

What should I do if I think I have identified a child victim of trafficking?

Remember that your client is a victim of a crime even if she or he lacks legal status in the United States. She or he is eligible for services and has legal rights that must be protected. In addition to providing your services, there are other ways you can help your client:

- **Contact LIRS or USCCB** for assistance in obtaining benefits for your client. See the back panel of this brochure for contact information.
- **Call the Trafficking in Persons Information and Referral Hotline** (funded by the Department of Health and Human Services/Office of Refugee Resettlement)—**1-888-373-7888**—to help suspected victims to access services in your area.
- **Call the Trafficking in Persons and Worker Exploitation Task Force complaint line** (sponsored by the U.S. Departments of Justice and Labor)—**1-888-428-7581 (voice and TTY)**—to begin an investigation of a suspected case by federal law enforcement authorities.
- **Contact local child protection authorities in accordance with your state's mandatory reporting laws**, particularly if the child needs emergency care in a licensed foster home or facility.
- **Find a reputable attorney** to talk to your client about legal immigration issues and ensure that his or her rights are protected.

Where can I get more information or assistance with serving a trafficked child?

LIRS and USCCB staff can assist with guidance in navigating law enforcement referrals and eligibility for services. Contact one of the following for more information:

Program Coordinator
LIRS Trafficked Children Initiative
410-230-2758 trafficking@lirs.org

Children's Services Specialist
USCCB/MRS
202/541-3462 mrstvics@usccb.org



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Assistance for Trafficked Children

Information for Social Service Providers

¿Qué debo hacer si creo haber identificado a un niño que ha sido víctima de la trata de humanos?

Recuerde que su cliente es víctima de un crimen aún cuando él o ella no tenga estatus legal en los Estados Unidos. Ella o él es elegible para servicios y tiene derechos legales que deben ser protegidos. Además de proporcionarle sus servicios, existen otras maneras como puede ayudar a su cliente. Puede hacer lo siguiente:

- **Llamar a la línea de información y referidos para víctimas de la trata de humanos** (financiado por el Departamento de Salud y Servicios Humanos/Oficina de Reasentamiento de Refugiados)—1-888-373-7888—para ayudar a supuestas víctimas a acceder a servicios en el área.
- **Llamar a la línea de quejas para víctimas de la trata de humanos y la fuerza contra la explotación del trabajador** (patrocinado por el Departamento de Justicia y Trabajo de los Estados Unidos) 1-888-428-7581 (voz y TTY) para empezar a investigar un supuesto caso por medio de autoridades federales.
- **Comunicarse con las autoridades locales de protección al menor de acuerdo con las leyes obligatorias de su estado**, particularmente si el niño necesita cuidados de emergencia y un hogar temporal o institución que ofrezca albergue.
- **Encontrar a un abogado con buena reputación** para hablarle a su cliente acerca de los problemas legales de inmigración y asegurar que sus derechos estén protegidos.

¿Dónde puedo conseguir más información o ayuda para servir a un niño víctima de la trata de humanos?

Trabajadores de LIRS y USCCB pueden ayudarlo guiándolo a referir casos a las autoridades judiciales y buscando la elegibilidad para los distintos servicios. Comuníquese con una de las siguientes personas para obtener más información:

Coordinadora
LIRS Trafficked Children Initiative
(Iniciativa para niños víctimas de la trata de humanos)
410/230-2758 trafficking@lirs.org

Especialista de servicios para niños
USCCB/MRS
202/541-3462 mrstvics@usccb.org



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**United States Conference of Catholic Bishops
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Asistencia
para niños
víctimas
de la trata
de humanos

Información
para proveedores
de servicios sociales

¿Qué es la trata de humanos?

En el año 2000 el congreso aprobó el Acta de Protección para víctimas de la trata de humanos, la cual proporciona una solución inmigratoria y servicios sociales a víctimas de trata elegibles. El congreso define la trata de personas como...

- La explotación sexual que trafica a las víctimas para someterlas al comercio sexual forzado, por medio de fraude o coacción, o en el cual la persona llevada a cometer el acto es menor de 18 años de edad; o
- El reclutamiento, albergue, transporte, provisión, u obtención por cualquier medio de una persona para trabajar o dar un servicio, por medio de la fuerza, fraude, o coacción con el propósito de obligar a la servidumbre, peonaje, trabajo por deudas o esclavitud.

Cualquier niño menor de 18 años que es llevado a cometer un acto sexual comercial es una víctima de la trata de personas, como menor no puede dar su consentimiento para cometer dichos actos.

¿Los niños son traídos como víctimas de trata a los Estados Unidos?

En ciudades dentro de los Estados Unidos, mujeres, hombres, y niños están expuestos a la prostitución forzada, el servicio doméstico, la servidumbre por deudas, o el trabajo por un pago mínimo o ningún pago del todo. El gobierno de los Estados Unidos estima que 17,500 personas son traídas al país cada año con estos propósitos. Estas personas pueden venir de casi cualquier región en el mundo.

¿Cómo reconoceré a una víctima de la trata de humanos?

Si piensa que un niño que conoce es víctima de trata, considere que él o ella...

- Podría venir de otro país fuera de los Estados Unidos
- Deberá ser víctima de uno de los actos identificados por el congreso. (a la izquierda)

Adicionalmente, un niño víctima...

- Podría no tener ningún documento de identidad o inmigración debido a que pudieran haber sido confiscados por los tratantes
- Podría haber pensado que venía a los Estados Unidos a reunirse con su familia, a trabajar en un trabajo legítimo o a estudiar en una escuela o institución
- Podría deber una suma de dinero considerable al tratante de humanos
- Podría haber sido intimidado psicológicamente o amenazado de maltrato contra su persona o contra miembros de su familia
- Podría haber sido referido a usted por otra agencia de servicios sociales, un proveedor de salud o una agencia judicial pero no haber sido identificado por la agencia que lo refirió como una víctima de trata
- Podría haber sido abusado sexualmente y estar traumatizado
- Podría haber sido traído como víctima de trata por sus propios familiares o amigos de sus familiares
- Podría tener familiares que también estén esclavizados en su país de origen
- Podría tener miedo por su seguridad y la seguridad de los miembros de su familia

¿Qué ayuda hay disponible para niños víctimas de la trata de humanos?

Niños víctimas de la trata de humanos pueden ser elegibles para ayuda especializada de servicios financiados por el gobierno federal. Lutheran Immigration and Refugee Service (LIRS) y el United States Conference of Catholic Bishops (USCCB) son agencias voluntarias sin fines de lucro que trabajan con la Oficina de Reasentamiento de Refugiados para ubicar a niños víctimas de trata elegibles en familias temporales culturalmente apropiadas, cuidados de grupos pequeños, o vivienda independiente, apropiada a las necesidades de desarrollo de la juventud.

