



January 31, 2023

Dear Member of Congress,

Human trafficking is a multi-billion criminal industry that denies freedom to 28 million people around the world. In some cases, traffickers trick, defraud, or physically force victims into selling sex. In others, victims are lied to, assaulted, threatened, or manipulated into working under inhumane, illegal, or otherwise unacceptable conditions. Sex and labor trafficking happen around the world — including in every state in America.

As you begin your service in the 118th Congress, we urge you to prioritize policy solutions that prevent human trafficking, support victims and survivors as they rebuild their lives, and ensure robust enforcement and accountability. We also hope you will utilize [Polaris](#) as a resource for you, your staff, and your constituents to more deeply understand the realities of human trafficking.

With more than 20 years of experience working to eradicate human trafficking and support survivors, Polaris stands ready to assist you in this work. Polaris has operated the [U.S. National Human Trafficking Hotline](#)<sup>1</sup> (“Trafficking Hotline”) since its inception in 2007. Funded in part by the U.S. Department of Health and Human Services, the Trafficking Hotline connects victims and survivors of sex and labor trafficking with services and support to get help and stay safe, collects tips on human trafficking cases, and, where appropriate, reports actionable tips to law enforcement. We also take the knowledge, data, and insights gleaned from hearing from survivors to move toward long-term structural change that ultimately prevents human trafficking. Our work is survivor centered, justice and equity driven, and technology enabled.

Below, we offer tangible policy, legislative, and resource recommendations that we encourage you to pursue this session, including:

- **Enact federal criminal record relief for survivors of human trafficking**
- **Prevent labor trafficking of migrant workers through stronger worker protections and robust enforcement**
- **Equip the global financial sector to disrupt trafficking and prioritize financial inclusion for survivors**
- **Prioritize survivor leadership and fully resource victim services**

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<sup>1</sup> The National Human Trafficking Hotline is supported by the Administration for Children and Families (ACF) of the United States (U.S.) Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$4.5 million annually with 78% percentage funded by ACF/HHS and \$1.3 million and 22% percentage funded by non-government source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACF/HHS, or the U.S. Government. For more information, please visit the ACF website, Administrative and National Policy Requirements: <https://www.acf.hhs.gov/administrative-and-national-policy-requirements#chapter-8>.



Further, we are grateful to Congress for [reauthorizing parts of the landmark Trafficking Victims Protection Act](#) at the end of last session and we are ready to work with you to ensure the act is fully reauthorized as soon as possible.

Ending human trafficking will require long-lasting commitment and attention. At the same time, the foundation of laws, practices, and data that we have collectively built over the past two decades — in many cases, put forward by Congress and increasingly led by survivors — provides a clear picture of what must come next. We urge you to continue the strong, bipartisan Congressional leadership that has underpinned this issue and to enact an agenda that will help to prevent sex and labor trafficking, support survivors, and hold traffickers accountable. For more information and to work together, please contact our Policy Department, at [policy@polarisproject.org](mailto:policy@polarisproject.org).

In partnership,

Catherine Chen  
Chief Executive Officer



## Enact federal criminal record relief for survivors of human trafficking

### *Recommendations:*

- Pass the Trafficking Survivors Relief Act to provide federal criminal record relief to survivors of human trafficking who committed an offense as a result of having been a victim of trafficking.
- Fund legal services to support survivors in clearing their criminal records.

**Background:** By its very definition, the crime of human trafficking involves being forced, coerced, or tricked into activities that a person would not otherwise engage in — such as selling sexual services or performing work without pay. Human traffickers often force or coerce victims to engage in criminal activity involving weapons, drugs, identity theft and other financial fraud, or even facilitation of the trafficking scheme. Labor traffickers may require victims to possess false identification documents, violate immigration law, or commit financial crimes. This means that for many trafficking survivors, the first time they come into contact with law enforcement officers is as an offender and not as a victim.

People in trafficking situations are frequently arrested, detained, prosecuted, convicted, and, in some cases, incarcerated or deported without ever being identified as a victim of human trafficking by the criminal justice system.

In Polaris's recently conducted [National Survivor Study](#), a scientifically rigorous national survey of 457 survivors, 62 percent of participants reported having been arrested, detained, or cited by law enforcement. Of those, 71 percent have a criminal record as a result. Having a criminal record — even an arrest record without a conviction — can keep survivors from being able to get jobs, rent apartments, receive certain kinds of state and federal benefits, enroll in educational programming, and even coach their children's sports teams. It is long past time to create a pathway for criminalized trafficking survivors to clear federal records and move on with their lives.

