

The Good is the Enemy of the Great: How America's Anti-Trafficking Legislation Should be Reevaluated to Reach its Full Potential

Foster Willie

Follow this and additional works at: <https://digitalcommons.law.lsu.edu/jsjp>

Repository Citation

Willie, Foster () "The Good is the Enemy of the Great: How America's Anti-Trafficking Legislation Should be Reevaluated to Reach its Full Potential," *LSU Law Journal for Social Justice & Policy*. Vol. 4, Article 11. Available at: <https://digitalcommons.law.lsu.edu/jsjp/vol4/iss1/11>

This Comment is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in *LSU Law Journal for Social Justice & Policy* by an authorized editor of LSU Law Digital Commons. For more information, please contact kreed25@lsu.edu.

**The Good is the Enemy of the Great: How America’s
Anti-Trafficking Legislation Should be Reevaluated
to Reach its Full Potential**

*Foster Willie**

TABLE OF CONTENTS

Introduction 139

I. Background and Definitions..... 142

 A. Forced Labor..... 142

 B. Sex Trafficking 144

II. Trafficking Victims Prevention Act Reauthorizations and
Amendments 144

 A. Protection..... 145

 B. Prevention 147

 C. Prosecutions..... 150

III. Solutions and Changes 151

 A. Local Police Training 151

 B. Social Services and Outreach 153

 C. Incentivize Individual States to Create a Process
 for Expungement 156

 D. Improving the TIP..... 157

 E. Revising the Prerequisite Conditions for T-Visas 158

 F. Passage of New Laws Supporting Domestic Workers 160

Conclusion..... 161

INTRODUCTION

Slavery is something that many people ascribe to the past; they believe that after the 13th Amendment was ratified, people everywhere were freed

Copyright 2024, by FOSTER WILLIE.

* J.D./D.C.L., 2024 Paul M. Hebert Law Center, Louisiana State University. The author would like to extend his thanks to Professor Raymond Diamond for his time and assistance in drafting this article and the LSU Law Journal for Social Justice and Policy for their insightful edits.

from bondage.¹ However, such is not the case. According to a United Nations (U.N.) report in 2016, there were still 40 million enslaved people around the world.² Responding to this problem, the U.N. adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, thereby supplementing the U.N. Convention against Transnational Organized Crime.³ Congress, in kind, enacted the Trafficking Victims Protection Act (TVPA).⁴ This legislation created a framework for the Federal Government to combat and prevent human trafficking and slavery, both domestically and abroad.⁵ The TVPA's tripartite approach focuses on the protection of victims, the prevention of trafficking, and the prosecution of traffickers.⁶ Since its initial passing, the law has been reauthorized six separate times, most recently in 2023.⁷

While this groundbreaking legislation addresses trafficking, the law's substantial imperfections require amendment. Part I of this Comment introduces the concept of human trafficking by explaining its legal definitions. Part II delineates how the Trafficking Victims Protection Act aims at preventing trafficking. Part III highlights the shortcomings in the legislation as it currently stands and addresses proposed solutions that should be incorporated into revised legislation. If America's intention is to lead the fight for the eradication of human slavery, its anti-trafficking

1. It should be noted that Cuba and Brazil had legal slavery until 1880 and 1885 respectively. Ana Lucia Araújo, *Slavery and the Atlantic Slave Trade in Brazil and Cuba from an Afro-Atlantic Perspective*, ALMANACK (Jan.-Apr. 2016), <https://www.scielo.br/j/alm/a/8jhBTtqZnmmtgGM9ndsBKFv/> [https://perma.cc/MQ85-UD87].

2. *More than 40 Million in Modern Slavery, 152 Million in Child Labour Around the World*, IOM (Sept. 19, 2017), <https://www.iom.int/news/more-40-million-modern-slavery-152-million-child-labour-around-world#:~:text=The%20data%2C%20released%20during%20the,were%20subject%20to%20child%20labour> [https://perma.cc/ZFM7-JUJX].

3. 319 U.N.T.S. 2237.

4. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) (amended 2003).

5. *Id.*

6. *See generally id.*

7. Chelsea Caplinger, *TVPA Compilation of Reauthorizations 2000-2018*, HUMAN TRAFFICKING SEARCH (2021); Terry FitzPatrick, *Congress Passes, President Signs Partial Reauthorization of Trafficking Victims Protection Act*, ALLIANCE TO END SLAVERY AND TRAFFICKING (Jan. 6, 2023 5:05 PM), <https://endslaveryandtrafficking.org/congress-passes-president-signs-partial-reauthorization-of-trafficking-victims-protection-act/> [https://perma.cc/9HGN-8RER].

law will need to expand.⁸ The TVPA should be amended to contain more provisions guaranteeing the safety and protection of the people it was created for.

Currently, the TVPA provides for a multifaceted approach to preventing slavery. For example, the TVPA provides a standard definition for slavery, authorizes refugees to receive special visas to enter the United States, creates an annual report detailing prevention efforts in foreign nations, and creates a scheme for diplomatic pressure to be applied to offending nations.⁹ While this approach may seem sufficient to meet TVPA's goal, the law could be much more effective. Many issues with the TVPA were identified after it originally became law, yet there has been little to no initiative in solving these problems.¹⁰ For almost 20 years, Congress has patted itself on the back without addressing the gaping holes in this legislation.¹¹ If America is serious about leading the fight against trafficking and slavery, the TVPA needs to be reexamined.

The TVPA's focus must change by prioritizing the aid of slavery's victims instead of merely the prosecution of traffickers. As written, the TVPA puts too much emphasis on international trafficking, which takes attention away from the plight of victims within America's borders.¹² To address these shortcomings, the TVPA needs to redirect its focus to address the underlying causes making people vulnerable to trafficking in the first place. The TVPA can achieve this by providing more funds for social services and financial incentives for anti-trafficking programs.

