

# **Request for Certification of Adult Victims of Human Trafficking**

**OMB Information Collection Request  
0970 - 0454**

## **Supporting Statement Part A - Justification**

**January 2022**

Submitted By:  
Office on Trafficking in Persons  
Administration for Children and Families  
U.S. Department of Health and Human Services

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

The U.S. Department of Health and Human Services (HHS) provides letters of certification to foreign national victims of severe forms of trafficking in persons under the authority of the Trafficking Victims Protection Act of 2000 (TVPA), as amended 22 U.S.C. Section 7105(b) (1)(C) and (E). HHS delegated this authority to the Administration for Children and Families (ACF) Office of Trafficking in Persons (OTIP). Certification is required for foreign national adult victims of human trafficking in the United States to apply for federally funded benefits and services.

OTIP developed a form for potential victims and their advocates, including case managers, attorneys, law enforcement officers, service providers, and other representatives to provide the required information for certification to HHS in accordance with the TVPA of 2000, as amended. The Request for Certification of Adult Victims of Human Trafficking (RFC) form (formerly titled Trafficking Victims Tracking System) was renamed in order to create consistency between the RFC and Request for Assistance for Child Victims of Human Trafficking (RFA) forms (OMB Control Number 0970-0362).

The information provided through the completion of the RFC form is essential for OTIP to fulfill its mandate in accordance with the TVPA of 2000, as amended and to issue Certification Letters to eligible foreign national adults. Without a form, OTIP would be limited to notifying potential requesters about the assistance the law permits and providing a phone number or email address at OTIP for further information. An OTIP Case Specialist would then have to describe to each potential requester the information sought in the form, which would likely require multiple follow-up calls and ultimately delay assistance. Furthermore, the absence of a form to collect information necessary to process a request for certification could result in errors in the information collection causing an adult that should be eligible for benefits and services as a victim of trafficking to be denied access to assistance.

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

The purpose of this form is to collect information necessary to issue a Certification Letter to eligible foreign national adult victims of a severe form of trafficking in persons in accordance with the TVPA of 2000, as amended. Use of this form facilitates OTIP's review of the information submitted and enables OTIP to act expeditiously and consistently in receiving and reviewing requests for certification. The form assists the potential requester and is structured to allow the collection of necessary information to issue a letter allowing eligible adults to apply for federally funded benefits and services.

This is an ongoing data collection under OMB Control Number 0970-0454. OMB approval of the current RFC form expires on February 28, 2022. OTIP has made minor updates to the form as described in section 15 of this document.

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

OTIP launched Shepherd, an online case management system, in December 2019. This system allows users to submit RFCs and RFAs on behalf of both foreign national adults and minors who may be victims of a severe form of trafficking in persons. This system provides a secure, streamlined way for individuals to submit the RFC and RFA forms electronically and access real-time updates about the status of their request. If a requester encounters issues submitting a request through Shepherd, they may submit the RFC to OTIP as a password protected PDF to [Trafficking@acf.hhs.gov](mailto:Trafficking@acf.hhs.gov).

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

OTIP is the only agency to collect the requester's identifying information, information on the foreign national adult, and information demonstrating eligibility for assistance under the TVPA of 2000, as amended through the issuance of an HHS Certification Letter. Therefore, there is no similar information collection and no duplication.

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

Not applicable.

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

The information provided to OTIP is not be submitted on a fixed schedule. Rather, to meet its statutory requirements, OTIP must receive and process requests for certification on behalf of foreign national adults who have experienced a severe form of trafficking in persons upon receipt of the required documentation demonstrating eligibility in accordance with the TVPA of 2000, as amended.

### **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**

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on November 5, 2-21, Volume 86, Number 212, page 61277, and provided a sixty-day period for public comment. OTIP did not receive any substantive public comments.

### **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 adult attains citizenship or lawful permanent residency status). On Page 4 of the form, the Information Sharing and Consent section explains the following:

“HHS will use the information collected in the HHS Certification form for one or more of the following purposes, and to comply with the TVPA of 2000, as amended:

1. To coordinate the delivery of a HHS Certification Letter to a foreign national adult present in the United States who has been subjected to a severe form of trafficking in persons;
2. To refer a foreign national 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.

