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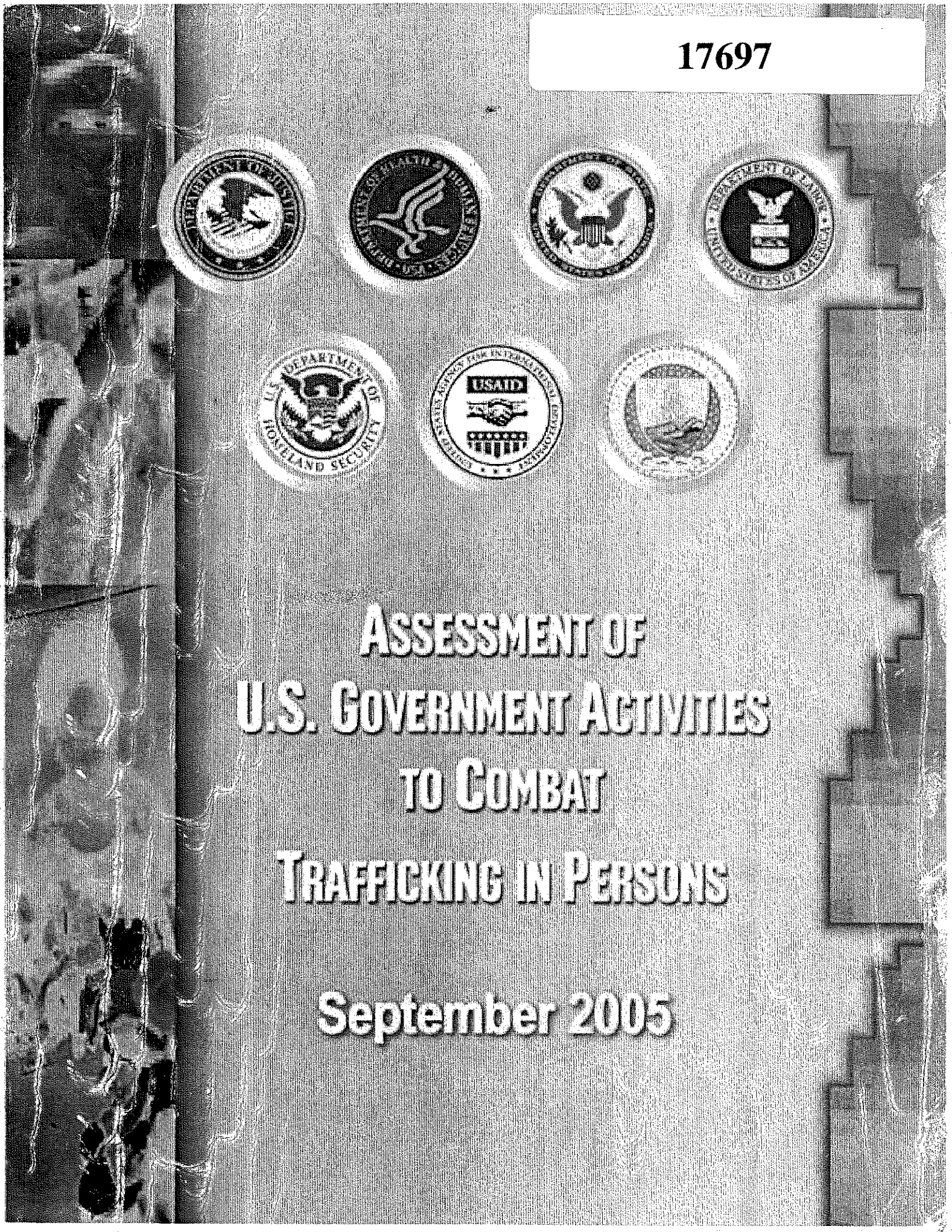

Assessment of U.S. Government Activities to Combat Trafficking in Persons

September 2005

Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2004

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Table of Contents

I.	Introduction		3
II.	Benefits and Services Given Domestically to Trafficking Victims		4
	A.	Department of Health and Human Services	5
	B.	Department of Justice	8
	C.	Department of Labor	9
	D.	Legal Services Corporation	9
	E.	Department of Agriculture	9
	F.	Why Have So Few Victims Been Rescued?	9
III.	Immigration Benefits for Trafficking Victims		13
IV.	Investigations and Prosecutions of Trafficking in Persons		13
	A.	Investigations	13
	B.	Prosecutions	14
	C.	Sentences	16
	D.	Human Smuggling and Trafficking Center	17
	E.	Can More Be Done to Prosecute Trafficking Crimes?	18
V.	International Grants		19
VI.	Training		21
	A.	Domestic Law Enforcement Training	21
	B.	International Law Enforcement Training	22
	C.	Training of Non-governmental Organizations	25
VII.	Senior Policy Operating Group on Trafficking in Persons		26
VIII.	Recommendations for Action		26
IX.	Conclusion		27

I. Introduction

People come to America hoping for a better life. And it is a terrible tragedy when anyone comes here, only to be forced into a sweatshop, domestic servitude, pornography, or prostitution...This trade in human beings brings suffering to the innocent and shame to our country, and we will lead the fight against it.

--President George W. Bush, July 2004

The United States is strongly committed to the fight against the terrible, and regrettably widespread, form of modern-day slavery called trafficking in persons, both internationally and domestically. In a September 2003 speech to the United Nations, President George W. Bush announced a $50 million initiative to combat trafficking around the world. And in July 2004, President Bush, speaking at the national conference, *Human Trafficking into the United States: Rescuing Women and Children from Slavery*, said, "America will not tolerate slave traders who bring women and children into our country for abuse."

The centerpiece of U.S. government efforts is the Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. 106-386, signed into law on October 28, 2000. It enhanced three aspects of federal government activity to combat trafficking in persons (TIP): protection, prosecution, and prevention. The TVPA provided for a range of new protections and assistance for victims of trafficking in persons; it expanded the crimes and enhanced the penalties available to federal investigators and prosecutors pursuing traffickers; and it expanded U.S. activities internationally to prevent victims from being trafficked.

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Pub. L. 108-193, signed into law by President Bush on December 19, 2003, reauthorized the TVPA and added responsibilities to the U.S. government's anti-trafficking portfolio. In particular, the TVPRA mandated new information campaigns to combat sex tourism, added some refinements to the federal criminal law, and created a new civil action that allows trafficking victims to sue their traffickers in federal district court.

The U.S. government achievements in combating trafficking in Fiscal Year 2004 included the following:

- The Department of Justice (DOJ) and the U.S. Attorneys' Offices across the country filed 29 human trafficking cases—more than twice as many as in 2003—against a total of 59 traffickers and obtained convictions against 43 traffickers. A number of cases remained pending at the end of the Fiscal Year.
- The Department of Health and Human Services (HHS) issued 163 certification and eligibility letters to victims, enabling them to access federal benefits.
- The Department of Homeland Security (DHS) issued 136 T non-immigrant visas to victims and granted 484 continued presence requests, enabling victims to stay in the United States during their recovery.

- The Department of Labor (DOL), Department of State (DOS), and the U.S. Agency for International Development (USAID) awarded approximately $82 million to 251 international anti-trafficking programs in 86 countries.
- HHS distributed $5.1 million in grant money to domestic non-governmental organizations, and DOJ granted $7.6 million to local communities for the creation of anti-trafficking task forces and $5.6 million to victim services agencies.

The U.S. government can and must continue to build on these successful efforts. Most importantly, the government must address the incongruity between the estimated number of victims trafficked into the United States—between 14,500 and 17,500—and the number of victims found—only 611 in the last four years. Many of the U.S. government's efforts in Fiscal Year 2004 were directed toward finding and rescuing more victims. Examples include HHS's Rescue and Restore public awareness campaign, DOJ's national training conference and organization of inter-agency Task Forces across the country, and various agencies' grants to state and local governments and non-profit service organizations. Similarly, the drafting of a model state anti-trafficking statute by the DOJ was intended to engage state and local law enforcement into supporting federal efforts. Nevertheless, the stark difference between the two figures means that U.S. government efforts are still not enough. In addition, the estimate should be evaluated to assure that it is accurate and reflects the number of actual victims.

