

NUMBER

#19-68-07

DATE

April 5, 2019

OF INTEREST TO

County and Tribal Directors
Social Services Supervisors and
Staff

ACTION/DUE DATE

Please read information and
prepare for implementation

EXPIRATION DATE

April 5, 2021

Response to labor trafficking and concerns of human trafficking of foreign national minors

TOPIC

Identifying and responding to labor trafficking and all reports of human trafficking of foreign national minors.

PURPOSE

Update local social service agencies regarding new requirements for a child welfare system response to reports of domestic minors experiencing or who have experienced labor trafficking; or foreign nationals who may have experienced either sex or labor trafficking.

CONTACT

Sarah Ladd, human trafficking child protection coordinator
Child Safety and Prevention Unit
Phone: 651-431-4702
Sarah.ladd@state.mn.us

SIGNED

NIKKI FARRAGO
Assistant Commissioner
Children and Family Services Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Introduction

There are two forms of human trafficking: Sex trafficking and labor trafficking. Both types of human trafficking impact children and families in Minnesota. Since May 29, 2017, federal and state law requires a child protection investigation of all reports of known or suspected child sex trafficking, as outlined in [Sex Trafficked Children and Youth Investigative Protocols](#). Child victims in Minnesota may often be victimized through both sex and labor trafficking.

Foreign national minors who have experienced sex and/or labor trafficking are eligible to apply for benefits and services to the same extent as a refugee under federal law. A federal reporting process enables these minors to receive Interim Assistance and Eligibility Letters, allowing them to apply for these benefits.

Early identification of sex and labor trafficking is the key to establishing the local social service agency response and connecting children and families to crucial services.

This bulletin covers two topics related to human trafficking response:

- To all reports of labor trafficking of children. This includes children who are U.S. citizens and foreign nationals.
- And reporting process for foreign national minors who experienced either sex or labor trafficking.

A. Definitions

The following are terms used throughout the bulletin:

Foreign national minor: A person under age 18 who is not a U.S. citizen or lawful permanent resident.

Severe form 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. [22 U.S.C. § 7102(9)]

Labor trafficking is defined under state and federal law. In Minnesota, labor trafficking means:

“(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the purpose of:

(i) debt bondage or forced labor or services;

- (ii) slavery or practices similar to slavery; or
- (iii) the removal of organs through the use of coercion or intimidation; or
- (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).”

[Minnesota Statutes, section 609.281, subdivision 5]

Two of the most common types of labor trafficking are forced labor and debt bondage. Forced labor is when an individual provides any labor or service that another person obtains or maintains through force, threats of force, abuse of legal process, blackmail, or confiscation or misuse of the victim’s identifying documents. [Minnesota Statutes, section 609.281, subdivision 4] Debt bondage is when one person imposes unreasonable or unlimited terms on repayment of a real or fabricated debt as a way to coerce the person to work. [Minnesota Statutes, section 609.281, subdivision 3]

Under federal law, labor trafficking is a severe form of trafficking in persons and, in addition to the above, it also includes instances when the individual is coerced or defrauded into providing any labor or services. [22 U.S.C. § 7102(9)(B)]

II. Screening and response to labor trafficking

Labor trafficking is not a specific form of child maltreatment outlined in state law or policy and is not a mandated report in Minnesota. Labor trafficking typically involves the use of force or threat of force, blackmail, or debt and substandard working conditions such as very long hours or unpaid wages. Labor trafficking often may overlap with other forms of child maltreatment, including: Neglect (educational, medical, failure to protect, or failure to provide for basic needs); physical abuse; threatened injury; or sexual abuse. Refer to the [Child Maltreatment Guidelines on Screening, Intake, and Response Path Selection](#) for guidance on screening child maltreatment reports.

Children who experienced labor trafficking are considered crime victims in Minnesota. All child crime victims must receive an offer of voluntary child welfare services. [Minnesota Statutes, section 626.556, subdivision 10a(c)] Even when no other maltreatment is reported, cases involving suspected labor trafficking pose significant safety concerns and should be referred for a voluntary child welfare assessment.