**Legislative Response:** In the 117th Congress, Senators Kirsten Gillibrand (D-NY) and Rob Portman (R-OH) and Representatives Burgess Owens (R-UT), Ted Lieu (D-CA), Hakeem Jeffries (D-NY), and Ann Wagner (R-MO) introduced the **Trafficking Survivors Relief Act** (TSRA) of 2022 ([S.9/H.R.8672](#)). The TSRA would allow human trafficking survivors with federal records for certain crimes committed as a result of their trafficking situation to vacate convictions and expunge arrest records. Also under the bill, survivors convicted of certain violent crimes would be eligible to have their sentences reduced.

The bill is an important first step, and we urge Congress to consider additional provisions in this or future legislation to allow more survivors to access relief. These include removing financial barriers, adding flexibility, allowing alternative forms of evidence, and expanding offenses covered. Many survivors have also identified a need for additional funding for **legal services** to ensure eligible survivors have the support to navigate the complex process to clear their records, including at the state level.



## Prevent labor trafficking of migrant workers through stronger worker protections and robust enforcement

### *Recommendations:*

- Provide increased funding for investigators to enforce existing labor laws and hold traffickers accountable for violations.
- Pursue reforms to temporary visa programs that will strengthen protections and prevent labor trafficking.

**Background:** Temporary work visas are supposed to be good for both workers and the U.S. economy. In theory, these visas allow U.S. businesses to fill mostly low-wage jobs that would otherwise sit vacant while giving migrant workers an opportunity to earn more than they can in their home countries. Indeed the migrants are often referred to as “guest” workers — a term that implies dignity and respect. But in practice, data from the National Human Trafficking Hotline and [Nonechka](#), our mobile technology tool to engage migrant workers, shows that these guests — workers who have followed all the rules and laws and are expecting simply to earn a decent living and return home — are frequently victimized by trafficking or exploitation.

[From 2018 to 2020, Polaris identified 15,886 victims of labor trafficking](#) through reports to the National Human Trafficking Hotline. Of these, nearly three-quarters of victims whose status was known held H-2A, H-2B, J-1, or A-3/G-5 temporary visas.

The majority of victims across temporary work visa categories — 59 percent — reported threats of immigration used to control them and keep them working against their will. A key dimension of H-2A (low-wage agriculture) and H-2B (low-wage non-agriculture) visas is that workers cannot leave their employment without the threat of losing their legal immigration status.

This defective legal and enforcement system allows for exploitation with almost no risk by fraudulent recruiters and employers. Migrant workers rarely report the abuses they experience due to fears of retaliation, loss of livelihood, and because filing complaints with labor or immigration authorities almost never result in redress of violations. This system creates a race to the bottom for low-wage workers across the U.S., as forced labor and unpaid wages give distinct business advantages for the exploiters who deploy these tactics.

**Legislative Response:** The most effective way to address the vulnerabilities faced by migrant workers and U.S. workers alike is to implement **reforms that protect workers from exploitation before it happens**. In the U.S. temporary visa system, this includes regulating foreign labor recruitment through elements like rigorous enforcement of the ban on recruitment fees and holding employers accountable for the recruiters and contracts they use. Bipartisan legislation has passed both the House and Senate during different sessions in past years to regulate foreign labor recruitment, and we urge Congress to pass similar legislation immediately. We also urge Congress to explore options to allow migrant workers to leave abusive employers without fear of deportation or retaliation; meaningful visa mobility must give *workers* the ability and information to control their own movement.



As you explore proactive reforms to the system, more must be done to hold employers accountable. To effectively protect workers in their places of employment, Congress should reverse decades of stagnation and appropriate sufficient resources for the Department of Labor (DOL) to **enforce Wage and Hour violations**, making it clear to employers that trafficking and exploitation are priority areas for enforcement. For instance, DOL's Wage and Hour Division (WHD), which is responsible for enforcing employment law for temporary visa holders, is drastically underfunded, understaffed, and therefore ill-equipped to protect the growing number of temporary visa holders in the United States. In 1978, each WHD investigator was responsible for 69,000 workers; by 2018, [the responsibility for each investigator more than doubled](#) to 175,000 workers. This is especially troubling over the last 10 years: As the number of H-2A and H-2B visas issued by the State Department has tripled, [the number of WHD wage theft investigations has remained largely steady](#). By persistently underfunding WHD, Congress enables widespread wage theft and other violations in U.S. temporary visa programs.

Finally, we urge you to [oppose efforts to attach harmful riders](#) aimed at expanding these programs during the annual appropriations process. Funding bills are an inappropriate vehicle for these efforts and instead should be addressed legislatively alongside other reforms.



