



Center for the Human Rights of Children  
Loyola University Chicago School of Law  
25 E. Pearson St. | Chicago, Illinois 60611  
p (312) 915-7541| chrc@luc.edu

*Via email to: [TIPReportUS@state.gov](mailto:TIPReportUS@state.gov)*

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Rachel M. Poynter, Principal Deputy  
US Department of State  
Office to Combat and Monitor Trafficking in Persons (JTIP)  
2201 C Street NW, SA-09 Suite NE3054  
Washington DC 20520

**RE: Center for the Human Rights of Children’s Input for the 2026 Trafficking in Persons Report, United States**

Ms. Poynter,

On behalf of the Center for the Human Rights of Children (CHRC) at Loyola University Chicago School of Law, we appreciate the invitation and opportunity to submit input and make recommendations in response to the call for submissions for the 2026 Trafficking in Persons (TIP) Report. We applaud the US Government (USG) for continuing to include itself in its assessment of anti-trafficking efforts around the globe.

The Center for the Human Rights of Children (CHRC) at Loyola University Chicago School of Law pursues interdisciplinary research, outreach, education, and advocacy to address critical and complex issues affecting children and youth, both locally and globally. CHRC applies a human-rights framework to issues affecting children, reaffirming the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, including children.

CHRC faculty and students have cultivated child trafficking expertise through direct legal services, interdisciplinary research, academic scholarship and publication, advisory board and task force service, and coordinating trainings and professional development across the following areas: child trafficking practices and policies (including promising practices); intersections of child trafficking with the child welfare and medical/health systems; legal representation for victims; proper identification of child trafficking situations and victims' legal needs; safe harbor laws; child-appropriate interview processes; and privacy and confidentiality when working with survivors. To

disseminate this expertise, the CHRC collaborates with a continuously expanding network of individuals and organizations on anti-trafficking initiatives in the United States and abroad. Our work addresses both labor and sex trafficking and, guided by universal principles of human rights and human trafficking law, seeks to protect all children impacted by human trafficking regardless of nationality or legal status.

This input focuses on five issues with accompanying recommendations for how the United States can improve its anti-trafficking efforts and uphold its commitments under the Trafficking Victims Protection Act (TVPA) and Reauthorizations (TVPRA) and international human rights mechanisms to protect children who have been trafficked, to prevent child trafficking from occurring, and to prosecute perpetrators of both child sex and labor trafficking:

**1. The adult transfer systems for juveniles in the United States make it difficult to identify victims of severe forms of human trafficking and undermine the policy goals of the TVPA and TVPRA, which prioritize victim protection.**

The TVPA and TVPRA along with the Palermo Protocol recognize that trafficking victims may be forced to engage in criminal acts as part of their trafficking experience, nevertheless, the priority should be protecting rather than punishing them.<sup>1</sup> Contrary to this goal, juvenile courts across the country have statutory mechanisms that transfer juveniles out of the protective jurisdiction of juvenile courts and into the punitive jurisdiction of adult criminal courts.<sup>2</sup> Without adequate affirmative defenses to prevent transfer and subsequent adult prosecution, courts will continue to overlook juveniles as trafficking victims and unfairly punish them for criminal conduct their traffickers compelled.

Every state can transfer juveniles into adult criminal courts through three kinds of statutory mechanisms: excluded jurisdiction, prosecutorial waiver, and judicial waiver.<sup>3</sup> States may have some or all these mechanisms in place, though age and offense criteria limit their application.<sup>4</sup> Twenty-eight states practice excluded jurisdiction, under which a juvenile’s case automatically originates in adult criminal court.<sup>5</sup> Fourteen states permit prosecutorial waiver, which allows prosecutors to exercise largely unreviewable discretion to initiate qualifying charges against

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<sup>1</sup> Trafficking Victims Protection Act, 22 U.S.C. § 7101 (2000) (“Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.”); Pub. L. No. 117-348, 136 Stat. (2023).

<sup>2</sup> Olivia Naugle, *Automatically Charging Youth as Adults*, THE SENTENCING PROJECT (Dec. 11, 2025), <https://www.sentencingproject.org/policy-brief/automatically-charging-youth-as-adults/> [https://perma.cc/ZV9G-U57R].

<sup>3</sup> CHARLES PUZZANCHERA, SARAH HOCKENBERRY & MELISSA SICKMUND, NAT’L CTR. FOR JUV. JUSTICE, YOUTH AND THE JUVENILE JUSTICE SYSTEM: 2022 NATIONAL REPORT 95 (Dec. 1, 2022), <https://www.ncjfcj.org/publications/youth-and-the-juvenile-justice-system-2022-national-report/> [https://perma.cc/9PTG-YD8P](explaining that each process is referred to differently across states; statutory exclusion is synonymous with legislative exclusion; prosecutorial waiver is synonymous with prosecutorial discretion, concurrent jurisdiction, or direct file; and judicial waiver is synonymous with certification, remand, or bind over).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 96 (noting that this count is from the end of the 2019 legislative session).

juveniles in adult court.<sup>6</sup> Both excluded jurisdiction and prosecutorial waiver *ab initio* place juveniles into adult court which deprives them of juvenile court protections, including access to specialized hearings, youth-informed professionals, confidentiality protections, expungement provisions, and other safeguards.<sup>7</sup> Forty-seven states authorize judicial waiver,<sup>8</sup> under which a juvenile court judge decides whether to transfer a case to adult criminal court after conducting a constitutionally mandated *Kent* hearing.<sup>9</sup> State courts use *Kent* hearings to determine if a transfer is appropriate after considering several factors including the seriousness of the offense, the extent of their participation, and their previous offense history – all of which would weigh negatively against a juvenile whose trafficking has gone unidentified.<sup>10</sup> Surveys of adult trafficking survivors show that law enforcement arrested, detained, or cited them while traffickers actively exploited them.<sup>11</sup> Many of these survivors also reported involvement in the juvenile justice system.<sup>12</sup> These findings suggest that even *Kent* hearings – designed to protect due process – are not enough to identify juvenile trafficking victims.

