

February 15, 2019

Administration for Children and Families
Office of Planning Research and Evaluation
330 C Street SW
Washington DC 20201
infocollection@acf.hhs.gov

RE: Trafficking Victim Assistance Program Data Collection, OMB No.: 0970-0467

Dear ACF Reports Clearance Officer:

Heartland Alliance commends the HHS Office on Trafficking in Persons for seeking to improve the Trafficking Victim Assistance Program (TVAP). The Department's commitment to ensuring foreign-born survivors of human trafficking are successfully served and to meeting their needs in order to process their trauma and heal from the abuse they have suffered is critical. We understand receiving information from the TVAP grantee is necessary to meet this goal and believe it is equally as critical to obtain feedback from service providers who work directly with survivors and complete all required paperwork and documentation to remain in compliance with the program.

Heartland Alliance, one of the world's leading anti-poverty organizations, works in communities in the U.S. and abroad to serve those who are homeless, living in poverty, or seeking safety. We provide a comprehensive array of services in the areas of health, housing, jobs and justice – and lead state and national policy efforts, which target lasting change for individuals and society. By influencing lawmakers, strengthening partnerships in the community, and lifting up the voices of those we serve, we create and fight for policy that promotes equity and opportunity for all. This work includes serving foreign national survivors of human trafficking through TVAP. Heartland has been a leader in administering this grant across the United States since 2011.

We are extremely concerned by the highly-detailed information that is being requested across a variety of proposed forms and data collection tools. We do not believe the information being collected has practical utility and may, in fact, put clients at grave risk for re-victimization. Per the Funding Opportunity Announcement (FOA) for the FFY18 of the TVAP program, the purpose of the program is to “fund time-limited comprehensive case management services on a per capita basis to foreign national victims of a severe form of trafficking in persons and potential victims of trafficking seeking HHS Certification so they can re-establish their ability to live independently.” We believe the data requested on the proposed forms goes above and beyond what the program requires and is not relevant to the primary objectives of TVAP.

Specific Recommendations, by Form:

Each form requires a client identifier. We strongly oppose using a client identifier that includes personally identifying information (PII) such as date of birth, client initials, and/or reference to the person's home country. This directly contradicts the confidentiality policies of the grantee and sub-grantee agencies. Instead, we recommend that TVAP grantees and subgrantees utilize a randomized client identifier system that does not disclose any PII.

Client Characteristics and Enrollment Form

The purpose of this form should be to ensure that service providers are enrolling clients who are eligible to receive services under TVAP. Per the FOA, persons qualified to receive services are the following:

- A foreign national adult potential victim of a severe form of trafficking who is seeking a Certification Letter from HHS and who is actively pursuing T-nonimmigrant status and/or Continued Presence (CP) issued by DHS;
- A foreign national potential victim of a severe form of trafficking who is under 18 years of age (minor) and is seeking an Eligibility Letter from HHS;
- A foreign national under 18 years of age who has been subjected to a severe form of trafficking; or
- A foreign national victim of a severe form of trafficking who has received HHS certification.

The following information is unnecessary and potentially harmful for the determination of eligibility:

- Referral Source: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above.
- Gender/Sexual Identity (LGBTQ): this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Disability: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Language: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Current living situation: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Current school enrollment: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Employment: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Client History and Presenting Needs such as poly-victimization, other risk factors, and systems in which the individual is currently involved: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Specific needs the client has: Service providers should only be required to report on whether or not a client *has* needs. This can be collected by asking "Does the individual have one or more of the following needs," listing out the needs, and requiring the service provider to check yes or *no*. Information related to specific needs is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Specific public benefits that the client needs: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above
- Specific geographic location of the client including County: Any individual that meets the above criteria and lives within the US or its territories is eligible to receive services. Therefore, this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above.
- Whether the client was referred to law enforcement: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above.
- Client relationship to the trafficker: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above.
- Industry in which the client was trafficked: this information is unrelated to the determination of whether the individual meets the eligibility criteria listed above.

Though this information can be useful for sub-contracted service providers to assess, collect, and utilize to ensure quality service provision and improvement of services to survivors, it is not relevant

to the information needed to determine eligibility for services. **Therefore, we recommend that these questions be removed from any required forms HHS proposes to implement across the TVAP network.**

Furthermore, per the Federal Register Notice, it is estimated that it will take service providers approximately .3 hours (18 minutes) to complete this form. This does not reflect our experience given the amount of rapport that would need to be built with a survivor before asking specific questions as they relate to their trafficking and trauma history. The current enrollment process for TVAP does not ask this level of sensitive and potentially invasive questions and still takes at least 1 hour to complete the assessment. As the form stands in its proposed format, it would take a service provider days or even weeks to establish the necessary rapport and trust to complete these questions. Consequently, a survivor would not be able to enroll until the form was completed, prohibiting them from accessing critical services.

Additionally, service providers are not required to ask detailed questions related to a client's trauma history at any point, and especially not to ensure program enrollment – it is not relevant. Too often, survivors are expected to tell their trauma history and be re-traumatized to receive services and support. This is not a best practice and it is not a protocol to adopt or require.