The instructions below will assist child welfare agency staff in:

- Identifying labor trafficking
- Conducting a child welfare assessment, or considering the co-occurrence of labor trafficking with other maltreatment in any open case
- Referring child victim and their family to appropriate services.

A. Identifying labor trafficking

When new reports of child maltreatment are screened, screeners may find indicators of labor trafficking. These indicators are outlined in Appendix A: Labor trafficking identification tool.

Children who experienced maltreatment may be vulnerable to labor trafficking. Children who have a history of, or are currently experiencing sex trafficking or sexual exploitation, and those who are not residing with parents or guardians, are at particularly high risk for experiencing labor trafficking. Periodic screening for labor trafficking is highly recommended. To conduct appropriate safety planning and connect a child and family to all applicable services, it is important to identify labor trafficking in addition to other forms of victimization.

The most important indicator that screeners and screening teams should look for is a child being forced, threatened or compelled to work for another person. Work can include both formal employment and informal or illegal activities. Alleged offenders may be a parent, guardian, sibling, or other related or unrelated caregiver. They may also be a peer, acquaintance or employer.

After identifying an indicator of labor trafficking, screeners or assigned worker should attempt to ask additional questions to conduct a labor trafficking screening. Suggested labor trafficking screening questions are in Appendix A: Labor trafficking identification tool. Instructions are in the tool. Screeners, screening team or assigned worker may complete the tool.

Completion of the tool should be documented in the intake summary or a case note in the Social Service Information System (SSIS); any positive responses should be clearly identified in the note. If the tool reveals labor trafficking, these concerns should be assessed either within an open investigation or assessment of other maltreatment, or in a child welfare response if there is no maltreatment allegation.

B. Responding to labor trafficking

Child protection and child welfare responses involving labor trafficking should focus on securing safety and providing supportive services to children and families.

