

Statement of Jennifer Podkul
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Subcommittee on Global Health, Global Human Rights and International Organizations
“Children are not for Sale – Global Efforts to Address Child Trafficking”
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Chairman McCaul, Ranking Member Weeks, and members of the subcommittee, thank you for the opportunity to discuss global efforts to address child trafficking and to ensure safeguards and protection for unaccompanied and separated children in the U.S. and worldwide. My name is Jennifer Podkul, and I serve as Vice President of Policy and Advocacy for Kids in Need of Defense (KIND).

KIND is the preeminent international nongovernmental organization devoted to the protection of unaccompanied and separated children. KIND envisions a world in which every unaccompanied and separated child on the move has access to legal representation and has their rights and well-being protected as they migrate alone in search of safety.

In 2008, KIND was founded by the Microsoft Corporation and Co-Founder and Patron Angelina Jolie to address the gap in legal services for unaccompanied children. KIND now has offices and staff across the United States, Mexico, and Europe. KIND and its extensive network of private sector pro bono and NGO partners provide unaccompanied and separated children with innovative holistic care that includes legal representation and psychosocial support.

Through strategic partnerships, KIND provides pro bono legal representation for forcibly displaced children across the United States, and we work to replicate this same model abroad. We partner with governments, international organizations, NGOs, and the private sector to instill a shared commitment to the protection of unaccompanied and separated children through training, technical assistance, and capacity strengthening. Since its inception, KIND has received referrals for tens of thousands of cases and served children through direct legal assistance and by leveraging the pro bono legal resources provided by hundreds of law firm, corporate, law school, and bar association partners.

Through our comprehensive psychosocial support programming, KIND complements its legal program by bringing a truly holistic approach to protecting children on the move alone. We have connected thousands of children – and their care providers – with essential medical care, mental health care, access to education, and crisis intervention to ensure their safety and well-being.

Beyond U.S. borders, KIND’s Mexico-based offices and its programming in Central America work with partners on the ground to address the root causes that force children to flee for safety, protect children during their journey, and connect repatriated children to essential services. Through its European initiative, KIND and partners in Belgium, France, Greece, Ireland, Italy, Poland, and the United Kingdom work to ensure access to high quality pro bono legal assistance for unaccompanied and separated children in Europe and to advocate for systemic reforms to support protection of children on the move.

I. Child-focused framework to combat child trafficking

Through its work, KIND has witnessed the inspiring resilience, growth, and contributions that are possible when children are provided with the safety, stability, and support they need—and the unique vulnerabilities and risks that children too often must confront when access to care, protection, and assistance is unavailable or denied. This includes heightened risk of human trafficking and other forms of exploitation, which may not only compel children to seek protection at the outset but pose repeated threats to their well-being during and even after migration in search of safety.

Through programming and partnerships in the U.S. and internationally, KIND aims to advance safeguards for unaccompanied and separated children and to close persistent protection gaps that imperil their well-being. This work is grounded in foundational principles of child protection recognized globally that have been developed over decades.

These basic principles—which are continually enriched through the shared experiences and collaboration of policymakers, civil society organizations, and children and families—begin with ensuring that all children are able to seek assistance and request protection when in need and that their best interests are at the forefront of any decision-making affecting them. Recognizing the numerous factors required for children’s safe and healthy development, child protection relies upon individualized determinations of children’s best interests and needs for care and protection, conducted by professionals with expertise in child welfare and protection. Family unity and reunification are critical priorities. Child protection necessitates child-sensitive processes, in which children have full legal representation, are informed of their rights, and can access psychosocial services and supports that are essential to their healing, safety, and ability to fairly access any protections for which they may be eligible, so children are never returned to harm or danger.

KIND’s approach supports and tracks the internationally recognized “3P” framework of protection, prosecution, and prevention to combat human trafficking, with a focus on children. We do our work through strategic partnerships with other government agencies, NGOs, and the private sector to promote models of holistic and survivor-centered services that are developmentally appropriate to meet the needs of children.

