



Potential Human Trafficking Victims

Fiscal Year 2023 Annual Report to Congress

November 26, 2024



Homeland
Security

A Message from the Director of the Center for Countering Human Trafficking

November 26, 2024

The following report, “Potential Human Trafficking Victims: Fiscal Year 2023 Annual Report to Congress,” has been prepared by the U.S. Department of Homeland Security (DHS), Center for Countering Human Trafficking.

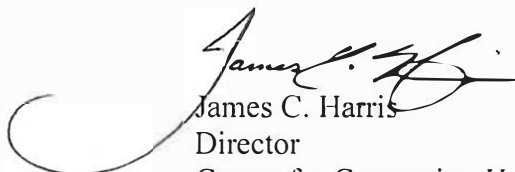
This document was directed by a requirement in section 5 of the Countering Human Trafficking Act of 2021, Pub. L. No. 117-322, signed into law on December 27, 2022.

Pursuant to the requirements of Pub. L. No. 117-322, I am hereby transmitting a copy of this report to the following:

The Honorable Gary C. Peters
Chair, Senate Homeland Security and Governmental Affairs Committee

The Honorable Rand Paul
Ranking Member, Senate Homeland Security and Governmental Affairs Committee

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Harris", with a large, stylized flourish extending from the bottom left.

James C. Harris
Director
Center for Countering Human Trafficking



Executive Summary

Pursuant to the Countering Human Trafficking Act of 2021, Pub. L. No. 117-322 (2022), DHS is required to submit an annual report to Congress on two items related to the identification of potential human trafficking victims.

First, the report must include the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin. The report provides an update based on available data for individuals who displayed indicators of human trafficking and whose cases were referred for investigation.

Second, the report must provide an update on DHS's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the *Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*, published in January 2020. The report details a multi-year effort to update human trafficking screening forms and protocols across DHS. This effort began in 2021 and is expected to be completed in 2025.



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Table of Contents

I.	Legislative Language	1
II.	Background	1
III.	Numbers of Screened & Identified Potential Victims of Trafficking at or Near the International Border Between the United States and Mexico.....	2
IV.	Update on DHS Efforts to Establish Protocols & Methods for DHS Personnel to Report Human Trafficking.....	6
V.	Conclusion	7
	Appendix: Abbreviations	8

I. Legislative Language

On December 27, 2022, President Joseph R. Biden signed the Countering Human Trafficking Act of 2021, Pub. L. No. 117-322 (2022) (hereinafter “the Act”), into law, which codified the U.S. Department of Homeland Security (DHS or Department) Center for Countering Human Trafficking (CCHT).

Section 5(c) of the Act requires the Secretary of Homeland Security to submit to the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

“(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security’s efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the *Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*, published in January 2020.”

II. Background

Combating human trafficking is a top priority for DHS. In 2020, the Secretary of Homeland Security released the *DHS Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation* (“Strategy”). The Strategy represents the DHS vision to end this urgent humanitarian issue, articulates the Department’s long-term approach for combating these crimes, and serves as a framework to prioritize our resources and monitor progress. Identification of potential victims of human trafficking features prominently within the Strategy and in the day-to-day operations of employees across DHS.

On October 20, 2021, the Secretary of Homeland Security issued a memorandum to all DHS Components entitled, *Institutionalizing the Victim-Centered Approach*. The memorandum directed all DHS Components to develop plans to align policies, programs, and other activities with a victim-centered approach and specifically mentioned screening protocols and other victim identification efforts.

Furthermore, DHS has institutionalized its work with the addition of a sixth DHS mission to its *2023 Quadrennial Homeland Security Review*. The articulation of this new mission—Combat Crimes of Exploitation and Protect Victims—serves to strengthen and increase focus on the critical work of identifying, protecting, and supporting victims.

III. Numbers of Screened & Identified Potential Victims of Trafficking at or Near the International Border Between the United States and Mexico

A. U.S. Customs and Border Protection, U.S. Border Patrol

The U.S. Border Patrol (USBP) within U.S. Customs and Border Protection (CBP), is responsible for enforcing the laws of the United States along international borders and between ports of entry.

In accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 and CBP policy, all unaccompanied children (UCs) are screened for indicators of trafficking via CBP Form 93. The role of CBP Form 93 is to screen UCs (those defined in 6 U.S.C. §279(g)(2)) to assess a UC's: ability to make an independent decision to withdraw his/her application for admission to the U.S., fear of return to their country, and past experience of trafficking or risk of future trafficking. As such, CBP Form 93 is not used to determine whether an adult is a victim of trafficking. For adults, Border Patrol Agents are trained to recognize indicators of human trafficking and ask additional questions where appropriate. USBP cannot provide precise data on adults, because unlike UCs, there is no standardized form used to screen adults for human trafficking indicators.

