

OVERVIEW OF THE HHS OFFICE ON TRAFFICKING IN PERSONS

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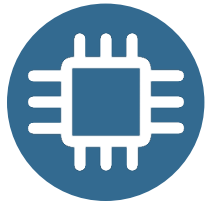
JULY 20, 2023





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 Minors

Definitions and Common Trends



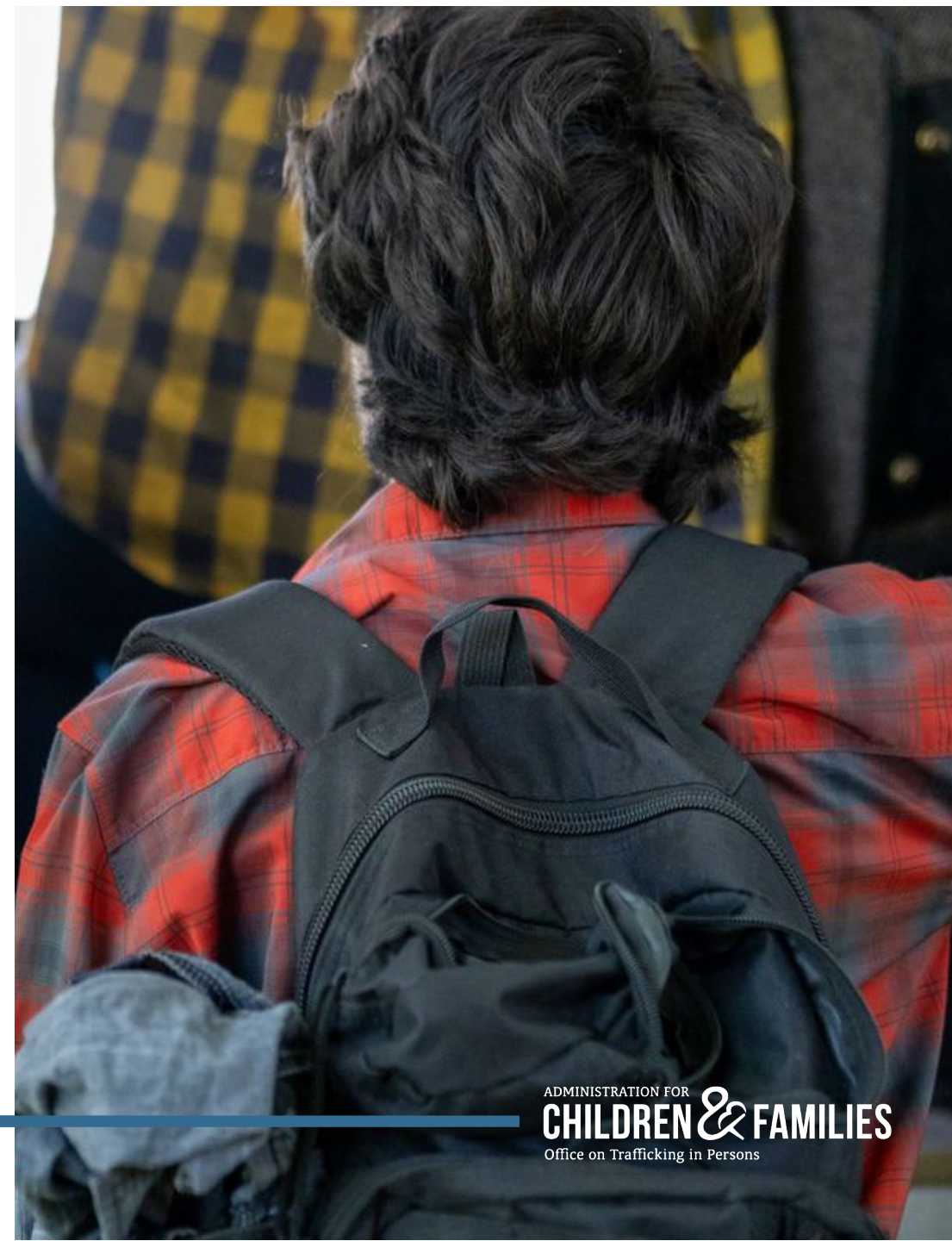
Child Eligibility





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

- Threatened to pay debt and expenses
- Threats or use of violence
- Demoralizing
- Held against will

