

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 a foreign national minor 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 assistance (22 U.S.C. 7105(b)(1)). Additionally, in cases when the child is granted interim assistance, the law directs the Secretary of HHS to consult 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)(G)(iv)).

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 and long-term eligibility for benefits, HHS devised a form. The form serves two main purposes: notification of suspected trafficking of a foreign national minor and a format to request assistance on the child's behalf. HHS has determined that the use of a standard form to collect information is the best way to ensure requesters are notified of their opportunity to request assistance for potential child victims of trafficking, for HHS to make prompt and consistent determinations about each child's eligibility for assistance, and for program reporting purposes.

The form requires the requester to provide his or her identifying information, information on the child, and information describing the type of trafficking and circumstances surrounding the trafficking situation. The form also asks the requester to verify the information contained in the form which is the basis for a determination of foreign national minor's eligibility for federally funded benefits.

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 requester in assessing whether the child may have been subjected to a severe form of trafficking in persons.

Finally, the form allows HHS to provide uniform and consistent guidance to those representing potential victims about how to request assistance for a child with potential trafficking concerns. Without a form, HHS would be limited to notifying potential requesters about the assistance the law permits and providing a phone number or email address at HHS for further information. A Child Protection Specialist in HHS would then have to describe to each potential requester the information sought in the form, which would likely require multiple follow-up calls, and possibly multiple interviews with the child, which could re-traumatize the child. Furthermore, the absence of a form to collect information necessary to process a request for assistance could result in errors in the information collection causing a child that should be eligible for benefits and services as a victim of trafficking to be denied access to assistance. Providing a form, would assist those working with a potential child victim to obtain and submit the relevant information.

The submission of information on the Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of a foreign national minor for assistance, inform HHS' determination regarding the child's eligibility for assistance as a victim of a severe

form of trafficking in persons, facilitate the consultation process when applicable, monitor and track incoming requests, and enable HHS to assess potential child protection issues. Further, the form provides documentation of the request and the circumstances supporting a determination to issue or deny a Request for Assistance making public resources available. Additionally, the form also allows the Government to maintain a public record of eligibility determinations for record-keeping purposes.

2. Purpose and Use of the Information Collection

The purpose of this form is to collect information necessary to determine if a foreign national minor 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 HHS's review of information indicating that a child needing assistance may have been subjected to a severe form of trafficking in persons, and will enable HHS to act expeditiously and consistently in receiving and reviewing requests for assistance for foreign national minor victims of trafficking in the United States.

3. Use of Improved Information Technology and Burden Reduction

This form has been used by members in the community, such as case managers and attorneys, to submit requests for assistance to HHS. The HHS Child Protection Specialists use this form to process requests, gather additional information, and make recommendations regarding determinations for interim and long-term eligibility for benefits for foreign national minor victims of trafficking. Use of this form by an individual seeking assistance for a child is required to determine eligibility for benefits. Currently, the form is available on the HHS website and requesters can download it, fill it out, and submit it by email to HHS. HHS is in the process of seeking technological solutions that will securely collect information and streamline the Request for Assistance process, including options for the public to submit information and check eligibility status through an online database, in support of HHS commitment to reduce burden on partners and capture efficiencies. HHS will continue to assess technology innovations that could improve the overall Request for Assistance process.

4. Efforts to Identify Duplication and Use of Similar Information

HHS is the only agency to collect the requester's identifying information, information on the child, and information describing the type of trafficking for the purpose of determining whether the child is eligible for interim and long-term assistance under the TVPA. Therefore, there is no similar information collection and no duplication.

5. Impact on Small Businesses or Other Small Entities

In cases when it is unclear if the child experienced a severe form of trafficking and Interim Assistance is issued to a child, in accordance with the TVPA, HHS seeks consultation from non-governmental organizations with expertise on human trafficking. The form helps to reduce the burden on these entities by gathering information in a concise and uniform manner that is then used during the consultation period.