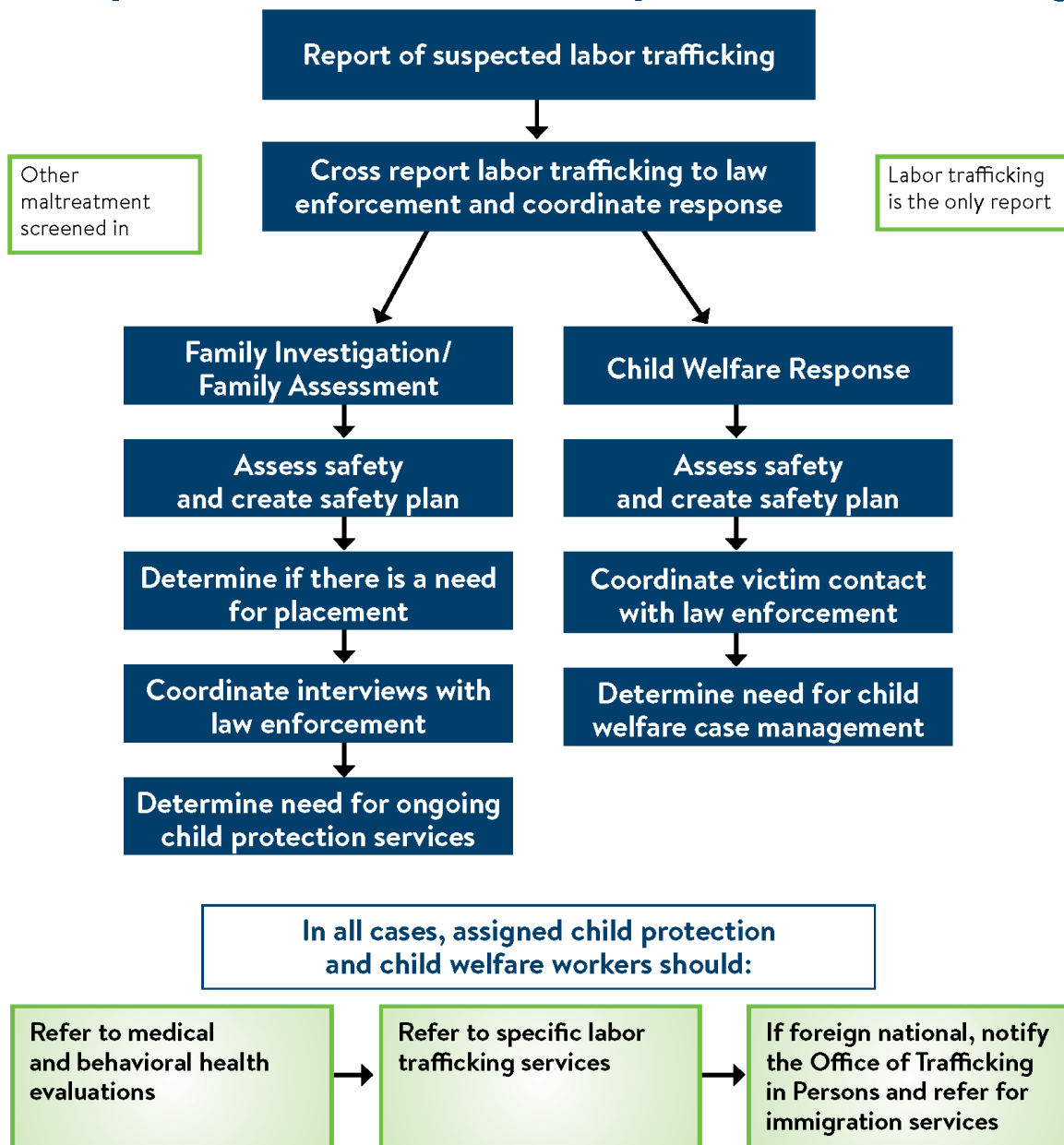
Children subjected to labor trafficking often experience significant trauma and may fear repercussions by their trafficker if they become involved with services. These children often have unstable or exploitative housing (living with their trafficker) and may need out-of-home placement. If a child is residing with anyone other than their parent or legal guardian, child welfare agencies should assess safety.

The following chart illustrates key components that may be present in a labor trafficking case. If labor trafficking is suspected in an open Family Investigation or Family Assessment, consider its impact on safety planning, placement, interviews, and ongoing child protection services. If no other form of maltreatment is identified, an in-person child welfare assessment is preferred. The child welfare response optimally would include consultation with a multi-disciplinary team or informal multi-

disciplinary partners. The response should be coordinated with law enforcement prior to the initial contact with the child.

All child victims of labor trafficking should be referred to medical and behavioral health care, as well as services such as legal representation, victim advocacy, case management and housing. Training, resources, service referral options, and other tools for responses are below. Specific responses for foreign national child victims of labor trafficking are in the next section.

Child protection and child welfare responses to labor trafficking



III. Response to minor foreign national victims of sex or labor trafficking

If a minor foreign national who may have experienced a “severe form of trafficking in persons” in any location is identified, and at any time in a child’s life, help is available. Within 24 hours of identifying a potential trafficking concern for a minor foreign national, the local child welfare agency has an obligation under the federal Trafficking Victims Protection Act (TVPA) to notify the Office of Trafficking in Persons (OTIP) and request assistance for a child. [22 U.S.C. § 7105(b)] Agencies should keep a record of a notification and response from OTIP. This is a new requirement and applies to all current and future child protection investigations of both sex and labor trafficking involving a foreign national child.

The purpose of this report is solely to provide the minor foreign national with access to benefits and services. A child’s personally identifiable information will not be shared by OTIP with any other federal agency, unless a child requests an interview with law enforcement. If OTIP determines that a child is a victim of trafficking under the TVPA, they are entitled to benefits and services to the same extent as a refugee, and will be referred for comprehensive case management services.