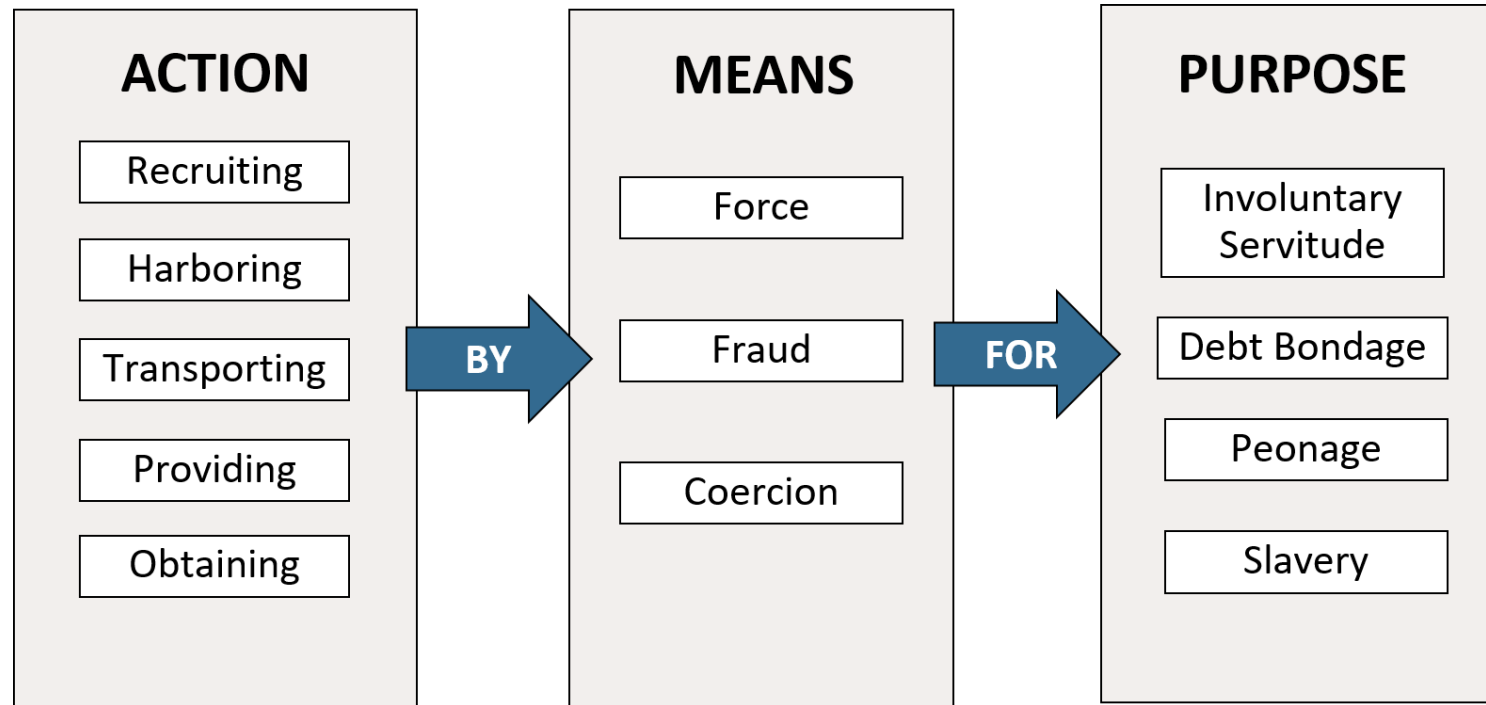
- Intimidation and control
- Sexual assault
- Use or threatened use of law
- Physical beatings

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.