8. See OFF. TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPT. OF STATE, *TRAFFICKING IN PERSONS REPORT 3* (2021) ("The U.S. Department of State strives to advance around the world the security, prosperity, and values that U.S. citizens share.... As a government and society, we strive to correct past wrongs and advance racial equity in the United States and abroad. We commit to bringing this dedication to our efforts to fight human trafficking as well. We will seek to use our year-round engagement with governments, advocates, and the private sector to build a more effective anti-trafficking strategy rooted in equity.").

9. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) (amended 2003).

10. Jennifer M. Chacon, *Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking*, 74 *FORDHAM L. REV.* 2977 (2006).

11. *Id.* Though this critique was published 17 years ago, many of the highlighted issues are still unresolved today.

12. The TVPA dedicates sections to fighting trafficking abroad, but there are still gaping holes in its approach to aiding victims already in America. See, e.g., Caplinger, *supra* note 7, at §§ 104, 109, 110.

I. BACKGROUND AND DEFINITIONS

According to the State Department, “trafficking in persons,” “human trafficking,” and “modern slavery” are all used as umbrella terms for compelled work or service.¹³ However, these terms are too general and act as little more than political buzzwords. The State Department notes that federal law recognizes two distinct, severe forms of trafficking: forced labor and sex trafficking.¹⁴

A. *Forced Labor*

Forced labor takes place when a person is being exploited for their production value.¹⁵ Forced labor often takes the form of debt bondage, domestic servitude, and forced service as fighters in warfare.¹⁶

Debt bondage, which has been historically referred to as indentured servitude, is the practice of forcing people into jobs to pay back some form of debt the worker has accrued.¹⁷ The State Department explains that:

[t]raffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker’s legal status in the destination country is tied to the employer so workers fear seeking redress.¹⁸

Systems of debt bondage keep an employee trapped in a certain job and unable to accumulate the fruits of his or her labor.¹⁹ The “employers” often use the threat of legal action to force these workers into fear and capitulation.²⁰ According to the International Labor Organization (ILO),

13. *What is Modern Slavery?*, OFF. TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPT. OF STATE, <https://www.state.gov/what-is-modern-slavery/> [https://perma.cc/GUF5-JNPJ] (last accessed Mar. 8, 2024).

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.*

one in five forced laborers are victims of debt bondage.²¹ The ILO also points out that marginalized people are more likely to end up trapped in a system of debt bondage.²² More risk factors for debt bondage are: “structural and systemic inequality, poverty, discrimination, and precarious labour migration.”²³

Domestic servitude takes place when workers are forced into household labor for another.²⁴ The State Department notes

[i]nvoluntary domestic servitude is a form of human trafficking found in distinct circumstances—work in a private residence—that create unique vulnerabilities for victims. It is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers—things as simple as a day off. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability.²⁵

Enforcement of laws against domestic servitude comes with a peculiar set of issues. It is difficult for advocates and labor officials to access the private residences where these servants are working.²⁶ These laborers are effectively hidden away from the world. Importantly, the State Department also highlights that employers benefiting from diplomatic immunity pose a bigger risk for carrying out this type of trafficking.²⁷

The last major form of forced labor is forced service as fighters in warfare, usually in the form of child soldiers.²⁸ This type of slavery is defined as using children to aid in war efforts.²⁹ A child need not be

21. INT’L LABOUR ORG., GLOBAL ESTIMATES OF MODERN SLAVERY: FORCED LABOUR AND FORCED MARRIAGE 43 (2022).

22. *Id.*

23. Wendy Zeldin, *United Nations: Report on Debt Bondage*, LIBRARY OF CONG. (Sept. 26, 2016), <https://www.loc.gov/item/global-legal-monitor/2016-09-26/united-nations-report-on-debt-bondage/> [<https://perma.cc/N73K-GGLB>].

24. Office to Monitor and Combat Trafficking in Persons, *supra* note 13.

25. *Id.*

26. *Id.*

27. *Id.* See Noy Thrupkaew, *Sri Yatun’s Escape*, THE WASH. POST (Oct. 6, 2021), <https://www.washingtonpost.com/magazine/2021/10/06/domestic-workers-diplomats/> [<https://perma.cc/VR8X-HW6L>].

28. Office to Monitor and Combat Trafficking in Persons, *supra* note 13.

29. *Id.*

deployed in active combat to be considered a child soldier, but can also be used as a spy, cook, porter, or messenger.³⁰ Furthermore, child soldiers have been used by a variety of groups including governments, rebels, paramilitary groups, and other combatant forces.³¹ These children are, usually, either abducted or recruited by force, but sometimes they will join themselves, believing that “the armed groups offer the best chance for survival.”³²

B. Sex Trafficking

The second type of human trafficking is known as sex trafficking. Sex trafficking can occur in one of two ways: (1) an adult engages in a commercial sex act, such as prostitution, as a result of force, threats of force, fraud, coercion, or any combination of these means; or (2) a minor engages in any commercial sex act.³³ It is important to note that a victim of sex trafficking does not need to move locations in order to be considered trafficked, so long as one of the above criteria is met. Whenever a person is involved in the “recruiting, harboring, enticing, transporting, providing, obtaining, patronizing, soliciting, or maintaining a person for that purpose[.]” they are engaged in sex trafficking.³⁴

II. TRAFFICKING VICTIMS PREVENTION ACT REAUTHORIZATIONS AND AMENDMENTS

Following the United Nations’ lead, Congress decided action must be taken to fight against human trafficking, so it passed the Trafficking Victims Protection Act in 2000 to address these issues.³⁵ The bill passed with bipartisan support; only one congressperson voted against it in either chamber.³⁶ The law was enacted to create a multifaceted approach to fighting human trafficking.³⁷ The law focused on a framework surrounding

30. *Id.*

31. *Id.*

32. Marcus Bleasdale, *Children and Armed Conflict*, HUMAN RIGHTS WATCH (2013), <https://www.hrw.org/topic/childrens-rights/children-and-armed-conflict> [https://perma.cc/L8JP-PZWE].

