

RESPONDING TO FOREIGN NATIONAL MINORS WHO HAVE EXPERIENCED HUMAN TRAFFICKING

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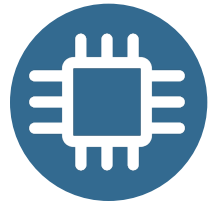
OFFICE ON TRAFFICKING IN PERSONS
MAY 2, 2023





Office Overview

Mission, Goals, and Organization

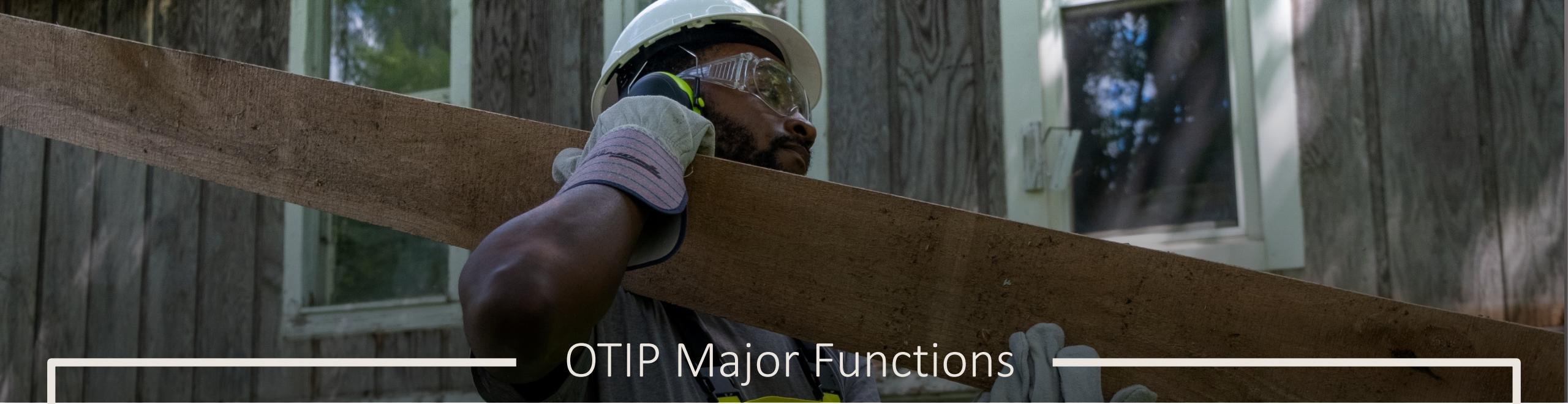


Mission and Primary Goals

Mission: To combat human trafficking by supporting and leading systems that prevent trafficking through public awareness and protect victims through identification and assistance, helping them re-build their lives and become self-sufficient.

Primary Goals:

- Establish a cohesive national human trafficking victim service delivery system that serves victims of all forms of trafficking by leveraging existing service systems, public-private partnerships, and federal and local coordination
- Develop a culture of data-informed anti-trafficking programming and policy-making by standardizing data collection, targeting evaluation, and publishing quality reports
- Integrate anti-trafficking efforts into HHS prevention strategies through survivor-informed public awareness messaging and addressing demand for human trafficking



OTIP Major Functions

Protection

Victim service and assistance activities, grant programs, Child Eligibility and Adult Certification programs, child victim coordination activities, and the National Human Trafficking Hotline

Prevention

Training and technical assistance, survivor engagement, public awareness, regional coordination, and prevention education

Research and Policy

Identification, coordination, and implementation of anti-trafficking research agenda, and supports program and policy development



Trafficking and Foreign National Minors

Definitions and Common Trends



Child Eligibility





What is Human Trafficking?

Human trafficking is a public health concern that impacts individuals, families, and communities across generations.

- **Labor Trafficking** (*forced labor*)

Individuals are compelled to work or provide services through the use of force, fraud, or coercion.

- **Sex Trafficking** (*commercial sex*)

Individuals are compelled to engage in commercial sex through the use of force, fraud, or coercion. When a person under 18 years old is compelled to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion.



Trafficking vs. Smuggling

Trafficking	Smuggling
Trafficking is a crime against a person.	Smuggling is a crime against a country.
Victims either do not consent to their situations or, if they initially consent, the situation shifts and they are made to engage in forced labor or commercial sex.	The transaction is typically mutual and ends upon arrival at predetermined destination.
Exploitation of victims to generate illicit profits for the traffickers.	Can be a business arrangement between smuggler and person entering the country.
Trafficking does need to involve physical movement of a person (but must involve a person being subjected to forced labor or commercial sex).	Smuggling always involves transnational physical movement.
An individual being smuggled is at greater risk of experiencing trafficking.	



