



# Forced Labor and Forced Child Labor

*March 16, 2023*

Fiscal Year 2022 Report to Congress



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

# Message from the Deputy Director and Senior Official Performing the Duties of the Director

March 16, 2023

I am pleased to present the following report, “Forced Labor and Forced Child Labor,” which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to the Joint Explanatory Statement accompanying the Fiscal Year 2022 Department of Homeland Security Appropriations Act (P.L. 117-103).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable Dave Joyce  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Henry Cuellar  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy  
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,



Tae D. Johnson  
Deputy Director and  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement





# Forced Labor and Forced Child Labor

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# I. Legislative Language

This report was compiled in response to legislative language in the Joint Explanatory Statement accompanying the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103), which continues direction provided in the Joint Explanatory Statement accompanying the FY 2021 DHS Appropriations Act (P.L. 116-260):

The Joint Explanatory Statement accompanying P.L. 117-103 states:

*Continuation of Prior-Year Requirements.*—ICE shall continue to follow the directives under the following headings in the explanatory statement accompanying the fiscal year 2021 Act (Public Law 116-260), according to the previously directed timeframes, reporting requirements, required sustainment, and guidance:

(15) Forced Child Labor;

The Joint Explanatory Statement accompanying P.L. 116-260 states:

*Forced Child Labor.*—The agreement provides not less than \$15,770,000 for investigations and other activities related to forced labor law violations, to include forced child labor. ICE shall submit to the Committee an annual report on the expenditures and performance metrics associated with such activities.

## II. Background

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) is responsible for disrupting and dismantling transnational criminal organizations (TCO) engaged in crossborder criminal activities that seek to exploit America's legitimate trade, travel, financial, and immigration systems for illicit purposes. As the largest and principal criminal investigative component in DHS and the second largest in the U.S. Government, ICE HSI has the authority to investigate and to take enforcement actions against violations of hundreds of criminal laws and regulations that threaten our borders, national security, and public safety.

The DHS Center for Countering Human Trafficking (CCHT), established in October 2020, is an HSI-led center that integrates DHS investigative and enforcement operations, victim assistance, intelligence, outreach, and training to respond effectively to human trafficking on a global scale. Working in partnership with the Forced Labor Division in the U.S. Customs and Border Protection's (CBP) Office of Trade, CCHT and ICE HSI International Operations coordinate investigations regarding the manufacture or production of goods overseas that use forced labor, to include forced child labor, which are or may be introduced into U.S. commerce. CCHT and ICE HSI Domestic Operations also coordinate on investigations into allegations of forced labor in the United States, to include forced child labor, that result from the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Products manufactured or produced with forced or indentured labor do not differ in appearance from products made with legitimate labor. Forced labor investigations often require coordination with other U.S. Government agencies and departments, nongovernmental organizations (NGO), corporate personnel, trade associations, and foreign government personnel. ICE HSI forced labor investigations frequently involve information coordination with CBP and the U.S. Departments of Labor, Justice, and State.

In addition, CCHT meets frequently with NGOs, civil society organizations, corporate officers, trade associations, and foreign governments with an interest in countering forced labor practices. U.S. Government agencies alone cannot end forced labor worldwide, nor the unfair economic advantage that it brings to foreign corporations that utilize forced labor to undercut domestic supply chains. CCHT partners with NGOs, civil society organizations, corporate officers, trade associations, and foreign governments. CCHT seeks to leverage private-sector engagements to identify ways to work together to end forced labor worldwide.

Forced labor investigations may begin with information developed or received by ICE HSI, or with forced labor indicators identified during labor exploitation or other types of investigations, to include the investigative findings of CBP's Forced Labor Division used to support a Withhold Release Order and/or Finding. This might involve children or adults being forced or coerced to provide labor within the United States or internationally.

ICE HSI dedicates both domestic and international law enforcement resources to investigate crimes related to forced labor. Overseas, ICE HSI resources also may assist host country law enforcement with forced labor investigations by connecting foreign law enforcement with HSI

special agents who are investigating the allegations of forced labor in the supply chain, which could result in the prosecution of companies in the United States that are attempting to import prohibited goods, or prosecutions of others with knowledge of and benefit derived from goods brought into the United States. Examining financial flows and export records may indicate potential avenues for U.S. prosecutions. ICE HSI's international offices also campaign to raise the awareness of and to partner with host country law enforcement to combat forced labor.

