

COMMON MYTHS AND MISCONCEPTIONS ABOUT HUMAN TRAFFICKING IN THE U.S

The following document summarizes some of the commonly-held myths and misconceptions regarding the definition of human trafficking and the types of human trafficking operations that exist in the United States. The goal of the document is to address these misconceptions and help shape a more accurate "lens" for identifying and understanding trafficking. A "Top 10" List is provided below.

Myth 1: Under the Federal definition, trafficked persons can only be foreign nationals or are only immigrants from other countries.

Reality: The Federal definition of human trafficking includes both US citizens and foreign nationals - both are equally protected under the Federal trafficking statutes and have been since the TVPA of 2000. Human trafficking encompasses both transnational trafficking that crosses borders and domestic or internal trafficking that occurs within a country. Statistics on the scope of trafficking in the US are only accurate if they include both transnational and internal trafficking of US citizens as well as foreign nationals.

Myth 2: Trafficking is essentially a crime that must involve some form of travel, transportation, or movement across state or national borders.

Reality: The legal definition of trafficking, as defined under the Federal trafficking statutes, **does not require transportation**, although transportation may be involved in the crime, and although the word connotes movement. Human trafficking is not synonymous with forced migration or smuggling. Instead, human trafficking is more accurately characterized as "compelled service" where an individual's will is overborne through force, fraud, or coercion.

Myth 3: Human trafficking is another word for human smuggling.

Reality: There are many fundamental differences between the crimes of human trafficking and human smuggling. Both are entirely separate Federal crimes in the United States. Most notably, **smuggling is a crime against a country's borders, whereas human trafficking is a crime against a person**. Also, while smuggling requires illegal border crossing, human trafficking involves commercial sex acts or labor or services that are induced through force, fraud, or coercion regardless of whether or not transportation occurs.

Myth 4: There must be elements of physical restraint, physical force, or physical bondage when identifying a trafficking situation.

Reality: The legal definition of trafficking **does not require physical restraint, bodily harm, or physical force**. Psychological means of control, such as threats, or abuse of the legal process, are sufficient elements of the crime. Unlike the previous Federal involuntary servitude statutes (U.S.C. 1584), the new Federal crimes created by the Trafficking Victims Protection Act (TVPA) of 2000 were intended to address "subtler" forms of coercion and to broaden previous standards that only considered bodily harm.

Myth 5: *Victims of trafficking will immediately ask for help or assistance and will self-identify as a victim of a crime.*

Reality: **Victims of trafficking often do not immediately seek help or self-identify as victims of a crime** due to lack of trust, self-blame, or training by the traffickers. It is important to avoid making a snap judgment based on the first interviews and to understand that trust will take time to develop. Continued trust-building and patient interviewing is often required to get to the whole story.

Myth 6: *Trafficking victims always come from situations of poverty or from small rural villages.*

Reality: Although poverty is highly correlated with human trafficking because it is often an indicator of vulnerability, **poverty alone is not a single causal factor or universal indicator of a human trafficking victim.** Trafficking victims can come from a range of income levels and many may come from families with higher socioeconomic status.

Myth 7: *Sex trafficking is the only form of human trafficking.*

Reality: Elements of human trafficking can occur in the commercial sex industry as well as in situations of forced labor or services. **Human trafficking encompasses both “sex trafficking” and “labor trafficking,” and can affect men and women, children and adults.**

Myth 8: *Human trafficking only occurs in illegal underground industries.*

Reality: Elements of human trafficking can be identified whenever the means of force, fraud, or coercion induce a person to perform commercial sex acts, or labor or services. **Trafficking can occur in legal and legitimate business settings as well as underground markets.**

Myth 9: *If the trafficked person consented to be in their initial situation or was informed about what type of labor they would be doing or that commercial sex would be involved, then it cannot be trafficking or against their will because they “knew better.”*

Reality: **A victim cannot consent to be in a situation of human trafficking.** Initial consent to commercial sex or a labor setting prior to acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is payment.

Myth 10: *Foreign national trafficking victims are always undocumented immigrants or here in this country illegally.*

Reality: Foreign national trafficked persons can be in the United States through either legal or illegal means. Although some foreign national victims are undocumented, a significant percentage may have legitimate visas for various purposes. **Not all foreign national victims are undocumented.**