The following sections of this Assessment describe U.S. government successes and suggest ways that the government can improve its efforts. The Assessment is the third in three years that analyzes the practical effect of U.S. activities to combat trafficking in persons. Previous Assessments were published in August 2003 and June 2004. The Assessment is separate from the annual Attorney General's Report to Congress on U.S. Government Efforts to Combat Trafficking in Persons, which was submitted to Congress in May 2004 and July 2005 and is available on the DOJ website at http://www.usdoj.gov/trafficking.htm. It is also separate from the annual Trafficking in Persons Report issued by DOS and available at http://www.state.gov/g/tip.

II. Benefits and Services Given Domestically to Trafficking Victims

The success of U.S. government efforts to combat trafficking in persons hinges on pursuing a victim-centered approach. All U.S. government agencies are therefore committed to providing victims of severe forms of trafficking in persons access to the services and benefits provided by the TVPA. Because government benefits are typically tied to a person's immigration status, the TVPA created a mechanism for allowing certain non-citizens who were victims of severe forms of trafficking access to benefits and services from which they might otherwise be barred. The TVPA allows for the "certification" of adult victims to receive certain federally funded or administered benefits and services, such as cash assistance, medical care, food stamps, and housing. Under sections 107(b)(1) of the TVPA, various federal agencies must extend some of their existing benefits to trafficking victims, and under 107(b)(2) and under 107(b)(2), the Attorney General is authorized to provide grants to develop, expand, or strengthen victi service programs to include trafficking victims. This section chronicles the activities of

HHS, DOJ, the Department of Agriculture, the DOL, and the Legal Services Corporation to implement sections 107(a) and 107(b) of the TVPA.

A. Department of Health and Human Services

1. Certification and Eligibility Letters

The Office of Refugee Resettlement (ORR) in the Administration for Children and Families within HHS issues certification letters to adults, and eligibility letters to minors, who are determined to be victims of a "severe form of trafficking in persons." This enables these individuals to qualify under the TVPA for federally funded or administered benefits and services to the same extent as refugees. In July 2004, HHS entered into a Memorandum of Understanding with the Departments of Homeland Security and Justice to streamline this process.

The TVPA defines a "severe form of trafficking in persons" as: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person who is induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

In the case of adults, ORR examines whether the victim meets the following statutory requirements for certification: 1) The individual is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons (as defined by section 107(b)(1)(E)(iii) of the TVPA) and 2) the individual has made a bona fide application non-immigrant status under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied; or 3) the individual is a person whose continued presence in the United States the federal government is ensuring in order to effectuate the investigation and prosecution of traffickers.

ORR then issues Certification Letters, which it signs and notarizes, to adults who meet these criteria, confirming their status as trafficking victims. The victims can present the certification letters to social services agencies as proof that they are eligible for federally funded or administered programs to the same extent as refugees. The letter includes the toll-free ORR "Trafficking Victims Verification" telephone number so that the benefit-granting agency can verify the victim's eligibility.

Under the TVPA, victims under 18 years of age do not need to meet the statutory requirements for certification in order to receive benefits. For these victims, after a recommendation from either DHS or DOJ, ORR issues Letters of Eligibility, similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking and is eligible for federally funded or administered benefits to the same extent as refugees.

In Fiscal Year 2004, ORR issued 163 letters on behalf of victims, of which 144 were certification letters to adults and 19 were eligibility letters to minors. These certification and eligibility letters, combined with the 151 letters issued in Fiscal Year

2003, the 99 letters issued in Fiscal Year 2002 and the 198 letters issued in Fiscal Year 2001, bring to 611 the total number of letters issued during the first four fiscal years in which the program has operated.

The Fiscal Year 2004 letters were sent to victims or their representatives in 19 states. The largest concentrations of victims were in California, Arizona, Illinois, Texas and New York. The beneficiaries of these letters were predominately women (65 percent). The countries of origin for the greatest number of victims were Peru (39 percent), Mexico (17 percent), and the Philippines (7 percent).

2. ORR Programs

ORR strives to encourage the participation of certified trafficking victims in existing assistance programs for refugees - primarily the Voluntary Agency Matching Grant Program and the Refugee Cash and Medical Assistance Program. Of the 163 adults certified as victims in Fiscal Year 2004, three elected not to apply for either of these programs, 150 enrolled in the Matching Grant Program, and 10 enrolled in the Refugee Cash and Medical Assistance Program.

The Voluntary Agency Matching Grant Progfram is an alternative to state-administered refugee resettlement assistance. Participating agencies agree to match every two dollars in ORR funds with one dollar in cash and in-kind contributions (a minimum of 20 percent of their match must be in cash). The program goal is to help refugees attain self-sufficiency within four months of the date of eligibility without accessing public assistance. The participating non-governmental organizations (NGOs) provide intensive case management and services, including job counseling and placement; assistance with food, housing, and transportation; English language training; and assistance in obtaining health, medical, and social adjustment services. In order to enroll in this program, victims must obtain employment authorization from U.S. Citizenship and Immigration Services (USCIS) within DHS. Some trafficking victims in the Voluntary Matching Grant Program may also be eligible to receive other benefits (such as food stamps, Medicaid, or Refugee Medical Assistance).

The Refugee Cash and Medical Assistance Program provides transitional assistance for up to eight months from the date of certification. This program is designed to provide temporary assistance to those refugees who are not eligible for other federal benefits such as Temporary Assistance for Needy Families (TANF), Medicaid, or Supplemental Security Income (SSI).

Of the 19 minor victims on whose behalf ORR issued letters of eligibility in 2004, 13 are residing with guardians and are not receiving public benefits. The remaining six minor victims were enrolled into ORR's Unaccompanied Refugee Minors (URM) program. The URM program offers specialized resettlement and foster care services for unaccompanied refugee minors. As appropriate to their developmental needs and their cultural, linguistic, and religious backgrounds, the URM program places minors into foster care, group homes, or independent living arrangements. The program provides the victims with comprehensive care, including medical, mental health, education, case

management, independent living skills, job skills training, career/college counseling, legal assistance and, when possible, on-going family tracing.

3. Discretionary Grants

HHS has utilized discretionary grants to create a network of service organizations available to assist victims of a severe form of trafficking.

Since the inception of HHS's Human Trafficking Program in Fiscal Year 2001, ORR has awarded discretionary grants to 28 organizations. The Fiscal Year 2001 grants provided $1.25 million in funding to eight organizations for an eighteen-month period that ended in March 2003. The purpose of these grants was to assist victims and promote awareness of the trafficking issue by hosting training and media activities. In Fiscal Years 2002 and 2003, all trafficking grant awards were for a three-year period (one initial year plus two years of continuation funding).

ORR awarded the grants in two categories. Category One grants fund projects that raise awareness of trafficking in persons and/or provide case management and direct services to victims. Category One grant projects include establishing nationwide networks of anti-trafficking organizations and nationwide networks of victim service providers. Additional Category One projects established regional anti-trafficking networks in Chicago; Florida; Georgia; Hawaii; Kansas; Los Angeles; the Mid-Atlantic states; New York City; New Jersey; Orange County, California; Portland, Oregon; San Diego; and San Francisco.

Category Two grants fund technical assistance projects to provide training and technical expertise to law enforcement agencies, social service providers, faith-based communities, and professional associations. In Fiscal Year 2002, ORR awarded approximately $3.37 million in grants to 14 organizations throughout the United States. In Fiscal Year 2003, ORR awarded approximately $3.48 million to 15 organizations. All Fiscal Year 2003 grants were Category One grants.

In Fiscal Year 2004, ORR awarded approximately $3.37 million in third-year continuation grants to the 14 organizations that originally received grant awards in Fiscal Year 2002. Ten of these groups received Category One grants, and the remaining four received Category Two grants. In addition, ORR awarded approximately $3.48 million in second-year continuation grants to the 15 organizations originally awarded grants in Fiscal Year 2003. All these grants are for Category One.

4. Efforts to Improve Services

HHS is taking several steps to improve federal services for victims. HHS will be shifting to a per capita payment system for providing services to victims of trafficking. It will be instituting a new comprehensive victim services model in order to more readily respond to the needs of victims anywhere in the country and to more successfully encourage them to come forward and to seek certification under the TVPA. HHS will also be requiring its grantees to develop collaborative relationships with law enforcement to leverage the knowledge and strengths of both sectors in the effort to combat

trafficking. It will seek to expand its federal/state/local government collaboration model that has been instituted in Illinois and Los Angeles. It will be delivering new training to its regional coalitions of victim services providers and expanding the reach of its coalition networks. And it will be enlisting additional national organizations in the effort to identify and assist victims.