Generally, statutory transfer mechanisms are activated based on certain charges arising from a wide range of offenses.<sup>13</sup> Yet the most common response to forced criminality<sup>14</sup> by states is the creation of statutory immunity or affirmative defenses against prostitution and status offenses only.<sup>15</sup> These narrow exceptions ignore the broad range of crimes traffickers force juveniles to

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<sup>6</sup> *Id.* (noting that this count is from the end of the 2019 legislative session).

<sup>7</sup> Melanie Taylor, *Juvenile Transfers to Adult Court: An Examination of the Long-Term Outcomes of Transferred and Non-Transferred Juveniles*, 66 JUV. & FAM. CT. J. 29, 32 (2015); PUZZANCHERA, HOCKENBERRY & SICKMUND, *supra* note 3, at 78, 82, 93.

<sup>8</sup> PUZZANCHERA, HOCKENBERRY & SICKMUND, *supra* note 3, at 95 (noting that a juvenile judge or prosecutor can initiate these waivers, but the judge makes the final determination).

<sup>9</sup> See *Kent v. United States*, 383 U.S. 541, 562 (1966).

<sup>10</sup> Nicole Pijon, *Youth in Adult Court: Rethinking Illinois' Use of Discretionary Transfer*, 41 CHILD. LEGAL RTS. J. 135, 137–38 (2021) (“The [*Kent*] Court held that youth, like adults, are entitled to due process and fairness. To satisfy the demands of due process, a juvenile court judge must conduct a hearing during which the juvenile is represented by counsel who has access to his social records, and a judge may only enter an order waiving jurisdiction on the basis of a full investigation” (internal quotations omitted; emphasis added)).

<sup>11</sup> POLARIS PROJECT, IN HARM’S WAY: HOW SYSTEMS FAIL HUMAN TRAFFICKING SURVIVORS 41 (Jan. 2023), <https://polarisproject.org/wp-content/uploads/2023/07/In-Harms-Way-How-Systems-Fail-Human-Trafficking-Survivors-by-Polaris-modified-June-2023.pdf>. [<https://perma.cc/896M-TBWJ>]

<sup>12</sup> *Id.* at 26.

<sup>13</sup> PUZZANCHERA, HOCKENBERRY & SICKMUND, *supra* note 3, at 95

<sup>14</sup> See generally UNITED NATIONS OFFICE ON DRUGS AND CRIME, TRAFFICKING FOR FORCED CRIMINALITY: SUMMARY POLICY BRIEF 1 (2023), <https://www.unodc.org/roseap/en/2024/10/trafficking-forced-criminality/story.html> [<https://perma.cc/6LDC-9E75>] (“Trafficking for forced criminality (or for exploitation in criminal activities) can be understood as trafficking in persons for the purpose of exploitation of victims through forcing or otherwise compelling them to commit criminal acts for economic or other gains of traffickers or exploiters”).

<sup>15</sup> See NATIONAL CONFERENCE OF STATE LEGISLATURES, JUDICIAL PROTECTIONS, REMEDIES, AND RESTITUTION FOR HUMAN TRAFFICKING (updated Jan. 14, 2026), <https://www.ncsl.org/civil-and-criminal-justice/judicial-protections-remedies-and-restitution-for-human-trafficking> [<https://perma.cc/Q37S-Y3WD>] (“Statutes differ in the crimes for which an affirmative defense can be raised, but many cover prostitution, loitering and solicitation”); See generally SHARED HOPE INTERNATIONAL INSTITUTE FOR JUSTICE & ADVOCACY, 2023 National State Law (NSL) Survey (2023), [https://reportcards.sharedhope.org/wp-content/uploads/2024/02/2023-NSL-Survey\\_2.7.pdf](https://reportcards.sharedhope.org/wp-content/uploads/2024/02/2023-NSL-Survey_2.7.pdf) [<https://perma.cc/2ZW2-UEMU>] (demonstrating the extreme variation by state in the availability of child trafficking related non-criminalization and affirmative defenses); see generally OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, STATUS OFFENSES, *Status Offenses Literature Review: A Product of the Model Programs Guide*, <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/status-offenses>

commit. In both juvenile and adult victims, forced criminality has included participation in illicit drug production and transport, murder, and terrorism.<sup>16</sup> Research has identified common charges connected to juvenile trafficking experiences, including status offenses, illegal peddling, theft, prostitution, drug sale or use, and gang-related activity.<sup>17</sup> Gang-related activity can involve serious offenses, such as coordinating drug sales, aiding other gang members in committing crimes, driving to or from crime scenes, acting as a lookout, providing backup, or unlawfully possessing weapons.<sup>18</sup> When juveniles face these more serious charges – offenses not covered by narrow statutory exceptions – adult transfer mechanisms apply.<sup>19</sup> As a result, these systems increase the likelihood that authorities prosecute rather than protect trafficking victims.

The TVPA and analogous state trafficking statutes<sup>20</sup> place responsibility for identifying and protecting juvenile trafficking victims in the hands of prosecutors, whose primary role is to pursue charges.<sup>21</sup> These responsibilities conflict – especially in prosecutorial waiver jurisdictions – when prosecutors use discretion to initiate transfers into adult criminal courts.<sup>22</sup> A juvenile trafficking victim facing charges will lack trafficking-specific statutory relief to oppose transfer or prevent conviction for conduct stemming from exploitation.<sup>23</sup> Moreover, the transfer process often imposes a heavy – sometimes presumptive – burden on juveniles to avoid adult criminal court.<sup>24</sup> This burden poses a serious obstacle for juveniles who have experienced deep trauma and need complex supports, remain under traffickers’ coercive influence, and misunderstand or distrust the legal system.<sup>25</sup>

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[<https://perma.cc/WFW7-3AMB>] (last visited Feb. 26, 2026) (“A status offense is a nondelinquent (and noncriminal) act that is illegal for underage individuals (usually age 17 or younger), but not for adults. There are five main types of status offenses: 1) truancy, 2) running away from home, 3) violating curfew, 4) violating underage liquor laws, and 5) ungovernability”).

