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THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

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THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING

WEDNESDAY, SEPTEMBER 14, 2011

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:09 a.m., in Room SD–226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Franken, and Grassley.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good morning. I apologize for being a few minutes late.

The Committee will today consider the Trafficking Victims Protection Reauthorization Act of 2011 and how best to continue and improve our efforts to end once and for all human trafficking at home and abroad.

Human trafficking is a modern-day form of slavery. You cannot call it anything else. It is a modern-day form of slavery in which victims are forced into labor or sexual exploitation. Traffickers prey on the most vulnerable members of society, and no country is immune. It happens here, even here in our own backyard.

Earlier this summer, the Justice Department secured convictions against traffickers who compelled undocumented immigrant women hired to be waitresses to engage in commercial sex acts using violence, fraud, coercion, and threats of deportation. Unfortunately, we hear these kinds of stories every day. Thanks to the tools provided by the Trafficking Victims Protection Act, we have made progress in combating this major human rights abuse. But there is more work to be done.

As a country that has been a beacon of hope to so many who face human rights abuses abroad, the United States has to address this continuing injustice around the world but also here, too. The original Trafficking Victims Protection Act of 2000 and its three subsequent reauthorizations all had widespread bipartisan support. The original bill was passed by a Republican-controlled Congress and signed into law by President Clinton. The most recent reauthorization in 2008 was passed by a Democratic-controlled Congress and signed into law by President Bush.

I am pleased that the reauthorization bill we are discussing today continues that tradition. We have as cosponsors Senators Brown, Rubio, and Cochran, as well as Senators Kerry, Feinstein, Klobuchar, Boxer, Cardin, Gillibrand, and Schumer. The bipartisan support for this bill in the Senate reflects the widespread focus on combating human trafficking in diverse communities across the country. Organizations from across the political and social spectrum, including faith-based groups and groups dedicated to human rights and women's rights, have taken up this cause. They have worked to raise awareness. State and local law enforcement agencies and prosecutors have stepped up human trafficking enforcement. They have initiated local investigations. They have worked with Federal agencies in regional task forces to share information.

The National Association of Attorneys General has launched a major campaign to combat human trafficking in all 50 States. More than 40 State legislatures have followed the Federal Government's lead and enacted anti-trafficking statutes.

I am proud that my own State of Vermont recently passed a comprehensive anti-trafficking law that includes criminal penalties, prevention programs, and services for human trafficking victims, and I commend a little State like ours of Vermont for taking on this important issue. Today's hearing, of course, will highlight the important anti-human trafficking work that the Federal Government is doing.

We have witnesses from three Federal agencies that play key roles in Federal efforts to end human trafficking. The Departments of Justice, State, and Homeland Security investigate human trafficking crimes, use diplomatic tools to stop human trafficking in other countries, and they also ensure that trafficking victims receive crucial assistance and resources to assist law enforcement.

[The prepared statement of Senator Leahy appears as a submission for the record.]

With that, I yield to my friend from Iowa, Senator Grassley.

OPENING STATEMENT OF HON. CHUCK GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Before I speak, and even before you have introduced the witnesses, I wanted to make the point that one of our witnesses, Ambassador CdeBaca, is from Huxley, Iowa, attended Iowa State University, and I always like to welcome Iowans to our hearings.

Chairman LEAHY. Huxley, Iowa, is that one of the major cities?

[Laughter.]

Chairman LEAHY. He probably would be right at home in Vermont.

Senator GRASSLEY. The people of Huxley would say Ames, where Iowa State University is, is a suburb of Huxley.

Chairman LEAHY. I see. I know exactly where it is. It is a beautiful area.

Senator Grassley. I am going to skip two or three pages of my remarks because I can say that I associate myself with what you said, feel that the bill ought to be reauthorized. But I make a point of saying that we have a terrible budget situation, and it requires

that we take a close look at how some of this money is spent while we are in the process of reauthorizing.

I will start where I say, after I have said those things, now that surely does not mean that we do away with the Trafficking Victims Protection Act. Instead, it means that as we in this Committee look to reauthorize this legislation, we need to take a hard look at every single taxpayer dollar expended, determine how those dollars are being used, and determine if the stated purpose of the program is met.

For example, given this fiscal climate, there is no reason that we should reauthorize funding for the State Department to host official receptions at the Office to Monitor and Combat Trafficking in Persons, and that would have been over $300,000 recently. So how do we address these issues to start with? We need a legitimate, rigorous evaluation of programs funded under the Trafficking Victims Protection Act to ensure that inefficient grantees or less than scrupulous grantees are prohibited from getting funds. That can be done by identifying and limiting poor- and under-performing grantees. And I know that Senator Coburn has done a great deal of work on this issue. He has investigated the shortcomings, mismanagement, and waste in several programs funded under the program. I appreciate the hard work that Senator Coburn has done and look forward to working with him as we pursue this legislation.

Additionally, there are a number of audits and reviews conducted by GAO and the Department of Justice Inspector General on the Trafficking Victims Protection Act. These audits reveal mismanagement, failed oversight, and waste of taxpayer dollars in implementing the programs to help trafficking victims.

For example, the Inspector General found in a 2008 review that there were "systemic weaknesses in the Office of Justice Programs grant implementation." The Inspector General found weaknesses in areas of "established goals and accomplishments for grantees, grant reporting, fund drawdowns, local matching funds expenditures, indirect costs, and monitoring of subrecipients." Further, the Inspector General found that while the Department of Justice builds significant capacity to serve victims, they "have not identified and served significant numbers of victims."

Unfortunately, it was more of the same when we looked at audits conducted in individual grant recipients awarded funding under the Trafficking Victims Protection Act in seven separate audits of individual grantees dated 2007 to 2010. The Inspector General found hundreds of thousands of dollars in questioned costs, unauthorized expenditures, failed matching requirements, and many other problems.

It is really disheartening to see that every single audit that was done by the IG of grantees found problems. It begs the question: What is the Department of Justice doing with taxpayer dollars? Do they view it as Monopoly money that can be handed out with no accountability? Given the current fiscal situation, these audits are amazing.

The Department of Justice has some serious explaining to do because between these audits and the ones that I reviewed as part of the hearing held back in July on the Violence Against Women grants, it appears that the Department continuously awarded

grants to entities that cannot manage the money appropriately. We have a duty in this Committee to ensure taxpayer dollars are spent appropriately. From the audits on this program and many others administered by the Department of Justice, it seems that that is not being done.

Holding grant programs accountable will help to ensure that services really go to those in need, and before we reauthorize the specific dollar amounts, we need strong oversight language, including the legislation, to ensure that failing grantees will not be rewarded with additional taxpayer money and to ensure that Government officials will be held accountable for repeated failures to oversee grants.

We are well past the time when we can reauthorize programs without giving them the scrutiny needed to ensure that the people they are trying to help—that means the victims of trafficking—are, in fact, getting the services that they need. If we allow grants to be mismanaged, a victim who could have been helped goes without. We must do everything in our power to help victims of trafficking, but we also must protect taxpayer dollars.

So it is through this testimony and the debates that we are going to have on these bills that I will bring some of these points out. Thank you, Mr. Chairman.

Chairman LEAHY. Thank you. And I agree that you have to have effective and efficient grant management, but I do understand the Inspector General's most recent report praises the Office of Justice Programs for its significant improvement, and I am glad to hear the Department of Justice did take the Inspector General's suggestions to heart. And I was pleased to see his response that there are significant improvements.

Mary Lou Leary is the Principal Deputy Assistant Attorney General for the Office of Justice Programs at the Department of Justice, a position she has held since September 2009. Prior to rejoining the Department in May of 2009, she served as executive director of the National Center for Victims of Crime. She has previously held a number of positions within the Department of Justice, serving as U.S. Attorney for the District of Columbia and Acting Director of the Office of Community-Oriented Policing Services and Deputy Associate Attorney General.

You are no stranger to this Committee, and, Ms. Leary, we are delighted to have you here. Please go ahead.

STATEMENT OF MARY LOU LEARY, PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC

Ms. LEARY. Thank you, Chairman Leahy, Ranking Member Grassley, and any other Members of the Committee who may join us. I appreciate this opportunity to discuss OJP's commitment to combating human trafficking and to serving human trafficking victims.

This is a high priority for President Obama. It is a high priority for this Department of Justice. It has also been a high priority for me in my own career when I was at the U.S. Attorney's Office in D.C. The very first anti-trafficking task forces were put together, and I was very involved in establishing that task force in the Dis-

trict of Columbia, and one of the most satisfying things about that was that for the first time we actually had a formal task force that included both law enforcement and victim service providers.

Fighting human trafficking and serving human trafficking victims are enormously difficult challenges for law enforcement and for victim service providers. Oftentimes those trafficking victims are hidden from society, and because of this kind of secrecy, it is very difficult to get accurate statistics about the extent and the prevalence of the problem.