Trafficking vs. Ransom

Trafficking	Ransom
Trafficking involves forced labor or commercial sex.	Ransom involves an individual being held against their will for the purpose of an organization or perpetrator receiving money.
Trafficking does not need to involve a person being held against their will.	Ransom typically involves the person being held against their will.
Includes forced labor or commercial sex to pay off debt or money owed to an individual or organization.	Ransom is paid directly to an individual or organization holding a person.
When a ransom payment for a child is met through a commercial sex act or the child is forced to work while held for ransom, then the child has likely experienced human trafficking.	



Labor Trafficking vs. Exploitation

Labor Exploitation

- Paid less than promised
- Withheld pay
- No written earnings statement

- No meal breaks
- Hazardous work environment
- Lack of safe water or toilet

- Movement to work controlled

- Individual lives at work site

- Depriving or disorienting
- Threats or use of violence
- Demoralizing
- Held against will

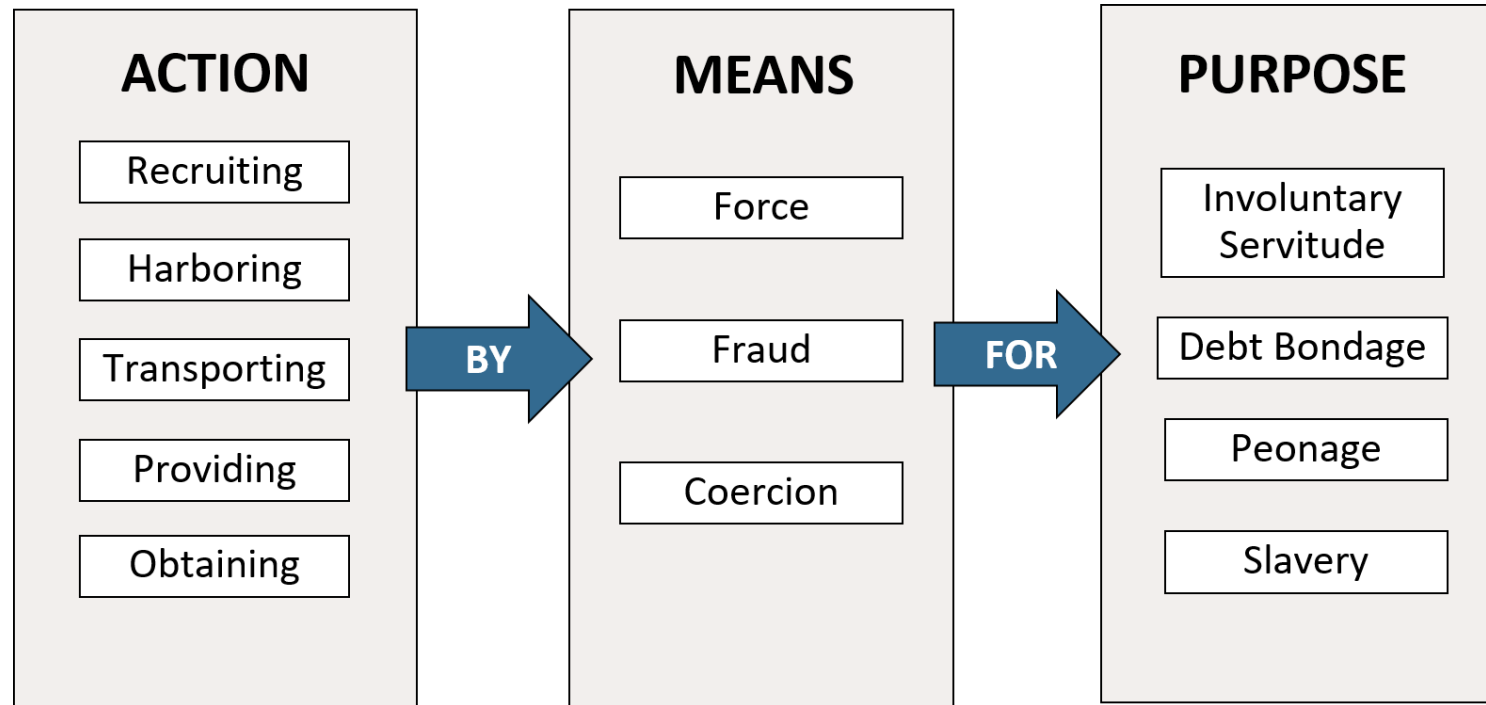
- Intimidation and control
- Sexual assault
- Use or threatened use of law
- Physical beatings

