



ADMINISTRATION FOR
CHILDREN & FAMILIES
Office on Trafficking in Persons

Responding to Foreign National Minor Victims of Trafficking

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE ON TRAFFICKING IN PERSONS

LAUREN DEVINE, CHILD TRAFFICKING PREVENTION AND PROTECTION COORDINATOR

Training Overview

I : Office on Trafficking in Persons (OTIP)

II : Human Trafficking

III : Screening and Identification

IV : Reporting Process

V : Benefits and Services

VI : Case Trends

I : Office on Trafficking in Persons (OTIP)

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING



OTIP Major Functions

Protection

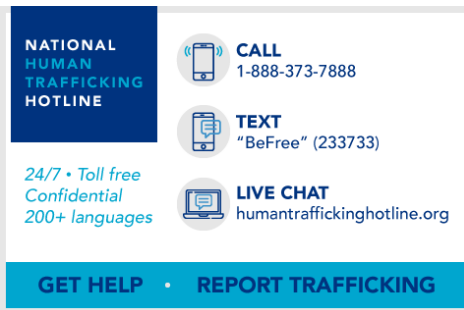
- Victim service and assistance activities, grant programs, Child Eligibility and Adult Certification programs, child victim coordination activities, and the National Human Trafficking Hotline

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



NATIONAL HUMAN TRAFFICKING HOTLINE

24/7 • Toll free
Confidential
200+ languages

CALL
1-888-373-7888

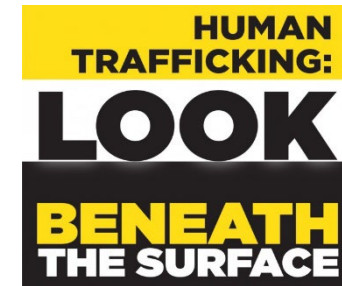
TEXT
"BeFree" (233733)

LIVE CHAT
humantraffickinghotline.org

GET HELP • REPORT TRAFFICKING



**NATIONAL HUMAN TRAFFICKING
TRAINING AND TECHNICAL
ASSISTANCE CENTER**



II : Human Trafficking

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING



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.

