



MDCPS Policies & Procedures: Human Trafficking



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Section 1: Overview

1.1 Human Trafficking Defined.

- A. Human Trafficking comes in many forms but is most easily categorized as either **labor trafficking** or **sex trafficking**.
- B. Human Trafficking is broadly defined as the recruitment, harboring, transportation, provision or obtaining of a person through the use of force, fraud or coercion, for the purpose of subjection to involuntary servitude or forced labor or services.¹
- C. Under Mississippi law, coercion means:
 - 1. Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;
 - 2. Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;
 - 3. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person;
 - 4. Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will;
 - 5. Causing or threatening to cause financial harm to any person or using financial control over any person;
 - 6. Abusing or threatening to abuse a position of power, the law, or legal process;
 - 7. Using blackmail;
 - 8. Using an individual's personal services as payment or satisfaction of a real or purported debt when: 1. the reasonable value of the services is not applied toward the liquidation of the debt; 2. the length of the services is not limited and the nature of the services is not defined; 3. the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4. the individual is prevented from acquiring accurate and timely information about the disposition of the debt; or

¹ Miss Code Ann § 97-3-54.1.



9. Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint.²

1.2 Human Trafficking and Child Welfare.

- A. Children in out-of-home care are at a particularly high risk of being trafficked.
- B. A background of abuse and trauma coupled with the impermanence of foster care or congregate care can make children in out-of-home care vulnerable.
- C. There are many challenges in determining the number of trafficking victims who were involved with child welfare services, but many studies have shown a strong connection. A 2013 report by the HHS Administration on Children, Youth and Families cited several studies showing that 50 to more than 90 percent of children who were victims of child sex trafficking had been involved with child welfare services.
- D. Traffickers target children in foster care because of increased vulnerability. Traffickers exploit the fact that children in foster care, or those who have run away from care, may not have familial, emotional, or basic needs met. Traffickers promise to meet those needs, at times employing psychological manipulation and financial incentives to entice them, and then use violence, drugs, or physical control to retain and exploit them.³

1.3 Human Trafficking vs. Smuggling

A. Trafficking

1. Trafficking is not the same thing as smuggling.
2. Trafficking does not require transportation or border crossing.
3. Trafficking can happen to anyone, regardless of nationality or legal status.

B. Smuggling

1. Smuggling is the facilitation, transportation, attempted transportation or illegal entry of a person or persons across an international border, in violation of one or more country's laws, either clandestinely or through deception.⁴

² Miss. Code Ann. § 97-3-54.4(d).

³ Child Welfare Information Gateway. (2017). *Human Trafficking and Child Welfare: A Guide for Child Welfare Agencies*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau https://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf.

⁴ Protocol Against the Smuggling of Migrants by Land Sea, and Air; United Nations Treaty Series Vol. 2241 at 506,



2. Unlike trafficking, smuggling is characterized by consent between the customer and smuggler and is generally a contractual agreement that terminates upon arrival to the destination.⁵
3. Smuggling can become trafficking upon the use of force or coercion to induce a customer into labor or sex work, but mere crossing of borders does not trigger trafficking.

1.4 Forms of Coercion

- A. Trafficking does not require physical force, physical abuse, or physical restraint—other forms of coercion such as threats, intimidation or blackmail are often used by traffickers. Nonphysical forms of coercion may include:
 1. Threats to publish sexually explicit photographs or videos of the victim; or
 2. Providing or administering drugs or alcohol to the victim.
- B. An adult or child might be a victim of trafficking if they are:
 1. Not free to leave or come and go as they wish;
 2. Under eighteen (18) and providing commercial sex acts;
 3. In the commercial sex industry with a “pimp” or “manager”;
 4. Unpaid, paid very little, or paid only through tips;
 5. Working excessively long or unusual hours;
 6. Not allowed breaks or suffering under unusual restrictions at work;
 7. Owe a large debt and are unable to pay it off;
 8. Recruited through false promises concerning the nature and conditions of work;
 9. Residing or working in a location with high security measures, e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.