Labor Trafficking



Labor Trafficking of Minors

The recruiting, harboring, transporting, providing, or obtaining of a child for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

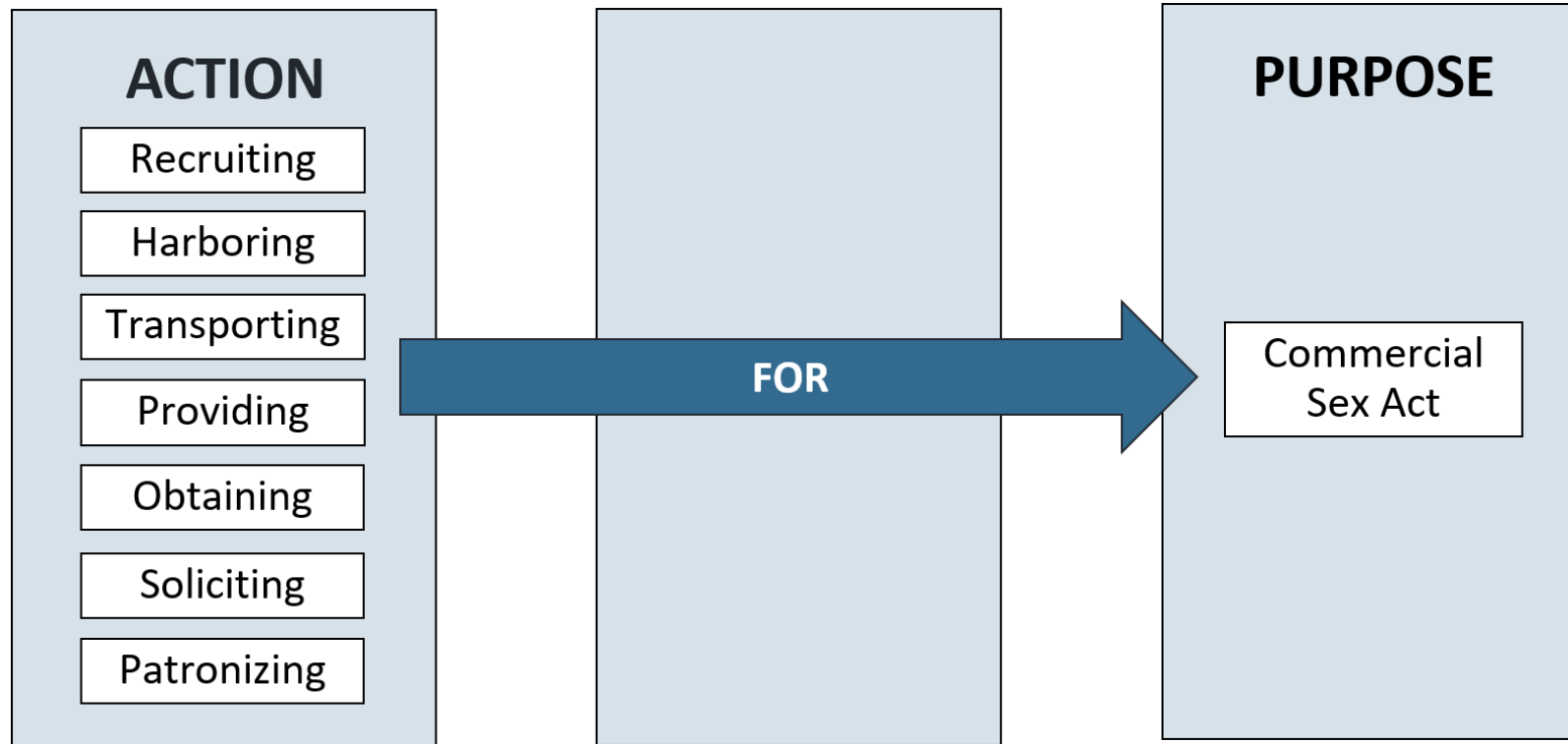


22 USC. § 7102 (11)



Sex Trafficking of Minors

The recruiting, harboring, transporting, providing, obtaining, soliciting, or patronizing of a child for the purpose of engaging in a commercial sex act.



