



**Bordering on Solutions: A Comparative Study of Mexican and U.S. Policies to Address
Human Trafficking along the Mexico-United States Border**
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Mexico and the United States both contend with the issue of human

trafficking.⁴ Further, natural disasters, conflicts, and political unrest erode already weak social protection measures.⁵ services, and the expectation of reliable income drive people into potentially dangerous situations

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The International Labour Organization (ILO), a UN agency whose mandate is to advance social and economic justice by setting international labor standards, releases periodic global estimates of modern slavery.⁷ The results from the September 2022 report revealed a staggering reality.⁸ In 2021, a shocking 50 million people were found to be living in modern slavery, marking a significant increase over the past five years.⁹ To put this into perspective, the 2021 figures showed that there were 10 million more individuals trapped in modern slavery as compared to the global estimates reported of 2016.¹⁰ The issue of human trafficking continues to progress, as it is exacerbated by the proliferation of migration crises, global conflicts, and the COVID-19 pandemic.¹¹ In d

human traffickers, provide increased safeguards for victims of human trafficking, and actively work to prevent and discourage human trafficking.¹⁹ The impetus for this legislation stemmed from the alarming fact that *millions* of individuals, particularly women and children, were falling victim to trafficking on an annual basis.²⁰ Further, deliberations in Congress showed that TVPA 2000 was crafted to ensure that the U.S. government leveraged its global influence around the world to stop human trafficking universally.²¹ Subsequently, this legislation has undergone multiple reauthorizations, notably in 2003, 2008, 2011, and 2019.²² These reauthorizations have

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The TVPA 2000 created a three-pronged approach to human trafficking encompassing prevention, protection, and prosecution.²⁴ To accomplish this, the TVPA fosters awareness, ensures the wellbeing of victims through a range of services, and prosecutes traffickers by designating trafficking as a federal offense with significant consequences.²⁵ Moreover, this legislation includes provisions of services, such as shelter, legal aid, and medical care to human trafficking survivors, and it allows for the issuance of T-visas for victims who cooperate with law enforcement.²⁶ But, these T-visas are not automatically extended to all trafficking victims, and individuals who fail to meet the visa's requirements are subject to deportation proceedings and removal from the U.S.²⁷ Following rejection, these individuals are deported and frequently find themselves at risk of being trafficked once more.²⁸

This broad legislation also called for the State Department to establish the Office to Monitor and Combat Trafficking in Persons (TIP).²⁹

critics argue that the use of sanctions is ineffective and political considerations can sometimes influence the rankings.³³

In response to the U.S. approach to human trafficking as a whole, critics further argue that there is a need for innovative approaches to enhance the enforcement of international anti-trafficking standards.³⁴ For instance, critics suggest holding the private sector responsible for ensuring that their supply chains are free from forced labor.³⁵ Additionally, the financial industry should take more proactive measures to identify and report the illicit profits generated by traffickers.³⁶ Furthermore, leaders in security and development should acknowledge that human trafficking undermines economic progress and contributes to instability.³⁷ These leaders should therefore expand their policies to combat this crime, even within their own organizations.³⁸ Governments, too, should discourage traffickers and reduce the prevalence of trafficking by implementing sustainable development strategies that target the root causes of this issue, coupled with robust apprehension and punitive measures.³⁹ Following a comprehensive assessment of the U.S. human trafficking legislation, it is evident that its overall approach is robust; however, as noted by critics, there are specific critical areas that require improvement and attention.⁴⁰

III. Mexico Human Trafficking Legislation

Mexico has made significant strides in its fight against human trafficking since passing its inaugural national law in 2007.⁴¹ Within this national legislation, the Mexican federal government banned all manifestations of human trafficking and established a sentencing range of six to twelve years for offenses related to trafficking.⁴² -two states had enacted anti-trafficking regulations to some extent, though the scope and impact of these laws differed.⁴³ Mexico has maintained its commitment to combat human trafficking, and in April 2010, it became the pioneer in launching its own nationally led United Nations "Blue Heart" campaign against human trafficking.⁴⁴ This initiative urges all segments of Mexican society to collaborate in mobilizing social awareness against human trafficking, seeks to enhance understanding of this criminal activity, and strives to deter additional individuals from falling prey to it.⁴⁵ Further, collaborative efforts involving government agencies, civil society, and law enforcement entities pursue a threefold mission: prevention through raising awareness, protection of trafficking victims with services like medical and legal support, and prosecution of perpetrators,

³³ Alese Wooditch, *The Efficacy of the Trafficking in Persons Report: A Review of the Evidence*, CRIMINAL JUSTICE POLICY REVIEW, Dec. 2011, at 476-477.

³⁴ Bigio & Vogelstein, *supra* note 1.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Victoria Rietig, *Prevent, Protect and Prosecute Human Trafficking in Mexico: Policy and Practical Recommendations*, 53 INT L MIGRATION 9, 10 (2014).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Le & Creegan, *supra* note 19.