B. Department of Justice

In Fiscal Year 2003, the Office for Victims of Crime (OVC) within DOJ awarded funding to 11 NGOs to provide trafficking victims with comprehensive or specialized services. Comprehensive services grants provide direct services to meet the broad range of needs of trafficking victims, including the following services: case management; legal advocacy; housing; medical, dental, and mental health services; and access to job skills training, education, and other social services. Supplemental/specialized services support an organization's capacity to deploy a single service, for example emergency housing or mental health assessment and crisis intervention, as needed, within a broad geographic area. From January through December 2004 (OVC's operating time-frame), OVC awarded 10 additional grants, including one to a state agency, to expand provision of comprehensive services to victims of human trafficking

OVC-funded services are primarily focused on meeting the acute and emergency needs of trafficking victims before they are certified and subsequently eligible for federally funded or administered benefits. The period between being rescued and receiving certification is the time when victims are most vulnerable and typically have a host of needs that includes housing, clothing, and food; medical, dental, and psychological care; legal assistance and immigration advocacy; and interpretation services; but, few organizations or communities have the resources to provide or fund these services. The OVC grant program helps communities fill this critical service gap and, in the process, supports victims' abilities to cooperate with law enforcement.

During 2004, these OVC grantees provided services to 357 victims of human trafficking. OVC grantees have served a total of 557 victims of human trafficking since the inception of the program in January 2003. During 2004, OVC grantees provided training on trafficking to 17,285 law enforcement officials, prosecutors, civil attorneys, social service providers, physicians, members of the clergy, teachers, and other members of their communities. Since the inception of the program in January 2003, OVC grantees have trained 24,600 individuals. Training topics have included the dynamics of trafficking, the legal definition of trafficking under the TVPA, legal rights and services for trafficking victims, and cultural considerations in serving these victims.

In addition, the Office of Justice Programs (OJP) and its Bureau of Justice Assistance (BJA) awarded $7,674,614 to 18 local communities to form law enforcement task forces to address the problem of human trafficking and rescue its victims (see below for more information on the Task Forces). These 18 communities were among those identified by the Department's Civil Rights Division as having a high number of trafficking operations and victims. These local law enforcement task forces will join forces with victim service providers, as well as with the local U.S. Attorneys, and other federal agencies, including ICE, to identify and rescue trafficking victims, including

women and children. Applicants were specifically encouraged to partner with service providers supported by existing grants from OVC and ORR.

C. Department of Labor

After passage of the TVPA, the Employment and Training Administration (ETA) of the Department of Labor (DOL) sent an advisory to its field offices outlining the provisions of the TVPA and providing guidance on how the One-Stop delivery system can offer assistance to trafficking victims. The services provided at ETA "One-Stop Career Centers" – notably job search assistance, career counseling, and occupational skills training – may be of significant value to trafficking victims. Any such services are provided directly by state and local grantees to trafficking victims; ETA does not collect information on the extent to which such services are offered to or utilized by trafficking victims. ETA's Job Corps program also may provide useful job training opportunities.

D. Legal Services Corporation

The Legal Services Corporation (LSC) is a private, non-profit corporation established by Congress which funds legal aid programs around the nation to help poor Americans gain access to the civil justice system. Under section 107(b) of the TVPA, LSC must make legal assistance available to trafficking victims, who often need assistance with immigration and other matters. Following enactment of the TVPA, the LSC issued a guide to all LSC program directors describing the LSC's obligations to provide legal services to trafficking victims. In Fiscal Year 2004, eight LSC grantees assisted 170 trafficking victims.

E. Department of Agriculture

Trafficking victims are eligible to receive food stamps through the Food and Nutrition Service of the U.S. Department of Agriculture (USDA). Although USDA does not have a data collection requirement for state welfare departments to report the number of trafficking victims who receive food stamp benefits as refugees under the TVPA, a rough estimate of the benefits issued can be obtained by multiplying the number of certification letters ORR issued in Fiscal Year 2004 by the average monthly per person food stamp benefit issued in Fiscal Year 2004 ($86.04). According to a 1999 Food and Nutrition Service study, the time period of participation for first time participants is nine months. Thus, the average per-person benefit for victims of trafficking would be $774.36. With 162 victims certified or declared eligible in Fiscal Year 2004, in rounded numbers, this would equate to a little more than $125,000 in food stamp benefits distributed in Fiscal Year 2004

F. Why Have So Few Victims Been Rescued?

Despite U.S. government efforts, there is noted disparity between the estimated number of victims and those who have been found and assisted. Identifying and assisting victims of human trafficking are difficult tasks because victims often suffer from paralyzing fear and are reluctant to seek out help. Sometimes victims access programs available to them only after intensive counseling from attorneys, social workers, and

victim-witness coordinators. Sometimes victims' fear is too strong and they simply run and hide or leave the country without ever contacting law enforcement or social services help. Furthermore, traffickers perversely use the specter of American law to exploit their victims. They sometimes use coercion and deception to bring destitute and meek people into this country -- often without going through proper immigration processes. In other instances, they exploit destitute people who are already here – including those who are vulnerable because they lack proper immigration status. Traffickers impose debts on their victims for having brought them here, for having found them "work," and for providing them with room and board. Traffickers coerce and deceive their victims into illegal activities. And many victims are from countries in which law enforcement is often corrupt and heavy-handed—leaving victims from those countries with an acquired distrust of all law enforcement. Finally, domestic traffickers often exploit runaways, young drug addicts, children from abusive homes, and other psychologically vulnerable youth. Whether subjected to one or more of these techniques, victims readily fall prey to their traffickers' threats that, if the victim approaches law enforcement, it is the victim—not the trafficker—who will suffer imprisonment or deportation at the hands of justice. Sometimes, the victims' fear is transnational, with victims in the United States afraid, often legitimately so, that traffickers will exact revenge on family members back home if the victims cooperate with law enforcement.

Trafficked children are even more vulnerable than adults and more susceptible to believing the threats and promises of their traffickers. Often, social workers and other helpful people have a short window of opportunity in which to help a trafficked child. Most youth shelters face state-mandated reporting requirements after the lapse of specified time-periods. Once trafficked children are apprised of the reporting necessity and deadline, they frequently elect to run.

For these reasons, HHS instituted an outreach program to encourage victims to come forward and to let victims know that the federal government is prepared to help them. HHS launched its Rescue and Restore Victims of Human Trafficking public awareness campaign in April 2004 to increase awareness of human trafficking and of the assistance, benefits and services available to victims in the United States. The theme of the campaign was "Look Beneath the Surface" in order to communicate that people are encountering victims in their daily lives and that they need to look beyond the obvious, asking specific questions or noting certain behaviors of those who may be potential victims. HHS launched the campaign after extensive consultation with HHS and DOJ grantees, law enforcement officials, victims, and experts in the field of human trafficking. It continued through Fiscal Year 2005, although primarily those activities in Fiscal Year 2004 are discussed below.

The program rested on three premises: 1) It would be victim-centered and address the barriers to identifying victims; 2) It would target intermediaries – people and institutions who come in contact with victims but who may be unaware of the phenomenon of trafficking or what to do about it, including local law enforcement officials; social service providers; health care workers; faith-based organizations; migrant and labor outreach organizations; child and homeless youth advocates and caregivers; legal aid providers; and organizations conducting outreach to ethnic populations; 3) It would be community-based, since the nature of trafficking, its ethnic breakdown and the

structure available to address it vary widely from city to city and from urban to agricultural areas.

The campaign had a two-pronged approach to recruiting and educating intermediaries. On a rolling basis, the campaign went into cities or regions and convened and trained local trafficking coalitions of intermediaries. It also recruited and trained national intermediaries from the same sectors. Whether a coalition partner was national or local, their basic role was the same: to inform their members about human trafficking and, using the resources provided by HHS, to ask them to look for victims among the people they encounter.

HHS convened local anti-trafficking coalitions in ten cities: Atlanta, Milwaukee, Newark, Orlando, Phoenix, Philadelphia, Portland (OR), San Francisco, Seattle, and Tampa. After forming a coalition for a city, the campaign held a press conference – a major component of the campaign's media efforts. The press strategy included outreach to appropriate ethnic media. And the campaign leveraged the availability of a Spanish-speaking HHS spokesperson to garner coverage on affiliates of the Univision and Telemundo networks.