6. Consequences of Collecting the Information Less Frequently

The information provided to HHS will not be submitted on a fixed schedule. Rather, to meet its statutory requirements, HHS must make a prompt determination of a child's eligibility for benefits whenever it

receives information about a potential foreign national minor that may be a victim of trafficking. The collection of information on a schedule would conflict with the statutory requirement to notify HHS within 24 hours of potential trafficking concerns. Also, it would impact HHS's capacity to promptly determine the child's eligibility for benefits and services to the same extent as a refugee. Furthermore, it would impede HHS' ability to report to Congress on the number of requests received, processed, approved and denied, and the basis of the approvals and denials.

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

Not applicable. The collection instrument does require special circumstances related to the guidelines of 5 CFR 1320.5.

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

The 60-day *Federal Register* notice was published on August 1, 2017 with page number 35783, Volume 82, No. 146.

During the 60-day comment period, ten parties provided written comments in response to the Federal Register notice. Additionally, during the 60-day comment period, HHS conducted two listening sessions on September 26, 2017, with 28 attendees and September 27, 2017, with 69 attendees. In response to comments received during the listening sessions, on October 18, 2017 HHS convened an in-person meeting with human trafficking advocates to obtain further clarification on the feedback received during the 60-day comment period. Several changes were made in response to concerns identified via each of these sessions related to the instructions and reporting format.

The comments received throughout these fora have been grouped into four (4) broad categories: a) concerns regarding the amount, type, and timeframe of information requested to make a determination for the child's eligibility for assistance; b) concerns regarding the information requested to meet the statutory requirement for "credible information"; c) concerns regarding the collection of personally identifiable information; and d) concerns regarding the purpose and collection format for certain data elements. There were a number of other comments that did not fall in to one of those four broad categories. These comments have been consolidated under an "Other" heading for the purposes of documenting the feedback received and actions taken in response.

A) Public Feedback: Amount, Type, and Timeframe of the Information Collection

Several commenters expressed concern that extensive information is being requested on the form in the 24 hours following the identification of potential trafficking concerns. Specifically, they expressed concern that in order to obtain the requested information the child would need to undergo an extensive interview that could potentially further traumatize the child. They further stated that the TVPA does not require the level of detail requested in the initial proposed form to determine that the child is a potential victim of a severe form of trafficking in persons in order to determine eligibility for a letter. Several commenters recommended that two forms be developed: one for Interim Assistance for cases when potential trafficking is not evident and a second form for long-term Eligibility. Additionally, they requested that HHS remove the request for information regarding the "child's relationship to trafficker." They indicated that this information is not needed to determine if child may

be a victim, and indicated that such a question may re-traumatize child. They also recommended that if not removed, the format of “Child’s Relationship to Trafficker” should be more flexible to include a range of responses, given that the nature of the relationship can be complex.

Furthermore, they indicated that the request for a detailed narrative including child’s direct statements is inappropriate and should be removed. Several commenters expressed concerns that the concept of asking for assessment of credibility in the narrative section is a higher standard than required and is inappropriate and should therefore be removed. The commenters asked that the instructions indicate that only “basic information” is needed in cases when Interim Assistance is considered, and suggested that further details could be obtained during the 90 day interim assistance period. Finally, some commenters asked that HHS provide additional information in the instructions about the process HHS will follow if the information is insufficient to issue Interim Assistance and what to do if there are immediate or emergency concerns for the child.

Action Taken to Address Public Feedback:

In response to concerns regarding the potential to further traumatize the child by seeking detailed information before granting Interim Assistance, the information collection has been significantly revised for this initial determination. However, it is important to clarify that there is no deadline for seeking Interim Assistance. The 24-hour period delineated in the TVPA ((22 U.S.C. § 7105(b) (H)) is solely for the purpose of providing notification that a child may be a potential victim of a severe form of trafficking in persons, rather than a deadline for providing all of the trafficking concerns to request assistance on the child’s behalf. It is also important to clarify that Interim Assistance is a step towards the process for determining long-term Eligibility when it is not a clear case of trafficking and not a separate and independent option for securing public benefits. Therefore, two separate forms are unwarranted. In addition, Interim Assistance is issued only in cases where there is insufficient information to make a final determination that the child experienced a severe form of human trafficking in persons.