22 USC. § 7102 (12)



Sex Trafficking of Minors

The “**something of value**” can include money, food, shelter, gifts, transportation, etc.

Offers of something of value for **videos or images of a minor** must include knowledge that the minor would be **depicted or made to engage in a sexual act** in the images or videos to be considered sex trafficking.

Sexual Act as defined in federal law, 18 U.S.C. § 2246.

Even if the sex act or exchange never occur, **solicitation for a commercial sex act alone may be considered sex trafficking of a minor.**



Action: Labor & Sex Trafficking

- **Recruitment of a child**
Did the minor have a vulnerability that was then used against them for the purpose of exploitation? Did the child fit a specific profile? Were there grooming behaviors?
- **Harboring of a child**
Was the child taken away from others (family, friends) or isolated? Was the child confined to a specific location? Were the child's movements or communications monitored?
- **Transporting of a child**
Was the child moved from one location to another for purpose of forced work/commercial sex? Travel arrangements provided to child?
- **Provision of a child**
Was the child given to another individual? Was the child given to a third-party employer?
- **Obtaining of a child**
Was the child forcibly taken by an individual? Was the child grabbed for the purpose of being subjected to sex or labor trafficking?
- **Soliciting of a child***
Was the child offered or promised money or something of value in exchange for a sex act?
- **Patronizing of a child***
Was any person offered or given money or something of value in relation to the child engaging in a sex act?

**Soliciting and patronizing are only for cases of sex trafficking.*



Means: Labor Trafficking

- **Force**
Physical. Sexual assaults, beatings, physical confinement, isolation.
- **Coercion**
Psychological. Threats of serious harm or psychological manipulation, climate of fear, threatening the life and safety of a person or their family and friends, withholding legal documents, increasing or compounding debt that is impossible to pay off, witnessing harm to others, abuse or threatened abuse of the legal system.
- **Fraud**
Deception. False promises about work and living conditions, use of fraudulent travel documents, fraudulent employment offers, withholding wages, changes in agreement or nature of relationship.

Children induced into commercial sex are victims of trafficking regardless of force, fraud, or coercion.



Purpose: Labor & Sex Trafficking

- **Involuntary Servitude**

Forced labor. Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process. This can also include “involuntary sexual servitude”.

- **Debt Bondage**

Labor associated with a debt that increases or never decreases. The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

- **Peonage**

Labor with threat of harm that is connected to a debt. A status or condition of involuntary servitude based on real or alleged indebtedness.

- **Slavery**

Owned for the purpose of performing labor or services. The child was forced to perform labor or services with no pay or exchange of any goods and full purpose of day to day life becomes for the purpose of the labor or service. This can also include “sexual slavery”.

- **Commercial Sex Act**

Sexual act in exchange for something of value. Any sex act on account of anything of value given to or received by any person.



Trends among Unaccompanied Children

Commercial Sex and Smuggling

Child solicited to engage in sex acts in exchange for cost of journey, shelter, immigration documents, food, etc.

Domestic and Sexual Servitude

Child held against will and forced to perform sex acts and household duties

Forced Criminality

Child forced to perform services for gangs or cartels with threat of harm for non-compliance

Forced Labor and Smuggling

Child forced to work by individual connected to smuggling situation

Forced Labor by Caregiver

Child forced to work for caregiver(s) in home country or in the United States

Forced Labor on Journey

Child forced to work on journey while held for other purposes (ransom, extortion, kidnapping)