ICE HSI is committed to identifying individuals, corporations, and criminal organizations that attempt to import merchandise illegally into the United States in violation of 19 United States Code (U.S.C.) § 1307, which prohibits the importation of goods produced by convict, forced, or indentured labor under penal sanction, including forced or indentured child labor, and 18 U.S.C. § 1761, which provides criminal penalties for the transportation or importation of merchandise made by prisoners or convicts, with certain exceptions. Entities such as U.S.-based importers or consignees and their corporate officials that knowingly benefit from participation in a venture engaging in forced labor, or do so in reckless disregard of such activities, may be subject to criminal prosecution under 18 U.S.C. § 1589. These violations also may result in the seizure and forfeiture of their merchandise through civil enforcement processes, if produced using forced labor.

CCHT supports ICE HSI's mission of investigating forced labor violations through programmatic and operational support; interagency and intra-agency coordination; domestic and foreign law enforcement training; and working with the DHS Blue Campaign to raise public awareness of human trafficking and to generate leads.

ICE HSI investigations often overlap multiple operational and strategic program areas. Therefore, ICE HSI may investigate forced labor under 18 U.S.C. § 1589, including instances in factories, hospitality, agriculture, and domestic work in the United States. ICE HSI also may use that same statute to take enforcement actions against importers or other parties involved in the procurement or importation of those prohibited goods, or others deriving benefit from, and having knowledge of, forced labor in their corporate supply chains.

In FY 2022, CCHT and ICE HSI prioritized identifying investigations related to domestic forced labor with an emphasis on allegations related to H-2 visa-related fraud and child forced labor. Starting in FY 2022, CCHT began participating in regular meetings with the Department of Justice's Human Trafficking Prosecutions Unit, the Department of Labor, the Executive Office for United States Attorneys, and the Federal Bureau of Investigation to identify, deconflict, and discuss resource allocations for significant child forced labor investigations to support an increase in child forced labor prosecutions.

The *DHS Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*,<sup>1</sup> issued in January 2020, continues to be used as guidance to support ICE HSI's criminal investigative authorities relating to the importation of goods produced using forced labor.

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<sup>1</sup> Available at <https://www.dhs.gov/publication/strategy-combat-human-trafficking-importation-goods-produced-forced-labor-and-child>.

## III. Results<sup>2</sup>

### A. Expenditures

The Joint Explanatory Statement accompanying P.L. 117-103, which continues direction contained in the Joint Explanatory Statement accompanying P.L. 116-260, directed ICE to allocate not less than \$15.77 million for investigations of forced labor law violations, to include forced child labor. In FY 2022, as directed by the legislation, HSI expended at least \$15.77 million investigating violations of forced labor law.

The FY 2022 DHS Appropriations Act (P.L. 117-103) also earmarked not less than \$6 million (no-year funding) for efforts to enforce laws against forced child labor. ICE expenditures exceeded this amount in FY 2022. The amounts expended are reported separately in the following sections for International Operations and Domestic Investigations because of differing account tracking methods. This is because of the nature of the investigative work that each program undertakes.

As explained further below, expenditures for International Operations are reported using actual expenses for payroll, operating expenses, and general agency overhead, while expenditures for Domestic Operations are reported using an activity-based accounting method. Because ICE HSI's investigations often include multiple crimes, a clear distinction in reporting cannot be drawn always between investigative categories, or between domestic and international investigations. For example, cases that are categorized as forced labor investigations in this report also may include forced child labor or other illicit criminal activities.

#### **ICE HSI International Operations**

For FY 2022, HSI expended \$17.87 million on international forced labor-related investigations, which included expenses such as payroll, operating expenses, and general agency overheads. ICE HSI International Operations identified the following attaché offices, which have responsibility for geographic regions with a high concentration of forced child labor risks, to receive forced labor funding: Bangkok, Bogota, Brasilia, Buenos Aires, Cartagena, Ciudad Juarez, Dakar, Frankfurt, Guatemala City, Ho Chi Minh City (HCMC), London, Manila, Mexico City, New Delhi, Panama City, Phnom Penh, Pretoria, Quito, San Salvador, Santo Domingo, Seoul, Singapore, Tegucigalpa, and Vienna.