33. Office to Monitor and Combat Trafficking in Persons, *supra* note 13.

34. *Id.*

35. G.A. Res. 55/25, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Nov. 15, 2000).

36. Chacon, *supra* note 10, at 2989.

37. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464.

“the three Ps”; a multi-pronged approach to combat human trafficking with a focus on protection, prevention, and prosecution.³⁸ These macroscopic ideas regarding human trafficking provided a framework by which to allocate resources addressing each stage of trafficking’s harms.

A. Protection

One of the goals of the TVPA is to protect people who have been victims of trafficking. A form of this protection was a new immigration visa, called a T-Visa.³⁹ A T-Visa allows a qualifying individual to stay in the United States for up to four years, with extensions granted in limited circumstances.⁴⁰ T-Visas are special because they are only available to victims of human trafficking. To receive a T-Visa, a refugee must prove they:

- (1) Are or were a victim of a severe form of trafficking in persons as defined above;
- (2) Are physically present in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking;
- (3) Have complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (unless you were under the age of 18 at the time at least one of the acts of trafficking occurred or you are unable to cooperate due to physical or psychological trauma; if either case applies, you may not need to show that you complied with reasonable requests from law enforcement);

38. Office to Monitor and Combat Trafficking in Persons, *3Ps: Prosecution, Protection, and Prevention*, U.S. DEPT. OF STATE, <https://www.state.gov/3ps-prosecution-protection-and-prevention/> [https://perma.cc/6PM7-AMLE] (last accessed Mar. 8, 2024).

39. *Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-of-human-trafficking-t-nonimmigrant-status#:~:text=In%20October%202000%2C%20Congress%20created,Violence%20Protection%20Act%20of%202000> [https://perma.cc/6PM7-AMLE] (last accessed Mar. 8, 2024) (“In October 2000, Congress created “T” nonimmigrant status by passing the Trafficking Victims Protection Act (TVPA), part of the Victims of Trafficking and Violence Protection Act of 2000.”).

40. *Id.* (“T nonimmigrant status is valid for up to 4 years. Extensions are available in certain limited circumstances.”).

- (4) Demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States; and
- (5) Are admissible to the United States (If you are not admissible, you may be eligible for a waiver of certain grounds of inadmissibility. You may apply for a waiver using a Form I-192, Application for Advance Permission to Enter as a Nonimmigrant).⁴¹

Victims must submit their application forms, along with evidence they meet the above criteria, to the United States Citizen and Immigration Services (a branch of the Department of Homeland Security).⁴² The TVPA allocates only 5,000 T-Visas a year.⁴³ Despite this, the Department of Homeland Security has received only around 2,000 applications each year, of which about 1,500 are granted.⁴⁴ There are many theories as to why T-Visas are being underutilized. For one, some policy agencies may be concerned that supplying a declaration for a T-Visa will put that agency at risk if the applicant commits a serious crime while in the country.⁴⁵ Another theory is that local police departments may believe the T-Visa program is the duty of the Federal Government when, in reality, local law enforcement agencies are often responsible for providing T-Visa declarations.⁴⁶ Further, the requirements to receive a T-Visa are very strict, making it difficult to gain eligibility.⁴⁷ Specifically, requiring that victims

41. *Id.*

42. *I-914, Application for T Nonimmigrant Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/i-914> [<https://perma.cc/AV32-KPQQ>] (last accessed Mar. 8, 2024).

43. Madeline Sloan, *T Visas Protect Victims of Human Trafficking and Strengthen Community Relationships*, POLICE EXEC. RSCH. FORUM, <https://www.policeforum.org/assets/TVisas.pdf> [<https://perma.cc/D8NS-GDK4>].

44. *Id.*

45. *Id.* at 3.

46. *Id.* at 3-4 (“To qualify for a T Visa, a victim of trafficking must demonstrate to United States Citizenship and Immigration Services (USCIS) that he or she assisted a law enforcement agency in the investigation or prosecution of human trafficking. To meet this requirement, victims may ask police to provide a statement as evidentiary support of their cooperation. This statement, or declaration, is known as USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim in Trafficking of Persons.”).

47. *Id.* at 3.

prove “extreme hardship” or aid law enforcement may put unnecessary barriers in the way of meaningful protection.⁴⁸

B. Prevention

The TVPA also aims to prevent trafficking at the source by promoting stricter criminalization in foreign nations.⁴⁹ For example, the TVPA makes a list of “Minimum Standards for the Elimination of Trafficking”, which require the following:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.⁵⁰

The law then provides that it is the United States’ policy to avoid conducting non-humanitarian, non-trade-related assistance to any country that fails to meet the United States’ standards for the elimination of trafficking.⁵¹ Therefore, countries are incentivized to take action to end trafficking before these victims are forced out of their home countries. In turn, this alleviates pressure on the American justice system, which should act as the final check in preventing international human trafficking.

48. *Id.* at 6 (“Evidence of extreme hardship may include the physical and psychological trauma caused by the trafficking, loss of access to U.S. courts and the criminal justice system, and the likelihood of retaliation or re-victimization by the trafficker.”).

49. 22 U.S.C.A. § 7106.

50. *Id.*

51. *Id.* at § 7107(a).