Congress provided very critical tools to combat trafficking in the Trafficking Victims Protection Act and subsequent reauthorizations. So I am very pleased that Congress and that this Committee in particular is demonstrating leadership by coming together in a bipartisan way to reauthorize the Act.

OJP's efforts to combat human trafficking span the entire agency. My written testimony gives you details about what each one of the bureaus and program offices is doing and how we collaborate together on the issue. Today I just want to highlight the multidisciplinary approach and what we call "wrap-around services" for trafficking victims.

This basically means meeting victims where they are and helping them to work through the impact of crime. It means support for victims during their interaction with law enforcement. Wrap-around also means providing both short-term and long-term assistance, culturally competent services that treat victims with dignity and with respect.

Experience demonstrates that effective law enforcement in trafficking cases and effective victim services do—and they must—go hand in hand. Victim service providers may be able to identify some victims of a particular trafficker, but they often need effective law enforcement to identify and to reach out to those other victims. And law enforcement in turns needs victim service providers to work with them and to work with the victims to collect critical information and to give the victims that sense of safety and protection.

Victims who receive needed support will be much more able and willing to participate in the investigation and the prosecution of the traffickers, and that has been my personal experience in my many years as a prosecutor.

Each of the 42 anti-trafficking task forces we fund includes local or territorial, State, and Federal law enforcement and victim service providers. They investigate trafficking, they support prosecutions, and they raise public awareness of the issues, and provide, of course, critical services to the victims.

Between January 2008 and June 2010, the task forces investigated more than 2,500 suspected incidents of human trafficking and made 144 arrests. But because one trafficker can hurt dozens or even hundreds of victims, this is a significant achievement. My written testimony includes examples of successful task force cases.

In fiscal year 2011, we competitively awarded almost $6 million for six task forces in the selected sites that have a history of proactively investigating and prosecuting trafficking offenses and helping the victims. We also awarded an additional $3.7 million to 11 organizations specifically to provide comprehensive and special-

ized victim services. And we made sure that these service providers had a strong track record in trauma-informed and culturally competent services to trafficking victims.

We also provide training and technical assistance to task forces nationwide, regardless of whether they are our grantees, and we developed an e-guide which is available to all communities.

We certainly are aware and we agree with this Committee that we want to make sure the funds are being used wisely and that we are not duplicating efforts. Our commitment to this is reflected in our participation in the Senior Policy Operating Group to coordinate the work of multiple agencies, and I want to make clear to the Committee that before we award a dollar in grant funding, we run it by that Senior Policy Operating Group so that we will know that we are not duplicating our efforts.

We have strong oversight of our grantees. More details, again, are in my written testimony, and as Senator Leahy pointed out, the Inspector General's office recently did determine that OJP had made significant improvements, and we are aware that that is a constant struggle, and we work at it every day.

So thank you. I am happy to take any questions.

[The prepared statement of Ms. Leary appears as a submission for the record.]

Chairman Leahy. Thank you very much.

We will hear from all three witnesses, then go to questions. Ambassador CdeBaca is the Ambassador-at-Large at the Department of State's Office to Monitor and Combat Trafficking in Persons, and I appreciate the fact being from Iowa and getting my geography lesson here this morning. Prior to his appointment, he was a prosecutor at the Department of Justice, and Ambassador CdeBaca was the lead trial counsel in what was then the largest slavery prosecution in U.S. history, over 300 workers enslaved in a garment factory in American Samoa. A very, very significant case.

Please go ahead, sir.

STATEMENT OF LUIS CDEBACA, AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador CDEBACA. Thank you, Mr. Chairman, Senator Grassley, and the entire Membership of the Committee. Thank you for the opportunity to testify today.

As you put it, Mr. Chairman, this is nothing less than modern slavery that we are dealing with. The term "trafficking in persons" describes all of the conduct involved in reducing a person to or maintaining them in a state of compelled service, and estimates are up to 27 million men, women, and children victimized globally. Fortunately, there are hundreds of governments and NGOs who are committed to meeting this scourge.

But as is often the case in places where poverty and corruption hinder the good intentions of committed people, a lack of resources and capacity are sometimes insurmountable road blocks to those who seek to save victims from exploitation and bring their traffickers to justice.

That is perhaps why in the last 2 years my office has received 998 applications for assistance from 546 organizations, requesting

a total of $547 million. Our foreign assistance budget for the last 2 years was $39.1 million—not even 10 percent of the demonstrated need—and we took a 24-percent pay cut, as it were, in the spring, down to under $17 million in program funds.

We know that it will never be possible to give every organization the help that they want, and we know that we have a responsibility to be responsible custodians of taxpayer dollars. And so we have implemented a rigorous and transparent review process to ensure that every cent of our foreign assistance appropriation is spent responsibly, is put to the use where it will do the most good, and has a multiplier effect far above the $17 million that we have to spend.

We support grantees that are working to advance the 3P paradigm—prevention, protection, prosecution—that guides our effort to combat slavery here at home and around the world. These efforts are closely linked to the mandates and purposes that are laid out in the United Nations Trafficking Protocol as well as the Trafficking Victims Protection Act and its subsequent reauthorizations, which, as you pointed out, Senator, enjoyed unprecedented and much appreciated bipartisan support throughout the years. The provisions of that authorizing legislation helped to prioritize the allocation of the anti-trafficking funds from the appropriated State Department money.

Because the three Ps function as an interlocking paradigm, no single aspect stands alone. It is not enough to prosecute traffickers if we do not also provide assistance to the survivors and work to ensure that no one else is victimized. So we try to have projects that are cross-cutting in their approach, placing a particular emphasis on programs that involve victim protection, because we realize that it may be that the American program in a country is the only way that a trafficking victim will be helped. So 90 percent of projects we funded last year, even if they have a strong prosecution element, also include a protection component, and 61 percent of them provide direct services to victims.

Our foreign assistance priorities and our programming priorities are strategically linked to the tier rankings and diagnostic assessments included in the annual Trafficking in Persons Report, and my prepared testimony details specifically our grant application review process as well as the steps that we take to monitor the use of funding after it has gone out the door. I ask that it be included in the record in its entirety.

To summarize it, though, applications are solicited through an open process, thoroughly reviewed by my office, other State Department offices, USAID, interagency partners, and are sent to the Hill for congressional notification prior to the disbursement of funding. Following the awards, we monitor and evaluate the programs. We have officers who work to ensure project goals and objectives are implemented and funds are used responsibly, and program progress and financial reports throughout the project period are required, including final reports within 90 days of the end of the project.

We take very seriously the responsibility attached to the use of these funds, but the real success is not the fact that we have an efficient program design and controls. The real success are the peo-

ple—people like Shweyga Molla. A few weeks ago, a CNN crew found her in the former home of Muammar Qaddafi's sons. She had become a trafficking victim when she left her home country of Ethiopia. She worked as a nanny for the Qaddafi grandchildren, and when she displeased the men and women for whom she worked, they poured boiling water on her head to punish her. She had no passport, no identification, no one who could help her. When the Qaddafi family fled the compound, she was left behind, 3-month-old burns still open and seeping.

Though we have no direct presence in Tripoli yet, the State Department was able to coordinate the effort through one of our grantees, the International Organization for Migration, to begin the process of getting Ms. Molla out of Libya and to a safe haven where she could begin the process of recovery. We hope that she will soon be wheels up and under the care of both burn specialists and those who work with survivors of modern slavery.

This is simply one high-profile incidence and one example of how important it is to work on these cases. But she is merely one of 27 million, and we can never forget that, because fighting slavery is more than good foreign policy. It is part of who we are as a Nation. The last decade has seen renewed American leadership against slavery, here at home and in our conduct around the world. The U.S. victim care regime is a global model for both restoration and rehabilitation of victims. The leadership is shown by our programs, our domestic activities, and our willingness to hold ourselves to the same standards by which we assess other countries, by including the United States in the annual Trafficking in Persons Report.

I thank you, again, for the opportunity to testify today, and we look forward to working with the Committee further to provide information or answer questions that would provide additional clarity or background.

[The prepared statement of Ambassador CdeBaca appears as a submission for the record.]

Chairman LEAHY. Thank you very much.

Our last witness will be Kelly Ryan, who is the Acting Deputy Assistant Secretary for Immigration and Border Security at the Department of Homeland Security. She is responsible for policy oversight and development in immigration and border security issues at the Department. Prior to joining the Department of Homeland Security, she served as the Deputy Assistant Secretary of State for the Bureau of Population, Refugees, and Migration.

Please go ahead, Ms. Ryan.

STATEMENT OF KELLY RYAN, ACTING DEPUTY ASSISTANT SECRETARY, IMMIGRATION AND BORDER SECURITY, U.S. DEPARTMENT OF HOMELAND SECURITY, WASHINGTON, DC

Ms. RYAN. Thank you. Good morning, Chairman Leahy and Ranking Member Grassley. Thank you for inviting me to discuss the Trafficking Victims Protection Reauthorization Act and DHS' role and progress in implementing it. This is an important hearing for me as well since I have worked on trafficking issues since prior to the passage of the landmark TVPA.

