Difference Between Human Trafficking and Human Smuggling

Imagine two different scenarios of someone entering the United States:

1. A woman is attempting to enter the U.S. through the Mexican border to be with members of her family. She hires a smuggler to take her across the border where she hopes to find a job.

2. A woman is promised a good job in the U.S. The man who promises her the job tells her he will cover the cost for her to enter the U.S. After she is in the U.S., she finds out that there is no good job, and she is forced into a brothel where she is held against her will and sold for sex.

While these two scenarios hold similarities -- only the second one is considered human trafficking.

Human Smuggling	**Human Trafficking**
Crime committed **against a country**.	Crime committed **against a person**.
Persons are **free to leave**, change jobs.	Persons are **enslaved, subjected to restrictions**, and/or had **documents confiscated**.
Persons who are smuggled are **complicit in the smuggling crime**.	Persons who are trafficked are **victims of a crime**.
Persons being smuggled are generally **cooperating**, voluntarily entering into an agreement with the smuggler.	Contains elements of **force, fraud, or coercion** unless minor is involved in commercial sex. Any minor who is induced to perform commercial sex acts is a victim of human trafficking, no force, fraud, or coercion required.
Facilitates illegal entry of persons from one country into another. Smuggling **always crosses an international border**.	Does not need to involve the actual movement of the victim. There is **no requirement to cross an international border**.

Human Smuggling: Human smuggling is the facilitation, transportation, attempted transportation, or illegal entry of a person(s) across an international border, in violation of one or more countries' laws, either clandestinely or through deception, such as the use of fraudulent documents. People who are smuggled are complicit in the smuggling crime and are not necessarily victims. (From the United States Attorney's Office: https://www.justice.gov/usao-ut/immigration)

Trafficking in Persons: Trafficking in persons is the recruitment, harboring, transportation, provision, or obtaining of a person through the use of force, fraud, or coercion for purposes of commercial sex or forced labor. Trafficking does not need to involve the actual movement of the victim. People can be trafficked in their own cities. It is not necessary for the trafficker or victim to cross an international or state border. The person trafficked is a victim.

Case of Human Trafficking that Started as Human Smuggling

Smuggling cases can turn into trafficking cases. The following summary is from the U.S. Department of Justice press release about the Cadena case: "After illegally smuggling women and girls into the United States, Cadena-Sosa and other family members imposed a smuggling debt and used brutal physical force and violence, sexual assaults, and threats of death and bodily harm to the victims and their families to compel the victims to engage in prostitution 12 hours a day, six days a week and turn over the proceeds to the defendants to pay down the smuggling debts the defendants imposed." (https://www.justice.gov/opa/pr/mexican-national-sentenced-15-years-participating-brutal-family-run-sex-trafficking)