Because U.S. media had approached human trafficking largely as an international problem, the campaign developed materials to demonstrate the crime's domestic dimensions. It developed a series of fact sheets addressing human trafficking generally, sex and labor trafficking, the TVPA, victim certification and assistance, and child exploitation. It used these fact sheets to educate the media, intermediaries and others who might encounter potential victims. It has distributed them to many media outlets and intermediary groups and at conferences and other speaking opportunities. HHS established a web-based resource from which all campaign materials can be down-loaded. Through the end of FY 2004, roughly 40,000 persons had visited www.acf.hhs.gov/trafficking.

Although research shows that it is generally difficult to reach victims directly, some victims have access to ethnic media. Leveraging this touch-point, HHS developed a targeted, paid-media outreach component for these victims and, potentially, ethnic intermediaries. In each rollout market, it purchased classified advertising in select Hispanic, Russian, Chinese and Polish newspapers. It strategically placed the advertisements adjacent to massage parlor ads in the classified sections and called upon victims or anyone who may encounter victims (such as "Johns" who have, in the past, reported suspected cases of human trafficking) to call the Trafficking Information and Referral Hotline.

The campaign developed and produced radio spots for Hispanic radio stations in the rollout markets. These radio spots also offered the Hotline as a resource for victims. While it is unclear if the advertising is reaching victims directly, calls to the Hotline have increased in conjunction with dates on which the print advertisements have run in certain markets. Because a link cannot be made between Hotline calls and radio advertising, HHS discontinued radio advertising.

The campaign modified and distributed two public service announcements (PSAs) addressing human trafficking developed by the UN Office of Drugs and Crime in 2003, to address both sex and labor exploitation. It added the Trafficking Information and Referral Hotline, Rescue & Restore logo, and HHS seal to the end of the spots and developed Spanish translations. Congressman Dan Burton of Indiana also distributed the PSAs to national and cable networks with a letter signed by himself and six other Members of Congress. Through Fiscal Year 2004, the PSAs had aired in 23 markets on 35 television stations with more than 4.8 million viewers for a total of 246 airings.

Rescue and Restore partnered with state and local governments to leverage their outreach into vulnerable populations. In FY 2004, the Commonwealth of Pennsylvania -- in concert with Rescue and Restore, the Regional HHS ACF Administrator, Lutheran Immigration and Refugee Services and the Child Welfare/Protective Services of Philadelphia – began developing a new child victim identification protocol that is now being added to the Pennsylvania Department of Public Welfare training curriculum.

In addition, through a contract with Covenant House, HHS established a toll-free, national, 24-hours a day, seven-days-per-week Human Trafficking Information and Referral Hotline (1-888-373-7888), which serves callers in multiple languages and includes conference call access to a translation service with capability in more than 150 languages. To promote the Hotline, the campaign produced various outreach materials, including stickers and Rolodex cards with the number and the types of services callers can receive. The Hotline is prominent on all campaign materials and is promoted heavily in all media outreach. Numerous print and broadcast news stories have referenced the number, and President Bush promoted it at DOJ's national training conference in Tampa, Florida, in July 2004. During the last six months of Fiscal Year 2004, the Hotline received more than 1,600 calls.

In its first year of operation, the Hotline made more than 100 case-tip referrals to law enforcement. In the 16 months prior to the launch of Rescue and Restore, HHS issued letters of certification and eligibility to 124 victims of human trafficking. In the 16 subsequent months, it has issued letters to 273 victims. Currently, the campaign is working -- through grantees and other qualified service providers -- with over 180 pre-certified trafficking victims. While these numbers evidence improvement, HHS recognizes that more work remains to be done to reach greater numbers of victims and have them certified for services under the TVPA.

HHS is committed to on-going evaluation of the public awareness campaign and has refined its strategy as more is learned about trafficking and the identification and assistance of victims. Looking forward, HHS will be instituting a new comprehensive victim services model in order to more readily respond to the needs of victims anywhere in the country and to more successfully encourage them to seek certification under the TVPA. HHS will also be requiring its grantees to develop collaborative relationships with law enforcement, propagating the federal/state/local government collaboration model, delivering new training to its regional coalitions and expanding the reach of its coalition networks and enlisting new national intermediaries in the effort to identify and assist victims.

III. Immigration Benefits Given to Trafficking Victims: Continued Presence and T Non-immigrant Status

Two immigration benefits are available to victims of severe forms of trafficking through the TVPA. First, victims may be authorized "continued presence" to remain temporarily in the United States if federal law enforcement officials determine that they are potential witnesses to their trafficking and submit a request on their behalf to DHS. Second, victims may also petition U.S. Citizenship and Immigration Services (USCUS) within DHS to receive T non-immigrant status, also known as a "T visa," a status available to victims of severe forms of trafficking in persons who are present in the United States as a result of such trafficking and who have complied with reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Both of these statuses include work authorization. A derivative T visa may also be granted to certain family members of T visa recipients, if necessary to avoid extreme hardship to the victim. Once a trafficking victim has held T non-immigrant status for three years, he or she may apply to adjust their status to permanent legal resident; the first T non-immigrant status recipients will become eligible to adjust status in 2005.

A specialized, highly trained team of adjudicators in USCIS's Vermont Service Center adjudicate applications for T non-immigrant status. In Fiscal Year 2004, the Vermont Service Center approved 136 principal applications for T non-immigrant status, denied 292, and had 22 pending at the end of the fiscal year. In addition to applications from principal applicants, the Vermont Service Center approved 216 T non-immigrant status applications from qualified family members of principal applicants, denied 25, and 25 remained pending at the end of the fiscal year.

It should be noted that the seemingly high number of denials of principal applications includes 230 denials that stemmed from one case in which it was determined that the applicants did not meet the legal standard for receipt of non-immigrant status. Of the 47 applications that remained pending at the end of Fiscal Year 2004, 14 were later approved, 11 denied, 1 was administratively closed, and 21 remain pending due to various processing issues, which include waiting for responses to requests for additional evidence that were sent to applicants.

As of September 30, 2004, DHS had granted 484 continued presence requests and approved a total of 425 of principal applications during the life of the program. Many trafficking victims who received continued presence later applied for and received T non-immigrant status, so that the total of 686 trafficking victims served over the life of this program includes victims who have received both types of benefits.

IV. Investigations and Prosecutions of Trafficking in Persons

A. Investigations

Investigations of trafficking in persons are most often undertaken by Federal Bureau of Investigation (FBI) and ICE agents. FBI agents investigate the spectrum of federal criminal civil rights violations, crimes against children, and organized crime. ICE agents focus on border security and immigration enforcement in addressing human

trafficking, both domestically and internationally. The responsibility for the domestic enforcement of the TVPA is located in the FBI's Civil Rights Unit at FBI Headquarters and in its field offices, as well as in the Human Smuggling/Trafficking Unit (HSTU) at ICE Headquarters and in its Special Agent-in-Charge field offices. International enforcement of the TVPA is supported by FBI Legal Attaches and ICE's Foreign Attaches at U.S. embassies. Finally, the FBI's Crimes Against Children Unit should also be mentioned since they investigates domestic child trafficking cases.

The modern anti-trafficking investigative and prosecution model strives for interagency cooperation to draw upon the specialties of each agency in these multi-faceted, complex, and labor-intensive criminal cases. FBI and ICE agents and victim-witness staff have worked well together on trafficking cases. Agents from the State Department's Diplomatic Security Service (DSS), both in the United States and abroad, are playing a key and expanding role in trafficking investigations since the passage of the TVPA. As needed, agents from the Internal Revenue Service (IRS); Bureau of Alcohol, Tobacco and Firearms (ATF); U.S. Marshals Service (USMS); and Drug Enforcement Administration (DEA) have been incorporated into investigative teams, as have state and local law enforcement, as necessary.

Law enforcement efforts to investigate trafficking in persons also include those of DOL, which continues to increase its emphasis on compliance with federal labor standards laws, such as the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act, in low-wage industries like garment manufacturing and agriculture. DOL civil law enforcement responsibilities relating to trafficking are carried out by the Wage and Hour Division with the support of the Office of the Solicitor. The Wage and Hour Division is broadening its enforcement strategy to focus on additional services and establishments in low-wage industries, including healthcare services, day-care facilities, restaurants, guard services, janitorial services, hotels and motels, and temporary help agencies. These include a substantial concentration of undocumented, and sometimes trafficked, workers. Wage and Hour investigators are in workplaces every day, and often are the first government authorities to witness exploitive conditions and to talk to victims. These investigators collaborate closely with DOJ. Additionally, criminal enforcement agents from DOL's Office of the Inspector General have worked hand-in-hand with their FBI and ICE counterparts on a growing number of criminal investigations.

