



Freedom Network USA

November 8, 2022

Office of Management and Budget
Paperwork Reduction Project
[OIRA SUBMISSION@OMB.EOP.GOV](mailto:OIRA_SUBMISSION@OMB.EOP.GOV)

ATTN: Desk Officer for the Administration for Children and Families

RE: Submission for OMB Review: Trafficking Victim Assistance Program Data Collection (OMB #0970-0467)

ACF Desk Officer:

Freedom Network USA (FNUSA) commends the HHS Office on Trafficking in Persons (OTIP) for seeking to improve the Trafficking Victim Assistance Program (TVAP). TVAP is a key source of funds for meeting the needs of foreign-born survivors of human trafficking. We understand that collecting information from the TVAP grantees and service providers is necessary to meet this goal.

FNUSA is the nation's largest coalition of service providers and advocates working directly with human trafficking survivors in the United States. We are committed to the human rights-based approach to human trafficking, placing a trafficked person's priorities and narrative at the center of anti-trafficking work. Our 87 members include survivors, former prosecutors, civil attorneys, criminal attorneys, immigration attorneys, and social service providers who have assisted thousands of trafficking survivors. Many of our members have been TVAP subgrantees throughout the program's history.

We appreciate OTIP's consideration of comments from FNUSA and other advocates in previous years. The steps taken to protect survivor confidentiality in the modified forms are crucial to meeting the needs of survivors receiving TVAP funds. We offer these additional comments on the modified forms subject to OMB review to support ACF's interests in ensuring the most effective programs.

FNUSA remains concerned that some of the information requested across the proposed forms goes beyond what the program requires and may lead to the re-traumatization of survivors. Service providers ***should not be required*** to ask detailed questions related to a survivor's trauma history and details of their trafficking experience at any point, especially not to ensure program enrollment, as the details of the exploitation are not relevant. Requiring a survivor to discuss their trauma history in order to receive services is re-traumatizing and could lead to the individual withdrawing completely from needed services, increasing their risk of re-exploitation.

We are also concerned by the lack of an estimate of total reporting burden hours for grant recipients in the revised performance indicators. This is a necessary component for consideration by OMB and should have been provided in the documents made available for comment.

Our concerns and recommendations are detailed below by form. We refer to those organizations that are direct recipients of TVAP funding from OTIP as TVAP grantees. We refer to the service providers who are compensated by the TVAP grantees to work directly with trafficking survivors as TVAP subgrantees or subgrantee service providers.

Victim Assistance – Client Characteristics and Program Entry Form

The purpose of this form should be to ensure that service providers are enrolling survivors who are eligible to receive services under TVAP. We appreciate that ACF has reduced the information gathered and has removed some of the most invasive questions about the survivor and their trafficking experience. However, we still find this form to include overly invasive questions unrelated to the purpose of the form, which could be harmful to the survivors. We also note that the form does not indicate which fields are required and which are optional. Non-required questions should be clear to those administering the form so survivors do not feel obligated to provide information they are uncomfortable sharing. It is noted in the “Summary of Proposed Changes” that OTIP has added language clarifying that multiple of the questions are voluntary, but that is not reflected in the provided Revised Performance Indicators or Reference Guide. This should be very clear to grantees, subgrantees, and survivors on the form itself.

The following **information is unnecessary and inappropriate** for the determination of eligibility:

Location of Services: The services are being received at the provider’s location, which is information gathered from the provider. **Therefore, this question should be deleted.**

Location of Trafficking, Exploitation Industry/Venue, Commercial Sex Venue: All three of these questions request information unrelated to the determination of whether the individual meets the eligibility criteria and is not relevant to what services are being provided. The addition of the Commercial Sex Venue question is unnecessary for determining eligibility and repetitive of the Exploitation Industry/Venue question. Details about the survivor’s description of the trafficking experience should be discussed only with an attorney or law enforcement to ensure that information is protected by a legally enforceable privilege in case of a law enforcement investigation. Records also need to reflect the distinction between information that is “not reported” and when a survivor chooses not to share unnecessary details about their trafficking experience and trauma. **These questions should either be deleted or clearly marked as Optional, and the option Client Chooses Not to Answer should be added to each list.**

If the questions are not deleted, they should be combined and simplified so survivors are not obligated to share specific information about their trafficking experience. Broad industries should be offered instead of the long and detailed list currently in place. Industries could include Manufacturing, Nightclubs/Bars,

Agriculture/Livestock/Fishing, Domestic Work, Hospitality, Healthcare, Construction, Virtual, Illicit Activities, Other, and Chooses Not to Answer.

Victim Assistance – Barriers to Service Delivery and Monitoring Form

No concerns with this Form.

Victim Assistance – Client Case Closure Form

The TVAP program is time-limited, and subgrantees are required to inform the TVAP grantee when a case is closing. The Client Case Closure Form should *only* include the date on which the case is closing and the reason for case closure. The survivor's living situation at the time of case closure is neither necessary nor relevant to maintaining accurate records of the program. It is also not appropriate for OTIP to know survivors' living situations at any point during their service provision, and certainly inappropriate for survivors who are no longer receiving services. **Therefore, we recommend removing these questions (Living Situation upon Case Closing, Did the client receive a referral for continued case management services?).**

Victim Outreach Form

No concerns with this Form.

Subrecipient Enrollment Form

Type of Subrecipient Organization: This list includes a mixed list of corporate structures (Government, Private Sector, Faith Based, School, Service Provider, Child Welfare, etc.) and program areas (Advocacy, Education, Health Care, Law Enforcement, Housing, Legal, etc.). It is unclear which element ACF the grantee should prioritize. For example, should a law firm be represented as Private Sector, Legal, Service Provider, or Advocacy? **We recommend that this list be revised to focus on one element.**

Victim Assistance – Client Service Use and Delivery Form

Services Received and Benefits Received

Data should only be gathered during appointments required for actual service provision. There should be no visits only for reporting purposes. Survivors' lives are complicated enough, without requiring a meeting with the service provider just to complete a form. This form, however, suggests that providers must meet with survivors quarterly, even if additional services are not required, simply to determine the services and benefit received because these questions ask about services received from agencies and programs outside of the control of the subgrantee, including state and local government agencies. Additionally, even if the subgrantee provided a referral or assisted a survivor in applying for a benefit, the survivor should not be required to disclose the result of the referral to the subgrantee. **Therefore, instead of requiring the service provider to report which benefits and services the survivor received, the question should ask which services were provided directly by the subgrantee and what referrals were provided.**

Categories of Assistance Form

No concerns with this Form.

Partnership Development Exit Form

No concerns with this Form.

Training Form

No concerns with this Form.

Technical Assistance Form

No concerns with this Form.

Freedom Network USA recognizes the important role of HHS in supporting foreign national victims of severe forms of trafficking. We applaud your commitment to ensuring that survivors have access to needed services and assistance as soon as possible to support their safety and healing. We believe the recommended changes will help ensure survivors are supported and protect their information and privacy.

I can be reached at jean@freedomnetworkusa.org if you have any questions or need any further information or explanation.

Sincerely,



Jean Bruggeman
Executive Director
Freedom Network USA