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LABOR TRAFFICKING – AN UNDERREPORTED ESCALATING CRISIS

APRIL 19, 2023

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According to the [International Labor Association](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf) (https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf), the latest global estimates published in 2022 indicate that 50 million people live in conditions of modern-day slavery. More than half (28 million) live in forced labor conditions, with child labor accounting for 3.3 million. It is further estimated that forced labor generates \$150 billion annually. The circumstances seem to be deteriorating around this issue, likely due to a combination of factors such as social and economic repercussions from the ongoing worldwide COVID-19 pandemic, as the number of people exploited rose from 40.3 million (https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_854733.pdf) in 2016 to 49.6 million in 2021.

REASONS FOR UNDERREPORTING

Because forced labor is often viewed as an international issue, it is sometimes neglected and routinely occurs in the United States, despite laws and ratified trafficking legislation to protect people. Most people would not recognize the signs of labor trafficking, and some would not even identify what they observed as trafficking. Labor trafficking for forced labor in the U.S. can be identified in many forms to include debt bondage, involuntary servitude, coercion, and violence. Forced labor can include farming, construction, service industry, domestic work, and even begging.

For decades, law enforcement agencies and academia focused heavily on sex trafficking, gathering data, and conducting research to assist in its prevention with little attention directed at labor exploitation. Immigrants are particularly vulnerable to labor trafficking, partly as a direct result of their migration. According to the [U.S. Department of Treasury](https://www.fincen.gov/news/news-releases/fincen-issues-alert-human-smuggling-along-southwest-border-united-states) (<https://www.fincen.gov/news/news-releases/fincen-issues-alert-human-smuggling-along-southwest-border-united-states>), trafficking and smuggling at the U.S. southwest border generates an estimated \$2-\$6 billion annually. From a policing lens, human trafficking enforcement has been largely focused on sex trafficking, with few labor trafficking cases identified and prosecuted.

The global pandemic affected the workforce and supply chain of goods, creating the perfect storm for trafficking men, women, and children for labor in the U.S.

Conversely, [experts](https://www.kirkusreviews.com/book-reviews/monique-villa/slaves-among-us/) (<https://www.kirkusreviews.com/book-reviews/monique-villa/slaves-among-us/>) have assessed global trafficking to estimate that 70% of persons are trafficked for forced labor and only 30% for sex. Labor cases are complex to investigate, and many agency representatives are not trained in state and federal labor laws. The Human Trafficking Institute's 2021 [Federal Human Trafficking Report](https://traffickinginstitute.org/federal-human-trafficking-report/) (<https://traffickinginstitute.org/federal-human-trafficking-report/>) indicated that, in the past 20 years, U.S. federal prosecutors concentrated 93% of prosecutions on sex trafficking and only 7% on forced labor cases.

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According to the U.S. State Department's [2022 Trafficking in Persons Report](https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/) (<https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/>), a global "comprehensive resource of governmental anti-trafficking efforts," the U.S. government meets the minimum standards for addressing human trafficking. However, the report noted that:

There was a continued lack of progress to comprehensively address labor trafficking in the United States, including in efforts to identify victims, provide them specialized services, and hold labor traffickers, including contractors and recruiters, accountable.

The Trafficking in Persons Report's first *prioritized recommendation* mentions the need to "increase efforts to comprehensively address labor trafficking in the United States, including identification of and provision of services to labor trafficking victims." According to the report, human trafficking has globally become the second largest criminal activity, rapidly approaching drug trafficking.

U.S. POLICIES AND THEIR EFFECTS ON ILLEGAL IMMIGRATION

Labor trafficking concerns in the U.S. are not a new phenomenon. Congress passed one of the first anti-human trafficking legislations in 2000, the [Victims of Trafficking and Violence Protection Act of 2000](https://www.congress.gov/bill/106th-congress/house-bill/3244) (<https://www.congress.gov/bill/106th-congress/house-bill/3244> [q=%7B%22search%22%3A%5B%22Victims+of+Trafficking+and+Violence+Protection+Act+of+2000%22%5D%7D&s=3&r=1](https://www.congress.gov/bills/106/3244?q=%7B%22search%22%3A%5B%22Victims+of+Trafficking+and+Violence+Protection+Act+of+2000%22%5D%7D&s=3&r=1)), to address concerns about all forms of human trafficking. This legislation has been through several iterations and reauthorized several times over the years (2003, 2005, 2008, 2013, 2019, and 2023 (https://txdem-my.sharepoint.com/personal/cf30166_tdem_texas_gov/Documents/Domestic%20Preparedness%20-%20Cathy/Content/1%20To%20Edit/031423_Schoeberl/Trafficking%20Victims%20Prevention%20and%20Protection%20Reauthorization%20Act%20of%20 to afford more services and protections to survivors and enhance the funding to existing anti-trafficking programs. This crucial legislation has crafted the U.S. response to the human trafficking enigma.

