

# Identifying Human Trafficking in Domestic Violence Relationships: How OTIP Letters and Certifications Can Enhance Access to Public Benefits and Services for Survivors and Their Children

October 10, 2023

**WEBINAR**

# Introduction



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# Introduction



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This project was supported by Grant No: 15JOVW-21-GK-02208-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

This training is also supported by grant number SJI-22-T-037 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

# National Judicial Network

- Forum on human trafficking and immigration in state courts
- Monthly peer-to-peer sessions and webinars on the first Tuesday of each month from 3 to 4pm ET on issues related to trafficking and immigration in state courts
- 266 judicial officer members from 42 states and U.S. territories
- Upcoming Session Dates
  - November 7, 2023
  - December 5, 2023
- Judges Link to Register:  
<https://www.surveymonkey.com/r/VGY9VJM>

# Who We Are

- The National Immigrant Women's Advocacy Project (NIWAP) American University Washington College of Law
- We provide training and technical assistance to
  - Local, State, Federal law enforcement, prosecutors, victim advocates, judges, attorneys and other professionals
  - Serving immigrant victims of domestic violence, sexual assault, dating violence, stalking, human trafficking, child/elder abuse and other crimes
  - Our goal is to increase immigrant crime victims' safety, justice system participation, and ability to rebuild their lives and thrive



# Join a NIWAP Community of Practice

- Family Law Attorneys COP  
[www.surveymonkey.com/r/FamCOP2023](https://www.surveymonkey.com/r/FamCOP2023)
- Victim Advocates COP  
<https://www.surveymonkey.com/r/VictimAdvocateCOPApp>
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates  
<https://www.surveymonkey.com/r/LERoundtable>
- Or email [info@niwap.org](mailto:info@niwap.org)

# Poll 1: Let's see who is on the webinar with us

**Please check the box that best describes you:**

- A. Judge/court staff
- B. Child/victim advocate
- C. Attorney
- D. Law enforcement/prosecutors office staff
- E. Other – type in the chat



**POLL**



# Learning Objectives

By the end of this webinar you will be better able to:

- Identify immigrant domestic violence and child abuse victims who are also victims of sex or labor trafficking
- Report human trafficking occurring in families to OTIP
- Assist immigrant domestic and sexual violence victims who have suffered sex or labor trafficking in filing requests for assistance with OTIP
- Understand how identifying human trafficking occurring in family and intimate partner relationships speeds up access to immigration relief, work authorization, and access to public benefits safety-net services

# Identifying Human Trafficking Occurring As Part of Family Violence Cases

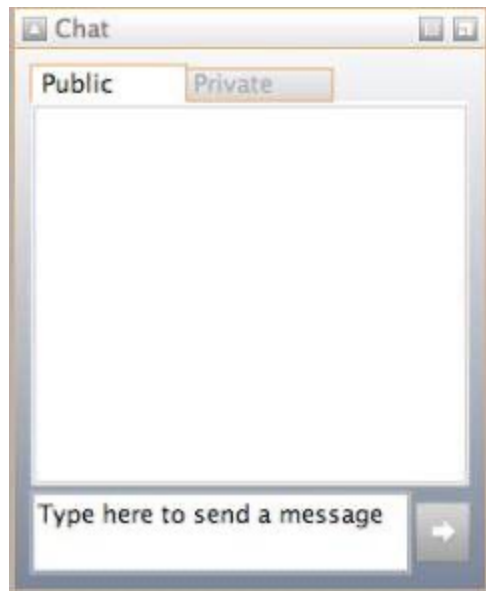
# Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
  - Parent, grandparent, aunt, uncle, cousin, sibling
  - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
  - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner
- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. *Child Abuse & Neglect* (2014), <http://dx.doi.org/10.1016/j.chiabu.2014.07.015>

# Human Trafficking Hotline Reporting Data 2019 on Trafficking Victims

- Female 82%, Male 12%, Gender Minorities 6%
- Adults 73%; Minors 27%
- Citizens/lawful permanent residents 43%
- Immigrants 57%
- Type of trafficking
  - Sex trafficking 71.7%
  - Labor or sex and labor trafficking 16%

# Benefits of Identifying Human Trafficking in Family Violence Cases



How might survivors and/or their children benefit from being identifies and applying for relief as a human trafficking victim?

Type in the chat box

# Benefits for Abused Immigrant Clients of Being Identified as Human Trafficking Victims

- Victims and their children eligible for
  - T visas and continued presence
  - Many more public benefits
  - Trafficked children eligible for OTIP letters
- Improves abused immigrant's economic security and protection from deportation
  - Faster path to work authorization, driver's licenses, and government issued IDs
  - Greater access to protection from deportation,

## Federal Public Benefits Access Comparison – By Immigration Relief

- TANF & TANF Child Care & Healthcare Subsidies:
  - T visa/continued presence (CP)eligible/OTIP
  - VAWA self- petitioners (5 years); SIJS (8 years); U visa (26 years)
- SNAP Food Stamps: T visa/CP eligible/OTIP
  - Children: VAWA prima facie (3 months), SIJS LPRs (3 years)
  - Adults: VAWA (5yr); U visa (26 year)
- Public/Assisted Housing: T visa, CP, VAWA eligible/OTIP
  - SIJS (3 year), U visa (21/years)
- Education (FAFSA): T visa/CP eligible/OTIP
  - VAWA (3 mo); SIJS (3 years), U visa (21 years)

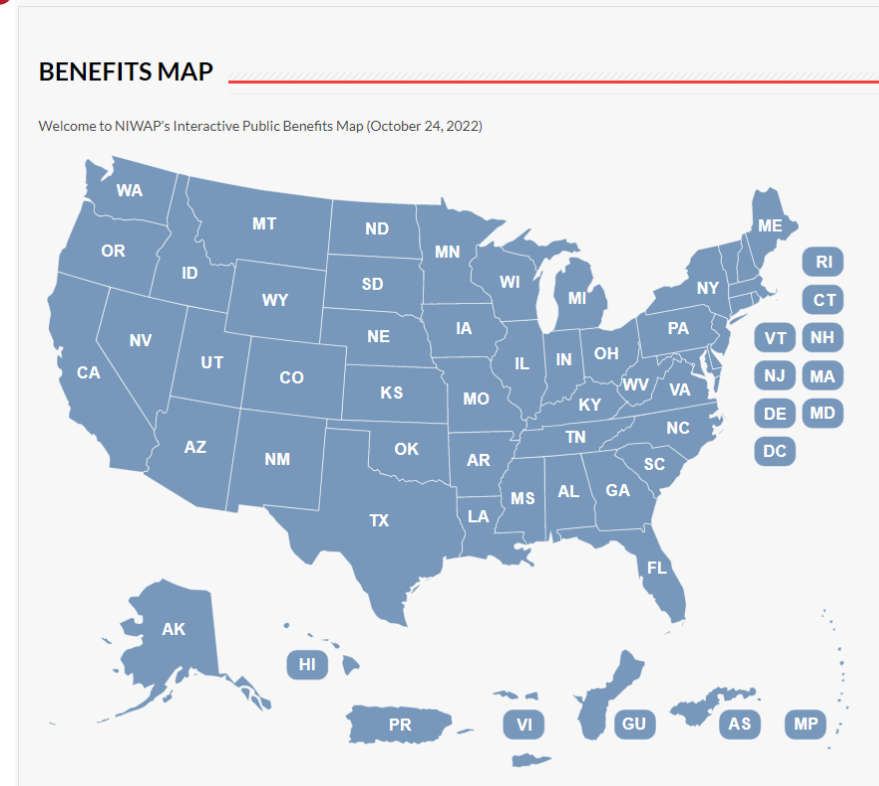
# Interactive Public Benefits Map: State-By-State

Hide fields Filter Group Sort ...

