

Human Trafficking and Immigration Law: Legal Frameworks, Victim Protection, and Enforcement Across Countries (Canada & U.S. Comparative Analysis)

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ABSTRACT

Human trafficking is among the most severe violations of human dignity recognised in international and domestic law. It exploits the vulnerabilities that immigration systems create: irregular status, dependency on employers or sponsors, language barriers, fear of deportation, and limited access to legal protection. This paper examines the intersection of human trafficking and immigration law comparatively, focusing on Canada, the United States, and the international framework established by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol, 2000). It analyses the legal definitions of trafficking, the statutory frameworks criminalising it, and the immigration protection mechanisms available to victims in each jurisdiction — including Canada's Temporary Resident Permits for trafficking victims and the U.S. T visa regime under the Trafficking Victims Protection Act (TVPA, 2000). The paper examines the persistent tension between immigration enforcement and victim protection: how the tools of immigration control — detention, removal, inadmissibility findings — can be weaponised against the very people they should protect. It analyses emerging threats, including forced criminality in online scam operations and state-sponsored trafficking, and considers the role of officer discretion in victim identification. It concludes with an assessment of the gaps in current frameworks and the reforms necessary to make anti-trafficking law genuinely victim-centred.

Keywords: Human Trafficking; Immigration Law; Palermo Protocol; TVPA; T Visa; Temporary Resident Permit; IRPA Section 118; Canada; United States; Victim Protection; Labour Trafficking; Sex Trafficking; Forced Criminality; Officer Discretion; Comparative Immigration Law; UNODC; Anti-Trafficking; Refugee Law; Forced Labour; CBSA; FBI

1. Introduction: A Crime That Lives in the Shadows

There is a particular cruelty to human trafficking that distinguishes it from other crimes: it turns the hope of a better life into the mechanism of exploitation. The promise of a job abroad, a student visa, a path to safety — these are the entry points through which traffickers reach their victims. And when immigration systems respond by treating migrants as enforcement targets rather than as individuals who may have been deceived and controlled, they compound that cruelty rather than address it.

Human trafficking is not rare. According to the 2024 UNODC Global Report on Trafficking in Persons, 58 percent of identified trafficking victims in 2022 were exploited in their own country rather than abroad — a finding that challenges the assumption that trafficking is primarily a cross-border crime and that immigration enforcement is its primary remedy. In Canada, police reported 632 incidents of trafficking offences in 2024, up from 512 in 2023. Between April 2024 and March 2025, CBSA and the RCMP opened investigations into 298 new trafficking cases — more than double the 133 cases reported in the previous period. In the United States, the Department of Justice recorded 210 trafficking convictions in FY2024, down from 289 in FY2023, a pattern practitioners attribute to resource allocation shifts rather than a genuine decline in trafficking activity.

These numbers — already significant — represent only the visible surface of a problem whose true scale is unknowable. Trafficking victims are, by definition, concealed. They are isolated, controlled, and frequently too frightened to report to authorities — often because those authorities represent the immigration enforcement machinery the trafficker has told them will result in detention or deportation. The crime's hidden nature is not incidental; it is structurally embedded in how trafficking operates.

This paper examines the legal frameworks that govern the response to human trafficking in Canada and the United States, within the broader architecture of international law. It focuses particularly on the immigration dimension: how these systems criminalise trafficking, what protections they extend to victims, where those protections fail, and what reforms are needed to close the gap between the law's stated commitments and its operational reality. The paper also addresses emerging forms of trafficking — particularly forced criminality in online scam operations — that are reshaping the threat landscape in ways existing legal frameworks were not designed to address.

2. The International Legal Framework

2.1 The Palermo Protocol: Definition and Obligation

The foundational international instrument for combating human trafficking is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime — commonly known as the Palermo Protocol (2000). The Protocol established the first internationally agreed definition of trafficking and created a framework of obligations for signatory states in three areas: prevention, protection of victims, and prosecution of traffickers.

Palermo Protocol (2000) — Definition of Trafficking in Persons:

Trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, sexual exploitation, forced labour, slavery, servitude, or the removal of organs. Consent is irrelevant where any means listed above have been used.