It is widely known that labor trafficking relies on illegal immigration and smuggling. A 2020 report from [Polaris](https://polarisproject.org/resources/the-latino-face-of-human-trafficking-and-exploitation-in-the-united-states/) (<https://polarisproject.org/resources/the-latino-face-of-human-trafficking-and-exploitation-in-the-united-states/>) indicated that, in the agriculture sector, "76 percent of the likely victims were immigrants and nearly half of all likely victims ... were from Mexico." The report credited the elevated number of trafficked Mexicans to the well-established recruitment system that transcends borders. Additional legislation has previously been indirectly in place to address the significant issue surrounding smuggling and labor trafficking, specifically the Public Health Service Act of 1944, which established [Title 42](https://www.govinfo.gov/content/pkg/USCODE-2016-title42/pdf/USCODE-2016-title42.pdf) (<https://www.govinfo.gov/content/pkg/USCODE-2016-title42/pdf/USCODE-2016-title42.pdf>) – explicitly designed to prevent the spread of communicable diseases. Identified as 42 U.S. Code, the act indicated that, if the U.S. Surgeon General determined the existence of an infectious disease in a foreign country, the U.S. Surgeon General (with presidential approval) could prohibit migrants and property from entering the U.S. This order would stay in effect until health officials determine there is no further national threat.

In 1966, the authority was transferred from the U.S. Surgeon General to the Centers for Disease Control (CDC). In March 2020, the Trump administration and the [CDC](https://www.cdc.gov/quarantine/pdf/CDC-Order-Prohibiting-Introduction-of-Persons_Final_3-20-20_3-p.pdf) (https://www.cdc.gov/quarantine/pdf/CDC-Order-Prohibiting-Introduction-of-Persons_Final_3-20-20_3-p.pdf) determined that the COVID-19 pandemic was a dangerous communicable disease, thus prohibiting the entry of persons at the Mexico and Canada borders to avoid spreading the virus. Under the law, U.S. Customs Border Patrol (CBP) was tasked with refusing entry and deporting those who posed a health risk. This process prompted transnational organized crime syndicates to create new ways to prey on migrants in compromised economic conditions with no ability to cross without traffickers' and smugglers' assistance. In 2021, the United Nations Office on Drugs and Crime (UNDOC) [released a report](https://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf) (https://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf) on the impact of COVID-19 on trafficked in persons. The UNDOC conducted a survey of migrants and found that traffickers with ties to transnational organized crime groups have moved their recruitment methods to social media platforms by advertising false jobs. Traffickers establish "front companies" (https://www.fincen.gov/sites/default/files/advisory/2020-10-15/Advisory%20Human%20Trafficking%20508%20FINAL_0.pdf) to hide their clandestine operations and exploit unsuspecting migrants by forcing them to work in, restaurants, bars, massage parlors, and farming.

In 2020, due to the combination of the pandemic's travel restrictions, border closures, and Title 42, illegal crossings at the southern border decreased. CBP reported only 400,651 (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020>) arrests and expulsions by the end of the 2020 fiscal year, cutting CBP's contact numbers in half from the previous 2019 fiscal year data. However, the CBP contacts began to rise in record numbers – 1,662,167 in 2021 and 2,214,652 in 2022 (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>) – as mass migration overwhelmed the border. This data is based on CBP contact, but undocumented migrants continued to cross the U.S.-Mexico border undetected with the assistance of traffickers.

