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U.S. Department of Health and Human Services

Administration for Children & Families

Office Of Refugee Resettlement

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Annual Anti-Trafficking Reports to Congress - 2001

I. Introduction.

Section 107(b)(1)(D) ("Annual Report") of the Trafficking Victims Protection Act of 2000, Public Law 106-386, stipulates:

"Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate."

The following annual report, made in consultation with officials from the Departments of Labor and Agriculture, the Social Security Administration, and the Legal Service Corporation, fulfills this requirement for FY 2001.

II. Background.

Trafficking in persons is modern day slavery. The trafficking of women, children, and men for sex crimes, sweatshop labor, involuntary domestic servitude, and migrant agricultural labor violations is estimated to affect over 700,000 people worldwide annually – 50,000 into the United States alone. [1] The practice of trafficking in persons is not only an affront to human dignity but also flaunts the laws of legitimate commerce.

To deter this burgeoning contemporary atrocity, Congress enacted the Victims of Trafficking and Violence Protection Act of 2000 in October 2000. The law aims to combat trafficking by increasing law enforcement, ensuring effective punishment of traffickers, protecting victims, and providing federal and certain state assistance to victims.

Division A of the legislation, entitled the Trafficking Victims Protection Act (TVPA) of 2000, makes adult victims of severe forms of trafficking who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for certain benefits and services to the

same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age are also eligible for these benefits to the same extent as refugees but do not need to be certified.

HHS was given responsibility for the certification process under section 107(b)(1)(E).To implement its responsibilities under the Act, HHS Secretary Thompson delegated the authority to conduct certification activities to the Assistant Secretary for Children and Families, who in turn re-delegated authority to the Director of the Office of Refugee Resettlement (ORR).ORR has developed certification policies and procedures to meet the needs of victims.

III. Certification and Eligibility Letters.

In FY 2001, ORR issued 196 certification letters to adults (98%), and four eligibility letters (2%) to minors under the age of 18. These letters enabled a total of 200 trafficking victims to become eligible to apply for certain benefits to the same extent as refugees.

Victims were located throughout the United States. Certification/Eligibility letters were sent to benefit-issuing offices in 19 states plus the District of Columbia. The largest concentrations of victims were located in California (21.5%), Hawaii (21%), Texas (19%), and Pennsylvania (12%).

Trafficking victims who received ORR letters were predominantly female (88.5%), highlighting the fact that women and girls tend to be the most vulnerable to these crimes. Twenty-three letters (11.5%) were issued to men.

The 200 victims came from a variety of countries around the globe, although a disproportionate number were from Vietnam (87%) because of a single case involving Vietnamese garment workers intimidated into working in slave-like sweatshop factory conditions.Reflecting the fact that trafficking crimes transcend national borders by targeting vulnerable populations everywhere, the remainder of the victims came from an assortment of nations on 4 continents: Brazil, Cameroon, China, India, Mexico, Micronesia, and Russia.

IV. Benefits and Services.

Under section 107(b)(1)(A) of the TVPA, individuals determined to be victims of a severe form of trafficking, which for adults means they must be certified, are eligible to apply for federal and certain state benefits or services to the same extent as refugees. During FY 2001, ORR implemented this statutory responsibility by issuing certification and eligibility letters to 200 individuals determined to be victims of a severe form of trafficking.

The following information on benefits and services is based on data reported by benefit-issuing agencies on 91 victims who have applied for assistance during FY2001:

Approximately 58% of certified trafficking victims who applied for benefits and also possessed valid employment authorization documents (EAD) enrolled in the refugee Matching Grant program, a congressionally funded alternative approach to state-administered refugee resettlement assistance. The program's goal is to help refugees attain self-sufficiency within four

months after arrival (or, for trafficking victims within four months after their HHS certification date) through a program that emphasizes employment, English language training, and case management. Participating agencies agree to match every two dollars in ORR funds with one dollar in cash and in-kind contributions; twenty percent of their match must be in cash.Some trafficking victims in the Matching Grant program may also be eligible to receive other benefits (such as food stamps, Medicaid, or Refugee Medical Assistance).

Certified and/or eligible trafficking victims who were not immediately employable or were not able to get EADs in a timely manner applied for an assortment of other public assistance benefits.Approximately 53% of the total number of victims who applied for assistance applied for Refugee Cash Assistance (RCA), while 80% applied for Refugee Medical Assistance (RMA). RCA and RMA are 8-month time-limited ORR-funded benefits that are designed to provide temporary assistance to those refugees who are not eligible for other federal benefits such as TANF, Medicaid, or SSI. For trafficking victims, these eight-month benefit periods begin on the HHS certification date.