	Ben...	STATE & TERRITORY	Benefit Name	VAWA Self-Petitioner
1	309	Florida Public Benefits	Child Care - TANF Funded	Eligible for TANF funded child care if receiving TANF.
2	308	Florida Public Benefits	Child Care: Child Care Development Fund (CCDF)	Eligible for CCDF
3	310	Florida Public Benefits	Children's Health Insurance Program (CHIP)	Eligible up to age 19 upon prima facie determination. ...
4	311	Florida Public Benefits	Earned Income Tax Credits (EITC)	Eligible with conditions upon receipt of work ...
5	313	Florida Public Benefits	Emergency Medicaid	Eligible.
6	315	Florida Public Benefits	Family Medical Leave Act - State Law	No state law, federal law applies.
7	316	Florida Public Benefits	Federal Education Student Aid, Grants, and Loans	Eligible upon prima facie determination.

30 records um 13017

Airtable Download C



<https://niwaplibrary.wcl.american.edu/benefits-map>



# Trafficking & Family Violence Case #1

- Victim thought she was coming to work in U.S.
- Taken as wife without her consent
- Forced to work at construction site for husband's brother's boss
- Became pregnant and had child
- Case referred from domestic violence shelter as a protection order & custody case

## Trafficking & Family Violence Case #2

- Victim came to the U.S. with a work visa to be a domestic worker in a home
- Ended up forced to work for someone else in domestic servitude
- Escaped with help of a church pastor
- Began a relationship with the pastor who was a domestic violence perpetrator
- Referred by a therapist for domestic violence and custody case

## Trafficking & Family Violence Case #3

- Jamaican girl brought to US as a child is abused by parents and grandparents runs away from home
- Meets and begins a romantic relationship with a man who ends up being a pimp and domestic and sexual violence perpetrator
- Trapped in sex trafficking for 10 years
- Meets a boyfriend, gets pregnant, escapes pimp and has a child
- Seeks help for DACA

# Trafficking & Cross Protection Order Petitions

- U.S. citizen married to foreign national with citizen child in common
- Wife's immigration status "pending"
- Wife's protection order
  - Husband held her captive in hotel at knife point
  - Regularly took all her money when she returned home from work
- Husband's petition –wife abandoned him
  - Resulting in "reduction of lifestyle and loss of income" seeking *return of economic loses and cell phone*
  - Cross complaint told the story and raised red flags

# Traffickers Have Many Ways of Accessing Victims

## Boy-friending:

- Pretending to have personal romantic interest in the victim, dating the victim to gain attachment
- Telling the victim they will “take them places”, “take care of them”, professing their love
- AND THEN it changes similar to domestic violence - the trafficker starts mentally and physically abusing and manipulating
- Victim is brainwashed feel they cannot leave
- Some continue to try to “win” abuser over by pleasing

## Social Media, Mass Blasts:

- “Hey, Cutie! Saw ur pic on FB and ur r so beautiful. Want to talk or meet up sometime?”
- Search FB for posts that scream loneliness, no support system, been recently disappointed or just broke up
- Using dating sites to find victims, carrying on conversations designed to uncover victim’s vulnerability to exploit

## Face to Face:

- Scouring bus stations, train depots for runaways and loners
- Approaching single victims or groups with modeling offers or other ways to make money together
- Hitchhikers, lone walkers, kids leaving school early

# USCIS Definition of Involuntary Servitude

- Condition of servitude induced by
  - Means of any scheme, plan or pattern
  - Intended to cause a person to believe that
  - If they did not enter into/continue such condition
  - The person or another person would suffer serious harm, physical restraint, or abuse or threaten abuse of legal process

# Involuntary Servitude May Occur When Victim Is:

- Is forced to work by use or threat of
  - Physical restraint or injury
  - Use or threat of coercion through law/legal process
- Is held in servitude
  - Through fear of being physically restrained/injured
- Is subjected by perpetrator to psychological abuse to establish coercion

# Family Violence and Human Trafficking

- Trafficker & victim may have preexisting relationship with trafficking occurring alongside domestic violence or child abuse
- Trafficking can occur in the context of family violence and can include but is not limited to domestic servitude and sexual exploitation
- Motivation of the trafficker to subject victim to a condition of servitude
- Relationships: spousal, intimate partner, parent/child, stepparent, extended family



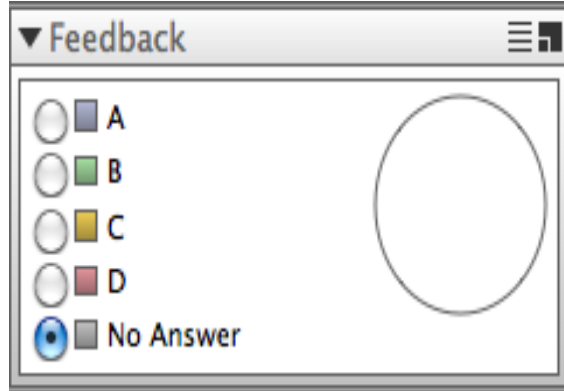
# USCIS: Where Trafficking Accompanies or Enforced by Abuse

- Victims may act upon the trafficker's demands for labor and services due to fear or coercion and may feel that they do not have their own liberty or self-determination.

# Examples Trafficker Controls Victim's Liberty

- Victim's life fulfills orders of trafficker's demands
  - Domestic labor at unreasonable level, working hours, constant availability for labor regardless of victim's health or energy
- Victim lacks control over own wages despite laboring under trafficker's demands
- Imposition of unequal living arrangements as part of campaign of force, fraud, or coercion e.g. unequal
  - Sleeping arrangements, living arrangements, access to nourishment

**Poll 2:** In light of the case scenarios about human trafficking, have you worked with clients you believe may have been experiencing human trafficking?



A. Yes, sex trafficking

B. Yes, labor trafficking

C. Yes, both sex and labor trafficking

D. No

# Spotting the Trafficker

- Civil Cases

- Truancy
- Protection Orders
- Child Support
- Guardianship
- Custody
- SIJS

- Criminal Cases

- Minor Violations, shoplifting, loitering, runaways
- Kids in drug houses
- Traffic stops of adults with passengers
- DV cases

# Delaware Juvenile Trafficking Report

REPORT OF VICTIMS OF SUSPECTED TRAFFICKING

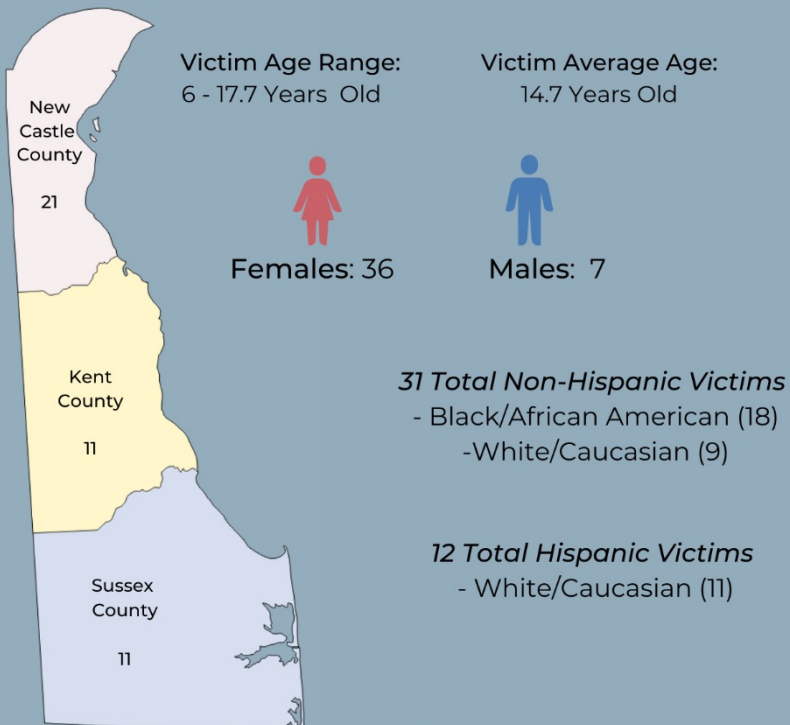
**Screened In:** Case meets the purview of the Office of the Investigation Coordinator (IC) and has been accepted to be monitored through the civil and criminal investigation of the allegations.