<sup>16</sup> U.S. DEP’T OF STATE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, THE USE OF FORCED CRIMINALITY: VICTIMS HIDDEN BEHIND THE CRIME (June 2014), <https://2009-2017.state.gov/documents/organization/233938.pdf> [<https://perma.cc/LKY3-6XRR>].

<sup>17</sup> HUMAN TRAFFICKING AND THE STATE COURTS COLLABORATIVE, DEALING WITH HUMAN TRAFFICKING VICTIMS IN A JUVENILE CASE 1 (Nov. 2013), <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Working-With-Human-Trafficking-Victims-in-a-Juvenile-Case.pdf> [<https://perma.cc/YW6K-CW9N>].

<sup>18</sup> Christina M. Rizen, *Are Juvenile Gang Members Victims of Labor Trafficking?*, 35 CHILD.’S LEGAL RTS. J. 163, 170 (2015).

<sup>19</sup> Rick Ruddell & G. Larry Mays, *Transferring Pre-Teens to Adult Criminal Courts: Searching for a Justification*, 63 JUV. & FAM. CT. J. 22, 30 (2012).

<sup>20</sup> POLARIS, A LOOK BACK: BUILDING A HUMAN TRAFFICKING LEGAL FRAMEWORK 1 (2014), <https://polarisproject.org/wp-content/uploads/2019/09/2014-Look-Back.pdf> [<https://perma.cc/548V-HEUY>] (“There was also recognition that new laws at the state level were needed to provide the foundation for states’ anti-trafficking efforts to grow”).

<sup>21</sup> *Id.* at 2 (“...the types of laws that were passed tended to focus on prosecution and there was less success in passing laws designed to assist victims”).

<sup>22</sup> See generally Jennifer Hung, *Prosecutors and Justice Reform: Applying the American Law Institute Restatement of Children and the Law to Juvenile Transfers*, 63 FAM. CT. REV. 415, 419 (2025).

<sup>23</sup> See SHARED HOPE INTERNATIONAL INSTITUTE FOR JUSTICE & ADVOCACY, 2025 NATIONAL STATE LAW SURVEY JUVENILE COURT: POLICY GOAL #4 4 (2025), [https://reportcards.sharedhope.org/wp-content/uploads/2026/01/2025-NSL-Survey\\_JLM-4.pdf](https://reportcards.sharedhope.org/wp-content/uploads/2026/01/2025-NSL-Survey_JLM-4.pdf) [<https://perma.cc/R8FG-U9G8>].

<sup>24</sup> PUZZANCHERA, HOCKENBERRY & SICKMUND, *supra* note 3, at 97.

<sup>25</sup> See U.S. DEP’T OF HEALTH & HUM. SERVS., CHILD WELFARE INFO. GATEWAY, HUMAN TRAFFICKING AND CHILD WELFARE: A GUIDE FOR CHILD WELFARE AGENCIES 8-10 (Apr. 2023), <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/human-trafficking-and-child-welfare-guide-for-child-welfare-agencies.pdf> [<https://perma.cc/R8NN-6S32>] (Reviewing the complex needs of children and youth who experienced severe forms of human trafficking); see NATIONAL COUNCIL OF JUVENILE & FAMILY COURT JUDGES, FREQUENTLY ASKED

The Inter-Agency Coordination Group against Trafficking in Persons has recommended that jurisdictions create statutory defenses beyond traditional common law defenses to better comply with the principle of non-punishment.<sup>26</sup> Common law defenses such as duress are too restrictive and “fail to reflect the realities faced by victims and the specific means employed by traffickers to cause them to commit crimes.”<sup>27</sup> Jurisdictions can adapt these recommendations in four key ways to address juvenile forced criminality at every stage of proceedings and provide more uniform protections across the country. First, states should abolish *ab initio* avenues of adult transfer systems (excluded jurisdiction and prosecutorial waiver) so that juvenile cases originate in the more developmentally appropriate juvenile courts. Second, states can create trafficking-specific affirmative defenses that can halt subsequent transfers into adult criminal court. Third, states should require judges to consider trafficking-based affirmative defenses during *Kent* hearings, ensuring that judges evaluate transfer decisions through a trafficking-informed lens. These measures would allow juvenile victims to remain in the rehabilitative and protective jurisdiction of juvenile court during adjudication. Finally, states should permit affirmative defenses to follow juveniles into adult courts if juvenile courts decline jurisdiction. This approach would allow victims to present evidence of trafficking to challenge a conviction or receive a more appropriate sentence.<sup>28</sup> All the above avenues for affirmative defenses should extend beyond prostitution and status offenses to encompass the broader range of charges that reflect the complex realities of juvenile trafficking.

**Recommendation:** Jurisdictions must end *ab initio* transfer systems and create child trafficking affirmative defenses that not only prevent the transfer to adult criminal court but provide meaningful avenues of defense during trial.

## **2. Existing federal infrastructure systematically fails to adequately identify child labor trafficking which undermines USG ability to meet TVPA and TVPRA minimum standards.**

The USG anti-trafficking obligations under both federal and international anti-trafficking laws include both labor and sex trafficking. While data collection and identification measure have been consistently improving for child sex trafficking, mechanisms to identify child labor trafficking continue to measurably fall behind. In 2024, the National Human Trafficking Hotline received reports of 6,647 sex trafficking situations compared to just 2,220 labor trafficking situations, a

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QUESTIONS ABOUT PREVENTING THE CRIMINALIZATION OF MINOR VICTIMS OF TRAFFICKING 2 (Sept. 26, 2023), [https://www.ncjfcj.org/wp-content/uploads/2023/09/FAQ-Criminalizing-Minor-Victims-of-Trafficking\\_FINAL2.pdf](https://www.ncjfcj.org/wp-content/uploads/2023/09/FAQ-Criminalizing-Minor-Victims-of-Trafficking_FINAL2.pdf) [https://perma.cc/QJF5-KQDZ]

(“Being arrested is a tremendously traumatic experience that reinforces the narrative that traffickers use to manipulate a young person’s perception of their situation and themselves. The immediate harms include psychological distress and loss of trust in the justice system”).