Source: <https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-per>

The three-element framework — act, means, and purpose — is the analytical lens through which trafficking is identified in both Canadian and American law. All three elements must be present for an adult victim. For child victims, the means element is irrelevant: any recruitment, transportation, or

receipt of a child for the purpose of exploitation constitutes trafficking, regardless of consent or coercion.

A critical feature of the Palermo Protocol that has shaped subsequent domestic legislation is the irrelevance of consent. The fact that a victim agreed to be transported or employed does not negate the trafficking finding where the means described — fraud, deception, abuse of vulnerability — were used. This provision directly addresses the most common trafficker defence and the most common reason immigration and law enforcement officers historically discounted victim claims.

2.2 The TVPA Tier System: Accountability Through Ranking

The United States' Trafficking Victims Protection Act of 2000 (TVPA) created a parallel international accountability mechanism through the annual Trafficking in Persons (TIP) Report published by the U.S. State Department. This report evaluates the anti-trafficking efforts of 187 countries and territories and assigns each to one of four tiers. Tier 1 countries fully meet the TVPA's minimum standards. Tier 2 countries are making significant efforts. The Tier 2 Watch List includes countries at risk of backsliding. Tier 3 countries neither meet minimum standards nor make significant efforts to do so, and may face restrictions on foreign assistance.

Canada has consistently held Tier 1 status. The 2025 TIP Report, covering the period April 2024 to March 2025, maintained that assessment while identifying persistent gaps: inadequate proactive identification of forced labour victims, inconsistent victim services across jurisdictions, and the absence of a comprehensive national database for trafficking data. 2025 TIP Report — Canada: <https://www.state.gov/reports/2025-trafficking-in-persons-report/canada/> | 2025 TIP Report — Overview: <https://www.state.gov/reports/2025-trafficking-in-persons-report/>

3. Canada: Legal Framework, Victim Protection, and Enforcement

3.1 The Criminal Code and IRPA: Two Parallel Regimes

Canada addresses human trafficking through two parallel but distinct legal regimes: the Criminal Code of Canada and the Immigration and Refugee Protection Act (IRPA). Understanding both —and the relationship between them — is essential for practitioners advising clients in this area.

The Criminal Code provisions are the primary domestic trafficking prohibitions. Section 279.01 prohibits trafficking in persons through recruitment, transportation, transfer, receipt, holding, concealment, or harbouring for the purpose of exploitation, prescribing a maximum of life imprisonment where the victim is under 18, or aggravating factors are present. Section 279.03 specifically criminalises the withholding or destruction of documents to facilitate trafficking — a provision targeting the common trafficker tactic of confiscating passports and identity documents to control victims. It prescribes a maximum of five years imprisonment for adult victims and a mandatory minimum of one year to a maximum of ten years for child victims.

IRPA s. 118 — Cross-Border Trafficking:

Section 118 of the IRPA criminalises cross-border trafficking: 'No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.' As noted in multiple State Department TIP Reports, this provision does not include exploitation as an essential element, creating an inconsistency with the Palermo Protocol's definition and meaning that some cross-border trafficking cases may be charged under IRPA without satisfying the full international definition.

Criminal Code of Canada: <https://laws-lois.justice.gc.ca/eng/acts/C-46/> | IRPA: <https://laws.justice.gc.ca/eng/acts/i-2.5/>

In 2024, the Supreme Court of Canada clarified the exploitation standard, ruling that evidence of intention to exploit is sufficient to satisfy the exploitation element of the Criminal Code trafficking offence — a significant development for prosecutors who previously faced challenges establishing completed exploitation in cases intercepted before exploitation began.

3.2 The National Strategy: Five Pillars, \$57 Million, and Renewal

Canada's whole-of-government response to human trafficking is organised under the National Strategy to Combat Human Trafficking, initially launched in 2019 and funded at over CAD \$57 million for its five-year term. The Strategy is built around five pillars: empowerment of victims and survivors; prevention of future trafficking; protection of those at greatest risk; prosecution of traffickers; and partnerships across federal, provincial, territorial, and civil society organisations.

