

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

**OMB Information Collection Request  
0970 - 0362**

## **Supporting Statement Part A - Justification**

**July 2021**

Submitted By:  
Office on Trafficking in Persons  
Administration for Children and Families  
U.S. Department of Health and Human Services

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

The Trafficking Victims Protection Act (TVPA) of 2000, as amended, directs the Secretary of the U.S. Department 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 assistance available to victims of trafficking, to promptly determine if the child is eligible for benefits and services to the same extent as refugees. In 2015 HHS delegated this authority to the Office on Trafficking in Persons (OTIP). OTIP developed a form (Request for Assistance (RFA), OMB Control Number 0970-0362) for case managers, attorneys, law enforcement officers, child welfare workers, and other representatives to report these trafficking concerns to HHS in accordance with the TVPA of 2000, as amended, and allow for OTIP to review the concerns and determine eligibility for benefits.

The information provided through the completion of the RFA form is essential for OTIP to make prompt determinations regarding a foreign national minor's eligibility for assistance, to facilitate the required consultation process should the minor receive interim assistance, and to assess and address potential child protection issues. Without a form, OTIP would be limited to notifying potential requesters about the assistance the law permits and providing a phone number or email address at OTIP for further information. An OTIP Child Protection Specialist 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.

## **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 TVPA of 2000, as amended. Use of this form facilitates OTIP's review of information indicating that a child needing assistance may have been subjected to a severe form of trafficking in persons and enables OTIP to act expeditiously and consistently in receiving and reviewing requests for assistance. The form assists the potential requester and is structured to allow the collection of necessary information regarding a child's circumstances and experiences in a non-directive, child-friendly way.

This is an ongoing data collection under OMB Control Number 0970-0362. OMB approval of the current RFA form expires on July 31, 2021.

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

OTIP launched Shepherd, an online case management system, in December 2019. This system allows users to submit RFAs on behalf of foreign national minors who may be

victims of a severe form of trafficking in persons. This system provides a secure, streamlined way for individuals to submit the RFA form electronically and access real-time updates about the status of their request. Shepherd also enables OTIP Child Protection Specialists to make more eligibility determinations as case volume rises year after year. If a requester encounters issues submitting a request through Shepherd, they may submit the RFA form to OTIP as a password protected PDF to [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov).

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

OTIP is the only agency to collect the requester's identifying information, information on the foreign national 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 of 2000, as amended. 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 of 2000, as amended, OTIP seeks consultation from non-governmental organizations (NGOs) 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 OTIP is not be submitted on a fixed schedule. Rather, to meet its statutory requirements, OTIP must make a 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 OTIP within 24 hours of potential trafficking concerns. Also, it would impact OTIP's capacity to promptly determine the child's eligibility for benefits and services to the same extent as a refugee. Furthermore, it would impede OTIP's 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**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to

request an OMB review of this information collection activity. This notice was published on March 29, 2021, Volume 86, Number 58, page 16376, and provided a sixty-day period for public comment. OTIP did not receive any public comments.

## **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**

OTIP is responsible for identifying and assisting potential victims of human trafficking. HHS issues Eligibility Letters to foreign national minor victims of trafficking, making the child eligible to apply for benefits and services to the same extent as a refugee. During the RFA process, OTIP 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 human trafficking.

OTIP will use information collected in the RFA to determine a child's eligibility for interim and long-term assistance (22 U.S.C. 7105(b)(1)(G)). Information gathered by OTIP pursuant to an RFA enables OTIP to provide technical support to providers serving children and, when appropriate, to facilitate placement of unaccompanied child trafficking victims into the Unaccompanied Refugee Minors Program. OTIP will make information available to non-HHS entities for child protection needs, including the purposes described above, as well as to comply with the TVPA of 2000, as amended.

If OTIP provides interim assistance to a potential child trafficking victim, the TVPA of 2000, as amended, requires OTIP to notify DOJ and DHS within 24 hours and to consult with DOJ, DHS, and NGOs with expertise on victims of trafficking prior to determining the child's eligibility as a victim of trafficking (22 U.S.C. 7105(b)(1)(G)). With the requester's consent, OTIP will provide contact information for the requester to DOJ and DHS. If DOJ or DHS initiates an investigation or requests to speak with the child regarding the crime of human trafficking, HHS encourages providers and law enforcement to coordinate with a child advocacy center or similar model to facilitate the interview. **A child is not required to cooperate with law enforcement as a condition for receiving a letter of eligibility (22 U.S.C. § 7105 (b)(1)(G)).**