A. Steps to notify the Office on Trafficking in Persons

There is a specific process to report minor foreign national trafficking victims, which serves as a request for federal assistance in securing benefits and support. All child welfare agencies are under federal obligation to report minor foreign nationals they suspect may be victims of sex or labor trafficking. The reporting form required by the federal government is [online](#).

OTIP Reporting Process: Request for Assistance (RFA)

1. Complete the Request for Assistance form (during the initial 24 hours, only Part A must be submitted), and email the form to ChildTrafficking@acf.hhs.gov. To discuss a case before reporting, contact OTIP child protection specialists before submitting the RFA during normal business hours (9:00 a.m. to 5:00 p.m. EST) at 202-205-4582.
2. Complete Part B of the RFA and submit to ChildTrafficking@acf.hhs.gov if not submitted initially. The completed document should be uploaded and attached to an SSIS case note.
3. While a case is pending, email the OTIP child protection specialists with changes or updates on a child’s case.
4. A response will be sent back within a few days; more information may be requested.
5. The OTIP child protection specialists will contact the social service agency with updates on a child’s case, letters issued, and the final determination.

See the [OTIP website](#) for more information.

B. Referrals for services

After a child has been referred to OTIP, a federally funded case manager through the [Trafficking Victims Assistance Program \(T-VAP\)](#) may be assigned by the Office of Trafficking in Persons to administer emergency financial assistance and help secure access to public benefits and immigration services.

Under the Minnesota Department of Health's Safe Harbor expansion program, five community-based agencies provide services for labor trafficking victims. Also, four American Indian youth-serving agencies help victims of sex and labor trafficking. The federal Office for Victims of Crime funds labor trafficking victim services, and the Safe Harbor program funds sex trafficking.

Foreign national victims of sex or labor trafficking should be referred for immigration services, either through the local social service agency or the assigned T-VAP case manager. If requested by youth, family, or their immigration attorney, child protection staff may have authority to provide documentation that could assist a youth or their family in pursuing immigration status on the basis of a youth being a victim of human trafficking. That documentation specifically relates to applications for U visas and T visas. As a victim of human trafficking, youth may be eligible to apply for a U visa (for victims of crimes, including trafficking for sex or labor), or a T visa (for victims of human trafficking). Under federal law, child protection staff are authorized to provide certifications for U visa applicants and endorsements for T visa applicants, under certain circumstances.

In addition to connecting a child with immigration representation, other potential resources include utilizing local law enforcement and federal partners like the Federal Bureau of Investigation and Homeland Security Investigation. Both federal agencies have victim assistance personnel skilled in working with this victim population and can assist with locating local resources. These agencies can apply for continued presence on behalf of trafficking victims. Continued Presence (CP), a temporary immigration status provided to victims of human trafficking, can provide stability and protection to victims of trafficking while a law enforcement investigation and prosecution are ongoing. When working with minor foreign national victims of sex or labor trafficking, a collaborative effort is useful to address the need for benefits and immigration status.

When working with a minor foreign national victim, child welfare staff should consult with their supervisor and county or tribal attorney. The department's human trafficking child protection coordinators are available for technical assistance, consultation and training. See the Resources section for more information.

IV. Resources and tools for response

Training on the child welfare system response to human trafficking is available through the Minnesota Department of Human Services. Trainings are on Trainlink, or contact DHS.safeharbor@state.mn.us.

Agencies may contact Rapid Consultation at 1-888 -234-1138, or the human trafficking child protection coordinators at DHS.Safeharbor@state.mn.us for technical assistance or more information on screening and identification of trafficking.

A list of resources that local social service agencies can refer to or consult is below. Always prioritize safety and immediate needs for medical care, food, shelter and clothing. There are widespread gaps in housing and emergency assistance for labor trafficking victims statewide. If a child victim also has experienced sexual exploitation or homelessness, use the applicable housing resources, when possible. For assistance with multi-disciplinary labor trafficking response protocol development in local communities, see the Labor Trafficking Protocol Guidelines at www.theadvocatesforhumanrights.org.

