

**Request for Assistance  
For Child Victims of Human Trafficking**

**(REVISED FORM)**

**A. Justification**

**1. Circumstances Making the Collection of Information Necessary**

The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPPRA) of 2008, Pub. L. No. 110-457, directs the U.S. Secretary of Health and Human Service (HHS), upon receipt of credible information that a non-U.S. citizen (alien) child may have been subjected to a severe form of trafficking in persons and is seeking Federal assistance available to victims of trafficking, to promptly determine if the child is eligible for interim assistance. (22 U.S.C. 7105(b)(1)(F)(i)) The law further directs the Secretary of HHS to determine if the child is eligible for assistance as a victim of a severe form of trafficking in persons after consultation with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form of trafficking. (22 U.S.C. 7105(b)(1)(F)(iv)) – See Attachment A.

In developing procedures for collecting the necessary information from potential child victims of trafficking, their case managers, attorneys, or other representatives to allow HHS to grant interim eligibility, HHS devised a form. (See Attachment B.) HHS has determined that the use of a standard form to collect information is the best way to ensure requestors are notified of their opportunity to request assistance for child victims of trafficking and for HHS to make prompt and consistent determinations about each child's eligibility for interim assistance.

The form asks the requestor for his/her identifying information, for information on the child, and for information describing the type of trafficking and circumstances surrounding the situation. The form also asks the requestor to verify the information contained in the form because the information could be the basis for a determination of an alien child's eligibility for federally funded benefits.

Finally, the form takes into consideration the need to compile information regarding a child's circumstances and experiences in a non-directive, child-friendly way, and assists the potential requestor in assessing whether the child may have been subjected to trafficking in persons.

If the form were not used, HHS would not be able to uniformly provide consistent guidance to those representing potential victims about how to request assistance for a child. Without a form, ORR would be limited to simply notifying potential requestors of the change in law and providing a phone number at ORR for further information. The Child Protection Specialist in ORR would then have to review orally with each caller the information requested in the form, which would likely require multiple follow-up calls, and possibly multiple interviews with the child, which could re-traumatize the child. Having the form in hand would assist those working with a potential child victim to obtain the relevant information during the course of one interview.

The information provided through the completion of a Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of an alien child for interim assistance, inform HHS determination regarding the child's eligibility for assistance as a victim of a severe form of trafficking in persons, facilitate the required consultation process, and enable HHS to assess and address potential child protection issues.

Among the benefits available to child victims of trafficking is placement in the Unaccompanied Refugee Minors (URM) program if no parent or legal guardian is available to care for the child. The URM program establishes legal responsibility, under State law, to ensure that unaccompanied minor victims of trafficking receive the full range of assistance, care, and services that are available to all foster children in the State.

## **2. Purpose and Use of the Information Collection**

The purpose of this form is to collect information necessary to determine if an alien child has been subjected to a severe form of trafficking in persons, as defined by the Trafficking Victims Protection Act of 2000 (TVPA), and is thereby eligible for federally funded benefits and services to the same extent as a refugee. Use of this form will facilitate ORR's review of information indicating that a child needing assistance may have been subjected to trafficking in persons, and will enable ORR to act expeditiously and consistently in receiving and reviewing requests for assistance for foreign child victims of trafficking in the United States. In the case of an unaccompanied child trafficking survivor, information provided on the form may be useful to the URM program in making decisions regarding an appropriate foster care placement.

We expect the form to be used primarily by case managers and attorneys for potential child victims. Use of this form by an individual seeking assistance for a child is recommended but not required to receive benefits.

## **3. Use of Improved Information Technology and Burden Reduction**

Development of information technology is not practical at this time. The form will be available on the ORR website and could be downloaded and filled out and submitted by e-mail, or it could be printed out and faxed to ORR. The form will be filled out by individuals under different circumstances and with different technological capacities. Although automation would decrease ORR's burden, it could increase the respondent's time burden, or unintentionally limit those who would be able to submit a request.

## **4. Efforts to Identify Duplication and Use of Similar Information**

ORR is the only agency to collect this information, so there is no similar information and no duplication.

#### **5. Impact on Small Businesses or Other Small Entities**

Not applicable.

#### **6. Consequences of Collecting the Information Less Frequently**

The information provided to ORR will not be submitted on a fixed schedule. Rather, to meet its legislative requirements, ORR must receive the information on the completed form and make a prompt determination of a child's eligibility for benefits whenever it is provided.

#### **7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

The Anti-Trafficking in Persons Division within the Office of Refugee Resettlement has prepared a System of Records Notice, but it has not yet been published in the *Federal Register*. The Notice is currently in clearance in the HHS Office of the Assistant Secretary for Planning and Evaluation. Until that Notice is in place, the Request for Assistance form contains a consent and verification section by which the Requestor consents to ORR sharing information provide in the form with ORR-approved users, and verifies that all information provided is complete and accurate to the best of the requestor's knowledge.

