

## **Trafficking Victim Tracking System Supporting Statement**

### **A. Justification**

#### **1. Circumstances Making the Collection of Information Necessary**

The Trafficking Victims Protection Act (TVPA), Pub. L. No. 106-386, Division A, 114 Stat. 1464 (2000), requires the Department of Health and Human Services (HHS) to certify adult alien (“foreign”) victims of severe forms of trafficking in persons (“human trafficking”) who are willing to assist law enforcement in the investigation and prosecution of human trafficking, unless unable to cooperate due to physical or psychological trauma, and who have either made a bona fide application for T nonimmigrant status that has not been denied or been granted Continued Presence (CP) from the U.S. Department of Homeland Security (DHS). Issued by the Office of Refugee Resettlement (ORR) within the HHS Administration for Children and Families, certification letters grant adult foreign victims of human trafficking access to federal and state benefits and services to the same extent as refugees.

In general, ORR initiates the certification process when it receives a notice from DHS that DHS has granted a foreign victim of trafficking CP or T nonimmigrant status, or has determined an application for T nonimmigrant status is bona fide. To issue certification letters, it is necessary for ORR to collect information DHS and from a victim’s representative, such as an attorney, case manager, or law enforcement victim specialist, including an address to send the letter.

In line with Section 107(b)(1)(B) of the TVPA, which authorizes the Secretary of HHS to fund “services to assist potential victims of trafficking in achieving certification,” ORR may ask if the victim is in need of a service provider and the current location (city, state) of the victim, and refer the victim to an appropriate service provider in his or her area, if requested. To meet this objective, ORR will also ask about the victim’s language and urgent concerns, such as medical care or housing, and transmit this information to the service provider.

Finally ORR collects information, such as the victim’s sex and the type of human trafficking the victim experienced, to provide to Congress in an annual report on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under subsections (b) and (f) of section 7105 of Title 22 of the U.S. Code, the TVPA, in connection with programs or activities funded or administered by HHS.

#### **2. Purpose and Use of the Information Collection**

ORR will use the information collected to certify foreign victims of trafficking, to refer a victim to a local case management service provider upon request, to verify a certified

individual's eligibility for benefits when contacted by a benefit-issuing office, and to include information in federal reports on anti-trafficking programs and activities.

After ORR receives a notification from DHS about an individual who has received CP or a determination of a bona fide application for T non-immigrant status, ORR collects the following information:

- If victim is not being served and needs a referral:
  - Victim's current location (city, state)
  - Victim's language
  - Victim's urgent concerns, such as medical care or housing
  
- If victim is being served:
  - Service provider contact information
  - Victim's sex
  - Type of trafficking the victim experienced (sex, labor, or both)

ORR funds grants to service organizations providing case management and direct services to foreign victims of trafficking and we have established a process to rapidly connect a trafficking victim requesting such assistance with a service provider, often through their attorney or a law enforcement victim witness specialist.

ORR also uses information it collects to provide to Congress in an annual report on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under subsections (b) and (f) of section 7105 of Title 22 of the U.S. Code, the TVPA, in connection with programs or activities funded or administered by HHS. HHS includes in these annual reports additional information about the victims that it collects when assisting each victim to obtain certification or eligibility.

ORR will store this information and any other details regarding the victim's case in the Trafficking Victims Tracking System (TVTS) on ORR's secure database. Other details maintained in the victim's file may include ORR staff actions, referrals, and notes regarding the victim's interest in receiving services. Maintaining victim records on TVTS will ensure efficient service for victims, allow ORR staff to track victims' progress toward certification, verify their eligibility for benefits, and organize information for reporting to Congress. The TVTS also includes information about foreign victims of trafficking and potential victims for whom an eligibility letter from ORR was sought when they were minors. Information about these individuals is collected pursuant to an OMB-approved collection, OMB Control Number 0970-0362.

In January 2011, the Archivist of the United States approved an Electronic System Schedule for the disposition of TVTS records.

**3. Use of Improved Information Technology and Burden Reduction**

ORR collects this information via phone calls or e-mails with victim identifying information in code.

**4. Efforts to Identify Duplication and Use of Similar Information**

ORR is the only agency to use this information to certify victims for benefits and services, so there is no duplication in the use of this information.

**5. Impact on Small Businesses or Other Small Entities**

Not applicable.

**6. Consequences of Collecting the Information Less Frequently**

The information provided to ORR will not be collected on a fixed schedule. Rather, to meet its legislative requirements, ORR must collect information as victims become eligible for certification so they can be connected with services and benefits.

**7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

Not applicable.

**8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

The 60-day *Federal Register* notice was published June 11, 2014 with page number 33558, Volume 79, No. 112.

The 30-day *Federal Register* notice was published November 12, 2014 with page number 67172 Volume 79, No 218.

During the 60-day comment period, no one submitted any comments in response to the notice.

**9. Explanation of Any Payment or Gift to Respondents**

Not applicable.

**10. Assurance of Confidentiality Provided to Respondents**

The Privacy Act applies to this program and its information collection. No separate assurances of confidentiality are provided to respondents.

**11. Justification for Sensitive Questions**

The Office of Refugee Resettlement collects the type of trafficking (sex, labor, or both) for each victim receiving certification. The information voluntarily provided by victim representatives allows ORR to make appropriate service provision referrals, if needed, and track the nature of trafficking for purposes of reporting to Congress. ORR does not collect additional details about the nature of the trafficking cases unless further disclosure is needed for the most appropriate service provider referral.

**12. Estimates of Annualized Burden Hours and Costs**

ANNUAL BURDEN ESTIMATES

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL BURDEN HOURS
Request for information	800	1	.1	80

Estimated Total Annual Burden Hours: 80

The monetary value of time is 80 hours times \$40 per hour or \$3200.

**13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers**

There are no direct monetary costs to respondents other than their time.

**14. Annualized Cost to the Federal Government**

We estimate \$3,200 per year, which reflects 80 hours (800 requests multiplied by an average of .1 hours per request) at \$40.00 per hour.

**15. Explanation for Program Changes or Adjustments**

Collection in use without an OMB approval.

**16. Plans for Tabulation and Publication and Project Time Schedule**

Not applicable.

**17. Reason(s) Display of OMB Expiration Date is Inappropriate**

Not applicable.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

No Exceptions

**B. Statistical Methods (used for collection of information employing statistical methods)**

Not applicable. No statistical methods employed.