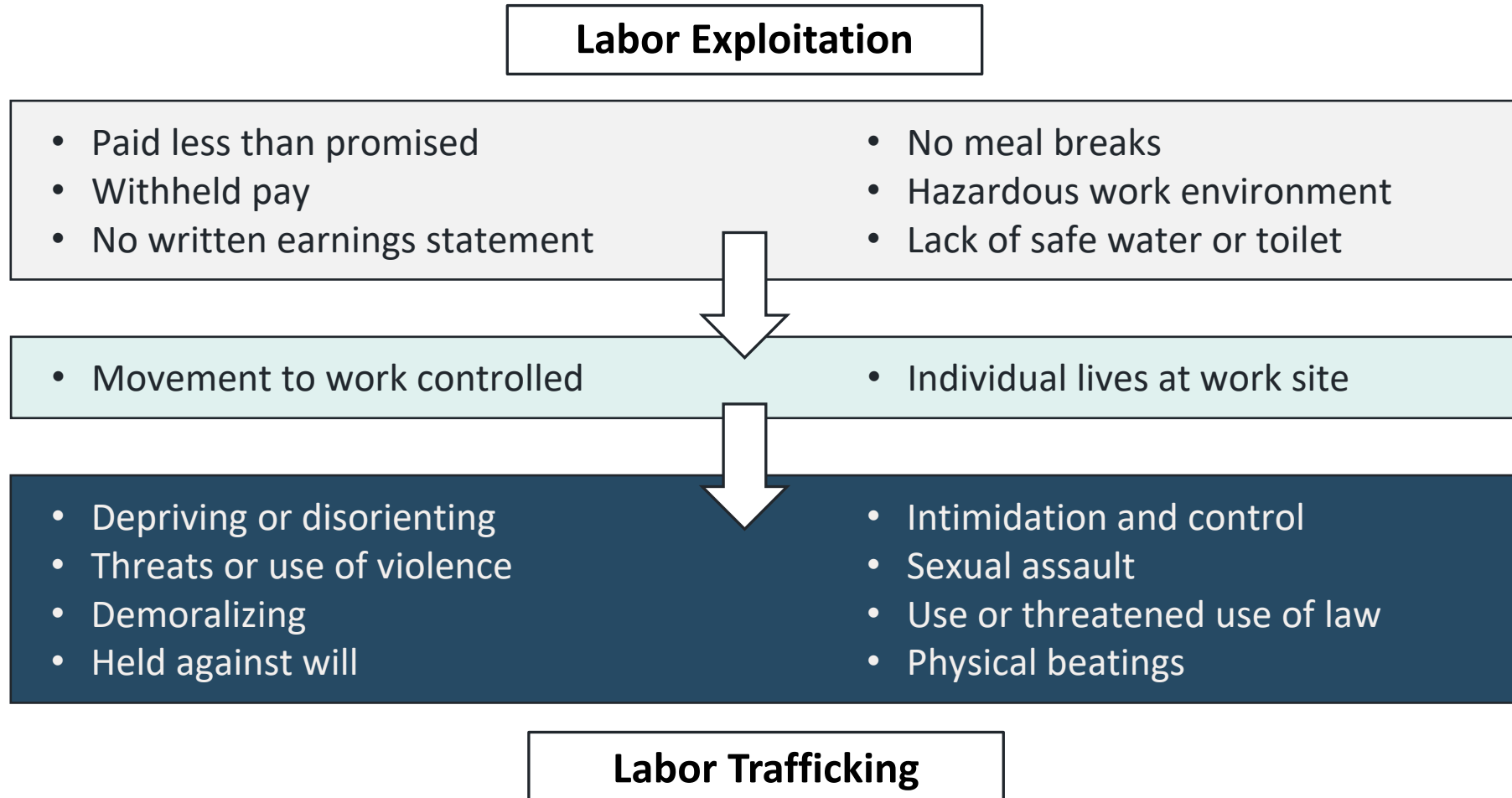
Trafficking vs. Smuggling

Trafficking	Smuggling
<ul style="list-style-type: none">▪ Trafficking is a crime against a person.	<ul style="list-style-type: none">▪ Smuggling is a crime against a country.
<ul style="list-style-type: none">▪ 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.	<ul style="list-style-type: none">▪ The transaction is typically mutual and ends upon arrival at predetermined destination.
<ul style="list-style-type: none">▪ Exploitation of victims to generate illicit profits for the traffickers.	<ul style="list-style-type: none">▪ Business arrangement between smuggler and person entering the country.
<ul style="list-style-type: none">▪ Trafficking does need to involve physical movement of a person (but must involve a person being subjected to forced labor or commercial sex).	<ul style="list-style-type: none">▪ Smuggling always involves transnational physical movement.
<p>An individual being smuggled is at greater risk of experiencing trafficking.</p>	

Trafficking vs. Ransom

Trafficking	Ransom
<ul style="list-style-type: none">▪ Trafficking involves forced labor or commercial sex.	<ul style="list-style-type: none">▪ Ransom involves an individual being held against their will for the purpose of an organization or perpetrator receiving money.
<ul style="list-style-type: none">▪ Trafficking does not need to involve a person being held against their will.	<ul style="list-style-type: none">▪ Ransom typically involves the person being held against their will.
<ul style="list-style-type: none">▪ Includes forced labor or commercial sex to pay off debt or money owed to an individual or organization.	<ul style="list-style-type: none">▪ Ransom is paid directly to an individual or organization holding a person.
<p>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.</p>	