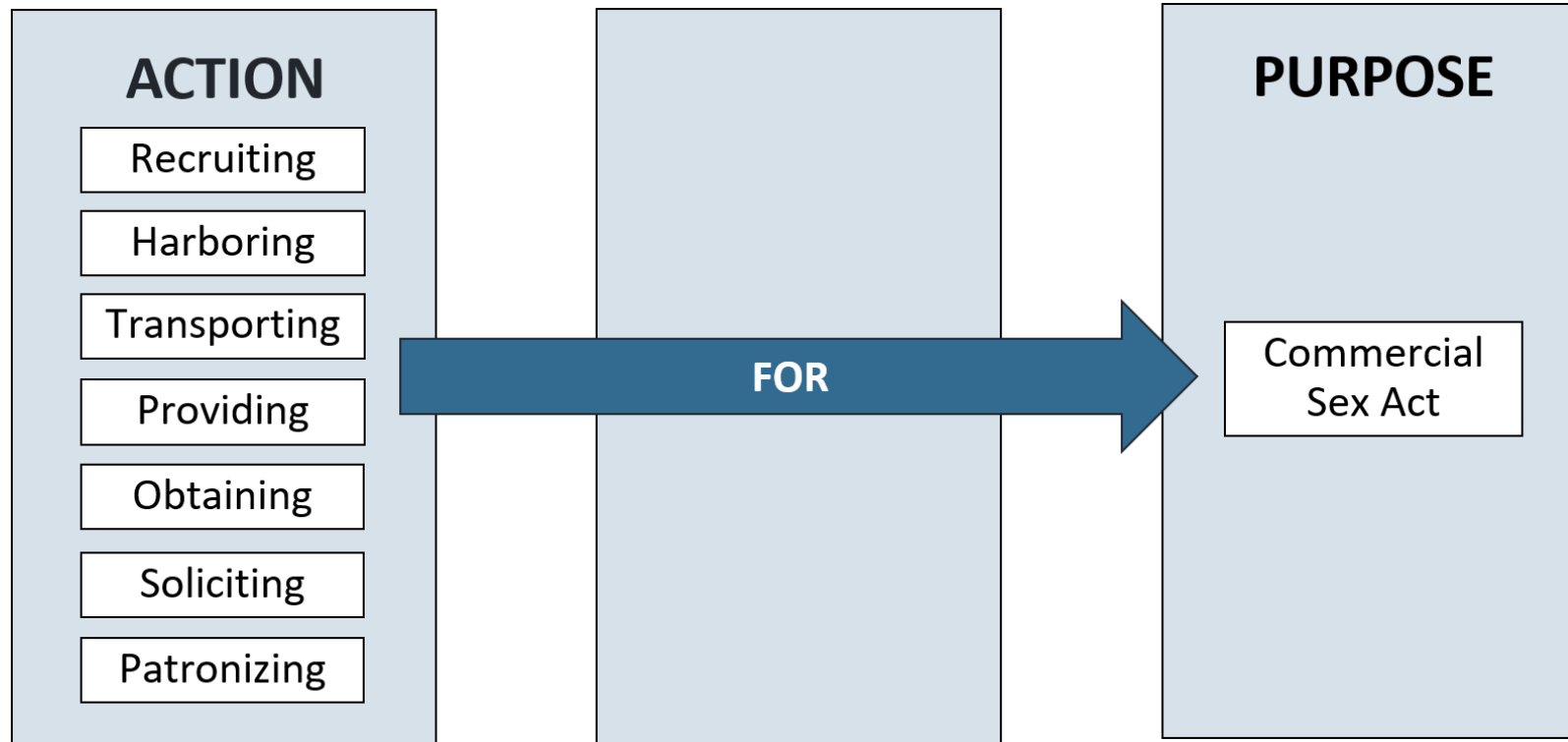


22 USC. § 7102 (11)



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

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



Means: Labor Trafficking

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

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



Purpose: Labor & Sex Trafficking

- **Involuntary Servitude**

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

- **Debt Bondage**

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

- **Peonage**

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

- **Slavery**

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

- **Commercial Sex Act**

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



Trends among 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.