GLOBAL THREATS & DOMESTIC DECISIONS

In October 2022, CBP identified 86,796 (https://www.washingtontimes.com/news/2022/nov/5/border-numbers-worsened-october-historic-number-go/?utm_source=Twitter&utm_medium=SocialFlow) unapprehended migrants (known as *gotaways* by agents) crossing the southern border as smugglers and traffickers continued their illicit operations. The majority of migrants at the height of the pandemic were from [Mexico and the Northern Triangle](https://uh.edu/bti/research/perspectives/bti-finalreport-perspectives-31mar21-released.pdf) (<https://uh.edu/bti/research/perspectives/bti-finalreport-perspectives-31mar21-released.pdf>) countries (i.e., Guatemala, Honduras, and El Salvador), but a migration shift was identified by the end of 2022. In November 2022, research identified 63% (<https://www.pewresearch.org/fact-tank/2023/01/13/monthly-encounters-with-migrants-at-u-s-mexico-border-remain-near-record-highs/#:~:text=But%20that%20is%20no%20longer,%2C%20Nicaragua%2C%20Peru%20and%20Venezuela.>) of the migrants encountered at the border were from other countries – including Columbia, Cuba, and Nicaragua – with a growing number of unaccompanied children. Furthermore, CBP has seen an increasing number of people from other countries – such as [Russia](https://www.borderreport.com/immigration/thousands-of-russians-waiting-south-of-the-border-to-claim-asylum-in-u-s/) (<https://www.borderreport.com/immigration/thousands-of-russians-waiting-south-of-the-border-to-claim-asylum-in-u-s/>), [Asia](https://nypost.com/2023/02/10/number-of-chinese-migrants-caught-at-southern-border-skyrockets-over-700/) (<https://nypost.com/2023/02/10/number-of-chinese-migrants-caught-at-southern-border-skyrockets-over-700/>), and [Africa](https://www.aljazeera.com/news/2021/10/7/african-migrants-forgotten-on-dangerous-treks-to-us-report) (<https://www.aljazeera.com/news/2021/10/7/african-migrants-forgotten-on-dangerous-treks-to-us-report>) – at the southwestern U.S. border. Recently, news organizations have reported that the current surge of migrants has caused economic strains on city's budgets that include [Chicago and New York](https://www.bloomberg.com/news/articles/2022-09-14/illinois-issues-emergency-disaster-order-to-help-asylum-seekers#xj4y7vzkg) (<https://www.bloomberg.com/news/articles/2022-09-14/illinois-issues-emergency-disaster-order-to-help-asylum-seekers#xj4y7vzkg>). In 2023, New York City Mayor, Eric Adams, stated that the city has "no room" (<https://www.reuters.com/world/us/new-york-mayor-says-no-room-his-city-migrants-2023-01-16/>) for migrants and is seeking assistance from the federal government.

Before the implementation of Title 42, U.S. Code [Title 8](https://www.govinfo.gov/content/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapII-partII-sec1182.htm#:~:text=An%20alien%20present%20in%20the,the%20Attorney%20General%2C%20is%20inadmissible.) (<https://www.govinfo.gov/content/pkg/USCODE-2011-title8/html/USCODE-2011-title8-chap12-subchapII-partII-sec1182.htm#:~:text=An%20alien%20present%20in%20the,the%20Attorney%20General%2C%20is%20inadmissible.>) (Aliens and Nationality) mandated that certain U.S. government agencies screen unaccompanied alien children (UAC) and follow specific procedures for entry into the

U.S. UAC are considered children under 18 years of age with no parental, legal guardian, or documented family representation in the United States that can provide care and custody (<https://crsreports.congress.gov/product/pdf/R/R43599>). After Title 42 was in place, CBP arrested or detained UAC, and the agency would expel UAC at the border. Although the Trump administration initiated Title 42, the Biden administration continued the program but altered the code to allow undocumented minors and family units to be processed in the U.S. CBP would continue to detain and arrest UAC, but the agencies tasked with processing and protecting these children included the U.S. Department of Justice, U.S. Department of Homeland Security, and the Department of Health and Human Services. The Department of Health and Human Services' Office of Refugee Resettlement processes and houses the UAC until the placement of the children with vetted sponsors.

The vetting process for these sponsors has been flawed in many aspects, and several sponsors did not have a legitimate immigration status (<https://cis.org/Arthur/Most-UACs-Released-Sponsors-Without-Status>). For example, during the U.S. Senate's 117th first session (<https://www.congress.gov/117/crpt/srpt1/CRPT-117srpt1.pdf>) in 2021, the Homeland Security and Governmental Affairs Committee identified loopholes and gaps in the Office of Refugee Resettlement's vetting system to place UAC in appropriate facilities and homes, some with questionable practices. The Office of Refugee Resettlement reported (<https://www.hhs.gov/sites/default/files/orr-plan-for-uc-program-following-t42-termination.pdf>) receiving an unparalleled number (122,731) of UAC referrals and placing 109,030 UAC with vetted sponsors in fiscal year 2021. During this time, children are allowed to remain in the country while immigration proceeds with the refugee status process to stay permanently in the U.S.