- Key Canadian Statistics (2024–2025):
- 5,070 human trafficking incidents reported by police in Canada between 2014 and 2024 (Statistics Canada, December 2025)
- 632 trafficking incidents reported by police in 2024, up from 512 in 2023 (U.S. State Department 2025 TIP Report)
- 298 new trafficking cases opened by CBSA and RCMP between April 2024 and March 2025, compared with 133 in the prior period
- 906 Temporary Resident Permits issued to out-of-status trafficking victims between 2015 and 2023 (IRCC, 2024)
- 86% approval rate for victim TRP applications; 100% for dependents
- CAD \$10.28 million allocated annually to the National Strategy beginning 2024–2025 Sources: <https://www150.statecan.gc.ca/n1/pub/85-002-x/2025001/article/00008-eng.htm>
- | <https://www.state.gov/reports/2025-trafficking-in-persons-report/canada/> | <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-feb-7-2024/human-trafficking.html>

[w.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-feb-7-2024/human-trafficking.html](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-feb-7-2024/human-trafficking.html)

In January 2025, the Government of Canada appointed its first Chief Advisor on Human Trafficking, a significant institutional development signalling the government's recognition that a dedicated national voice is needed to coordinate and elevate the anti-trafficking agenda. The National Strategy was also in the process of renewal at the end of the reporting period, with the new framework expected to build on the five-pillar architecture while addressing identified gaps in victim identification and service delivery. National Strategy Report: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-strty-cmbt-hmn-trffckng/2023-2025/index-en.aspx>

3.3 The IRCC Victim TRP: Immigration Protection in Practice

The most direct immigration protection mechanism for trafficking victims in Canada is the Temporary Resident Permit (TRP) issued to out-of-status foreign nationals identified as victims of human trafficking under IRPA subsection 24(1). These permits — commonly called VTIP TRPs — provide temporary resident status to trafficking victims who would otherwise be inadmissible or without lawful status in Canada, and make recipients eligible for a work permit.

Between 2015 and 2023, IRCC issued 906 VTIP TRPs to out-of-status victims and their dependents. The demographic profile is instructive: approximately 60% of recent VTIP TRP recipients are male; approximately 73% were Mexican nationals in 2023 — a reflection of the agricultural and construction sector labour trafficking patterns that dominate the Canadian forced labour landscape. The approval rate of 86% for victim applications, and 100% for dependents, reflects the humanitarian orientation of the program.

Processing times, however, have increased significantly: from 150 days in 2022 to 218 days in 2023. For a victim in an active trafficking situation, a seven-month wait for legal status is not a protection; it is a vulnerability. IRCC's own briefing notes acknowledge the problem, attributing delays to larger volumes, greater case complexity, and training requirements. This gap between the protection the program is designed to provide and the timeline on which it actually operates is one of the most significant practical challenges in the current framework. Source: <https://www.ca.nada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-feb-7-2024/human-trafficking.html>

4. The United States: TVPA, the T Visa, and the Enforcement Tension

4.1 The Trafficking Victims Protection Act: A Landmark but Contested Framework

The Trafficking Victims Protection Act of 2000 (TVPA) was the first comprehensive federal law in the United States to address human trafficking. Its three-part structure — prevention through public awareness; protection through immigration relief and victim services; prosecution through new federal criminal statutes — established the template that most subsequent domestic anti-trafficking legislation worldwide has followed.

The TVPA defines 'severe forms of trafficking in persons' as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person has not attained 18 years of age; or the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services through force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery. The three-element framework of act, means, and purpose is parallel to the Palermo Protocol, though the specific statutory language differs in ways that have generated significant litigation. TVPA overview: <https://www.fbi.gov/investigate/violent-crime/human-trafficking> | 2024 TIP Report: <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

4.2 The T Visa: Immigration Protection for Trafficking Victims

The TVPA's most significant immigration innovation was the T nonimmigrant visa, which allows foreign national victims of severe forms of trafficking to remain in the United States, access federal benefits and services, and apply for permanent residency after three years. Up to 5,000 T visas are available annually. Recipients must have been victims of a severe form of trafficking; be present in the United States as a result of trafficking; comply with reasonable requests from law enforcement in the investigation or prosecution of traffickers (unless the victim is under 18 or would suffer extreme

hardship); and demonstrate that they would suffer extreme hardship if removed.