Estos programas especializados son conocidos a nivel nacional como **Unaccompanied Refugee Minor (URM) Programs, (Programa de Menores Refugiados que llegan a los Estados Unidos solos sin padres ni tutores legales)**, y se encuentran en distintas ciudades en los Estados Unidos. Los programas URM proveen numerosos servicios como...

- Cuidado en una familia o ambiente de grupo
- Servicios de salud mental
- Educación
- Cuidados médicos
- Servicios intensivos de trabajadores sociales
- Representación legal de problemas de inmigración
- Reunificación familiar, si es apropiado
- Orientación cultural
- Tutoría y guía de empleos
- Entrenamiento de destrezas para vivir independientemente

Una agencia judicial debe enviar un referido a la Oficina de Reasentamiento de Refugiados (ORR) para que un niño víctima de trata pueda ingresar a un programa URM.

What is trafficking?

In 2000 Congress passed the **Trafficking Victims Protection Act**, which provides immigration relief and social services to eligible victims of trafficking. Congress defines trafficking as...

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person 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.

Any child under the age of 18 who is induced to perform a commercial sex act is a victim of trafficking, as a minor cannot consent to such acts.

Are children trafficked to the United States?

In cities throughout the United States, women, men, and children are subjected to forced prostitution, domestic servitude, debt bondage, or labor for little or no pay. The U.S. government estimates that as many as 17,500 persons are trafficked into the country each year for these purposes. They may come from almost any region in the world.

How will I recognize a victim of trafficking?

If you wonder whether a child you know is a victim of trafficking, consider that he or she...

- may be from outside the United States
- must be a victim of one of the acts identified by Congress (at left).

In addition, a child victim...

- may not have any immigration or identification documents because these may have been confiscated by the traffickers
- may have believed he or she was coming to the United States to be united with family, to work in a legitimate job or to attend school
- may owe a significant debt to a trafficker
- may have been subject to psychological intimidation or threats of physical harm to herself or her family members
- may have been referred to you by another social service agency, a healthcare provider or a law enforcement agency but may not have been identified by the referring agency as a victim of trafficking
- may have been sexually abused and traumatized
- may have been trafficked by family members or family friends
- may have family members that are also enslaved in their home country
- may have legitimate fears for the safety of herself and family members

What help is available for child victims of trafficking?

Child victims of trafficking may be eligible for federally funded, specialized services. Lutheran Immigration and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB) are nonprofit voluntary agencies that work with the Office of Refugee Resettlement to place eligible child trafficking victims in culturally appropriate family foster care, small group care, or independent living, appropriate to the youth's developmental needs.

These specialized programs are known nationally as the **Unaccompanied Refugee Minor (URM) Programs**, and are located in cities across the United States. The URM Programs provide comprehensive services, such as...

- care within a family or group environment
- mental health services
- education
- medical care
- intensive case management services
- legal representation for immigration needs
- family reunification, if appropriate
- cultural orientation
- tutoring and career guidance
- independent living skills training

A law enforcement officer or other concerned party must send a referral to the Office of Refugee Resettlement (ORR) in order for a trafficked child to enter a URM program.

Frequently Asked Questions About Services to Trafficked Children

What is trafficking?

The federal Trafficking Victims Protection Act of 2000 defines severe forms of trafficking in persons as...

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person 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.

Is immigration relief available for child victims of trafficking?

If the victim was born outside the United States and does not have immigration status, she or he may be eligible for a number of different forms of relief from removal. Once identified as a victim of trafficking by law enforcement, she or he may be granted continued presence, a temporary legal status, by the Department of Homeland Security. She or he might be eligible for the T visa, which allows victims of severe forms of trafficking to remain in the United States if they can demonstrate that they would suffer extreme hardship upon removal. Children do not have to cooperate with the prosecution in order to be granted a T visa. Recipients of T visas are eligible for work authorization and may adjust their status to lawful permanent resident after three years. An immigration attorney may also explore other forms of immigration relief that may be appropriate for a child victim of trafficking, including the U-visa, Special Immigrant Juvenile Status, political asylum or a self-petition under the Violence Against Women Act (VAWA).

How are child victims referred for services?

When a federal law enforcement agency determines that a child is a victim of trafficking, this agency can make a referral to the Department of Health and Human Services/Office of Refugee Resettlement (ORR). ORR will then issue a determination of eligibility for benefits, which means a child is eligible for benefits and services to the same extent as a refugee. However, children do not have to cooperate with law enforcement in order to access benefits. ORR will also consider requests for benefits from people other than federal law enforcement. Staff at Lutheran Immigration and Refugee Service (LIRS) and the United States Conference of Catholic Bishops (USCCB) are willing to assist service providers with guidance in navigating referrals and eligibility for services. For assistance, contact LIRS (410/230-2758 or trafficking@lirs.org) or USCCB/MRS (202/541-3462 or mrstvics@usccb.org).

Once ORR receives a request for benefits, they are typically able to issue a letter of eligibility within 48 hours. For unaccompanied children, ORR also contacts LIRS or USCCB to provide specialized services to the child.

Unfortunately, in the time before federal law enforcement refers the child to ORR, there are no specialized services funded specifically for child trafficking victims. However, there is a Trafficking in Persons Information and Referral Hotline (1-888-373-7888) funded by ORR that can direct service providers and victims to services available in the area where the victim is located. Calling this hotline does not initiate an investigation. The U.S. Departments of Justice and Labor sponsor the Trafficking in Persons and Worker Exploitation Task Force complaint line—1-888-428-7581 voice and TTY—which can be called to begin an investigation of a suspected case by federal law enforcement authorities.

What if a child needs immediate attention?

If the child needs immediate shelter or other emergency assistance, it may be necessary to contact the local child protective services agency or assist the child to find an emergency youth shelter for immediate housing and services.

If there are emergency medical issues, a person can not be denied emergency room care or other life saving services due to immigration status. If a trafficked child needs immediate medical attention, you should not hesitate to seek medical attention.

You can also contact the Trafficking in Persons Information and Referral Hotline—1-888-373-7888—for assistance with urgent situations.

What services are provided to unaccompanied child victims of trafficking?