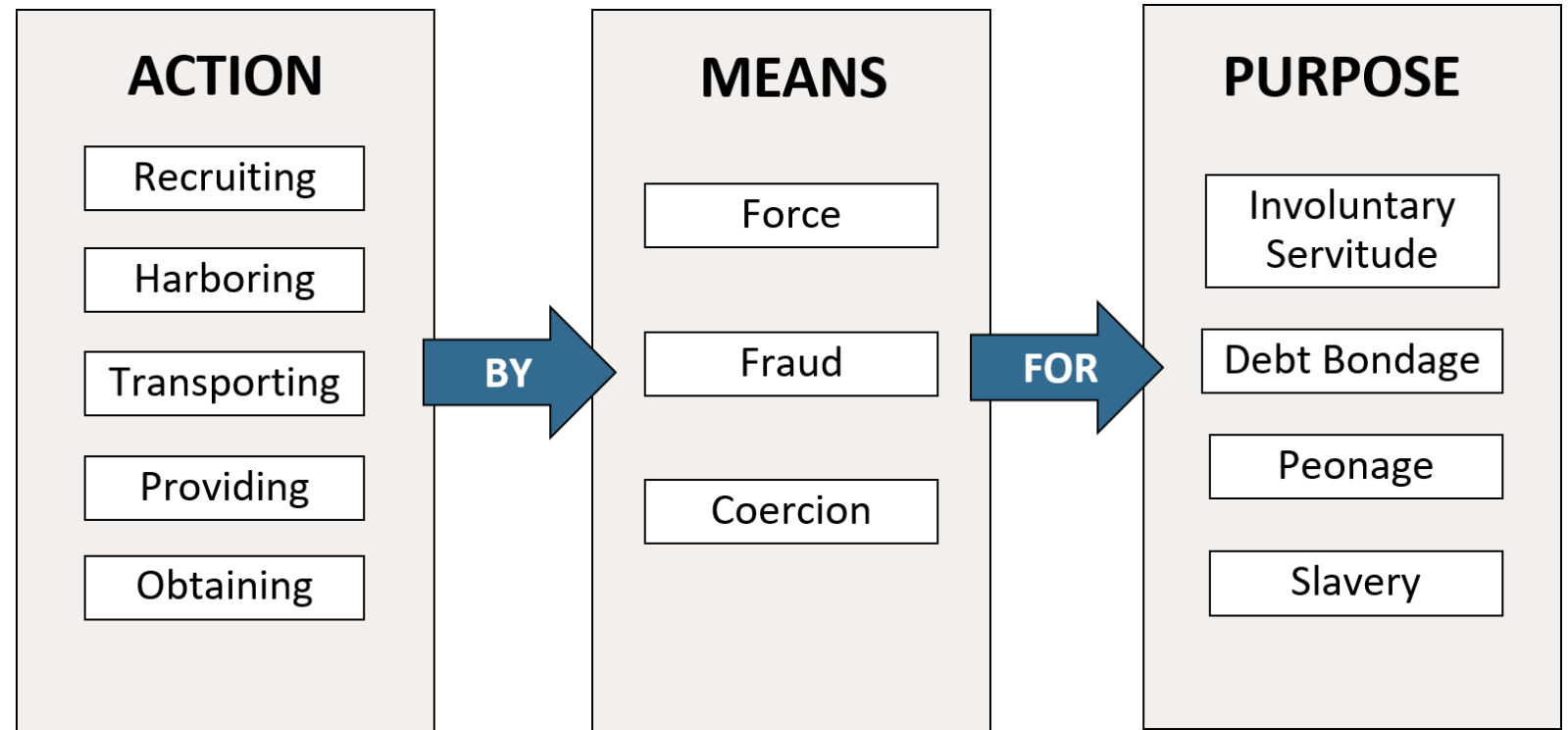
Labor Trafficking vs. Labor Exploitation



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.

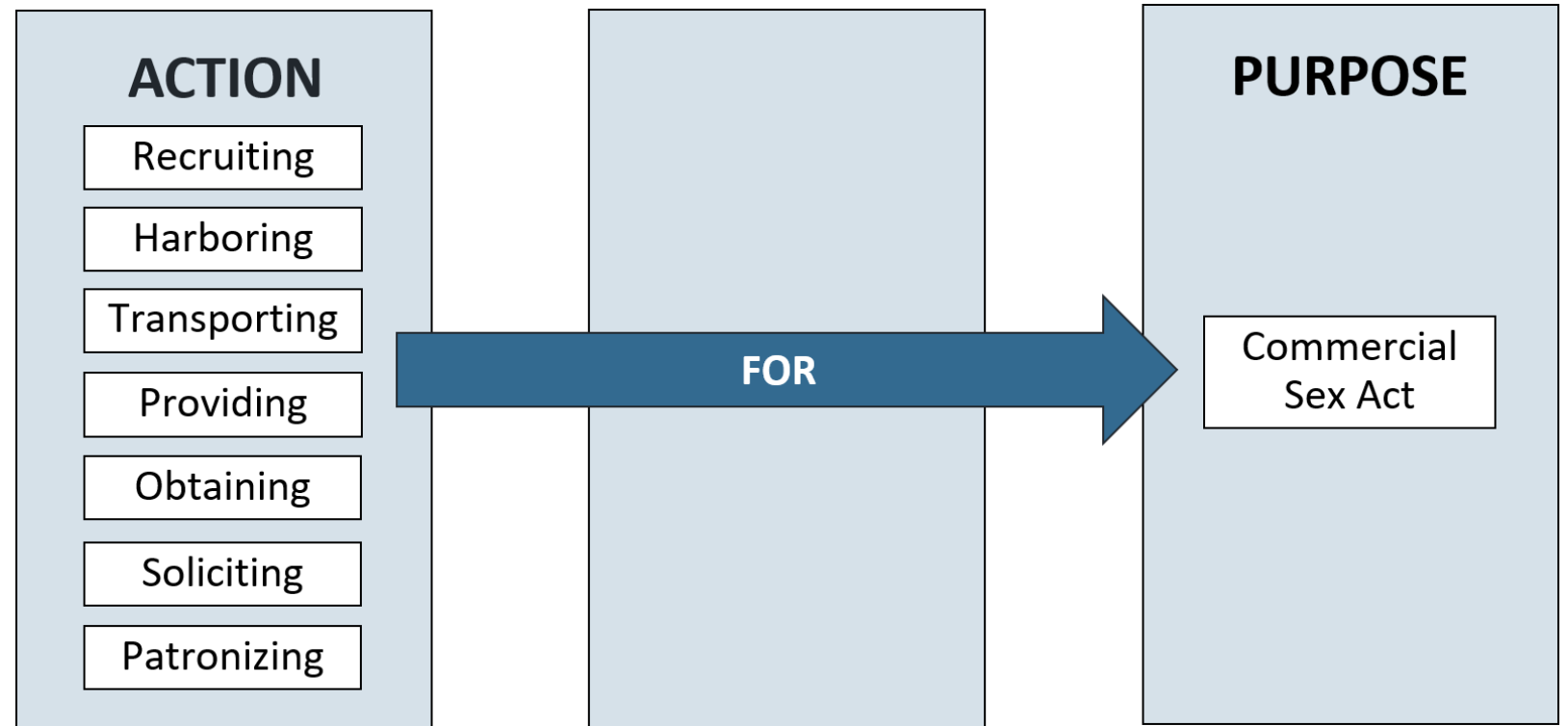
(22 U.S.C. § 7102 (11))



