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Office of Management and Budget (OMB)

From: Vera J. Soto
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Administration for Children and Families (ACF)

Date: October 26, 2023

Subject: Nonsubstantive Change Request – Trafficking Victim Assistance Program Data (OMB #0970-0467)

This memo requests approval of nonsubstantive changes to the approved information collection, Trafficking Victim Assistance Program Data (OMB #0970-0467).

Background

The Trafficking Victims Protection Act of 2000 (TVPA), as amended, authorizes the Secretary of Health and Human Services (HHS) to expand benefits and services to foreign nationals in the United States who are victims of severe forms of trafficking in persons. Section 107(b)(1)(B)(i) of the TVPA of 2000, as amended, (22 U.S.C. § 7105(b)(1)(B)(i)) authorizes the Secretary of HHS to expand non-entitlement benefits and services to victims of severe forms of trafficking in persons in the United States and their family members with derivative T visas. It further states that such benefits and services “may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.”

Acting under a delegation of authority from the Secretary of HHS, the Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP) funds time-limited comprehensive case management services to foreign national adult confirmed and potential victims of a severe form of human trafficking, as defined by the TVPA of 2000, as amended, who are seeking or have received HHS certification. The Trafficking Victim Assistance Program (TVAP) must also establish local regional presence to coordinate project activities and direct services. Case management services must be provided to qualified persons directly by full-time case managers that are staffed by the prime recipient and may also be provided through a network of per capita service providers, which provide direct services and community referrals. TVAP is currently inclusive of three distinct award programs: the Trafficking Victim Assistance Program, Aspire: Child Trafficking Victim Assistance Demonstration Program, and Lighthouse: Services, Outreach, and Awareness for Labor Trafficking (Lighthouse) Demonstration Program. The performance indicators and data collection instruments under OMB #0970-0467 apply to all three TVAP programs.¹

¹ There are two indicators on the TVAP collection forms that apply only to certain programs/recipients. Specifically, the indicator “If the client is a minor, are they enrolled in school?” on the Victim Assistance Client Characteristics and Program Entry form, which applies only to Aspire recipients, and the newly proposed “Number of Public Awareness Activities Conducted” indicators, which applies only to Lighthouse recipients.

The primary objective of OTIP's victim assistance programs, including TVAP, is to provide comprehensive, culturally and linguistically responsive case management to individuals who have experienced a severe form of trafficking in persons. Current TVAP recipients have reported concerns over competing requirements and priorities under their awards, which made it difficult to balance direct service provision against training activities for community-based providers and members of the general public. Grant recipients have also cited concerns over the lack of foundational knowledge within their communities as to what constitutes human trafficking victimization, which has impacted their ability to identify potential victims and connect those individuals with services. Beginning in FY 2024, so as to reduce reporting burden on recipients and strengthen public awareness within the geographic service areas where recipients implement their programs, training is no longer required or an allowable activity under TVAP. These updated requirements pertaining to allowable and required programmatic activities were made public through the most recent NOFOs and grant award processes and are already in effect.

As such, we are requesting to remove the training indicators from OMB #0970-0467 and to make a minor update to the Outreach form for recipients to report on their public awareness activities. Additionally, based on information about clients served during FY 2022, we are requesting an update to the Client Case Closure form.

Overview of Requested Changes

Training form

To reduce burden and bring the collection into alignment with new programmatic requirements, OTIP is requesting to discontinue use of and remove the Training form data elements. We have removed the Training form from the collection and updated the burden accordingly.

Outreach form

OTIP proposes to add one indicator to the Outreach form: "Number of Public Awareness Activities Conducted". The Lighthouse Demonstration Program under TVAP seeks to improve foreign national victim identification through service delivery and outreach and adds a necessary public awareness component to improve the general public's understanding of labor trafficking. The addition of "Number of Public Awareness Activities Conducted" to the Outreach Form will bring the collection into alignment with revised TVAP requirements necessitating Lighthouse recipients to engage in public awareness activities.

Client Case Closure form

OTIP proposes to add back one additional response option under the data element, "Did the client obtain Continued Presence or a T Visa?" on the Client Case Closure form: "Bona Fide T Visa". The most recent revision request, submitted in October 2022 and approved in February 2023, included the following item:

- Did the client obtain Continued Presence or a T-Visa?
 - Continued Presence
 - T-Visa
 - Unknown

Prior to this revision request, the item included an option for “Bona Fide T Visa”. Based on our analysis of historical data submitted by recipients under this program, OTIP had not served a client in receipt of a bona fide T visa² in more than ten years. Therefore, the option was removed. However, based on a fiscal year 2023 analysis of clients served in fiscal year 2022, an individual with this certification type was referred to our program. Accordingly, OTIP is seeking to add this back in as a response category.

Time Sensitivities

Proposed updates will apply to grant recipients first quarterly report (due 1/30/2024). Additionally, OTIP is in the process of gathering requirements for TVAP recipients to begin reporting their performance data in the Anti-Trafficking Information Management System .To ensure grant recipients have adequate time to implement the corresponding changes to data cleansing, aggregation, and reporting well in advance of the next reporting period, and to ensure OTIP’s system development team is able to proceed with accurate requirements, we ask for a response as soon as possible.

² A bona fide T visa application is different from an application receipt from USCIS/DHS. A bona fide T visa application is a formal notice from USCIS/DHS that the application has been through initial review and was found to be complete, properly filed, contains proper evidence, and is clear of fraud. An application receipt from USCIS/DHS does not make an individual eligible. A foreign national adult must have Continued Presence, a T Visa, or a bona fide T Visa application to request an HHS Certification letter. Additional information about bona fide determinations can be found on [the USCIS website](#).