**Intra-familial case:** The alleged perpetrator is a caregiver or member of the child's household.

**Extra-familial case:** The alleged perpetrator is not a caregiver or member of child's household.

Screened-In Victims: **43**    Intra-Familial Victims: **16**    Extra-Familial Victims: **27**

## Demographic Breakdown: 43 Victims



Data Source: Office of the Child Advocate

Office of the Child Advocate Suppression Policy: If a number is less than six it will not be shown to keep the identities confidential.

# Delaware Juvenile Trafficking Report

REPORT OF VICTIMS OF SUSPECTED SEX AND LABOR TRAFFICKING

**Screened In:** Case meets the purview of the Office of the Investigation Coordinator (IC) and has been accepted to be monitored through the civil and criminal investigation of the allegations.

**Extra-Familial Case:** The alleged perpetrator is not a caregiver or member of child's household.

**Intra-Familial Case:** The alleged perpetrator is a caregiver or member of the child's household.

Screened-In Victims: **52**    Extra-Familial Victims: **30**    Intra-Familial Victims: **22**  
 Screened-In Suspects: **36**    Extra-Familial Suspects: **14**    Intra-Familial Suspects: **22**

## Trafficking Cases: 51

Majority Cases are Sex Trafficking

### Victim Breakdown: 52



Majority of Victims are Female

Average Age: 14.3 Years Old

Age Range: 2 - 17 Years Old

**44 Non-Hispanics**  
**27 African Americans**  
**17 Caucasians**

**Initial Indicator**  
**30 Suspicion of Trafficking**  
**17 Risk of Trafficking**  
**5 Identified Trafficking**

Data Source: Office of the Child Advocate

Office of the Child Advocate Suppression Policy: If a number is less than six it will not be shown to keep the identities confidential.

Data Reflects Known Victims/Suspects



### Suspect Breakdown: 36



Males: 17    Females: 19

Average Age: 39.4 Years Old

Age Range: 18 - 73 Years Old

**31 Non-Hispanics**  
**20 African Americans**  
**11 Caucasians**

Map Reflects Total Number of Cases

What type of findings is it useful for state court judges to include in their orders regarding human trafficking?



# **Immigration Relief, Benefits, and Services Protections for Sex and Labor Trafficking Victims**

# T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
  - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking. Exceptions
  - Under age 18
  - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- Path to lawful permanent residency (3 years after receiving T visa or less if prosecution completed)



# Continued Presence (CP)

- Temporary immigration status should be requested for any
  - Victim of human trafficking *who may be a potential witness*
    - Sex and/or labor trafficking
    - Based on a totality of the circumstances
- Victim (and certain family) remain lawfully in the U.S. during investigation into human trafficking-related crimes and during civil actions filed by victims against their traffickers
  - Granted for two (2) years; can be renewed up to two-year increments
  - Recipients receive work authorization, public benefits and services
- State agencies investigating facts that could constitute human trafficking can request that federal law enforcement or prosecutors file trafficking victims' CP applications with HSI
- If HSI approves notifies HHS to issue certification letter

# HHS Office on Trafficking in Persons (OTIP)

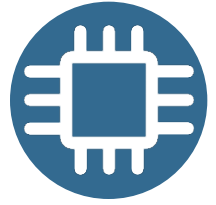
- Makes determinations whether a child has been a victim of a severe form of human trafficking and grants child eligibility letters
  - No immigration case filing required
- Grants OTIP certifications to adult victims of severe forms of human trafficking with
  - T visas
  - Bona fide determinations in T visa cases
  - Continued presence

# OVERVIEW OF THE HHS OFFICE ON TRAFFICKING IN PERSONS

**ELIZABETH MITARO, CHILD WELFARE AND PROTECTION SPECIALIST  
LAUREN DEVINE, CHILD TRAFFICKING PREVENTION AND PROTECTION COORDINATOR**  
OFFICE ON TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

**OCTOBER 10, 2023**





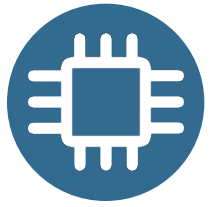
# Agenda

- Office on Trafficking in Persons Overview
- Human Trafficking among Foreign National Children & Youth
- OTIP Child Eligibility Process & Service Coordination
- Adult Certification Process
- Resources & Questions



# Office on Trafficking in Persons

*Mission, Goals, and Organization*



# Office on Trafficking in Persons (OTIP)

**Mission:** To address human trafficking by supporting and leading systems that prevent trafficking and protect survivors, helping them rebuild their lives and become self-sufficient.

## **Responsibilities:**

- Develop anti-trafficking strategies, policies, and programs to prevent trafficking
- Build health and human service capacity to respond to trafficking
- Increase victim identification and access to services
- Strengthen health and well-being outcomes of individuals who have experienced 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



# Human Trafficking among Foreign National Children and Youth

*Definitions and Common Trends*





# Child Eligibility





# Human Trafficking of Minors

- **Labor Trafficking** (*forced labor*)  
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** (*commercial sex*)  
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)).





# 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 and 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

- Threats related to debt or expenses
- Threats or use of violence
- Demoralizing
- Held against will

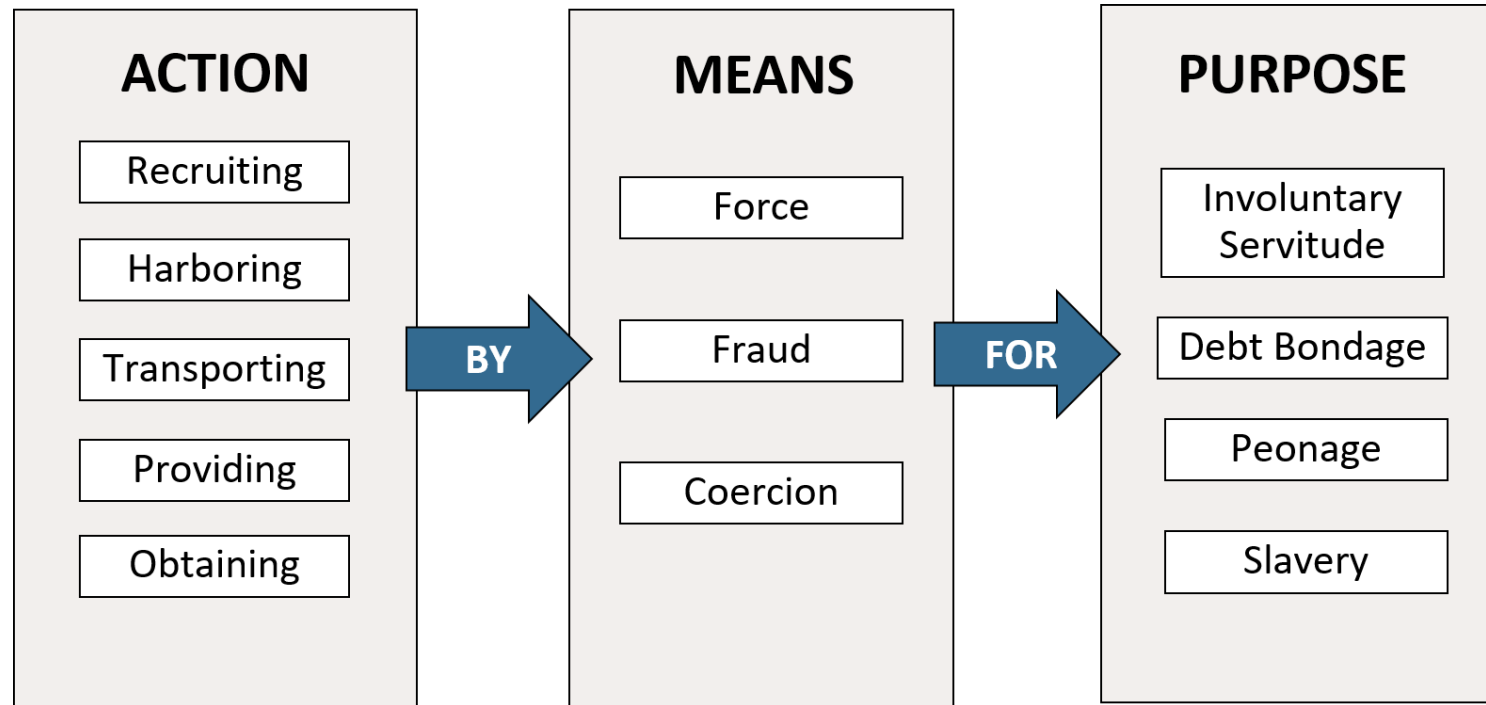
- Intimidation and control
- Sexual assault
- Use or threatened use of law
- Physical beatings

