Common Myths and Misconceptions about Human Trafficking

Myth #1: Trafficked persons can only be non-citizens or are only immigrants from other countries.

Reality: The federal definition of human trafficking includes both U.S. citizens and foreign nationals. Both are protected under the federal trafficking statutes and have been since the Trafficking Victims Protection Act (TVPA) of 2000. In the U.S., victims can be U.S. citizens, lawful permanent residents, visa holders, and undocumented persons.

Myth #2: Human trafficking is a crime that requires movement across state or national borders.

Reality: Trafficking does not require movement or transportation across any borders. Although traffickers may transport victims from one place to another, it is not a required element of the trafficking definition. People can be trafficked in their own cities or towns, even from their own homes.

Myth #3: Human trafficking is another term for human smuggling.

Reality: Smuggling is a crime against a country's borders; human trafficking is a crime against a person. Human smuggling and human trafficking are two distinct federal crimes in the United States. Smuggling requires illegal border crossing and is usually done by agreement between the smuggler and the individual smuggled. In human trafficking force, fraud, or coercion are used to compel commercial sex acts or labor.

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

Reality: Trafficking does not require physical restraint, bodily harm, or physical force. Psychological means of control, such as threats, fraud, or abuse of the legal process, are sufficient elements of the crime. Unlike the previous federal involuntary servitude statute (Title 18 of the United States Code § 1584), the new federal crimes created by the TVPA of 2000 are intended to address "subtler" forms of coercion and to broaden previous standards that only considered bodily harm.

Myth #5: Victims of human trafficking will self-identify as victims of a crime and ask for help.

Reality: Victims of human trafficking often do not seek help or self-identify as victims of a crime, including the crime of human trafficking. They do not disclose for any number of reasons including lack of trust, self-blame, fear of repercussions from the trafficker or from law enforcement authorities. They may not even understand that they are victims of a crime. It is important to avoid making a snap judgment about who is or who is not a trafficking victim based on first encounters. Trust often takes time to develop to get the real story of what a victim has gone through.

Myth #6: Human trafficking victims always come from situations of poverty.

Reality: Although poverty can be a factor in 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: The federal definition of human trafficking encompasses both sex trafficking and labor trafficking, and a number of cases of labor trafficking have been uncovered and prosecuted in the U.S.

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

Reality: Trafficking can occur in legal and legitimate business settings as well as underground markets. In the Department of War, human trafficking has been reported in sectors such as food services, construction, mining, fishing industries, factories and manufacturing plants, security services, healthcare, and the transportation industry, as well as underground commercial sex markets such as brothels, online exploitation, and street based commercial sex.

Myth #9: If a minor consented to be sold for sex, then it is not trafficking because it is being done voluntarily.

Reality: A minor cannot consent to prostitution or any other form of commercial sex. Any minor found in commercial sex is per se a trafficking victim. Only an adult may consent to being involved in commercial sex. Even then, if an adult engaged in commercial sex is subjected to force, fraud, or coercion to recruit, transport, obtain, or sell them, they may be a trafficking victim under U.S. law.