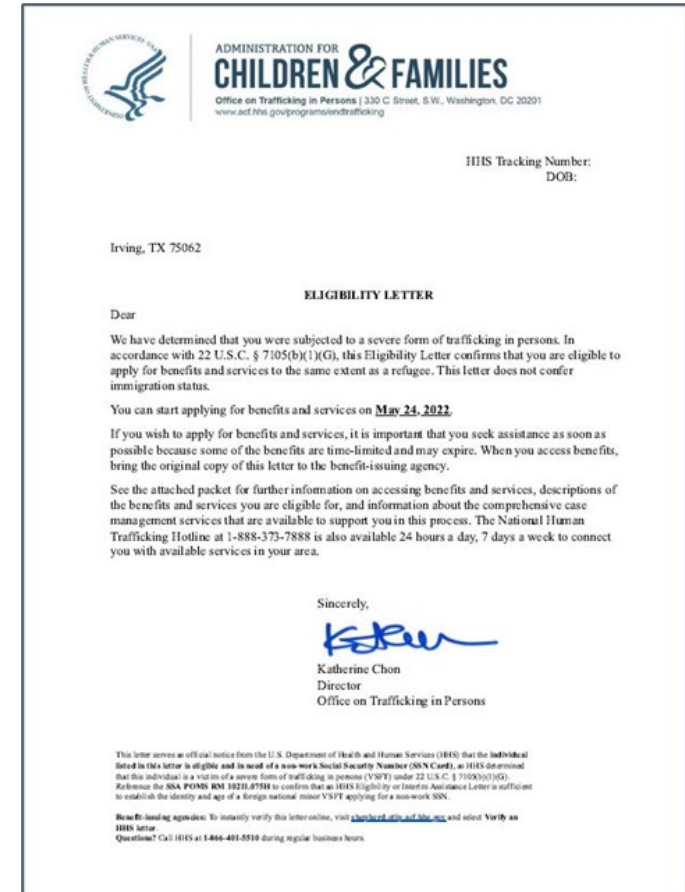
OTIP Child Eligibility Process

Reporting, Requesting Assistance, and Benefits and Services



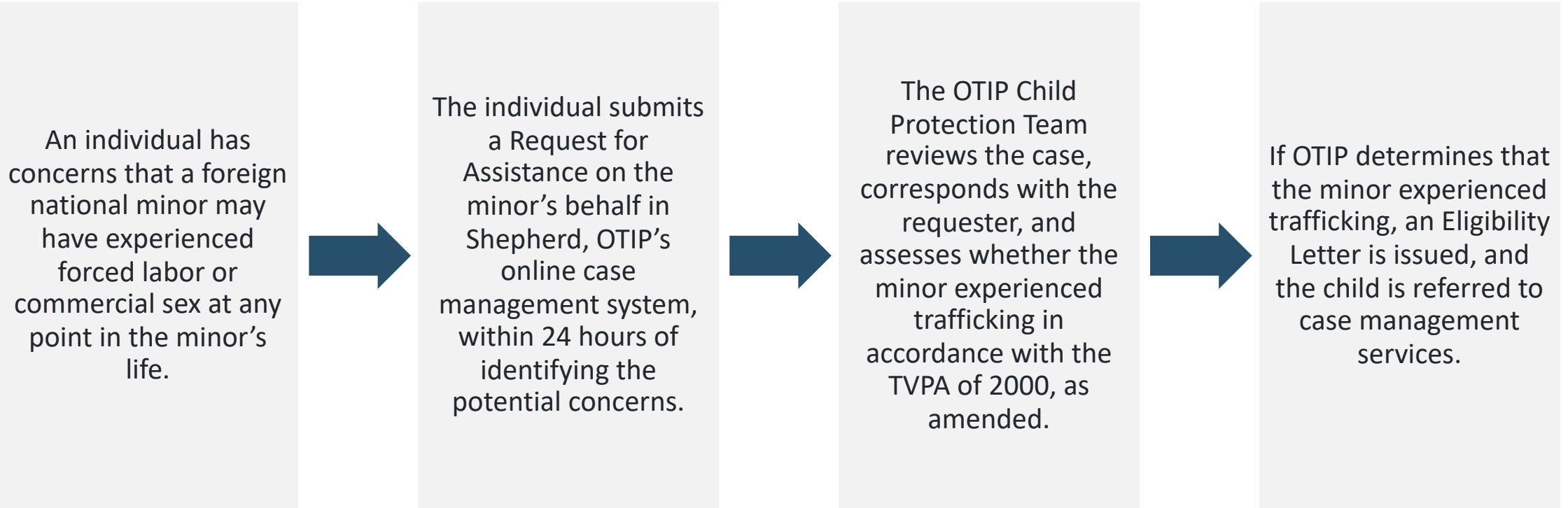
Child Eligibility

- **Reporting and requesting assistance:** The Trafficking Victims Protection Act (TVPA) of 2000, as amended requires all federal, state, and local officials to report potential trafficking concerns on behalf of foreign national minors (including unaccompanied children) to HHS within 24 hours (22 U.S.C. 7105(b)).
- **Benefits letter:** Upon receipt of credible information that a foreign national minor experienced human trafficking, OTIP issues an Eligibility Letter to the child, making them eligible to apply for benefits and services to the same extent as a refugee.