ICE HSI International Operations has an aggressive outreach campaign to raise the level of awareness on the negative effects of forced labor on both societies and trade. This campaign seeks to enable partnerships with foreign government officials, civil society organizations, and private industry to identify vulnerabilities systematically and strategically, as well as to disrupt and dismantle organizations engaging in forced labor practices with a nexus to the United States. This concept, Forced Labor Outreach and Targeting Initiative (Operation FLORA), leverages HSI's traditional investigative authorities to identify, disrupt, and dismantle organizations and

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<sup>2</sup> Investigations and cases take years to develop, and arrests and convictions take even longer. In FY 2022, ICE HSI placed a priority on forced labor and forced child labor investigations, and specifically named these investigations as an ICE HSI priority.

individuals engaging in forced labor practices, as well as those enabling their operations by exporting and selling their products in the United States.

ICE HSI's Operation FLORA provides training and increased communication and collaboration with organizations that have a key role in combatting forced labor worldwide. Additionally, ICE HSI special agents stationed overseas work with their international law enforcement counterparts to investigate and prosecute forced labor allegations with a nexus to the United States. ICE HSI also shares information on new trends, techniques, methods, and the consequences of forced labor practices with interested parties, as appropriate. This sharing of information continues to open lines of communication and to strengthen communities of interest against forced labor practices in worldwide supply chains.

Operation FLORA<sup>3</sup> efforts are demonstrated through outreach, developing investigative leads, and encouraging innovative policies and ideas through collaboration as reflected across the HSI global footprint in these case examples:

- **HSI Buenos Aires:** On November 30, 2021, HSI Buenos Aires participated in a virtual meeting with members of the Argentine Ministry of Labor, their corresponding representatives, and provincial authorities, as well as with three representatives from the Food Industry section of "Red Empresas," a group of companies working and committed with the government in fighting against forced child labor. A total of 110 participants joined this meeting, including representatives from ARCOR, a major canned food company; the ABC Committee, a group of companies in the blueberry industry; and Las Marias, the major tea and yerba mate producer in the country, and shared their achievements taken throughout 2021 toward the eradication of child labor in Argentina. Highlights of these efforts included educating workers, producers, and the general public on the current legislation prohibiting child work; conducting random inspections on transportation used for bringing workers into the fields and at the fields themselves to ensure that producers are in compliance with the law; and facilitating access for families to appropriate day care centers and primary and high schools for the children to study and stay while their parents work during the harvest and packing seasons.
- **HSI Taipei & HSI Bangkok:** In April 2022, HSI Taiwan received information indicating that a Taiwan-based TCO was operating a fraudulent investment telemarketing scheme aimed at defrauding numerous countries including the United States. The TCO posted fake employment advertisements on Taiwan social media platforms targeting young Taiwanese males to entice them into accepting high-paying employment opportunities in Cambodia. Once job seekers arrived in Cambodia, the TCO seized their passports and cell phones, then began exploiting the victims by forcing them to work at telemarketing scam call centers with the threat of organ harvesting if they did not comply. In the absence of diplomatic relations, HSI Taipei and HSI Bangkok, with the assistance of the U.S. Department of State, facilitated a request for assistance from Laos authorities resulting in the arrest of 42 Taiwanese nationals for fraud and human trafficking-related violations. HSI Taipei

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<sup>3</sup> Operation FLORA case examples as provided in monthly reports from ICE HSI posts receiving funding to combat forced labor.



continues to work with social media platforms proactively to remove fake job recruitment postings on their platforms.

- **HSI HCMC:** On July 22, 2022, HSI HCMC learned of multiple arrests (4-5) of Vietnamese citizens by Vietnam's Ministry of Public Security, HCMC Police for crimes involving human trafficking and forced labor. In addition to the arrests, HCMC Police reported the rescue of multiple minor victims who were subjected to forced labor, sexual abuse, and/or physical abuse by the human traffickers in Cambodia. HCMC Police identified a Vietnamese citizen from Hanoi who used his Facebook accounts to lure minors to work in Cambodia alleging that they could make more than \$1,000 per month, but instead were forced to work (labor and/or sex) for free at Chinese-owned casinos to pay off transportation debts. The arrestees were part of the transportation team who facilitated the minor victims' travels from Vietnam to Cambodia. HCMC Police elicited assistance from HSI HCMC, and that office submitted an emergency DHS summons request to [social media platform] and provided results to HCMC Police shortly thereafter. The investigation is ongoing, and the primary investigating agency is the Hanoi Police, with assistance from HSI HCMC.

### **ICE HSI Domestic Operations**

ICE HSI uses a different methodology for tracking its Domestic Operations forced labor budget. ICE HSI Domestic Operations has more than 6,500 special agents within the United States who can work forced labor cases, including forced child labor cases, based on the criminal activity and active cases in the region.

