



Human Trafficking, U.S. Policy, and the Catholic Church

Human Trafficking is a form of modern-day slavery that involves the use of force, fraud, or coercion to obtain some type of labor or a commercial sex act. Inducing a minor into commercial sex is always considered human trafficking, regardless of the presence of force, fraud, or coercion. It is a crime under both U.S. and international law and is also illegal in all 50 states in the United States. Due to the clandestine nature of this crime, human trafficking is an underreported problem; the estimated number of victims actively trapped in a human trafficking situation worldwide is uncertain, as is the number of people involved in perpetrating this crime. Estimates vary widely, but the U.S. Department of State puts this number at around 27 million victims worldwide at any given time. Recognizing that perpetrators of this crime often find new tactics, methods, and means to exploit individuals, there is still much unknown about the crime.

Sex trafficking or exploitation is defined by the U.S. government as the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. Such forms of trafficking include any forced sex act given or received by any person as a “value” or for profit or gain. Like sex trafficking, labor trafficking consists of the recruitment, harboring, transportation, patronizing, soliciting, or obtaining of an individual for labor or services, using force, fraud, or coercion for involuntary servitude, peonage, debt bondage, or slavery. Traffickers engage in a variety of methods to trap individuals in a state of labor slavery. Three common tactics used by traffickers include:

- 1) Debt bondage, which is the condition of compelling a person into serving his/her personal needs such as security for debt, control, and exploitation;
- 2) Involuntary servitude, defined as the condition of serving any person compelled by a scheme, plan, threat of serious harm, physical restraint, abuse, or legal process; and
- 3) Peonage, also known as debt slavery, a system in which the perpetrator or employer compels a worker to pay off a debt with work; usually income of the worker is very low, and the debt is such a large sum of money that the worker will never pay off this debt.

Trafficking versus Smuggling

Trafficking and smuggling are often confused with one another, and they are at times used interchangeably. However, while they often occur in tandem, they are separate and distinct acts. Human smuggling is defined as transporting someone illegally across an international border or providing illicit means for someone to enter a country (e.g., fraudulent documents) for profit. Therefore, smuggling is generally transportation-based and can be achieved with the individual’s freely-given consent, but human trafficking, according to the U.S. government, involves 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.

Human Trafficking and Migrants

Migrant communities encompass a variety of demographics that include women, unaccompanied children, refugees, and can include indigenous persons. While each population faces risks based on geography and demographic status, they are all vulnerable to exploitation, given their marginalized situation. Traffickers thrive where vulnerability is high, especially in the circumstances and challenges that occur in the lives of migrant individuals. Individuals migrating from their country of origin to the United States through irregular means are often trapped in situations of labor and sexual trafficking. Such migrants are often less likely to turn to local law enforcement, government, and other organizations because of a distrust for these types of entities. Their lack of status enhances their vulnerability to traffickers, who prey on these individuals due to their precarious situations. Other risk factors that often affect migrant populations include:

- Financial insecurity
- Language barriers
- Legal issues and lack of legal support
- Risk and fear of deportation
- Lack of awareness of their situation of being exploited
- Fear of traffickers and control they have over their victims
- Fear to report due to their role in committing crimes for their traffickers
- False promises of safety and security by traffickers

NGOs and Federal Agencies

The issue of human trafficking of migrants at the U.S.-Mexico border is a complex and ongoing problem that requires the efforts of multiple stakeholders, including international and domestic nongovernmental organizations (NGOs) and the federal government. International NGOs, such as the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), and the United Nations High Commissioner for Refugees (UNHCR) are working to aid and support migrants victimized by trafficking. Both international and domestic NGOs offer a range of services, including shelter, medical care, legal assistance, and psychosocial at low or no cost to the clients.

The federal government has also taken steps to combat human trafficking at the U.S.-Mexico border. The U.S. Department of Homeland Security (DHS) has established the Blue Campaign, which is a national public awareness campaign designed to educate the public, law enforcement, and other stakeholders on how to recognize and report human trafficking. Additionally, DHS and the U.S. Department of Justice (DOJ) work closely with state and local law enforcement agencies to investigate and prosecute human trafficking cases.