Child Eligibility





Determination Types

- **Eligibility**
OTIP determines that there is credible information that the child has experienced forced labor or commercial sex, making the child eligible to apply for benefits and services to the same extent as a refugee. This letter does not expire.
- **Interim Assistance**
OTIP requires more information to determine if the child has experienced forced labor or commercial sex, but the child is still eligible to apply for benefits and services to the same extent as a refugee for up to 120 days.
- **Denial**
OTIP determines that, with the information provided in the RFA, it does not appear that the child experienced forced labor or commercial sex. If at any point there is new information about a potential trafficking experience, the requester (or any person) can submit a new RFA on a child's behalf, as long as OTIP receives it before the child's 18th birthday.



Reporting Requirements

- **Federal Reporting Requirements**

“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.” (*Trafficking Victims Protection Act of 2000, as amended*)

- **ORR Reporting Requirements**

“If a care provider suspects that a child may be a trafficking victim, the care provider must refer the child’s case to OTIP for further assessment. This referral is appropriate if there are concerns of trafficking at any point in the child’s life and in any country.” (*UC Policy Guide, Section 3.3.3*)

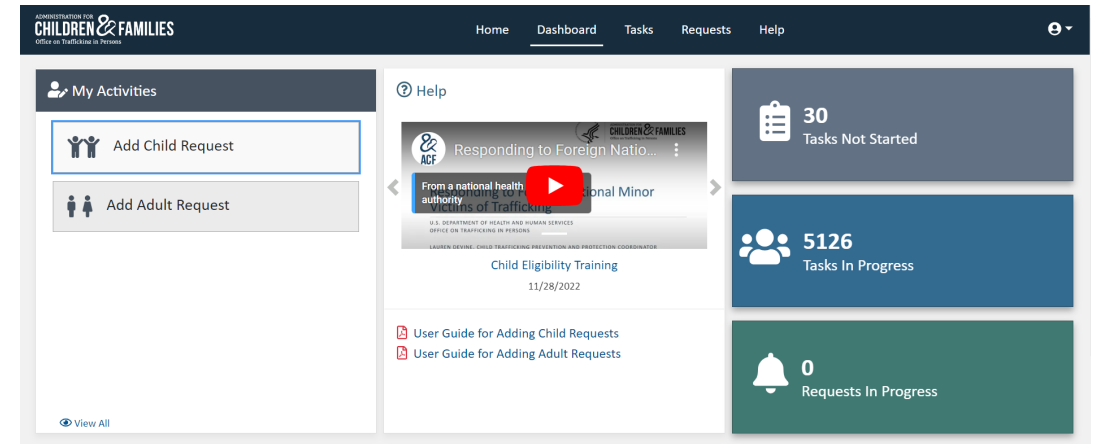
- **State and Local Child Welfare Reporting Requirements**

Human trafficking is now included in the definition of child abuse. Therefore, mandated reporters are now required to follow their state and local child welfare reporting requirements and report trafficking accordingly. (*Justice for Victims of Trafficking Act of 2015*)



Shepherd

- Case requesters can use Shepherd as a secure platform to report trafficking concerns and submit electronic Requests for Assistance (RFAs) on behalf of foreign national minors in order for them to receive Eligibility Letters and be connected to needed benefits and services.
- Shepherd is also used by OTIP grantees to connect individuals to case management services, by DHS to submit T Visas and Continued Presence, and to consult with federal law enforcement and non-governmental organizations during the Interim Assistance process.





Benefits

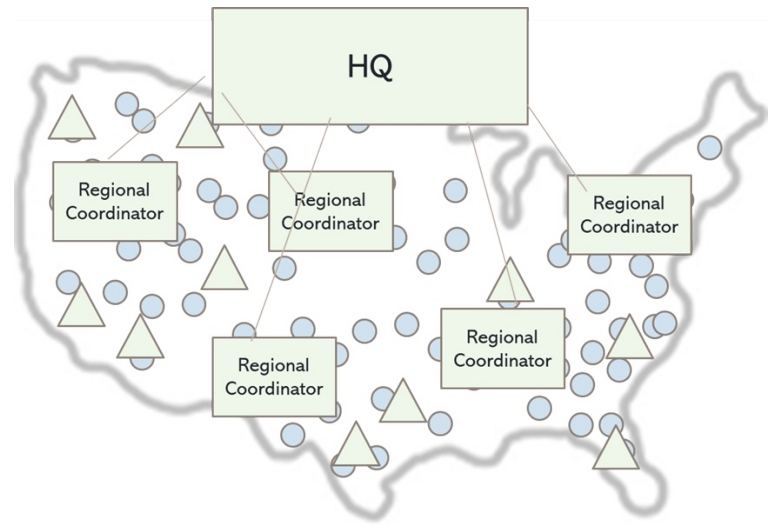
Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid				Unaccompanied Refugee Minors Foster Care Program
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings				Voluntary Agency Matching Grant Program
		Refugee Medical Assistance				