PREDICTIONS FOR A GROWING CRISIS

The global pandemic has decreased the workforce population and affected the supply chain of goods, creating the perfect storm for trafficking men, women, and children for labor in the U.S. As stated, little research has focused on labor trafficking in the U.S. and even less on child trafficking. The U.S. has some of the strictest laws for human trafficking, but little research is available about persons trafficked for labor. In 2021, the International Labor Office and United Nations Children's Fund (UNICEF) conducted a child labor study (https://www.ilo.org/ipec/Informationresources/WCMS_797515/lang-en/index.htm) and estimated that, in 2020, 160 million children (63 million girls and 97 million boys) were labor trafficked globally. The report further recognizes that the COVID-19 pandemic exacerbated child labor situations, with more children at risk of being pushed into labor trafficking. The World Bank economists predict poverty estimates are growing, and the combination of the Ukraine war and the pandemic led to an additional 75-90 million in 2022 (<https://blogs.worldbank.org/opendata/pandemic-prices-and-poverty>) in poverty. These predictions suggest that people may flee their poverty-stricken countries seeking work, and child labor (<https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>) may substantially increase.

In 2022 and 2023, the U.S. Department of Labor investigated several corporations based in the U.S. for illegally employing minors in the auto (<https://www.dol.gov/newsroom/releases/WHD/WHD20221011>), poultry (<https://www.dol.gov/newsroom/releases/whd/whd20230215-0>), and food sanitation (<https://www.dol.gov/newsroom/releases/whd/whd20230217-1>) industries. Although there have been no arrests for labor trafficking, the Department of Labor has fined and pursued court injunctions to cease these companies' hiring practices. Corporations have been relying on migrant workers to fill workforce shortages using staffing companies within the U.S. These staffing agencies often receive workers through illegal job brokers (<https://www.reuters.com/investigates/special-report/usa-immigration-alabama/>) that habitually provide false identification to migrant children. Unfortunately, children may not recognize the signs associated with being exploited, thus making them vulnerable to these brokers and traffickers.

Furthermore, the COVID-19 pandemic and growing inflation have heightened the global risk for vulnerable children and their families (https://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf). These factors can account for the unprecedented migrant numbers from all over the world at the U.S. border and recent media reports on child labor in the U.S. Post-pandemic global studies (<https://www.tandfonline.com/doi/full/10.1080/16549716.2022.2074784>) identified the criminals' increased demand to traffic children based on unexpected labor needs and increases in supply chain production. The U.S. is not immune to labor shortages as businesses and industries (large and small) suffer from a lack of workforce personnel.

WHAT COMMUNITIES CAN START DOING NOW

The degree to which industries knowingly or unknowingly use exploited labor continues to remain unknown. Therefore, establishing "best practices" can make a difference in developing an effective response to the labor exploitation crisis that continues to go under-identified and is projected to increase as surges of migrants continue gaining access to the U.S. An increase in specialized training in industries that intersect with trafficking victims (such as law enforcement, healthcare, agriculture, other low-wage service sectors, etc.) is critical, as broad stroke awareness training is no longer sufficient to meet identification and investigation needs. Labor trafficking is best understood when studied from a multiplicity of angles, so working in multidisciplinary teams to build effective training platforms can be critical to developing and establishing best practices for industries that intersect with victims and perpetrators. Additionally, outside entities, such as groups like Slave Free Alliance (<https://www.slavefreealliance.org/>), that evaluate supply chains and business models can help companies better understand the risks they face with "slavery in the supply chain" and unidentified labor exploitation with contracted companies. Companies that contract labor or regularly use tiers of subcontractors should take every step possible to reduce the risk of labor exploitation in the supply chain.

Given the limited education about labor trafficking, law enforcement officials may not always be aware of alternative partners who are involved with labor exploitation investigations. Efforts to combat labor exploitation may command a more proactive approach in areas unfamiliar to traditional law enforcement, such as partnerships with nongovernmental organizations, the Department of Labor, municipal regulators, and even the private sector.

Laws (whether state or federal) surrounding human trafficking (for the purchaser and the trafficker) need to be increased/strengthened upon conviction. Some U.S. laws still exist that make human trafficking an adult a class "D" felony (https://www.lawserver.com/law/state/iowa/ia-code/iowa_code_710a-2/) (e.g., in Iowa, traffickers receive more than one year in prison if convicted but no more than 5 years). If convicted of human trafficking involving a minor, a violator can get up to 10 years in prison. If convicted of selling a minor, those penalties need to change upward with no early release if the nation is serious about stopping human trafficking.