To reach this end, the Secretary of State's office is required to submit an annual report to Congress.⁵² The report is known as the Trafficking in Persons Report (TIP), and it is required to include:

- (A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;
- (B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance;
- (C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance;
- (D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization's employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking;
- (E) reporting and analysis on the emergence or shifting of global patterns in human trafficking, including data on the number of victims trafficked to, through, or from major source and destination countries, disaggregated by nationality, gender, and age, to the extent possible;
- (F) emerging issues in human trafficking;
- (G) a section entitled "Promising Practices in the Eradication of Trafficking in Persons" to highlight effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and
- (H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such

52. *Id.* at § 7107(b)(1).

actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 7106 of this title.⁵³

In short, the TVPA prohibits the United States from offering any non-humanitarian or non-trade foreign assistance to countries that have not met these minimum standards or are making significant efforts to meet these standards.⁵⁴

The Trafficking in Persons report (TIP), and its effects, are an invaluable tool in the fight against human trafficking. It offers a framework of quantifiable metrics used to measure the severity of a nation's trafficking problem, while simultaneously giving a set of manageable standards for measuring a country's efforts in solving this problem. However, the TIP's standards are far from perfect. Critics point out that the standards are created solely by the United States; which can be problematic when a worldwide problem is being addressed.⁵⁵ To fix this, the TIP should include clearer methodology, including more international sources for both the data and definitions it relies on. Without these improvements, it would be easy for the government to manipulate its results by unilaterally changing definitions or metrics to suit a political purpose.⁵⁶

53. *Id.*

54. *Id.*

55. Brendan Hyatt, *TIP-ping the Scales: Bias in the Trafficking in Persons Report?*, HUMAN TRAFFICKING SEARCH (Nov. 29, 2022), <https://humantraffickingsearch.org/tip-ping-the-scales-bias-in-the-trafficking-in-persons-report/> [https://perma.cc/RDJ2-ZWQW] (“Professor Glenn Harden of Ashbury University noted in his recent presentation, ‘Evaluating Bias in U.S. TIP Reports and Sanction Decisions’ where he shared findings from his soon to be released report on the subject, that TIP reports do, to some extent, favor countries that align with the U.S. militarily in U.N. votes. He also noted that cultural insensitivity likely plays a role in the TIP report creation and recommends an approach that features more openness to TIP policies that might work better in non-Western cultural environments.”).

56. *Id.* (“The vagueness of parts of TIP Reports’ methodology paired with the Report’s significance factors raises important questions about how bias plays into TIP report narratives and scores. With any report, there is always some bias at play – after all, we should always expect a report created and funded by a particular country’s government to at least loosely align with the interests of that government. In the context of the TIP Report, in 2015 Reuters reported that politically-motivated State Department diplomats were ‘watering down’ TIP Reports based on diplomatic motives, sometimes overriding the human trafficking

C. Prosecutions

The TVPA has also attempted to combat trafficking through the increased prosecution of traffickers.⁵⁷ Section 112 of the original TVPA doubles the existing penalty for trafficking and adds a provision allowing for a life sentence when death results from the trafficking.⁵⁸ The section expressly condemns and outlines punishment for the “unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor” and adds mandatory restitution to the victims of trafficking.⁵⁹ Evidenced by adding more crimes and increasing the punishment for existing crimes, Congressional intent prioritizes the prosecution of human traffickers, but this approach could be problematic.

Due to the nature of trafficking, the victims of the crime are often also committing crimes themselves. People caught in sex trafficking are often engaging in prostitution, and those caught in labor trafficking are often violating immigration laws.⁶⁰ A prosecution-based system risks punishing victims and preventing them from receiving needed support.⁶¹ Until these issues are addressed and reevaluated, the TVPA will not be able to appropriately protect victims of trafficking.

experts who play a principal role in the creation of the reports. The U.S. has also been criticized for consistently placing itself in the highest tier amidst a decline in prosecutions and victim protection, two of the ‘three Ps’ upon which countries are assessed.”).

57. Office to Monitor and Combat Trafficking in Persons, *supra* note 38.

58. Caplinger, *supra* note 13 (“strik[e] ‘10 years’ and insert[] ‘20 years’; If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”)

59. 18 U.S.C.A §§ 1592, 1593.

60. *Human Trafficking and Sex Work*, DECRIMINALIZE SEX WORK, https://decriminalizesex.work/why-decriminalization/briefing-papers/human-trafficking-and-sex-work/?gclid=CjwKCAjw586hBhBrEiwAQYEnHWtX-0JxDVkr91gn5D2b1AnWPAqvAhAWjevR_VF5xH_pbVM20yszBoCDY4QAvD_BwE [https://perma.cc/3MRV-URGT].

61. *Id.* (“Trafficking victims are often prosecuted for crimes that they were forced to commit. Convictions for these crimes prevent survivors from accessing critical social resources when attempting to recover from being exploited.”).

III. SOLUTIONS AND CHANGES

The TVPA has created several useful avenues through which the United States can combat human trafficking. However, the TVPA is not operating at its maximum effectiveness. There are still certain shortcomings despite over two decades of amendments and improvements.⁶² If the United States is serious about eradicating human trafficking, the TVPA should be amended to include changes that would do the following: (1) incentivize improved local police training; (2) provide more social assistance to victims of trafficking; (3) incentivize individual states to create a process for the expungement of crimes committed incidental to a victim's trafficking; (4) incorporate international guidelines and standards into the Trafficking in Persons Report; (5) revise the prerequisite conditions to receiving a T-Visa; and (6) include new laws which would grant further protections for certain exploited workers.

A. Local Police Training

Local law enforcement agencies often underestimate their role in the fight against human trafficking.⁶³ This is particularly problematic because these agencies are often closest to the trafficking itself. Furthermore, these agencies are typically the ones responsible for certifying the status requirements for victims who apply for T-Visas. The easiest way to fight these misconceptions and create federal standards for enforcement of the TVPA is the creation of police grants which are conditional on trafficking-oriented training programs. The Federal Government's prior success in its response to woman-directed violence also involved conditional grants.⁶⁴

The Department of Justice's Office on Violence Against Women (OVW) is responsible for "administer[ing] 19 grant programs authorized by the Violence Against Women Act (VAWA) of 1994 and subsequent legislation."⁶⁵ Of these grants, four are called Formula Grant Programs, where the distribution of funds is specifically laid out by statute and the

62. Many of Jennifer Chacon's criticisms made in 2006 have still yet to be addressed by Congress. *See* Chacon, *supra* note 10.