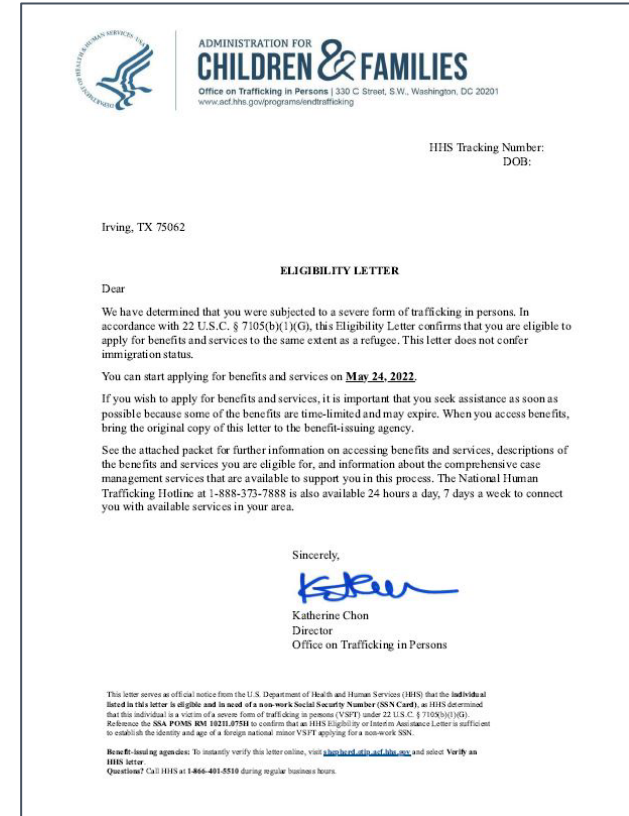
Child Eligibility Process

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

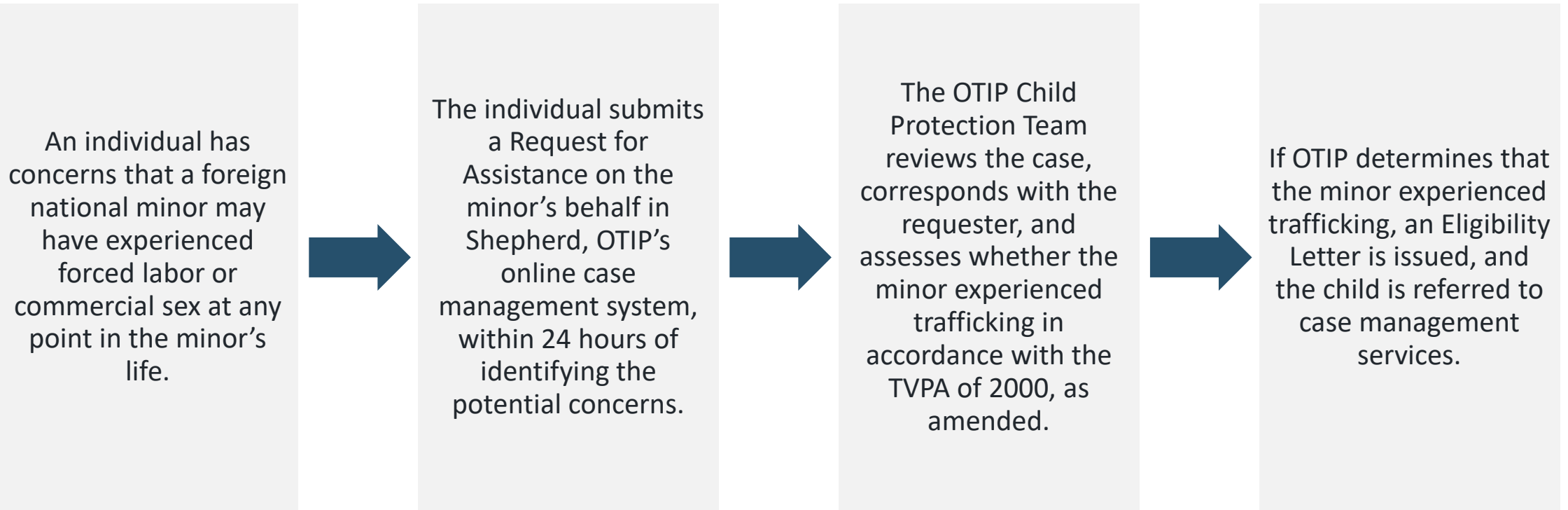
Federal, state, and local officials must refer all cases of potential trafficking among foreign national minors to OTIP for assessment within 24 hours. *(Trafficking Victims Protection Act of 2000, as amended)*

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.