November 15, 2000 <https://treaties.un.org/doc/Publication/UNTS/Volume%202241/v2241.pdf>

⁵ Protocol Against the Smuggling of Migrants by Land Sea, and Air; United Nations Treaty Series Vol. 2241 at 507, November 15, 2000 <https://treaties.un.org/doc/Publication/UNTS/Volume%202241/v2241.pdf>



1.5 Labor Trafficking.

- A. Labor trafficking involves using force, fraud, or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in involuntary servitude, debt bondage or slavery.⁶
- B. Neither the state nor the federal definition of labor trafficking distinguishes between children and adults, meaning children must also encounter force, fraud, or coercion to be victims of labor trafficking.
- C. Examples of labor trafficking include:
 - 1. Agricultural or domestic service jobs, such as:
 - a. Nannies or maids,
 - b. Sweatshop factories;
 - c. Janitorial jobs;
 - d. Construction sites;
 - e. Farm work;
 - f. Restaurants; or
 - g. Panhandling.⁷
 - 2. Travelling sales crews that force children to sell legal items, such as magazines, or illegal items such as drugs;
 - 3. Transporting children to play uncompensated sports.

1.6 Sex Trafficking of a Minor.

- A. Children under the age of eighteen (18) who are induced to engage in a commercial sex act are considered victims of sex trafficking.⁸ This includes:
 - 1. Engaging in sex acts;
 - 2. The production of sexually oriented materials; or

⁶ 22 U.S.C. § 7102(11)(b).

⁷ Panhandling to repay a debt is considered a form of debt bondage or peonage.

⁸ 22 U.S.C. § 7102(11)(a).



3. Sexually explicit performances.
- B. Under Mississippi law, a minor under the age of eighteen cannot be prosecuted for the crime of prostitution.⁹ Any minor taken into custody for the crime of prostitution will be presumed to be a victim of human trafficking and commercial sexual exploitation.¹⁰
- C. Victims of sex trafficking may be found working as prostitutes, in massage parlors, brothels, strip clubs, or escort services.
- D. In addition to a minor engaging in a sex act in exchange for money, anything of benefit, drugs, rent, etc. examples of sex trafficking include:
 1. Familial trafficking;
 2. A minor participating in certain types of pornography;¹¹ or
 3. Engaging in “survival” sex.
 - a. “Survival” sex occurs when the victim engages in sex to obtain basic needs such as food, shelter, or clothing, which are considered something of value, or to protect themselves from harm.¹²

1.7 Mandatory Reporting of Suspected Trafficking

- A. Any person who has reasonable cause to suspect a child under the age of eighteen (18) is being trafficked must report it **immediately** to the Mississippi Department of Child Protection Services Centralized Intake AND the Mississippi Department of Public Safety’s (MDPS) Statewide Human Trafficking Coordinator.¹³
- B. If, during the course of a child abuse, neglect, or exploitation investigation, a worker suspects a child has been or is being trafficked, or a parent has been or is being trafficked and the child is at risk, the worker must immediately provide this information to MCI.

⁹ Miss. Code Ann. § 97-29-49(4).

¹⁰ Miss. Code Ann. § 43-26-3(3).

¹¹ Evidence was sufficient to support finding that defendant’s recruitment of 15-year-old acquaintance to engage in sex acts with clients affected commerce. Defendant stipulated that an integral part of his scheme to prostitute the minor affected interstate commerce, namely his taking photographs of the minor in her underwear and posting the pictures on classified advertising website. United States v. Wearing, 865 F.3d 553 (7th Cir.), cert. denied, 138 S. Ct. 522, 199 L. Ed. 2d 400 (2017).

¹² Evidence that defendant had physically assaulted a woman whom he allegedly coerced into prostitution on a number of occasions was admissible as intrinsic evidence at his trial for sex trafficking by force, fraud, or coercion; Defendant’s assaultive behavior could have been viewed as a pattern intended to make the woman believe that failure to continue with prostitution, by simply refusing, reporting it to the police, or leaving defendant, would result in serious harm. United States v. Campbell, 764 F.3d 880 (8th Cir. 2014).

¹³ Miss. Code. Ann. § 97-3-54.1(4).