63. Sloan, *supra* note 43.

64. *See generally* Off. on Violence Against Women, U.S. Dept. of Just., 2020 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act (2020).

65. *OVW Grants and Programs*, OFF. ON VIOLENCE AGAINST WOMEN, U.S. DEPT. OF JUST., <https://www.justice.gov/ovw/grant-programs> [<https://perma.cc/DJ39-EQ7D>] (last accessed Mar. 8, 2024).

remainder are known as Discretionary Grant Programs, where Congress authorizes the OVM to create their own “program parameters, qualifications, eligibility, and deliverables in accordance with authorizing legislation.”⁶⁶ The OVW explained that these grants were created to develop the United States’ ability to fight sexual violence by offering improved services to victims while simultaneously holding offenders accountable for their crimes.⁶⁷ New contingent grants focused on anti-human trafficking training would be par for OVW’s course. This training should focus both on local law enforcement’s responsibilities regarding the T-Visas and be directed towards anti-human trafficking best practices.

Several places which provide these trainings and resources already exist. The Department of Homeland Security’s Blue Campaign⁶⁸ offers a list of resources that explains the indicators of trafficking and warns, “[l]aw enforcement officials may encounter a potential victim of human trafficking during the course of their duties, during domestic disturbance calls, when responding to incidents at massage parlors, bars, and strip clubs, or even during routine traffic stops. Recognizing key indicators can save a life.”⁶⁹ Polaris is another organization that provides training and information designed to broaden the understanding of trafficking as an issue.⁷⁰

66. *Id.*

67. *Id.*

68. *Blue Campaign*, U.S. DEPT. OF HOMELAND SECURITY, <https://www.dhs.gov/blue-campaign> [<https://perma.cc/3U57-9TEV>] (last accessed Jan. 10, 2024) (“Blue Campaign is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases. Blue Campaign works closely with DHS Components to develop general awareness trainings, as well as specific educational resources to help reduce victimization within vulnerable populations. Located within the Office of Partnership and Engagement and aligned with the DHS Center for Countering Human Trafficking, Blue Campaign leverages partnerships with the private sector, Non-Governmental Organizations (NGO), law enforcement, and state/local authorities to maximize national public engagement on anti-human trafficking efforts. Blue Campaign’s educational awareness objectives consists of two foundational elements, prevention of human trafficking and protection of exploited persons.”).

69. *Id.* (under the “How You Can Help” tab, click on “Law Enforcement”).

70. Polaris is a 501(c)3 nonprofit organization which aims to prevent slavery and trafficking. Their mission statement reads, “Named after the North Star, an historical symbol of freedom, Polaris is leading a survivor-centered, justice- and equity-driven movement to end human trafficking. Since 2007, Polaris has operated the U.S. National Human Trafficking Hotline, connecting victims and

Congress should amend the TVPA to authorize creation of grants that the OVW could distribute to law enforcement agencies that certify trafficking response training. The guidelines should authorize OVW to accredit certain training providers and disperse grants to agencies that participate. With this assistance, local law enforcement agencies would be able to protect victims of trafficking more adequately and effectively.

B. Social Services and Outreach

Social services are a necessary tool for victims of trafficking to reenter society and reclaim their normal lives. These victims often require assistance such as food, shelter, clothing, medical aid, legal aid, job training, and education. Tragically, there are many barriers for victims attempting to receive these services.⁷¹ For example, victims who are not U.S. citizens and have not yet received their certification letter from the Department of Health and Human Services (DHHS) cannot access federally funded benefits and services.⁷² According to DHHS reports, there has not been a single year from 2001 to 2020 where more than 650 certificates were granted.⁷³ Though there are not many estimates for the number of people trafficked into the United States, in 2005 the Attorney General estimated that it could be upwards of 14,500 people a year.⁷⁴

survivors to support and services, and helping communities hold traffickers accountable. Through that work, Polaris has built the largest known dataset on human trafficking in North America. The data and expertise gained from two decades of working on trafficking situations in real time informs strategies that hold traffickers accountable, support survivors on their healing journeys and address the vulnerabilities that enable the business of stealing freedom for profit.” *Mission and Vision*, POLARIS PROJ., <https://polarisproject.org/about-us/> [<https://perma.cc/C8JK-ZG8W>] (last accessed Mar. 8, 2024).

71. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, SERVICES AVAILABLE TO VICTIMS OF HUMAN TRAFFICKING 3 (May 2012 ed.), https://www.acf.hhs.gov/sites/default/files/documents/orr/traffickingservices_0.pdf [<https://perma.cc/XT4C-HYCJ>].

72. These victims are classified as “pre-certified victims.” *Id.* at 2.

73. *Certification and Eligibility Letters Issues*, OFF. ON TRAFFICKING IN PERSONS, U.S. DEPT. OF HEALTH AND HUMAN SERVICES, <https://www.acf.hhs.gov/otip/data/resource/lettersissued> [<https://perma.cc/E6A4-TD9F>] (last accessed Mar. 8, 2024).

74. Office for Victims of Crime, *Human Trafficking: Available Statistics*, OVC ARCHIVE (2005).

Therefore, most victims are in the pre-certified category. Luckily, various NGOs exist to offer support and services to victims of human trafficking.⁷⁵

While these NGOs are very effective, the responsibility of support should not fall on private actors.⁷⁶ The TVPA should be amended to authorize trafficking related assistance to be available during the pendency of a victim's application for certification. Furthermore, the TVPA should authorize the creation of federal grants which these NGOs can apply for. Finally, the TVPA should incentivize state governments to pass provisions that would allow for all trafficking victims to be eligible for state-funded support.