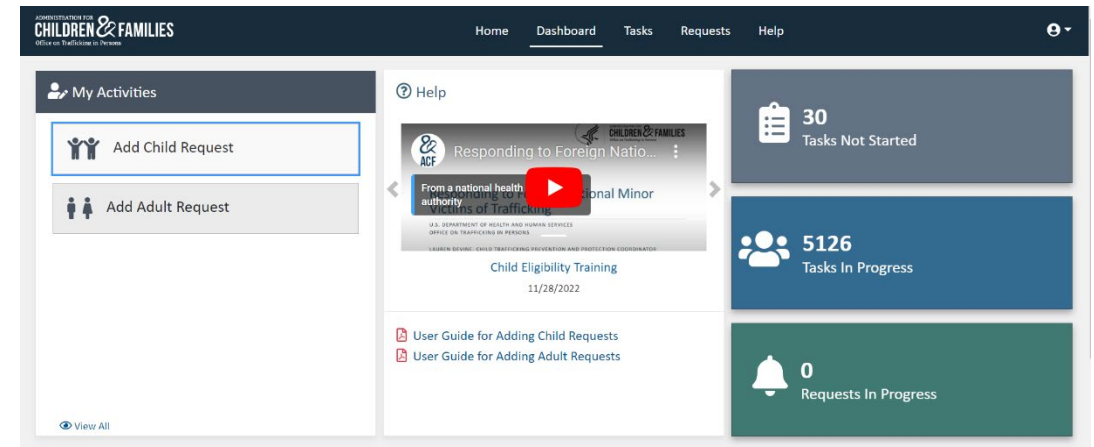
- **Denial**

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 or by phone at 202-205-4582.



Child Eligibility Benefits

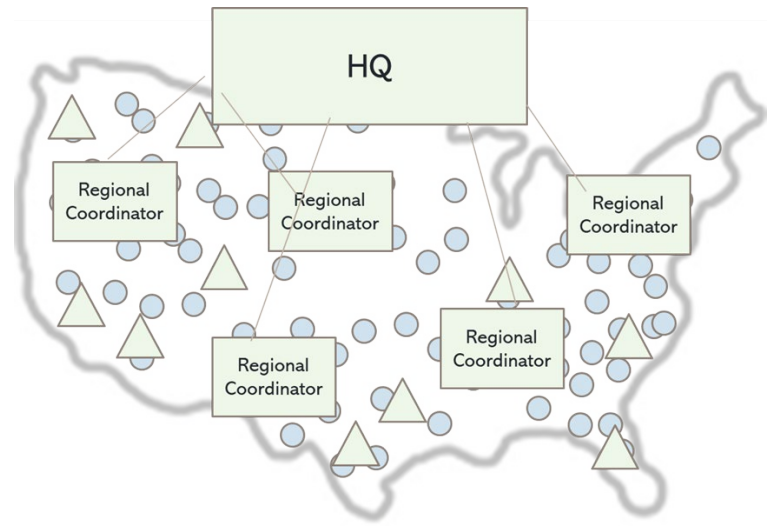
| Monetary Assistance | Nutrition | Medical Services | Education | Employment | Housing | Multiple Needs Assistance |
|---|---|---|--|------------|------------------------|--|
| Refugee Cash Assistance | Supplemental Nutritional Assistance Program | Children's Health Insurance Program | Title IV Federal 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 workers with troubleshooting access to benefits, 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. Refer to Aspire upon case closure when there are ongoing needs or if other concerns.

TVAP

Available for youth and adults 18+. PRS case managers can refer to TVAP upon case closure (when minor is aging out of services).