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 U.S.C. § 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

Sex & Labor 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 the purpose of being forced to work? Was the child provided with travel arrangements?
- **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?
- **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

Sex & Labor 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.

Test your Knowledge (1)

A child is brought into the United States by a coyote. Once in the United States, the coyote demands more money from the child's family and holds the child in a warehouse for three weeks until the child's family sends additional money. While held, the child is told that if she attempts to leave, she will be killed.

A. Are there sex trafficking concerns, labor trafficking concerns, or no trafficking concerns?

B. What is the Action, the Means, and the Purpose?

C. If you cannot identify an Action, a Means, or a Purpose, what more questions would you ask?

Test your Knowledge (2)

While crossing the border, the child's guide tells the child that she has to have sex with him in order to pay off her parents' smuggling debt. The child agrees because she does not want to work when she gets to the United States to pay off the debt. The guide engages in sexual acts with her and tells her that her debt is now paid.

A. Are there sex trafficking concerns, labor trafficking concerns, or no trafficking concerns?

B. What is the Action, the Means, and the Purpose?

C. If you cannot identify an Action, a Means, or a Purpose, what more questions would you ask?

Test your Knowledge (3)

While waiting to cross the border, a 17-year-old boy is told by a stranger that he must carry drugs with him when he crosses into the United States. The stranger threatens to kill the boy if he does not carry the drugs. The child is apprehended after crossing the border and is found with drugs.

A. Are there sex trafficking concerns, labor trafficking concerns, or no trafficking concerns?

B. What is the Action, the Means, and the Purpose?

C. If you cannot identify an Action, a Means, or a Purpose, what more questions would you ask?

Test your Knowledge (4)

A child and her mother arrange the child's journey to the United States. The child's mother puts up their land as collateral for the cost of her journey. The child is planning to work in the United States once she turns 18 years old and does not currently have a job set up for her. If the debt is not paid in three years her family will lose their land in Guatemala.

A. Are there sex trafficking concerns, labor trafficking concerns, or no trafficking concerns?

B. What is the Action, the Means, and the Purpose?

C. If you cannot identify an Action, a Means, or a Purpose, what more questions would you ask?

Common Trends

- Solicitation to engage in commercial sex
- Cost of journey, shelter, food, etc. in exchange for sex
- Forced to work on journey
- Forced to work for caregiver
- Held for ransom on journey and then forced to work
- Smuggling concerns with debts and plans to work
- Peonage and debt bondage to pay off debts for journey
- Recruited to run away and then forced to work
- Forced to engage in forced criminality
- Involuntary sexual servitude and slavery
- Intersection of labor trafficking and sex trafficking

III : Screening and Identification

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING

Reasons for Underreporting

Why foreign national minors may not report:

- Minor lacks awareness of victimization or thinks exploitation is “normal”
- Minor experiencing complex trauma
- Minor has been coached by the trafficker
- Minor fears deportation or law enforcement
- Minor distrusts screeners and authorities
- Minor feels shame or guilt
- Minor fears that trafficker will cause harm to them, their family, or their loved ones

Why screeners may not report:

- Newly-hired worker lacks knowledge about human trafficking and case trends among foreign national minors
- Screener is busy and rushing the interview with the minor
- Language or cultural barriers between minor and screener
- Directions in policy guidance are outdated or unclear
- Screener does not conduct the interview in a trauma-informed, victim-centered, or child-informed manner

Trauma-Informed and Victim Centered Screening

- Use TED Questions.
- Ask open-ended, non-leading questions.
- Assess impact of child's environmental factors and possible vulnerabilities with disclosure.
- Consider effects of trauma on the child's responses, consider cognitive abilities, and consider mental health.
- Build felt safety and trust.
- Seek to allow the minor to share a narrative rather than asking for specific details and trying to get every detail of the situation.

TED Questions

T – Tell me about.

E – Explain.

D – Describe.

IV : Reporting Process

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING



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)*

- **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)



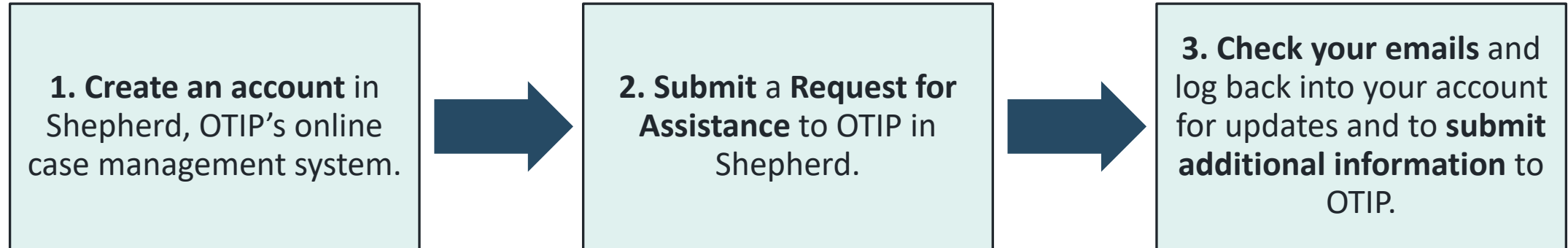
Requirements to Report to OTIP

There are concerns of **possible forced labor** or **commercial sex** at **any point** in the minor's life.

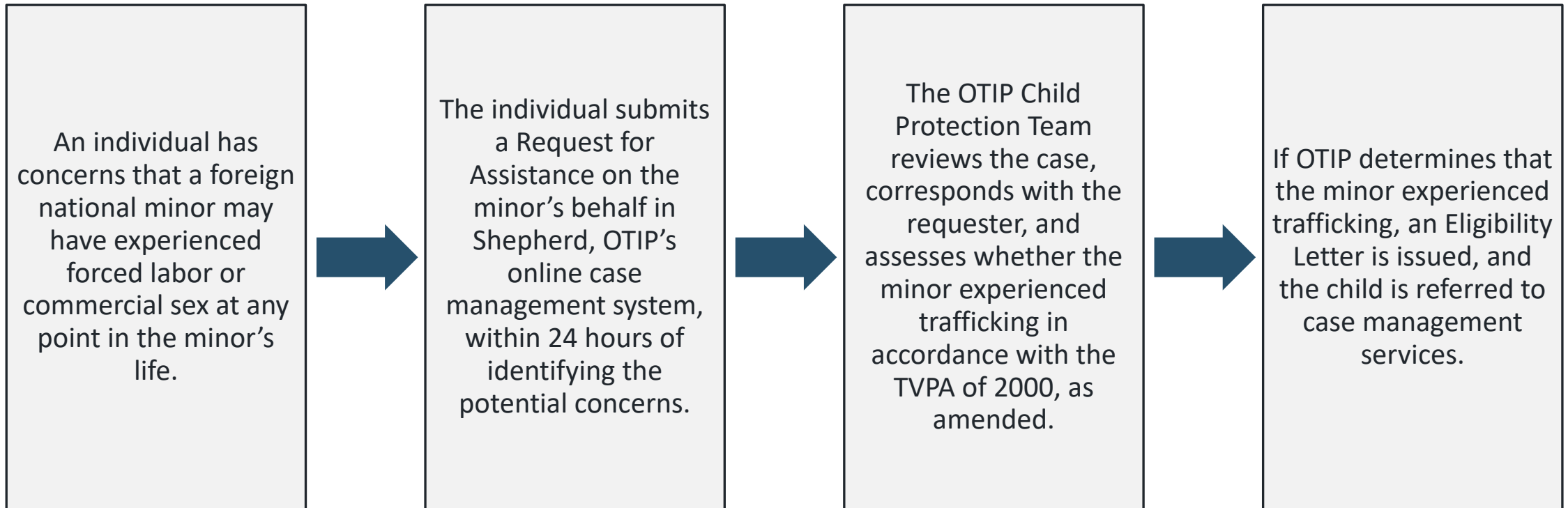
The minor is a **non-U.S. citizen** and **non-lawful permanent resident**.