However, to respond to the commenters concerns, the proposed form is divided into two parts. The information necessary to make an Interim Assistance determination has been simplified in Part A. In Part A of the form, the requester can notify HHS of the concerns and provide information that the child may be a victim of trafficking through a series of checkboxes and a brief narrative of the concerns. The requester has the option to also complete the second part (Part B), including a narrative further documenting the trafficking concerns in more detail. The information contained in Part B of the form must be completed as soon as possible in order for HHS to make a final determination for long-term eligibility.

While the child’s relationship to the trafficker was not removed, HHS clarified that this requested information is optional (for example, if the requester determined it is not appropriate to provide that information or is unable to get that information from the child). Additionally, on the instructions page, HHS clarified that this section of information is not required to be submitted within the initial 24 hours and is now located in Part B of the form. Moreover, the format was changed to allow for an “other” option as well as for the requester to check off multiple options if there were multiple traffickers or if the trafficker(s) had a variety of roles in the child’s life. Additionally, HHS clarified that only information available at the time has to be submitted.

With regards to concerns about the requested narrative documenting credibility, HHS changed the language to clarify what information is being requested and the purpose of the request. Furthermore, HHS clarified that it may reach out to the requester for additional clarification. Next, HHS clarified the circumstance of when a denial letter is issued and the option to resubmit the case or request reconsideration. Finally, HHS incorporated information for the National Human Trafficking Hotline (NHTH) in response to the recommendation to offer options to triage for immediate concerns.

B) Public Feedback: Information requested to meet the statutory requirement for “credible information”

Several commenters expressed concern regarding the data section requesting the child’s risk factors, location of trafficking concerns, etc. Specifically, they stated that this information is not needed to establish credible information that the child may be a potential victim of trafficking. They further stated that it is possible that the trafficking may have occurred in multiple locations. They requested that this information be removed from the form.

Action Taken to Address Public Feedback:

The crux of this objection is whether this information is necessary in order to issue letters of assistance to child victims. HHS provided clarification on the instructions page that this information is optional, and acknowledged that it may not always be available or relevant to each specific Request for Assistance. The information, if provided, could provide context on the trafficking victimization. The option to identify multiple locations (country only) was added in response to the concerns. Finally, HHS clarified on the instructions page that this information does not need to be submitted at the time of the initial 24-hour notification.

C) Public Feedback: Collection of personally identifiable information

Commenters suggested that the form be revised to: 1) remove the request for “country of origin;” 2) remove “town/city of origin;” 3) remove “alien number” as not needed to determine if child may be a victim of trafficking; and 4) revise “proof of citizenship and age.” The commenters stated that Congress only requested credible information and not “proof.”

Action Taken to Address Public Feedback:

While the request for the child’s country of origin was not removed as it is used for reporting and data collection purposes as well as to demonstrate that the child is a foreign national minor, the directions for that section now clarify that the requester only needs to submit the available and applicable information at the time of submission. Therefore, if the child’s country of origin is not available or provided to HHS, the Request for Assistance will still be accepted for review by HHS. HHS removed “city of origin” since it is not needed to determine if a child was a victim of trafficking. HHS clarified that the child’s alien number is only required if available/if known at the time of submitting Part A. A child’s alien number is used as an identifier and is used to confirm whether the child’s information has previously been referred to HHS. HHS also clarified that this information is not required but that it should be submitted if available to demonstrate that the applicant is a foreign national minor and has not submitted multiple requests.