Finally, state and local police officers handle a significant number of child sex trafficking investigations. These officers are often most familiar with the locations, victims, and perpetrators of these crimes in their jurisdictions and provide critical facts and observations that can lead to larger interstate or international investigations. Of particular note is the experience in Houston, Texas, where a local detective has been included in the FBI's civil rights squad -- an approach that has resulted in a dramatic increase in investigations, prosecutable cases, and victim interventions.

B. Prosecutions

The Criminal Section of DOJ's Civil Rights Division, in collaboration with U.S. Attorneys' Offices nationwide, has principal responsibility for prosecuting human

trafficking crimes, except for cases involving trafficking in children, which is a specialization of the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division. The Criminal Section, as the locus of the Department's anti-trafficking activities, maintains a complaint line that has been responsible for almost half of the trafficking investigations opened since its inception, and has resulted in the apprehension and conviction of 32 traffickers.[1]

In Fiscal Year 2004, DOJ filed 29 human trafficking cases, almost equaling the 33 total that were filed in the three previous years combined. In Fiscal Year 2004, DOJ initiated prosecutions against 59 traffickers, the highest number ever prosecuted in a single year. More than half (32) of those defendants were charged with violations created by the TVPA, and all but one of those cases involved sexual exploitation. In Fiscal Year 2004, DOJ obtained a record number of convictions against 43 traffickers, the highest number ever obtained in a single year.

The following chart lists the numbers of defendants charged, prosecuted, and convicted of trafficking offenses under the TVPA alone during Fiscal Year 2004 and prior fiscal years. (Defendants charged in Fiscal Year 2004 with a trafficking offense are not necessarily the same defendants convicted and sentenced in Fiscal Year 2004.)

Trafficking Prosecutions by Year	**FY 1998**	**FY 1999**	**FY 2000**	**FY 2001**	**FY 2002**	**FY 2003**	**FY 2004**
Cases Filed	2	6	3	10	10	13	29
Defendants Charged	19	19	5	38	41	32	59
Convictions	25	13	10	23	28	26	43

In addition to these trafficking cases, under the provisions of the PROTECT Act enacted in 2003, there have been roughly 60 investigations (many still pending) of individuals who traveled abroad to exploit children, known as "sex tourism" cases. Since 2003, there have been 27 sex tourism indictments and 16 convictions (although these indictments and convictions reflect conduct that occurred both before and after the passage of the PROTECT Act).

[1] The complaint line differs from the Rescue and Restore hotline funded by HHS (described above) in that it provides a mechanism for victims and service providers to report the trafficking cases when they are ready. The staffs of each phone-line, however, maintain close contact with the goal of a seamless and effective response to the various needs of the victims.

Furthermore, CEOS has also partnered with the FBI Crimes Against Children Unit and the National Center for Missing and Exploited Children to develop the Innocence Lost Initiative, which was launched in the spring of 2003, targeting domestic child prostitution. The initiative takes a three-pronged approach to combating child prostitution: 1) the development of multi-disciplinary task forces, 2) training and 3) prosecution. Initially targeting 14 U.S. cities identified by the FBI as having a high incidence of child prostitution, the initiative has expanded to numerous additional cities.

An important area of improvement of anti-TIP efforts, both domestically and abroad, is to address the relative dearth of services for child victims. Currently, there are limited options available in terms of housing and victim maintenance for minor victims both at home and abroad. DOJ must work to secure relationships with those who currently provide such services while at the same time promoting increased funding for the development of more shelters and victim services. Improvements would include continuing development and partnership with NGOs providing services and shelter to minor victims. This effort is an important part of the Innocence Lost Initiative but more resources and attention to the issue are needed.

C. Sentences

In order to present data regarding sentences, the DOJ's Bureau of Justice Statistics reviewed the Administrative Office of the U.S. Courts (AOUSC) criminal case database[2] to preliminarily calculate average sentence length for cases completed in Fiscal Year 2004 that involved the trafficking offenses of 18 U.S.C. §§ 1581 (peonage), 1583 (enticement for slavery), 1584 (sale into involuntary servitude), 1589 (forced labor), 1590 (trafficking with respect to peonage/slavery/involuntary servitude/forced labor), 1591 (sex trafficking of children or by force, fraud or coercion), 1592 (unlawful conduct with respect to documents in furtherance of trafficking), and 1594 (general provisions). This calculation differs from the case statistics presented in the preceding charts, because the AOUSC database tracks the statutes involved in a court case rather than the underlying facts of each case. As a result, the AOUSC database search was unable to determine sentences in trafficking prosecutions in which defendants pleaded guilty to non-trafficking offenses, such as immigration violations or visa fraud. In addition, the AOUSC database chronicles only the top five offenses charged, and not the universe of charges brought.

[2] Two groups of data were used from the AOUSC criminal master file to complete this report's requirements: defendants in criminal cases filed and defendants in criminal cases concluded. The first groupfile describes the number of defendants in criminal cases filed in Fiscal Year 2004, which includes the filing of an indictment, information, complaint or other significant paper against a defendant in U.S. district court. The second groupfile describes the number of defendants in criminal case adjudicated in U.S. district court, the number convicted, and the sentences imposed in Fiscal Year 2004 Because of the time it takes to process a case, a defendant appearing in the "case filed" data group does not necessarily appear in the "case adjudicated" data group. Up to five filing offenses are reported per defendant.

Based on the AOUSC database search, in Fiscal Year 2004, there were 29 defendants in cases filed in U.S. district court where one of the above statutes was indicated. In addition, in Fiscal Year 2004 there were 18 defendants in cases concluded where a trafficking statute was indicated. All 18 defendants were convicted and, of these, 14 received a prison term and four received probation. The average prison term for the 14 defendants was 86 months and prison terms ranged from 27 months to 168 months (specifically, one with 27 months, one with 41 months, two with 60 months, one with 63 months, two with 70 months, one with 96 months, two with 97 months, one with 108 months, one with 120 months, one with 121 months, and one with 168 months). Two defendants received a probation term of 12 months and one defendant received 36 months of probation (information on the probation term of the fourth defendant receiving probation is not available).

D. The Human Smuggling and Trafficking Center

Investigations and prosecutions have benefited from the creation of the interagency Human Smuggling and Trafficking Center (HSTC) in July 2004 through a charter signed by representatives of the Secretary of State, the Secretary of Homeland Security, and the Attorney General. The HSTC was subsequently established by statute under Section 7202 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004. The HSTC provides a mechanism to bring together federal agency representatives from the policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action. It serves as an information clearinghouse to ensure that all community members receive all useful information and foster a collaborative environment through sharing tactical, operational and strategic intelligence. The HSTC identifies issues related to migrant smuggling or trafficking in persons for referral to relevant agencies or interagency organizations for consideration and appropriate action.

Desk officers and analysts detailed from the participating departments and agencies, the Central Intelligence Agency, and the National Security Agency constitute the HSTC's staff. The current director is an ICE supervisory special agent, and the current deputy director, on detail from DOS's Bureau of International Narcotics and Law Enforcement (INL), has extensive experience as a consular anti-fraud officer. The director reports to the Secretaries of State and Homeland Security and the Attorney General through a senior steering group. The director and deputy director positions rotate among DHS, DOS, and DOJ on the basis of three-year terms of office.

The HSTC had made initial steps in its anti-trafficking efforts, providing support for a number of U.S. government agencies. On a limited basis, it is disseminating intelligence, producing strategic assessments, and assisting in the dismantling of significant criminal organizations.

However, there remains considerable work to be done for the HSTC to become capable of fulfilling its responsibilities under the interagency charter and IRTPA. This additional work generally falls into the areas of staffing, data connectivity, establishing a firm administrative infrastructure, and delegating certain legal authorities to the HSTC's

Director and staff. Staffing at the HSTC needs to be increased to effectively address the additional responsibilities and mandates created by § 7202 of the IRTPA. In particular, the HSTC requires the full-time assignment of a variety of subject matter experts. To these ends, the Administration is actively working to determine staffing needs and a viable, long-term funding mechanism.