Prosecution is only as effective as victim participation in the legal process. According to a study by the Police Executive Research Forum (<chrome-extension://efaidnbhhttps/www.policeforum.org/assets/CombatHumanTrafficking.pdf>), prosecutors have found it more difficult to build a convincing case proving the statute elements of force, fraud, or coercion beyond a reasonable doubt without the victim's assistance. The study recommends that identifying additional evidence to describe and corroborate the victim's state of mind is critical in trafficking cases. Additionally, labor trafficking victims are

cautious about reporting abuse due to threats of violence, deportation, and the lack of knowledge of legal rights. As previously mentioned, most do not even consider themselves victims. Prosecution teams should be aware of the services to assist, such as the U.S. Department of Labor and the Equal Employment Opportunity Commission, and familiarize themselves with these resources and learn how to work with them.

More frequent media reports on sex trafficking have led to an overall greater public awareness of sex trafficking than labor trafficking. In addition, with substantial outreach efforts and community education surrounding sex trafficking over recent years, law enforcement agencies have made efforts to combat it. However, complementary efforts are now needed to ensure law enforcement has institutional support, enhanced resources, public/private partnerships, and prosecutorial support to adequately combat labor trafficking crimes. The government, law enforcement, businesses, labor unions, and nongovernmental organizations must join forces to eliminate every remnant of labor trafficking collectively. Without collaboration, success is marginalized.



Richard Schoeberl, Ph.D., has over 25 years of experience, including the Federal Bureau of Investigation (FBI) and the National Counterterrorism Center (NCTC). He served in various positions throughout his career, ranging from a supervisory special agent at the FBI's headquarters in Washington, D.C., to acting unit chief of the International Terrorism Operations Section at the NCTC. In addition to the FBI and NCTC, he is an author of numerous articles on terrorism and security and has served as a media contributor for Fox News, CNN, PBS, NPR, Al-Jazeera Television, Al Arabiya Television, and Al Hurra. He works with the international nonprofit organization Hope for Justice, combatting human trafficking, and additionally serves as a professor of Homeland Security at The University of Tennessee Southern. He also is an advisor to the Domestic Preparedness Journal.



David Gonzalez has over 30 years of combined military and law enforcement experience with many years of training, including sniper, airborne, weapons specialist, communications specialist, Ranger indoctrination, air assault, and recon. After departing the military, he began working as an Iowa law enforcement officer and certified law enforcement polygraph examiner. As a detective, he worked white-collar crimes, sex crimes (adult and children), crimes against persons/violent crime, major case crimes (including high-profile crimes), cold-case homicides, and human sex-/labor-trafficking investigations. He led his team (including federal law enforcement, state law enforcement, and local law enforcement) in human sex-/labor-trafficking investigations encompassing many U.S. states. He received two awards for his work in human trafficking by the Iowa governor, many awards (including human trafficking) from the U.S. Attorney's Office and federal government, and two "Law Enforcement Officer of Year" awards for his investigative work. He retired from law enforcement after 26 years of service and is now a specialist consultant to law enforcement teams handling complex trafficking cases and conducting investigations in coordination with law enforcement agencies. Additionally, he works with Hope for Justice – a global nonprofit combatting human trafficking – and provides training to law enforcement and civilian entities throughout the United States.



Anthony (Tony) Mottola has over 35 years of law enforcement and security experience including the New York City Police Department and the United States Air Force. He retired as a sergeant detective (SDS) after 25 years as a member of NYPD. He served as executive officer for the NYPD Intelligence Bureau's Strategic Unit, which is a covert counterterrorism initiative and director of the Domestic Liaison Program. He represented the Intelligence Bureau in numerous investigations including the Boston Bombing, civil unrest, mass shootings, and large-scale incidents outside New York City. During his tenure with the NYPD, he worked additional assignments in Counter Terrorism, Gang Intelligence, Detective Bureau, Task Force, Street Narcotics Enforcement Unit, anti-gang/graffiti units, and patrol. He was a first responder/search leader for recovery efforts and supervisor of security details in the immediate aftermath of World Trade Center attacks. He holds a master's degree from Marist College and is a doctoral candidate at Nova Southeastern University. Additionally, he is a professor with The University of Tennessee Southern.

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