D) Public Feedback: Purpose and format of certain data collection elements

Several commenters questioned the collection of certain information, recommended the removal or revision of data collection elements, and/or recommended the inclusion of additional data elements. The comments included: 1) add “representative” information in addition to the child’s attorney information; 2) Remove “does child have a parent in the U.S.” as not needed to determine if child may be a victim; 3) Asking if trafficking situation was reported to local or state CPS or law enforcement as not needed and contradicts the law stating that child is not required to cooperate with law enforcement; 4) Asking for corroboration suggests cooperation with law enforcement is encouraged or required, which contradicts the law and therefore question should be removed; 5) “Child’s signature” should be removed since application is being filed by requester; 6) Clearly indicate which fields are mandatory and which are optional; 7) Risk factors section is “irrelevant” to process and is not necessary to make a determination that trafficking occurred; Add additional options to child risk factors; 8) Give option for a “preferred benefits date” so that requester can choose the best date for the child’s access to benefits to begin; 9) Recommendation that HHS creates an online portal where the child or requester could register and submit cases or check on status of a request; and 10) Add the child’s age of when trafficking occurred and the age of the child when the trafficking concerns were identified.

Action Taken to Address Public Feedback:

HHS added “Child’s Representative” as an option, along with the attorney contact information in Part A. HHS changed the language to clarify what information was being requested and the purpose of the request. HHS removed the geographic location of the parent because the information is not needed to determine if child was a victim of trafficking.

Regarding comments inquiring about reports to CPS or law enforcement, HHS removed and clarified on the form that requesters only need to provide available information. In cases where CPS or law enforcement is already involved, it is helpful to engage with points of contact to better understand the trafficking concerns so that benefits can be issued and appropriate referrals to assistance can be made in a timely manner. Additionally, points of contact other than the requester may be able to provide information needed to support the claim that the child was subjected to a severe form of trafficking in persons whereas the requester may not yet have those details. By providing this information the child may not have to undergo additional interviews.

To address the concerns about asking if the child’s story was corroborated, HHS revised the language to only require that the requester provide credible information to the best of their knowledge. HHS provided the option for the requester to provide concerns regarding the veracity of the child’s claims (e.g. child recants information, re-determination, child was coached to report trafficking concerns, etc.) to HHS as appropriate.

Regarding the request for the child’s signature, HHS initially had this as an option on cases where the child may have wanted to be involved in the process. HHS removed the option for the child’s signature based on feedback. Additionally, HHS clarified throughout the form that information fields should only be provided “if available” and “if applicable” as well as those fields that are optional. Additionally, HHS emphasized that more information may be requested throughout the process and that only Part A has to be submitted within 24 hours to provide notification of the trafficking concerns. HHS did not mark

any fields as “mandatory” as this would prevent flexibility for the requester on certain cases where information was unavailable. Furthermore, HHS emphasized that this section of the form is optional and is not required to be completed.

Additionally, HHS concurred that other “risk factor” options should be added accordingly, including physical disability, developmental disability, and intellectual disability. HHS added an option to allow the requester to identify a preferred benefits start date on Part A of the form. HHS will consider the recommendation for an online system for submitting requests for assistance for future updates to the Child Eligibility process. HHS did not add information requesting the child’s age at the time of the trafficking and current age to the form as it does not inform the determination of a child’s eligibility for assistance as a victim of a severe form of trafficking in persons.

9. Explanation of Any Payment or Gift to Respondents

Not applicable. No payment or gift will be provided to respondents in relation to this collection instrument.

10. Assurance of Confidentiality Provided to Respondents

The information in the collection instrument will be treated in accordance with the Privacy Act of 1974, as applicable (i.e. if the foreign national minor attains citizenship or lawful permanent residency status.)

On Page 5 of the form (Part A Section 4), the Information Sharing and Consent section explains the following:

Use of Child's Personal Information during RFA Process

The Department of Health and Human Services (HHS) is a federal government agency that is responsible for identifying and assisting potential victims of human trafficking. HHS provides letters of Certification and Eligibility to foreign national victims of human trafficking, making them eligible for benefits and services to the same extent as a refugee. During the RFA process, HHS will ask for personal information, such as the child's name, alien number, and information about the child's experiences, to determine the child's eligibility for federal benefits as a victim of a severe form of trafficking.

