

Common Myths and Misconceptions about Human Trafficking in the U.S

The following document summarizes some of the commonly-held myths and misconceptions about the definition of human trafficking and the types of human trafficking operations that exist in the United States. This document is intended to help clarify a more accurate portrayal of trafficking by correcting the numerous myths and misconceptions. The goal of the document is to help shape a "lens" for identifying and understanding trafficking that is not clouded by incorrect information. 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 U.S. 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 about trafficking, estimates of the scope of trafficking, and descriptions of trafficking should be mindful to include both transnational and internal trafficking to be most accurate.

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 overcome through force, fraud, or coercion. Transportation or migration is less of a relevant consideration to the definition or for identifying trafficked persons.

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.

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 be understanding 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 certainly is highly correlated with human trafficking because it often is a factor 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 increased socioeconomic status.

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

Reality: Elements of human trafficking can occur in both commercial sex acts but also in situations of forced labor or services. **The broader concept of human trafficking encompasses both forms of what are referred to as “sex trafficking” and “labor trafficking,” and can affect men and boys in addition to women and girls.**

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: For foreign national victims, 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.**