T Nonimmigrant Visa (TVPA, 2000 as amended):

The T visa provides temporary immigration status to foreign national trafficking victims. In April 2024, DHS published a final rule — effective August 2024 — clarifying reporting and evidentiary requirements for T visa applicants and updating the bona fide determination process. Anti-trafficking experts reported significant obstacles to obtaining T visa status, including lengthy processing times that increased victims' vulnerability to re-trafficking while awaiting decisions. Continued Presence (CP) — a related mechanism allowing law enforcement to request temporary legal status for foreign nationals necessary to ongoing trafficking investigations — provides shorter-term but more rapidly accessible protection.

USCIS T Visa information: <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status> | FBI Trafficking: <https://www.fbi.gov/investigate/violent-crime/human-trafficking>

4.3 The Enforcement Tension: When Immigration Law Becomes a Weapon Against Victims

One of the most persistent and troubling features of the U.S. anti-trafficking framework is the structural tension between immigration enforcement and victim protection. Traffickers systematically exploit this tension: they tell victims that if they go to the police or immigration authorities, they will be detained and deported. In a significant proportion of cases, that threat is not false.

The 2025 State Department TIP Report acknowledges that many victims are inappropriately penalised by law enforcement authorities for unlawful acts they were forced to commit — immigration violations, commercial sex offences, drug possession. This forced criminality problem is not marginal; it is structural. Traffickers use it deliberately, engineering situations in which victims accumulate criminal and immigration records that deepen their dependency and make self-disclosure more dangerous.

■ Forced Criminality and Immigration Consequences:

Traffickers routinely compel victims to commit immigration offences — applying for non-work visas under false pretences, using forged documents, overstaying authorised periods — as a mechanism of control. The resulting immigration records create inadmissibility findings and deportation exposure that reinforce the victim's dependency on the trafficker. In January 2025, DHS removed a requirement that officers affirmatively seek to identify indicia of trafficking victimisation before taking civil immigration enforcement action, a change that anti-trafficking advocates argued would make victims more vulnerable to enforcement action rather than identification and support.

2025 TIP Report — United States:

<https://www.state.gov/reports/2025-trafficking-in-persons-report/united-states/>

5. Emerging Threats: Online Scam Compounds and State-Sponsored Trafficking

5.1 Forced Criminality in Online Scam Operations

The fastest-growing form of human trafficking in the current period is one that most people would not intuitively recognise as trafficking: forced participation in online fraud operations, primarily based in Southeast Asia but increasingly expanding to other regions. Traffickers lure victims — often through fake job advertisements offering technology or hospitality roles in Myanmar, Cambodia, or the Philippines — and then force them through physical violence, restricted movement, and the withholding of food and water to operate internet scams targeting victims around the world.

The scale is staggering. These operations netted criminals an estimated \$25 to \$64 billion globally in 2023. Americans alone lost an estimated \$10 billion to these scams in 2024 — and that figure is likely a significant underestimate. The immigration dimension is layered: the trafficked workers are often brought into the operating country on fraudulent visas or work permits; the victims of the scams lose money that may have taken decades to accumulate; and the enforcement response requires cross-border

coordination between jurisdictions with vastly different legal frameworks and enforcement capacities. In 2024, the United States used Global Magnitsky sanctions against individuals involved in forced labour in online scam operations for the first time — a significant escalation in the international response. But sanctions alone cannot address a phenomenon driven by organised crime networks that relocate across borders as enforcement pressure builds. The 2025 TIP Report explicitly calls this out as a defining challenge of the current moment. Source: <https://humantraffickinghouston.org/2025-global-data-breakdown/>

5.2 State-Sponsored Trafficking and Official Complicity

The 2025 TIP Report, in a development that marks a significant shift in American diplomatic framing, explicitly identifies governments and officials who profit from or permit trafficking. It documents numerous countries with a documented policy or pattern of human trafficking, noting that some officials compel labour as a mechanism of political punishment or economic policy. State actors use coercion through: threatened withdrawal of public benefits; withheld salaries; manipulation of stateless individuals and minority groups; threats to family members; and conditioning of services or freedom of movement on labour or commercial sex.