1-800-307-4712

Aspire@uscmail.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





Trends and Resources

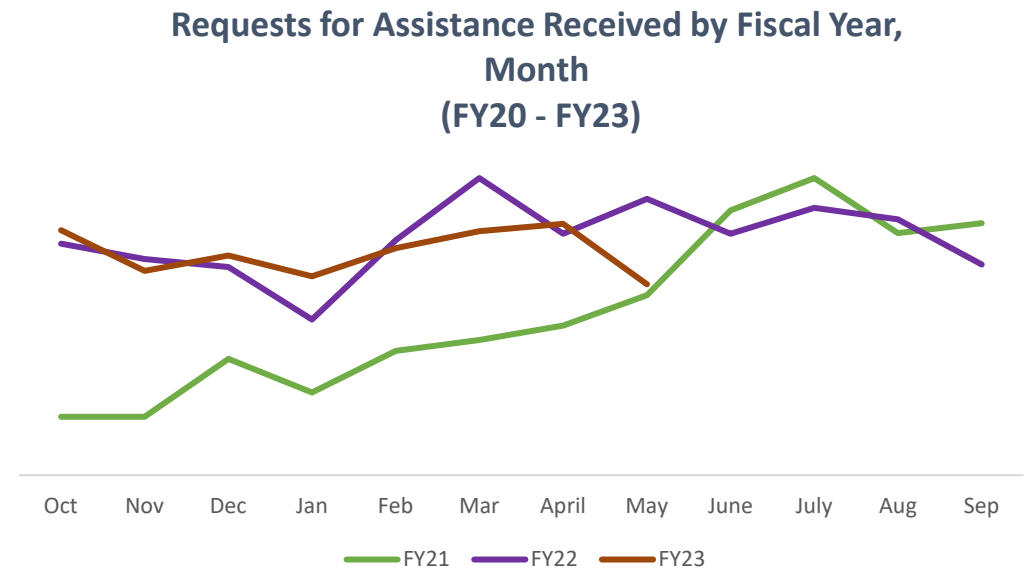
Data, Trends, and Resources



Requests for Assistance Received, FY16-FY23

| Requests for Assistance Received by Fiscal Year, Month (FY16 – Present) | | | | | | | | |
|---|------------|------------|-------------|-------------|------------|-------------|-------------|-------------|
| Month | FY16 | FY17 | FY18 | FY19 | FY20 | FY21 | FY22 | FY23 |
| October | 70 | 126 | 73 | 123 | 119 | 65 | 257 | 272 |
| November | 34 | 131 | 51 | 104 | 92 | 65 | 240 | 227 |
| December | 47 | 66 | 86 | 91 | 103 | 129 | 231 | 244 |
| January | 59 | 85 | 71 | 111 | 110 | 92 | 173 | 221 |
| February | 48 | 93 | 58 | 100 | 90 | 138 | 261 | 252 |
| March | 71 | 61 | 81 | 114 | 114 | 150 | 330 | 271 |
| April | 41 | 48 | 78 | 128 | 63 | 166 | 268 | 279 |
| May | 27 | 51 | 106 | 149 | 35 | 200 | 307 | 212 |
| June | 88 | 56 | 108 | 109 | 36 | 294 | 268 | |
| July | 82 | 80 | 116 | 132 | 39 | 330 | 297 | |
| August | 96 | 72 | 89 | 145 | 41 | 269 | 284 | |
| September | 142 | 70 | 91 | 112 | 65 | 280 | 234 | |
| Total RFAs | 805 | 939 | 1008 | 1418 | 907 | 2178 | 3150 | 1978 |