Combating human trafficking and protecting victims remain a top priority for DHS. We have educated and trained our officers,

prioritized the identification of traffickers and their victims, and coordinated enforcement actions.

We have also played a critical role in providing victim assistance to foreign victims of trafficking in the United States through Continued Presence and the provision of T and U nonimmigrant status.

In July 2010, Secretary Napolitano launched the Blue Campaign to coordinate and enhance the Department's anti-trafficking efforts. Seventeen DHS components are involved in this campaign, which is chaired by the Senior Counselor to the Secretary, Alice Hill.

The Blue Campaign is comprised of the collaborative initiatives spanning the three President of the U.S. Government's anti-trafficking efforts—prevention, protection, and prosecution—as well as a fourth P that we have added—partnership—which is critical to our success.

In fiscal year 2010, USCIS reached the annual cap of 10,000 principal U-visas. In fiscal year 2011, USCIS expects to reach the cap for the second year in a row. In fiscal year 2010, USCIS had granted T nonimmigrant status to 796 victims of human trafficking and their families—the highest number granted since the implementation of the T-visa program.

Eighteen of the 26 ICE Homeland Security Investigations' offices have hired full-time victim specialists. ICE has a child forensic interview specialist to improve its ability to communicate with child victims.

ICE has designated 39 human trafficking experts to handle human trafficking leads, address urgent victim needs appropriately, and serve as designated points of contact for our field and follow leads generated through our Tip Line.

Under the Blue Campaign, we have worked diligently to provide informational materials about human trafficking, including international and domestic public awareness campaigns, which have reached millions of people.

Training is critical to our efforts. DHS is finalizing a new computer-based training course for its employees to increase awareness of human trafficking issues and provide information about the indicators. DHS has also produced training on human trafficking for law enforcement officers.

ICE provides annual training to field office juvenile coordinators and other key field office staff on the transportation, care, treatment, and placement of minors. In March 2011, CBP implemented a new annual mandatory TVPRA training. To date, over 34,500 CBP officers, agents, and specialists have taken this training. USCIS also provides training to law enforcement officers as well as NGOs that assist trafficking victims.

DHS has worked diligently to implement the provisions relating to UACs identified under the Trafficking Victims Protection Act. Our role is critical to protecting children. I am proud to note that while TVPRA requirements are limited to the screening of unaccompanied alien children from contiguous countries, CBP issued guidance in March 2009 requiring its officers and agents to screen all UACs for the risk categories, including severe trafficking and fear of persecution.

Absent exceptional circumstances, UACs are turned over to Health and Human Services within 72 hours after determining

that the child is unaccompanied. DHS recognizes that holding UACs in our facilities for a prolonged period is not in the best interest of children.

I would also like to take this opportunity to highlight some of our successes.

At our L.A. office, ICE agents investigated and successfully rescued 15 victims who were forced into prostitution by a family-run trafficking organization. As a result of our agents' successful investigation, we were able to prosecute and obtain convictions for nine foreign nationals. These individuals were found guilty of sex trafficking of children and other offenses.

TVPRA permits derivative family members to receive nonimmigrant status based on a fear of retaliation from traffickers. In 2010, we approved a T-visa for a mother of a sex trafficking survivor based on this new exception and worked with the State Department to bring the victim's mother to the U.S. The mother, who had received death threats from the traffickers, was able to reunite with her daughter and to testify at her daughter's trial.

We have made remarkable progress since the passage of the landmark law in 2000. We believe there is work yet to be done. For example, DHS will continue to refine its guidance on Continued Presence and discretionary parole of trafficking victims' relatives. ICE recently issued a protocol on Continued Presence which outlines the procedures for law enforcement agencies to request Continued Presence and explains their respective roles.

With regard to parole for relatives of trafficking victims, ICE's Continued Presence guidance specifically incorporates the TVPRA expansion.

Secretary Napolitano has led DHS efforts to combat human trafficking and has made this issue a top priority for the Department. We are committed to fighting human trafficking through protection, prevention, prosecution, and partnerships.

Thank you, again, for the opportunity to testify. I would be pleased to answer any of your questions.

[The prepared statement of Ms. Ryan appears as a submission for the record.]

Chairman LEAHY. It is good to know from all three of you the names of the procedures and the programs and all. That we will put in the record. And I am not suggesting it is not important, but it reminds me sometimes of PowerPoint presentations where everybody's eyes may glaze over. I suspect what people are going to remember of this hearing is what Ambassador CdeBaca said about Ms. Mullah in Tripoli and, Ms. Ryan, what you spoke of, the mother being brought back to testify. It is some of these real stories far more than the names of what our programs are and which Department and all that are important if we want to actually get this reauthorized because people have to know exactly what it is.

And so with this in mind, Ambassador CdeBaca, in your written testimony, you discuss the work being done to fight trafficking in Mexico, Cote d'Ivoire, and Thailand. Tell me what is being done, tell me some more about what is being done in those countries, what you are funding. What is that doing with individual lives? I mean, these are three major places.

Ambassador CDEBACA. Mexico is perhaps the most complex of all of them, I think, because so much of what happens in the fight against trafficking in Mexico also is happening in the United States. It really requires a level of jointness in our approach. And so one of the things that we have seen is the heroism of folks from the Mexican nongovernmental organizations, journalists like Lydia Cacho in the State of Quintana Roo, which is where the tourist areas of Cancun are, who has investigated child sex tourism and investigated child sex trafficking, even to the highest levels of State government, to the point where she had to flee to neighboring states to get protection from their State police because of corruption issues.

One of the things that we are trying to do is to make sure that people like her are supported—supported not only with funding to the NGOs that she is working with, but also the work that we and the Department of Justice and DHS are all doing jointly with an embassy task team on trafficking which folks from each of our agencies that are supporting the work of the Mexican Government to investigate and prosecute these cases.

So you have got prosecutors like Delcia Garcia in Mexico City who have gone from a D.A.'s office that was basically doing zero trafficking cases 3 or 4 years ago to having dozens of cases on their docket. They are doing that because of the training that they are receiving and the encouragement that they are receiving from the United States presence at our embassy, but also here in Washington.

One of the things that we have seen is that the Civil Rights Division now has been investing cases with the Mexicans in both countries. So Mexican police were able to come up to Atlanta and investigate their part of the case, interviewing the witnesses, and at the end of the day we were able to get prosecutions successfully done in both countries. Rather than being consumed by extradition paperwork, we were able to take apart the traffickers on both sides. I think that is a perfect——

Chairman LEAHY. So what you have is a case where they will use these children, try to bring people down to these resort areas, enslaving the children for that.

Ambassador CDEBACA. Exactly.

Chairman LEAHY. And it was happening with no prosecutions before.

Ambassador CDEBACA. That is correct.

Chairman LEAHY. And obviously, or at least I assume from what you are saying, with help here in the United States from individuals. Is that correct?

Ambassador CDEBACA. With help here in the United States from individuals from DHS, DOJ, and the State Department, with some of our grantees working with their legislatures——

Chairman LEAHY. No, I mean they had people who were conspiring down there and here in the United States.

Ambassador CDEBACA. Oh, yes. Indeed.

Chairman LEAHY. And those you were able to prosecute?

Ambassador CDEBACA. We have been able to prosecute both sides of the criminal organization, both here in the U.S. and in Mexico. And part of that is because of the technical assistance that

we were able to provide through our grantees and directly to the Mexican Congress when they were able to pass a law that is very similar to the Trafficking Victims Protection Act. It solved a lot of the legal impediments that they were facing out in the field. We had some real leadership from both the Senate and the House of Deputies.

The same types of things are happening in the other countries that you mentioned. I want to specifically mention Cote d'Ivoire where our grantee, Prosperite, was able to continue to serve victims even as their shelter came under direct fire during the unfortunate incidents earlier this year with the holdout government. They were in the middle of a war zone, and they continued to take care of those children.

Chairman LEAHY. That is amazing.

Ms. Leary, you talked about how law enforcement was able to prosecute cases when appropriate victim services are available. You referenced a case where the Department of Justice helped a trafficking victim secure a T-visa for her children who had been left behind in Mexico and were threatened by traffickers. Tell us how this T-visa works and how important that was and what effect that has on our ability to prosecute trafficking cases.

Ms. LEARY. Senator, I can speak to how important it is for victims to feel safe, but I would defer to DHS on the specifics of how the T-visa program works. But I can tell you that for many years as an ADA and an Assistant U.S. Attorney and then as the director of a national victims advocacy organization, the number one concern of any victim of any crime is safety. A victim needs to feel safe before he or she can even speak about what has happened to him or her, let alone cooperate with law enforcement.