The minor is currently **under the age of 18** and is currently located in the United States.

Steps to Request Assistance from OTIP



Child Eligibility Process



Determination Types

- **Eligibility Letter**

Request for Assistance indicates clear trafficking concerns or information gathered during period of Interim Assistance indicates clear trafficking concerns. Letter issued to the minor immediately or following the period of Interim Assistance that provides the minor the ability to apply for benefits and services to the same extent as a refugee. This letter does not expire.

- **Interim Assistance Letter**

Request for Assistance indicates possible concerns of trafficking. Letter provides 90 to 120 days of benefits before a Denial or Eligibility Letter is issued.

- **Denial of Assistance**

Request for Assistance did not indicate any possible concerns of trafficking. Internal denial response in Shepherd explaining why there was not enough information to provide Interim Assistance or Eligibility.

- **Denial of Eligibility Letter**

Request for Assistance and additional information and consultation during Interim Assistance period do not indicate clear trafficking concerns. Letter issued to the minor after the period of Interim Assistance explaining that the minor is no longer eligible for assistance as a victim of trafficking.

V : Benefits and Services

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING

Benefits

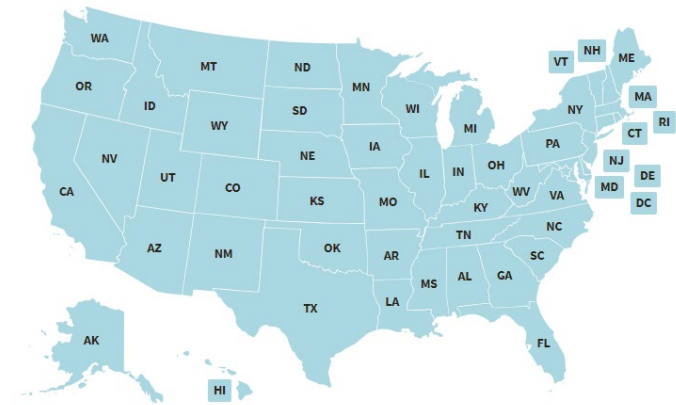
Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income (SSI)		Medicaid			Tenant-Based Vouchers	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				

Case Management Services

Trafficking Victims Assistance Program (TVAP)

Trafficking-specific, comprehensive case management services and some out-of-pocket expenses for foreign national minors who have experienced human trafficking. Once connected to a social services organization, a case manager assists the child with accessing a range of supportive services:

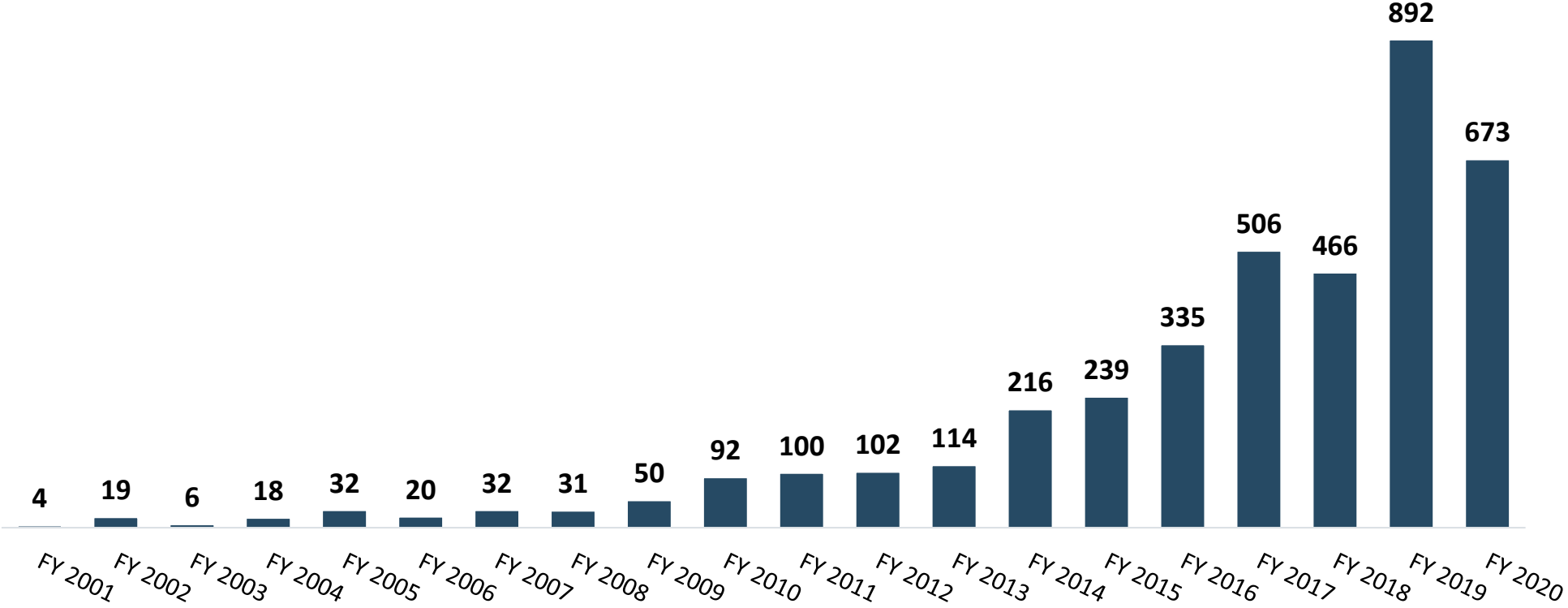
- Emergency needs
- Housing, rent, utilities
- Education
- Transportation
- Medical expenses
- Mental health counseling
- Food and clothing
- Personal care items
- Cell phone
- Legal rights
- Employment
- Life skills training
- Interpretation and translation
- Financial support



