



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter

09-XX

Date: April XX, 2009

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
ANTI-TRAFFICKING COALITIONS AND TASK FORCES
OTHER INTERESTED PARTIES

FROM: David H. Siegel
Acting Director
Office of Refugee Resettlement

SUBJECT: Requesting Assistance for Child Victims of Human Trafficking

Under the Trafficking Victims Protection Act of 2000 (TVPA), as amended, the U.S. Secretary of Health and Human Services (HHS) is charged with determining whether a non-U.S. citizen, non-legal permanent resident (alien) child (under the age of 18) in the United States is eligible for the benefits and services made available under the TVPA to victims of a severe form of trafficking in persons. An "Eligibility Letter" from the Office of Refugee Resettlement (ORR) enables a child victim of human trafficking to receive federally funded benefits and services to the same extent as a refugee.

The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA of 2008), signed into law on December 23, 2008, directs the HHS, upon receipt of credible information that a child may have been subjected to human trafficking to make a prompt determination if the child is eligible for up to 90 days of interim assistance. During the 90-day eligibility period, HHS may consult with Federal law enforcement and nongovernmental organizations with expertise in victims of trafficking to determine the child's eligibility for assistance as a victim of trafficking.

In general, an individual may request, on behalf of an alien child, an Eligibility Letter from the Office of Refugee Resettlement (ORR) within HHS when the entity has credible information the child may have been subjected to a severe form of trafficking in persons. This State Letter outlines a process for making a Request for Assistance for Child Victims of Human Trafficking.

Request for Assistance for Child Victims of Human Trafficking

The information provided through the submission of a Request for Assistance for Child Victims of Human Trafficking form enables ORR to make determinations regarding the eligibility of these children for the same benefits and services available to refugees, and to assess and address potential child protection issues. (U.S. citizen and LPR child victims do not need to receive Eligibility Letters to receive similar benefits and services, if they are otherwise eligible.) The

completion and submission of the Request for Assistance for Child Victims of Human Trafficking form will facilitate a determination by ORR of eligibility for interim assistance for a possible child victim, and inform the determination of the child's eligibility for assistance as a victim of a severe form of trafficking in persons. **Requests should be sent by e-mail to ChildTrafficking@acf.hhs.gov or by fax to 202-401-5487.** An ORR Child Protection Specialist will respond to the requestor upon receipt and review of the request.

Eligibility for Interim and Long-Term Assistance

Upon making a determination that a child is eligible for interim assistance, ORR will issue the child an "Interim Assistance Letter" that will make the child eligible to receive federally funded benefits and services to the same extent as a refugee for a period of up to 90 days. ORR will notify the U.S. Department of Justice (DOJ) and the U.S. Department of Homeland Security (DHS) of this determination. Before the end of the 90-day period, and after consultation with DOJ, DHS, and nongovernmental organizations (NGOs) with expertise on victims of trafficking, HHS will make a determination as to whether the child is eligible for benefits and services as a victim of a severe form of trafficking in persons. ORR will make the determination of eligibility for such assistance as quickly as possible after granting a child interim eligibility, and will issue an Eligibility Letter to a child determined to be eligible for such assistance. A child is not required to cooperate with law enforcement to receive an Interim Assistance or Eligibility Letter.

If ORR does not issue an Eligibility Letter before the end of the 90-day interim assistance period, the child's eligibility for interim assistance will expire at the end of this period. If ORR has not issued an interim assistance letter within 10 business days after receipt of the request for assistance, ORR will notify the requestor about the status of the request.

Denial of Eligibility for Assistance

If, within 30 calendar days of receipt of the request for assistance, ORR has not received sufficient information that a child may have been subjected to a severe form of trafficking in persons, ORR will issue a denial letter to the requestor. Should additional information become available, the requestor should submit a new Request for Assistance form to ORR. The requestor may appeal a denial of eligibility for assistance within 30 days of receipt of the decision by delivering or mailing a written notice of appeal to the HHS Departmental Appeals Board (DAB).

The DAB will review appeals in accordance with DAB procedures set out in 45 C.F.R. Part 16. The DAB's review of a denial of eligibility for assistance is limited. The DAB will review factual disputes that may arise in a situation, such as 1) where the individual believes that ORR has made an administrative error, or 2) where ORR has concluded that there was not credible information to determine that an individual for whom eligibility for assistance was sought is not a child who was subjected to a severe form of trafficking in persons. The DAB may schedule a hearing if it finds there are complex issues or material facts in dispute. 45 C.F.R. 16.11.

If the DAB agrees with the ORR decision to deny eligibility for assistance the individual is not eligible to participate in or receive benefits and services to the same extent as a refugee. If the DAB disagrees with the ORR decision to deny eligibility for assistance, ORR will issue an interim assistance letter to the child, in care of the requestor, making the child eligible for assistance for a period of up to 90 days.

Notification to HHS to Facilitate Provision of Interim Assistance

The TVPRA of 2008 provides that “Not later than 24 hours after a Federal, State, or local official discovers that a person who is under 18 years of age may be a victim of a severe form of trafficking in persons, the official shall notify HHS to facilitate the provision of interim assistance” (22 U.S.C. 7105 (b)(1)(G)). Federal, State, or local officials should notify ORR Child Protection Specialists at **ChildTrafficking@acf.hhs.gov** or call **202.205.4582** when they are made aware of a non-U.S. citizen, non-LPR child who may be a victim of trafficking eligible for interim assistance. To the extent possible, officials should provide the child’s name, age, location, and country of origin, as well as the location of the exploitation, the suspected form of trafficking, and the official’s contact information or other preferred point of contact. An ORR Child Protection Specialist will respond to each notification during regular business hours, Monday through Friday, and follow up with the reporting official, as appropriate. Follow-up will involve facilitating interim and long-term eligibility, where applicable, and providing technical assistance as needed.

ATTACHMENTS: Templates or samples of the following documents:

- *Interim Assistance Letter*
- *Eligibility Letter*
- *Request for Assistance for Child Victims of Human Trafficking*

QUESTIONS: If you have questions about any of the information in this State Letter, please contact Maggie Wynne, Director of the ORR Division for Anti-Trafficking in Persons, at Maggie.Wynne@acf.hhs.gov.