The HSTC's clearinghouse function required by the IRTPA necessitates appropriate access to a significant number of agency data systems. Significant progress has been made in developing connectivity to several of these data systems. However, the HSTC and participating agencies are still working on obtaining access to certain key databases. The HSTC may also explore the creation of a centralized U.S. government database to store relevant information related to illicit travel facilitators, as no such database currently exists. The HSTC needs to develop administrative and information-sharing support structures and procedures and to leverage legal authorities to accomplish its work.

E. Can More Be Done to Prosecute Trafficking Crimes?

The number of federal investigations and prosecutions of trafficking has increased significantly during the last five years since the passage of the TVPA. Nevertheless, some observers have suggested that U.S. prosecutions are not numerous enough, given the scope of the crime in the United States. As an initial matter, this perceived lack of aggressive prosecution is inaccurate. Prosecutions in Fiscal Year 2004 numbered more than twice those in Fiscal Year 2003, which were themselves a 30 percent increase over those in Fiscal Year 2002. In absolute numbers, it is true that the figures pale in comparison to the estimated scope of the problem. However, this incongruity is a result primarily of the already discussed disparity between estimates of the number of victims and those actually found. In any event, 130 investigations were initiated in Fiscal Year 2004, an almost 50 percent increase over the previous year. Finally, it is important to consider the impact on trafficking of the elimination of one criminal enterprise. Even one investigation and prosecution may result in shutting down an operation that victimized tens or hundreds of people, and it is reasonable to assume that enterprises that have been in business for several years that are prosecuted may have victimized hundreds of people. For that reason, is it important to maintain the requirement that victims cooperate with the investigation and prosecution of traffickers in order to be certified to obtain benefits. If that connection were broken, victims would have no incentive to assist in shutting down trafficking networks, and more people would be victimized.

The United States government recognizes, however, that more needs to be done to increase the number of investigations and prosecutions. It has taken several steps to do so, primarily through involving state and local authorities in the anti-trafficking fight.

In 2004, DOJ undertook a comprehensive Trafficking Task Force Initiative to form 21 multidisciplinary task forces, led by U.S. Attorneys, to address trafficking in areas of known concentration. This initiative sought to form, train, equip, and fund teams of state, local and federal law enforcement officials, prosecutors, and victim services providers in a coordinated and proactive effort to investigate criminal organizations, rescue victims and hold perpetrators accountable. To start the initiative, DOJ convened a

national training conference on human trafficking, called *Human Trafficking into the United States: Rescuing Women and Children from Slavery*, July 14-16, 2004, in Tampa, Florida. Featuring speeches by President George W. Bush and Attorney General John Ashcroft, the conference brought together more than 500 attendees, comprising 21 teams of about 20 state, local and federal officials each from Atlanta, Charlotte, Chicago, El Paso, Houston, Las Vegas, Long Island, Los Angeles, Miami, Newark, New Orleans, New York City, Washington, D.C., Philadelphia, Phoenix, Richmond, San Diego, San Francisco, St. Louis, Seattle, and Tampa. The teams learned how to uncover and investigate cases, as well as how to provide services to trafficking victims. DOJ awarded more than $7 million to allow the communities to participate in the newly formed multidisciplinary task forces to address the problem of human trafficking and rescue its victims.

Another important initiative in 2004 was the drafting of a Model State Anti-Trafficking Statute. The Civil Rights Division and the Office of Legal Policy wrote the statute, based on the TVPA and federal experience prosecuting trafficking cases, in order to provide a model for state governments to follow the lead of the federal government in combating trafficking. The U.S. Senate subsequently passed a resolution endorsing the statute and encouraging states to adopt it, and DOJ officials used the statute to urge states to join the fight against trafficking. The model statute seeks to expand anti-trafficking authority to the states in order to harness the almost one million state and local law enforcement officers who might come into contact with trafficking victims. Once states have adopted the statute, or at least their own versions of anti-trafficking laws, the total number of prosecutions nationwide will likely increase.

V. International Grants

Because the United States is a destination country for trafficked people, U.S. government activities abroad are of particular importance in the prevention of human trafficking. Through the DOS, DOL, and USAID, the U.S. government gives a substantial amount of international assistance aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers abroad. In Fiscal Year 2004, the U.S. government supported 251 international anti-trafficking programs, totaling approximately $82 million and benefiting 86 countries.

The DOS has focused considerable diplomatic and political attention on the issue of trafficking in persons, particularly through bilateral and multilateral engagement by the Office to Monitor and Combat Trafficking in Persons with other countries. That office's annual *Trafficking in Persons Report* assesses the anti-trafficking activities of governments of source, transit, and destination countries and is a valuable source of information for U.S. and foreign policy-makers and the public (as is the information on human trafficking contained in the annual *Country Reports on Human Rights Practices*). The annual report ranks countries as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3 based on their efforts to combat trafficking. In making grant awards, DOS, DOL, and USAID focus their program funding primarily on countries ranked as Tier 2, Tier 2 Watch List, or Tier 3 in order to assist those countries in improving their efforts.

For example:

The DOS's Bureau for Population, Refugees and Migration provided $300,000 to the International Organization for Migration (IOM) to supply return and reintegration assistance to Afghan victims, including for those trafficked internally, through a reintegration fund and referral mechanism. This program will directly assist victims, build the capacity of governmental entities, non-governmental institutions, and law enforcement agencies to assist victims, and raise awareness on the dangers of irregular migration and trafficking. Another project funded through the Migration and Refugees Assistance (MRA) account provides return and reintegration assistance to Ghanaian children trafficked to work in fisheries, and works with the fishermen and the children's families and communities to develop alternate sources of income.

The Office to Monitor and Combat Trafficking in Persons awarded a grant of almost $600,000 to the Fund for Justice and the American Bar Association to train criminal justice officials in Uganda, Kenya, and Tanzania to improve enforcement of anti-trafficking laws in each country and foster regional cooperation on trafficking. This office also awarded a grant of $570,000 to the Bilateral Safety Corridor Coalition to establish a bi-national network in Tijuana, Nogales, Ciudad Juarez and Laredo with regular, established communication and coordination. The coalition members will also renovate shelters for trafficking victims, conduct public awareness campaigns, train coalition members, and set up a databank for advocacy purposes. This grant complements a DOJ grant to the coalition to set up a similar infrastructure on the U.S. side of the border. Another highlight is Department of State's support of a $1.7 million program through a U.S. NGO "World Vision" and its partners "World Hope International" and "HAGAR" to establish 1) short and long-term aftercare facilities and services for child victims of trafficking, and 2) to build capacity of ten small local NGOs to provide services in rural areas.

The DOS's Europe and Eurasia Bureau awarded a $30,000 grant to the Tartu Child Support Center in Estonia for a project entitled "Prevention of Human Trafficking" that provided training seminars and lectures on human trafficking issues for 12th grade students in 22 schools in the city of Tartu and its vicinity.

In India, USAID supports the Victim-Witness Protection Program, implemented by a consortium of NGOs and local experts, that provides protection, support, rehabilitation, and reintegration services to rescued victims who are willing to testify against their traffickers. The program also fortifies the Indian legal system's determination and ability to obtain convictions of both traffickers and sex tourists. In addition to safe haven and effective after-care, rescued victims may also need long-term assistance, such as vocational training and outplacement because legal proceedings are lengthy in India. Continuing contact with rehabilitated victims will help to ensure a high rate of court appearances by these witnesses.

DOL's International Labor Affairs Bureau (ILAB) plays an important role in international trafficking prevention activities. ILAB's International Child Labor Program (ICLP) works to prevent the trafficking of children for commercial sexual exploitation and other purposes, and also by working with governments, through the International

Labor Organization, to strengthen laws that criminalize trafficking and to assist victims. For example, in Fiscal Year 2004 ICLP awarded $2 million in addition to previous grants to the International Labor Organization's International Program for the Elimination of Child Labor for a multi-year project entitled Combating Trafficking in Children for Labor Exploitation in West and Central Africa (Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo). The project's objectives are threefold: 1) to reduce the demand for trafficked children; 2) to withdraw trafficked children from exploitive situations and to provide them with a range of services leading to their sustainable reintegration; and 3) to provide boys, girls, and adult family-members in trafficking-prone high-risk areas with viable educational and socio-economic alternatives to reduce their vulnerability to child trafficking.