Resources

Minnesota Department of Human Services, Safe Harbor response: See www.mn.gov/dhs/safe-harbor for information on the response to trafficking and exploitation of youth, or contact DHS.Safeharbor@State.mn.us

Minnesota Department of Health, Safe Harbor: For information and contacts within Minnesota's Safe Harbor network, see www.health.state.mn.us/injury/topic/safeharbor/

National Human Trafficking Hotline: 1-888-373-7888 (24 hours, seven days a week), or text HELP to 233733 (BeFree, open 2 p.m. – 10 p.m. CST)

ACF Office on Trafficking in Persons: Contact the child protection specialists at ChildTrafficking@acf.hhs.gov or 202-205-4582 (9:00 a.m. to 5:00 p.m. EST, Monday to Friday). Access information about [response and resources for foreign national minor victims of trafficking](#)

U.S. Department of Homeland Security: For guidance on how to provide documentation for U or T visas. See U and T visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and Other Government Agencies at www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide.

Homeland Security Investigations hotline: 866-347-2423. The investigator or supervisor can ask to speak to the trafficking group supervisor and the victim assistance specialist.

Referral options for labor trafficked youth

The Advocates for Human Rights (statewide) 612-341-2971, www.theadvocatesforhumanrights.org. Provides legal representation for immigrants, and one-on-one needs assessment, resource identification, referrals, and case management for the duration of a client's case.

The Enitan Story (statewide) 763-273-6624, www.enitan.org. Improves life skills and increased support for survivors through training programs, peer support groups, crisis case management services, and referrals to community resources.

International Institute of Minnesota (statewide) 651-647-0191, www.iimn.org. Provides statewide training and intensive case management.

Southwest Crisis Center (Brown, Cottonwood, Jackson, Martin, Nobles, Pipestone, Rock and Watonwan counties) 507-376-4311 or 1-800-376-4311, www.mnswcc.org. Provides advocacy for personal, medical, criminal and civil situations. Provides life skills, safety planning, safe housing options, connection to local resources, financial assistance, basic living needs and more.

Standpoint (statewide) 800-313-2666 or 612-343-9842, www.standpointmn.org. Provides direct legal representation for youth victims of labor trafficking. Provides training for attorneys and legal staff, referrals to recruited and trained pro bono attorneys, and technical assistance for attorneys in Minnesota.

Referral options for American Indian youth experiencing sex or labor trafficking

American Indian Community Housing (Duluth) 218-722-7225. Offers a culturally specific training series, outreach campaign, and internal protocol for trafficking response.

American Indian Family Center (St. Paul) 651-793-3803. Develops partnerships and a service model that meets the needs of victims age 24 and under. Provides trainings to American Indian Family Center staff and presents community workshops.

Minnesota Indian Women's Resource Center (Minneapolis) 612-728-2000. Develops a resource guide for tribes of a tribal multi-systemic response to human trafficking, and funding resources to tribes.

Northwest Indian Community Development Center (Northwest – Red Lake Nation, White Earth Nation, and the Leech Lake Band of Ojibwe) Bemidji, 218-759-2022. Provides direct service supports to trafficked youth, and training for tribal providers, community members and non-tribal providers.

Note that the Office on Trafficking in Persons funds Trafficking Victim Assistance Program (TVAP) providers throughout Minnesota and will connect a reporter directly to the appropriate TVAP case manager for minor foreign national victims of sex or labor trafficking.

Appendix A: Labor trafficking identification tool



DHS-76410-ENG 1-19

Identifying and responding to labor trafficking of children

What is labor trafficking?

Labor trafficking is when a person is compelled to work for the benefit of another person by use of force, threats, intimidation, blackmail or debt bondage [[Minn. Stat. 609.281, subd. 5](#); [22 U.S.C. 7102\(9\)\(B\)](#).] Work includes formal employment and informal services including illegal activities.

How can child welfare staff identify labor trafficking?