Based on Fiscal Year (FY) 2023 screening data, USBP identified 1,265 UCs of the 107,131 total UCs screened by USBP via CBP Form 93 who) displayed indicators of human trafficking and referred them to HSI as potential victims.

For FY 2023, the ages and countries of the 1,265 UCs encountered by USBP that displayed indicators of human trafficking included:

Age	UC Total
3	1
9	1
10	5
11	2
12	11
13	14
14	117
15	207
16	353
17	554
Nationwide Total	1,265

Citizenship	UC Total
Angola	1
Bangladesh	1
Belize	1
Brazil	1
Colombia	13
Costa Rica	1
Cuba	4
Dominican Republic	3
Ecuador	48
El Salvador	67
Guatemala	742
Guinea	1
Haiti	1
Honduras	185
India	4
Jamaica	2
Mauritania	1
Mexico	134
Nicaragua	6
Peru	4
Senegal	1
Somalia	1
Uzbekistan	1
Venezuela	42
Nationwide Total	1,265

USBP coordinates the transfer of UCs, including those who are identified as potential victims of human trafficking, with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations, Juvenile and Family Management Division, to the Department of Health and Human Services, Office of Refugee Resettlement. In some cases, USBP and CBP's Office of Field Operations (OFO) coordinate directly with Consular Officials from contiguous countries (Mexico and Canada) to return UCs to their respective home countries after determining, on a case-by-case basis that such return is appropriate under 8 U.S.C. § 1232(a)(2).

B. U.S. Customs and Border Protection, Office of Field Operations

OFO works tirelessly to secure our borders at ports of entry through a combination of highly trained personnel, ground and aerial monitoring systems, and robust intelligence and information sharing networks.

The National Targeting Center conducts a layered approach to prevent noncitizen convicted human traffickers and noncitizen child sex offenders from entering the United States by effectively screening at various CBP locations, to include Ports of Entry in the United States and

international sites such as Joint Security Programs and Immigration Advisory Program locations before arrival at a U.S. port of entry.

OFO also screens UCs encountered using CBP Form 93, as described above. In FY 2023, CBP-OFO encountered 6,319 UCs; of these, 500 were assessed as displaying indicators of human trafficking via CBP Form 93 (8 percent).

For FY 2023, the ages and countries of UCs encountered by OFO that displayed indicators of human trafficking included:

Age	UC Total
6	19
7	13
8	20
9	24
10	26
11	16
12	27
13	31
14	52
15	49
16	100
17	123
OFO Total	500

Citizenship	UC Total
Afghanistan	2
Armenia	3
Belize	1
Brazil	2
Cameroon	3
Colombia	8
Cuba	14
Ecuador	16
El Salvador	20
Guatemala	83
Haiti	18
Honduras	53
Mexico	229
Peru	4
Russia	2

Uzbekistan	1
Venezuela	41
OFO Total	500

OFO cannot provide precise data on adults because, unlike with UCs, there is no standardized form used to screen adults for human trafficking indicators. In accordance with the TVPRA of 2008 and CBP policy, UCs are screened for indicators of trafficking via CBP Form 93 for the ability to withdraw an application for admission under 8 U.S.C. 1232(a)(2)(A). For adults, CBP officers are trained to look for signs of human trafficking during their inspections and ask questions where appropriate.

C. U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) screens noncitizens for human trafficking under the Circumvention of Lawful Pathways (CLP) rule. This rule was jointly published by DHS and the Department of Justice (DOJ) in May 2023 to incentivize noncitizens to use lawful, safe, and orderly pathways to enter the United States, or otherwise to seek asylum or other protection in another country through which they travel. Under the CLP rule, certain noncitizens who enter the United States without authorization between May 12, 2023 and May 11, 2025, at the southwest land border or adjacent coastal borders are presumed to be ineligible for asylum, unless they can demonstrate that the presumption does not apply or that they can meet an exception to or rebut the presumption of asylum ineligibility.¹ Pursuant to the rule, noncitizens can rebut the presumption of asylum ineligibility if they demonstrate by a preponderance of the evidence that exceptionally compelling circumstances exist.² Exceptionally compelling circumstances include, but are not limited to, circumstances where, at the time of entry, the noncitizen or an accompanying family member: (1) faced an acute medical emergency; (2) faced an imminent and extreme threat to life or safety, such as an imminent threat of rape, kidnapping, torture, or murder; or (3) satisfied the definition of “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11(a).

At the credible fear screening stage, USCIS interviews noncitizens to determine if there is a significant possibility that they are eligible for asylum. Under the CLP rule, the credible fear screening includes a determination as to whether there is a significant possibility the noncitizen could establish an exception to or rebut the presumption of asylum ineligibility by a preponderance of the evidence in a full hearing. The CLP rule also applies at the asylum merits interview stage; if a noncitizen is subject to the presumption of ineligibility, USCIS would determine whether the noncitizen demonstrated an exception to or rebutted the presumption by a preponderance of the evidence.

