

THE TRAFFICKING VICTIMS PROTECTION ACT (TVPA)

A BRIEF SUMMARY OF EACH REAUTHORIZATION



by Chelsea Caplinger

In 2000, Congress passed the Trafficking Victims Protection Act (TVPA), the first legislation of its kind. The TVPA created resources to combat human trafficking domestically and internationally. Since 2000, the TVPA has been reauthorized five times. Each reauthorization contains provisions aiming to protect human trafficking victims, which should be understood and accessible to anyone wanting to be involved in the fight against trafficking.

2000

The TVPA creates a legal framework to combat human trafficking domestically and internationally. A task force is created to implement the TVPA, alongside the creation of the Office to Monitor and Combat Trafficking in Persons, which will be responsible for analyzing other countries' efforts to combat trafficking and assist the State Department in publishing a report each year. This report will consist of a tier ranking for each country of their efforts to combat trafficking. One of the most notable parts of this act is the creation of the T visa, which provides immigration relief for victims of trafficking. When granted, the visa provides eligibility to apply for green card status and a pathway to citizenship. This groundbreaking legislation acknowledges that previous efforts to help trafficking victims were inadequate. It also acknowledges that the law was inadequate for punishing traffickers and includes updates to increase the maximum penalty for traffickers. Additionally, it acknowledges that the existing laws failed to protect victims of trafficking, leading to the creation of the task force and the enacting of the TVPA.

2003

This reauthorization creates an updated version of the TVPA by clarifying language and increasing funding for various agencies combating human trafficking (done in each reauthorization through 2019). It also establishes human trafficking as a chargeable crime under the Racketeering Influenced Corrupt Organizations (RICO) statute and creates the legal framework for trafficking victims to sue their traffickers in a civil case. T visa protections and benefits are extended to immediate family members and a larger focus is placed on the education of government workers about human trafficking, including border patrol officers, law enforcement, judicial officers, and prosecutors. Education materials for travelers on the illegality of sex tourism in high-risk countries are also created. Finally, there is a distinction made that the government does not support the legalization and practice of prostitution, and restriction of funding is put in place for organizations that support prostitution.

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2005

This reauthorization establishes multiple pilot programs for trafficking victims, which include rehabilitation treatment for victims who are minors, alongside rehabilitation treatment for victims in foreign countries. Grant programs are created to assist state and local efforts to help people subject to trafficking. New efforts are made to combat sex tourism, which includes ensuring that federal employees who are contracted abroad are not engaging in sex tourism. Finally, there is a major increase in measures to combat human trafficking in the United States, including funding and research.

2008

This reauthorization focuses on expanding the protections available under the T visa scheme, specifically for parents of the trafficking victim and siblings under the age of 18. It also expands prevention strategies, like the creation of a pamphlet on the legal rights of undocumented trafficking victims, an FBI classification for human trafficking, and expansion of grant programs. More protections are offered to children who have been trafficked, particularly children who are unaccompanied aliens. These unaccompanied children will be screened for human trafficking and offered protections if they are suspected to be a victim. Finally, a section is added on child soldiers, which focuses on efforts to prevent child soldiering and to provide resources to children.

2013

This reauthorization is passed as part of the Violence Against Women Act, similar to the way the TVPA of 2000 was originally passed. The act places a new focus on identifying crises where people are more likely to be trafficked, such as during war and natural disasters. It also adopts a new strategy to prevent child marriages. The Comptroller General is assigned duties that focus on foreign labor practices, which includes publishing reports to ensure the US is not purchasing goods made from forced or child labor. Finally, it ensures all unaccompanied minors are assigned child advocates, especially necessary for unaccompanied aliens.

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2017

Trafficking Victims Protection Act of 2017

This act focuses on training law enforcement and other government officials to recognize the difference between criminal acts and trafficking, to help avoid arresting trafficking victims. There is an expansion of support for missing and exploited children, to help educate children in the foster system and other at-risk children on internet safety. Civil cases are protected by placing trafficking cases under seal until an indictment is returned. Grants are prioritized for organizations that take affirmative actions to investigate trafficking crimes and avoid arresting trafficking victims. A new requirement is put in place to provide an individual screening for anyone suspected to be a trafficking victim.

Abolish Human Trafficking Act of 2017

The Department of Homeland Security (DHS) is tasked with creating a screening protocol for all DHS law enforcement to avoid arresting and prosecuting trafficking victims, alongside ensuring their interactions avoid re-traumatization as much as possible. There is also a reminder that anyone who uses force, fraud, or coercion OR buys sex from a minor is guilty of trafficking. In addition, clarification is provided that commercial sexual exploitation is considered a form of gender-based violence. The reauthorization requires that no federal funding go towards the adult entertainment business. The National Institute of Justice and the Centers for Disease Control and Prevention are tasked with conducting a study to analyze the psychological effects of trafficking to facilitate the best support for survivors. In court cases against suspected traffickers, the act states that if convicted, the trafficker must pay the victim the amount of their personal losses and reimburse them for services (including sexual services). Finally, the HERO Child-Rescue Corps Program trains armed forces who are injured or ill on how to prevent child exploitation by providing education in forensics, analysis, and intelligence to assist in spotting child exploitation.

Trafficking Victims Protection Reauthorization Act of 2017

This short reauthorization focuses on partnering with the private sector to develop technology to combat traffickers. It also focuses on how to address newly designated tier-2 countries (countries deemed a higher risk for trafficking) by providing the foreign minister of the given country an action plan and a copy of the report that categorizes them as tier-2.

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2018

Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018

Emphasizes providing foreign assistance to address environments that makes people more susceptible to human trafficking, such as high rates of poverty and humanitarian disasters. There are measures to alleviate child labor by preventing these goods from entering the US and a condemning of these practices in the private sector. There is also a focus on Afghanistan, where there are high rates of the use of child soldiers and the sexual abuse of children. New training programs are created to train education staff to spot human trafficking. Grant programs shift to prioritizing children, the homeless, and those transitioning out of foster care.

MORE INFORMATION AND RESOURCES

- [T visas: Intent and Reality- Immigration Attorneys Share Challenges to 'Humanitarian' Approach](#)
- [Summary of the Trafficking Victims Protection Act](#)
- [Compilation of the the TVPA and all the reauthorizations](#)

To read more about human trafficking or to find articles about the TVPA and other issues related to human trafficking visit humantraffickingsearch.org



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