Early identification of sex and labor trafficking is the key to establishing the local child welfare agency response, and connecting children and families to services. Many children experience labor trafficking at the same time as sex trafficking or other maltreatment. The indicators below are common signs that a child may be experiencing labor trafficking. The screening tool provided on the back of this document should be completed whenever indicators of labor trafficking are present.

What is the child welfare system response to labor trafficking?

Labor trafficking is not a mandated report in Minnesota. However, labor trafficking is a serious crime and can be very dangerous for children. When labor trafficking is identified, consider immediate safety risks and cross report to law enforcement. All victims of labor trafficking should be offered voluntary child welfare services. Visit www.mn.gov/dhs/safe-harbor for more guidance on the child welfare system response.

Indicators of a child at risk for labor trafficking

Victims may be any gender or race/ethnicity, or have any immigration status. They may be experiencing any of the following:

- Can't move freely or not allowed to come and go at will
- Accompanied by a person who speaks for them
- Not permitted to use phone or other communications, especially if restricted from contacting family
- Someone controls their transportation
- Unsure of day, date, month or year
- Frequent moves or doesn't know where they live
- Unusual living/work space (may include tinted windows, security cameras, barbed wire, people sleeping/living at worksite)
- Wears the same clothes over and over, or routinely wears clothes not in season
- Not in control of personal identification
- Someone else controls their money or collects their earnings from work
- Explanation of work situation doesn't make sense; seems scripted
- Seems afraid to answer questions
- Fearful of employer
- Long work hours; exhausted; hungry
- Owes a debt to employer
- Foreign national children who are living with people who are not their parents or guardians, and their relationship is unclear

See signs? Continue to the labor trafficking screening tool on the other side of this page.

Labor trafficking screening tool

The screening tool consists of two questions. The first question is about whether the child is working for someone else and the second is about whether the child has been compelled to work. If the answer to both questions is yes, the child in question may be a victim of labor trafficking. The screening tool is intended for the screener, screening team, assigned worker or supervisor to use in reviewing information known about a child who shows signs of labor trafficking. It should not be used to conduct an interview of a child or family, nor is it intended as a self-assessment. Document responses to both questions in the Social Service Information System (SSIS).

1. Is the alleged victim providing labor or services for another person?

☐ Yes ☐ No ☐ Unsure

Examples:

- The alleged victim is formally employed by the alleged trafficker.
- The alleged victim is formally employed by another person and the alleged trafficker is benefiting.
- The alleged victim is engaged in illegal activities for the benefit of the alleged trafficker, such as theft, panhandling, drug trafficking or identity theft.
- The alleged victim provides informal services for the benefit of the alleged trafficker, such as babysitting, housework, home health care, day labor or working "off the books."

2. Does the alleged victim appear to be compelled in any way to provide the labor or services?

☐ Yes ☐ No ☐ Unsure

Examples:

- The alleged victim cannot access their personal documents.

- The alleged victim owes money to their boss, the person who hired them, the person who is housing them or the person who helped them find the job, and are unable to reduce their debt through reasonable work. For instance, when money is taken directly from their pay to cover a debt or for travel, and the amount they owe increases or does not decrease.
- The alleged victim is afraid something bad will happen to them or someone else if they stop providing the labor or services. This includes actual or threatened physical harm or death, loss of housing and blackmail.
- The alleged victim is physically confined, monitored or isolated to keep them working.
- The alleged victim has been threatened with legal consequences such as arrest, immigration enforcement actions, reports to child protection, or other civil actions.
- The alleged victim is providing labor or services as a result of a false promise of a benefit such as pay, education, immigration status or a better life.
- A close emotional or familial relationship is being used to manipulate the alleged victim into providing labor or services (beyond standard family relationships and expectations).

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-3039 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

Identifying and responding to labor trafficking of children

What is labor trafficking?

Labor trafficking is when a person is compelled to work for the benefit of another person by use of force, threats, intimidation, blackmail or debt bondage [[Minn. Stat. § 609.281, subd. 5](#); [22 U.S.C. § 7102\(9\)\(B\)](#).] Work includes formal employment and informal services including illegal activities.