The 2023 reauthorization of the TVPA made the groundbreaking step of creating a pilot program under which communities can apply to the Federal Government to develop systems aimed at providing support to underage victims of sex trafficking.⁷⁷ Once received, the funding may be used for:

- (i) providing residential care, including temporary or long term placement as appropriate;
- (ii) providing 24-hour emergency social services response;
- (iii) providing clothing and other daily necessities needed to keep individuals from returning to living on the street;
- (iv) case management services;
- (v) mental health counseling, including specialized counseling and substance abuse treatment;
- (vi) legal services;
- (vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking and labor trafficking victims on issues related to the sex trafficking and labor trafficking of minors; and
- (viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking and labor trafficking of minors.⁷⁸

This pilot program is a great first step, but its scope should be expanded to reach maximum effectiveness. The program should be amended to

75. An NGO is a nongovernmental organization, usually something like a food bank, shelter, or community aid center. *See e.g., supra* note 70.

76. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, *supra* note 71.

77. 34 U.S.C.A § 20702.

78. 34 U.S.C.A § 20702(b)(2)(B).

broaden the eligibility requirements. Children should still be prioritized, but adult victims of trafficking need support as well.⁷⁹

Importantly, social support should not be limited to people who are already victims of trafficking, because by the time someone is a victim, she has already lost more than any organization can provide her with. Once people become trafficked, they often “exhibit signs of anxiety, emotional numbness, memory loss, and depression. They may develop post-traumatic stress disorder (PTSD), a dependence on substance or alcohol use, and/or eating disorders. The consequences of trafficking can be long-lasting, impacting the individual, their interpersonal relationships, and potentially resulting in intergenerational cycles of victimization.”⁸⁰ No amount of government assistance will fully make up for trauma that a trafficked individual is faced with. To prevent this, the TVPA needs language addressing the socioeconomic factors that lead people into trafficking. The United Nations International Children’s Emergency Fund (UNICEF) writes that “[u]ltimately, harmful social norms and systemic inequity fuel trafficking because traffickers target vulnerability. Traffickers look for people living in poverty, who are desperate, without legitimate job options, without educational opportunities, and looking for a way to escape.”⁸¹ These are the root causes that the TVPA’s social outreach should attempt to address.

The public should have more exposure to the root causes of sex/human trafficking and the factors that influence people to become victims of trafficking. This would have a two-tiered effect. First, this would help to combat existing disinformation about trafficking. Many people believe that human trafficking is the result of kidnapping by strangers or other individuals.⁸² In reality, most people are brought into trafficking by

79. Children should still be given priority since they are a more vulnerable class of victims.

80. Katherine Chon, *Mental Health Resources for Human Trafficking Survivors and Allies*, ASSOC. FOR CHILDREN AND FAMILIES (Oct. 13, 2021), <https://www.acf.hhs.gov/blog/2021/10/mental-health-resources-human-trafficking-survivors-and-allies#:~:text=Studies%20show%20that%20individuals%20who,%2C%20and%20for%20eating%20disorders> [https://perma.cc/U8TR-NQQJ].

81. Hannah Gould, *What Fuels Human Trafficking?*, UNICEF USA (Jan. 13, 2017), <https://www.unicefusa.org/stories/what-fuels-human-trafficking#:~:text=Mass%20displacement%2C%20conflict%2C%20extreme%20poverty,individuals%20into%20situations%20of%20trafficking> [https://perma.cc/RA8N-KS8F].

82. *Human Trafficking Myths vs Reality – Six Most Common Myths*, HUMAN TRAFFICKING INTERAGENCY COORDINATING COUNCIL, STATE OF DELAWARE, <https://dhss.delaware.gov/dhss/admin/files/hticcmythsvsreality2021.pdf> [https://perma.cc/S5QQ-3TV8].

someone they know.⁸³ In fact, 42% of the known instances of trafficking, the victim was trafficked by a member of their own family.⁸⁴ Second, social outreach would teach the public to recognize instances of human trafficking, which would help identify victims of trafficking.

C. Incentivize Individual States to Create a Process for Expungement

Victims of trafficking are often themselves at risk of prosecution. Sex trafficking is partially defined by the engagement in a commercial sex act.⁸⁵ Additionally, traffickers are often able to exploit the fact that their victims are not legally in the United States to further control and abuse them.⁸⁶ Therefore, these victims may be punished as criminals by the same government that is trying to protect them. If there is a recognized system to provide legal expungements; trafficking victims will be able to seek haven from a system that is currently targeting them.

Victims of trafficking may be hesitant to report any crimes or violence committed for fear of legal retribution. Human Rights Watch points out that because sex work is illegal, sex workers lose their ability to seek justice.⁸⁷ “Sex workers may be in a position to have important information about crimes such as human trafficking and sexual exploitation of children, but unless the work they themselves do is not treated as criminal, they are unlikely to feel safe reporting this information to the police.”⁸⁸ If these crimes continue to go unreported, those who are both sex workers and crime victims will have a more difficult time achieving justice.

83. Emery Winter, *No, Most Sex Trafficking Victims Are Not Kidnapped By Strangers*, VERIFY (Jan. 10, 2022), <https://www.verifythis.com/article/news/verify/social-media/most-human-sex-trafficking-victims-not-abducted-kidnapped-by-strangers/536-68b63413-81be-490f-aa66-9000d44650c5> [https://perma.cc/9SCR-3U7R].

84. *Human Trafficking Trends in 2020*, POLARIS <https://polarisproject.org/2020-us-national-human-trafficking-hotline-statistics/> [https://perma.cc/87DU-4DLN] (last accessed Mar. 8, 2024).

85. *What is Modern Slavery?*, *supra* note 14.

