

Labor Trafficking and Labor Exploitation

Submitted by: The Advocates for Human Rights and Fe Y Justicia

MECHANISM

Universal Periodic Review

SESSION

50th Session of the Working Group for the UPR

DATE OF REVIEW

03-15 November 2025

Summary: From 2020-2024, the U.S. improved its protection of the rights of noncitizen workers, notably by providing a new immigration protection to victims of labor exploitation. After 2025, the policy gains made since 2020 have functionally ceased to exist and other conditions that fuel trafficking and exploitation have worsened. The Trump Administration's targeting of noncitizens, directing of federal law enforcement resources to immigration enforcement rather than other case types, and rapid dismantling of federal programs undermine the rights of trafficking victims.

U.S. government fails to prosecute labor traffickers and identify victims.

- Federal investigations into human trafficking prioritized sex trafficking, with no federal prosecutions for labor trafficking in Minnesota during 2020-2025. Since January 2025, federal law enforcement has focused on immigration enforcement, transferring trafficking investigations to state agencies already overwhelmed with cases. The federal government has also attempted to force state and local governments to prioritize immigration enforcement, which would further reduce resources for criminal trafficking investigations.
- The federal government does not adequately institute training and policies to identify trafficking victims even when agencies or officers are likely to encounter them. Immigration enforcement officers in both ICE and CBP are not required to screen for trafficking victimization, even when encountering people in high-risk situations.
- The U.S. is not adequately protecting noncitizen trafficking victims from immigration detention or deportation. U.S. law provides both temporary and long-term immigration protections for trafficking victims. Temporary protections require approval from federal law enforcement agencies, who have not provided timely access for all identified victims. Long-term protections usually require cooperation with law enforcement, but increased immigration enforcement discourages noncitizens from reporting crimes. New policies sharing trafficking visa application data with immigration enforcement agencies also discourage victims from seeking protection.
- The Trafficking Victims Protection Act provides case management and supportive services for victims, though timely access has been challenging. Since July 2025, new legislation has severely restricted noncitizen access to those statutory benefits. Citizens also struggle with accessing appropriate services, especially housing for male victims, since the federal government provides limited funding dedicated to domestic victims of trafficking.

Lack of protection for victims of labor exploitation harms workers and fuels trafficking.

- In 2023, the government started a program that provided work permits and immigration protections to victims of labor exploitation, which led to several successful prosecutions of employers for wage theft, labor exploitation, and labor trafficking. The government ended this program in 2025. Coupled with dramatically increased immigration enforcement, the lack of protection means noncitizen workers are now too afraid to report labor exploitation, which means labor trafficking goes undetected and the risk of labor trafficking increases.

- Many noncitizen farmworkers reported that they received no contact with a consular officer before arriving in the U.S., either screening for trafficking or informing them of their rights. The government also carries out insufficient investigations and monitoring of employers at all stages of the process—from application by prospective sponsors to ongoing oversight of employers who previously violated worker rights.
- Community organizers reported severe exploitation of noncitizen farm workers. Worker-led education and outreach, supported by state-funded victim services, has been a key contributor to successful anti-trafficking efforts.

U.S. government treatment of unaccompanied minors increases risk of trafficking.

- Noncitizen children, especially unaccompanied minors (UACs), face a higher risk of labor trafficking and exploitation. The law provides them with some additional protections and benefits, but the government has ended access to benefits such as health care and legal advice while threatening to share information about children with immigration enforcement. Changing policies have made UAC cases in immigration court extremely difficult, but the US government does not provide counsel for UACs or screen for trafficking in court.
- The federal government provides no assistance to sponsors to support unaccompanied noncitizen children, creating a financial burden that increases the risk of child labor. UACs who are forced to work are often prevented from attending school by sponsors or guardians.

Recommendations

- Reprioritize the use of federal law enforcement resources to address human trafficking rather than immigration and stop efforts to force states and localities to divert criminal enforcement resources to immigration enforcement.
- Expand requirements and training for federal agencies that routinely encounter migrants to screen adults and children for human trafficking in ways that maximize victim safety, including referrals to immigration attorneys.
- Create and fund new processes for victims of trafficking to obtain work permits and immigration protections in a timely manner without requiring law enforcement certification.
- Provide and adequately fund supportive services for victims, including specialized housing, case coordination, and victim advocacy services specifically for victims of labor trafficking.
- Improve pathways for employment-based migration and ensure systems include adequate employer screening and Know Your Rights information to applicants.
- Increase enforcement of workers' rights protections, including child labor standards, at a level that provides a measurable deterrent effect, including criminal penalties.
- Codify protections for noncitizen victims of labor exploitation, including immigration status and financial support for job loss, to facilitate investigations into violations of worker rights.
- Fund worker justice centers to provide worker-driven enforcement and education, especially in communities at high risk of labor trafficking and exploitation.
- Restore the confidential process to access the full scope of benefits under law for child victims of trafficking.
- Increase funding for community-based organizations that provide social services, language support, economic security, family support, and legal assistance to unaccompanied minors as they transition into new communities.