LIRS and USCCB are responsible for coordinating with local specialized foster care programs to place unaccompanied trafficked children in culturally appropriate foster homes, group homes, or independent living arrangements, appropriate to the youth's developmental needs. These programs were established to serve unaccompanied refugee minors and are funded by the Office of Refugee Resettlement (ORR). These foster care programs, therefore, are referred to as the Unaccompanied Refugee Minor programs (URM). Through the URM programs, these children will receive intensive case management, education, health care, mental health counseling, legal assistance, independent living skills training, and many other services. They are eligible to remain in foster care until they turn 20 or 21 years old, depending on the foster care rules of the state.

In order for a trafficked child to enter a URM program, ORR must issue a letter of eligibility to the unaccompanied child. For assistance with referrals and service eligibility, contact LIRS (410/230-2758 or trafficking@lirs.org) or USCCB/MRS (202/541-3462 or mrstvics@usccb.org).

Where are these Foster Care Programs located?

LIRS is headquartered in Baltimore and USCCB in Washington, D.C. These agencies work with 16 local service providers in 18 cities across the United States. Once ORR determines that an unaccompanied child is eligible for these services, he or she can be placed in one of these programs, regardless of where in the United States the child is identified.

How do LIRS and USCCB decide where to place a child?

Decisions take into account any special needs of the child, security concerns, availability of space in the local program, and requests from law enforcement or prosecution involved in the trafficking case. In most cases, a social worker will contact the child (if she or he is available) to discuss placement and answer any questions the child may have.

How will the child receive medical care?

Children placed in specialized foster care are eligible for medical care funded by Medicaid. The program staff or the child's foster parents will be responsible for finding a health care provider for the child.

Who will have legal custody of the child?

In most cases, the local URM program will petition the court to declare that the child is dependent based on abuse, neglect or abandonment and ask the court to appoint the agency as the custodian of the child. In some states, it is the county or the state where the foster program is located that petitions the court for custody of the child. The agency or county or state will have the authority to seek medical treatment and other services for the child.

Will the child's parents lose their parental rights?

This is very unlikely. The agency awarded custody of a child trafficking victim must make a case plan that complies with local child welfare laws. These laws require that the agency make a permanency plan that considers the following options: family reunification, long-term foster care or guardianship and adoption. However, the termination of parental rights is a lengthy process usually requiring the biological parents to be present to answer allegations and mount a legal defense. Therefore it is unlikely that this will occur. For a teenager, unless family reunification is successful, long-term foster care is the most likely long-term plan.

Can a child be reunited with family?

The URM programs are required by law to consider family reunification. If a child has parents or relatives in the United States, home studies will usually be conducted with the family in accordance with the state's laws and procedures to ensure that it is in the best interest of the child to be reunited with her or his relatives. If the child's family is in a different country, the URM program or LIRS or USCCB, as appropriate, will work with the local family court having jurisdiction over the child to arrange a home study by an agency in that country to ensure that it is safe for the child to return. However, repatriation is a complex process and LIRS and USCCB have developed issues for consideration to ensure any repatriations are done safely. LIRS and USCCB will work with law enforcement to the greatest extent possible to ensure that reunification in the United States or abroad is safe for the child.

Will the child have legal representation?

The child's social worker will arrange for a pro bono attorney to help with the child's immigration case. She or he will also have a court appointed attorney or guardian ad litem to represent her or him in dependency proceedings.

However, when a child is first identified, before entry into care, she or he may need help from a reputable attorney with experience in immigration law to help ensure the youth's rights are protected.

Is it advantageous for the child trafficking victim to be placed with local Child Protective Services?

Most social service providers are required to report any suspicion of child abuse and neglect. Federal law enforcement involvement notwithstanding, it would be incumbent on social workers to report to local child protection authorities whenever they come into contact with a child they suspect to be abused or neglected.

There are pros and cons for the child to enter the local child welfare system. Child Protective Services (CPS) is usually able to place a child on short notice in a licensed foster home. In the period immediately after a child has been identified until she or he is referred by federal law enforcement to ORR, this may be the best and only option for shelter for a trafficked child.

However, in the long term, there will be no guarantee that the child will be granted special attention to cultural and linguistic needs or the intensive and specialized services provided by a URM program. Moreover, the CPS system may not be equipped to deal with the complexities of a trafficking case, including security and immigration issues. A child placed by CPS will be in dependency proceedings in juvenile court. If the child is eventually referred to LIRS or USCCB, they will work with the CPS agency on the possibility of transfer into one of the URM programs, including navigating the possibly lengthy process of moving a child from one state to another.

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Guidance for Identifying a Child Victim of Trafficking

Human trafficking is modern-day slavery. Every day, men, women and children are trafficked into the United States for forced labor in homes, farms, commercial sex, sweatshops and other work. Traffickers prey on the emotional and physical vulnerability of children, who are brutally held captive while they receive little or no pay for their labor. Human trafficking is punishable as a serious crime under U.S. law. The *Trafficking Victims Protection Act of 2000* (TVPA) defines “severe forms of trafficking in persons” as

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; **or**
- the recruitment, harboring, transportation, provision, or obtaining of a person 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.

Children will rarely identify themselves as victims of trafficking. Therefore, it is crucial that those agencies and service providers most likely to encounter a child victim have a heightened sense of awareness of trafficking. If a child presents any indication that he or she may have been trafficked, providers should pursue further screening. We strongly recommend that you collaborate with a licensed clinician, psychologist or other professional with relevant child welfare experience to conduct such interviews. Children should be approached in a manner that takes into consideration their age, development, culture, language and what is known about the nature of their experience.

The questions in the chart on the next page offer guidance for interviewers to consider with children who may be victims of trafficking. They do not purport to be a conclusive list. Child victims of trafficking may instinctively not establish trust easily due to their experiences, and may even have been coached by their trafficker to answer questions in a certain way. The questions and explanations are intended to assist service providers in creating a framework to consider whether or not a child they serve could be a victim of trafficking.

While each child’s case is unique, here are some signs that may indicate the need for further screening:

- evidence of abuse (physical, mental or sexual)
- employer is holding identity and/or travel documents
- working unusually long hours
- unpaid or paid very little
- not in school or significant gaps in schooling in the United States
- living at workplace or with employer
- living with multiple people in a cramped space
- heightened sense of general fear (for self and family), unusual distrust of law enforcement
- inability to speak to child alone
- engaged in prostitution or induced to perform a commercial sex act

It does not matter how children entered the United States, whether they initially consented to being brought here for a job or school, or whether their current employment activity is illegal (such as prostitution). If at any time a child was deceived or coerced into forced labor or is being held against his or her will in some sort or debt bondage or peonage, she or he is a victim of trafficking.