But my experience also tells me very strongly that if a victim is going to cooperate in an investigation or in a prosecution, the victim has to feel that he or she can trust the law enforcement folks who are involved in it, and you build that trust by specific mechanisms to make the victim feel safe and by providing the kinds of services—health care, counseling, places to live, to be safe, to be with their children. That is how you build the trust. But I defer to DHS.

Chairman LEAHY. Also, we see right here in the United States a headline in a local paper here in the last few days about a vicious crime here in the District of Columbia, and nobody seems to know what is going on, and they will not talk to the police or anything else. I look at the District of Columbia, which has the same population as my State of Vermont, and I remember a year or so ago reading in the paper that they had as many murders over a weekend as we had in a year in Vermont.

Ms. LEARY. Right.

Chairman LEAHY. I will not go into questions if it is competence or anything else when that sort of thing happens, but, Ms. Ryan, if we are going to go into—and I apologize, Senator Grassley, if I could just continue on this. We talked about the T-visa. That started in 2002, I believe. But since that time, only 2,500 have been issued to trafficking victims, just a few hundred a year. Why are these numbers so low? You have other types of protection-based immigration visas. Why aren't more T-visas applied for or issued?

Ms. RYAN. Thank you, Senator. First, on the question that you asked my colleague, I would like to say that on the Carretero case, which I have some knowledge of, actually the provision of the T-visas to the dependents of the victims was absolutely critical in the successful prosecution which led to very long sentences. So we believe from a DHS perspective that the provision of a T-visa to the victim and their dependents is absolutely critical to the law enforcement piece as well as victim assistance.

In terms of the numbers, you are absolutely right, we have come nowhere near the number permitted, the statutory cap of 5,000. I think the chief reason for that—we have alluded to it this morning—is the difficulty in finding the victims. They are, you know, often secreted. Sometimes there are circumstances where it has been so debilitating that they prefer to return home. But the numbers are small, and we carefully vet each and every case.

Chairman LEAHY. And these are also people who are not used to having——

Ms. RYAN. Trust in the law enforcement community.

Chairman LEAHY. Ambassador CdeBaca talked about the situation in Mexico. There are a lot of place there where the last thing in the world you would want to do is go to the police. When prosecutors do not dare go to the police without the possibility of being killed, why would a victim?

Ms. RYAN. That is right. We try to take a victim-centered approach, as does the Department of Justice, but it is a very difficult trust exercise to build the trust with the victims.

Chairman LEAHY. Thank you. Thank you very much to all three of you. I appreciate the testimony. As a parent and a grandparent, when I look at the ages of some of these people and the vulnerability of them, and even the adults, the fact that they are so totally vulnerable, they are treated as chattel, not as human beings, in 2011—I mean, this is horrible.

Senator Grassley, again, I appreciate your forbearance in letting me go over time, but this is something I care very deeply about. Go ahead, please, sir.

Senator GRASSLEY. Yes, thank you very much.

I am going to start out with Ms. Leary on this prosecution, if I could, and obviously it has been very clear here in our discussion that one of the critical ways that we accomplish combating trafficking is bringing successful prosecutions. Victim advocates have questioned—I am following what victim advocates tell me. They have questioned the low number of trafficking prosecutions brought last year by the Department of Justice. One of the hurdles that advocates have identified is the low number or lack of witnesses. Obviously, prosecutors and law enforcement officers need witnesses and cooperation from victims in order to combat trafficking.

There is a provision in the pending bill that makes it easier for victims to not cooperate with law enforcement. Now, there may be circumstances where visa applicants should be excused from cooperation, but that should be a rare exception, in my view.

So does the Department of Justice support legislation that makes it easier for visa recipients and potential witnesses to be excused from cooperating with law enforcement officials? And if the answer

is yes, then I would like to have you explain to me how this helps human trafficking investigations?

Ms. LEARY. Senator Grassley, I would start by saying that the Department has not yet finished its review of a formal position on that legislation, so I cannot give you an official position for the Department.

I would, however, say that in general in our work we have two objectives which you hope work in concert. One is to serve and to protect victims of trafficking, and another is to prosecute traffickers and those who perpetrate these offenses. And in the best of all worlds, you prosecute a case, and you are meeting all the needs of the victims, and you are also getting everything you need for successful prosecution. But in the real world, I have to say that, based on my own experience, requiring certain levels of cooperation from victims does not always work, and, you know, there are victims who are so traumatized, so incapable of functioning, really, and making rational decisions, who are so fearful, that you cannot really rely on any—necessarily rely on even what you have to offer them.

So we look forward, though, to providing comments on the proposed legislation, and we will do that.

Senator GRASSLEY. Since you said your Department has not studied the bill and you cannot give us a position, would you provide us—well, I guess I would like to have you say that the Department would provide us their views on the provision before we mark up the legislation on that question I just asked you.

Ms. LEARY. We will provide those views as soon as possible, and I hope that it will be before the markup, and I will certainly get back to the Senator on that.

Senator GRASSLEY. But that would be on the specific point I was making about whether it is better to make it easier for visa recipients to be excused from cooperating.

Ms. LEARY. Yes, I will certainly bring that right back to the Department and let them know that you would like——

Senator GRASSLEY. Closely connected with this, but not a long answer, do career prosecutors have the final word on whether visa applicants are excused from cooperating with law enforcement? And if the prosecutors do not, why do they not have that authority?

Ms. LEARY. I do not have the answer to that question, sir, and I will have to get that for you.

Senator GRASSLEY. In writing?

Ms. LEARY. I think maybe DHS has the answer.

Senator GRASSLEY. If she would have the answer, that is okay with me. But I assume it is under the—isn't it within the Justice Department as opposed to Homeland Security?

Ms. RYAN. Senator, the T-visa requirement for the adjudication is within the Department of Homeland Security, and the requirement is that they be willing to cooperate. And so our adjudicators look to make sure that they are willing to cooperate, and we can take evidence from the law enforcement officials on that issue.

Senator GRASSLEY. Okay. And so if Justice has a role in that, then I would like to have that answer in writing from you, Ms. Leary.

Ms. LEARY. Certainly.

Senator GRASSLEY. And for you, another question, and it gets back a little bit to what the Chairman brought up about T-visas and U-visas. Generally, in order to receive either of these visas, an applicant must comply with reasonable requests from law enforcement. However, there are exceptions to the cooperation.

So my first question is: Which unit at Homeland Security makes the decision to excuse T- and U-visa applicants from having to cooperate with law enforcement? And what criteria are used in deciding whether to grant an exemption?

Ms. RYAN. Thank you, Senator. The Vermont Service Center has a specially trained group of adjudicators that decide the T- and U-visa applications, and they look at the willingness to cooperate. We reach out and can reach out to our colleagues in the law enforcement community to ensure that the cooperation is there.

Also, law enforcement can submit a form showing that the person is cooperating. The cooperation cannot be excused, but you are right that there are certain times where it is not required, and that is in circumstances, for example, when the person is under the age of 18. We do not require minors to testify. But they must cooperate, and that cannot be excused.

Senator GRASSLEY. Do the people at the Vermont unit making the exemption decision actually meet in person with the applicant requesting the exemption? And if they do not meet in person with them, why not?

Ms. RYAN. We adjudicate the application on a paper review, but we also reach out and have information from the law enforcement people. But we do not require them to come to Vermont for the decision on the T.

Senator GRASSLEY. Okay. Are the decisions of the unit employees reviewed or tracked to see if there are any patterns of denying exemption requests or being overly generous in granting them?

Ms. RYAN. Yes, all of the T- and U-visa applications have supervisory review, and one of the reasons we made one unit rather than have them be accepted all over the country was to make sure that there was uniformity in the decision. So that actually helps us with that particular piece.

Senator GRASSLEY. Ms. Leary, I wanted to talk to you about grants, and I am aware of the fact that the Chairman said that the IG said that maybe there has been improvements in this area. So I kind of want to be sold on that fact if that is true.

It is kind of like we are running into the same problems with the IG or GAO review of grant applicants pretty much like we did the Violence Against Women Act when we had that hearing in July. Every time that we look at audits of individual grantees or serious problems, unauthorized expenditures, failure to provide matching funds, questionable costs, these select individual audits signal to me that there is a bigger problem.

My first question is: The Inspector General audited seven trafficking grantees and found serious problems in all seven. These audits randomly selected grantees and concluded that 100 percent of the grantees audited have serious problems. One grantee was given over $2 million for human trafficking assistance. The Inspector General questioned $900,000 in salaries and $174,000 in fringe benefits because they did not have supporting documents. And I

hope you could shine light on those? If, in fact, you agree that those are failures, how is that helping trafficking victims? And that is the whole point of the program.

Ms. LEARY. Senator Grassley, I agree that those are failures, and I will say that the Office of Justice Programs has basically turned its relationship with the Inspector General's office into one of collaboration, and based largely on the fact that we take very seriously what we learn from these audits. And we looked at the particular audit that you are speaking of. We looked very closely. The first thing we did was we worked with each and every one of those grantees to resolve all the issues that were pointed out in the audit. Every single one of those audits has been closed except there are two where the OIG still has the request for closure pending and we do not expect to have a problem with that.