*FY23 YTD figure current as of 05/18/2023

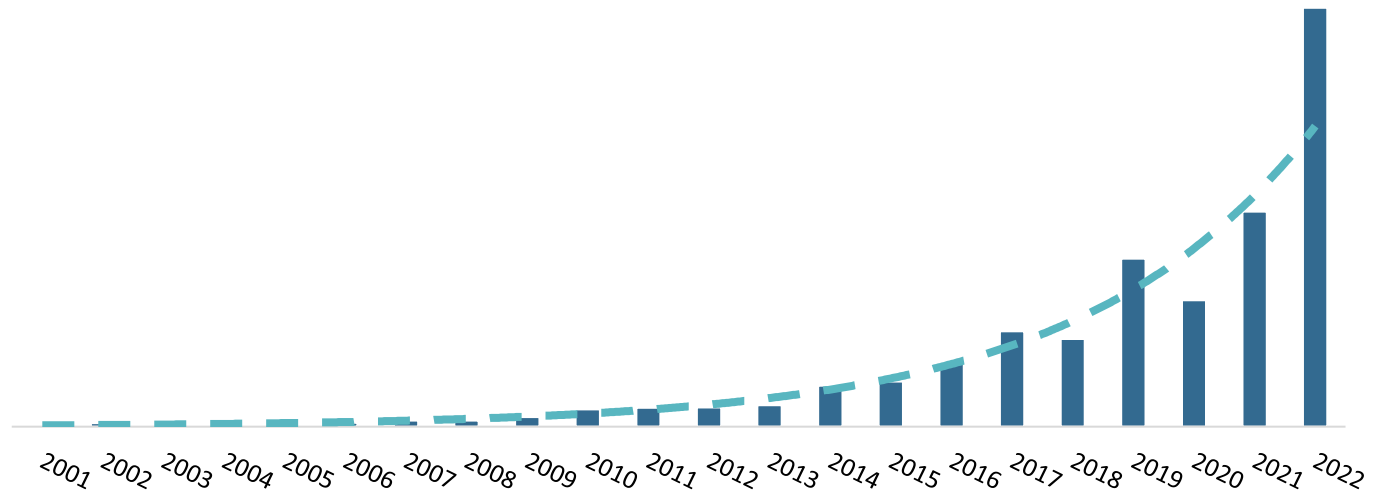


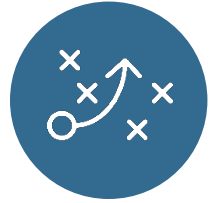


Eligibility Letters Issued, FY01-FY22

| 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 |
| Total | 7,315 |

Eligibility Letters Issued by Fiscal Year
(FY01 - FY22)