1. MCI will immediately call the local law enforcement office in the jurisdiction where the alleged trafficking occurred and notify the MDPS Statewide Human Trafficking Coordinator and the National Human Trafficking Hotline. MCI will also notify the MDCPS Human Trafficking Coordinator.¹⁴

1.8 Reporting Numbers

- A. MDCPS Hotline: 1-800-222-8000.
- B. Mississippi Department of Public Safety Statewide Human Trafficking Coordinator: 1-601-987-1671 (Office), 769-257-4011 (Agency Cell), or email at reportht@dps.ms.gov
- C. National Human Trafficking Hotline: 1-888-373-7888.

1.9 Disclosure of Records

Disclosure by any State agency, nongovernmental agency, service provider or local or state law enforcement agency of **non-identifying** information regarding a minor victim to the MDPS Statewide Human Trafficking Coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state is specifically authorized by law. This includes disclosure of non-identifying information on youth in foster care regardless of whether a court order authorizing disclosure was issued.¹⁵

1.10 Termination of Parental Rights

- A. A parent convicted of human trafficking of any child may have their parental rights terminated by the court.¹⁶ The trafficked child does not have to be the biological child of the parent in question.¹⁷
- B. If a case investigated by MDCPS results in a child's parent or guardian being convicted of human trafficking, and the court determines reunification is not in the best interest of the child, the assigned MDCPS worker must follow MDCPS Termination of Parental Rights Policies and Procedures found on SharePoint

1.11 Aiding or Abetting Human Trafficking.

Anyone who knowingly aids, abets, or conspires with one or more people to violate the Mississippi Human Trafficking Act will be considered a principal in the offense. As such, they will be indicted

¹⁴ The MDCPS Human Trafficking Coordinator's full title is Human Trafficking Coordinator for Victims of Human Trafficking & Commercial Sexual Exploitation.

¹⁵ Miss. Code Ann. § 97-3-54.9(5).

¹⁶ Miss. Code. Ann. § 93-15-121(h)(i)(7).

¹⁷ Miss. Code. Ann. § 93-15-121(h)(i) "[i]f . . . [t]he parent has been convicted of any of the following offenses against *any child*" (emphasis added).



and punished as if they committed the crime themselves.¹⁸

1.12 Consent or Mistake as a Defense to Trafficking.

Consent of the minor, or belief that the minor was eighteen (18) or older, is not a defense under the law.¹⁹

1.13 Immunity from Prosecution for Child Victims of Trafficking.

A minor under the age of eighteen (18) who has been identified as a victim of trafficking under Mississippi law is not criminally liable for trafficking crimes in state court.²⁰

Section 2: Required Notifications

2.1 Required Report Information.

The following information must be given to other law enforcement agencies when informing them of reports involving suspected human trafficking.²¹

- A. The name and address of the child;
- B. The names and addresses of the parents;
- C. The name and address of the suspected perpetrator;
- D. The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;
- E. A brief statement of the facts indicating that the child has been abused and any other information from the agency files or known to the social worker making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and,
- F. What, if any, action is being taken by MDCPS.²²

2.2 Statewide Human Trafficking Coordinator

- A. The MDPS Statewide Human Trafficking Coordinator has several duties under the law including, but not limited to, coordinating implementation of the Mississippi Human Trafficking Act and collecting data on an ongoing basis regarding human trafficking

¹⁸ Miss. Code. Ann. § 97-3-54.3.

¹⁹ Miss. Code Ann. § 93-3-54.1(1)(c).

²⁰ Miss. Code Ann. § 97-3-54.1(4).

²¹ Youth Court reports must be made via the Court Case Information on MYCIDS.

²² Miss. Code Ann. § 43-21-353(5).



activity within the State.²³

B. The MDPS Statewide Human Trafficking Coordinator must be notified immediately when MDCPS receives a report of suspected or alleged human trafficking. MCI will notify the MDPS Statewide Human Trafficking Coordinator of all human trafficking reports.

C. Contact information

1. The MDPS Statewide Human Trafficking Coordinator can be contacted via mail at MS Bureau of Investigation (MBI) P.O. Box 958, Jackson, MS 39205.