But perhaps the most important thing is that the Office of Justice Programs looked at the individual audits, got them closed, but more importantly, developed systems to work with and to monitor all of our grantees in the trafficking realm in particular but across the board, so that these kinds of things would not continue to happen. And there are a few specifics that I could highlight for you, Senator Grassley, with respect to that particular audit.

One of the failures—it is not so much untimely reporting. It was inaccurate reporting. And so BJA, the Bureau of Justice Assistance, and the Office of Victims of Crime both developed and implemented reporting tools, data reporting tools, which the Bureau of Justice Statistics helped them to shape. And then they improved those tools so that, for instance, a grantee who used to report the children of a victim as victims, so we were not getting accurate data, we changed the reporting system so that you cannot do that. There are separate places to report, for instance, children of victims. So the data we are getting is more accurate.

In addition, the Office of Victims of Crime specifically based on that audit developed a very detailed checklist, and every application that comes in from a grantee who wants to do human trafficking work has to pass that checklist, and it is extremely detailed, geared right towards the findings of the Inspector General. And there is an extremely thorough review of the budget and the program strategy as well. It takes time to do that kind of up-front preventive work, but it is definitely worth it because it is really the best way we know to avoid these kinds of problems in the future.

Senator GRASSLEY. I have already used more time than the Chairman did. Just let me ask you, and shortly answer this: Do you ever recover any money from any of these grantees when it has been misused?

Ms. LEARY. We do. We do. I do not know the specifics on these particular audits, but, yes, we do. And, in addition, we take that data that we get from their reporting, and we take information like what we got from the Inspector General, and that is considered very seriously in applications for future funding.

Senator GRASSLEY. May I sum up by saying I think you are telling me that we will not see these problems in the future, then?

Ms. LEARY. I hope not.

Senator GRASSLEY. Okay. Thank you very much.

Chairman LEAHY. And I appreciate these answers, too. Senator Grassley and I share concerns about these programs working right. We want them to work right. And I appreciate that you have been working with the Inspector General to improve them.

I am going to place in the record letters of support from the Alliance To End Slavery and Trafficking, the Lutheran Immigration and Refugee Services, letters from two people who have been involved. You just cannot read these reports without your skin crawling at some of the things going on, so we want you to be successful.

[The letters appear as submissions for the record.]

Chairman LEAHY. I am going to turn the gavel over to Senator Franken, and if others come, he will turn the gavel over to them. Senator Grassley has to go to Finance. I have to go to Appropriations. Senator Franken, I thank you for—and you have had a long——

Senator FRANKEN. I know Senator Grassley has to go, and I just wanted to say something nice about the Ranking Member, so you can hear it as you are walking out, if you like.

[Laughter.]

Senator FRANKEN. I know you have to go to Finance. I was just going to say how he always is reading these audits and he is one of the Members of this body who keeps an eye on that and does a marvelous job doing it, and he is a wonderful Member of this body because of that. Thank you very much.

Chairman LEAHY. And I agree with you.

Senator FRANKEN. Okay. Now that he is gone.

[Laughter.]

Senator FRANKEN. No.

Ms. Leary and Ambassador CdeBaca, I would like to start with both of you because your Departments are doing amazing work to combat a huge problem, but it would be a mistake to pretend that we are not in the middle of a budget crisis where hard choices have to be made about what programs are worthy of continued funding at the same level, and this reauthorization is actually a reduction from what we authorized in 2008, and I think it is important for people to understand how many people need trafficking assistance.

Can you tell me for each of your programs how large the demand is and what unmet need there is?

Ambassador CDEBACA. Thank you, Senator. There is a lot of unmet need. As you may know, the State Department Trafficking in Persons Office's budget for programs was cut by about 24 percent earlier this spring, so we are down to a little bit under $16.5 million in a world in which there is about 27 million people who are enslaved. And so we are not talking even $1 a person at that point.

What we have seen is over the last 2 years almost a thousand—998—applications for assistance requesting $547 million. That is for prosecutor training, police training, for shelters for the victims around the world, and our foreign assistance budget that we were able to get out the door for that was about $39.1 million in total. So not even 10 percent of the demonstrated need being met from what we have been able to do. And, again, the 24-percent reduction this spring.

We certainly know shared sacrifice, and we are making our money go as far as we can, but that is something that certainly is starting to play out in the field in that there are some countries in the world in which if we are not funding the victim care, it is just not getting funded.

Senator FRANKEN. Ms. Leary.

Ms. LEARY. With respect to the Department of Justice, Senator Franken, in fiscal year 2011 we received 120 applications for human trafficking grants, but we were only able to fund 33 of those. So there is a huge unmet need.

And, in addition, there is a very strong need for more research and more data so that we can truly understand this problem, even the extent of the problem and characteristics of victims, characteristics of traffickers, what approaches really work, where is the evidence that they work. And we do not really have the funding to do that kind of research, and all of our partners, our Federal partners, we are all trying to work together to close——

Senator FRANKEN. And to bring that home just in terms of talking about one unfunded grant request and, you know, just to bring it home on human terms—and any one of you can do this—what the request was, what the situation was, what the exploitation was. Put a human face on just one of those unmet grants.

Ambassador CDEBACA. With the caveat that there obviously are some confidentiality issues, as far as the ones that we select and send up for congressional notification, obviously, that is part of the record, but the ones that we do not, not necessarily. But there are a few of the ones that really stood out for me, especially in West Africa. A Catholic organization in one of the smaller West African countries that was not only trying to put together a victim services shelter, something that we help young women, young men, as they come out of slavery, that kind of transition facility, but also would work with the government in order to come up with the legislation that they so sorely need. You know, we had a 13th Amendment from 1865 until the year 2000, and for us to really hit our stride, we needed modern, updated statutes, and this country does as well. And so we are trying to backfill with training and technical assistance, repositioning some of our other grants that are out there through some of the international organizations. But it does not give you the day-to-day work that that nongovernmental organization could have done on the ground in West Africa. And that is, I think, just repeated over and over across the applications.

Senator FRANKEN. Ms. Leary, advocates in Minnesota have talked about a pressing need for culturally competent services for Native American victims of human trafficking. Can you tell us about the efforts being made to offer culturally competent training for law enforcement or service providers?

Ms. LEARY. It is a pressing need not just for Native American victims but for victims from so many different cultures, and we find those victims not only around the world but certainly here in the United States. And what we are doing to try to foster that culturally competent service delivery is providing training through our technical assistance providers.

I think this is a problem across the board in victim services with any kind of victim. You need to understand where the victim is at

in order to effectively work with him or her. It is not just language. It is understanding the traditions, the culture, the kind of personal orientation where that individual might be.

With respect to the Native American population, the Office of Victims of Crime did host a day-long meeting at the Museum of the American Indian with practitioners from around Indian country around the country and with victim service providers to try to get a better understanding of what was happening on reservations and in Indian country and what are the needs of those victims that are not being met. And then we try to shape our responses and our training and technical assistance based on what we learn from meetings like that.

Senator FRANKEN. Thank you.

Mr. CdeBaca, I was pleased that Secretary Clinton decided to rank the U.S. in its annual Trafficking in Persons Report. Labor and sex trafficking in other countries is a huge problem, but it would be a mistake, not to mention completely inaccurate, for the U.S. to pretend that this is a problem we have totally figured out.

Have you seen a difference in your dialogue with other countries since the U.S. was added to the report?

Ambassador CDEBACA. We have, Senator, and, in fact, a surprising and positive difference. There was a little nervousness as the data started coming in and we started putting the minimum standards, applying the facts and the law with the United States that first year. When it began to emerge—and I think not a surprise given all the work that had been done over the previous decade through the Clinton, Bush, and now Obama administrations on this issue—that the United States was looking like a Tier 1 country, because of what we thought might be the response from a number of countries saying, well, of course, you put yourself on Tier 1. If you are grading yourself, you are going to give yourself an A. But the transparency of the U.S. narrative, the accuracy, the data that is underpinning it, reflecting Federal and increasingly State efforts against human trafficking has carried the day, and most of the countries that we talk to actually say the fact that it does not pull punches but at the same time has best practices and then recommendations for ourselves makes it much easier to talk to these other countries. It has become a very important foreign policy tool.

Now, there are some countries that do not like what their ranking is and have pointed out that we have a Tier 1 but have 10 million, 11 million illegal aliens in the United States, which is perhaps more of an evidence of their misunderstanding of what human trafficking is than it is reflective of them actually reading the report.

So we think that it has worked out very well. I was at a conference the day before yesterday, an in-service for folks from our embassies around Latin America, and a couple of the people who were in from embassies in countries that are not always the warmest towards the United States over the last few years said that this particular decision to rank the United States has made a difference in how they can talk to their foreign counterparts about trafficking.