86. *Victims of Human Trafficking and Other Crimes*, U.S. CITIZEN AND IMMIGRATION SERVICES, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes#:~:text=Traffickers%20and%20abusers%20often%20use,for%20help%20after%20experiencing%20victimization> [https://perma.cc/82QQ-PRZ9] (last accessed Mar. 8, 2024).

87. *Why Sex Work Should Be Decriminalized*, HUMAN RIGHTS WATCH (Aug. 7, 2019), <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized> [https://perma.cc/KG6K-XQMS].

88. *Id.*

Furthermore, the prosecution of victims leads to a higher risk of falling again into the perils of trafficking. A 2017 article in the American Medical Association Journal of Ethics points out, “[t]he inability to hide an arrest and conviction for prostitution makes obtaining formal employment, housing, benefits, and community support significantly more difficult. Fines, fees, and costs associated with an arrest exacerbate poverty, which significantly increases a person’s vulnerability to trafficking and other forms of exploitation.”⁸⁹ If there were a system to expunge convictions, victims of trafficking would have an easier time achieving government assistance and support. Reentry into society would be made easier once these barriers to entry were removed.

The Human Trafficking Institute reports that nearly 75% of people trafficked within America are immigrants, and that 49% of trafficking cases filed in 2021 reported undocumented immigration status as a vulnerability.⁹⁰ Immigration reform has historically been left out of trafficking legislation to increase bipartisan support for the legislation, but critics argue that the two are inseparable.⁹¹ The current system, they say, is not doing enough, going as far as to conclude that America’s existing immigration policies “are aiding and abetting human trafficking.”⁹²

Until the criminal status of these victims is addressed, the victims will have no reason to get help or even trust that the government would protect them. If states created a way for these victims to expunge their trafficking related offenses, victims would be able to go straight to the police and end the cycle of abuse which the current system perpetuates. Furthermore, officers should be trained to inform suspected trafficking victims of this expungement program. Doing so would build a system of trust between these victims and law enforcement, hopefully leading to more victims coming forward and receiving help.

D. Improving the TIP

As it is currently written, the United States’ minimum standards for the elimination of human trafficking are set forth in the TVPA.⁹³ These

89. Erin Albright & Kate D’Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, 19 AMA J ETHICS 122 (2017).

90. Haley York, *U.S. Immigration Policy and Human Trafficking: Two Sides of the Same Coin*, HUMAN TRAFFICKING INST. (Aug. 11, 2022) <https://traffickinginstitute.org/u-s-immigration-policy-and-human-trafficking-two-sides-of-the-same-coin/>.

91. *Id.*

92. *Id.*

93. 22 U.S.C § 7106.

criteria were set at the sole discretion of the United States Congress.⁹⁴ The United Nations' definition of trafficking in persons, however, is different from the one listed in the TIP.⁹⁵ This definitional distinction can lead to difficulties in international enforcement because it does not provide a perfect overlap in terms. Furthermore, critics point out how the methodology in the TIP is subject to scrutiny and skepticism.⁹⁶ This is partially due to the constraints of the data set: it is very difficult to find accurate and reliable data for each country's incidence of trafficking.⁹⁷

If the United States wants foreign governments to respect the legitimacy of its findings, there must be very little room for error. The United States needs to take every reasonable measure to ensure the credibility and accuracy of its report. To achieve this end, the United States should first follow the findings and recommendations of Anne Gallagher in her article *Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the US Trafficking in Persons Reports*.⁹⁸ There, Gallagher writes that the United States needs to be transparent with the existing shortcomings in the dataset and acknowledge that coming up with an accurate number for global trafficking is near impossible.⁹⁹ Next, the TVPA should revise the TIP's grading criteria to be more in line with international laws. The definitions and standards should be more parallel, offering more legitimacy to the United States' findings. These changes should be adopted by an amendment to Section 110 of the TVPA.

E. Revising the Prerequisite Conditions for T-Visas

The T-Visa is currently being used as a tool to encourage immigrant victims of trafficking to report their situation.¹⁰⁰ However, the T-Visa should be used as more than just a tool to aid in prosecutions. Instead, it

94. See Hyatt, *supra* note 55.

95. Anne Gallagher, *Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the US Trafficking in Persons Reports*, 12 HUM RIGHTS REV. 381 (2011).

96. *Id.* See also Hyatt, *supra* note 55..

97. Gallagher, *supra* note 95.

98. *Id.*

99. *Id.*

100. Sloan, *supra* note 43.

should be a freestanding program providing an avenue for trafficked individuals to find safety and support within American borders.¹⁰¹

For this to happen, T-Visas should be subject to more relaxed criteria. For example, the requirement that victims either reasonably aid law enforcement or otherwise show that doing so would result in severe emotional distress forces victims to relive some of the most traumatic moments of their lives for a mere chance at a better one.¹⁰² The concept of freedom and safety within the United States should be more than a carrot on a stick used to secure easier convictions; victims should be offered protection regardless of their ability to aid in a prosecution. Instead, the TVPA should be amended to provide for priority screening to victims who aid in prosecutions, but not to eliminate eligibility for those who do not. A trafficking victim who aids in prosecution should have their T-Visa application flagged for quicker processing. This change would still support America's policy of securing convictions against traffickers but still offer legal protection status to victims who are unable to take part in a prosecution.

Next, the requirement that a victim demonstrate severe hardship if he was removed from the United States should be amended. Victims of trafficking may not have any way to prove this hardship; requiring victims to show "severe and unusual harm" puts already-exploited people further against the ropes.¹⁰³ This requirement should be replaced with a presumption that the victim will be in extreme hardship, shifting the burden to the government to find that a victim could safely return to their country.

Immigration advocates point out several flaws with the current T-Visa system, including long processing times, excessive denied applications, and confusing prerequisites.¹⁰⁴ The data seems to support these critiques. In the past five years, the average time to process a T-Visa application

101. Making victims freedom dependent on a quid pro quo type agreement treats these victims as little more than pawns in a prosecutor's game and does little to actually protect the victims.