2. The contact numbers & email for the MDPS Statewide Human Trafficking Coordinator's office are:

a. 601-987-1671 (Office)

b. 769-257-4041 (Office-Cell)

c. Email: reportht@dps.ms.gov

2.2 Local Law Enforcement

A. When MDCPS receives a report of alleged human trafficking, MCI must immediately notify local law enforcement in the jurisdiction where the alleged trafficking occurred.²⁴ Local law enforcement in this case means the local sheriff's office and city police, if applicable.

B. Law enforcement will investigate and make a preliminary report to the district attorney's office within twenty-four (24) hours.²⁵

2.3 Federal Law Enforcement

The assigned MDCPS investigator must notify the local Federal Bureau of Investigation office of any human trafficking reports received. Generally, the FBI will coordinate human trafficking investigation efforts.

2.4 State and Federal Prosecutors Requirements Under the Law

A. The assigned MDCPS investigator must notify the district attorney's office and appropriate state and federal prosecutors within forty-eight (48) hours of receiving the report.²⁶ The

²³ Miss. Code Ann. § 97-3-54.9.

²⁴ Miss. Code Ann. § 43-21-353(1).

²⁵ Miss. Code Ann. § 43-21-353(1).

²⁶ Miss. Code Ann. § 43-21-353(1).



assigned investigator must investigate and make a preliminary report to the appropriate prosecutor's office within twenty-four (24) hours of initiating the investigation.²⁷ The assigned investigator must make additional reports as new information becomes available.

1. "New or additional" information consists of any new information related to the information required in the initial referral to the district attorney or law enforcement agencies (see Section 2.1 A–F) which is imparted to CPS after the initial report is made. Additional information which would be pertinent to the prosecution of the case or to a law enforcement investigation which becomes available to the department after the investigation has been completed should be provided.²⁸
- B. The assigned MDCPS Investigator must complete the District Attorney Referral in MACWIS and send a copy to the Attorney General's Office and the MDPS Statewide Human Trafficking Coordinator. MDCPS investigators may need to notify multiple courts and court personnel, e.g. district attorney, circuit court, U.S. Attorney(s), and federal district court. Workers should not combine notifications to different courts.
- C. MDCPS must advise the clerk of the youth court and the youth court prosecutor of all cases involving trafficking reported to the Agency within twenty-four (24) hours of initiating the investigation.
- D. When notifying the youth court, the worker should:
1. Submit the Court Case Information form in MYCIDS. The Court Case Information form should detail the report and include all information regarding reports made to law enforcement or district attorneys.
 2. Call the contact person listed for the proper county's youth court and advise them that the investigation involves a human trafficking report and the court case information has been submitted in MYCIDS.

2.5 Final Reports

- A. When a felony investigation is completed, the investigating worker must submit the completed report in MACWIS to their supervisor for approval.
- B. The approved report, along with the concluding district attorney and/or law enforcement reports must be mailed, hand-delivered, or emailed to the district attorney or law enforcement office and the youth court.
- C. Information submitted to the district attorney or law enforcement office must be included in

²⁷ Miss. Code Ann. § 43-21-353(1).

²⁸ Miss. AG Op. No. 98-0318, June 19, 1988.



the court report and summary.

Section 3: Investigating/Responding to Human Trafficking Reports

3.1 Investigating with law Enforcement

- A. Law enforcement should be the primary investigator of all felony reports of abuse received by MDCPS, including human trafficking. Under no circumstances may an MDCPS employee initiate an investigation of a human-trafficking report without law enforcement.
 - 1. **MDCPS must provide law enforcement with all names and facts known at the time of the report and disclose all facts discovered during the investigation.**
 - 2. If local law enforcement does not respond or refuses to accompany the MDCPS investigator, the investigator should contact the Mississippi Bureau of Investigation Human Trafficking Special Victim's Unit investigator in their area or the Human Trafficking investigator for the Attorney General's Office.
- B. MDCPS and law enforcement must jointly investigate the reported trafficking and file a preliminary report with the prosecutor's office within twenty-four (24) hours of the preliminary investigation.²⁹
- C. **Law Enforcement request for MDCPS assistance.** An MDCPS caseworker must immediately respond to the scene or location chosen by law enforcement if an officer requests assistance with a child he or she reasonably suspects is a victim of human trafficking or commercial sexual exploitation. **This only applies if the law enforcement officer requests MDCPS assistance through the MDCPS hotline.**³⁰