	QUESTIONS TO ASK	EVIDENCE TO LISTEN FOR
RECRUITMENT/ MIGRATION	<p>Why did you come to the United States? Who arranged your travel? How did you get here? Do you owe money for your trip? What did you expect when you came? What did you end up doing? Were you scared?</p>	<p>Many child trafficking victims are smuggled into the United States or come on valid visas with the promise of being united with family, going to school or getting a legitimate job. Once here, they may be forced into exploitative work or forced to work off a travel "debt." Children may also be kidnapped or sold. Many trafficking victims are recruited by acquaintances or people of their own ethnic group, while some are trafficked by family members or friends. Traffickers use the emotional vulnerability of children to recruit and retain them. Their expectations of what they are going to do are often vague and they are surprised to find that they owe exorbitant debts for their travel, lodging, food, etc. Some children may come through fraudulent mail-order bride or matchmaking schemes.</p>
ID	<p>Do you have any papers? Who has them?</p>	<p><i>Immigration and identity documents such as passports, birth certificates or school IDs, have frequently been seized by victims' traffickers or employers. The original documents may have been legitimate or fraudulently provided by the traffickers.</i></p>
WORKING CONDITIONS	<p>Are you in school? Are you working? What kind of work do you do? Are you paid? Do you owe money to your boss or someone else? Can you leave your job if you want?</p>	<p>Most child victims of trafficking are not allowed to go to school while in the trafficking situation. Children may have been promised they could go to school and/or get a job with good pay but found instead that they must first work to pay off their travel debt. While doing so, they may be charged exorbitant fees for rent, food, and clothes leading them into a cycle of debt to their employer. Note how many hours a day or week the child works, how she or he is compensated, and if earnings go directly to the employer.</p> <p>REMEMBER: Any child under the age of 18 who is induced to perform a <i>commercial sex act</i> is a victim of a severe form of trafficking, as a minor cannot consent.</p>
LIVING ENVIRONMENT	<p>Where do you live? Who else lives there? Where do you sleep? Are you scared to leave?</p>	<p>Although many people receive unjustly low wages, victims of trafficking have their freedom restricted as well. They may be forced to live in the same place they work. They may not be allowed to leave the premises, and are sometimes guarded or their doors are locked. Traffickers may threaten their victims with deportation or arrest if they try to escape.</p>
COERCION	<p>Has anybody ever threatened you to keep you from running away? Has anybody ever hurt you to make you stay? Has your family been threatened?</p>	<p>In addition to physical harm, children may also have been subject to psychological intimidation or coercion through threats to themselves or their family members if they tries to escape. Victims of trafficking may also be frightened into staying with the trafficker due to their immigration status and lack of documents (if their trafficker has taken them).</p>

If you believe you have encountered a possible victim of trafficking, call the Trafficking Information and Referral Hotline: 1-888-373-7888

Child victims of trafficking may be eligible for federally funded, specialized services. Lutheran Immigration and Refugee Service (LIRS) and the U.S. Conference of Catholic Bishops (USCCB) are nonprofit voluntary agencies that work with the Office of Refugee Resettlement to place eligible child trafficking victims in culturally appropriate family foster care, small group care or independent living, suitable for their developmental needs. LIRS and USCCB also work to train providers to meet the special needs of trafficked children, and conduct outreach and education efforts regarding this gross violation of human rights. Please note: child victims of trafficking do not need to be working with law enforcement in order to be eligible for federal benefits.

For more information about child victims of trafficking and services available to them, contact

Program Coordinator
LIRS Trafficked Children Initiative
410/230-2758, trafficking@lirs.org
www.lirs.org/What/children/TCI.htm

Children's Services Specialist
USCCB/MRS
202/541-3462, mrstvics@usccb.org
www.usccb.org/mrs/traffickingweb.htm

Guía para identificar a un niño víctima de la trata de humanos

La trata de humanos es la esclavitud moderna. Cada día, hombres, mujeres y niños son traficados a los Estados Unidos para trabajar forzosamente en casas, granjas, sexo comercial, fábricas y otros tipos de trabajo. Los tratantes se aprovechan de la vulnerabilidad emocional y física de los niños, quienes están brutalmente cautivos mientras reciben una remuneración mínima por su trabajo o hasta ninguna remuneración del todo. La trata de humanos es castigada como un crimen serio bajo la ley de los Estados Unidos. *El Acta de Protección para Víctimas de la Trata de Humanos del 2000* (TVPA) define “formas severas de la trata de humanos” como

- La explotación sexual que trafica a las víctimas para someterlas al comercio sexual forzado, por medio de fraude o coacción, o en el cual la persona llevada a cometer el acto es menor de 18 años de edad; o
- El reclutamiento, albergue, transporte, provisión, u obtención por cualquier medio de una persona para trabajar o dar un servicio, por medio de la fuerza, fraude, o coacción con el propósito de obligar a la servidumbre, peonaje, trabajo por deudas o esclavitud

Los niños raramente se identificarán a sí mismos como víctimas de la trata de humanos. Por lo tanto, es crucial que agencias y proveedores sociales con mayor tendencia a encontrar un niño víctima, desarrollen un sentido de alerta a la trata de humanos. Si un niño presenta cualquier indicación de haber sido traficado, los proveedores deberán investigar más a fondo la situación. Recomendamos seriamente que colaboren con clínicas registradas, psicólogos u otros profesionales con experiencia relevante en ayuda para niños para así poder llevar a cabo las entrevistas. Los niños deben ser tratados tomando en consideración su edad, desarrollo, cultura, idioma y lo que se sabe acerca de la naturaleza de su experiencia.

Las preguntas en el cuadro de la próxima página ofrecen una guía para entrevistas con niños que pudieran ser considerados víctimas de la trata de humanos. No representan una lista de apoyo definitiva. Los niños víctimas de la trata pudieran instintivamente no establecer confianza fácilmente debido a sus experiencias, o pudieran estar entrenados por sus tratantes para contestar de cierta manera las preguntas. Las preguntas y explicaciones intentan ayudar a los proveedores de servicios a crear un marco de trabajo para poder considerar si el niño que ellos están ayudando es una víctima de la trata de humanos.