How can child welfare staff identify labor trafficking?

Early identification of sex and labor trafficking is the key to establishing the local child welfare agency response, and connecting children and families to services. Many children experience labor trafficking at the same time as sex trafficking or other maltreatment. The indicators below are common signs that a child may be experiencing labor trafficking. The screening tool provided on the back of this document should be completed whenever indicators of labor trafficking are present.

What is the child welfare system response to labor trafficking?

Labor trafficking is not a mandated report in Minnesota. However, labor trafficking is a serious crime and can be very dangerous for children. When labor trafficking is identified, consider immediate safety risks and cross report to law enforcement. All victims of labor trafficking should be offered voluntary child welfare services. Visit www.mn.gov/dhs/safe-harbor for more guidance on the child welfare system response.

Indicators of a child at risk for labor trafficking

Victims may be any gender or race/ethnicity, or have any immigration status. They may be experiencing any of the following:

- Can't move freely or not allowed to come and go at will
- Accompanied by a person who speaks for them
- Not permitted to use phone or other communications, especially if restricted from contacting family
- Someone controls their transportation
- Unsure of day, date, month or year
- Frequent moves or doesn't know where they live
- Unusual living/work space (may include tinted windows, security cameras, barbed wire, people sleeping/living at worksite)
- Wears the same clothes over and over, or routinely wears clothes not in season
- Not in control of personal identification
- Someone else controls their money or collects their earnings from work
- Explanation of work situation doesn't make sense; seems scripted
- Seems afraid to answer questions
- Fearful of employer
- Long work hours; exhausted; hungry
- Owes a debt to employer
- Foreign national children who are living with people who are not their parents or guardians, and their relationship is unclear

See signs? Continue to the labor trafficking screening tool on the other side of this page.

Labor trafficking screening tool

The screening tool consists of two questions. The first question is about whether the child is working for someone else and the second is about whether the child has been compelled to work. If the answer to both questions is yes, the child in question may be a victim of labor trafficking. The screening tool is intended for the screener, screening team, assigned worker or supervisor to use in reviewing information known about a child who shows signs of labor trafficking. It should not be used to conduct an interview of a child or family, nor is it intended as a self-assessment. Document responses to both questions in the Social Service Information System (SSIS).

1. Is the alleged victim providing labor or services for another person?

Yes No Unsure

Examples:

- The alleged victim is formally employed by the alleged trafficker.
- The alleged victim is formally employed by another person and the alleged trafficker is benefiting.
- The alleged victim is engaged in illegal activities for the benefit of the alleged trafficker, such as theft, panhandling, drug trafficking or identity theft.
- The alleged victim provides informal services for the benefit of the alleged trafficker, such as babysitting, housework, home health care, day labor or working “off the books.”

2. Does the alleged victim appear to be compelled in any way to provide the labor or services?

Yes No Unsure

Examples:

- The alleged victim cannot access their personal documents.

- The alleged victim owes money to their boss, the person who hired them, the person who is housing them or the person who helped them find the job, and are unable to reduce their debt through reasonable work. For instance, when money is taken directly from their pay to cover a debt or for travel, and the amount they owe increases or does not decrease.
- The alleged victim is afraid something bad will happen to them or someone else if they stop providing the labor or services. This includes actual or threatened physical harm or death, loss of housing and blackmail.
- The alleged victim is physically confined, monitored or isolated to keep them working.
- The alleged victim has been threatened with legal consequences such as arrest, immigration enforcement actions, reports to child protection, or other civil actions.
- The alleged victim is providing labor or services as a result of a false promise of a benefit such as pay, education, immigration status or a better life.
- A close emotional or familial relationship is being used to manipulate the alleged victim into providing labor or services (beyond standard family relationships and expectations).



For accessible formats of this information or assistance with additional equal access to human services, write to dhs.info@state.mn.us, call 651-431-4670, or use your preferred relay service. ADA1 (2-18)