For immigration lawyers and policy analysts, the state-sponsored trafficking phenomenon creates direct legal implications. Individuals fleeing state-sponsored trafficking may have refugee and asylum claims grounded in persecution by a state actor — which triggers different and often stronger legal protections than trafficking by private actors. Identifying and appropriately characterising these claims requires the kind of nuanced understanding of both trafficking law and refugee law that few practitioners in either field typically develop.

5.3 Labour Trafficking in Legitimate Migration Pathways

Both Canada and the United States have faced sustained criticism for the vulnerability to labour trafficking created by their temporary foreign worker programs. In Canada, the Temporary Foreign Worker Program and the International Mobility Program bring hundreds of thousands of workers to Canada annually under conditions that can create structural dependency on individual employers — including tied work permits that prevent workers from leaving exploitative employment without losing their legal status. Between April and December 2024, Employment and Social Development Canada identified 53 suspected forced labour cases within the Temporary Foreign Worker Program.

Regulatory amendments that came into force in September 2022 improved employer inspections, prohibited reprisals, and banned recruitment fees charged to workers — a significant structural reform targeting the debt bondage mechanism that traffickers use to trap workers. Canada also operates a confidential tip line for temporary foreign workers to report abuse. But the 2025 TIP Report continues to flag inadequate proactive identification of forced labour victims as a persistent gap, noting that service provision remains uneven across jurisdictions and that male victims — who make up the majority of labour trafficking victims — are systematically underidentified.

Source: <https://www.state.gov/reports/2025-trafficking-in-persons-report/canada/>

6. Officer Discretion in Victim Identification: The Front Line of Protection

In both Canada and the United States, the formal legal protections available to trafficking victims are, in practice, only as effective as the officers who identify them as victims. A foreign national who is a trafficking victim but is not identified as such will be processed through the ordinary immigration

enforcement machinery: detained, subjected to inadmissibility findings for immigration violations they may have committed under coercion, and removed. The formal legal framework becomes inaccessible if the first officer who encounters the victim does not recognize what they are looking at.

Victim identification is, therefore, a discretionary act — one that requires officers to look beyond immigration status irregularities and document deficiencies to the human circumstances that produced them. IRCC and CBSA have developed training programs and operational guidance to support this identification function. CBSA's Gender-Based Violence Work Plan, published as part of the National Strategy review, explicitly incorporates trafficking into its gender-based violence framework and includes commitments to reduce inadvertent re-traumatisation of victims through immigration enforcement.

In the United States, DHS is required to screen certain categories of individuals for human trafficking — including unaccompanied children and certain detained individuals. However, as the 2025 TIP Report notes, DHS does not mandate screening of all adults apprehended or in detention pending removal. The January 2025 removal of the requirement that officers affirmatively seek to identify trafficking indicators before enforcement action was widely criticised by anti-trafficking advocates as a step backward in victim identification at the front line. Source: <https://www.state.gov/reports/2025-trafficking-in-persons-report/united-states/>

6.1 Trafficking Indicators Officers Should Recognise

Practitioners advising clients in immigration proceedings should be aware of the trafficking indicators that officers are trained to look for, as these may be relevant to identifying clients who are themselves victims:

- **Control of identity documents:** Passports, immigration documents, or identity cards held by a third party; applicant unable to produce their own documents and directed by an accompanying person.
- **Scripted or coached responses:** Answers that appear rehearsed, inability to respond to follow-up questions, presence of a person who speaks on the applicant's behalf or monitors responses.
- **Signs of physical control:** Evidence of physical abuse or exhaustion; inability to make eye contact; signs of malnourishment or inadequate clothing for the conditions.
- **Inconsistent or implausible narrative:** Stated employment or living arrangements that do not match observable circumstances; inability to name the employer, address, or workplace.
- **Immigration status manufactured by a third party:** Visa applications, work permits, or entry documents obtained by someone other than the applicant; applicant unaware of the basis of their status.
- **Debt bondage indicators:** Claims of owing money to an employer or sponsor for transportation, accommodation, food, or recruitment; inability to leave employment or change accommodation.

Where these indicators are present, the appropriate response in both Canadian and U.S. contexts is referral to specialist services before immigration enforcement action, not after. SINCE Project Protect's inception in 2016, FINTRAC has generated close to 2,000 financial intelligence disclosures related to human trafficking, assisting police in identifying victims and disrupting trafficking networks. Financial investigation is increasingly recognised as a front-line identification and prosecution tool alongside operational identification at ports of entry and inland immigration encounters.