A pesar que cada caso de un menor es único, hay algunas señales que pudieran indicar la necesidad de entrevistar más a fondo el caso:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Evidencia de abuso (físico, mental o sexual) • El empleador tiene sus documentos de identidad y/o documentos para viajar • Trabaja largas horas de trabajo • No le pagan o le pagan muy poco • No va a la escuela o falta periodos largos de tiempo a la escuela en los Estados Unidos • No se puede hablar con el niño a solas | <ul style="list-style-type: none"> • Vive en su lugar de trabajo o con su empleador • Vive con muchas personas en un espacio reducido • Tiene un sentido general de temor (hacia su persona o familia), inusual falta de confianza con las autoridades de la ley • Está involucrado en la prostitución o es llevado un acto de sexo comercial |
|--|---|

No importa como ingresó el niño a los Estados Unidos, si inicialmente aceptó que lo traigan aquí para trabajar o estudiar, o si su trabajo actual es ilegal (como la prostitución). Si en cualquier momento el niño fue forzado a trabajar o se encuentra cautivo en un lugar sin querer permanecer ahí por motivo de una deuda o peonaje, ella o él es una víctima de la trata de humanos.

Reclutamiento/ Migración	<p>¿Por qué viniste a los Estados Unidos? ¿Quién arregló tu viaje? ¿Cómo llegaste aquí? ¿Debes dinero por tu viaje? ¿Qué esperabas cuando llegaste? ¿Qué terminaste haciendo? ¿Tenías miedo?</p>	<p>Unidos o vienen con visas válidas con la promesa de reunirse con su familia, ir a la escuela o encontrar un trabajo legítimo. Una vez aquí, pueden forzarlos a trabajos y ser explotados o forzados a trabajar para pagar la "deuda" del viaje. Los menores también pueden ser secuestrados o vendidos. Muchas víctimas de la trata de humanos son reclutados por conocidos o gente de su propio grupo étnico, mientras que algunos son traficados por familiares o amigos. Los tratantes utilizan la vulnerabilidad emocional del niño para reclutarlo y retenerlo. Sus expectativas de lo que van a hacer son por lo general poco claras y se sorprenden cuando descubren que deben una exorbitante suma de dinero por su viaje, hospedaje, comida, etc. Algunos niños podrían venir a través de un fraudulento envío de alguna agencia de parejas o matrimonios arreglados por correo.</p>
Identificación	<p>¿Tienes papeles? ¿Quién los tiene?</p>	<p><i>Documentos de inmigración e identificación como pasaportes, partidas de nacimiento o tarjetas estudiantiles de identidad, han sido frecuentemente confiscados por los tratantes o empleadores. Los documentos originales podrían haber sido proporcionados de manera legítima o fraudulentamente por los tratantes.</i></p>
Condiciones de trabajo	<p>¿Estás asistiendo a la escuela? ¿Estás trabajando? ¿Qué tipo de trabajo realizas? ¿Te pagan? ¿Debes dinero a tu jefe o alguien más? ¿Podrías dejar tu trabajo si lo quisieras?</p>	<p>A casi todas las víctimas de la trata de humanos no les permiten ir a la escuela mientras se encuentran en esas circunstancias. Se les puede haber prometido a los menores que podrían ir a la escuela y/o tener un trabajo bien remunerado pero descubren que primero deberán trabajar para pagar la deuda del viaje. Mientras lo hacen, podrían cobrarles exorbitantes sumas de dinero por la renta, comida, y prendas de vestir dejándolos en un ciclo de deudas para con sus empleadores. Note cuantas horas al día o a la semana trabaja el menor, cuanto le pagan por el trabajo, y si las ganancias van directamente al empleador.</p> <p>RECUERDE: Cualquier niño menor de 18 años que es llevado a cometer un acto sexual comercial es una víctima severa de la trata de humanos, como menor no puede dar su consentimiento para cometer dichos actos.</p>
Ambiente de Vivienda	<p>¿Dónde vives? ¿Quién más vive ahí? ¿Dónde duermes? ¿Tienes miedo de salir de ahí?</p>	<p>A pesar que mucha gente recibe un salario bajo injusto, las víctimas de la trata de humanos tienen también la libertad restringida. Pueden estar obligados a vivir en el mismo lugar donde trabajan. Pueden no permitirles salir del lugar, algunas veces estar el lugar resguardado para no permitir la salida o cerrar las puertas con llaves de seguridad. Los tratantes pueden amenazar a sus víctimas con la deportación o arresto si tratan de escapar.</p>
Coacción	<p>¿Alguna vez alguien te ha amenazado para que no te escapes? ¿Alguna vez alguien te ha hecho daño para hacerte permanecer en un lugar? ¿Ha sido tu familia amenazada?</p>	<p>Además del daño físico, los menores también están sujetos a la intimidación psicológica o a la coacción por medio de amenazas hacia ellos mismos o sus familiares si tratan de escapar. Las víctimas de la trata de humanos pueden estar también asustados de permanecer con los tratantes por su estatus migratorio y falta de documentos. (si el tratante los ha confiscado)</p>

**Si cree que ha encontrado a una posible víctima de la trata de humanos,
 llame a la línea de información y referidos: 1-888-373-7888**

Niños víctimas de la trata de humanos pueden ser elegibles para ayuda especializada de servicios financiados por el gobierno federal. Lutheran Immigration and Refugee Service (LIRS) y el United States Conference of Catholic Bishops (USCCB) son agencias voluntarias sin fines de lucro que trabajan con la Oficina de Reasentamiento de Refugiados para ubicar a niños víctimas de trata elegibles en familias temporales culturalmente apropiadas, cuidados de grupos pequeños, o vivienda independiente, apropiada a sus necesidades de desarrollo. LIRS y USCCB también trabajan para entrenar a proveedores a satisfacer las necesidades especiales de los niños víctimas de la trata de humanos, y llevan a cabo esfuerzos de educación y anuncios públicos a la comunidad acerca de esta gran violación de los derechos humanos.

Para más información acerca de niños víctimas de la trata de humanos y los servicios disponibles para ellos, comunicarse con

Coordinadora del Programa
 LIRS Trafficked Children Initiative
 410/230-2758, trafficking@lirs.org
 www.lirs.org/What/children/TCI.htm

Especialista de servicios para niños
 USCCB/MRS
 202/541-3462, mrstvics@usccb.org
 www.usccb.org/mrs/traffickingweb.htm



USCCB Migration and Refugee Services
 3211 4th Street, NE
 Washington, D.C. 20017-1194
 Phone: 202/541-3352
 Fax: 202/722-8747
 www.usccb.org/mrs

Lutheran Immigration and Refugee Service
 700 Light Street
 Baltimore, Md. 21230-3850
 Phone: 410/230-2700
 Fax: 410/230-2723
 www.lirs.org



Requesting a Letter of Eligibility for a Trafficked Child

The following is intended to provide guidance for requesting a Letter of Eligibility from HHS for child victims of human trafficking.¹

Address Requests to: Dept of Health & Human Services Trafficking in Persons Program, 901 D Street, SW, Ste 600 East, Washington, DC 20447, Fax #: (202) 401-0981