⁴³ *Id.*

⁴⁴ Press Release, *Qhleg"qp'Ft wi u'cpf 'Etko g.'O g:keq'Hkt w'Eqwpt{''kp'yj g'Y qtrf 'iq'Ncwpej 'yj g'õDmwg'J gct wö"* Campaign Against Human Trafficking, U.C. PRESS RELEASE (Apr. 14, 2010).

⁴⁵ *Id.*

including men, women, and children alike.⁴⁶ Some laws that Mexico has attempted to pass, however, have been viewed by anti-trafficking advocates as too complex to be applied consistently.⁴⁷

In June 2012, the federal government of Mexico enacted a comprehensive anti-trafficking legislation that replaced the 2007 law.⁴⁸ This new law prohibits all types of human trafficking, stipulating punishments that range from five to thirty years of incarceration, and mandates that states appoint a specialized human trafficking prosecutor.⁴⁹ In 2016, the Mexican Congress endorsed a Law for Crime Victims, encompassing, among other provisions, support for trafficking victims.

areas of Mexico are aware there is support.⁷³
hotline for reports of this crime in Mexico.⁷⁴ The CEO of Polaris stated:

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human trafficking networks operate across borders, so it is critical that we
networks regardless of where they operate, as well as ensure that survivors can
receive the support they need.⁷⁵ Together, Polaris and Consejo Ciudadano are
building a critical cross-border safety net for victims of human trafficking in North
America.⁷⁶

The Polaris Project's collaboration with Mexico is meaningful in addressing human trafficking by offering critical support to victims, collecting and analyzing data, facilitating cross-border coordination, raising awareness, and sharing information to attempt to combat trafficking.⁷⁷

Furthermore, the Departments of Justice (DOJ) and Homeland Security (DHS) initiated the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative in 2009, aiming to enhance cooperation with Mexican law enforcement agencies for a more effective response to cross-border trafficking threats.⁷⁸ Within this initiative, U.S. and Mexican authorities share information and intelligence to bolster investigations and prosecutions, facilitate victim recovery, secure the return of victims' children, and disrupt trafficking networks through impactful legal actions in both nations.⁷⁹ Additionally, apart from coordinating joint investigations and prosecutions, DOJ, DHS, and their Mexican law enforcement counterparts engage in extensive knowledge sharing and
-based mentoring to advance best practices in victim-centered enforcement⁸⁰

deportation policies, ensuring victims of human trafficking have access to legal aid, regardless of their immigration status, and beginning education and awareness campaigns about the human trafficking issues at the border.⁸⁴

The U.S. should reconsider its deportation policy specifically with regard to trafficking victims, possibly reevaluating or altering the approach to significantly decrease deportations to cities where deportees are at a high risk of trafficking and exploitation.⁸⁵ Unaware of their rights and often paralyzed by fear when seeking assistance in the U.S., Mexican migrants and trafficking victims face profound vulnerability and isolation.⁸⁶ For instance, recent()21(proc)7(e)7(s)1S7(t0 g0 G{F)14(or)20(i)7(n

determining eligibility.⁹⁷ So, it is crucial for both the U.S. and Mexico to guarantee that every trafficking victim is provided with the necessary legal assistance to address their specific legal requirements, regardless of their immigration status, in order to secure the delivery of justice.⁹⁸

Finally, Mexico and the U.S. should collaborate in efforts to promote awareness of the serious issue of human trafficking along their shared border.⁹⁹ Every day in the U.S. and Mexico, powerful criminal networks with transnational operations target vulnerable individuals for exploitation.¹⁰⁰ These traffickers employ deceptive tactics, such as offering fraudulent job opportunities or feigned affection, to trap their victims.¹⁰¹ Once trapped, victims are coerced into forced labor or commercial sexual exploitation through threats, debt bondage, and other severe forms of abuse.¹⁰² To effectively identify more victims, ensure survivors receive the necessary support to rebuild their lives, and prevent the recurrence of this crime, it is imperative to raise public awareness about the signs of human trafficking and the procedures for seeking help or reporting suspicious activities.¹⁰³ Collaborative endeavors should be undertaken by the U.S. and Mexico to enhance public awareness within both nations regarding the issue of human trafficking across the border.¹⁰⁴ This can be achieved through comprehensive public information campaigns and various other communications strategies.¹⁰⁵ Specifically concerning trafficking victims, these campaigns should encompass fundamental human rights principles and empower victims with the knowledge that trafficking is a criminal offense, that they are victims, and that they have the right to seek legal protection.¹⁰⁶ To ensure effectiveness, these campaigns must be custom-designed to cater to the specific needs and language preferences of the target audiences.¹⁰⁷

VI. Conclusion

While there are signs of individual progress in the U.S. and Mexico in combating human trafficking, there is a clear need for legislative and policy improvements in both countries. Collaborative efforts between the two nations have the potential to significantly reduce trafficking across the border. These efforts should involve a reconsideration of deportation policies, ensuring access to legal aid for trafficking victims regardless of their immigration status, and the initiation of education and awareness campaigns focused on the issue of human trafficking at the border. Specifically, the U.S. should reevaluate its deportation policies to reduce the risk of trafficking and exploitation faced by deported individuals, particularly vulnerable migrant children. This includes a review of the allocation and accessibility of T-visas for trafficking victims, as the current system

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