Aspire Case Management Services

Aspire provides **child-friendly, trafficking-specific comprehensive case management services** through a nationwide network of providers for foreign national minors who have experienced human trafficking. These case managers help minors access a range of supportive services, including but not limited to the following:

- Emergency needs
- Housing, rent, utilities
- Education
- Transportation
- Medical expenses
- Mental health counseling
- Food and clothing
- Personal care items
- Cell phone
- Legal rights
- Employment
- Life skills training
- Interpretation and translation
- Financial support





Prevention and Protection Coordination Efforts

Coordination and advocacy with state and local child protective services and other entities to support safe placement of minors

Technical assistance with individuals in field to support minors' connection to benefits and services, particularly during situations of investigation or active emergency concerns

Consultation with ORR shelter staff and case staffings to support staff in understanding when to submit a case to OTIP and support in the assessment process

Collaboration with ORR to identify promising practices to prevent and respond to trafficking concerns among unaccompanied children

Development of resources to support individuals working with foreign national minors who are at risk of or experiencing trafficking

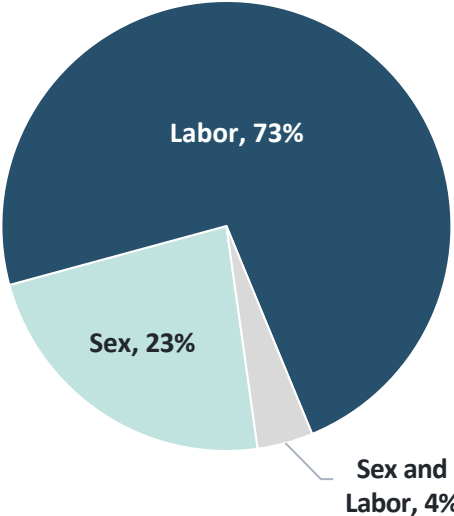
Provision of virtual, module-based, and in person trainings on the Child Eligibility process and support for minors accessing benefits and services



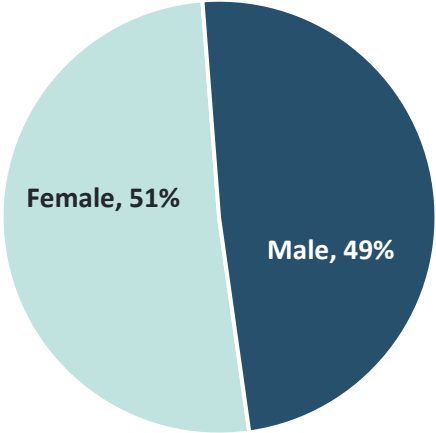
Eligibility Letters Issued in FY22

Eligibility Letter Recipient Demographics (FY22; N=2,214)

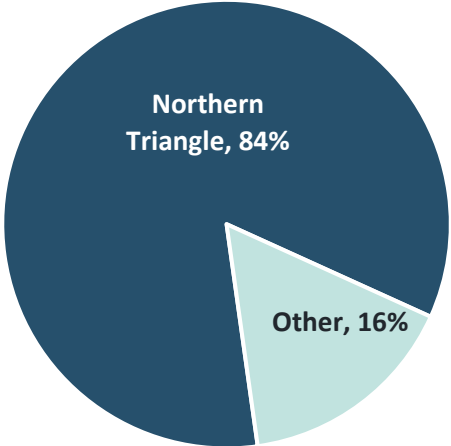
Type of Trafficking



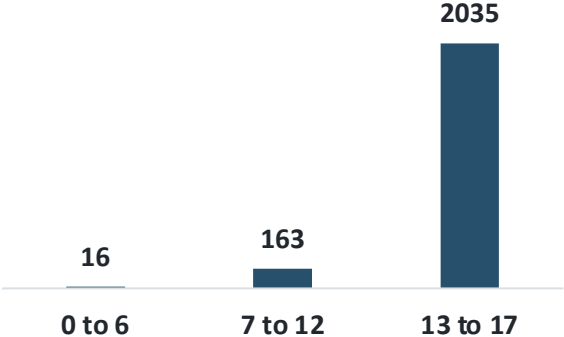
Gender



Country of Origin



Age Range



Top Five Eligibility Letter Recipient Countries of Origin (N=2,214)