## 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.

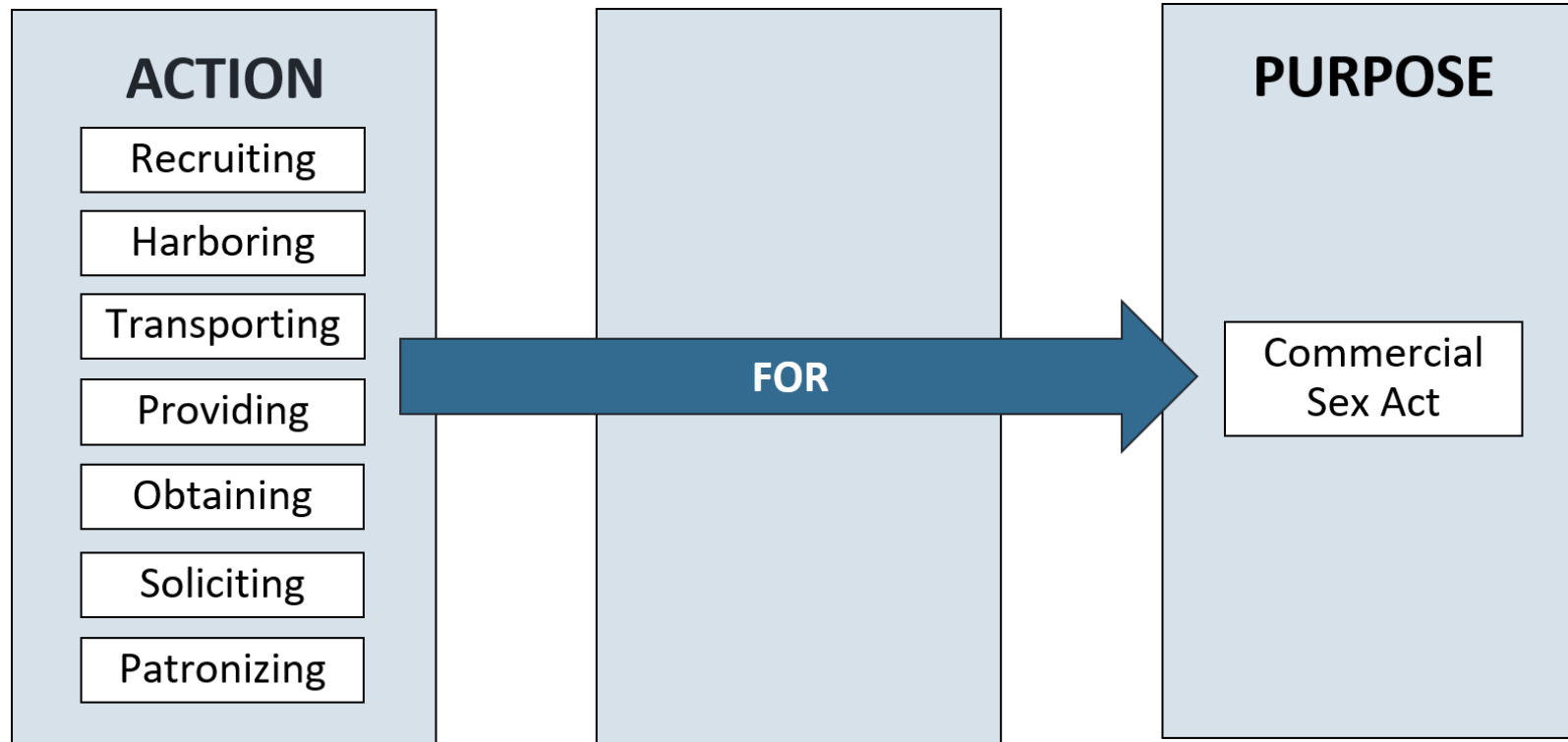


22 USC. § 7102 (11)



# 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?
- **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 Foreign National 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 (often to pay off a debt or other expenses)

## Forced Labor by Caregiver

Child forced to work for caregiver(s) in home country or in the U.S. (often to pay off a debt or other expenses)

## Forced Labor on Journey

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



# Forced Criminality

## **Distribution/Transportation/Sale of Illicit Substances, Unspecified Items**

Children forced to distribute, transport, sell, or move illicit substances or other items for affiliates of criminal organizations. Children frequently report being targeted during their commute to school.

## **Surveillance Activities**

Children forced to stand guard, monitor, surveil, or look out for law enforcement or rival groups within the community while illicit activities may be occurring.

## **Collection of Rent/Toll/Quota from Community Members**

Children forced to collect payment (rents, tolls, or quotas) from businesses and individuals within the community.

## **Foot-Guiding/Smuggling of Illicit Substances, Unspecified Items, Persons**

Children forced to smuggle illicit substances, firearms, unspecified items, or persons over international borders. Disproportionately impacts UCs at gang-controlled points of entry along the Mexico/U.S. border.

## **Personal Sexual Servitude**

Children made to engage in sex acts under threat of harm as gang initiation or grooming exercises. Children may be abducted and/or assaulted as consequence for resisting recruitment or for non-compliance.

## **Decoy Cases, Gang-Controlled Agriculture/Construction Activities**

Children forced to work while held for other purposes by affiliates of criminal organizations (e.g. ransom, extortion, kidnapping). UCs have reported gang-controlled agricultural labor construction or car wash labor in Mexico. UCs have also reported traveling to the U.S. involuntarily as decoys.