**Security of Child's Personal Information**

The personally identifiable information (PII) that is shared with OTIP throughout the RFA process will be stored securely. Information gathered during the RFA process, including PII, will remain in HHS' custody for 10 years. After 10 years, such records will be transferred to the National Archives of the United States under the OTIP record disposition authority. The records will be stored securely indefinitely. OTIP will use the information to evaluate and determine the child's eligibility for benefits, for consultation purposes, for reporting requirements, and for research and analysis in anonymous datasets. Additionally, there may be occasions when OTIP will provide the information to respond to requests such as, Comptroller General requests, HHS Inspector General requests or investigations, congressional subpoenas or requests, court orders, or authorized disclosures. The information contained in the RFA may be disclosed for a legitimate law enforcement purpose, including in response to a discovery request or otherwise in the course of criminal or civil litigation. To protect the privacy of applicants, OTIP will never share identifying information, such as the child's name or alien number, for publicly available datasets or reports.

**11. Justification for Sensitive Questions**

The form requests information in areas related to commercial sex and forced labor only to the extent that these activities are essential elements of a potential situation of human trafficking, and information concerning them is directly relevant to a determination of whether a child is eligible for benefits as a potential or determined victim of a severe form of trafficking in persons. For example, if a 16-year-old female from Mexico is induced to engage in commercial sex 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. 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**

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Request for Assistance for Child Victims of Human Trafficking	3600	1	1	3600	1200	\$87.76	\$105,312

Case managers, attorneys, law enforcement officers, child welfare workers, and other representatives submit RFAs on behalf of children. The cost to respondents was calculated using the most current Bureau of Labor Statistics (BLS) wage data (May 2019) for job codes [11-9151] Social and Community Service Managers and [23-0000] Legal Occupations.

The average of the combined mean hourly rates of Social and Community Service Managers (\$35.05) and Legal Occupations (\$52.71) is \$43.88. To account for fringe benefits and overhead the rate is multiplied by two which is \$87.76. The estimated annualized total cost to respondents is \$87.76 times 1200 hours or \$105,312.

### **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**

RFA forms are reviewed by OTIP Child Protection Specialists and salaried staff. The cost to the federal government was calculated using the most current Bureau of Labor Statistics (BLS) wage data (May 2019) for job codes [43-4061] Eligibility Interviewers, Government Programs and [15-2041] Statisticians.

The average of the combined mean hourly rates of Eligibility Interviewers, Government Programs (\$23.07) and Statisticians (\$46.72) is \$34.90. The estimated annualized total cost to the government is \$209,400, which reflects 6,000 hours (5 hours of review per 1200 RFAs received) times \$34.90.

### **15. Explanation for Program Changes or Adjustments**

The number of requests for assistance received by OTIP is impacted by a variety of social, political, and environmental factors that fluctuate each year. When the RFA form was originally submitted for clearance in FY18, OTIP based its estimated number of respondents by averaging the number of requests received over the previous three fiscal years. Based on experience since approval in FY18, OTIP has increased the estimated number of respondents to 1200.

The estimated time per response remains the same. The minor revisions made to the form, as described below, do not impact the overall time required to respond but do enable OTIP to better fulfill its mandate in accordance with the TVPA of 2000, as amended. These revisions allow OTIP to be more responsive to congressional inquiries, federal reporting requirements, and the needs of victims, as the information provided is factored into policy and program development efforts.

#### **Overview of Revisions**

- Two fields were added to collect additional demographic information about the foreign national minor in need of assistance, specifically fields to collect information

about the child's race/ethnicity and gender identity. This information will enable the OTIP Child Protection Specialist team to connect the minor to appropriate services that best suit their individual needs.

- A field was added for requesters to document and describe any concerns related to the child's physical or mental health needs, foster care or placement needs, child currently experiencing trafficking or other exploitative situation, imminent court proceedings, or any other significant concerns. This information will enable the OTIP Child Protection Specialist team to better understand the minor's specific needs, connect the minor to appropriate services, and help ensure the safety of the child.
- A field was added for requesters to indicate if a case has been reported to child protective services on the foreign national minor's behalf. This information will enable the OTIP Child Protection Specialist team to better understand the minor's specific placement needs and help ensure the safety of the child.

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

OTIP 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. OTIP may also provide analysis of the information for other public purposes such as research reports and briefings of interest to the public. As outlined in Section 10, PII will not be shared with the public.

**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.