3.2 Investigative Procedures that apply to all human trafficking reports

- A. Reports of trafficked children must be investigated with the assistance of law enforcement within twenty-four (24) hours of receiving the report.
- B. Within twenty-four hours of receiving a report of human trafficking or commercial sexual exploitation of a child, sending a caseworker to a location in response to a minor who is reasonably suspected of being a victim of human trafficking or commercial sexual exploitation at the request of a law enforcement officer, or when a MDCPS caseworker encounters a minor who is reasonably suspected of being a victim of human trafficking or commercial sexual exploitation the following must occur:
 - 1. Make in-person contact with the child to determine appropriate next steps for the child's

²⁹ Miss. Code Ann. § 43-21-353(1).

³⁰ Miss. Code Ann § 43-26-3(1).



protection;

- a. If in-person contact cannot be made within twenty-four (24) hours, the caseworker, must immediately notify the MDCPS Human Trafficking Coordinator and law enforcement, and document all steps taken to make contact with the child as well as the steps that will be taken to locate and ascertain the safety of the child.
 2. Attempt to have an on-site interview with the child's caretaker;
 3. Attempt to have law enforcement or an appropriate investigator conduct an on-site interview with the child's suspected offender; and
 4. Document and assess the safety of other children in the care or custody of the caretaker and/or who may be at risk of abuse by the suspected offender.³¹
- C. If a child is suspected to be a victim of human trafficking, the MDCPS Human Trafficking Coordinator must be notified within twenty-four (24) hours. The MDCPS Human Trafficking Coordinator will activate the emergency specialized human trafficking assessment team to assist with consultation or interventions of the alleged human trafficking report as needed during the investigation.³² The emergency specialized human trafficking assessment team will be made up of the following:
1. An MDCPS investigator;
 2. A law enforcement investigator certified by the Mississippi Human Trafficking Operational Task Force Board; and
 3. A victim advocate certified by the Attorney General's office.³³
- D. Upon initial intake, the MCI Intake Worker will indicate using the MACWIS radio button, if human trafficking is suspected. In addition, if there are specific allegations of sex trafficking, those will be listed as sex trafficking allegations, and upon final disposition of the investigation, the MDCPS investigator will choose yes/no regarding human trafficking when making an investigation finding of substantiated or unsubstantiated on each allegation.
1. If a report involving human trafficking is received after normal business hours, MCI will notify the on-call worker in the county where the child is allegedly located.

³¹ Miss. Code Ann. § 43-26-3(2)(a)–(d).

³² Miss. Code Ann. § 43-26-3(2). This subsection number is subject to change.

³³ Miss. Code Ann. § 43-26-3(2). This subsection number is subject to change.



3.3 Investigative Procedure for Reports Regarding Children in Care

- A. Upon receipt of a report that a child in MDCPS custody has been involved in human trafficking, MCI will indicate the report concerns trafficking of a child in care. The report will go to the Special Investigations Unit.
 - 1. MCI must immediately notify local law enforcement in the jurisdiction where the alleged trafficking occurred.
 - 2. MCI must immediately notify the National Human Trafficking Hotline and MDPS Statewide Human Trafficking Coordinator and send copies of the report.
- B. MDCPS SIU Investigators will assist law enforcement as needed and continuously assess if the parents or caretakers are able to protect the child from further trafficking. Both SIU Investigators and law enforcement involved in the investigation are required to make additional reports to prosecutors as new information or evidence becomes known.
- C. If the SIU Investigator is given permission to enter the residence, they should immediately assess the child's mental and physical state by conducting a minimal-facts interview with the foster child. The SIU Investigator should do the following:
 - 1. If law enforcement does not object, contact the Children's Advocacy Centers of Mississippi (CAC) and request a human trafficking assessment or forensic interview³⁴ as soon as possible.
 - 2. Determine if a medical examination is necessary, and if it is, take the child for a medical exam.