### **Security of Client's Personal Information**

The personally identifiable information (PII) that is shared with HHS through this form will be stored securely. Information gathered, including PII, will remain in HHS' custody for 15 years. After 15 years, such records will be transferred to the National Archives of the United States under the HHS record disposition authority, unless required for business use by HHS. The records will be stored securely indefinitely. HHS uses the information to evaluate and determine the certified client's eligibility for benefits, for consultation purposes, for reporting requirements, and for research and analysis in anonymous datasets. To protect the privacy of clients, HHS will never share any PII such as the client's name or alien number in reports or publicly available data sets. The information contained in the form may be disclosed for a legitimate law enforcement purpose, including in response to a discovery request or otherwise in the course of criminal or civil litigation. If you have any questions about this form, you may contact a HHS Trafficking Specialist at 866-401-5510 or [Trafficking@acf.hhs.gov](mailto:Trafficking@acf.hhs.gov).

By signing this form, you acknowledge that the client gives consent to share the information contained in the HHS Certification form as necessary to obtain HHS Certification and for reporting purposes. The client acknowledges that they have been notified that their information will be used in federal reports or data available to the public in a way that does not disclose PII.

By signing this form, you acknowledge that the client has been informed that the information provided in this form might be shared with other federal agencies as part of aggregate data reporting, and with public and nongovernmental organizations for the purpose of confirming eligibility for benefits, or for processing referrals for case management services.”

## 11. Justification for Sensitive Questions

The RFC form requests demographic and contact information to issue letters to eligible foreign national adults who have experienced a severe form of trafficking in persons in accordance with the TVPA of 2000, as amended and to connect those individuals to trafficking-specific, comprehensive case management services. The form does not ask for details pertaining to the forced commercial sex or forced labor the individual may have experienced or other potentially sensitive information.

OTIP leverages data anonymization and k-anonymization to deidentify information pertaining to foreign national adults seeking certification before any information is disclosed to authorized parties or published in publicly available datasets. Data anonymization refers to the process by which any information that could lead to an individual being identified is removed or obscured from the dataset. OTIP applies a “[Safe Harbor](#)” method of removing identifiers and masking data, for example, any information or dataset that is publicly disseminated will **never** contain the name, date of birth, or alien number of victims or requesters. K-anonymization is a data anonymization technique that redacts or removes information falling into sets with fewer than k members, where each set is defined by a unique combination of values of the different variables in a dataset. This means that it is not possible to query a dataset and return fewer than a pre-determined (k) number of results, regardless of the query. The appropriate threshold for the number of results depends on the nature of the dataset and its size. Based on research and testing, OTIP uses k=10 for all variables. This approach mirrors the suppression techniques used for other large datasets containing human trafficking-specific administrative data, see IOM and Polaris’ Counter Trafficking Data Collaborative ([Global Data Hub on Human Trafficking](#)).

## 12. Estimates of Annualized Burden Hours and Costs

The number of requests for certification received by OTIP is impacted by a variety of social, political, and environmental factors that fluctuate each year. OTIP based its estimated number of respondents by averaging the number of requests received over the previous three fiscal years and increased the estimated number of respondents to 1,300. The estimated time per response is 1 hour, which reflects past experience and also the time required to gather relevant supporting documentation and navigate the Shepherd online case management system.

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Request for Certification of Foreign National Adult Victims of Human Trafficking	1,300	1	1	1,300	433	\$90.13	\$39,026.29

Victims, case managers, attorneys, law enforcement officers, child welfare workers, and other representatives submit RFCs. The cost to respondents was calculated using the most current Bureau of Labor Statistics (BLS) wage data (May 2020) for job codes [11-9151] Social and Community Service Managers and [23-0000] Legal Occupations.

The average of the combined mean hourly rates of Social and Community Service Managers (\$36.13) and Legal Occupations (\$54.00) is \$45.07. To account for fringe benefits and overhead the rate is multiplied by two which is \$90.13.

