

Request for Assistance for Child Victims of Human Trafficking

**OMB Information Collection Request
0970 - 0362**

Supporting Statement Part A - Justification

July 2024

Type of Request: Revision

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.

There are no changes proposed to the RFA form, but burden estimates have been updated to reflect an increase in the estimated number of respondents based on most recent trends. See sections A12 and A15 for additional information.

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 September 30, 2024.

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.

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 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 8, 2024 (89 FR 16773) and provided a sixty-day period for public comment. OTIP received one public comment with recommendations, which are outlined here along with OTIP's responses.

1. The first recommendation was to promote greater alignment between the instructions for the physical RFA and the webform version of the RFA submitted through Shepherd. The physical RFA form is only to be used if a requester encounters issues submitting a request through Shepherd. OTIP has not received a physical RFA form since Shepherd was launched in December 2019. The online case management system user interface is designed in such a way that requesters are not likely to be exposed to instructions for both the physical and the webform versions of the RFA.
2. The commenter also recommended that OTIP "list the Interim Assistance Letter first and then the Eligibility Letter, so that they are listed in the order they are issued. By placing the Eligibility Letter first, the instructions create confusion about the order in which the letters are issued and the amount of information that needs to be shared in the first 24 hours."
3. The commenter further recommended that OTIP rename Part A of the physical RFA form, "Part A: Request for Interim Assistance." Sequential issuance of an Interim Assistance, followed by an Eligibility letter does not always occur. If sufficient information is provided when the RFA form is initially submitted, OTIP may be able to make an eligibility determination, and an Interim Assistance letter would not be issued. Once a RFA is submitted, OTIP will review the request and may contact the case requester to better understand the information in the RFA. The Shepherd system is designed to facilitate coordination and communication between requesters and OTIP Child Protection Specialists on cases pending a final eligibility determination. Requesters can submit additional information at any time through the Shepherd online system by initiating an "Additional Information Request" as they build rapport and gather information about the child's experiences. After evaluating the information, OTIP will issue one of the following:
 - **Eligibility Letter:** 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.
 - **Interim Assistance Letter:** 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. OTIP includes instructions on how to resubmit the RFA with additional information, or request reconsideration of the child’s case. If at any point the requester (or any person) learns new information about a potential trafficking experience, they can submit a new RFA on a child’s behalf, as long as OTIP receives it before the child’s 18th birthday.
4. The commenter also recommended that OTIP remove the optional questions on the final page of the physical RFA and penultimate subpage on the Shepherd RFA webform. The RFA form indicates that submission of trafficking experiences information, specifically information about the trafficker’s relationship to the child, location of the trafficking incident(s), risk factors, and adverse childhood experiences is all optional. OTIP uses any information submitted about the child’s trafficking experiences to evaluate and determine the child’s eligibility for benefits, for consultation purposes if relevant to case management needs, and to inform research and analysis in anonymous datasets. Collection of this information also enables ACF to be responsive to recommendations articulated in the [2021](#), [2022](#), and [2023](#) reports from the United States Advisory Council on Human Trafficking and several priority actions in the President’s [National Action Plan to Combat Human Trafficking](#) (1.1.1, 2.1, 2.6, 4.1.2, and 4.5.3).

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 15 years. After 15 years, such records will be transferred to the National Archives of the United States under the OTIP record disposition authority, unless required for business use by HHS. OTIP worked closely with appraisal specialists at the Office of the Chief Records Officer, Records Management Services within the National Archives to determine the record disposition authority and retention schedule for all information submitted to OTIP throughout the RFA process. These records have been approved for Permanent disposition (NARA disposition number: DAA-0292-2020-0001).

OTIP uses the information submitted throughout the RFA process to evaluate and determine the child's eligibility for benefits, for consultation purposes, for reporting requirements, and for research and analysis in anonymous datasets. There are also occasions when OTIP is required to 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	10,500	1	1	10,500	3,500	\$104.44	\$365,540

Burden Estimates

Burden estimates were informed by consultation with case managers, child welfare workers, and other representatives who submit RFAs on behalf of children, through Shepherd system development efforts, and based on an environmental scan of human trafficking screening forms and protocols. Burden estimates were calculated based on the average amount of time necessary to conduct a thorough, client-centered, and trauma-informed screening to surface trafficking victimization indicators, and to populate all fields on the RFA within the Shepherd online case management system interface. The true amount of time necessary may be slightly higher or slightly lower, depending on the level of rapport built between the screener and the client, and what information clients feel comfortable sharing. There are no changes proposed to the RFA form, but burden estimates have been updated to reflect an increase in the estimated number of respondents based on recent referral trends. See section A15 for additional information. The form and estimated time per response remains the same.

Cost Estimates

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 2023) 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 (\$40.10) and Legal Occupations (\$64.34) is \$52.22. To account for fringe benefits and overhead the rate is multiplied by two which is \$104.44. The estimated annualized total cost

to respondents is \$104.44 times 3500 hours or \$365,540.
https://www.bls.gov/oes/current/oes_stru.htm

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 2023) 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 (\$24.92) and Statisticians (\$52.50) is \$38.71. The estimated annualized total cost to the government is \$677,425 which reflects 17,500 hours (5 hours of review per 3500 RFAs received) times \$38.71.

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, as well as OTIP's efforts to engage case managers, attorneys, law enforcement officers, child welfare workers, and other representatives who serve foreign national children and youth regarding reporting requirements under the TVPA of 2000, as amended. OTIP may receive one or multiple requests for assistance on behalf of any one child.

The estimated number of respondents provided at the time of the most recent approval (September 2021) was based on prior year's data. In the following years, OTIP experienced a marked increase in the requests for assistance received each year. OTIP continued to monitor case volume to assess whether observed increases were anomalous, given ongoing COVID-19 pandemic-related disruptions, or if the elevated volume of referrals would be a consistent trend. Monitoring of referral data has shown a consistent trend with requests for assistance continuing at a much higher rate than pre-2021. Therefore, OTIP has increased the estimated number of respondents. The form and estimated time per response remains the same.

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.