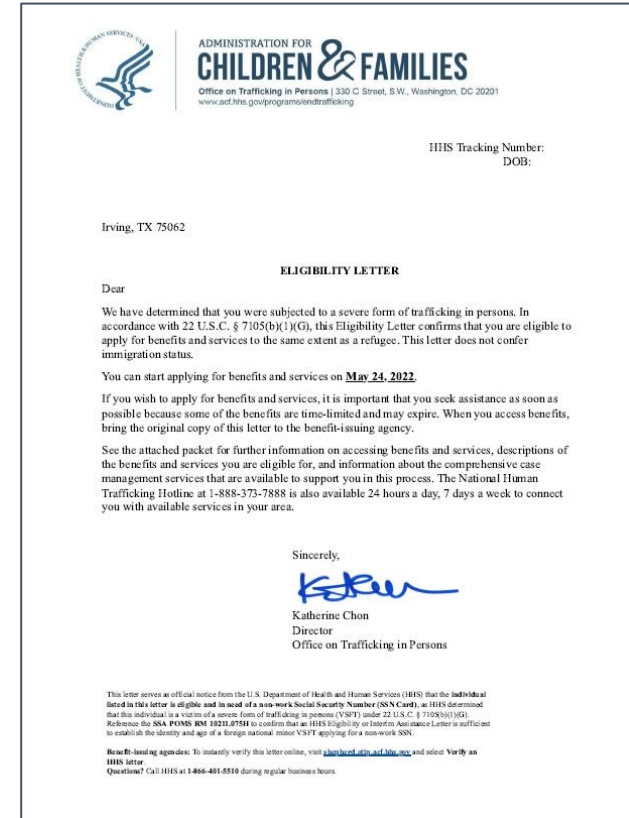
# OTIP Child Eligibility Process

*Reporting, Requesting Assistance, and Benefits and Services*



# Child Eligibility Process

- **Federal 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)(1)(H)).
- **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 (22 U.S.C. 7105(b)(1)(G)).





# Federal Reporting

## **OTIP Child Eligibility**

Federal, state, and local officials must refer all cases of potential trafficking among foreign national minors to OTIP for assessment within 24 hours. *(Trafficking Victims Protection Act of 2000, as amended)*

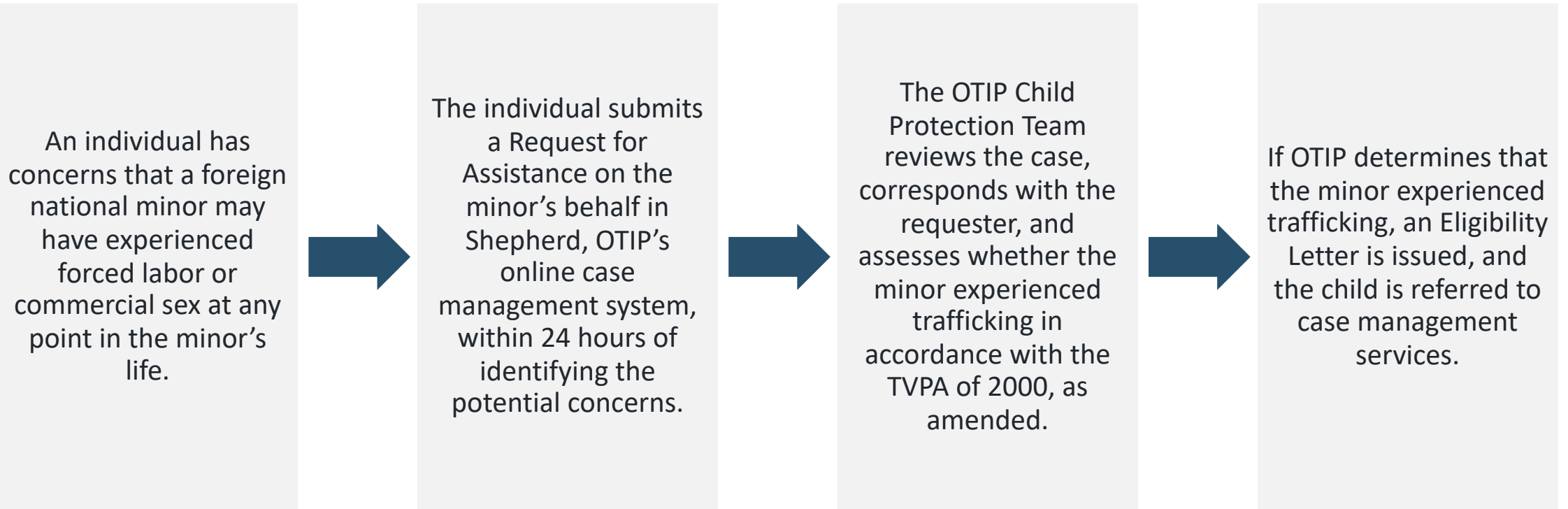
## **Child Protective Services**

Human trafficking is 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)*





# Child Eligibility Process





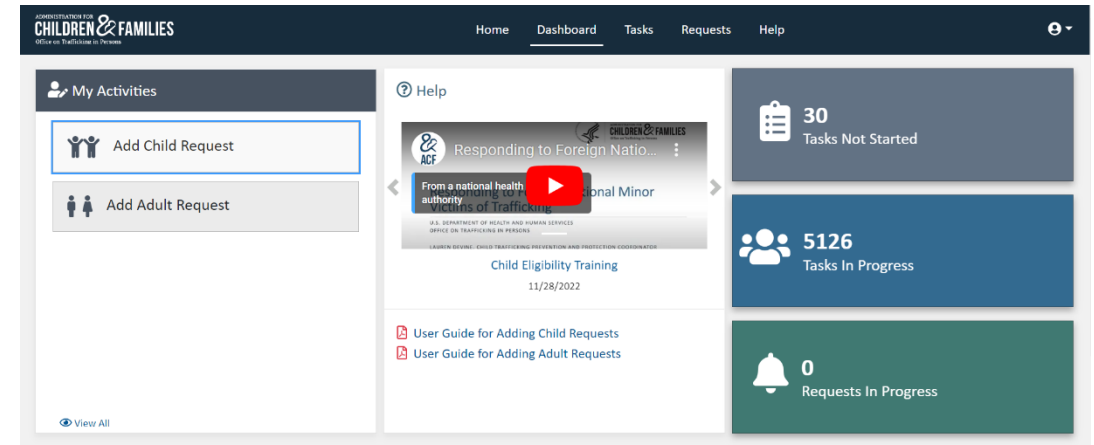
# Determination Types

- **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 Request for Assistance (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.



# 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.





# OTIP Reporting and Requesting Assistance



1. Create an account in OTIP's online system, Shepherd.

2. Submit a Request for Assistance to OTIP in Shepherd.

3. Monitor email and Shepherd for updates and requests for additional information.

- Report and request assistance through OTIP's online [Shepherd Case Management System](#).
- For questions or to staff a case, contact the Child Protection Team by email at [ChildTrafficking@acf.hhs.gov](mailto:ChildTrafficking@acf.hhs.gov) or by phone at 202-205-4582.



# Child Eligibility Benefits

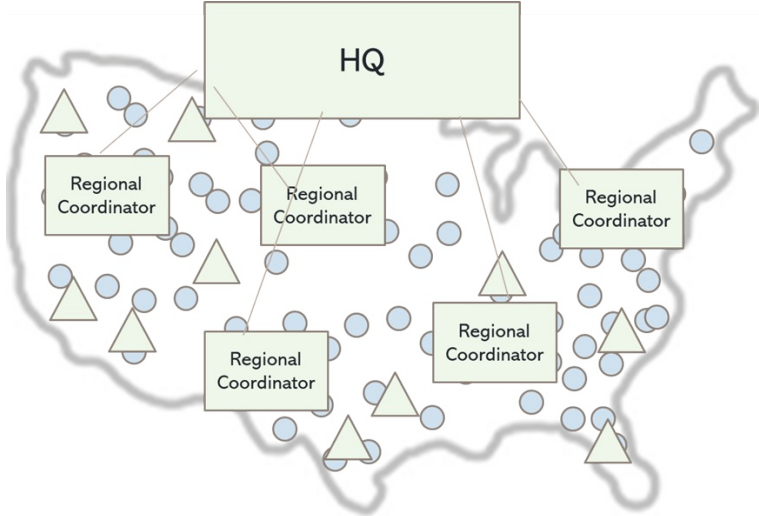
Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services 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





# Aspire Coordination

## **Regional Coordinators**

Assist individuals with troubleshooting access to benefits, connecting to services, assisting with trafficking-specific placement breakdown concerns, and identifying trafficking-specific contacts in the local jurisdiction.