Senator FRANKEN. Thank you, and I want to thank you all for your testimony and for your tremendous work on this issue.

The record of this hearing will remain open for a week for additional statements and questions. Thank you, again, for your time and testimony.

This hearing stands adjourned. Thank you.

[Whereupon, at 11:15 a.m., the Committee was adjourned.]

[Additional material submitted for the record follows.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Witness List

Hearing before the
Senate Committee on the Judiciary

on

"The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking"

Wednesday, September 14, 2011
Dirksen Senate Office Building, Room 226
10:00 a.m.

Mary Lou Leary
Principal Deputy Assistant Attorney General
Office of Justice Programs
US Department of Justice
Washington, DC

Luis CdeBaca
Ambassador-at-Large
Office to Monitor and Combat Trafficking In Persons
US Department of State
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Kelly Ryan
Acting Deputy Assistant Secretary
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US Department of Homeland Security
Washington, DC

PREPARED STATEMENT OF MARY LOU LEARY

Department of Justice

STATEMENT OF
MARY LOU LEARY
PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS
U.S. DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

REGARDING
"REAUTHORIZATION OF THE TRAFFICKING VICTIMS PROTECTION ACT"

PRESENTED

SEPTEMBER 14, 2011

Testimony of
Mary Lou Leary
Principal Deputy Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice

Before the
Committee on the Judiciary
United States Senate

Regarding
"Reauthorization of the Trafficking Victims Protection Act"
September 14, 2011

Chairman Leahy, Ranking Member Grassley, and distinguished Members of the Committee, thank you for the opportunity to discuss the efforts of the Department of Justice's Office of Justice Programs' (OJP) to combat human trafficking and serve trafficking victims. My name is Mary Lou Leary, and I am OJP's Principal Deputy Assistant Attorney General. In that capacity, I am pleased to address the Department's excellent track record in the administration and management of the grant programs that contribute to the fight to end human trafficking. This fight is a high priority for President Obama, Attorney General Holder and the Department of Justice (DOJ). It has also been a top priority in my own career. I set up an anti-trafficking task force during my work as United States Attorney for the District of Columbia.

As the Committee is well aware, human trafficking is modern-day slavery. Trafficking victims are viewed as property. They exist in every corner of our society, working long hours for little or no pay. We may see them every day, but never know what's truly going on beneath the surface. Some work in elegant restaurants and high-end hotels. Others live in the murky shadows of nondescript neighborhoods and the gloomy light of urban nightclubs.

Fighting human trafficking and serving trafficking victims are among the most difficult challenges facing law enforcement and victim services today. One of the elements of this crime that makes it so unique and challenging is that trafficking victims are often hidden from society and prevented from contacting people who might help them. Traffickers control victims through physical, psychological, emotional, familial and economic forms of coercion. Traffickers may exploit their victims' fear of deportation and use threats of reprisals against loved ones in the home country to further coerce and control their victims.

Secondly, because the coercion of the victim is often done in secret, human trafficking in the U.S. is a crime for which scant statistical data exists on such important questions as the number of victims or the number of perpetrators. The DOJ, with its federal, state, and local partners are constantly learning where and how traffickers operate. This knowledge helps guide our efforts. However, the DOJ, other federal authorities, and local service providers cannot accurately estimate or anticipate the number of victims to be assisted during a defined period of time in any geographic area, as there is insufficient data to ascertain the exact location where traffickers will focus their efforts.

Another challenge is that although trafficking is a federal, and in many cases, a state crime, it very frequently comes to the attention of federal and state authorities by way of local investigations. It is often through the efforts of local practitioners that human trafficking is brought out of the shadows and into the light.

Congress provided critical tools for combating trafficking in the landmark Trafficking Victims Protection Act (TVPA), which was passed in 2000. It did so again with the 2003, 2005 and 2008 TVPA reauthorizations. I am pleased that Congress, and this Committee in particular, is again demonstrating leadership by coming together in a bipartisan way to reauthorize the TVPA. I would like to thank the Committee for their commitment to this issue.

OJP's efforts to address human trafficking span the entire agency. The Office for Victims of Crime (OVC) and Bureau of Justice Assistance (BJA) support human trafficking task forces through funding, training, and other resources. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) dedicates much of its work to stopping child sexual exploitation. The Bureau of Justice Statistics (BJS) gathers data to help us understand the scope of the problem and to help us pinpoint identifying characteristics of victims and perpetrators. And the National Institute of Justice (NIJ) conducts research to identify the challenges presented by human trafficking and the promising programs that are out there to combat it.

OJP's emphasis has always been comprehensive, or what we call "wrap-around" services for trafficking victims. This means that the services meet victims where they are and support them in making informed decisions about the support they need to work through the impact of the crime. It means support and advocacy for victims, during their interaction with law enforcement and after the prosecution has been concluded. "Wrap-around" also entails providing both short-term and long term assistance (in coordination with the Department of Health and Human Services [HHS]) and culturally competent services that treat victims with dignity and respect.

Another key element in assisting trafficking victims is a multidisciplinary response to human trafficking that encourages close partnerships among state and local law enforcement, victim service providers, and federal law enforcement officials, including the Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, the Department of Labor, and federal prosecutors. Due to the complex nature of these victims' needs, most agencies cannot solely provide every service needed by minor and adult trafficking victims; so cross-agency collaboration is essential for a successful rescue. Victim service providers, law enforcement and other key community partners must work closely with one another to ensure that all victim service needs—from emergency medical assessment and treatment and long-term mental health care to appropriate housing—are met.

Experience demonstrates that effective law enforcement in trafficking cases and effective victim services go hand-in-hand. Our prosecutors have found that victims are better able to cooperate when their family members are out of the reach of the trafficker. This was particularly true in a case from the Southern District of New York. A complex trafficking network smuggled young women from poor areas in Mexico to work in New York City as prostitutes. The traffickers used deception, coercion, threats, and a combination of physical and sexual violence to keep the women under their control. More than one of these young women became pregnant while working in New York and were forced to have an abortion so that they could continue working as prostitutes.

The victims' testimony was a key part of the prosecution's case, but the women were understandably afraid that their children would be harmed if they testified. The key reason the women were willing to testify is that the US government worked with the government of Mexico to provide T-Visas for the children of the victims from Mexico.

Thanks in large part to the participation of the victims, two of the traffickers pled guilty and were each sentenced to 50-year terms of imprisonment. A third trafficker also pled guilty, and received a 25-year sentence.

Victim service providers may be able to identify some victims of a particular trafficker, but they often will need effective law enforcement to reach the trafficker's other victims, who are usually very frightened and unable to come forward on their own. Law enforcement, in turn, needs victim service providers to help work with the victims to collect the critical information. In addition, victims who receive immediate physical, mental, and emotional support will be much more able and willing to participate in the investigation and prosecution of their traffickers.

Collaboration between law enforcement and victim services has been a critical part of OVC's and BJA's work in this field. OVC started awarding grants to address human trafficking in 2003. Originally, OVC focused on foreign trafficking victims. In 2004, BJA started funding Anti-Trafficking Law Enforcement Task Forces. In 2009, the work was expanded to include domestic minor victims of human trafficking. Last year, the work was broadened again to cover all victims of human trafficking: both foreign and domestic, both minors and adults.

Between the two of them, OVC and BJA are currently funding 42 Anti-Trafficking Task Forces that each includes representation from local or territorial, state, and federal law enforcement, and trafficking victim service providers. These task forces proactively investigate trafficking and support successful prosecutions of traffickers. They raise community awareness of the dangers of trafficking and the plights of its victims. And they provide critical services to these victims, including case management, food, shelter, transportation, counseling and medical care.

Outside of the task forces, additional OVC grantees provide direct services to victims in their communities without a formal partnership with law enforcement. Several of these organizations focus on assisting foreign national victims. Others specifically address the needs of domestic minor victims of human trafficking. Through a program funded by OVC in 2009, three sites support a comprehensive array of services to domestic minors while working to develop, enhance, and expand the larger community's response to these victims. OVC also funded two programs in 2009 with Recovery Act funds that support case management services for domestic minor victims.

It's worth noting that OVC funds organizations with a demonstrated history of serving human trafficking victims. As part of the grant application process, all applicants must provide detailed information on the number of human trafficking victims they have previously served through their community, state, and/or regional efforts. At a minimum, applicants must identify the total number of victims previously served with federal and non-federal funds; the types of

victims they have served (sex vs. labor trafficking victims); and the geographic service region covered. Applicants must describe how this data was compiled. Additionally, applicants must state how long (in years) they have provided services to human trafficking victims.

We have already seen the fruits of these efforts. According to BJS, the task forces investigated 2,515 suspected incidents of human trafficking between January 2008 and June 2010. Over that same period, the task forces arrested 144 suspected traffickers. Considering that one trafficker can hurt dozens or even hundreds of victims, this is a significant achievement. Collectively, these task forces have also provided training to more than 205,000 professionals.