<sup>26</sup> INTER-AGENCY COORDINATION GROUP AGAINST TRAFFICKING IN PERSONS, ISSUE BRIEF 8: NON-PUNISHMENT OF VICTIMS OF TRAFFICKING 4 (Aug. 2020), [https://www.unodc.org/documents/human-trafficking/ICAT/19-10800\\_ICAT\\_Issue\\_Brief\\_8\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/ICAT/19-10800_ICAT_Issue_Brief_8_Ebook.pdf) [https://perma.cc/ESZ2-G8DF]; *see also* U.S. DEP’T OF STATE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, PROTECTING VICTIMS OF TRAFFICKING: THE NON-PUNISHMENT PRINCIPAL (June 2023), <https://www.state.gov/wp-content/uploads/2023/12/Protecting-Victims-of-Trafficking-The-Non-Punishment-Principle.pdf> [https://perma.cc/89G5-ZVGX].

<sup>27</sup> *Id.*

<sup>28</sup> *See generally id.* at 4-5.

nearly 3:1 disparity, despite global evidence that labor trafficking is the more prevalent form of human trafficking globally.<sup>29</sup> This disparity is especially acute for minors. The National Center for Missing and Exploited Children (NCMEC) received over 113, 500 reports of possible sex trafficking in 2025 alone, reported as a 323% increase from 2024.<sup>30</sup>

No comparable child-specific reporting infrastructure exists for child labor trafficking; a 2022 peer-reviewed scoping review published in *Child Abuse and Neglect* characterized child labor trafficking as a “largely unexplored and unpublished phenomenon in the United States”, identifying only eight qualifying studies over a full decade of literature.<sup>31</sup> This undermines the United States’ ability to meet the TVPA minimum standards, which require governments to make serious and sustained efforts to proactively identify victims, investigate all forms of human trafficking, and provide protection and referral mechanisms.<sup>32</sup> At the same time, federal systems addressing the sex trafficking of minors demonstrate that the U.S. possesses the institutional capacity to implement trafficking-specific identification and reporting mechanisms when prioritized. For example, NCMEC’s CyberTipline, the national reporting mechanism for online child sexual exploitation mandated under 18 U.S.C. § 2258A, received 20.5 million reports in 2024, representing approximately 29.2 million discrete incidents, and escalated over 51,000 to law enforcement as being urgent.<sup>33</sup> In a similar vein, while Congress has mandated specific reporting requirements for the sex trafficking of minors within child welfare systems, no comparable reporting mechanism exists for child labor trafficking.<sup>34</sup>

More broadly, federal agencies maintain formalized human trafficking data infrastructures that track investigations and prosecutions. The Bureau of Justice Statistics (BJS) compiles federal “human trafficking” statistics through multiple coordinated data collections among victim service providers, law enforcement, prosecution and adjudication, and corrections.<sup>35</sup> These reports aggregate trafficking defendant data across the federal system using administrative records from multiple justice agencies, including the EO for United States Attorneys, the AO of the U.S. Courts,

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<sup>29</sup> NATIONAL HUMAN TRAFFICKING HOTLINE, *2024 Annual Statistics*, [humantraffickinghotline.org/en/statistics](https://humantraffickinghotline.org/en/statistics) [https://perma.cc/LC3U-LGNK] (last visited Feb. 26, 2026); INTERNATIONAL LABOUR ORGANIZATION, GLOBAL ESTIMATES OF MODERN SLAVERY: FORCED LABOUR AND FORCED MARRIAGE 2 (Sept. 2022), [https://perma.cc/YK3E-LRDA] (estimating 27.6 million people in forced labor globally, including 6.3 million in forced commercial sexual exploitation).

<sup>30</sup> NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, *Child Sex Trafficking* (2024), <https://www.missingkids.org/theissues/trafficking#bythenumbers> [https://perma.cc/6VGR-7AAN].

<sup>31</sup> Jordan Greenbaum et al., *Labor Trafficking of Children and Youth in the United States: A Scoping Review*, 131 *Child Abuse & Neglect* 105694 (2022), <https://pubmed.ncbi.nlm.nih.gov/35749904/> [https://perma.cc/A82X-VBZ8].

<sup>32</sup> Trafficking Victims Protection Act, *supra* note 1, at § 7106(a)-(b) (2000).

<sup>33</sup> NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, *2024 CyberTipline Data Report* (2024), [missingkids.org/gethelpnow/cybertipline/cybertiplinedata](https://missingkids.org/gethelpnow/cybertipline/cybertiplinedata) [https://perma.cc/NK66-XS4P]. Mandate established under 18 U.S.C. § 2258A, as amended by the REPORT Act, Pub. L. 118-59 (2024).

<sup>34</sup> Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014) (requiring state child welfare agencies to report sex trafficking of minors in their care to the U.S. Department of Health and Human Services).

<sup>35</sup> U.S. DEP’T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, HUMAN TRAFFICKING DATA COLLECTION ACTIVITIES, 2024 (Oct. 2024), <https://bjs.ojp.gov/document/htdca24.pdf> [https://perma.cc/G6HZ-SRJG] (describing coordinated federal trafficking data collections spanning victim services, law enforcement, prosecution, adjudication, and corrections and outlining statutory offense categories used in federal trafficking statistics).

the U.S. Marshals Service, and the Bureau of Prisons.<sup>36</sup> These federal trafficking statistics are structured around statutory offense categories used to identify “human trafficking” in federal data systems, such as 18 U.S.C. §§ 1581-1595 and §§ 2251–2251A, and are reported under the umbrella of human trafficking enforcement generally;<sup>37</sup> child labor trafficking is not disaggregated in federal prosecutorial statistics, and there is not a statutory requirement to do so. This limits transparency into its prevalence, investigation rates, and prosecutorial outcomes.