7. Comparative Framework: Legal Architecture at a Glance

Feature	Canada	United States	International Standard
Primary criminal provisions	Criminal Code ss. 279.01–279.04; IRPA s. 118	TVPA (2000 as amended); 18 USC §§ 1581–1597	Palermo Protocol (2000)
Definition includes exploitation element?	Yes (Criminal Code); No (IRPA s. 118)	Yes (TVPA)	Yes (required)
Immigration protection for victims	VTIP TRP; work permit eligibility	T visa (up to 5,000/year); Continued Presence	Non-criminalisation principle
Consent of victim	Irrelevant where coercion/deception used	Irrelevant for minors; coercion required for adults	Irrelevant where means present
Child victim threshold	Mandatory minimum; means element irrelevant	No force/fraud/coercion needed; under-18 = trafficking	No means element required
Law enforcement cooperation required?	Not required for TRP	Generally yes for T visa (with hardship exception)	Not mandated by Protocol
National strategy / funding	National Strategy 2019–2024; CAD \$57M; renewal underway	TVPA reauthorizations; annual TIP Report; FBI Innocence Lost	UN.GIFT; UNODC Global Report
TIP Report tier (2025)	Tier 1	Tier 1 (self-reported)	N/A

Table 1: Comparative Anti-Trafficking Legal Framework — Canada, United States, and International Standard. Sources: Criminal Code of Canada; IRPA, SC 2001, c 27; TVPA (2000 as amended); UN Palermo Protocol (2000); U.S. State Department 2025 TIP Report; IRCC CIMM Briefing (February 2024); Statistics Canada (December 2025).

8. Gaps in Current Frameworks and the Case for Reform

8.1 The Non-Criminalisation Principle: Honouring a Core Commitment

One of the most important principles in international anti-trafficking law is the non-criminalisation principle: trafficking victims should not be prosecuted or penalised for immigration offences or other unlawful acts they were compelled to commit as a result of their trafficking situation. Both Canada and the United States formally endorse this principle. Neither fully implements it.

In Canada, the absence of a statutory non-criminalisation provision means that victim protection depends on prosecutorial and officer discretion rather than on legal right. In the United States, the structural changes introduced in January 2025 — removing the requirement for officers to affirmatively screen for trafficking indicators before enforcement action — move the system further from non-criminalisation in practice, even if the formal statutory protections remain on paper.

8.2 Data Gaps: You Cannot Address What You Cannot Measure

Both systems suffer from significant data gaps that impair policy development and resource allocation. Canada does not maintain a national database for trafficking data. The Uniform Crime Reporting Survey does not disaggregate between sex trafficking and labour trafficking. Provincial and superior court data is not consistently captured. As a result, the policy debate about trafficking in Canada is conducted with an incomplete factual foundation.

In recognition of this, in 2025 the ILO, UNODC, and IOM released joint statistical guidance to measure trafficking for forced labour, aiming to align definitions, survey tools, and official statistics across jurisdictions. This initiative represents the most significant methodological advance in trafficking measurement in years, but its implementation will take time and political commitment to realise.

8.3 Processing Delays: Speed Matters When Lives Are at Risk

The 218-day processing time for Canadian VTIP TRPs in 2023, and the lengthy T visa processing times documented in successive U.S. TIP Reports, are not administrative inconveniences. For a victim in an active trafficking situation, they are windows of vulnerability. Both systems need dedicated expedited processing pathways for trafficking victim protection applications, supported by immediate short-term protections that do not require the completion of a full assessment process before legal status is secured.

9. Conclusion

Human trafficking exists because it is profitable and because the people it targets are made vulnerable by circumstances beyond their control: poverty, displacement, discrimination, irregular immigration status, and the structural features of labour markets that privilege employers over workers. Legal frameworks alone cannot eliminate those vulnerabilities. But they can either reduce them or deepen them — and the choice between those outcomes is made in the detail of how laws are designed and how officers exercise the discretion those laws grant them.