## **Case Management**

Available for minors who are not already receiving federally funded case management services.

## **TVAP**

Available for youth and adults 18+.

**1-800-307-4712**

**Aspire@uscrimail.org**



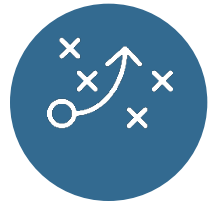
# OTIP Coordination

The OTIP Child Protection Team is available to support in the following ways:

1. Coordination and advocacy with state and local child protective services and other entities to support safe placement of minors
2. Consultation with requesters and case staffings to support individuals in understanding when to submit a case to OTIP
3. Provision of virtual, module-based, and in person trainings on the Child Eligibility process and support for minors accessing benefits and services



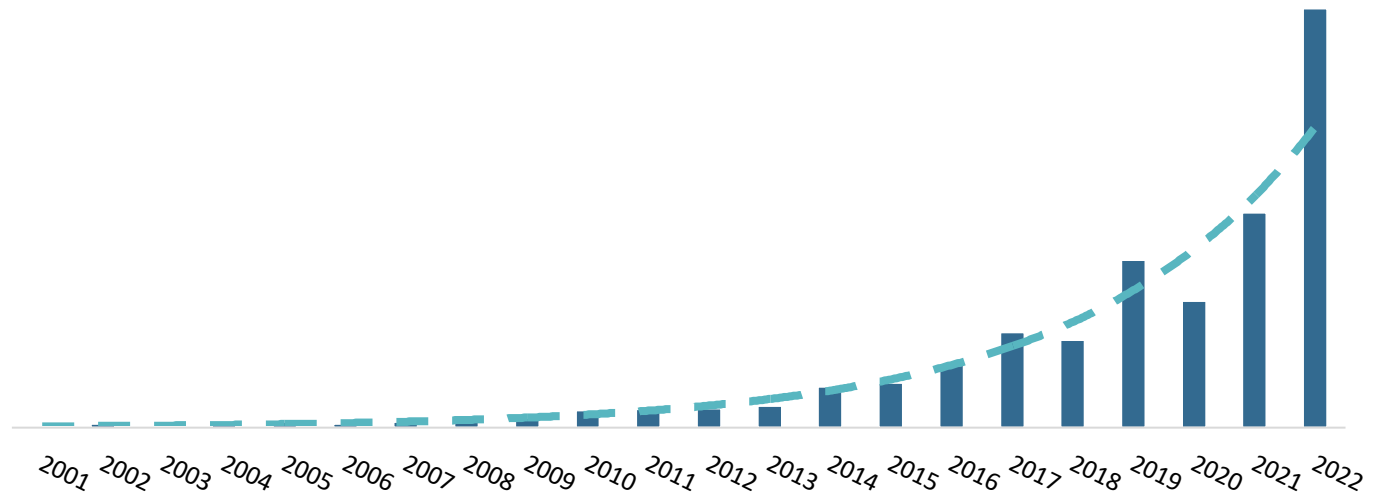


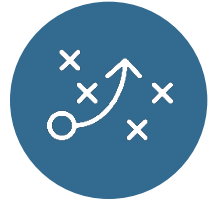


# Eligibility Letters Issued, FY01-FY22

Fiscal Year	Eligibility Letters Issued
2001	4
2002	19
2003	6
2004	18
2005	32
2006	20
2007	32
2008	32
2009	50
2010	92
2011	100
2012	102
2013	114
2014	217
2015	239
2016	334
2017	506
2018	465
2019	892
2020	672
2021	1,143
2022	2,226
<b>Total</b>	<b>7,315</b>

Eligibility Letters Issued by Fiscal Year  
(FY01 - FY22)





# Child Eligibility Trends, FY22

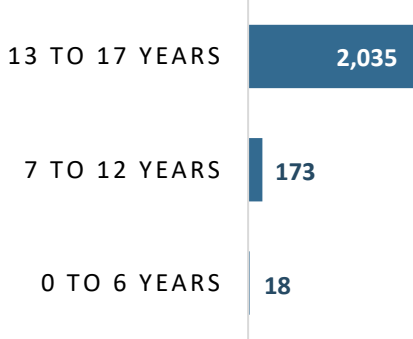
### Eligibility Letters Issued

**2,226**

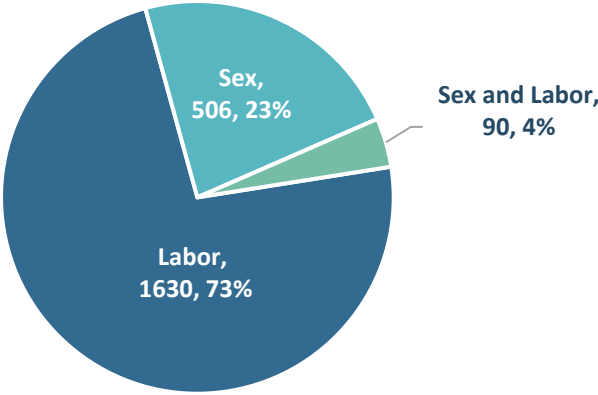
### Top Ten Client Countries of Origin

- 1. Guatemala
- 2. Honduras
- 3. El Salvador
- 4. Mexico
- 5. Ecuador
- 6. Nicaragua
- 7. Ghana
- 8. Haiti
- 9. India
- 10. Venezuela

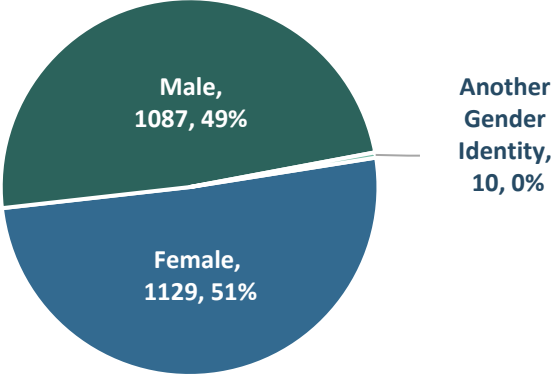
### Client Age at Time of RFA Receipt



### Type of Trafficking Experienced



### Client Gender Identity





# Child Eligibility Resources

Training and Technical Assistance	<a href="#">Recorded Child Eligibility Webinar (45 minutes)</a>	This webinar provides an overview of the child eligibility process, including screening and identification, reporting, benefits and services, and case trends.
	<a href="#">Overview of Child Eligibility Process (3-minute video)</a>	This informational video provides a brief overview of the child eligibility process, including referring, benefits and services, and determination letters.
	<a href="#">Monthly Child Eligibility Webinar</a>	These webinars occur the first Wednesday of every month from 2:00 -4:00 p.m. ET on Zoom.
	<a href="#">SOAR Training Module: Working With Foreign National Minors Who Have Experienced Trafficking</a>	This is an advanced training designed for providers who work with children and youth under the age of 18 who are foreign nationals and who may have experienced human trafficking before, during, or after their journey to the United States.
Screening and Reporting	<a href="#">Shepherd</a>	Shepherd provides a secure, streamlined way for individuals to request assistance for victims of human trafficking and check the status of their request.
	Case Staffings	To discuss a potential case of trafficking on behalf of a child, individuals can contact the OTIP Child Protection Team at by phone at 202-205-4582 or by email at <a href="mailto:ChildTrafficking@acf.hhs.gov">ChildTrafficking@acf.hhs.gov</a> .
Prevention, Public Awareness, and Benefits	<a href="#">Toolkits for Foreign National Minors who Have Experienced Trafficking</a>	OTIP's grant recipient, the U.S. Committee for Refugees and Immigrants (USCRI), developed three toolkits specific to working with foreign national children and youth who have experienced human trafficking.
	<a href="#">Look Beneath the Surface Campaign</a>	Through the HHS Look Beneath the Surface campaign, OTIP works with grantees and partners to raise awareness of human trafficking and risk factors for human trafficking.
	<a href="#">Child Eligibility Benefits Handout</a>	This document explains how to use an Eligibility Letter or Interim Assistance Letter to apply for benefits and services. This handout is also available in Spanish, Portuguese, French, and Chinese.