KIND’s work in different contexts throughout the world has underscored the fundamental importance of coordination across borders and disciplines to prioritize and realize child protection at every stage. Through our work we have identified practical and accessible strategies to prevent and combat human trafficking and exploitation by shining a light on and proactively addressing protection gaps, prioritizing children’s rights, and creating holistic models through which children can access support and protection to prevent harm before it occurs and to timely and appropriately respond when needed.

II. Examples of KIND’s global strategies to combat child trafficking

Key to the protection of children and to preventing trafficking is creating stability in the community and familial structures that children live in. This means increasing protective factors

and resiliency not only through children’s integration into the community, but having welcoming communities that acknowledge these children’s specific needs. Provision of comprehensive legal and social services for children is central to achieving this aim. Additionally, no single stakeholder, agency, or individual can necessarily ensure the protection of children’s well-being and safety on their own. Collaborative responses are imperative to break the cycles of violence and ensure that children are also not placed in vulnerable situations again or re-trafficked.

a. Community outreach and education

Comprehensive strategies must consider the social determinants that both facilitate and protect against child trafficking. This means identifying preventive measures to reduce vulnerabilities created by social determinants that facilitate trafficking, such as poverty and lack of economic opportunity, gender-based violence, age, displacement and conflict. Conversely, in KIND’s experience, protective determinants that mitigate and prevent trafficking can include formal education, economic empowerment, and citizenship.

Thus, meaningful engagement with local civil society members can aid in trafficking prevention by connecting children with essential information and community resources and increasing awareness among service providers of the challenges children are confronting in various contexts. Globally, many children experience trafficking and exploitation through recruitment and fraudulent promises, including for employment, schooling, housing, or other assistance. KIND conducts trainings and partners with community-based organizations in Central America, Mexico, and Europe to provide culturally appropriate outreach and education for young people about their rights, including the right to report violence and exploitation or seek assistance, so children are aware of steps they can take if they are in unsafe or problematic situations and that they have rights even if they are outside of their country of origin. This includes information about how to identify unhealthy relationships, exploitative or unsafe situations, and safe adults and community resources they can turn to for assistance.

b. Capacity building and training of government agencies and partners

KIND also works to support screening, prevention, and response to child trafficking by providing training workshops and supporting collaborative approaches that unite and build capacity among government agencies working across sectors.

This approach has proven critical in responding to heightened risk of child trafficking following Russia’s devastating attack on Ukraine and its citizens, which has resulted in more than four million children having been placed into vulnerable positions where they are either internally displaced or have crossed into neighboring countries to seek humanitarian aid. As part of its multi-pronged, collaborative response, in Slovakia, KIND engaged to develop cross-sector and cross-border partnerships to protect Ukrainian children. Trainings have focused on building cross-disciplinary team responses between specialized law enforcement, criminal justice, child welfare, and non-governmental organization partners to improve cooperation and coordination between law enforcement and civil society to identify and support Ukrainian children. Outreach and trainings have also been conducted frontline responders in Europe to ensure that those who are interacting with children are provided with the information necessary to best protect children.

KIND has also undertaken capacity building efforts in Central America and Mexico to provide government agencies and partners with information about the unique needs and experiences of unaccompanied children, relevant legal processes and forms of humanitarian protection, and opportunities to leverage best practices and collaborative relationships to appropriately address child protection gaps. In Mexico this includes training of judges, prosecutors, and child welfare officials, as well as authorities adjudicating forms of humanitarian protection and relief to strengthen systems that can help protect children, prevent harm, and ensure appropriate support.

c. Cross-border coordination and support hubs

For many children on the move, the search for safety may involve a series of risks, transitions, and potential displacement and moves, including across countries. This necessitates cross-border collaboration to ensure that child protection is not interrupted or conducted in isolation in ways that subject children to additional or repeating risks, but that all governments are coordinating with a common goal of protecting children. KIND has helped to foster cross-border engagement in Mexico and in Europe to help connect child protection and other authorities in various countries to develop procedures that facilitate timely and appropriate screening of children for trafficking indicators and protection needs, determinations of children's best interests, and facilitate transnational family reunification when determined to be in a child's best interests.