Only one victim applied for Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI), respectively.TANF is a state-administered benefit available to low-income family units. The time-limited TANF benefit period varies by state, subject to the overall federal requirement that adult recipients are limited to five years of benefits over their lifetime. Trafficking victims, like refugees, are exempt for their first five years in the country from state time limits that could be imposed on certain qualified aliens. SSI is a means-tested benefit available to individuals with disabilities or over the age of 65. The extremely low application rates for TANF and SSI benefits by trafficking victims are reflective of the fact that the overwhelming majority of certified/eligible victims were relatively young, employable single adults with no children.

Approximately 77% of the total number of victims who applied for assistance applied for food stamps. Certified/eligible trafficking victims, like refugees, are eligible to apply for food stamps during their first seven years in the country beginning from their date of certification, or until they become naturalized.

The statistical information provided above on benefits and services accessed by trafficking victims through the HHS certification process is inherently limited. Although ORR strongly encourages feedback from state and local benefit-issuing offices on benefits and services provided to trafficking victims through a special “HHS Trafficking Victims Verification” telephone line, there is no statutory mandate that enables it to enforce this request. In addition, some certified/eligible trafficking victims may voluntarily choose not to access benefits and services for which they are eligible to apply. Through education on the TVPA and increased dialogue, ORR continues to work with state and local counterparts in order to improve its ability to collect pertinent information on benefits and services accessed by victims of trafficking.

As required by section 107(b)(1)(D) of the TVPA, ORR’s federal trafficking counterparts at the Department of Agriculture, Department of Labor, Social Security Administration, and Legal Services Corporation were consulted to gather input on benefit and service programs available to trafficking victims that fall under their purview. These agencies indicated that no additional

information specific to benefits and services accessed by certified/eligible trafficking victims was available.

V. Discretionary Grants.

Section 107(b)(1)(B) requires federal agencies to expand benefits and services to victims of severe forms of trafficking in the case of non-entitlement programs and to the extent of available appropriations.In FY 2001, ORR, through its discretionary grant program, awarded over $1.25 million to eight organizations throughout the United States. The purpose of the grants is to provide non-governmental groups the resources to assist certified (adult) and/or eligible (minor) victims of trafficking in their transition from victimization to self-sufficiency.Grant funds may be used for a wide range of services, including case management, temporary housing, special mental health needs (such as trauma counseling), legal assistance referrals, and cultural orientation. In addition, trafficking grant funds may be used to fund other services needed to bridge the gap between the date of HHS certification/eligibility letters and the receipt of public benefits and support services.

The selection of grantees occurred through a competitive process in which applicant organizations responded to a standing announcement in the *Federal Register* (Vol. 66, No. 90; May 9, 2001; pages 23705 through 23715) to submit Requests for Proposals (RFP). RFPs were reviewed, analyzed for merit, and then ranked by a panel of non-federal officials. Funding decisions were ultimately made by the Director of ORR based on the panel's recommendations.

The grant period for the trafficking projects is 17 months.The eight organizations selected are as follows:

- Refugee Women's Network (Decatur, GA)
- Catholic Charities of Alaska (Anchorage, AK)
- Pacific Gateway Center (Honolulu, HI)
- Safe Horizon, Inc. (New York, NY)
- Coalition to Abolish Slavery and Trafficking – CAST (Los Angeles, CA)
- Heartland Alliance (Chicago, IL)
- Boat People S.O.S., Inc. (Falls Church, VA)
- East Dallas Counseling Center, Inc. (Dallas, TX)

VI. Outreach Activities.

The TVPA calls for HHS, in collaboration with other designated federal agencies, to establish and carry out programs to increase public awareness about trafficking in persons. To that end, ORR staff have been actively involved in outreach efforts aimed at non-governmental organizations (NGOs), voluntary agencies, state and local social service providers, state and local law enforcement, the general public, and other federal and state government officials.

ORR staff facilitated training and gave presentations in a variety of organized forums, reaching out to approximately 835 people during FY 2001. The content of these sessions focused on the problem of trafficking, background of the legislation, the roles and responsibilities of HHS

within the law, the role of benefit-issuing offices within the HHS certification process, and the benefits and services available to certified/eligible trafficking victims.

ORR staff also participated in an interagency working group that drafted a "trafficking in persons" brochure designed for wide dissemination to non-governmental organizations. The brochure focuses on the needs of trafficking victims and what NGOs can do to assist them.

VII. Conclusion.

On November 29, 2001, Dr. Wade Horn, the Assistant Secretary for the Administration for Children and Families, provided testimony before Congress regarding HHS actions to implement the TVPA. Dr. Horn testified that HHS would continue to pursue vigorously the certification process and provision of benefits and services to trafficking victims. HHS is now well positioned to increase our communication to trafficking victims that we will protect them and provide them with supportive services.As the processes and actions prove to be successful, the HHS model will be important for victims both in the United States and throughout the world.

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[1] Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386, October 28, 2000), Division A-Trafficking Victims Protection Act of 2000, Section 102 "Purposes and Findings", paragraph (b)(1).