# Adult Certification Process

*Requesting Certification, Case Management Services, and Benefits Overview*



# Adult Certification Process

- A Certification Letter allows an adult foreign national victim of trafficking to apply for refugee benefits and services.
- An adult must receive an approved T1 visa or Continued Presence (CP) to receive a Certification Letter.
- An adult without a T1 visa or CP can be referred to Trafficking Victim Assistance Program (TVAP) case management and may qualify for services.

 ADMINISTRATION FOR  
**CHILDREN & FAMILIES**  
Office on Trafficking in Persons | 330 C Street, S.W., Washington, DC 20201  
www.acf.hhs.gov/programs/anttrafficking

HHS Tracking Number: [XXXXXX]  
DOB: [XX/XX/XXXX]

CLIENT NAME  
C/O REQUESTER  
ORGANIZATION  
ADDRESS

**CERTIFICATION LETTER**

Dear [CLIENT NAME]:


This letter confirms that we received notice from U.S. Department of Homeland Security that you were subjected to a severe form of trafficking in persons. In accordance with 22 U.S.C. § 7105(b) (1)(E), this HHS Certification Letter confirms that you are eligible to apply for benefits and services to the same extent as a refugee. This letter does not confer immigration status.

You can start applying for benefits and services on **BENEFITS START DATE**.

If you wish to apply for benefits and services, it is important that you seek assistance as soon as possible because some of the benefits are time-limited and may expire. When you access benefits, bring the original copy of this letter to the benefit-issuing agency.

See the attached packet for further information on accessing benefits and services, descriptions of the benefits and services you are eligible for, and information about the comprehensive case management services that are available to support you in this process.

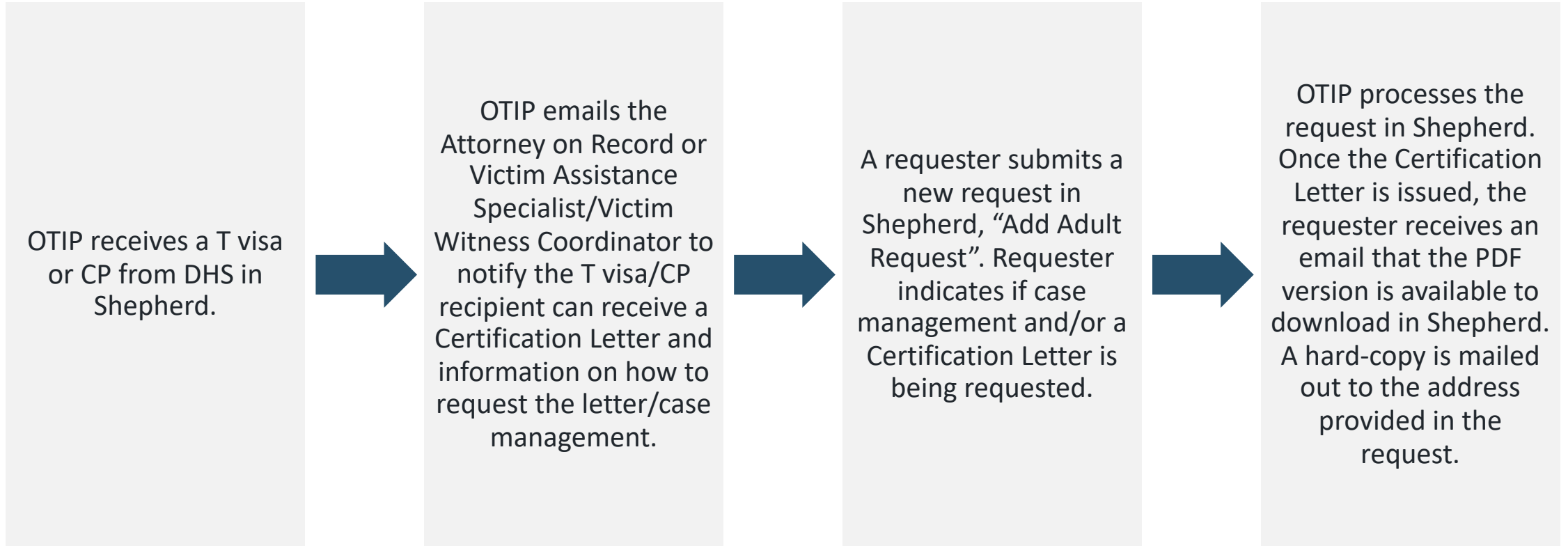
The National Human Trafficking Hotline at 1-888-373-7888 is also available 24 hours a day, 7 days a week to connect you with available services in your area.

Sincerely,  
  
Katherine Chon  
Director  
Office on Trafficking in Persons

Benefit-issuing agencies: To instantly verify this letter online, visit [sharhard.etip.acf.hhs.gov](http://sharhard.etip.acf.hhs.gov) and select Verify on HHS letter.  
Questions? Call HHS at 1-866-401-6510 during regular business hours.



# Adult Certification Process





# Adult Certification Process

- The hard-copy of the letter will be needed to access benefits.
- There are benefits that are time sensitive once a letter is issued. Make sure the client is wanting the letter and is ready to apply for benefits when the letter is requested.
- The letter can be requested at any point before the T visa or CP expires.
- Only a T1 visa recipient will receive a Certification Letter. Derivative visa holders (T2, T3, etc.) can apply for benefits with their derivative visa.
- If an Eligibility Letter was received when they were a minor, they will not receive a Certification Letter as an adult. The Eligibility Letter can still be used when they are an adult.



# Adult Certification 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		Matching Grant	Tenant-Based Vouchers	
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings		Refugee Support Services		
		Refugee Medical Assistance				

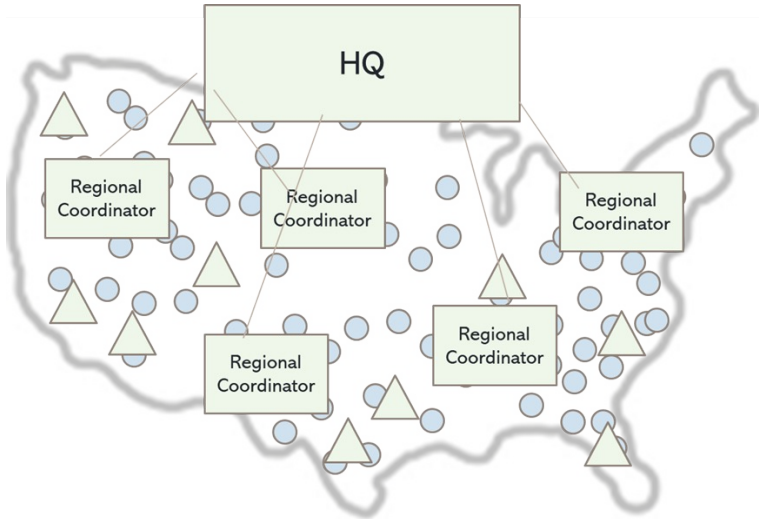




# TVAP Case Management Services

**Trafficking Victims Assistance Program (TVAP)** provides **trafficking-specific comprehensive case management services** through a nationwide network of providers for foreign national adults who have experienced human trafficking. These case managers help adults 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