### **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 to complete the form.

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

RFC forms are reviewed by OTIP Case Specialists and salaried staff. The cost to the federal government was calculated using the most current Bureau of Labor Statistics (BLS) wage data (May 2020) for job codes [43-4061] Eligibility Interviewers, Government Programs and [15-2041] Statisticians.

The average of the combined mean hourly rates of Eligibility Interviewers, Government Programs (\$23.07) and Statisticians (\$46.72) is \$34.90. The estimated annualized total cost to the government is \$45,370, which reflects 1,300 hours (1 hour of review per 1,300 RFCs received) times \$34.90.

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

The number of requests for certification received by OTIP is impacted by a variety of social, political, and environmental factors that fluctuate each year. OTIP based its estimated number of respondents by averaging the number of requests received over the previous three fiscal years and increased the estimated number of respondents to 1,300.

The estimated time per response is 1 hour, revised to reflect the time required to gather relevant supporting documentation and navigate the Shepherd online case management system. The minor revisions made to the form, as described below, enable OTIP to better fulfill its mandate in accordance with the TVPA of 2000, as amended. These revisions also allow OTIP to be more responsive to congressional inquiries, federal reporting requirements, and the needs of victims, as the information provided is factored into policy and program development efforts.

#### **Overview of Revisions**

The Request for Certification of Adult Victims of Human Trafficking (RFC) form (formerly titled Trafficking Victims Tracking System) was renamed in order to create consistency between the RFC and Request for Assistance for Child Victims of Human Trafficking (RFA) forms (OMB Control Number 0970-0362).

Since the RFC form originally received clearance, OTIP modernized its request process. Now, users can submit both the RFC for foreign national adults and the RFA for foreign national minors through OTIP's online Shepherd case management system as webforms. The PDF version of the form should only be used in exceptional circumstances when the online case management system is inaccessible. Instructions for submitting the request through the Shepherd case management system are provided in Attachment B: Shepherd RFC Webform Instructions.

The other minor updates made to the RFC described below enable OTIP to better fulfill its mandate in accordance with the TVPA of 2000, as amended, and to be more responsive to congressional inquiries, federal reporting requirements, and the needs of victims, as the information provided will be factored into policy and program development efforts. These updates have been made to the PDF version of the RFC form that we are submitting for clearance, updates to the Shepherd RFC webform will be made once the PDF form receives renewed clearance:

- Three fields were added for respondents to report the client's first, middle, and last name, rather than the client's initials. This information is needed to facilitate intake for case management services.
- The field for Sex was changed to Gender. Field options now include 'Unspecified, or another gender,' in addition to Male and Female. This change is respectful of individuals' privacy while advancing inclusion. This change also enables the OTIP Case Management Team to better understand the adult's specific needs and in order to connect the adult to appropriate services.
- An additional response option was added under Type of Trafficking Experienced, specifically Not Reported. This enables the OTIP Case Management Team to know if the question was intentionally or incidentally omitted by requesters.
- The header and fields under Section 2: Case Management/Requester Information were updated to remove "Case Management" or "Case Manager" where applicable to simply read "Requester's Information." This is consistent with the language on Shepherd, OTIP's online case management system. The field for the Requester's Middle Name was also removed, as this information is not needed or used by OTIP.
- The language in the final section, Important Notice Regarding Information Sharing and Consent, has been updated to include permanent records disposition authority. The NARA disposition number for this collection is DAA-0292-2020-0001.<sup>1</sup>

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<sup>1</sup> In 2019, HHS launched Shepherd, an online case management system, to process all requests for assistance and certification on behalf of foreign national minor and adult victims of trafficking. If a requester encounters issues submitting a request through Shepherd, they may submit the RFC form to HHS as a password protected PDF to [Trafficking@acf.hhs.gov](mailto:Trafficking@acf.hhs.gov). All information received through the certification and eligibility processes is stored within the Shepherd online case management system.

- Minor updates were made to language and the order of the content throughout the form to mirror the language used and user experience on Shepherd, OTIP's online case management system.

**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. As outlined in Section 10, PII will not be shared with the public.

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

Not applicable. The OMB control number and expiration date will be displayed on the form.

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

Not applicable.