

## **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 received T nonimmigrant status or been granted Continued Presence (CP) from the U.S. Department of Homeland Security (DHS). Issued by the Office on Trafficking in Persons (OTIP) within the HHS Administration for Children and Families, certification letters grant foreign, adult victims of human trafficking access to federal and state benefits and services to the same extent as refugees.

In general, OTIP 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 OTIP to collect information 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,” OTIP 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, OTIP 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 OTIP 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.

While revising certification procedures, OTIP devised a form to ease the burden of information collection and improve reporting through standardized data collection. The form allows OTIP to provide uniform and consistent guidance on what information is necessary to process certification letters while simultaneously expediting the process to

issue letters and connect victims of human trafficking with service providers, as requested.

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

OTIP will use the information collected to certify foreign, adult 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 OTIP 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, OTIP collects the following information:

- Victim's current location (city, state)
- Victim's primary language
- Victim's urgent concerns, such as medical care or housing
- Service provider contact information (if victim is being served)
- Victim's sex
- Victim's country of origin
- Type of trafficking the victim experienced (sex, labor, or both)
- Victim's preferred certification effective date

OTIP 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.

OTIP 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.

OTIP will store this information and any other details regarding the victim's case in OTIP's secure database. Other details maintained in the victim's file may include OTIP staff actions, referrals, and notes regarding the victim's interest in receiving services. Maintaining victim records in the database will ensure efficient service for victims, allow OTIP staff to track victims' progress toward certification, verify their eligibility for benefits, and organize information for reporting to Congress. OTIP will store this information in OTIP's secure database for no longer than 10 years, at which time it will be destroyed, unless required for business use by HHS.

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

OTIP created the form to expedite the certification process and ensure that foreign victims of human trafficking are aware of how their information is being used by HHS. HHS is in the process of seeking technological solutions that will securely collect information and streamline the certification process, in support of HHS' commitment to reduce burden on partners and capture efficiencies. HHS will continue to assess technology innovations that could improve the overall certification process. OTIP will continue to allow victims or their representatives to submit information for certification via phone calls or e-mails if they prefer not to use the form.

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

OTIP is the only agency to use this information to certify victims for benefits and services. OTIP is the only agency to request information on the victim's case manager, current location, emergency concerns, and type of trafficking experienced. 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 OTIP will not be collected on a fixed schedule. Rather, to meet its legislative requirements, OTIP 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 August 29, 2018 with page number 44055, Volume 83, No. 168.

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 information in the collection instrument will be treated in accordance with the Privacy Act of 1974, as applicable (i.e. if the foreign national minor attains citizenship or lawful permanent residency status).

On the last page of the form, there is a section entitled Important Notice Regarding Information Sharing which outlines how HHS will use the information collected during the certification process:

1. To coordinate the delivery of a HHS Certification Letter to a foreign adult present in the United States who has been subjected to a severe form of trafficking in persons;
2. To refer a foreign adult victim of trafficking in the United States to a case manager to assist the person in obtaining needed benefits and services; and
3. To report aggregated data on trafficking victims assisted by HHS in federal reports and to the public.

This section of the form allows the victim or the victim's representative to sign and consent to the information sharing practices outlined in the notice.

## 11. Justification for Sensitive Questions

OTIP collects the type of trafficking (sex, labor, or both) for each victim receiving certification. The information voluntarily provided by victim representatives allows OTIP to make appropriate service provision referrals, if needed, and track the nature of trafficking for purposes of reporting to Congress. OTIP 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                                  | .5                                | 400                |

Estimated Total Annual Burden Hours: 400

The monetary value of time spent by respondents is \$35,380. The value reflects a calculation of double the average combined mean hourly rates of Community and Social Service Specialists and Lawyers (\$88.46) multiplied by (400) hours or \$35,380.

**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 \$12,325.33 per year, which reflects 266.67 hours (800 requests multiplied by an average of .3 hours per request) at \$46.22 per hour.

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

OTIP developed the form to facilitate the submission of consistent information and improve program reporting. This ensure efficient service delivery for victims, allow OTIP staff to track victims' progress toward certification, verify eligibility for benefits, and organize information for reporting aggregate data to Congress. No changes were made to the information being collected from victims and their representatives. Moreover, they can still opt to submit information through email or telephone communications.

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

OTIP will provide aggregate information on information collected for the purposes of submitting information for the annual Attorney General's report to Congress on federal activities responding to human trafficking as authorized under the Trafficking Victims Protection Act. OTIP may also provide analysis of the information for other public purposes such as research reports and briefings of interest to the public. Personally identifiable information will not be shared with the public.

**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.