3.4 Investigating Reports Regarding Children Not in Care

- A. A Special Assignment Investigator will investigate reports involving children not in care.
- B. Upon receipt of a report that a child not currently in MDCPS custody has been involved in human trafficking, MCI will indicate the report concerns human trafficking and assign it a Level Three. MCI will then notify the MDPS Statewide Human Trafficking Coordinator, MDCPS Coordinator, the National Human Trafficking Hotline, and local law enforcement in the jurisdiction where the alleged trafficking occurred.
- C. The report will go to the county intake supervisor for immediate assignment to the Special Assignment worker for that region. The special assignment worker will notify the local law enforcement officer or MBI investigator and the local FBI office to immediately begin the

³⁴ A forensic interview will only be conducted if deemed necessary by CAC.



investigation.

1. If an immediate response is needed but the Special Assignment Investigator for that region is not available, the regular on-call caseworker will initiate the investigation and the case will be transferred to the Special Assignment Investigator as soon as practicable.

D. A minimal facts interview must be conducted with the child.

1. Assess the child's mental and physical state and determine if a medical examination is necessary. If a medical examination is needed, take the child for a medical exam only if the parent or guardian consents. If the parent refuses consent and there is reason to suspect they were aware of or participated in the trafficking, call the youth court for an emergency removal order.
2. If there is any indication the child is a victim of human trafficking, the child should be referred to the CAC for a forensic interview unless:
 - a. Law Enforcement requests otherwise; or
 - b. The child's parent refuse to consent to the interview. If the parent refuses to consent, consult with the youth court.

E. Coordination of Investigations of Non-Mississippi Residents

1. If the child is a resident of another state, notify the MDCPS Human Trafficking Coordinator. The MDCPS Human Trafficking Coordinator, will notify the MDPS Statewide Human Trafficking Coordinator to collaboratively assist the caseworker/investigator with notifying the child's home state to coordinate services.
2. The Assigned MDCPS Investigator must immediately send copies of the report to:
 - a. The MDPS Statewide Human Trafficking Coordinator's office;
 - b. The Child's home state Human Trafficking Coordinator, if applicable;
 - c. The local law enforcement agency for the child's home community; and
 - d. The appropriate law enforcement agency for the child's home state; and the
 - e. MDCPS Human Trafficking Coordinator.

3.5 Human Trafficking Assessment or Forensic Interview

- A. If law enforcement agrees, the CAC will complete the human trafficking assessment or forensic interview.



- B. The findings from this assessment or interview must be shared with law enforcement, the circuit and youth courts, the federal court, and the appropriate prosecutor's offices within twenty-four (24) hours of receipt. A copy must be placed in the child's paper file and MACWIS.
- C. If the CAC confirms the child has been trafficked or otherwise subjected to ANE, the ASWS must determine if the child can safely remain in the home environment without putting him or herself or other residents at risk.
- D. If the child cannot remain safely in the home, please see the Emergency Removal Section in the MDCPS Investigation and Assessment Policies and Procedures.

3.6 Placement of Human Trafficking Victims

- A. If custody is required, MDCPS will locate a placement where the child is safe and not likely to recruit other foster children. The placement must ensure the child will have no access to adult perpetrators involved in human trafficking.
- B. The investigator, COR worker, youth court, and other community partners will assist with locating a placement and any services needed. MDCPS staff should utilize the MDT teams to assist the family as needed.
 - 1. If a placement requires a therapeutic ruling, the CAC will assist MDCPS in obtaining this recommendation from a mental health counselor at their facility.
 - 2. MDCPS workers should use the placement matching tool on SharePoint to find available placements.

Section 4: International Victims of Human Trafficking

4.1 Overview

Under the Trafficking Victims Protection Act, a foreign child under the age of eighteen (18) who is a victim of a "severe form of human trafficking" is eligible for federal and state benefits and services to the same extent as a refugee upon a determination by HHS to issue an Interim Assistance Letter or Eligibility Letter.³⁵

4.2 Interim Assistance and Eligibility Letters for a Minor Victims

- A. Interim Assistance³⁶
 - 1. Federal law requires HHS, upon receipt of credible information that a child may have

³⁵ 22 U.S.C. § 7105, See Also Doc No: OTIP-FS-16-02.