**RE: Office of Refugee Resettlement Eligibility for a Minor Victim of Trafficking
 NAME, DOB (if known), A# (if known)**

<u>Main Points</u>	<u>Information to Include²</u>	<u>Examples/Considerations</u>
<u>Introduction</u>	<ul style="list-style-type: none"> ▪ Name and request for issuance of a letter of eligibility ▪ Date of birth ▪ Nationality ▪ Concise statement of theory or theories of trafficking ▪ Who were the traffickers? What was their intent? 	<ul style="list-style-type: none"> ▪ State any time-sensitive issues that make issuance of a Letter of Eligibility an urgent matter <ul style="list-style-type: none"> ▪ If a child is close to turning 18 and will need to go to court for someone to get custody before her/his 18th birthday, note when the child would need the benefits letter in order to get to court in time. ▪ <i>Throughout the Request for a Letter of Eligibility the most crucial element is demonstrating that the child was trafficked for the purpose of commercial sex or for forced labor.</i> ▪ Snakeheads, parents, or smugglers intent to exploit the child ▪ A person or entity in the U.S. (commercial sex enterprise, labor network, migrant labor, service industry)
<u>Statement of Law [see below for language from TVPA]</u>	<ul style="list-style-type: none"> ▪ Trafficking Victims Protection Act of 2000 (TVPA) (22 USC 7101) ▪ Define relevant terms, i.e. “severe forms of trafficking in persons” (TVPA §103(8)), “sex trafficking” (TVPA §103(9)), “coercion” (TVPA §103(2)). ▪ <i>Demonstrate that client fits within definition of “victim of a severe form of trafficking” (TVPA §103(13))</i> 	

¹ This guide is not intended as a guide for federal law enforcement to request a Letter of Eligibility.

² **Often child trafficking cases are quite clear based on the circumstances of the child’s rescue, escape or interdiction, and it is therefore not necessary to discuss all the issues outlined in this chart. In preparing a request for Letter of Eligibility, the child’s advocate should use their best judgment in determining which issues are most relevant to demonstrating that a child is a victim of human trafficking.**

<u>Main Points</u>	<u>Information to Include²</u>	<u>Examples/Considerations</u>
<u>Background</u>	<ul style="list-style-type: none"> ▪ Child's background ▪ Family background 	<ul style="list-style-type: none"> ▪ How much schooling? ▪ Has s/he been made to work in his/her home country? ▪ Languages spoken? ▪ Unwanted child? ▪ Other children more favored? ▪ Who did/does s/he live with?
<u>Emigration Plan</u>	<ul style="list-style-type: none"> ▪ What were the relevant circumstances of the child's emigration? ▪ What did the child know about the emigration? 	<ul style="list-style-type: none"> ▪ Did the child want to emigrate? Was s/he given a real choice in the matter? ▪ Who arranged the emigration? ▪ Was the emigration intended to pay off that person's consumer or other debt? ▪ What were the stated reasons for the emigration (e.g., to re-pay a family debt, to support the family, for a better life for the child)? ▪ Did anyone accompany the child? ▪ Was money paid or promised? By whom? ▪ Was the child destined to a specific location? Specific job? ▪ Did s/he know what the payment/debt arrangements were? If so, what were they? ▪ How long did s/he think it would take him/her to pay off his/her debt? ▪ How much money did s/he expect to earn? ▪ Who, if anyone, did s/he expect to meet at him/her final point of destination? ▪ Had s/he known of this person before the plan to emigrate developed? ▪ Had his/her parents or guardians known of this person before the plan to emigrate? ▪ Was the person related to the child? If so, how closely? ▪ Was the person from the child's town or village? ▪ Did s/he have an expectation as to what his/her living arrangements would be? ▪ What were his/her expectations as to school? ▪ What assurances were given to him/her or to his/her family and by whom? ▪ Did s/he expect to return to his/her homeland or be reunited with his/her family? ▪ Did his/her parents make arrangements to be in contact with him/her after his/her point of destination? ▪ What efforts did his/her parents make to ensure that s/he was headed to a safe environment? ▪ Met with or at least talked to his/her eventual caretaker? ▪ Knew the caretaker by reputation? ▪ Knew other people in the place of abode or work?

<u>Main Points</u>	<u>Information to Include²</u>	<u>Examples/Considerations</u>
<u>The Emigration</u>	<ul style="list-style-type: none"> ▪ Emigration ▪ Interdiction (if it occurred before the exploitation) ▪ Treatment of the child during the emigration and/or exploitation. 	<ul style="list-style-type: none"> ▪ Did the child suffer abuse during the emigration? ▪ Was s/he coached on a story to tell authorities? ▪ With whom and how did s/he travel? ▪ Where was the child interdicted? ▪ Were others interdicted with him/her? ▪ Was the child physically or sexually abused at any time? ▪ Was s/he forced to take drugs? ▪ Was s/he threatened during the course of travel or during the exploitation? ▪ Was s/he coerced in any way during his/her travel or exploitation? Was s/he forced to do things s/he didn't want to do?
<u>Exploitation</u>	<ul style="list-style-type: none"> ▪ Description of exploitation 	<ul style="list-style-type: none"> ▪ <u>If it occurred before the child was rescued or interdicted:</u> <ul style="list-style-type: none"> ▪ In what kind of labor or commercial sex was the child involved? ▪ With whom was the child living and what were the living circumstances? ▪ Was the exploitation in the same place the child was living? ▪ If the child was working, was s/he paid for his/her work? How much? How often? ▪ What was being done to care for the child? (Food, clothing, medical care, education opportunities for play and interaction with other children). ▪ <u>If the labor or commercial sex exploitation had not occurred,</u> what indicia were there that the child was destined for labor or commercial sex exploitation?
<u>Interdiction, Rescue and Escape</u>	<ul style="list-style-type: none"> ▪ How did it happen? ▪ Did anyone likely associated with the traffickers try to contact the child after interdiction, rescue or escape? ▪ Were threats or demands directed at the 	<ul style="list-style-type: none"> ▪ Where was the child interdicted? By whom? ▪ Were others interdicted with her? ▪ An attorney working for snakeheads, coyotes or pimps ▪ A pimp or other exploiter associated with such person ▪ Could be a child who lived with the exploiter and who may also be a victim ▪ The parents, other family member or guardian of the child ▪ Could possibly be a trafficker or in cahoots with a trafficker ▪ Has the child been threatened about owing money or having to earn money to send back home? ▪ Has the family or another person been threatened or

<u>Main Points</u>	<u>Information to Include²</u>	<u>Examples/Considerations</u>
	child? <ul style="list-style-type: none"> ▪ Other signs of trafficking? 	pressured to make good on the child's debt?
<u>Conclusion & Request for Issuance of a Letter</u>	<ul style="list-style-type: none"> ▪ Summarize theory of trafficking and emphasize that because the child was trafficked s/he should be made eligible for benefits. ▪ Include statement of any exigencies (e.g., need for services or care that a Letter of Eligibility would afford). ▪ Include a statement as to whether and to what extent the child is willing to cooperate with law enforcement (e.g., not at all, partially [e.g., no interview], fully) and as to whether this letter may be shared with <i>the Civil Rights Division of the Department of Justice</i>. 	