Numbers alone cannot fully measure the impact of these grants, so let me cite some examples. A few years ago, a few victims escaped their traffickers in Florida. ICE/Homeland Security Investigations (HSI), the FBI, and the Collier County, Florida Sherriff's Department Human Trafficking Unit began a joint investigation. They uncovered a family that trafficked Mexican and Guatemalan nationals to work on their farms in Florida and the Carolinas. The family chained the workers, threatened to kill them if they tried to escape, and made examples of those who left the farm without permission, including stabbing one man. Law enforcement agencies and victim service providers had already been partnering together through the OVC and BJA-funded Collier County Coalition Against Trafficking. Because of their previous collaborations, local law enforcement immediately called the Coalition's victim service provider when the victims were discovered. The victims required medical attention and mental health services. They also needed substance abuse treatment as the traffickers supplied the workers with alcohol as a method for controlling them. The victims received the services they needed, and

then elected to assist in the successful prosecution of their traffickers. The Department's prosecutor noted that this case could not have been successfully prosecuted without the on-the-ground work and collaboration of the Coalition members.

Another grantee, the Washington Advisory Committee on Human Trafficking, coordinated a joint investigation with ICE/HSI and local law enforcement. The investigation uncovered a trafficker who operated three brothels in the Seattle, Washington area from 2005 through 2008. The trafficker fraudulently brought women into the United States from Thailand by paying American men to pose as their husbands. These women were then trapped in debt bondage to the trafficker, who charged them exorbitant amounts for bringing them into the U.S. and then forced them to work upwards of 16 hours a day, seven days a week to pay off their debt by providing sexual services. The task force's victim service professionals provided comprehensive case management and assistance to the victims, and the U.S. Attorney's Office, which led the task force, prosecuted the case. The trafficker was convicted and sentenced to 51 months in federal prison.

The principles of coordination and a multidisciplinary response continued to guide our work last year, as we awarded funding to three sites – Anaheim, California; Cook County, Illinois; and Harris County, Texas – to implement the BJA/OVC Enhanced Collaborative Model. The Model is built on providing leadership, direction, and support for collaborative efforts among law enforcement and diverse victim service providers in order to respond effectively in combating all forms of human trafficking. The three sites each have a lead law enforcement agency and lead victim service organization working together. They have established

relationships and demonstrated capacity to identify, rescue, and assist victims. In addition, they all feature strong involvement of the local U.S. Attorney.

Victim service organizations around the country use a portion of their funding to conduct targeted training and outreach activities and promote public awareness. These programs are designed to reach potential victims regardless of their national, linguistic, or cultural backgrounds. OVC and BJA grantees are also using innovative training techniques to identify potential victims. Training has been expanded to groups like public transportation workers, faith based organizations, businesses and community service providers to help them identify suspected victims of trafficking, provide suspected victims information on services available to them, and report this information to appropriate authorities.

Throughout the years we have supported communities in developing the capacity to identify and serve victims. OJP has narrowed its efforts to focus on those organizations with the proven ability to do so. In Fiscal Year 2011, OJP competitively awarded almost $6 million for six Enhanced Collaborative Model sites. The funds will be evenly split between law enforcement and victim services. The task forces will address all forms of human trafficking, and all victims, within a specific geographic area. OJP selected sites with a demonstrated history of proactively investigating and prosecuting trafficking offenses, and helping the victims.

In addition, OVC competitively awarded another $3 million specifically for human trafficking victim services. The selected organizations demonstrated a proven track record of helping victims of trafficking. They also demonstrated the capacity to collaborate with law

enforcement, the faith-based community, and others who play a key role in improving victim services. Funding will also support efforts to increase the capacity of communities to respond to victims through the development of interagency partnerships and public outreach and awareness campaigns.

OJP has also played a key role in combating child trafficking. OJJDP supports comprehensive responses to commercial sexual exploitation of children (CSEC) that bring together law enforcement, prosecutors, human and social service agencies, and nongovernmental organizations working with victims. OJJDP has also developed and supported training for thousands of professionals to build their capacity to respond to these crimes and to assist victims. In addition, many of OJJDP's Internet Crimes Against Children Task Forces directly address CSEC and sex trafficking of domestic minors.

OJJDP also awarded a grant to the National Academy of Sciences for a study of the scope and severity of CSEC including sex trafficking of U.S. citizens or lawful permanent residents who are under the age of 18. Through a comprehensive literature search, workshops, and site visits the study will focus on many aspects of this problem, including evidence about successful prevention and intervention efforts and adequacy of current state and federal laws for addressing the CSEC including sex trafficking of domestic minors.

OJJDP will also be making awards to local law enforcement agencies interested in enhancing their response to CSEC including sex trafficking of domestic minors and to non-profit organizations to develop mentoring programs for child victims of sexual exploitation and sex

trafficking.

OJP's human trafficking efforts go beyond grant funding. A 2007 Government Accountability Office report stressed that human trafficking task forces need comprehensive technical assistance, and OJP has responded. OVC and BJA support expert training and technical assistance to all OJP-funded multidisciplinary anti-human trafficking task forces. At the core of these efforts is conveying the importance of coordination and collaboration. This year OVC and BJA expanded their efforts to include training and technical assistance to non-OJP funded task forces. This involves working closely with the community and known experts in the human trafficking field (both law enforcement and victim services) to conduct a community needs assessment, provide on-site technical assistance, facilitate a meeting of task force stakeholders, and offer follow-up support to the task force, as needed. For example, we currently provide technical assistance to the Northern Virginia Task Force to help it investigate and prosecute human trafficking cases while also supporting services to victims.

Additionally, OVC is accepting training and technical assistance requests from others in the victim services field. This will support efforts to incorporate the needs of human trafficking victims into existing victim service models.

This year OVC and BJA hosted Anti-Human Trafficking Task Force Regional Training Forums in San Jose, California; Hartford, Connecticut; and Chicago, Illinois. These forums brought together grantees, federal law enforcement, U.S. Attorneys' Offices representatives, staff from other federal agencies, and other key partners to share promising practices, promote

coordination, and strengthen local and regional efforts to combat human trafficking.

In January 2011, OVC and BJA released the *Anti-Human Trafficking Task Force Strategy and Operations e-Guide* (https://www.ovcttac.gov/TaskForceGuide/EGuide). Based on input from the field, the e-guide provides critical guidance for starting new trafficking task forces and strengthening existing ones. It also features creative tools, examples and best practices, as well as links to tools, trainings, and other resources.

In August 2010, OVC hosted a focus group on Human Trafficking of American Indian and Alaska Native Women and Children. Participants discussed how human trafficking is affecting American Indian and Alaska Native women and children, looked at who is being trafficked and for what purposes, identified gaps in services and research, and discussed promising practices and cultural considerations in providing services -- information which will help inform DOJ's response to human trafficking in Indian Country. OJJDP works with the National Center for Missing and Exploited Children to address commercial sexual exploitation of children and child sex trafficking through education, training, and raising public awareness.

Research on human trafficking plays a vital role in our understanding of the nature of this crime and the impact it has on victims and on our society as a whole. NIJ's research portfolio contains over ten years of studies that have provided crucial human trafficking information to DOJ and partners at the federal, state and local levels on a range of issues. For example, NIJ has evaluated the most promising practices to reduce demand for sex trafficking, studied how labor trafficking operates in U.S. communities, deconstructed different types of trafficking

organizations, and worked closely with state and local investigators and prosecutors to best understand and meet their information needs.

In April, BJS released a Special Report, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, which describes the characteristics of human trafficking investigations, suspects and victims among cases opened by federally funded task forces between January 2008 and June 2010.

OJP is aware that the Committee wants to make sure that funds are being used wisely, and that we are avoiding overlapping efforts. DOJ shares this priority and is determined to use resources prudently and effectively.

This priority is reflected in the creation and expansion of the Senior Policy Operating Group (SPOG), which coordinates the work of multiple cabinet agencies to ensure that each agency brings its strengths to bear while not duplicating efforts. Before OJP awards any human trafficking grant, we submit it to the SPOG for review to avoid overlap with existing projects. NIJ and the State Department's Office to Monitor and Combat Trafficking in Persons co-chair a SPOG committee on data and research, ensuring that every dollar invested in these areas is not mirrored in other agencies.

As I noted earlier, the DOJ works closely with HHS. OVC and the HHS's Office of Refugee Resettlement coordinate their program strategies to avoid overlapping work. For example, OVC grantees who assist foreign national victims primarily help those who are "pre-

certified" (those not yet issued a certification or eligibility letter by HHS) while HHS' contractor may provide support to pre-certified (and certified) victims utilizing HHS funding only if OVC funding is unavailable.

Internally, OJP bureaus meet regularly to discuss our work on human trafficking and find ways to leverage that work across bureaus. I have already highlighted the close coordination between OVC and BJA. In addition, BJS is working with BJA and OVC to ensure that the task forces provide useful data on their cases, perpetrators and victims of trafficking. NIJ is evaluating our model program to provide services to domestic minor victims of human trafficking.