³⁶ Administration for Children and Families, Office on Trafficking In Persons Resource Library (March 7, 2018).



been subjected to trafficking in persons, to make a prompt determination if the child is eligible for up to ninety (90) days of interim assistance, which may be extended for an additional thirty (30) days.³⁷

2. Before the end of the interim assistance period, HHS will determine if the child is eligible for long-term assistance.³⁸

B. Eligibility Letters³⁹

1. International minor victims require an eligibility letter or an interim assistance letter issued by the Administration for Children and Families' Office of Trafficking in Persons (OTIP) to access benefits and services including the Unaccompanied Refugee Minor (URM) Program.⁴⁰
2. Applications for Eligibility Letters must be received on or prior to the minor victim's eighteenth (18th) birthday.
3. OTIP may issue an Eligibility Letter after issuing an Interim Assistance Letter or may issue an Eligibility Letter without first issuing an Interim Assistance Letter.
4. A child is not required to cooperate with law enforcement as a condition of receiving an Eligibility Letter.

C. State Refugee Coordinator (SRC) Duties

1. The SRC must notify OTIP to facilitate the provision of interim assistance no later than twenty-four (24) hours after discovery that a victim:
 - a. Is under 18 years of age;
 - b. Is neither a U.S. citizen nor a Lawful Permanent Resident; and,
 - c. May be a victim of trafficking in persons.
2. To request an Eligibility Letter for a foreign child victim of trafficking, the SRC must complete a Request for Assistance for Child Victims of Human Trafficking and submit it using OTIP's Shepherd Case Management System. OTIP can be contacted via phone or email.

³⁷ 22 U.S.C. § 7105.

³⁸ 22 U.S.C. § 7105.

³⁹ Doc No: OTIP-FS-16-02

⁴⁰ U.S. Department of Health and Human Services, Addressing the Needs of Victims of Human Trafficking: Challenges, Barriers, and Promising Practices, (2008).



- a. Email: ChildTrafficking@acf.hhs.gov
- b. Phone: (202) 205-4582
3. If a child is a victim of severe trafficking and requires immediate eligibility instead of interim assistance, the SRC should call OTIP and ask to speak with an OTIP Child Protection Specialist.
4. OTIP will issue Interim Assistance, Eligibility, and Denial Letters to the child, in care of the requestor.
5. If OTIP issues a Denial Letter, contact OTIP for information on how to appeal the decision.

4.3 T Visas for Foreign Minor Victims of Trafficking

- A. International minors who are determined to be victims of human trafficking by law enforcement officials may be eligible for the T visa, which allows victims of trafficking to remain in the U.S. for up to four years if they have assisted law enforcement in an investigation or prosecution of human trafficking.
- B. The victim must apply directly to DHS for T non-immigrant status by filing an application for a T visa.⁴¹

4.4 Unaccompanied Refugee Minor Program

International minor victims without a parent or legal guardian in the U.S. may be eligible for services under the Unaccompanied Refugee Minors (URM) program. The Administration for Children and Families' Office of Refugee Resettlement determines whether a child is eligible for the URM program.

- A. A child victim of trafficking with an Eligibility Letter who has no available parent or legal guardian in the United States may be eligible for the URM program.
- B. A URM child in Mississippi will be placed in a therapeutic foster home or group home setting according to individual needs and services required after adjudication by the appropriate court.
- C. URM children can receive intensive case management, education, health care, mental health counseling, independent living skills training, assistance with family reunification and repatriation, and other services until they turn 18 or such higher age, depending on the foster

⁴¹ U.S. Citizen and Immigration Services Form I-914.



care rules of each state.⁴²

⁴² U.S. Department of Health and Human Services, Addressing the Needs of Victims of Human Trafficking: Challenges, Barriers, and Promising Practices, (2008)
<https://humantraffickinghotline.org/sites/default/files/Addressing%20the%20Needs%20of%20Victims%20of%20Trafficking%20-%20HHS.pdf>.

Appendix A

Human Trafficking Flow Chart