Statement of Law definition of terms:

Severe forms of trafficking in persons.--The term "severe forms of trafficking in persons" means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person 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.

TVPA §103(8).

SEX TRAFFICKING – The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. TVPA §103(9).

(2) COERCION.—The term "coercion" means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

TVPA §103(2)



**USCCB Migration
and Refugee Services**
3211 4th Street, NE
Washington, D.C. 20017-1194
Phone: 202/541-3352
Fax: 202/722-8747
www.usccb.org/mrs

**Lutheran Immigration
and Refugee Service**
700 Light Street
Baltimore, Md. 21230-3850
Phone: 410/230-2700
Fax: 410/230-2723
www.lirs.org



Child Trafficking Victims' Routes to Federal Benefits

The Office of Refugee Resettlement (ORR) within Health and Human Services (HHS) is the agency charged with granting federal benefits to trafficked children. Therefore, all requests for benefits go to ORR. There are several routes to federal benefits for a trafficked child:

- request by a federal law enforcement agent
- request by a local law enforcement agent
- request by non-law enforcement, such as the child's attorney, social worker, etc.
- a grant of continued presence
- application for a T visa resulting in a bona fide T visa letter from the Department of Homeland Security (DHS)

Each route has different requirements and steps involved.

Request by Federal Law Enforcement Agent

This is the ***most straightforward*** of the three options. If a federal law enforcement agent (LEA) believes that a child has been trafficked, s/he can submit a request for benefits letter to the Office of Refugee Resettlement. ORR has created a ***standard letter*** for this purpose which collects only basic identifying information on the child. The federal LEA ***does not have to submit a narrative*** describing the trafficking that occurred or justifying the referral.

Steps involved:

- Federal LEA fills out request for benefits letter (blank letter attached)
- Federal LEA faxes or emails the letter to Antionette Aqui at ORR. Note: emails must come from a federal LEA email address
 - Fax: 202/401-0981
 - Email: aaqui@acf.hhs.gov
- ORR receives the request and generates a letter granting federal benefits to the child (also called a benefits letter, determination of eligibility letter, or eligibility letter). It usually takes one or two business days from receipt of the request to issuance of the benefits letter.
- ORR will usually contact LIRS and/or USCCB to refer the child for placement in a specialized foster care program (Unaccompanied Refugee Minor (URM) program) or for an assessment of the appropriateness of placement in a URM program
- The letter is faxed, then overnighted, to the designated point of contact for the child. This may be the foster care program the child will be entering, the child's attorney, or some other appropriate party.

Considerations:

- Estimated timeframe: days to weeks
- If a child is not already working with a federal LEA, it may be difficult and time consuming to find a federal LEA who will issue the request for benefits.
- Federal LEAs may want to conduct a lengthy investigation, possibly including multiple interviews with the child before feeling comfortable enough to request benefits. Law enforcement does not have to conduct a formal investigation or prosecution in order for a child to be eligible for benefits; however, federal LEAs may not be willing to request benefits without a formal investigation and/or assurance of prosecution.
- If a child does not want to work with law enforcement or the child's caregiver does not want the child to work with law enforcement, this process is usually not a viable option.

Request by Local Law Enforcement Agent

Local LEAs can also request benefits, but they **cannot use the standard letter** that ORR has created for federal LEAs. Therefore, a request by a local LEA is a bit **more involved** than one by a federal LEA. The local LEA needs to **submit a description of the trafficking** and make clear that what happened to the child meets the definition of trafficking in the federal law (the Trafficking Victims Protection Act of 2000 (TVPA)). For assistance in crafting this letter see "Requesting a Letter of Eligibility for a Trafficked Child."

Steps involved:

- Local LEA writes a summary of the trafficking that occurred. The summary must be detailed enough to demonstrate that what happened to the child is trafficking as defined in the TVPA. The local LEA may also include any charging documents or other information that would support their request for benefits.
- LIRS and/or USCCB child trafficking specialists are willing to review any request for benefits in order to provide guidance in framing the description of trafficking, what information is critical to include to demonstrate trafficking, etc.
- The letter should be faxed to Antoinette AQUI at ORR: aaqui@acf.hhs.gov
- Pursuant to a Memorandum of Understanding signed in July 2004 between the Department of Health and Human Services (HHS), the Department of Homeland Security (DHS) and the Department of Justice (DOJ), ORR will consult with DHS or DOJ in the determination of whether the child is a victim of a severe form of trafficking.
 - ORR will likely share the benefits request letter with the Department of Justice (DOJ). DOJ reviews the request and informs ORR whether they believe the child has been trafficked. Often DOJ will not make a formal determination until they have had someone in federal law enforcement interview the child.
- After consultation with DOJ or DHS, ORR will decide whether or not to issue benefits.
 - If benefits are issued, ORR will generate a letter granting federal benefits to the child (also called a benefits letter, determination of eligibility letter, or eligibility letter).
 - If benefits are not issued, advocates may continue to work with the child and with law enforcement to gather additional information to support the trafficking claim.
- The time from receipt of the request from local LEA to issuance of the letter can vary greatly but will likely take more than a week.

- ORR will usually contact LIRS and/or USCCB to refer the child for placement in a specialized foster care program (Unaccompanied Refugee Minor (URM) program) or for an assessment of the appropriateness of placement in a URM program
- The letter is faxed, then overnighted, to the designated point of contact for the child. This may be the foster care program the child will be entering, the child's attorney, or some other appropriate party.

Considerations:

- Estimated timeframe: several weeks
- Local LEAs may not be very knowledgeable about trafficking. This means that they will likely need a good deal of guidance in completing a benefits request letter.
- This process can take longer than the request by federal LEA because of the additional review by DOJ and possible federal interview.
- If a child does not want to work with law enforcement or the child's caregiver does not want the child to work with law enforcement, this process is usually not a viable option.