A complete listing of international anti-human trafficking programs is available at www.state.gov/g/tip.

VI. Training

A. Domestic Law Enforcement Outreach and Training Activities

In addition to investigating and prosecuting trafficking crimes, DOJ and DHS have focused on outreach and training. Typically, these efforts are conducted by the same headquarters-level agents and prosecutors who have primary enforcement responsibility in this area. Such training has resulted in specific prosecutions as prosecutors and agents who attend these conferences put their knowledge to work in their districts.

So that the DOJ-organized Task Forces and other law enforcement entities would have the ability to conduct training and engage in capacity-building on their own, the BJA funded the development of a standard curriculum to be disseminated both to the task forces and through the established training mechanisms set up through the Community Oriented Policing Services (COPS) program. This curriculum, developed by a contractor, the Institute of Intergovernmental Research (IIR), with the assistance of the Civil Rights Division, FBI, ICE, and NGO trafficking experts, includes Power Point presentations and supporting material, film clips of the speakers at the Tampa conference, and case studies drawn from real prosecutions. With the IIR, the BJA hosted a meeting of the task forces in March 2005 to begin the training.

In addition, Civil Rights Division staff conducted more than fifty training sessions around the United States at conferences and meetings in Houston, Seattle, Newark, San Antonio, Los Angeles, Chicago, Salt Lake City, New Orleans, San Francisco, Baltimore, New York City, Miami, El Paso, Austin, Orlando, Las Vegas, Connecticut, Albuquerque, Philadelphia, Northern Virginia, Phoenix, and elsewhere. In addition to these regional training sessions, the Executive Office for U.S. Attorneys' Office of Legal Education, and the Civil Rights Division hosted a comprehensive training session for federal agents and prosecutors, including FBI and ICE agents at DOJ's National Advocacy Center in January 2004. Furthermore, the Civil Rights Division actively participates in human trafficking training at U.S. Attorneys' Offices as part of the regular curriculum of the FBI, ICE, and DOS's Diplomatic Security Service.

Individual agencies also host training sessions for their officers. For example, in San Francisco and Salt Lake City, ICE's HSTU, in conjunction with prosecutors from DOJ's Civil Rights Division, provided in-service training on human trafficking to all special agents in those cities. Similarly, in the fall of 2004, ICE's Division of Training posted the course "Stop Trafficking" to the on-line ICE Virtual University, for internal intranet training. This course was developed by USCIS and ICE trafficking in persons subject matter experts and is available to all USCIS and ICE employees.

In addition, USCIS participated in several training sessions hosted by other federal agencies to provide training to service providers, international delegations, and law enforcement officers on the eligibility requirements for T non-immigrant status. During these training sessions, participants are given the telephone number to the Vermont Service Center's trafficking desk which attorneys, accredited representatives, and service providers may use to receive information. These efforts have improved the quality of T non-immigrant status applications, the developed good relationships with nongovernmental organizations, and increased knowledge of the T non-immigrant status eligibility requirements.

For its part, the FBI provided training on trafficking in persons to its new Special Agent classes, to two sessions of classes for experienced Special Agents, to a class for Supervisory Special Agents, and to several classes for high-ranking and executive management personnel from state and local law enforcement agencies at its National Academy. In addition, the FBI participated in training sessions organized by DOJ in Connecticut, Pennsylvania, New Mexico, Florida, Missouri, Texas, Oregon, and California, as well as the July 2004 national conference. Finally, 300 state and local law enforcement officers were trained through the Innocent Lost Initiative.

B. International Law Enforcement Outreach and Training

Recognizing that trafficking in persons is an international problem, U.S. government personnel have conducted international outreach and have helped train foreign visitors and officials visiting the United States on U.S. trafficking laws, investigations, and prosecutions.

The following are examples of this outreach and training:

DOJ Civil Rights Division attorneys and CEOS attorneys have traveled throughout the world to meet with government officials and non-governmental organizations on strategies to combat trafficking in persons, and have also met with an array of foreign officials during those representatives' visits to the United States. Furthermore, DOJ attorneys and victim coordinators have conducted training sessions and have assisted in drafting trafficking legislation in Asia, Africa, Europe, the Caribbean, North America, and South America. One Civil Rights Division attorney has been detailed to Moldova for two years to work on human trafficking issues in the former Soviet republics. In addition, Division trafficking specialists have led assessment teams to the countries identified by the President's Trafficking Initiative and, in turn, have made programmatic improvements in collaboration with other participating agencies.

In September 2004, a United States assessment team composed of the Deputy Chief of Mission and the head of the Political Section of the U.S. Embassy in Mexico City, attorneys from DOJ's Civil Rights Division and CEOS, and ICE officials met with Mexican authorities and agencies to gather information about the trafficking problems in Mexico, Mexican investigations and prosecutions, victim assistance, the government response to trafficking, and obstacles to and opportunities for successfully combating trafficking. This assessment was part of the President's Initiative on Trafficking in Persons. The Mexican organizations that participated in the site visit interviews included the Ministry of Foreign Affairs, the federal prosecutor's office, the National Institute on Migration, the National Center for Combating Delinquency, the Smuggling Working Group of the Senior Law Enforcement Task Force, and the NGO Casa Alianza. The International Organization for Migration also participated.

The FBI also provided multiple sessions of alien smuggling/human trafficking training to various international law enforcement partners/governments, including Suriname, Italy, Thailand, Albania, Nigeria, Germany, Nicaragua, Costa Rica, Australia, and China, and a contingent consisting of representatives from more than 31 different countries, including South Africa, Senegal, Sweden, the Dominican Republic, and Israel.

The U.S. government also organizes and participates in international conferences on trafficking. For example, the United States Ambassador to Japan hosted a conference on trafficking from June 22-24, 2004, focusing on enhancing communication regionally and developing human trafficking legislation in Japan. The 200 participants included law enforcement, diplomatic and legal entities, as well as NGOs from the United States, Japan, and several countries in Asia. At the Forced Child Labor and Human Trafficking Conference on August 3-9, 2004 in Johannesburg, South Africa, ICE provided representatives from foreign governments, foreign law enforcement agencies, and five non-governmental African-based organizations with training on the TVPA, a global perspective on human trafficking, and a detailed overview of the human trafficking situation on the African continent. Participants were also provided with a "tool kit" containing those items needed for their law enforcement agencies to establish anti-trafficking units, as well as the most recent United States and African trafficking reports. After the conference, HSTU staff and the Johannesburg ICE Attaché met with the Divisional Commissioner, Detective Services of the South African Police Service (SAPS), who has been tasked with spearheading South Africa's anti-trafficking efforts, and the Director of the SAPS Organized Crime Unit. SAPS pledged its support in assisting ICE in future smuggling and trafficking cases. Finally, on February 10, 2004, staff from ICE's HSTU participated in a U.S./Montenegro Policy Forum to discuss anti-trafficking efforts undertaken by the government of Montenegro.

ICE attachés conduct extensive training and engage in other cooperative programs with their counterparts in local law enforcement. The ICE attaché in Brazil met with members of Brazil's federal prosecutors' office and the director of a new Brazilian federal police unit created to increase law enforcement efforts in the area of child pornography, forced child labor, sex tourism and trafficking in persons in an effort to jointly investigate these crimes. HSTU personnel provided 14 training sessions for foreign teams of visitors representing the People's Republic of China, Albania, Bosnia, Croatia, Macedonia,

Serbia, Japan, Kazakhstan, Bulgaria, Turkey, Greece, Italy, Cyprus, Romania, the Ukraine, El Salvador, Honduras, Panama, Colombia, Peru, Argentina, Mexico, Dominican Republic, Venezuela, Costa Rica, Bolivia, Paraguay and Uruguay. HSTU discussed such topics as the TVPA, smuggling and trafficking investigations, victim assistance and options for immigration relief. In addition, U.S. Customs and Border Protection agents meet frequently with their foreign counterparts.

The FBI and ICE also participate in the Southeast European Cooperative Initiative (SECI), whose Regional Center for Combating Trans-Border Crime in Bucharest, Romania, coordinates Southeastern European police and customs regional actions for preventing and combating transborder crime, including trafficking in persons and migrant smuggling. The U.S. government acts as an observer to the HSTC and provides funding, training, and equipment in the area of human trafficking and alien smuggling for SECI representatives and law enforcement officers from participating countries. During a portion of Fiscal Year 2004, ICE detailed a special agent to the SECI Center.

