

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

(NEW FORM)

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 Service (HHS), upon receipt of credible information that a non-U.S. citizen, non-lawful permanent resident (alien) child may have been subjected to a severe form of trafficking in persons and is seeking Federal assistance available to victims of trafficking, to promptly determine if the child is eligible for interim assistance. (22 U.S.C. 7105(b)(1)(F)(i)) The law further directs the Secretary of HHS to determine if the child is eligible for assistance as a victim of a severe form of trafficking in persons after consultation with the Attorney General, the Secretary of Homeland Security, and nongovernmental organizations with expertise on victims of severe form of trafficking. (22 U.S.C. 7105(b)(1)(F)(iv)) – See Attachment A.

In developing procedures for collecting the necessary information from potential child victims of trafficking, their case managers, attorneys, or other representatives to allow HHS to grant interim eligibility, HHS devised a form. (See Attachment B.) HHS has determined that the use of a standard form to collect information is the best way to ensure requestors are notified of their opportunity to request assistance for child victims of trafficking, and for HHS to make prompt and consistent determinations about each child's eligibility for interim assistance.

The form asks the requestor for his/her identifying information, for information on the child, information describing the type of trafficking and circumstances surrounding the situation, and the strengths and needs of the child. The form also asks the requestor to verify the information contained in the form because the information could be the basis for a determination of an alien child's eligibility for federally funded benefits.

Finally, the form takes into consideration the need to compile information regarding a child's circumstances and experiences in a non-directive, child-friendly way, and assists the potential requestor in assessing whether the child may have been subjected to trafficking in persons.

If the form were not used, HHS would not be able to uniformly provide consistent guidance to those representing potential victims about how to request assistance for a child. Without a form, ORR would be limited to simply notifying potential requestors of the change in law and providing a phone number at ORR for further information. The Child Protection Specialist in ORR would then have to review orally with each caller the information requested in the form, which would likely require multiple follow up calls, and possibly multiple interviews with the child, which could retraumatize the child. Having the questionnaire in hand would assist those working with a potential child victim to obtain the relevant information during the course of one interview.

The information provided through the completion of a Request for Assistance for Child Victims of Human Trafficking form will enable HHS to make prompt determinations regarding the eligibility of an alien child for interim assistance, inform HHS determination regarding the child's eligibility for assistance as a victim of a severe form of trafficking in persons, facilitate the required consultation process, and enable HHS to assess and address potential child protection issues.

Among the benefits available to child victims of trafficking is placement in the Unaccompanied Refugee Minors (URM) program if no parent or legal guardian is available to care for the child. The URM program establishes legal responsibility, under State law, to ensure that unaccompanied minor victims of trafficking receive the full range of assistance, care, and services that are available to all foster children in the State.

2. Purpose and Use of the Information Collection

The purpose of this form is to collect information necessary to determine if an alien child has been subjected to a severe form of trafficking in persons, as defined by the Trafficking Victims Protection Act of 2000 (TVPA), and is thereby eligible for federally funded benefits and services to the same extent as a refugee. Use of this form will facilitate ORR's review of information indicating that a child needing assistance may have been subjected to trafficking in persons, and will enable ORR to act expeditiously and consistently in receiving and reviewing requests for assistance for foreign child victims of trafficking in the United States. In the case of an unaccompanied child trafficking survivor, information provided on the form may be useful to the URM program in making decisions regarding an appropriate foster care placement.

We expect the form to be used primarily by case managers and attorneys for potential child victims, as well as Federal, State and local law enforcement. Use of this form by an individual seeking assistance for a child is recommended but not required to receive benefits.

3. Use of Improved Information Technology and Burden Reduction

Development of information technology is not practical at this time. The form will be available on the ORR website and could be downloaded and filled out and submitted by e-mail, or it could be printed out and faxed to ORR. The form will be filled out by individuals under different circumstances and with different technological capacities. Although automation would decrease ORR's burden, it could increase the respondent's time burden, or unintentionally limit those who would be able to submit a request.

4. Efforts to Identify Duplication and Use of Similar Information

ORR is the only agency to collect this information, so there is no similar information and no duplication.

5. Impact on Small Businesses or Other Small Entities

Not applicable.

6. Consequences of Collecting the Information Less Frequently

The information provided to ORR will not be submitted on a fixed schedule. Rather, to meet its legislative requirements, ORR must receive the information on the completed form and make a prompt determination of a child’s eligibility for benefits whenever it is provided.

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

The Anti-Trafficking in Persons Division within the Office of Refugee Resettlement has prepared a System of Records Notice, but it has not yet been published in the *Federal Register*. The Notice is currently in clearance in the HHS Administration for Children and Families. Until that Notice is in place, the Request for Assistance form contains a consent and verification section by which the Requestor consents to ORR sharing information provide in the form with ORR-approved users, and verifies that all information provided is complete and accurate to the best of the requestor’s knowledge.

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

The 60 day *Federal Register* notice was published April 10, 2009 with page number 16402, Volume 74.

To respond quickly to the requirements of the law, HHS adapted a form that it had drafted in anticipation of creating a Federal program for domestic victims of trafficking, first authorized in 2005 but never funded. In developing that form, HHS consulted with the U.S. Department of Justice and with approximately 10 social service organizations throughout the country that are HHS grantees, many of whom work with child victims of trafficking. HHS received comments that helped to minimize the burden of the collection of information and shaped the content and structure of this information collection.

9. Explanation of Any Payment or Gift to Respondents

Not applicable.

10. Assurance of Confidentiality Provided to Respondents

The Privacy Act applies to this program and its information collection. No separate assurances of confidentiality are provided to respondents.

11. Justification for Sensitive Questions

The form requests information in areas related to commercial sex and other possible illegal activities, but only because these activities can be the essential elements of a trafficking crime, and information concerning them is directly relevant to a determination of whether a child is eligible for benefits as a victim of a severe form of trafficking in persons. For example, if a 16-year-old, undocumented girl 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 boy 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. Moreover, personal information (such as whether the child is pregnant or parenting) and information about the circumstances of the trafficking, are important in order to assess and address potential child protection issues, particularly in the case of an unaccompanied child. It is also necessary to collect information regarding the individual’s age, citizenship and immigration status, because HHS would only provide the benefits prescribed under the TVPA to a child who is not a U.S. citizen or Lawful Permanent Resident and who is not otherwise eligible for the benefits.

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	50	1	1.5	75

Estimated Total Annual Burden Hours: 75

The monetary value of time is 75 hours times \$40 per hour or \$3000.

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no direct monetary costs to respondents other than their time to complete the form.

14. Annualized Cost to the Federal Government

We estimate \$21,000 per year, which reflects 750 hours (50 requests multiplied by an average of 15 hours per request) at \$28.00 per hour.

15. Explanation for Program Changes or Adjustments

This is a new project.

16. Plans for Tabulation and Publication and Project Time Schedule

Not applicable.

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

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No Exceptions

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

Not applicable. No statistical methods employed.