Canada and the United States have built frameworks that, at their best, reflect a genuine commitment to treating trafficking victims as rights holders rather than immigration violators. The VTIP TRP, the T visa, the TVPA's non-criminalisation principle, Canada's National Strategy and its first Chief Advisor on Human Trafficking — these are real institutional commitments backed by significant resources. But the gaps — in processing times, in data collection, in the structural tension between enforcement and identification, in the treatment of forced criminality — mean that the law's formal commitments are not consistently reaching the people they were designed to protect.

The emergence of online scam compound trafficking, state-sponsored forced labour, and increasingly sophisticated exploitation through legitimate migration pathways means that the threat is not static. Legal frameworks that were adequate for 2010 are not adequate for 2026. Keeping pace requires not just enforcement resources but sustained legal and policy innovation — and the intellectual honesty to acknowledge that immigration enforcement, when it is not carefully designed and constrained, can be a vehicle for trafficking rather than a remedy for it.

References

1. **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol).** Supplementing the UN Convention against Transnational Organized Crime. United Nations, 2000. Available at: <https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>
2. **UNODC Global Report on Trafficking in Persons 2024.** United Nations Office on Drugs and Crime. Available at: <https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>
3. **Criminal Code of Canada.** RSC 1985, c C-46, ss 279.01–279.04. Government of Canada. Available at: <https://laws-lois.justice.gc.ca/eng/acts/C-46/>

4. **Immigration and Refugee Protection Act.** SC 2001, c 27 (IRPA), s 118. Government of Canada.
5. Available at: <https://laws.justice.gc.ca/eng/acts/i-2.5/>
6. **Trafficking Victims Protection Act of 2000 (TVPA).** 22 USC § 7101 et seq. U.S. Congress. Available at: <https://www.fbi.gov/investigate/violent-crime/human-trafficking>
7. **U.S. Department of State — 2025 Trafficking in Persons Report.** Global overview. travel.state.gov. Available at: <https://www.state.gov/reports/2025-trafficking-in-persons-report/>
8. **U.S. Department of State — 2025 TIP Report: Canada.** Country assessment. travel.state.gov. Available at: <https://www.state.gov/reports/2025-trafficking-in-persons-report/canada/>
9. **U.S. Department of State — 2025 TIP Report: United States.** Country assessment. travel.state.gov. Available at: <https://www.state.gov/reports/2025-trafficking-in-persons-report/united-states/>
10. **U.S. Department of State — 2024 Trafficking in Persons Report.** travel.state.gov. Available at: <https://www.state.gov/reports/2024-trafficking-in-persons-report/>
11. **Statistics Canada — Trafficking in Persons in Canada, 2024.** The Daily / Catalogue 85-002-X. Statistics Canada, December 2025. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2025001/article/00008-eng.htm>
12. **Statistics Canada — Daily Release.** Trafficking in persons in Canada, 2024. December 8, 2025. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/251208/dq251208e-eng.htm>
13. **Public Safety Canada — National Strategy to Combat Human Trafficking: 2023–2025 Report.** Government of Canada. Available at: https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-strt_gy-cmbt-hmn-trffckng/2023-2025/index-en.aspx
14. **IRCC — CIMM Briefing: Human Trafficking (February 7, 2024).** Victim TRP statistics and processing times. Government of Canada. Available at: <https://www.canada.ca/en/immigration-refugee-s-citizenship/corporate/transparency/committees/cimm-feb-7-2024/human-trafficking.html>
15. **IRCC — 2025 Annual Report to Parliament on Immigration.** TRP statistics; VTIP TRPs. Government of Canada. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/annual-report-parliament-immigration-2025.html>
16. **FBI — Human Trafficking.** TVPA, T visa, Innocence Lost National Initiative. Available at: <https://www.fbi.gov/investigate/violent-crime/human-trafficking>
17. **USCIS — T Nonimmigrant Status (Victims of Human Trafficking).** T visa program information. USCIS.gov. Available at: <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status>
18. **Human Trafficking Houston (November 2025).** 2025 Global Data Breakdown: What Changed in Human Trafficking Cases. Available at: <https://humantraffickinghouston.org/2025-global-data-breakdown/>
19. **Agape International Missions (2025).** The 2025 Trafficking in Persons Report: All You Need to Know. Available at: <https://aimfree.org/trafficking-in-persons-report/>