KIND and its partners in Europe have also supported efforts to provide refugee children and families services at coordinated support hubs known as "Blue Dots" that have been created by government authorities in partnership with UNICEF and UNHCR. At these sites, which are situated at various border and other locations to best serve children fleeing or displaced by the situation in Ukraine, children can register with protection authorities, and receive basic necessities, medical aid, information, counseling, legal services, and assistance in locating and reunifying with family. KIND has worked through its partner organizations to provide legal services for children at the Blue Dots and at reception centers. This model, like other cross-border collaboration, can help to facilitate holistic case management and family reunification support responsive to the ways in which children's situations and needs may evolve over time.

d. Building capacity for legal representation of children

Modeled off KIND's successful U.S. efforts, KIND undertakes efforts internationally to expand public-private partnerships to increase pro bono legal representation and to ensure children can fairly access protection. For example, in addition to working with its partner organization to provide legal services information to children and families from Ukraine at Blue Dots and reception centers, KIND through its initiative in Poland has engaged with law firms to respond to inquiries regarding registration, temporary protection, guardianship, access to education and benefits, missing families, and more.

In addition to work in Poland and Slovakia assisting children and families affected by the situation in Ukraine, KIND also maintains collaborative partnerships with organizations in France, Greece, Ireland, and Italy that leverage the participation and support of pro bono lawyers

and the legal community to assist children in those countries in understanding their rights, applying for legal protection, and reunifying with family members in other countries.

III. Robust implementation of TVPRA and other protective U.S. policies

The Trafficking Victims Protection Act (TVPA),¹ together with subsequent reauthorizations such as the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA),² is a pillar of the U.S. system for safeguarding unaccompanied children from trafficking and exploitation. The TVPA in its creation intentionally reflects the “3P” framework of prosecution, protection, and prevention, and was passed by Congress on a sweeping bipartisan basis after careful consideration of ways to protect unaccompanied children. In crafting the TVPRA, Congress recognized unaccompanied children’s unique vulnerabilities to trafficking and exploitation, including their age, developmental stage, comprehension and communication constraints, and trauma history. The TVPRA responds to those vulnerabilities by codifying certain protections for these children.

These include a requirement that, “[t]o protect children from trafficking and exploitation,” the U.S. government establish a program ensuring safe repatriation of unaccompanied children removed from the U.S that should “implement best practices to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children into their country of nationality...including placement with their families....” The TVPRA further requires the Department of Homeland Security (DHS) to consult the Department of State’s Trafficking in Persons Report to assess the viability of safely repatriating any unaccompanied child.

Other TVPRA safeguards include requirements that: unaccompanied children encountered at the U.S.-Mexico border undergo screenings to assess whether they are survivors or at risk of trafficking; unaccompanied children have an opportunity to have their asylum claims first considered in a more child-friendly, non-adversarial interview; and that the Department of Health and Human Services (HHS) ensures legal representation of unaccompanied children to the greatest extent practicable to “protect them from mistreatment, exploitation, and trafficking.”

It is important to lean into Congress’s central framework to ensure we reduce children’s risk of harm. Congress must properly fund, and the executive branch must engage in the TVPRA’s robust implementation and additional actions that best ensure the safety and well-being of unaccompanied children at every stage of their migration journey.

a. Ensuring legal counsel and social services for all unaccompanied children

No effort is more crucial to combating unaccompanied children’s trafficking and exploitation in the U.S. than ensuring children have access to high quality legal and social services.³ Attorneys are vital to helping unaccompanied children comprehend their legal rights; securing their

¹ The Trafficking Victims Protection Act of 2000, Pub. L. No. 106- 386.

² The William Wilberforce Trafficking Victims Protection Reauthorization Act, Pub. L. No. 110-457, 122 Stat. 5044 (2008).