As a result, the investigative area on which special agents' specific casework focuses (e.g., forced labor, financial investigations) can vary from day to day. Thus, ICE HSI uses an activity-based accounting methodology to track resources dedicated to investigative areas, including forced labor, rather than assigning specific positions or employees and their supporting resources (e.g., vehicles, equipment purchased) in the financial management system. Accordingly, analysis of budget expenditures is based on the percentage of domestic investigative hours for forced labor against the ICE HSI domestic budget.

For FY 2022, HSI domestic special agents logged 131,556 case hours in support of forced labor investigations, of which 67,713 case hours were in support of forced child labor investigations. This equates to more than \$24.12 million of total financial support, of which \$12.41 million was dedicated to forced child labor investigations.<sup>4</sup>

In addition, \$300,000 of Domestic Operations' forced labor funds were expended on direct support of investigations that involved allegations of forced labor, either in the United States or abroad. These funds were allocated case-by-case for: investigative expenses such as travel to interview victims or witnesses, case coordination meetings with domestic or foreign law enforcement officials, obtaining translation or interpreter services for victims and witnesses, and facilitating prosecutions and evidence collection.

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<sup>4</sup> The ICE enforcement data/statistics are based on an estimated "snapshot" of the data in the respective ICE Law Enforcement System (LES) at the time that the report was compiled by the Executive Information Reporting Unit. ICE enforcement data within the ICE LES may be modified at any given time by authorized personnel owning the data, which may result in an increase or decrease of ICE data/statistics previously reported.

## B. Measures

The Joint Explanatory Statement accompanying P.L. 117-103 directs ICE HSI to submit an annual report on expenditures and performance metrics associated with forced labor enforcement activities. The measures<sup>5</sup> include cases initiated and enforcement statistics (arrests, indictments, and convictions).<sup>6</sup>

<b>Cases Initiated<sup>7</sup></b>		
<b>FY 2022</b>		
	<b>Domestic</b>	<b>International</b>
Forced Labor (statistics for Forced Child Labor included)	237	120

<b>Enforcement Statistics</b>		
<b>FY 2022</b>		
	<b>Domestic</b>	<b>International</b>
<b>Criminal Arrests<sup>8</sup></b>		
Forced Labor (statistics for Forced Child Labor included)	83	382
<b>Indictments<sup>9</sup></b>		
Forced Labor (statistics for Forced Child Labor included)	68	28

<sup>5</sup> The ICE enforcement data/statistics are based on an estimated “snapshot” of the data in the respective ICE LES at the time the report was compiled by the Executive Information Reporting Unit. ICE enforcement data within the ICE LES may be modified at any given time by authorized personnel owning the data, which may result in an increase or a decrease of ICE data/statistics previously reported.

<sup>6</sup> Readers are reminded that cases take years to develop and to investigate. Arrests and convictions may take even longer.

<sup>7</sup> The numbers for “Cases Initiated” include only those cases opened by ICE HSI. It is possible that the numbers here include cases that ICE HSI criminal investigators opened on suspicions of forced labor, but for which charges and convictions for other crimes occurred instead.

<sup>8</sup> The numbers for “Criminal Arrests” include only those criminal arrests made by ICE HSI. It is possible that the numbers here include criminal arrests made by ICE HSI where the perpetrator was turned over to another law enforcement agency with no further action by ICE HSI.

<sup>9</sup> The numbers for “Indictments” include those charged in federal, state, or local U.S.-based courts where ICE HSI was a partner in the case. Some multiple instances counted here may reflect multiple criminal counts in a single indictment against a single defendant.

<b>Enforcement Statistics</b>		
<b>FY 2022</b>		
	<b>Domestic</b>	<b>International</b>
<b>Convictions<sup>10</sup></b>		
Forced Labor (statistics for Forced Child Labor included)	49	6

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<sup>10</sup> The numbers for “Convictions” include those convictions reached in federal, state, or local U.S.-based courts where ICE HSI was a partner in the case. Some multiple instances counted here may reflect multiple criminal counts in a single conviction against a single defendant.

## Appendix: Abbreviations

<b>Abbreviation</b>	<b>Definition</b>
CBP	U.S. Customs and Border Protection
CCHT	DHS Center for Countering Human Trafficking
DHS	Department of Homeland Security
FY	Fiscal Year
HCMC	Ho Chi Minh City
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
LES	Law Enforcement System
NGO	Nongovernmental Organization
Operation FLORA	Forced Labor Outreach and Targeting Initiative
TCO	Transnational Criminal Organization
U.S.C.	United States Code