

# Immigrant Sex Work, Forced Labor, and Human Rights

Immigrant workers are overrepresented among trafficking victims in all labor sectors, including sex work.<sup>1</sup> Discrimination and intersectional vulnerabilities make immigrants more susceptible to exploitative labor conditions, particularly when that labor is criminalized. Undocumented individuals who participate in sex work are unable to report exploitation for fear of arrest, deportation, and being outed to their community. Additionally, sex work done outside of one's country of origin is correlated with increased physical and sexual violence, condom refusal by intimate partners, and barriers to health care.<sup>2</sup>

## Who are immigrant sex workers?

Immigrant sex workers may come to the U.S. in search of higher wages or a better life, or to escape violence, gender discrimination, or identity prosecution. They participate in the economy and often send remittances home to family members.<sup>3</sup> Individuals often participate in multiple forms of paid labor in addition to sex work.<sup>4</sup> Most report that sex work offers higher wages than other types of work available to them.

## What specific challenges do immigrant sex workers face?

Immigrant workers in the U.S. face institutionalized discrimination in hiring and barriers to health care and other social services as a result of the Immigration Reform and Control Act of 1986.<sup>5</sup> This law limits their employment opportunities and contributes to them having to work in less desirable conditions with depressed wages.

Every effort should be made to combat the unimaginable horrors of all forms of forced labor, including sexual exploitation. The vast majority of foreign nationals trafficked in the United States are trafficked into agriculture rather than sex work. Agriculture accounts for 80% of all human trafficking in the U.S., of which there are between 1,450 and 1,700 victims each year.<sup>6</sup> The criminalization of sex work makes it harder to detect trafficking by preventing individuals from reporting crimes committed against them.<sup>7</sup>

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<sup>1</sup>"Global Estimates of Modern Slavery: Forced Labour and Forced Marriage," International Labour Office (ILO), Walk Free Foundation, and International Organization for Migration (IOM), 2017: 31, [https://www.ilo.org/wcmsp5/groups/public/@dqreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dqreports/@dcomm/documents/publication/wcms_575479.pdf). According to this report, "the United Nations Office on Drugs and Crime (UNODC) reports that approximately 60 per cent of victims of trafficking in persons detected between 2012 and 2014 were from outside the country where they were exploited."

<sup>2</sup>Shira M. Goldenberg, Jill Chettiar, Paul Nguyen, et al., "Complexities of Short-Term Mobility for Sex Work and Migration among Sex Workers: Violence and Sexual Risks, Barriers to Care, and Enhanced Social and Economic Opportunities," *Journal of Urban Health* 91 (August 2014): 736–751, <https://doi.org/10.1007/s11524-014-9888-1>.

<sup>3</sup>Briefing Paper: Migrant Sex Workers," Global Network of Sex Work Projects, 2018: 12, [https://www.nswp.org/sites/nswp.org/files/briefing\\_paper\\_migrant\\_sex\\_workers\\_nswp\\_-\\_2017.pdf](https://www.nswp.org/sites/nswp.org/files/briefing_paper_migrant_sex_workers_nswp_-_2017.pdf).

<sup>4</sup>Laura Agustín, "The Disappearing of a Migration Category: Migrants Who Sell Sex," *Journal of Ethnic and Migration Studies* 32, no. 1 (2006): 29-47, <https://doi.org/10.1080/13691830500335325>.

<sup>5</sup>The Immigration Reform and Control Act of 1986 (IRCA) criminalizes U.S. employers who hire undocumented immigrants. The law requires banks, employers, and landlords to discriminate against undocumented people, withholding basic needs.

<sup>6</sup>"Global Estimates of Modern Slavery," ILO, Walk Free Foundation, and IOM, 28.

<sup>7</sup>"Migrant Sex Workers," Global Network of Sex Work Projects, 7.

## How can we help?

Like all workers, immigrant sex workers should be able to access legal protection from violence and abuse. Policies should be implemented which provide individuals with the ability to safely support themselves and their families. These policies should include:

- Legal protections against violence and exploitation, and immunity from arrest for reporting such crimes.
- Access to health care and services.
- Support for formal organizing of sex workers, and access to workplace safety standards.
- A right to privacy and freedom from arbitrary interference.
- The right to work with a choice of employment.

Where immigrant sex workers are criminalized and ignored, their struggles are augmented. Rights are the only way to stop the wrongs.