Security of Child's Personal Information

As mandated by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), HHS must notify and consult with the Attorney General (DOJ), Secretary of Homeland Security (DHS), and nongovernmental organizations (NGOs) when HHS issues Interim Assistance to a child (22 U.S.C. § 7105(b)(1) (G)). The case summaries that HHS generates and shares with DOJ, DHS, and NGOs during the consultation process do not include any personally identifiable information (PII). The child's PII will only be given to DHS and DOJ for consultation purposes if the child indicates they are willing to be interviewed by law enforcement.

HHS is responsible for keeping the information about the child secure and maintaining the child's privacy. Therefore, all information that is shared with HHS throughout the Request for Assistance process will be stored securely. HHS will use the information to evaluate and determine the child's eligibility for benefits, for consultation purposes, for mandated reporting requirements, and for research and analysis in anonymous datasets. Additionally, there may be occasions when HHS will provide the information to respond to mandated requests such as, Congressional subpoenas, Comptroller General requests, Congressional requests, court orders, or authorized disclosures. To protect the privacy of applicants, HHS will never share identifying information, such as the child's name or alien number, for publicly available datasets or reports.

This section of the form then allows the requester to sign and consent to HHS sharing information as described above during the RFA process.

11. Justification for Sensitive Questions

The form requests information in areas related to commercial sex and other possible illegal activities only to the extent that these activities are 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. Further, this information may be used to provide technical assistance in cases and facilitate appropriate linkages to local anti-trafficking service providers, child welfare services, and/or other appropriate entities. As noted in Question #10, consent is obtained from the requester and the requester is informed on how the information being collected will be used.

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	800	1	1	800

Estimated Total Annual Burden Hours: 800

The monetary value of time spent by respondents is \$34,008. The value reflects a calculation of 800 hours multiplied by \$42.51 (the average of the combined mean hourly rates of Social and Community Service Managers and Legal Occupations in May 2016, according to the U.S. Department of Labor Bureau of Labor Statistics).

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

Annualized cost to the Federal Government is \$332,000. The value reflects a calculation of 800 Requests for Assistance, multiplied by an average of 5 hours of review and processing per request, multiplied by an average weighted hourly rate of \$83 of staff review time.

15. Explanation for Program Changes or Adjustments

Since OMB approval of the revised form in February 2015, the form has been used and submitted to HHS over 200 times. HHS reviewed the previous form and identified several changes that should be made to the form to streamline the process overall, reduce burden for the community, and respond to the public comments received during the 60-day comment period. In addition to non-substantive changes, HHS made the following revisions:

- Revised format containing two separate sections; one for the 24 hour notification of potential trafficking concerns and a second section for further information to be submitted when the requester is able to obtain more detailed information regarding the trafficking concerns
- Creation of a check-box format section to allow a requester that is not familiar with the process to clearly identify the labor and/or sex trafficking concerns on behalf of the child
- Additional updates to formatting and content to address public comments, as noted in Section 8

The updated data collection instrument reflects an effort by HHS to streamline the referral and Child Eligibility processes, secure information in a uniform way, minimize human error, and reduce overall burden on the public and government agencies. The data collection instrument maintains the same time burden per response (1 hour) as the previously approved instrument. However, the projected annual number of respondents increased from the previously approved 80 to projected 800 per year due to increased awareness about the reporting requirement, increased annual number of referrals overall, and the expectation that this collection instrument will be used by more members of the public with expansion of public outreach and training efforts.

16. Plans for Tabulation and Publication and Project Time Schedule

HHS will provide aggregate information on information collected for the purposes of submitting information for the annual Attorney General's report to Congress on federal activities responding to

human trafficking as authorized under the Trafficking Victims Protection Act. HHS may also provide analysis of the information for other public purposes such as research reports and briefings of interest to the public. Personally identifiable information will not be shared with the public as outlined in Section 10.

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

Not applicable. The OMB control number and expiration date will be displayed on the form.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

Not applicable. HHS is not seeking an exception.

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

Not applicable. No statistical methods employed.