³ KIND Policy Brief, “Five Recommendations for Protecting Unaccompanied Children From Labor Exploitation” (Mar. 10, 2023): <https://supportkind.org/wp-content/uploads/2023/03/Protecting-UCs-From-Labor-Exploitation.pdf>.

stability through immigration status and identifying and assisting children in situations of trafficking and exploitation. Despite the TVPRA's express directive to maximize counsel for unaccompanied children for such purposes, many if not most of these children around the nation lack attorneys.

Additionally, providing coordinated and meaningful social services to help children integrate into their communities is key to strengthening their protective factors and preventing trafficking. Policies and funding that support communities to welcome children through streamlined coordination of these services will help reduce children's vulnerabilities to trafficking and exploitation. Such assistance can also help children realize educational and other opportunities and contribute positively to their new communities.

b. Ensuring safe return and reintegration of unaccompanied children

The U.S. government must institute robust, cross-agency programs ensuring the safe return and reintegration of unaccompanied children returning to their countries of origin. This is not only a legal requirement under the TVPRA, but also essential to ensuring that returned unaccompanied children are not compelled to flee again to the U.S. in pursuit of safety. Currently, and despite its legal obligations, the U.S. government offers little support to unaccompanied children in such circumstances. These children therefore often return to the conditions that caused them to make the dangerous journey to the U.S. alone in the first place, but with added burdens: lasting trauma of their migration experience, significant debt from the journey, and a sense of isolation from their community. Returning children often have significant mental health needs, educational gaps, and, in the case of certain indigenous children, language and sometimes cultural loss. Without reintegration services, many children will contemplate remigration and be at risk for a host of challenges in their families and communities.

The return and reintegration programs should coordinate efforts across government agencies, officials, and other partners in the child's country of origin. The State Department, USAID and DHS should develop and fund reintegration programs to provide long-term, culturally and child-appropriate services to returning children and their families. Programs should include pre-departure case management and support and should encourage participation of local governments in addition to civil society organizations to provide local mental health and medical care, family counseling, education and job skills training, and legal assistance when needed.

KIND's own work on return and reintegration of unaccompanied children, though limited in scale, has demonstrated the importance and effectiveness of these services.⁴ In Central America, KIND partners with local organizations who have the cultural responsiveness and country context necessary to work effectively with and advocate for repatriated children and their families. By providing greater stability, KIND's reintegration program helps children to remain in school, identify educational and employment goals and opportunities, and connect with other youth, and decreases the likelihood that they will attempt another dangerous journey to the U.S.

c. Strengthening border screenings for trafficking

⁴ See KIND Policy Brief, "Safe Return and Reintegration for Migrant Children" (Dec. 2021); <https://supportkind.org/wp-content/uploads/2022/08/KIND-Policy-Brief-Return-and-Reintegration-FINAL.pdf>.

DHS should ensure humane reception of unaccompanied children arriving at the U.S.-Mexico border, including by meeting the TVPRA’s mandate to appropriately screen those children for trafficking and other protection concerns. To do so, it is imperative that DHS expeditiously hire and deploy Child Well-Being Specialists—licensed social workers with unique expertise in addressing migrant children’s needs and vulnerabilities—to Customs and Border Protection (CBP) border facilities as required under the Fiscal Year 2023 appropriations omnibus.⁵ In addition to ensuring appropriate care of children in CBP custody, these specialists should play a central role in the administration of TVPRA-mandated protection screenings of unaccompanied children. Under current practice, required screenings are conducted exclusively by CBP agents and officers. Not only does that resource allocation limit the availability of these agents and officers to carry out law enforcement objectives on the front lines, but these personnel also lack expertise in developmentally appropriate, trauma-informed interviewing vital to identifying protection needs and indicators of trafficking in child survivors of trauma. Congress should continue to support DHS’s hiring and deployment of Child Well-Being Specialists to ensure that government officials with proper expertise and specialized training provide screening at the U.S.-Mexico border by robustly funding these efforts in FY 2024.

d. Strengthening and expanding the Central American Minors (CAM) Program

DHS and DOS should further scale up the Central American Minors (CAM) program. This in-country processing program, which enables certain vulnerable children residing in Guatemala, El Salvador, and Honduras to seek potential relocation to the U.S. as refugees, is a lifeline for children in danger who may otherwise have no choice but to make the hazardous trek to the U.S.-Mexico border.⁶ KIND is currently serving children and parents who wish to apply for this protection. It is imperative that children in the program have access to counsel. Children’s age, development, and ability to trust strangers may all contribute to difficulties during the CAM interview process; an attorney by their side, who has helped them understand and prepare for the interview, can foster confidence, clarify issues, or help to elicit answers when the child does not understand the adjudicator’s questions. This will improve the efficiency of adjudications.