Per the FOA, grantees are required to provide a person-centered response to survivors which “strengthens the voice of the individual, builds resiliency, and fosters recovery.” Requiring a survivor to discuss their trauma history as a matter of requirement to receive services directly negates this policy which OTIP requires grantees and sub-grantees to follow. It is re-traumatizing and could lead to the individual withdrawing completely and not engaging in services that they need.

Client Service Use and Delivery Form

The purpose of the TVAP program is to help survivors obtain HHS Certification and connect them to all federal benefits in which refugees are eligible. It is the responsibility of the TVAP grantee to ensure their subgrantees are educated on the public benefits and services in which certified survivors are eligible and it is the responsibility of the sub-grantee to link the survivor to these benefits and services. Therefore, it is recommended that instead of requiring the service provider to report on *which* benefits the client was connected to, the question should be reframed as such: “Was the client connected to any of the following public benefits during the reporting period?” with a list of benefits as reference. The service provider should only be required to report yes or no.

TVAP Spending Form

Requiring survivors to choose between releasing personal, sensitive information related to their medical care and *receiving* necessary and important medical treatment creates an ethical dilemma for providers. Service providers are not required to report on any expense beyond the amount and the category for which it falls under (e.g. housing, clothing, transportation, food) *except* when funds are used to pay for medical services including dental or vision. In the cases in which a service provider uses program funds to pay for a medical expense – a co-pay, a medical bill, or helps to purchase glasses for a client, for example – the client must agree to release the doctor's name where the treatment was received as well as what type of health screening *and* medical service was received. If a survivor does not want this information shared with the TVAP grantee and/or the federal government, the sub-grantee cannot pay for the service using program funds. That means a survivor may not be able to receive the medical care that they need when being served by an agency that cannot utilize other funding streams to cover the medical expense.

Trafficking victims endure some of the most horrific conditions imaginable. Stripped of their freedom, they are often forced to live in the worst circumstances and routinely subjected to abuse. Once they escape their trafficking situation, we must ensure that they can access all the tools they need to rebuild their lives, including a full range of medical care to address the physical and sexual abuse that they may have suffered. Restricting this access with invasive policies around data collection is in direct conflict with program goals and it will feel coercive to make a survivor choose between treatment and disclosing personal information.

Requiring this information is a direct way for HHS to determine if survivors are receiving assistance for medical services that are not allowable per federal regulations which *only* includes abortions (except for when the mother's life is in danger or in cases of rape or incest). It is the responsibility of the TVAP grantee to ensure all sub-grantees understand the allowable and unallowable costs under this program and to monitor agencies on a regular basis. The TVAP grantee is able to audit sub-grantees and ensure funds are responsibly spent. Therefore, HHS does not need to require sub-grantees to report any information related to medical services beyond the TVAP grantee.

Furthermore, per the Federal Register Notice, it is estimated that it will take service providers approximately .75 hours (45 minutes) to complete this form. This estimate is too low given that service providers must explain *why* this information is needed and if the client decides they want the financial assistance, the service provider must obtain specific information related to the medical service and screening performed, which may not be specifically known by the client nor legible on the medical bill.

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 in which the case is closing and the reason for case closure. It should not include the client's employment status or living situation at the time of case closure. This information is not relevant to closing a case nor at any point during their service provision as it is not relevant to the goals of the program stated herein.

Partnership Development and Expansion: Enrollment Form

The TVAP grantee is responsible for subcontracting with service providers across the United States and territories who are equipped to serve foreign national victims of human trafficking. It is appropriate for OTIP to require the grantee to report on who these subcontracted service providers are and when they join via a subcontract and/or terminate their subcontract. It is unnecessary, however, for OTIP to require sub-grantees to report on their partners in the community. Though it is not clear per the Federal Register Notice *who* will be required to complete this form, it is our recommendation that only the TVAP grantee be required to report on sub-grantees.

Ways to Minimize the Burden of Collection

The collection of *some* information is necessary for HHS to ensure the success of the TVAP program. However, as stated above the goal of the program is, in sum, to help an individual obtain HHS certification, connect them to public benefits, and help them on a pathway to independence. Therefore, the proposed forms must be limited to collection of information that is necessary for HHS to ensure program goals are being met. This will eliminate the need for extensive interviews with clients related to their trauma history, it will reduce the amount of hours spent on paperwork, and increase the amount of time service providers have to spend engaging with survivors and meeting their complex needs through a trauma-informed, person-centered approach to services. Also and

equally as important, it will protect the privacy and rights of survivors as they rebuild their lives and heal from significant trauma.

Amended forms, as described above, would take an average of 2 hours to complete per individual enrolled in the program.

Heartland Alliance recognizes the important role of HHS in the support of foreign national victims of severe forms of trafficking. We applaud your dedication to ensuring that victims have access to needed services and support as soon as possible to support their safety and healing. We believe that the recommended changes will help to ensure that survivors are supported and their information and privacy is protected. It is critical that HHS strives to protect the rights of survivors including their right to privacy. The recommendations herein allow HHS to uphold their values of person-centered, trauma-informed services that ensure a quality system of care provided to all survivors.

I can be reached at dsinski@heartlandalliance.org if you have any questions or need any further information or explanation. Thank you.

Sincerely,



David Sinski
Executive Director
Heartland Alliance