102. Chon, *supra* note 80.

103. The evidence of severe hardship is often self-apparent: victims of trafficking are intentionally forced into situations where they have little familiarity or safety. Furthermore, it is usually severe hardship in a victim's native country that forced these people into trafficking in the first place. See Zeldin, *supra* note 20.

104. Sarah Betancour & Jenifer B. McKim, *For Labor Trafficked Immigrants, T-visas Are a Life-saving but Flawed Relief*, GBH NEWS (Oct. 24, 2022), <https://www.wgbh.org/news/local-news/2022/10/24/for-labor-trafficked-immigrants-t-visas-are-a-life-saving-but-flawed-relief> [https://perma.cc/4C2X-RXCY].

ranged from 11.6 to 18.6 months.¹⁰⁵ This is far too long for people to be waiting in limbo for permission to safely exist. During this period, it can be difficult if not impossible for victims to find lawful employment and start a new life.¹⁰⁶ Additionally, the percentage of applications being approved has been on a steady decline.¹⁰⁷ Going back ten years, 90% of T-Visa applications were approved, but in 2021 that number dropped to just 61%.¹⁰⁸ One theory blames these denials on “new, overly narrow, and harsh interpretations of the standards required to meet the definition of a victim of severe forms of trafficking.”¹⁰⁹ Congress recognized the need for relief; it not only created a new type of visa but also made a statutory allocation of 5,000 T-Visas per year. However far fewer have been applied for, let alone accepted. Congress did not create this type of relief just to make it inaccessible, so it should reevaluate the prerequisites for T-Visas so the intended scale of relief can be actualized.¹¹⁰

F. Passage of New Laws Supporting Domestic Workers

Finally, the TVPA should be amended to add new laws to support domestic workers, such as the Domestic Workers Bill of Rights.¹¹¹

105. *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://egov.uscis.gov/processing-times/historic-pt> [<https://perma.cc/3J3L-VT5V>] (last accessed Feb. 15, 2024).

106. Sarah Betancour & Jenifer B. McKim, *supra* note 104.

107. *Number of Form I-914 Application for T Nonimmigrant Status By Fiscal Year, Quarter, and Case Status Fiscal Years 2008-2022*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES https://www.uscis.gov/sites/default/files/document/data/I914t_visastatistics_fy2022_qtr3.pdf [<https://perma.cc/96JU-32AP>].

108. *Id.*

109. Yael Schacher, *Abused, Blamed, and Refused: Protection Denied to Women and Children Trafficked Over the U.S. Southern Border*, REFUGEES INT’L (May 21, 2019), <https://www.refugeesinternational.org/reports-briefs/abused-blamed-and-refused-protection-denied-to-women-and-children-trafficked-over-the-u-s-southern-border/> [<https://perma.cc/BU2L-QYB5>].

110. See Julie Dahlstrom, *Trafficking and the Shallow State*, 12 U.C. IRVINE L. REV. 61, 109 (2021) (“On October 28, 2020, the Congressional Research Service issued a report to members of Congress, asking policymakers to ‘look at factors that potentially contribute to what some observers consider to be underutilization’ of the T visa program. It encouraged investigation of elements of the application process that ‘impede victims from applying for T status or create difficulties for victims.’” (internal citations omitted)).

111. The Domestic Worker’s Bill of Rights aims to provide labor protections for domestic workers throughout America. Currently these workers are exempt

Domestic workers made up the largest portion of victims of labor trafficking reported in the United States.¹¹² Despite that fact, domestic workers are still left out of almost every major federal labor protection law.¹¹³ Also, domestic workers often work in isolated and informal working conditions, leaving them susceptible to labor trafficking.¹¹⁴ The Domestic Worker's Bill of Rights—recently introduced in both houses of Congress—aims to change that.¹¹⁵ With enumerated protections offered to these types of workers, they will be at less risk of falling victim to their employers. The TVPA should be amended to include this piece of legislation.

CONCLUSION

Slavery may be abolished, but it is nowhere near eradicated. Thousands of people from every country on earth are being forced into human trafficking. Whether sex trafficking or labor trafficking, victims of these systems have their rights and freedoms stripped away for the profits or pleasure of another person. Congress has not been silent on this issue. The Trafficking Victims Protection Act has been around for over two decades. However, despite numerous amendments, it remains unable to reach its goal.

The TVPA should be amended to explicitly provide training and resources to local police departments. Next, the law needs to authorize an increase in social services and outreach especially in at-risk communities. The TVPA should also add provisions that incentivize state governments to decriminalize certain crimes that trafficked people are forced to commit. The guidelines for the Trafficking in Persons Report should also be updated to increase transparency and legitimacy of its findings. The T-Visa, which was created by the TVPA, should be made more accessible to provide respite for trafficking victims. Finally, the law should encompass

from most guaranteed federal labor laws. *Congressional Priorities*, POLARIS, <https://polarisproject.org/congressional-priorities/> [<https://perma.cc/JNL4-FE7K>] (last accessed Mar. 8, 2024).

112. *Id.*

113. *Contact Congress and Demand Equal Rights*, POLARIS, https://secure.polarisproject.org/action/contact-congress-and-demand-equal-rights?ms=website_cp_advocacy&utm_campaign=advocacy&utm_campaign=website&utm_campaign=conprpage&utm_content=domesticworkers%E81%8C [<https://perma.cc/E3R8-VQMV>] (last accessed Mar. 8, 2024).

114. *What is Modern Slavery?*, *supra* note 14.

115. Domestic Workers Bill of Rights Act, S. 2569, 117th Cong. (2021); Domestic Workers Bill of Rights Act, H.R. 3760, 116th Cong. (2019).

other pending laws such as the Domestic Workers Bill of Rights. Once these changes are made, the TVPA will truly protect victims and be worthy of the praise it has received.