Furthermore, the federal government has implemented some policies to address the root causes of migration, which include poverty, violence, and political instability. These policies include foreign aid to countries in Central America and programming to increase economic opportunities and promote democratic institutions. Overall, the efforts of NGOs and the federal government are crucial in the fight against human trafficking at the U.S.-Mexico border. However, this is a complex and ongoing problem that requires sustained commitment and collaboration among all stakeholders.

What is Actually Being Done?

The Department of State Trafficking in Persons Report focuses on tiers for each country on how well they are working to prevent trafficking in their countries. The 2022 report places the United States in Tier 1, which means it “fully meet[s] the minimum standards for the elimination of trafficking.” Despite this, reports showed that “the government continued not to mandate human trafficking screening for all foreign national adults in immigration detention or custody and did not screen for trafficking indicators among the people removed.” Likewise, individuals advocating for migration rights continued to report “concerns of trafficking survivors being held in immigration detention” and that the government’s policy to return to Mexico certain individuals was exacerbating their vulnerability to victimization of continued trafficking.

On the other hand, the government increased protection efforts, and federally funded programs with trafficking victim-specific services expanded to serve foreign nationals. The DOJ and the U.S. Department of Health and Human Services (HHS) provided access to services for both domestic survivors of trafficking and foreign nationals through case management, substance-use treatment, housing services, mental health, medical care, interpretation and translation services, job-readiness and placement, transportation services, and more. HHS runs two victim assistance programs, one focusing on domestic victims and one on foreign nationals. For Fiscal Year (FY) 2021, HHS awarded funding to NGOs that serve foreign nationals with \$14 million, which included unspent money from the years prior, such as over \$5 million in 2020 and \$10 million in 2019. Catholic organizations are among the direct-service providers with specialized expertise that administer these programs.

Federal Legislation and Its Implementation

The Trafficking Victims Prevention Act of 2000 (TVPA) was a landmark piece of legislation that standardized U.S. law in the area of anti-trafficking. It made foreign victims eligible for federally funded services and offered legal status to victims through the creation of the T and U nonimmigrant visas. The act also added new criminal provisions and increased penalties for those who perpetrate human trafficking. The TVPA requires periodic reauthorization by Congress. The legislation was most recently reauthorized in January of 2023 as the Trafficking Victims Prevention and Protection Reauthorization Act of 2022. DHS has stated that Customs and Border Protection (CBP) officers and agents are trained to screen for human trafficking. However, there is no legislatively-mandated screening tool in use. CBP has also stated that training is provided to

frontline workers to identify potential victims and to ensure that individuals are referred to the relevant federal agencies for assistance. However, as discussed above, neither current law nor policy mandate that all individuals in immigration detention or custody be screened for human trafficking indicators.

Trafficking and Asylum

Asylum is an internationally recognized form of humanitarian protection available under U.S. law. A person physically located inside the United States may be granted asylum if they are unable or unwilling to return to his or her country of nationality because of past persecution or a well-founded fear of persecution on account of their (1) race, (2) religion, (3) nationality, (4) political opinion, or (5) membership in a particular social group.

Asylum is codified under Title 8 of the United States Code. The definition of asylum is based on international law, specifically the 1951 UN Convention Relating to the Status of Refugees. The U.S. signed onto the 1967 Protocol, which includes the Convention definition. Further, the definition was incorporated into U.S. law in the Refugee Act of 1980. U.S. immigration laws state that individuals have the right to seek asylum regardless of whether they enter the country at an official port of entry.

Individuals can apply for asylum through either an “affirmative” or a “defensive” process. Individuals who are not in removal proceedings can petition for asylum affirmatively through United States Citizenship and Immigration Services (USCIS), a division of DHS. Defensive asylum is the application process for individuals who arrive in the U.S. in an unauthorized manner, voice a fear of return or persecution, and are issued a Notice to Appear (NTA) in immigration court where their case will be adjudicated by an immigration judge. Both forms of asylum are perfectly legal, discretionary, and apply the same standard.

