



Alliance to End Slavery and
Trafficking
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July 24, 2014

The Honorable Patrick Leahy
Chairman
The Committee on the Judiciary
U.S. Senate
437 Russell Senate Office Building
Washington, DC 20515

The Honorable Chuck Grassley
Ranking Member
The Committee on the Judiciary
U.S. Senate
135 Hart Senate Office Building
Washington, DC 20515

The Honorable Tom Carper
Chairman
Committee on Homeland Security &
Governmental Affairs
U.S. Senate
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Tom Coburn
Ranking Member
Committee on Homeland Security &
Governmental Affairs
U.S. Senate
172 Russell Senate Office Building
Washington, DC 20510

The Honorable Edward R. Royce
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
2185 Rayburn House Office Building
Washington, DC 20515

The Honorable Eliot L. Engel
Ranking Member
Committee on Foreign Affairs
U.S. House of Representatives
2161 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Leahy, Carper and Royce and Ranking Members Grassley, Coburn and Engel:

The Alliance to End Slavery and Trafficking (ATEST) is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. We are writing to express our serious concerns about calls by Congress for changes to the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”) intended to circumvent a fair process within the removal process. Amending the TVPRA is not the solution. The proposed changes would weaken legal protections for the many unaccompanied children who would actually qualify for asylum or other aid. These changes would also make victims of human trafficking particularly vulnerable by curtailing access to due process, legal representation, and child-appropriate services.

ATEST opposes any attempt to amend or eliminate section 235 of the TVPRA, which provides important procedural protections for unaccompanied children, navigating the

complex immigration process, to determine if they are eligible for any existing immigration relief as victims of trafficking or persecution. We are deeply concerned about administrative and legislative attempts to circumvent these important protections and remove the children apprehended at the border through a non-judicial process. Instead of abiding by our international obligations and affording these children proper screening for trafficking and persecution, as well as the opportunity to receive fair and full consideration of their legal claims before an immigration judge, members of Congress appear to propose quickly removing them without access to legal counsel. Removals would follow cursory screenings that have already proven entirely inadequate to identify genuine refugee and trafficking claims among Mexican children.

Traumatized children, including victims of human trafficking, do not open up immediately. Given the corruption of police in their home countries, their ability to trust law enforcement officials here is severely compromised. They often need time in an appropriate setting not only to express their true reasons for fleeing to the United States, but also to be interviewed by the right individuals – namely, those who have expertise and training in human trafficking, as well as child welfare and development.

Congress gave consideration to the unique circumstances of children when it unanimously passed the bi-partisan TVPRA in 2008. The law includes protections such as the access to counsel and the appointment of child advocates, which help ensure that unaccompanied children from non-contiguous countries receive proper care and that their requests for asylum and other legal relief are processed fairly and in a way that is consistent with age and development. In addition, the Homeland Security Act of 2002 requires that all unaccompanied minors be transferred from Department of Homeland Security (DHS) custody to the Department of Health & Human Services (HHS) Office of Refugee Resettlement (ORR) within 72 hours of apprehension because ORR has the expertise and training to care for children. The role of Health and Human Services in this crisis is essential, and ATEST opposes any attempt to weaken this framework.

Recent proposed administration policy changes and legislation put at risk existing legal protections, jeopardizing the lives of children seeking safety in the United States. Undermining due process is not the right answer, and it certainly will not appease the criticisms of those who have been calling for more punitive and aggressive enforcement. The cost of pushing vulnerable children back into dangerous or deadly situations is simply too high. Moreover, given the violence in the key sending countries, we question whether changes in law would have a substantial impact on the flow of children to the United States.

We recognize the challenges and pressures you face as you work toward a just solution for the unaccompanied immigrant children. We are encouraged that Congress is considering additional funding to both address the conditions of the children as well as provide for more rapid consideration of the status of these children and their safe repatriation. These efforts appear to be a better approach than weakening the protections these children deserve by changing the TVPRA. We hope that you will continue to oppose any changes that would eliminate current polices that serve child victims of human trafficking. Thank you for your consideration. If you have any questions, please contact Cory Smith, Senior Policy Advisor, at csmithhu@gmail.com or (202) 361-1442.

Sincerely,

Alameda County Commission on the Status of Women

Amb. Mark P. Lagon
Chair, Global Politics, Georgetown University MSFS Program
Former US Ambassador-at-Large to Combat Trafficking in Persons

Americans for Immigrant Justice

API CHAYA

Asian and Pacific Islander Institute on Domestic Violence

Asian Pacific Islander Legal Outreach

Association of California Commissions for Women

Bridge for Youth

Brooklyn Defender Services

Cape Fear Human Trafficking Rapid Response Team

Catholic Health Initiatives

Center for Human Rights and Constitutional Law

Center for the Human Rights of Children, Loyola University Chicago

CHE Trinity Health

Child Labor Coalition

CHILDREN AT RISK

Christians Against Trafficking

Church Women United in New York State

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)

Coalition of Immokalee Workers (CIW)

Coalition to Abolish Slavery and Trafficking (CAST)

CREA

Destination Freedom

ECPAT-USA

FB Consulting

Francesca Cervero Yoga + Wellness

Franciscan Sisters of Little Falls Justice Commission

Free the Slaves

Freedom 4/24

Fresno Economic Opportunities Commission

GEMS

Girls Educational and Mentoring Services

Global Freedom Network

Global Ministries of the Christian Church (Disciples of Christ) and United Church of Christ

Global Workers Justice Alliance

GoodWeave

Grey Nuns of the Sacred Heart

Hartzell Memorial United Methodist Church

Heartland Alliance for Human Needs and Human Rights

IF Hummingbird Foundation

International Institute of Connecticut, Inc.

International Justice Mission

International Organization for Adolescents

International Organization for Adolescents (IOFA)

Jacqueline Novogratz

Kids in Need of Defense (KIND)

LifeWay Network, Inc.

Linda Smith (U.S. Congress 1994-98)
Founder and President, Shared Hope International

Love146

Made By Survivors, a Project of T.E.N. Charities

Maternal and Child Health Access

National Council of Jewish Women

National Domestic Workers Alliance

National Immigrant Justice Center

NH Coalition Against Domestic and Sexual Violence

Not For Sale

Ohmeomyproductions

Operation SafeHouse

Pacific Survivor Center

Paula Seibel Associates

Polaris

Pontifical Academy of Social Sciences

Restore NYC

Safe Horizon

Sanctuary for Families

School Sisters of Notre Dame CPP Shalom/JPIC Office

SDS Hope House, Inc.

Sisters of the Divine Savior

Solidarity Center

Southern Arizona Against Slavery

Survivors for Solutions

T'ruah: The Rabbinic Call for Human Rights

Tahirih Justice Center

The Arbor Charlottesville

The Domestic Violence and Sexual Assault Council of Greater Miami

The Gray Haven

The Rabbinical Assembly

The United Methodist Church, General Board of Church and Society

Ubuntu Education Fund

United Against Human Trafficking

United Church of Christ, Justice and Witness Ministries

Up-Island Pottery

Verité

Vital Voices Global Partnership

Walk Free

Washington State Coalition Against Domestic Violence

We Belong Together: Women for Commonsense Immigration Reform

WestCoast Childrens Clinic

Worker Justice Center of New York

World Relief

World Vision

ATEST is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end all forms of modern-day slavery and human trafficking domestically and globally. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Polaris, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, and World Vision.