## Equip the global financial sector to disrupt trafficking and prioritize financial inclusion for survivors

### *Recommendations:*

- Ensure sufficient funding for the Financial Crimes Enforcement Network (FinCEN) at the U.S. Department of the Treasury to support the development of a beneficial ownership database as mandated by the [Anti-Money Laundering Act of 2020](#), which Congress passed as part of the fiscal year 2021 National Defense Authorization Act.
- Pass the Human Trafficking Survivor Tax Relief Act to ensure restitution awarded to survivors of human trafficking in court are not subject to federal income tax.
- Alongside the Consumer Financial Protection Bureau (CFPB), ensure effective implementation and hold credit reporting agencies accountable for the requirements of the bipartisan Debt Bondage Repair Act, passed by Congress in December 2021.

**Background:** Human trafficking is, inherently, a commercial enterprise. For this reason, the global financial sector is uniquely positioned to play a role in combating it. Financial services companies can help identify trafficking operations through their financial footprints and support criminal cases that mitigate the burden placed on victims to participate. As such, financial system intervention in human trafficking has the potential to increase the risk for traffickers, reduce the profitability of trafficking, and reduce vulnerability to trafficking.

At the same time, trafficking victims and survivors experience financial abuse and lack of access to financial systems at high rates, which can create significant obstacles and make them vulnerable to re-exploitation. Of the 457 respondents in Polaris's [National Survivor Study](#), over 60 percent reported experiencing financial abuse by their trafficker. Respondents are twice as likely to be unbanked compared to the general U.S. population and are 11 times more likely to take out a payday loan than the general U.S. population. Survivors of trafficking would benefit from support to navigate the financial restitution process, engage with the formal financial sector, and increase resiliency through economic opportunities.

**Legislative Response:** Congress has a clear role to play in supporting and advancing these initiatives. While the U.S. anti-money laundering (AML) framework is, on the whole, strong, there are opportunities to make this system more effective. As part of the fiscal year 2021 National Defense Authorization Act, Congress passed important reforms to the AML system, including the requirement for FinCEN to develop and administer a national beneficial ownership database. Traffickers use shell companies to avoid detection, making it hard for law enforcement to trace trafficking networks and target the people actually benefiting. This new law is a crucial step but came without **additional funding for FinCEN** to actually implement it, which Congress should rectify in the fiscal year 2024 appropriations process.

Congress should also take steps to improve the financial stability of survivors of trafficking. In the 117th Congress, Senators John Cornyn (R-TX) and Ron Wyden (D-OR) and Representatives Brad Schneider (D-IL) and Jodey Arrington (R-TX) introduced the **Human Trafficking Survivor Tax Relief Act** ([S.895/H.R.6389](#)). This bill would ensure that civil damages, restitution, or other monetary awards given to human trafficking survivors are exempt from federal income tax. This is a modest policy change that would have a significant impact for survivors. The Senate passed S.895 last session, and we urge both the House and Senate to pass the legislation this year.



In December 2021, Congress passed the [Debt Bondage Repair Act](#) as part of the National Defense Authorization Act. This law was drafted in response to survivors who shared how their trafficking experiences negatively impacted their credit scores, such as traffickers opening up or controlling bank accounts or lines of credit in their name, and mandated the creation of a process for survivors to remove adverse information resulting from their trafficking experience from their credit reports. Since the CFPB finalized the implementing regulations in July 2022, [we have heard numerous reports](#) of trafficking survivors facing barriers accessing this new pathway mandated by law. We urge Congress to work with the CFPB to hold credit reporting agencies accountable for their obligations and to [share resources about this process](#) with constituents and groups who may be eligible.



## Prioritize survivor leadership and fully resource victim services

### *Recommendations:*

- Ensure legislation and policy proposals affecting victims and survivors of human trafficking are developed, drafted, and advanced in partnership with survivors.
- Proactively identify and support compensating survivors for their time and expertise.
- Increase investments in services that support survivors to thrive, including legal services, housing, health care and mental health services, child care, and employment training and support.
- Include \$6 million for the U.S. National Human Trafficking Hotline in the FY24 Labor, Health, and Human Services Appropriations bill to support connecting victims and survivors to services and support to get help and stay safe.
- Pass the Runaway and Homeless Youth and Trafficking Prevention Act.

**Background:** Survivors of human trafficking drive innovation and true progress in our field. In 2021 alone, the National Human Trafficking Hotline identified more than 16,500 likely victims of human trafficking. Two decades ago, we may not have known where to find trafficking survivors. Now there are tens of thousands of courageous survivors in the United States who can and should be driving the anti-trafficking field forward.