In contrast to the detection of the sex trafficking of minors, child labor cases, distinguished from child labor trafficking cases, are generally processed through the Department of Labor’s (DOL) wage and hour and child labor compliance systems. DOL’s Wage and Hour Division indicated over 12,000 findings of child labor violations in FY 2023-2024.<sup>38</sup> DOL inspections primarily document regulatory violations such as hours worked, minimum age, or hazardous duties. The failure to design these inspections to screen consistently for force, fraud, or coercion, or to generate automatic trafficking referrals, is reflected in the data: across all of FY 2023-2024, DOL made only 11 referrals involving trafficking indicators for potential minor victims to DOJ’s Human Trafficking Prosecution Unit or local task forces.<sup>39</sup> The DOL OIG raised this concern in a 2025 advisory report.<sup>40</sup> A lack of detection and referral allows child labor exploitation to be recorded as a civil or administrative violation rather than as potential trafficking. Federal trafficking data systems consequently record far fewer labor trafficking cases relative to sex trafficking, a difference that can be attributed to detection and classification gaps rather than lower prevalence. Due to identification and data gaps, victims may be misclassified, miss services, and never enter trafficking investigations, limiting both protection and enforcement.

**Recommendation:** USG should formalize a distinct child labor trafficking response to address persistent identification, data, and coordination gaps. This should include clarifying that child-specific power dynamics satisfy the TVPA coercion standard in labor trafficking cases; integrating trafficking screening protocols into DOL inspections and extending mandatory screening to child welfare, education, healthcare, and immigration systems; standardizing cross-agency data collection and reporting; and providing targeted training to frontline professionals to improve victim identification and response.

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> UNITED STATES DEPARTMENT OF LABOR, CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT 8 (Nov. 2024), [https://www.dol.gov/sites/dolgov/files/WHD/child-labor/child-labor-report-congress\\_2023-2024.pdf](https://www.dol.gov/sites/dolgov/files/WHD/child-labor/child-labor-report-congress_2023-2024.pdf) [<https://perma.cc/Z8UF-SB6C>] (combining the total number of enforcement findings across four categories).

<sup>39</sup> *Id.* at 19.

<sup>40</sup> U.S. DEP’T OF LABOR, OFFICE OF INSPECTOR GENERAL, ADVISORY REPORT: REVIEW OF WHD EFFORTS TO ADDRESS CHILD LABOR LAW VIOLATION CHALLENGES 20 (Sept. 30, 2025), <https://www.oig.dol.gov/public/reports/oa/2025/17-25-001-15-001.pdf> [<https://perma.cc/Y8FC-78S4>] (“WHD investigators are in a unique position to detect potential labor trafficking indicators during the normal course of an investigation . . . Depending on the path taken [by WHD investigators], the referral process and coordination across government agencies—each operating with different authorities—can place possible victims of trafficking at continued risk, or cause delays that allow them to disappear before they can receive assistance.”).

**3. There is a need for more specialized placements for youth in the child welfare system who have experienced sex or labor trafficking, along with policies and guidance for best practices.**

Child welfare agencies play a critical role in both responding to and preventing child trafficking. The U.S. Department of Health and Human Services found that up to 90% of children who are victims of sex trafficking had been involved with the child welfare system at some point in their lives.<sup>41</sup> Sex and labor trafficking can be the reason why youth enter the child welfare system, or may experience trafficking once already system-involved.<sup>42</sup> Youth in care are at greater risk of being trafficked due to lack of stable support systems, isolation from biological family, exposure to abuse and neglect, and inconsistent living arrangements.<sup>43</sup> And each year, thousands of youth in care elope (run away) from their placement, which increases the likelihood they will experience a form of child trafficking.<sup>44</sup>

The United States passed the Preventing Sex Trafficking and Strengthening Families Act in 2014, which directs state child welfare agencies to implement policies that screen, document, and respond to child sex trafficking.<sup>45</sup> And recognizing that many youth who have experienced complex trauma, such as trafficking, require specialized housing, the 2018 Family First Prevention Services Act provides federal funding for congregate care settings for trafficking victims.<sup>46</sup> While federal guidelines favor placing children in the least restrictive setting, such as a foster home, congregate care and other specialized placements settings are often preferred for child trafficking victims so they can be evaluated and housed in a secure environment.<sup>47</sup>

There is currently no uniform national model for how services related to child trafficking should be provided in congregate care settings. In some states, receiving centers provide short-term residential placement where youth receive medical assessments, safety planning, therapy, academic support, and forensic interviews in a home-like setting.<sup>48</sup> Other programs focused on

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<sup>41</sup> U.S. DEP'T. HEALTH & HUMAN SERVS., IN FIVE STATES, THERE WAS NO EVIDENCE THAT MANY CHILDREN IN FOSTER CARE HAD A SCREENING FOR SEX TRAFFICKING WHEN THEY RETURNED AFTER GOING MISSING 7 (July 2022), <https://oig.hhs.gov/documents/evaluation/3087/OEI-07-19-00371-Complete%20Report.pdf> [https://perma.cc/PU7F-4MYE].

<sup>42</sup> Amanda West, *Child Trafficking and Child Welfare*, 3 J. HUMAN TRAFFICKING 125, 130-31 (2017), <https://doi.org/10.1080/23322705.2016.1175046> [https://perma.cc/A8TQ-FP7L].

<sup>43</sup> Natasha E. Latzman et al., *Human Trafficking Victimization Among Youth Who Run Away from Foster Care*, 98 CHILDREN & YOUTH SERVS. R. 113, 114 (2019), <https://www.sciencedirect.com/science/article/pii/S019074091830906X> [https://perma.cc/8KLU-KPYM].

<sup>44</sup> ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM, THE AFCARS DASHBOARD (PRINT VERSION) PRELIMINARY FFY 2024 ESTIMATES AS OF SEPTEMBER 5, 2025 – NO. 32 (2025), <https://acf.gov/sites/default/files/documents/cb/2024-afcars-dashboard-printable.pdf> [https://perma.cc/K3LD-W9EM]; Latzman et al. *supra* note 43, at 113.