Request by Non-Law Enforcement (such as the child's attorney, social worker, etc.)

This type of request tends to be the ***most involved***. The child's advocate must write a ***detailed letter describing trafficking*** and make clear that what happened to the child meets the definition of trafficking in the federal law (the Trafficking Victims Protection Act of 2000 (TVPA)). For assistance in crafting this letter see "Requesting a Letter of Eligibility for a Trafficked Child," produced by LIRS and USCCB.

Steps involved:

- The child's advocate writes a summary of the trafficking that occurred. The summary must be detailed enough to demonstrate that what happened to the child is trafficking as defined in the TVPA. The letter should be accompanied by any supporting documentation that helps show that the child was trafficked.
- LIRS and/or USCCB child trafficking specialists are willing to review any request for benefits in order to provide guidance in framing the description of trafficking, what information is critical to include to demonstrate trafficking, etc.
- The letter should be faxed to Antoinette AQUI at ORR: aaqui@acf.hhs.gov
- Pursuant to a Memorandum of Understanding signed in July 2004 between the Department of Health and Human Services (HHS), the Department of Homeland Security (DHS) and the Department of Justice (DOJ), ORR will consult with DHS or DOJ in the determination of whether the child is a victim of a severe form of trafficking.
 - ORR will likely share the benefits request letter with the Department of Justice (DOJ). DOJ reviews the request and informs ORR whether they believe the child has been trafficked. Often DOJ will not make a formal determination until they have had someone in federal law enforcement interview the child.
- After consultation with DOJ or DHS, ORR will decide whether or not to issue benefits.
 - If benefits are issued, ORR will generate a letter granting federal benefits to the child (also called a benefits letter, determination of eligibility letter, or eligibility letter).
 - If benefits are not issued, advocates may continue to work with the child and with law enforcement to gather additional information to support the trafficking claim.

- The time from receipt of the request from local LEA to issuance of the letter can vary greatly but will likely take more than a week.
- ORR will usually contact LIRS and/or USCCB to refer the child for placement in a specialized foster care program (Unaccompanied Refugee Minor (URM) program) or for an assessment of the appropriateness of placement in a URM program
- The letter is faxed, then overnighted, to the designated point of contact for the child. This may be the foster care program the child will be entering, the child's attorney, or some other appropriate party.

Considerations:

- Estimated timeframe: several weeks
- The burden of proving that a child was trafficked is often greater for those who are not in law enforcement. Therefore, the letter requesting benefits often must be quite detailed.
- This process can take longer than the request by federal LEA because of the additional review by DOJ.
- While this is the best option if a child does not want to work with law enforcement or the child's caregiver does not want the child to work with law enforcement, current practice may ultimately require a law enforcement interview anyway. However, if DOJ requests a law enforcement interview and the child or child's guardian does not want to consent, please contact LIRS or USCCB for assistance.

Federal Law Enforcement Request for Continued Presence

Federal law enforcement can make a **request to DHS** to grant a child victim of trafficking what is called "continued presence." This allows children who may be potential witnesses to remain in the U.S. A child who is granted continued presence **also becomes eligible** for federal benefits.

Steps involved:

- A federal LEA completes paperwork necessary to request continued presence from DHS.
- The length of time from preparing request to granting of continued presence may be a few weeks or more.
- When DHS grants continued presence, ORR is notified.
- Upon notification ORR generates a letter granting federal benefits to the child (also called a benefits letter, determination of eligibility letter, or eligibility letter). It usually takes one or two business days from receipt of the request to issuance of the benefits letter.
- ORR will usually contact LIRS and/or USCCB to refer the child for placement in a specialized foster care program (Unaccompanied Refugee Minor (URM) program) or for an assessment of the appropriateness of placement in a URM program
- The letter is faxed, then overnighted, to the designated point of contact for the child. This may be the foster care program the child will be entering, the child's attorney, or some other appropriate party.

Considerations:

- Estimated timeframe: several weeks
- If federal law enforcement is willing to request continued presence, they should also be willing to issue a request for benefits to ORR. The benefits request is a much quicker route to benefits eligibility. An advocate working with a child who knows that law enforcement is requesting continued presence should advocate for a concurrent request for benefits directly to ORR. The benefits request should not preclude also requesting continued presence, which serves to give the child temporary legal status in the U.S.

Application for a T visa Resulting in a Bona Fide T visa Notice from DHS

An attorney or other advocate for a child may **submit a T visa application to DHS** before benefits have been requested. A bona fide T visa application **qualifies a child for federal benefits**. In some cases, this T visa application may be the only remaining route to benefits for a child if federal law enforcement has not been willing to request benefits or to support the request by the child's advocate.

Steps involved:

- An application for a T visa is submitted to DHS on behalf of the child. The length of time to prepare the application and to receive a response from DHS is often months.
- If DHS determines that the application is bona fide (essentially that it is complete, all necessary elements are included, and it appears on its face to demonstrate that the child was trafficked) they will complete a notice to that effect.
- A copy of the notice is sent to ORR, which then generates a letter granting federal benefits to the child (also called a benefits letter, determination of eligibility letter, or eligibility letter). It usually takes one or two business days from receipt of the request to issuance of the benefits letter.
- ORR will usually contact LIRS and/or USCCB to refer the child for placement in a specialized foster care program (Unaccompanied Refugee Minor (URM) program) or for an assessment of the appropriateness of placement in a URM program
- The letter is faxed, then overnighted, to the designated point of contact for the child. This may be the foster care program the child will be entering, the child's attorney, or some other appropriate party.

Considerations:

- Estimated timeframe: several months
- The T visa application can take considerable time to complete and adjudicate. Therefore, this is certainly not the quickest route to benefits. However, it may be the only available alternative in the absence of federal LEA support.
- The T visa application is fairly complicated and anyone completing one should either have experience with trafficking and/or immigration law or consult with someone with such experience.

Federal Law Enforcement Request for Benefits Letter

[This request may be faxed to the attention of Antoinette Aqui at 202/401-0981 or emailed to aaqui@acf.hhs.gov. Email requests must be sent from a law enforcement email address.]

MINOR VICTIMS

The **(name of office/district)** believes that the following **minor(s)** (a person who has not attained the age of 18) are victims of human trafficking under the Trafficking Victims Protection Act of 2000, Public Law 106-386 (the TVPA). Under the TVPA, a minor victim of human trafficking is eligible for certain benefits and services.

LAST NAME, FIRST NAME	A#	Country of Origin	DOB
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LAST NAME, FIRST NAME	A#	Country of Origin	DOB
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Respectfully submitted,

Name
Title
Contact Number