on his threats and kill me or someone I loved. This bill would be life-changing for victims and survivors of trafficking. Almost every decision we make is to help us survive, and we should not be punished or held accountable for having made the decision to live.”³

This is one of many testimonies from survivors and advocates demonstrating why survivors need a pathway to clear federal convictions from their criminal records, as well as the opportunity to assert their victimization as a defense to prevent convictions from occurring in the first place. Thankfully, Congress has the unique ability to begin to remedy this situation. As such, the undersigned groups urge you to co-sponsor the Trafficking Survivors Relief Act and to support its passage when it comes to the floor or a committee on which you serve.

¹ Criminalizing Victims: Trafficking Survivors With Criminal Records Deserve Relief | Polaris (polarisproject.org)

² <https://www.congress.gov/bill/117th-congress/house-bill/8672>

³ Owens, Lieu Introduce the Trafficking Survivors Relief Act of 2022 - Burgess Owens (house.gov)

ORGANIZATIONS

- Alliance to End Slavery and Trafficking (ATEST)
- Hope for Justice
- National Center on Sexual Exploitation (NCOSE)
- Polaris
- Shared Hope

INDIVIDUALS

Please note: Organizational affiliation for the individuals below is for identification purposes only and does not imply an organizational endorsement of this letter.

- Bella Hounakey – US Advisory Council
- Brett Holman – US Attorney
- Julie Whitehead – Survivor leader
- Tanya Gould – Anti-Human Trafficking Director for the Commonwealth of Virginia