<sup>45</sup> Preventing Sex Trafficking and Strengthening Families Act, *supra* note 34, at § 671(35)(a)(iii).

<sup>46</sup> Family First Prevention Services Act, Pub. L. No. 115-123, 132 Stat. 64 (2018).

<sup>47</sup> Kyla P. McDonald, Riana Fisher & Jennifer Connolly, *Building a Specialized Model of Care for Youth Involved in Sex Trafficking in Child Welfare: A Systematic Review and Interviews with Experts-by-Experience*, 135 CHILD ABUSE & NEGLECT 105987 (2023), <https://pubmed.ncbi.nlm.nih.gov/36527983/> [https://perma.cc/B269-8SWC].

<sup>48</sup> OFFICE OF PLANNING, RESEARCH, AND EVALUATION, IDENTIFYING AND ADDRESSING HUMAN TRAFFICKING IN CHILD WELFARE AGENCIES: FINAL REPORT 5-12 (2022) [https://acf.gov/sites/default/files/documents/opre/identifying\\_and\\_addressing\\_human\\_trafficking\\_apr2022.pdf](https://acf.gov/sites/default/files/documents/opre/identifying_and_addressing_human_trafficking_apr2022.pdf) [https://perma.cc/YWH6-CJ6W].

providing wraparound services by partnering with community organizations.<sup>49</sup> Despite the limited data on the full scale of available placements for trafficked youth, available data shows that there are gaps in services. A 2018 survey of specialized trafficking placements found that most programs exclusively focused on female youth who experienced commercial sexual exploitation, with few providing specialized services for labor-trafficked youth.<sup>50</sup> Congregate care settings that will accept male and queer youth are much less common, even though trafficking among these demographics is increasingly prevalent.<sup>51</sup>

In addition to the lack of uniformity, many states report that the need for specialized congregate care options exceeds the available beds and resources.<sup>52</sup> Due to the significant therapeutic needs of trafficked youth, many existing programs prioritize a high staffing ratio that leads their programs to lower capacity for new intakes.<sup>53</sup>

**Recommendation:** Develop and implement uniform national guidance on specialized congregate care programming for trafficking youth and invest in expanding trauma-responsive residential services that equitably serve all youth—including boys, labor trafficked youth, and queer youth—while increasing program capacity to meet the unmet needs in placement availability.

#### **4. Foreign national minors of eligible age should be provided specialized work authorization to prevent child labor trafficking.**

Undocumented immigrants currently have no ability to receive work authorization, with very limited and specific exceptions, such as DACA recipients. The barriers of being in a new country with unfamiliar culture and language, before even considering the legal obstacles of being an undocumented person, make building a life in the United States difficult. When considering the added burden of not having legal authorization to work and the developmental vulnerabilities experienced by minors, the risk of labor trafficking to this population is heightened.

In 2023, there were an estimated 733,000 undocumented immigrants under the age of 16 in the United States, and that number continues to grow.<sup>54</sup> In FY 2024, almost 100,000 unaccompanied minors were encountered by the Department of Homeland Security and transferred to the Office

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<sup>49</sup> AMY FARRELL ET AL., CHILD.'S ADVOCACY CENTER OF SUFFOLK COUNTY, SPECIALIZED RESIDENTIAL PLACEMENTS FOR CHILD TRAFFICKING VICTIMS 5 (2019) [<https://perma.cc/9488-H6BB>].

<sup>50</sup> *Id.* at 9.

<sup>51</sup> See U.S. DEP'T OF STATE, OFFICE TO MONITOR & COMBAT TRAFFICKING IN PERSONS, OVERLOOKED FOR TOO LONG: BOYS AND HUMAN TRAFFICKING I, (June 2023), <https://www.state.gov/wp-content/uploads/2023/12/Overlooked-for-Too-Long-Boys-and-Human-Trafficking.pdf> [<https://perma.cc/4XYP-H4ED>]; “Sex Trafficking and LGBTQ Youth,” POLARIS (2019), <https://polarisproject.org/wp-content/uploads/2019/09/LGBTQ-Sex-Trafficking.pdf> [<https://perma.cc/QL7J-54VN>].

<sup>52</sup> OFFICE OF PLANNING, RESEARCH, AND EVALUATION, *supra* note 48, 5-15.; FARRELL ET AL., *supra* note 49, at 15.

<sup>53</sup> FARRELL ET AL., *supra* note 49, at 9.

<sup>54</sup> *Profile of the Unauthorized Population: United States*, MIGRATION POLICY INSTITUTE (2023), <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US> [<https://perma.cc/NST4-ATWX>] (last visited Feb. 26, 2026).

of Refugee Resettlement.<sup>55</sup> Many of these undocumented minors feel pressure to earn and send back money to their families once they are in the United States or to pay off a debt accrued from their travel to the United States. This creates a situation which leaves themselves vulnerable to labor trafficking. Often, minors rely on a trafficker or third party to provide unauthorized employment.<sup>56</sup> These employers often pay low wages, demand long hours, and maintain poor working conditions.<sup>57</sup> These informal situations lack any mechanisms of accountability, often weaponizing threats of deportation to control children’s labor<sup>58</sup>. As young people who are unaware of the laws of their new, unfamiliar home, there is no reason for undocumented minors to know they have legal recourse or that what they are experiencing is wrong.

Child labor is regulated in the US primarily by the Fair Labor Standards Act of 1938 (FLSA).<sup>59</sup> However, these laws often do not consider or protect the interests of undocumented working minors. The FLSA contains exemptions which exclude protections for migrant-reliant sectors such as agriculture.<sup>60</sup> When coupled with the idea of work primacy – the conceptual centrality of work in the lives of unaccompanied minors who feel an obligation to their families – it makes sense how they become pushed them into the secondary labor market, the jobs that are typically marked by low wages and poor working conditions.<sup>61</sup> Jobs in the secondary labor market are often less regulated, and the gaps in oversight can create conditions where employers are more able to take advantage of unauthorized workers — whether through wage theft, child labor violations, or, in the most serious cases, labor trafficking.