DOJ's Criminal Division's International Criminal Investigative Training and Assistance Program (ICITAP) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) are similarly involved in outreach to and training of foreign law enforcement officials. The mission of ICITAP is to support U.S. criminal justice and foreign policy goals by assisting foreign governments in developing the capacity to provide professional law enforcement services that are based on democratic principles and respect for human rights. ICITAP activities focus on the development of police forces and the improvement of capabilities of existing police forces in emerging democracies. Among the many responsibilities of ICITAP is assistance designed to enhance professional capabilities to carry out investigative and related law enforcement functions in addition to assistance that creates or strengthens their capability to respond to emerging crime problems such as human trafficking.

OPDAT draws on DOJ's resources and expertise to strengthen foreign criminal justice sector institutions and enhance the administration of justice abroad. With funding provided by DOS and USAID, OPDAT supports the law enforcement objectives and priorities of the United States by preparing foreign counterparts to cooperate more fully and effectively with the United States in combating terrorism and transnational crimes such as human trafficking. It does so by encouraging legislative and justice sector reform in countries with inadequate laws; by improving the skills of foreign prosecutors and judges; and by promoting the rule of law and regard for human rights. OPDAT is involved in numerous technical assistance and training programs in Africa, South and Central America, the Caribbean, Russia and other former Soviet republics, South Asia, and Central and Eastern Europe. As a result of anti-trafficking technical assistance and training provided to foreign legal and law enforcement professionals by federal prosecutors through OPDAT, not only have laws to combat trafficking been enacted in Albania, Bulgaria, Russia, Moldova, Kosovo, Romania, and Azerbaijan, but also Paraguay, Bulgaria, Macedonia, Georgia, Kosovo, Moldova, Russia, and Suriname have seen an increase in arrests and successful prosecutions.

Although OPDAT and ICITAP have enjoyed many successes over the past year in terms of bringing anti-TIP legislation and practice in line with international standards, a

number of significant challenges remain. Effective coordination with other U.S. government and international assistance providers continues to require constant attention from both OPDAT/ICITAP headquarters staff and in-country representatives. The presence of OPDAT Resident Legal Advisors (RLAs) and ICITAP Law Enforcement Advisors (LEAs) greatly facilitates such coordination as these representatives spearhead collaboration among assistance providers on the ground in target countries; where there are no RLAs or LEAs, OPDAT Headquarters personnel work closely with U.S. Embassies and international partners, such as the International Organization for Migration, the United Nations, and the Organization for Security and Cooperation in Europe to ensure that assistance is not duplicative. That some organizations continue to conduct "one-off" training programs, however, remains a problem, but only in a handful of countries. Similarly, ensuring appropriate follow up to TIP training programs and legislative assistance is also a challenge, especially, where neither OPDAT nor ICITAP has an in-country representative who can offer ongoing advice and mentoring. To address this issue, OPDAT has initiated a number of "train-the-trainer" programs aimed at creating in-country experts with enhanced skills, who can then mentor their colleagues. Additionally, OPDAT is currently using an Intermittent Resident Legal Advisor (ILA) in Montenegro to provide expert follow-on assistance.

C. Training of Non-Governmental Organizations

The U.S. government collaborates routinely with NGOs that provide victims with direct services, who have been instrumental in helping to identify trafficking cases and victims. Outreach activities include presentations to corporate associations, academic groups and local agencies. Outreach addresses multi-jurisdictional issues, collaborative activities and problems of distinguishing between trafficking in persons and migrant smuggling.

For example, HHS presented at several conferences and other events to promote the *Rescue & Restore* campaign and raise awareness about human trafficking. HHS presented a workshop on trafficking at the National Center for Community Health Centers' Annual Migrant Farm Worker Conference. As a result of participating at this conference, HHS has learned that a conference attendee called the Trafficking Information and Referral Hotline to report suspicious behavior, resulting in a large investigation. In addition, HHS also presented a workshop on identifying and assisting child victims of human trafficking at the annual Dallas Crimes Against Children Conference in August 2004. HHS also sponsored a *Rescue & Restore* exhibit at the American College of Emergency Physicians' Scientific Assembly in San Francisco, an annual October conference attracting some 5,000 emergency room providers.

USCIS participated in training programs in Arizona, Florida, Washington, and Pennsylvania sponsored by several nongovernmental organizations to help improve their understanding of T non-immigrant status application procedures and best practices for completing T non-immigrant status applications.

VII. Senior Policy Operating Group

At the first meeting of the President's Interagency Task Force on Trafficking in 2002, a Senior Policy Advisory Group was created to address inter-agency policy, program, and planning issues that arose in the implementation of the TVPA. In 2003, the President and Congress formalized the establishment of this group as the Senior Policy Operating Group (SPOG) to coordinate anti-trafficking policies, especially grant-making.

The SPOG meets quarterly and includes representatives from the DOS, DOJ, DHS, HHS, DOL, USAID, the Office of Management and Budget, and the Central Intelligence Agency. The Department of Defense and the National Security Council also participate in SPOG meetings. Among other major projects, it has coordinated the President's Initiative on Trafficking in Persons. In Fiscal Year 2004, the SPOG took action to implement several other key priorities. For example, in response to the National Security Presidential Directive on Trafficking in Persons (NSPD-22), which President Bush signed in December 2003, the SPOG created a mechanism for the exchange of information on agency strategic plans and programs and adopted a Grants Policy Statement to guide domestic and international grant-making agencies on the Administration's new policies. In particular the guidelines require all anti-trafficking grants to be reviewed by the SPOG, give priority to organizations that support the policies outlined in NSPD-22; reach out to new partners, such as faith-based, feminist, and community-based organizations, and prohibit grants to organizations engaged in trafficking or favoring legalization or regulation of prostitution as a legitimate form of work. The SPOG also created several subcommittees to further its work.

While the SPOG mechanism for the exchange of information has helped U.S. government agencies avoid duplication and work to link programs supported by different agencies, the SPOG could do more to ensure that program implementation is consistent with government policy, a project that has already been aided by the hiring of new staff specifically for SPOG coordination. However, the authority of the SPOG is limited. Because the SPOG is led by DOS, the SPOG has focused on coordinating the U.S. government's response to international trafficking. Its role in coordinating a national, federal-state-local unified strategy to combat domestic trafficking is necessarily circumscribed by DOS's limited domestic jurisdiction and authorities.

VIII. Recommendations for Action

Taking into account the successes and areas for improvement described above, the U.S. government recognizes that it should take the following action:

- The U.S. government, its state and local partners, and NGOs need to improve their ability to find and rescue victims.

- The U.S. government should conduct more research to determine an accurate figure for the scope of the trafficking problem in the United States, including both domestic and foreign victims.

- The U.S. government should attempt to measure the impact of its anti-trafficking activities both domestically and internationally, including, for example, enhancing U.S. embassies' abilities to monitor and evaluate anti-trafficking projects, requiring grantees to provide self-assessments of their anti-trafficking projects, and conducting more site visits.

- The U.S. government should ensure that its Task Forces are well-functioning and should encourage states to adopt and aggressively implement their own anti-trafficking laws.

IX. Conclusion

In his first policy address as Attorney General, Alberto Gonzales called trafficking "one of the most pernicious moral evils in the world today." As Attorney General Gonzales stated, "This abomination does not exist only in other lands; it exists right here, on our shores. Today its victims are usually aliens, many of them women and children, smuggled into our country and held in bondage, treated as commodities, stripped of their humanity."

As this report has detailed, U.S. government departments and agencies provide victims with a range of social services, both directly and through grantees; vigorously investigate and prosecute trafficking cases; and provide training, outreach, and assistance to domestic and international law enforcement and non-government organizations. The United States is aided by the modern tools created by the TVPA to address this ancient evil with a renewed and intensified vigor. More needs to be done, however. In particular, the U.S. government must address the disparity between the number of estimated victims and the number of victims who have been found and rescued. Pro-active law enforcement, increased outreach, and the engagement of state and local officials are promising ways to deal with this problem.

The U.S. government is committed to combating this form of modern-day slavery with all the resources available to it and will continue to guarantee the promise of the Thirteenth Amendment to the Constitution: "Neither slavery nor involuntary servitude...shall exist within the United States, or any place subject to their jurisdiction." The fight against trafficking is one of our highest priorities for ensuring justice in the United States and around the world.