While the T visa affords benefits and protection to victims of trafficking who have assisted in the investigation or prosecution of a trafficker, it does not assist those who have a well-founded fear of being trafficked or who are not involved with an investigation. Rather, asylum law provides that an individual would need to face persecution for his or her membership in a particular social group as a potential basis. While scholars have argued that many who face human trafficking ought to be protected as a social group due to their profound vulnerability in countries of origin, such asylum claims have often had low success rates with inconsistent practices among immigration courts.

The Catholic Church’s Anti-Trafficking Efforts

Catholic teaching maintains that human trafficking is an affront to the God-given dignity of each victim, and Pope Francis has described it as “an open wound on the body of contemporary society, a scourge upon the body of Christ.” In 2019, the Vatican released its [*Pastoral Orientations on Human Trafficking*](#), which serves to “provide a reading of Human Trafficking and an understanding that motivate and sustain the much-needed long-term struggle” against it.

The U.S. Catholic Church in particular has been actively engaged in combating human trafficking, recognizing it as a grave violation of human dignity and a modern-day form of slavery. The Church has undertaken various programs, political advocacy, and partnerships to address this issue at different levels, such as:

1. **Spreading awareness and education:** The U.S. Catholic Church has played a crucial role in raising awareness about human trafficking within Catholic communities and the general public. Parishes across the country have been equipped with programs to conduct educational programs, workshops, and seminars to inform people about the signs, causes, and consequences of trafficking. They aim to equip individuals with the knowledge to identify and report potential cases of trafficking.
2. **Direct assistance and support:** Many Catholic organizations and religious orders/congregations have established programs to provide direct assistance and support to victims of human trafficking. These programs offer a range of services, including shelter, medical care, counseling, legal aid, vocational training, and support with reintegration into society. Many Catholic Charities agencies have been instrumental in providing these services to survivors.
3. **Collaboration and partnerships:** The U.S. Catholic Church actively partners with governmental agencies, law enforcement, and various NGOs to combat human trafficking. It participates in interfaith initiatives, coalitions, and task forces dedicated to eradicating trafficking. These partnerships aim to enhance victim identification, prevention efforts, and the prosecution of traffickers.
4. **Public policy advocacy:** The U.S. Conference of Catholic Bishops (USCCB) regularly engages in public policy advocacy to address the systemic issues that contribute to human trafficking. It calls for stronger legislation and policies to protect victims, prosecute traffickers, and address the root causes of trafficking. The USCCB also advocates for comprehensive immigration reform to improve the U.S. immigration system, as vulnerable migrants are often targeted by traffickers.
5. **Encouraging ethical supply chains:** Recognizing that human trafficking is often linked to forced labor in global supply chains, the U.S. Catholic Church promotes ethical business practices. It encourages the implementation of fair labor standards and supply chain transparency, urging companies and consumers to prioritize products that are not tainted by exploitation. The USCCB cofounded the [Coalition of Organizations and Ministries Promoting the Abolition of Slavery at Sea \(COMPASS\)](#), which has advocated and educated on the issues of maritime trafficking as modern slavery at sea—a violation of the human dignity of laborers within the seafood supply chain and aquaculture industries.

By addressing both the immediate needs of survivors and the root causes of trafficking, the Church strives to create a society where the inherent dignity of each person is respected and protected, from the moment of conception to natural death.

Other Resources and Further Reading

- [Become a SHEPHERD](#) to stop human trafficking and exploitation. Protect, Help, Empower, and Restore Dignity (SHEPHERD) educates lay and religious leaders about human trafficking from a Catholic perspective, equipping them with the needed knowledge and skills to combat forced labor and commercial sexual exploitation at the local level.
- [Amistad Movement](#): Like the captives aboard the Amistad slave ship who revolted and won their freedom, the Amistad Movement seeks to empower immigrants in at-risk communities with the educational tools to protect their community members from falling victim to human trafficking.
- Learn about [St. Josephine Bakhita](#), patroness of human trafficking survivors and the Church's inspiration of hope and resilience for those subjected to trafficking.
- [United Nations Office of Drugs and Crime \(UNODC\) Global Report on Trafficking in Persons 2022](#)
- [U.S. Department of State 2022 Trafficking in Persons Report](#)

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