Other ways the program could be improved to allow for more children to seek protection without having to travel to the U.S. border and risk falling prey to smugglers and traffickers include: permitting children residing outside Central America to access the program; allowing UNHCR and other NGOs to provide on-the-ground referrals of children at risk, assisting orphaned or abandoned children without a tie to the U.S. to access the program; using technology and other streamlining mechanisms to create more accessible interviews; and providing emergency relocations and protection to children at imminent risk as quickly as possible.

e. Government oversight of private sector to ensure appropriate, dignified, and age-appropriate work for children

⁵ Consolidated Appropriations Act, 2023; Joint Explanatory Statement, Division F—Department of Homeland Security; <https://www.appropriations.senate.gov/imo/media/doc/Division%20F%20-%20Homeland%20Statement%20FY23.pdf>.

⁶ KIND, “Central American Minors Program;” <https://supportkind.org/wp-content/uploads/2021/03/CAM-Program-Infographic-4.pdf>.

The ability of immigrants and refugees to undertake lawful, safe, and appropriate work is often vital to their financial security, integration into local communities, and personal development—and reduces vulnerability to trafficking and exploitation. But to enter the regulated workforce, older youth need employment authorization documents that are virtually impossible to obtain without attorneys to help them navigate the complex U.S. immigration system. Access to suitable employment also hinges in significant part on vigorous Department of Labor (DOL) enforcement of child labor standards nationwide. The U.S. government must use enforcement mechanisms to ensure U.S. companies' compliance with child labor standards, domestically and internationally. Congress should enhance the effectiveness of these enforcement efforts by passing legislation increasing civil monetary fines for offending companies to better disincentivize noncompliance.

f. Building protective measures for children in their countries of origin

Many unaccompanied and separated children have been forced to flee their homes to escape life-threatening dangers in their countries of origin. Over the past decade, unaccompanied and separated children have arrived to the U.S. from an increasingly diverse range of countries throughout the world.⁷ Specific dangers these children have escaped include extreme violence, domestic abuse, and trafficking itself. Other in-country factors contributing to child migration include weak institutions and poor governance; high rates of poverty and economic inequality; and impunity and corruption in justice systems that often result in an inability or unwillingness to protect vulnerable citizens. Summary returns to these same dangers and conditions and/or the elimination of protection mechanisms would lead to grave harm of unaccompanied children.

A more constructive focus would be on measures to improve protective safety nets for children in their countries of origin such that they are not compelled to flee for their safety. The U.S. government should provide substantial, long-term development assistance that addresses what is driving children and families to migrate. This means increasing funding for programs that address gender and gang-based violence, child abuse and neglect, lack of educational and job opportunities, poverty and inequality, food insecurity, and the increasing impacts of climate change. The U.S. government must center its root causes strategy on the needs of children, families, and vulnerable populations. Finally, U.S. foreign assistance should prioritize people and communities by investing in local civil society organizations, which is also the best way to ensure that assistance is protected from corruption.

Conclusion

Collaborative, child-focused frameworks remain vital to uphold unaccompanied and separated children's rights and well-being throughout their journey to safety. Following fundamental child protection principles and ensuring the implementation of existing laws designed to protect children from trafficking and exploitation can help transform our international, regional, and national protection systems into one that protects and prevents further harm to children. KIND offers these recommendations and examples for Congress and the Administration to help all children thrive.

⁷ See Administration for Children and Families, Unaccompanied Children: General Statistics (Jul. 28, 2023); <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data>.