



FEDERAL LAWS

Human Trafficking, Forced Labor, and Involuntary Servitude

HUMAN TRAFFICKING:

18 U.S. Code § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

- (a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.
- (b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under sub section (a).

18 U.S. Code § 1593A. Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581(a), 1592, or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

22 U.S. Code § 7105. Protection and assistance for victims of trafficking

...
(b) VICTIMS IN THE UNITED STATES

(1) Assistance

(A) Eligibility for benefits and services

Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 101(a)(15)(ii), shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

...
(C) Definition of victim of a severe form of trafficking in persons. For the

purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—

- (i) who has been subjected to an act or practice described in section 7102(8) of this title as in effect on October 28, 2000; and
- (ii)
 - (I) who has not attained 18 years of age; or
 - (II) who is the subject of a certification under subparagraph (E).

...

(E) Certification

- (i) In general. Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—
 - (I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; or is unable to cooperate with such a request due to physical or psychological trauma and
 - (II)
 - (aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or
 - (bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) Period of effectiveness.

A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) Investigation and prosecution defined. For the purpose of a certification under this subparagraph, the term “investigation and prosecution” includes—

- (I) identification of a person or persons who have committed severe forms of trafficking in persons;
- (II) location and apprehension of such persons; and
- (III) testimony at proceedings against such persons; or
- (IV) responding to and cooperating with requests for evidence and information.

...

(c) **TRAFFICKING VICTIM REGULATIONS.** Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of

State officials to implement the following:

- (1) PROTECTIONS WHILE IN CUSTODY. Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—
 - (A) not be detained in facilities inappropriate to their status as crime victims;
 - (B) receive necessary medical care and other assistance; and
 - (C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—
 - (i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and
 - (ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

...

(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES. —

(A) Trafficking victims

(i) In general

If a Federal law enforcement official files an application stating that an alien is a victim of a severe form of trafficking may be a potential witness to such trafficking, the Secretary of Homeland Security may permit the alien to remain in the United States to facilitate the investigation and prosecution of those responsible for such crime.

...

(iii) Continuation of presence

The Secretary shall permit an alien described in clause (i) who has filed a civil action under section 1595 of title 18, United States Code, to remain in the United States until such action is concluded. If the Secretary, in consultation with the Attorney General, determines that the alien has failed to exercise due diligence in pursuing such action, the Secretary may revoke the order permitting the alien to remain in the United States.

SEX TRAFFICKING:

18 U.S. Code § 1591. Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly--

- (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or
- (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is-

- (1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or
- (2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

- (1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (2) The term "coercion" means-
 - (A) threats of serious harm to or physical restraint against any person;
 - (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
 - (C) the abuse or threatened abuse of law or the legal process.
- (3) The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.
- (4) The term "serious harm" means any harm, whether physical or nonphysical,

including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

- (5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

FORCED LABOR:

18 U.S. Code § 1589. Forced labor

- (a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means-
 - (1) by means of force, threats of force, physical restraint, or threats or physical restraint to that person or another person;
 - (2) by means of serious harm or threats of serious harm to that person or another person;
 - (3) by means of the abuse of threatened abuse of law or legal process; or
 - (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).
- (b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).
- (c) In this section:
 - (1) The term “abuse of threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
 - (2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.
- (d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the

defendant shall be fined under this title, imprisoned for any term of years or life, or both.

Additional U.S. trafficking laws include, but are not limited to, 18 U.S.C. §§1581, 1583, 1584, 1588, 1592, 1594, 1595, 1597, 7101, 7102, 7103, 7103a, 7104a, 7105a, 7106, 7107, and 7112. See also The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) and Subsequent Reauthorizations in 2003, 2005, 2008, 2013, and 2018.

LEGAL DISCLAIMER

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Last updated February 12, 2019.

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