The vision, tenacity, and expertise of survivors are critical to the development and implementation of a meaningful and effective anti-trafficking agenda, including in policy development. Individuals with lived experience should be a central part of the process to identify gaps and needs that can be addressed via legislation and part of the drafting, review, and strategy. Congress recognized the importance of engaging and paying survivors by passing a provision as part of the FY21 National Defense Authorization Act that allowed the Department of State to compensate members of the [U.S. Advisory Council on Human Trafficking](#). The Advisory Council is a formal platform for trafficking survivors to advise and make recommendations on anti-trafficking policies to federal government agencies. The passage of this provision was an important step forward. These types of ongoing financial and other supports for survivors of trafficking are critical to build the community of survivor leaders to drive the anti-trafficking policy agenda. Polaris can help your office connect with survivor experts as part of your policy process.

It is also imperative to invest now to ensure that survivors have support throughout their recovery to rebuild their lives and avoid revictimization so they have the safety and stability to drive the movement. This includes sustained and increased investments in legal services, housing, health care and mental health services, child care, and employment training and support. The [National Survivor Study](#) found that accessible, affordable and trauma-informed mental health support was what respondents most frequently reported needing and had trouble getting. Other top reported needs both at time of exit and at the time of the survey included assistance finding a stable, living-wage job; repairing credit scores; and managing long-term health impacts.

The National Survivor Study also helped to identify issues that have not yet been part of the federal policy conversation. This includes substance abuse — 93 percent of respondents reported experiencing substance abuse and mental health challenges in childhood, and the same number lived with someone experiencing substance abuse and mental health challenges. Substance abuse must be addressed as a vulnerability to trafficking. One of the more devastating and distressingly consistent systemic failures that survivors reported facing is how frequently they were failed by the family court





system as they tried to rebuild their lives by gaining or regaining custody of a beloved child. More than 35 percent of respondents with children reported that they had children with their exploiter, but the data shows a severe lack of understanding of the trafficking context within the family court system.

The [U.S. National Human Trafficking Hotline](#) also plays a critical role connecting victims and survivors of sex and labor trafficking with services to get help and stay safe, and data from the hotline can help identify trends in the field. Overwhelmingly, the top need identified during crisis calls to the Trafficking Hotline is for emergency shelter.

**Legislative Response:** We urge Congress to **increase investments in the areas of need identified by survivors** through domestic programs run by the Departments of Health and Human Services, Justice, Housing and Urban Development, and Education, and globally through the Department of State, U.S. Agency for International Development, and the Department of Labor. Polaris supports the [appropriations recommendations put forward by the Alliance to End Slavery and Trafficking](#), of which we are a founding member. We also urge Congress to explore additional avenues to address vulnerabilities like substance abuse, mental health challenges, and lack of legal services that were identified as particularly significant needs in the National Survivor Study.

We also urge Congress to increase funding for the **U.S. National Human Trafficking Hotline**. The Trafficking Hotline is a toll-free, 24/7 crisis call center that connects victims and survivors of human trafficking with anti-trafficking services in their area (including emergency shelter, case management, and legal services); collects tips on human trafficking cases; and, where appropriate, reports actionable tips to law enforcement. The Trafficking Hotline's resource and referral directory contains almost 3,000 direct service providers, trained law enforcement officials and other resources. The need for the vital services that the Trafficking Hotline provides is only growing. Incoming call attempts have dramatically increased over the past several years, up 172 percent from 2017 through 2022. The widespread media and public interest in the issue of trafficking and the disruptive impact of the COVID-19 pandemic on social, economic, and health outcomes have contributed to the higher volume of calls and the corresponding need for additional resources. In FY22 alone, the Trafficking Hotline identified over 9,500 situations of trafficking and received more than 9,700 calls, texts, chats, and messages directly from survivors. We are grateful for the inclusion of \$5,000,000 for the Trafficking Hotline in FY23 appropriations and respectfully request \$6,000,000 for FY24 to scale up staffing and operational capacity needs, including technology and data security, to meet the increased demand for hotline services from victims and survivors of human trafficking.

Data from the National Human Trafficking Hotline has consistently shown housing instability to be a key risk factor for trafficking, a risk that is compounded for young people. Studies show that [nearly one in five homeless youth had been victims of sex and/or labor trafficking](#). When people do not have a safe place to call home, traffickers step in to offer that safety and stability. The bipartisan **Runaway and Homeless Youth and Trafficking Prevention Act** ([S.4916/H.R.8498](#) in the 117th Congress) would provide important support for youth to prevent and respond to vulnerabilities to trafficking, and we strongly support its passage.

For more information and to work together, please contact our Policy Department, at [policy@polarisproject.org](mailto:policy@polarisproject.org).