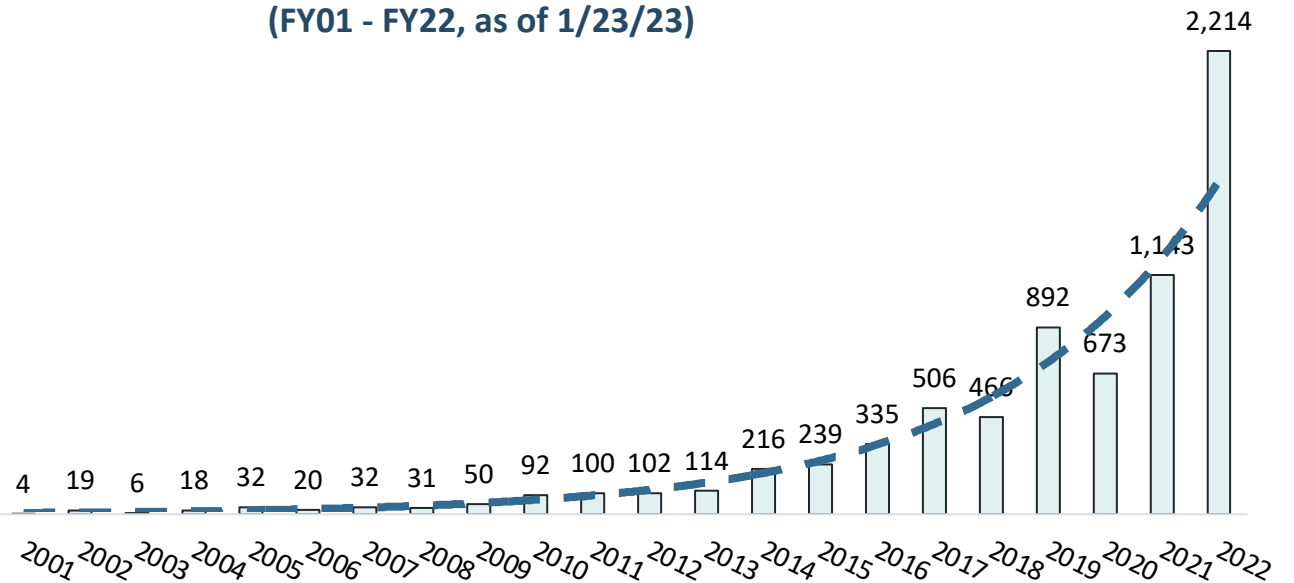
- 1. Guatemala (37%)
- 2. Honduras (36%)
- 3. El Salvador (11%)
- 4. Mexico (7%)
- 5. Nicaragua (1%)

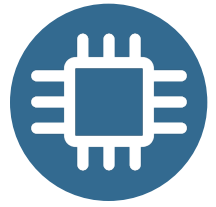


Eligibility Letters Issued, FY01-FY22

Fiscal Year	Eligibility Letters Issued
2001	4
2002	19
2003	6
2004	18
2005	32
2006	20
2007	32
2008	31
2009	50
2010	92
2011	100
2012	102
2013	114
2014	216
2015	239
2016	335
2017	506
2018	466
2019	892
2020	673
2021	1,143
2022	2,214*
Total	7,304*

Eligibility Letters Issued by Fiscal Year
(FY01 - FY22, as of 1/23/23)






Child Eligibility Resources

- **Report trafficking concerns:** [Request Assistance on Behalf of a Foreign National Minor](#)
- **Child Eligibility determinations:** [Types of Eligibility Determinations](#)
- **Benefits handout:** [Benefits and Services for Children](#)
- **SOAR online training module:** [Working with Foreign National Minors Who Have Experienced Trafficking](#)
- **Microsite with trainings and resources:** [Trafficking Prevention and Protection Resources for Working with Unaccompanied Children](#)

Questions?

Contact:  Child: 202-205-4582
Adult: 866-401-5510

 ChildTrafficking@acf.hhs.gov
Trafficking@acf.hhs.gov

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