Offering work authorization to age-eligible undocumented minors would protect them from trafficking-vulnerable situations. While this would not on its own offer a legal pathway to citizenship, such a policy would allow minors to apply for legal, age-appropriate work which would not subject them to unsafe conditions. This practice has been successfully implemented with DACA recipients. Research and data overwhelmingly show that DACA recipients who have work authorization are paying taxes, suffer less exploitation, are contributing meaningfully to US

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<sup>55</sup> *Unaccompanied Alien Children - 2025 Update*, FORUM TOGETHER (April 2, 2025), <https://forumtogether.org/article/unaccompanied-alien-children-ucs-or-uacs-2025-update/> [https://perma.cc/P6YC-ZJTA].

<sup>56</sup> FARRELL A., ET AL., UNDERSTANDING THE TRAFFICKING OF CHILDREN FOR THE PURPOSES OF LABOR IN THE UNITED STATES, 70, (2024);, *The Department of Labor’s approach to human trafficking*, U.S. DEP’T OF LABOR, OFFICE OF THE ASSISTANT SEC’Y FOR POLICY, <https://www.dol.gov/agencies/oasp/resources/trafficking/dols-approach> [https://perma.cc/6XQT-SXYQ] (last visited Feb. 27, 2026).

<sup>57</sup> *Corrupt US Employers and Smugglers Are Exploiting Migrant Teens for Profit*, AMERICAN IMMIGRATION COUNCIL <https://www.americanimmigrationcouncil.org/blog/us-employers-smugglers-exploiting-migrant-teens/> [https://perma.cc/2YT2-YPYW ] (Feb. 9, 2022)

<sup>58</sup> *Id.*

<sup>59</sup> *Child Labor*, U.S. DEPT. OF LABOR, <https://www.dol.gov/agencies/whd/child-labor> [https://perma.cc/W4EE-NA4W] (last visited Feb. 26, 2026); *Child Labor*, WORKER.GOV, <https://www.worker.gov/child-labor-safety/> [https://perma.cc/U7JW-EQQG] (last visited Feb. 26, 2026).

<sup>60</sup> *Fact Sheet #12: Agricultural Employment Under the Fair Labor Standards Act (FLSA)*, U.S. DEPT. OF LABOR (Jan. 2025), <https://www.dol.gov/agencies/whd/fact-sheets/12-agricultural-employment-flsa> [https://perma.cc/M8JG-GBBL].

<sup>61</sup> Canizales, S., *Work Primacy and the Social Incorporation of Unaccompanied, Undocumented Latinx Youth in the United States*, 101 SOC. FORCES 1372, 1375 (2023).

society and their communities, and do not displace native born citizens from employment.<sup>62</sup> Access to work authorization provides protections against exploitative labor situations and supports the policy tenants of the TVPA/TVIRA to prevent trafficking from occurring.

##### **5. USG immigration enforcement policies put both US citizen and immigrant children at higher risk of exploitation and human trafficking by separating family members and disrupting social support systems.**

Research shows that poor social support systems can increase vulnerability to child trafficking. This includes a lack of positive social networks, including family, limited or lack of access to education, lack of economic security, and lack of safe housing (or homelessness). These risk factors are often precursors to subsequent exploitation of both foreign born and US citizen children.<sup>63</sup>

As noted above in issue/recommendation #3, research in the fields of child welfare and child trafficking have explicitly demonstrated a correlation between victims of sex trafficking and children who are involved in the child welfare system. Specifically, children placed in non-relative foster placements and congregate care placements are at higher risk of being trafficked.<sup>64</sup> One study found that 41% of children who were trafficked had described being removed from their parents' care and placed outside of their homes by the child welfare system at some time during their childhood, with 87% of those placements in foster homes. Federal law also recognizes the correlation of children in out of home placements and sex trafficking under the Preventing Sex Trafficking and Strengthening Families Act.<sup>65</sup>

Nearly one-quarter of children in the US live with at least one immigrant parent.<sup>66</sup> Many of these children live in mixed-status families containing both US citizens and undocumented immigrants. Immigration enforcement policies that result in separating children from parents/guardians or

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<sup>62</sup> *2023 Survey of DACA Recipients Highlights Economic Advancement, Continued Uncertainty Amid Legal Limbo*, CENTER FOR AMERICAN PROGRESS, <https://www.americanprogress.org/article/2023-survey-of-daca-recipients-highlights-economic-advancement-continued-uncertainty-amid-legal-limbo/> (Mar. 25, 2024).

<sup>63</sup> See Judy Havlicek et al., *Human Trafficking of Children in Illinois: Prevalence and Characteristics*, 69 CHILD. & YOUTH SERVS. REV., 69, 127-135 (2016); LINDA M. WILLIAMS & MARY E. FREDERICK, UNIVERSITY OF MASSACHUSETTS LOWELL, *PATHWAYS INTO AND OUT OF COMMERCIAL SEXUAL VICTIMIZATION OF CHILDREN: UNDERSTANDING AND RESPONDING TO SEXUALLY EXPLOITED TEENS* (2009), <https://www.wcwonline.org/images/pdf/williams-pathways-finalreport.pdf> [https://perma.cc/R5AZ-2KQ8].

<sup>64</sup> Debra Schilling Wolfe, *Foster Care Youths at Risk for Sex Trafficking*, SOCIAL WORK TODAY, [https://www.socialworktoday.com/news/enews\\_1118\\_1.shtml](https://www.socialworktoday.com/news/enews_1118_1.shtml) [https://perma.cc/HX8E-TSK5] (last visited on Feb. 26, 2026).; Judy Havlicek et al., *supra* note 63.

<sup>65</sup> Preventing Sex Trafficking and Strengthening Families Act, *supra* note 34 (mandating child welfare agencies in every state to identify and provide appropriate services to all child trafficking victims and also to those at risk of being trafficked).