USCIS collects data on whether either a CLP exception or rebuttal ground was found to apply at the appropriate standard of proof, but does not track the specific reason or circumstances that led

¹ CLP, 88 FR 31314, May 16, 2023. On August 3, 2023, the U.S. Court of Appeals for the Ninth Circuit issued a stay of the U.S. District Court for the Northern District of California’s order in *East Bay Sanctuary Covenant v. Biden*, 18-cv-06810 (N.D. Cal.), vacating the CLP rule. While the stay remains in place, USCIS continues to apply the CLP rule.

² 8 CFR 208.33(a)(3)

to the finding. Thus, USCIS does not have the data concerning the number of individuals who have rebutted the presumption of asylum ineligibility due to their satisfying or their accompanying family member satisfying the definition of “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11(a).

IV. Update on DHS Efforts to Establish Protocols & Methods for DHS Personnel to Report Human Trafficking

DHS is committed to improving human trafficking screening across the Department and is engaged in a multi-year effort to do so that began in 2021. As a result, by the end of 2025, DHS will implement screening training, policies, and protocols that equip and empower DHS personnel to more effectively and timely identify and respond to victims of human trafficking.

DHS’s internal efforts are complemented by robust interagency collaboration. In 2021, DHS began serving as a co-chair of the Senior Policy Operating Group to Monitor and Combat Trafficking in Persons Ad Hoc Working Group on Screening Forms and Protocols (working group). This interagency working group was established pursuant to *The National Action Plan to Combat Human Trafficking* to “develop best practices in implementing screening forms and protocols as relevant for all federal officials who have the potential to encounter a human trafficking victim in the course of their regular duties that do not otherwise pertain to human trafficking.” This broader interagency effort will provide DHS with evidence-based promising practices in human trafficking victim identification and screening, and updated content to ensure that its own screening forms and protocols are comprehensive and consistent with the rest of the anti-trafficking community.

In FY 2023, the working group conducted a data call across more than a dozen federal agencies to establish a baseline of screening tools currently used by federal employees. Specifically, the data call aims to collect screening tools and provide insight on:

- 1) The potential scenarios where federal employees may encounter a human trafficking victim in the course of regular duties that do not otherwise pertain to human trafficking;
- 2) Existing screening tools that may be leveraged by federal agencies to manage these scenarios; and
- 3) Improvements that may be made to better equip and empower federal employees to screen and identify human trafficking victims.

As part of these efforts last year, DHS identified all relevant DHS Components and DHS offices where employees have the potential to encounter a human trafficking victim in the course of their regular duties. DHS conducted a series of listening sessions with subject matter experts within these Components and offices to learn about the context in which DHS employees identify potential human trafficking victims and when they use screening tools and protocols.

DHS is now in the final phase of collecting screening forms and protocols already in use across the Department.

Following the completion of this survey, the DHS Office of Policy, Strategy, and Plans (PLCY) will issue a memorandum to all DHS Components describing interagency best practices, identifying internal DHS resources, encouraging training on human trafficking screening, and reinforcing the importance of screening for human trafficking during DHS personnel performance of their regular duties. Each DHS Component and DHS office will then, in coordination with the CCHT and the HSI Victim Assistance Program, develop and deploy or update its training and other policies, as applicable, to implement the PLCY memorandum. The CCHT will report DHS screening and protocol metrics as a result of this process in its annual report entitled *DHS Countering Human Trafficking: Year in Review*.

In September 2023, DHS and DOJ conducted a series of consultations with survivor experts with the goal of producing victim-centered screening protocols, specifically for use in federal human trafficking enforcement operations. This enforcement-specific initiative in conjunction with the working group effort will also yield comprehensive and updated screening tools and protocols across DHS.

In 2024, DHS will also select a Senior Victim-Centered Approach Official to further institutionalize victim identification and support capacity across the Department.

V. Conclusion

DHS places a high priority on the identification of potential victims of human trafficking, as demonstrated by the Strategy, the *Institutionalizing the Victim-Centered Approach* memorandum, the mission focus to Combat Crimes of Exploitation and Protect Victims within the 2023 *Quadrennial Homeland Security Review*, and the initiatives highlighted within this report.

Appendix: Abbreviations

Abbreviation	Definition
BPA's	Border Patrol Agents
CBP	U.S. Customs and Border Protection
CCHT	Center for Countering Human Trafficking
CLP	Circumvention of Lawful Pathways
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
FY	Fiscal Year
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
OFO	Office of Field Operations
PLCY	Office of Policy, Strategy, and Plans
TVPRA	Trafficking Victims Protection Reauthorization Act
UCs	Unaccompanied Children
USBP	U.S. Border Patrol
USCIS	U.S. Citizenship and Immigration Services