Child Eligibility Trends, FY22

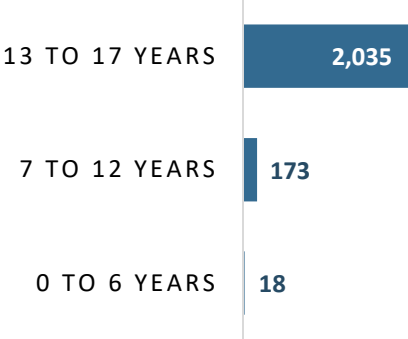
Eligibility Letters Issued

2,226

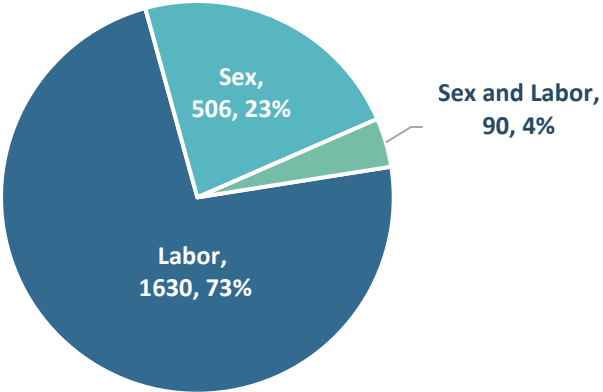
Top Ten Client Countries of Origin

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

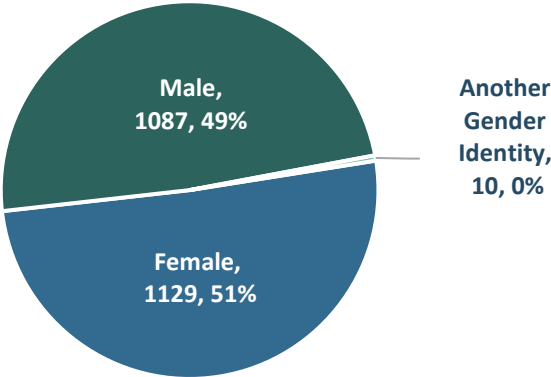
Client Age at Time of RFA Receipt



Type of Trafficking Experienced



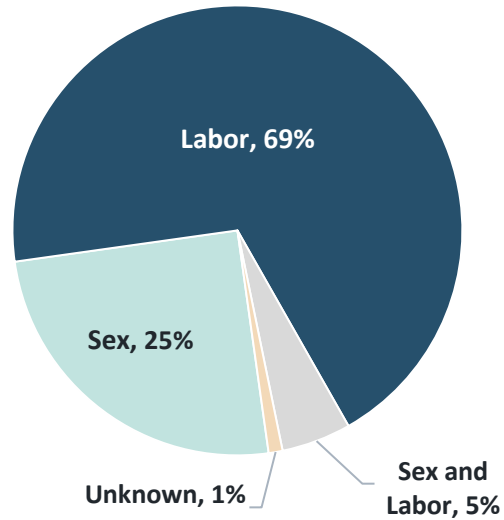
Client Gender Identity





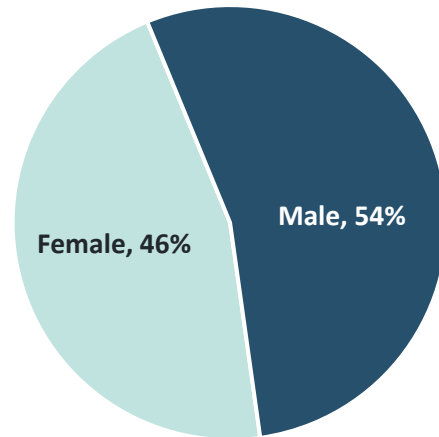
Eligibility Letter Recipient Demographics, FY01 – FY20

Type of Trafficking



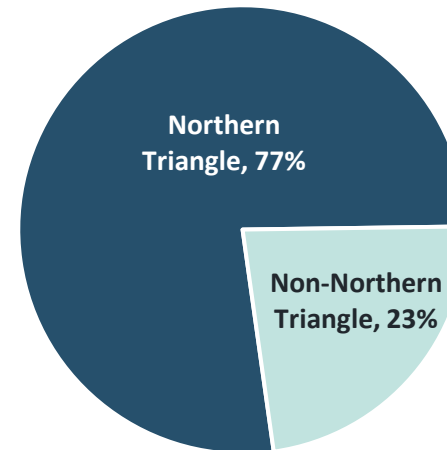
(N=3,947)

Gender



OTIP has issued eligibility letters to seven transgender youth since FY01.

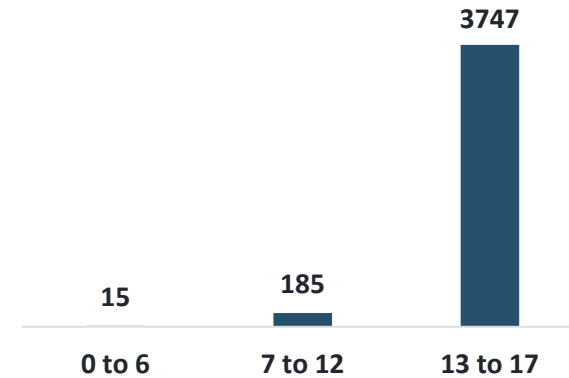
Country of Origin



Top Five Eligibility Letter Recipient Countries of Origin (N=3264)

1. Honduras (1,355)
2. Guatemala (1,139)
3. El Salvador (560)
4. Mexico (530)
5. China (40)

Age Range






Child Eligibility Resources

| | | |
|--|---|---|
| Training and Technical Assistance | Recorded Child Eligibility Webinar (45 minutes) | This webinar provides an overview of the child eligibility process, including screening and identification, reporting, benefits and services, and case trends. |
| | Overview of Child Eligibility Process (3-minute video) | This informational video provides a brief overview of the child eligibility process, including referring, benefits and services, and determination letters. |
| | Monthly Child Eligibility Webinar | These webinars occur the first Wednesday of every month from 2:00 -4:00 p.m. ET on Zoom. |
| | SOAR Training Module: Working With Foreign National Minors Who Have Experienced Trafficking | 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 | Shepherd | 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, ORR UC staff and volunteers can contact the OTIP Child Protection Team at by phone at 202-205-4582 or by email at ChildTrafficking@acf.hhs.gov . |
| Prevention, Public Awareness, and Benefits | Toolkits for Foreign National Minors who Have Experienced Trafficking | 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. |
| | Look Beneath the Surface Campaign | 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. |
| | Child Eligibility Benefits Handout | 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. |

Questions?

Contact:  202-205-4582

 ChildTrafficking@acf.hhs.gov

 acf.hhs.gov/otip