#### **8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

The 60-day *Federal Register* notice was published May 10, 2011 with page number 27060, Volume 76, No. 90.

During the 60-day comment period, one individual sent two responses expressing opposition to allowing children into the United States illegally and unaccompanied because of the cost to the Federal Government and the burden on Federal agencies. ORR did not make any changes in response to these comments.

In May 2009, ORR consulted extensively with persons outside the agency to obtain their views on the information requested and the reporting format and made several changes to accommodate those concerns. The revisions ORR proposes to make to the OMB-approved form were not significant or were revisions required by law or policy, and so ORR did not specifically consult with persons outside the agency on these changes.

## **9. Explanation of Any Payment or Gift to Respondents**

Not applicable.

## **10. Assurance of Confidentiality Provided to Respondents**

The Privacy Act applies to this program and its information collection. No separate assurances of confidentiality are provided to respondents.

## **11. Justification for Sensitive Questions**

The form, the use of which is optional, requests information in areas related to commercial sex and other possible illegal activities only because these activities can be the essential elements of a trafficking crime, and information concerning them is directly relevant to a determination of whether a child is eligible for benefits as a potential or actual victim of a severe form of trafficking in persons. For example, if a 16-year-old, undocumented female from Mexico is induced to engage in commercial sex in a brothel in Texas, regardless of whether force, fraud or coercion was involved, she is, by definition, a victim of trafficking and eligible for assistance. If a 15-year-old male from Honduras is forced to engage in illegal activities, such as smuggling or selling narcotics, out of fear of harm to himself or to his family, the circumstances of his case are directly relevant to a determination of whether he is a victim of a severe form of trafficking in persons and eligible for assistance. In addition, the child protection specialists tasked with reviewing the form are also tasked with providing technical assistance in cases and facilitating appropriate linkages to local anti-trafficking service providers, child welfare services and/or with the Unaccompanied Refugee Minors program. The information voluntarily provided in the form informs and enables the specialist to provide appropriate technical assistance, facilitate linkages, and assess and advise on potential child protection issues, particularly in the case of an unaccompanied child.

## 12. Estimates of Annualized Burden Hours and Costs

### ANNUAL BURDEN ESTIMATES

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
Request for Assistance for Child Victims of Human Trafficking	200	1	1	200

Estimated Total Annual Burden Hours: 200

The monetary value of time is 200 hours times \$40 per hour or \$8000.

## 13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no direct monetary costs to respondents other than their time to complete the form.

## 14. Annualized Cost to the Federal Government

We estimate \$56,000 per year, which reflects 2000 hours (200 requests multiplied by an average of 10 hours per request) at \$28.00 per hour.

## 15. Explanation for Program Changes or Adjustments

Since OMB approval in October 2009, ORR has used the form and received approximately 100 submissions. The experience with use of the form prompted ORR to make the following program changes

1) Added non-Lawful Permanent Resident children to those excluded from getting assistance, which makes the document more clearly express HHS policy;

2) Added a request for the child's alien number, if available, which will assist ORR in retrieving information about the child from the ORR Division of Unaccompanied Children's Services (DUCS) if the child is in DUCS care;

3) Deleted text that indicated the child had to have been trafficked in the United States to be eligible for assistance because it does not reflect HHS policy;

4) Modified the preface to the box for the narrative to be provided by the requestor to more specifically point to information that would indicate the required elements for trafficking to assist requestors and enable ORR to make more prompt determinations of eligibility;

5) Deleted a brief description of the appeals process for denials of requests because, since the time OMB approved the form, the appeals process changed and no longer involves the HHS Departmental Appeals Board;

6) Deleted the definition of slavery because the definition currently being used does not accurately reflect the section cited in the U.S. Code, and the U.S. Code does not include a definition for slavery per se; and

7) Modified the definition of peonage to reflect the definition in 8 CFR 214.11.

We restructured the form to eliminate the potential for submitting the same information about the trafficking situation twice and decreased the length of the form from six pages to four pages total.

In addition the following adjustments were made:

We decreased the annual estimate from 1.5 hours to one hour per response.

ORR increased the estimated number of respondents from 50 to 200 because use of the form continues to grow among service providers and attorneys, and we expect this to increase as we expand knowledge about the availability of assistance for foreign child victims of trafficking and the means to request to new professional communities, such as child welfare systems.

The net effect of the increase due to program changes and adjustments is to increase the estimated annual burden from 75 to 200 annual estimated hours.

## **16. Plans for Tabulation and Publication and Project Time Schedule**

Not applicable.

**17. Reason(s) Display of OMB Expiration Date is Inappropriate**

Not applicable.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

No Exceptions

**B. Statistical Methods (used for collection of information employing statistical methods)**

Not applicable. No statistical methods employed.