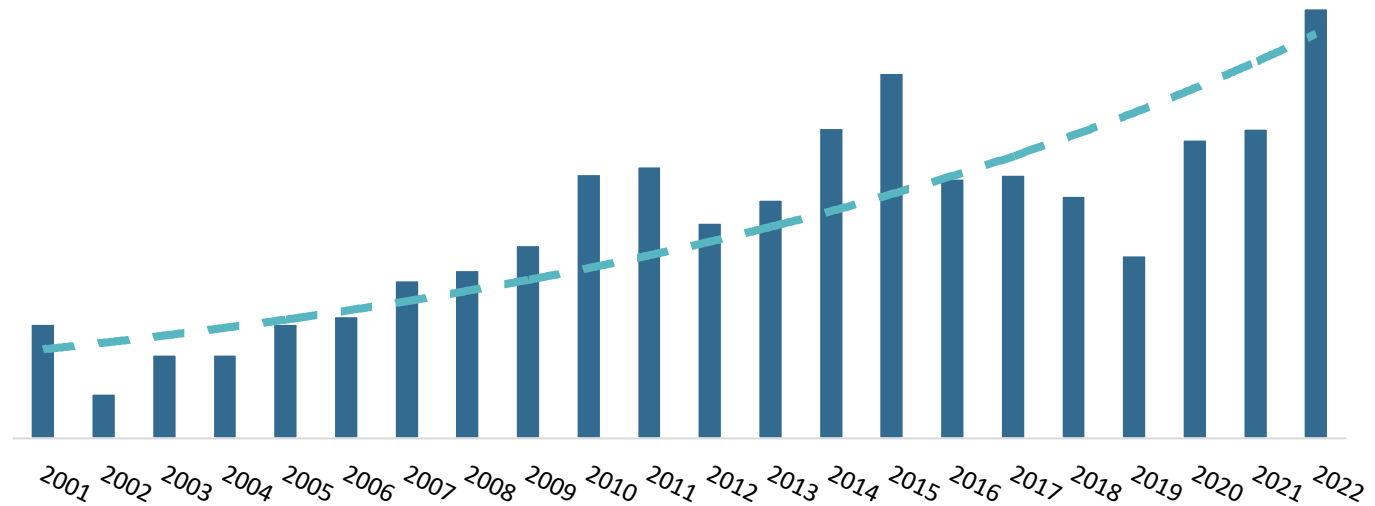


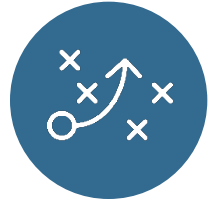


# Adult Certification Letters Issued, FY01-FY22

Fiscal Year	Certification Letters Issued
2001	196
2002	76
2003	143
2004	143
2005	195
2006	208
2007	269
2008	285
2009	329
2010	449
2011	462
2012	367
2013	406
2014	528
2015	621
2016	442
2017	448
2018	411
2019	310
2020	508
2021	527
2022	731
<b>Total</b>	<b>8054</b>

Certification Letters Issued by Fiscal Year  
(FY01 - FY22)



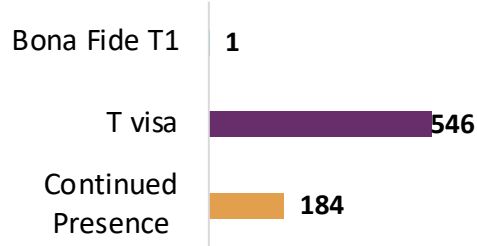


# Adult Certification Trends, FY22

## Certification Letters Issued

731

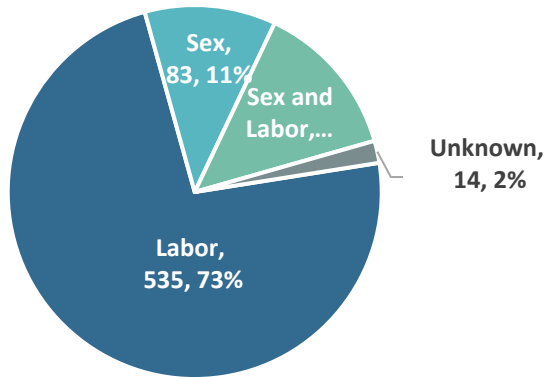
## Certification Authority (FY22)



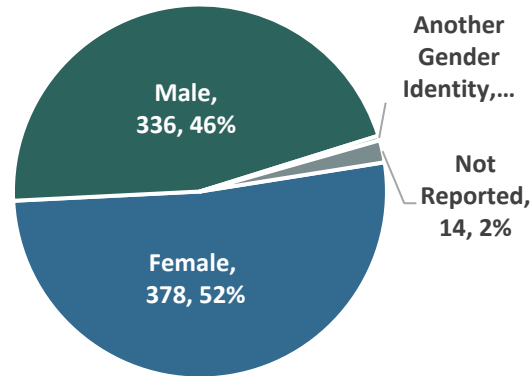
## Top Ten Client Countries of Origin

1. Mexico
2. India
3. Honduras
4. Philippines
5. Guatemala
6. El Salvador
7. Bangladesh
8. Peru
9. Colombia
10. Chile

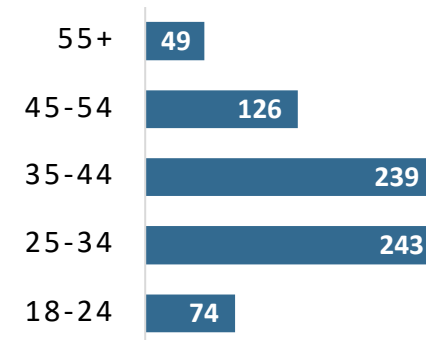
## Type of Trafficking Experienced



## Client Gender Identity



## Client Age at Time Request for Certification was Received



# Questions?

Contact:



202-205-5778  
202-401-9296  
202-205-4582  
866-401-5510



Lauren.Devine@acf.hhs.gov  
Elizabeth.Mitaro@acf.hhs.gov  
ChildTrafficking@acf.hhs.gov  
Trafficking@acf.hhs.gov



[acf.hhs.gov/otip](https://www.acf.hhs.gov/otip)

# Resources Webpage

<https://niwaplibrary.wcl.american.edu/dv-trafficking-otip-webinar>

- CAST and NCJFCJ Training Materials
- St Thomas University Summer Academy
- NIWAP resources on the intersection between domestic violence, child abuse, and human trafficking
- OTIP Materials and links

# Join NIWAP's Communities of Practice

- To register for:
  - *Family law community of practice*  
<https://www.surveymonkey.com/r/TVGDCCV>
  - *Victim Advocate community of practice*  
<https://www.surveymonkey.com/r/BBHR3X3>
  - *Roundtable for Law Enforcement, Prosecutors and System-based Advocates*  
<https://www.surveymonkey.com/r/LERoundtable>
  - *National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)*  
<https://www.surveymonkey.com/r/VGY9VJM>

# Technical Assistance and Materials

- NIWAP Technical Assistance:
  - Call (202) 274-4457
  - E-mail [info@niwap.org](mailto:info@niwap.org)
  - Web Library:  
[www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)
- Materials for this Workshop:
  - <https://niwaplibrary.wcl.american.edu/njn-webinar-DV&HumanTrafficking2023>