

Request for Assistance For Child Victims of Human Trafficking

A. Justification

1. Circumstances Making the Collection of Information Necessary

The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, Pub. L. No. 110-457, directs the U.S. Secretary of Health and Human Services (HHS), upon receipt of credible information that an 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 a child granted interim eligibility for assistance is 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.

The Secretary of HHS has delegated authority to make these eligibility determinations to the Assistant Secretary for Children and Families, who has in turn delegated the authority to the Director of the Office of Refugee Resettlement (ORR).

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 assistance.

The form asks the requestor for his or 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 provide uniform and consistent guidance to those representing potential victims about how to request assistance for a child. Without a form, ORR would be limited to notifying potential requestors about the assistance the law permits and providing a phone number or email address at ORR for further information. A Child Protection Specialist in ORR would then have to describe to each potential requestor the information sought for 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 potential child protection issues.

Among the possible 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 alien child 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 alien child trafficking victim, 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 eligibility for benefits.

3. Use of Improved Information Technology and Burden Reduction

Development of information technology is not practical at this time. The form is available on the ORR website and requestors can download it, fill it out, and submit it by e-mail, or print it and fax it to ORR. We expect individuals under different circumstances and with different technological capacities to complete and submit this form. Although automation would decrease ORR's burden, it could 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 make a prompt determination of a child's eligibility for benefits whenever it receives information about a potential alien child victim of trafficking.

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

The Division of Anti-Trafficking in Persons within the Office of Refugee Resettlement has prepared a System of Records Notice, but the Notice has not yet been published in the *Federal Register*. The Notice is 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 provided 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 February 25, 2014 with page number 10528, Volume 79, No. 37.

During the 60-day comment period, no one submitted any comments in response to the notice.

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. No requestor has suggested changes to the form. The

revisions ORR proposes to make to the most recent OMB-approved form are not significant, and so ORR did not 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. Page 3 of the form allows the requestor to consent to ORR sharing information provided in the form with approved users, and notified requestors of ORR's obligation to notify U.S. Departments of Justice and Homeland Security of children made eligible for assistance.

11. Justification for Sensitive Questions

The form, 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 ORR Child Protection Specialists who review the forms must also provide technical assistance in cases and facilitate appropriate linkages to local anti-trafficking service providers, child welfare services, and/or with the URM Program. The information voluntarily provided in the form informs and enables the specialist to provide appropriate technical assistance, facilitate linkages, and assess 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	40	1	1	40

Estimated Total Annual Burden Hours: 40

The monetary value of time is 40 hours times \$40 per hour or \$1600.

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 \$11,200 per year, which reflects 400 hours (40 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 of a revised form in December 2011, ORR has used the form and received approximately 90 submissions. In preparation for this request, ORR reviewed the form and identified several small, technical changes we should make to the form. In addition to non-substantive changes involving the deletion of an unnecessary paragraph and corrections in punctuation, ORR also made the following changes:

1) Corrected U.S. Code references on page 3 of the form where the 2013 reauthorization of the TVPA renumbered the Act's definitions;

2) Changed the description of the process for requesting ACF reconsideration of denials of requests from "appeal" to "submit a request to reconsider"; and

3) Added language from the TVPA that states the 90-day period of interim eligibility "may be extended for an additional 30 days."

ORR decreased the number of respondents because most of the notification ORR receives regarding potential child trafficking victims come from ORR's Unaccompanied Alien

Children Program, which uses an internal process to share information. Unaccompanied alien children apprehended by the Department of Homeland Security (DHS) immigration officials, are transferred to the care and custody of ORR. Many of these children have been subjected to various forms of abuse and exploitation, including human trafficking. Many more child victims are being identified while they are in ORR care, which may be why fewer attorneys and other potential requestors than expected are submitting requests for assistance through the use of this form.

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.