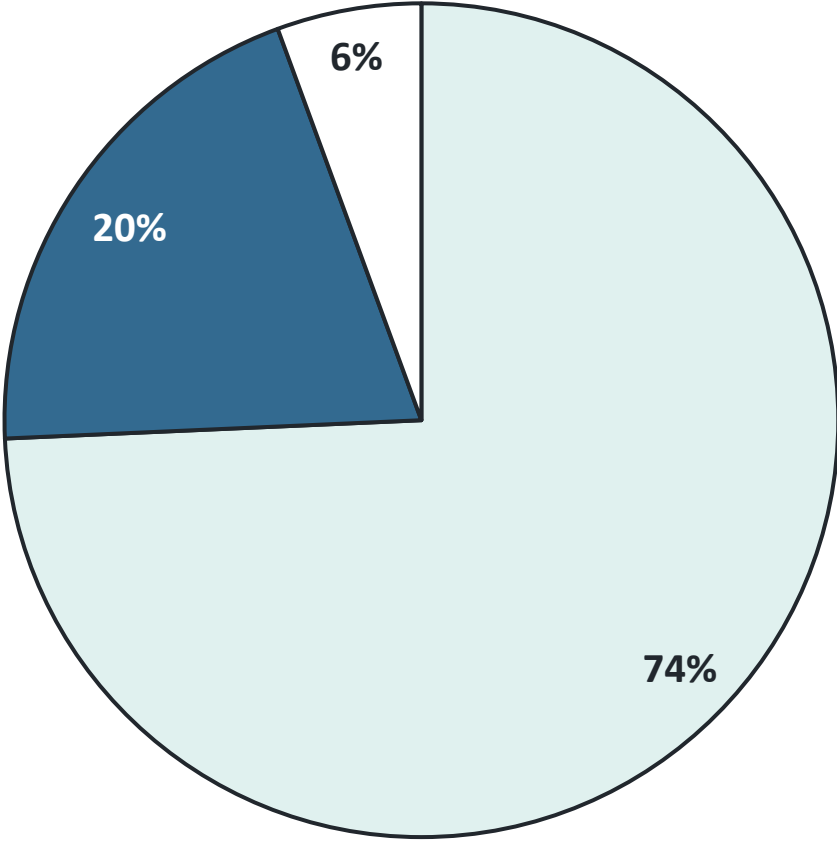
VI : Case Trends

RESPONDING TO FOREIGN NATIONAL MINOR VICTIMS OF TRAFFICKING

Eligibility Letters Issued FY 2001 to FY 2020

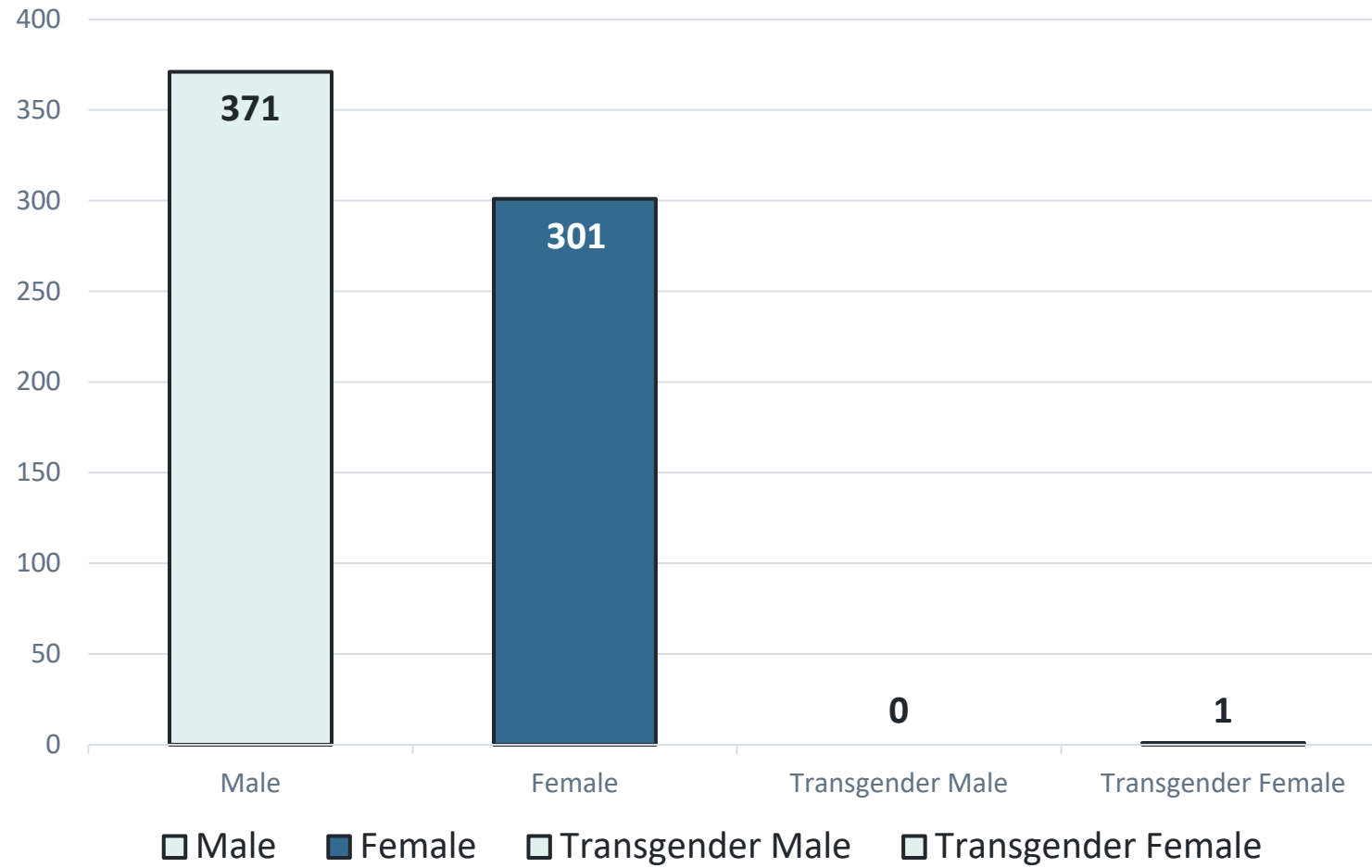


Type of Trafficking (FY20)



□ Labor ■ Sex □ Both

Gender (FY20)



Contact

Lauren Devine, Child Trafficking Prevention and Protection Coordinator

Child Eligibility Email: ChildTrafficking@acf.hhs.gov

Case Staffings Phone: 202-205-4582

Shepherd: <https://shepherd.otip.acf.hhs.gov/>

OTIP Website: acf.hhs.gov/otip