<sup>66</sup> MATTHEW LISIECKI & GERARD APRUZZESE, CENTER FOR MIGRATION STUDIES OF NEW YORK, *Proposed 2024 Mass Deportation Program Would Socially and Economically Devastate American Families*, (Oct. 2024), <https://cmsny.org/publications/2024-mass-deportation-program-devastate-american-families-101024/> [https://perma.cc/KU3A-DYTB]; see also Jeanne Batalova, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POLICY INSTITUTE (Mar. 12, 2025), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#CurrentHistoricalNumbers> [https://perma.cc/VN5N-KLGU].

family members by arrest, detention, and deportation places countless children in situations of instability, and make them more vulnerable to human trafficking, exploitation, abuse, and other forms of child maltreatment.

The United Nations Convention on the Rights of the Child, the most universally adopted human rights instrument, states that every child has the right to live with his or her parents or to stay in touch with them, unless this would harm the child's development.<sup>67</sup> The Convention also states that every child – regardless of nationality or legal status - has the right to grow up in a supportive, protective, and caring environment that promotes his or her full potential.<sup>68</sup>

Under the UN CRC Optional Protocol on the Sale of Children, which the US has ratified, the Committee on the Rights of the Child has recommended that the United States “train all CPB agents on how to identify, monitor, and protect children, *provide all children an attorney*, enact policies to ensure children have access to their parents, *regardless of immigration status*, or to close adult relatives with the aim to reduce vulnerabilities to human trafficking and child exploitation.”(emphasis added)<sup>69</sup> The current immigration enforcement activities which appear to be targeting any person - including Midway Blitz in Chicago and Operation Metro Surge in Minneapolis - have resulted in hundreds of parents<sup>70</sup> – arrested and detained, denying access to family members and children, violate this recommendation and international standards addressing exploitation of children.

Detaining and deporting parents and guardians for immigration violations destabilizes families and erodes the social support systems at least 25% of children in the United States, including US citizen children, depend on. When immigration enforcement intersects with civil family court cases, children become more vulnerable to exploitation and trafficking, as the adults responsible for protecting them are removed from the picture. The American Academy of Pediatrics, for example, has regularly shared and cited nonpartisan, scientific research demonstrating the long-term harm family separation has on children's well-being.<sup>71</sup> This removal of critical social support and

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<sup>67</sup> U.N. Convention on the Rights of the Child, art. 2, 3, 6 & 27.

<sup>68</sup> *Id.*

<sup>69</sup> See U.N. Convention on the Rights of the Child, Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Reports Submitted by the United States of America under Article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (July 11, 2017) [<https://perma.cc/3CKX-DW2J>].

<sup>70</sup> Jackie Llanos, *Dozens of Kids Entered Foster Care After ICE Detained Their Parents, Records Show*, STOCKTONIA (Feb. 15, 2026), <https://stocktonia.org/news/immigration/2026/02/15/foster-care-ice-detention-deportation/> [<https://perma.cc/5WCQ-5RFU>].

<sup>71</sup> See Steve Schering, *AAP Leaders: Children are Bearing Consequences of Immigration Enforcement Actions*, AAP NEWS (Nov. 19, 2025), <https://publications.aap.org/aapnews/news/33814/AAP-leaders-Children-are-bearing-consequences-of?autologincheck=redirected> [<https://perma.cc/95KV-CE3E>]; *Seeking Safe Haven: Supporting Immigrant Children and Families Facing Detention Separation*, HEALTHYCHILDREN.ORG (June 23, 2025), <https://www.healthychildren.org/English/healthy-living/emotional-wellness/Building-Resilience/Pages/Detention-of-Immigrant-Children.aspx> [<https://perma.cc/GN7J-FDT6>]; Andrew Garner & Michael Yogman, *Preventing Childhood Toxic Stress: Partnering with Families and Communities to Promote Relational Health*, 148 PEDIATRICS e2021052582 1-24 (Aug. 2021), <https://publications.aap.org/pediatrics/article/148/2/e2021052582/179805/Preventing-Childhood-Toxic-Stress-Partnering-With> [<https://perma.cc/3MVU-XM6Y>]; Hillary A. Franke, *Toxic Stress: Effects, Prevention and Treatment*, 1 CHILDREN 390-402 (2014), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4928741/pdf/children-01-00390.pdf> [<https://perma.cc/PEX9-FK2C>].

protective factors is not inevitable — it is the direct result of a policy choice, and changing that policy is one of the clearest and most actionable steps USG can take to prevent child trafficking

**Recommendation:** Review and amend existing Executive Orders and immigration enforcement policies to ensure alignment with domestic and international human rights standards — including those established under the TVPA/TVPRA and relevant UN frameworks such as the UN CRC and UN OPSC— as well as the growing body of research recognizing family unity as a key protective factor against exploitation and trafficking.

Thank you for the opportunity to submit our input and recommendations.

Sincerely,



Katherine Kaufka Walts, JD, Director, Center for the Human Rights of Children

Joseph Choe, Juris Doctorate Student, Center for the Human Rights of Children, Children’s Rights Fellow (Class of 2027)

Elizabeth Martinez, Juris Doctorate Student, Rodin Center for Social Justice Fellow, Center for the Human Rights of Children, Children’s Rights Fellow (Class of 2026)

Lindsay Nicholas, Juris Doctorate Student, Civitas ChildLaw Fellow, Center for the Human Rights of Children, Research Assistant (Class of 2026)

Carolyn Rathke, Juris Doctorate Student, Civitas ChildLaw Fellow, Center for the Human Rights of Children, Research Assistant (Class of 2027)

Center for the Human Rights of Children (CHRC)  
Loyola University Chicago School of Law  
25 E. Pearson Street  
Chicago, IL 60611  
312-915-6741  
[kaufkawalts@luc.edu](mailto:kaufkawalts@luc.edu)  
[www.luc.edu/chrc](http://www.luc.edu/chrc)