Along with coordination, strong oversight is an important part of our work to ensure that our human trafficking funds are being used wisely. OJP thoroughly reviews all of our grantees' budgets to ensure costs are reasonable and strategically sound. If there are areas of concern, we act accordingly. For example, OVC has consistently required grantees to deduct amounts for salaries and overhead and redirect this funding to direct services.

OJP also provides formal policy guidance to grantees on critical areas such as client eligibility standards, permissible activities and documentation requirements. We recently established a new grantee reporting tool, the Trafficking Information Management System 2.0. The system provides for better documenting of resources needed to provide key services. In addition, we conduct frequent monitoring, including monthly technical assistance calls to our grantees and site visits to assess our grantees' progress first hand.

It's also worth noting that DOJ's Office of the Inspector General (OIG) has recently determined that OJP has made remarkable improvements in grant oversight. This was spotlighted in the OIG's recent *Semiannual Report to Congress: October 1, 2010 - March 31, 2011*, which took special note of OJP's Office of Audit, Assessment and Management (OAAM). The report highlights many of the significant improvements in OJP's monitoring and oversight of grants and acknowledges the collaborative relationship that has developed between OJP and the OIG in addressing grant management challenges. I am submitting a copy of the full report for the record with this testimony.

We would welcome any discussion of how our efforts can be improved and look forward to our continued dialogue and partnership with Members of Congress.

I would like to again thank this Committee for its commitment to combat human trafficking and to help the victims of this abominable crime. As Attorney General Holder said at the DOJ 2010 National Conference on Human Trafficking, "Those of us here today are bound together by an unrelenting commitment to eradicate the scourge of human suffering and involuntary servitude. And we are united in the recognition that there isn't a second to lose. We must seize the opportunity to be a leader in the global fight against human trafficking, and to ensure that the nation we love remains a beacon of freedom for all humankind."

This concludes my statement, Mr. Chairman. Thank you for the opportunity to testify today and I would be glad to answer any questions you or the Committee may have.

PREPARED STATEMENT OF LUIS CDEBACA

STATEMENT

Luis CdeBaca
Ambassador-at-Large
Office to Monitor and Combat Trafficking in Persons
U.S. Department of State
Before the
United States Senate Committee on the Judiciary
Hearing on
The Trafficking Victims Protection Reauthorization Act:
Renewing the Commitment to Victims of Human Trafficking
Wednesday, September 14, 2011

Good morning. I'd like to thank Chairman Leahy, Senator Grassley, and all the members of the Committee for the opportunity to testify today. I am Ambassador Lou de Baca. As President Obama's Ambassador-at-Large to Combat Human Trafficking, I direct the State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) and I am responsible for leading our efforts in the global fight against modern slavery.

In addition to the production of the annual *Trafficking in Persons Report* and a range of direct diplomatic and public engagement on human trafficking issues, one of the primary responsibilities of our office is the administration of foreign assistance funds for international anti-trafficking programs.

Our grantees operate in all regions of the world and are advancing all three Ps of the 3P Paradigm—prevention, prosecution, and protection—that guide our efforts to fight modern slavery here at home and around the world. That means the work of our grantees runs the gamut of anti-trafficking efforts, whether victim protection and rehabilitation, training for prosecutors and law enforcement officials, or prevention efforts, including partnerships with civil society and the private sector, that look to address this crime and curb demand before it takes place. These efforts are closely linked to the mandates and purposes laid out in the Trafficking Victims Protection Act (TVPA) and its subsequent reauthorizations. The provisions in the TVPA help to prioritize the allocation of our anti-trafficking funds.

Because the three Ps function as an interlocking paradigm, no single P stands alone. For example, it is not enough to prosecute traffickers if we do not also provide assistance to the survivors and work to ensure that no one else is victimized. Thus, many of G/TIP's projects are cross-cutting in their approach to combating trafficking, and we place a particular emphasis on programs that address victim protection. Ninety percent of projects we have funded last year include a protection component and 61 percent provide direct services for victims. Just over half of the projects build capacity of local law enforcement and prosecutors to apprehend and prosecute traffickers; victim protection is a critical component of these projects as well because justice for the most vulnerable begins with a robust victim-centered approach. More than 90 percent of prevention

programs include victim protection activities. Fifty-nine percent of all protection programs include activities to increase prosecutions and convictions, and nearly three quarters of projects focus on both labor and sex trafficking to ensure a comprehensive response to all forms of trafficking.

As I hope to demonstrate today, the programs we help fund are successful, but our foreign assistance budget is modest relative to the global scale of the crime of trafficking in persons. Our final foreign assistance appropriation for this fiscal year was $16.2 million. While we put every penny of that sum to good use, that total stands in stark contrast to a crime exploiting as many as 27 million victims worldwide.

My testimony will demonstrate that the appropriation for our international programs is money well spent, both in terms of the transparency of our grant selection process and in terms of the effectiveness of these funds in advancing U.S. foreign policy.

A good starting point is to explain how we decide to spend our foreign assistance funds. Responsible administration of foreign assistance funds is a top priority for our office. That's why we've implemented a rigorous, transparent, and competitive application process for our grants.

Our foreign assistance and programming priorities are strategically linked to the country-specific tier rankings and diagnostic assessments included in the annual TIP Report. To maximize our limited funding, we identify priority countries for funding each year. We generally target our foreign assistance to Tier 3, Tier 2 Watch List, and, in some cases, Tier 2 countries, where governments have the political will to improve the response to trafficking but lack the economic resources to address the problem. In addition to targeting Tier 3, Tier 2 Watch List, and selected Tier 2 countries, we also consider a country's financial resources and need for technical support, political will to address trafficking in persons, and other funding that may be already used to address trafficking in the country.

At the start of the process, our office posts information about funding priorities and the availability of funds for anti-trafficking projects on our website. We convene a half-day bidders' conference for potential applicants, which in the past has been attended by nearly 150 representatives of NGOs, universities, and international organizations, among others. For those not able to attend the conference, we publish the material presented on our website.

We solicit proposals via www.grantsolutions.gov and www.grants.gov, the portals for U.S. government grants, and through a global call for proposals through U.S. embassies abroad. Solicitations conducted via www.grantsolutions.gov and www.grants.gov involve applicants submitting their proposals through the systems managed by OMB and HHS. The global call for proposals is a partnership between U.S. embassies and G/TIP, as we ask U.S. embassies to inform organizations working on trafficking how proposals may be submitted to G/TIP.

Grant proposals that are submitted to G/TIP in response to solicitations for bilateral or regional projects are reviewed for technical requirements. Proposals that meet the minimum technical standards (English language, figures in U.S. dollars, and published page limits) are forwarded to U.S. embassies for review by the TIP country team, which may include the political officer, USAID, and other relevant offices. The country team reviews applications and provides feedback to the Department on proposals for bilateral projects that are submitted to G/TIP.

Proposals are then subjected to a competitive interagency regional review panel that provides an opportunity for input from representatives of G/TIP; the relevant Regional Bureau; other offices within the Department that fund anti-trafficking programs; the USAID regional representative; and, as appropriate, other U.S. government agencies.

G/TIP anti-trafficking projects are primarily funded as grants, cooperative agreements, or Interagency Agreements and managed by the G/TIP Grants Officer and International Programs Officers. However, some projects are awarded at State Department posts abroad if G/TIP and post determine that this would facilitate more effective management of the project.

The selection of proposals for funding is based on program priorities and requirements conveyed in the solicitation for proposals. In an ongoing effort to improve the design and effectiveness of anti-trafficking projects, in FY07, G/TIP began to explicitly require applicants to clearly articulate goals and objectives, activities to support each objective, as well as indicators to measure success. The FY07 revised solicitation format was recognized as a model for other offices within the Department.

To further improve the competitive process, in FY10, our office initiated a two-stage grant application process that streamlined the application for organizations seeking funding and reduced the U.S. government resources required to review hundreds of 30-page proposals, while preserving fairness and transparency. In the first stage applicants submit a two-page proposal or concept note and following the review described, selected applicants are invited to submit a full proposal for competitive review.

The required proposal elements stated in solicitations constitute the basis for evaluating proposals. Each panel recommends to me proposals for funding. The results of the review panels are compiled for my review and consideration. I select proposals that best reflect the programming needs for the specific country as identified in the *TIP Report*, as well as global and regional program needs. Following review and approval of recommended projects by the Director of Foreign Assistance, all projects are sent for Congressional Notification. Abstracts of recommended proposals are distributed to the members of the Senior Policy Operating Group (SPOG) for a final review and comment. The review process is thorough and transparent, involving numerous partners within the State Department and across government, and of course concluding with Congressional consultation. Such diligence is necessary given the demand for our international program funding. In the last two years, the Office received 998 applications requesting a total of $547 million.

In recent years, G/TIP has taken several steps to shorten the time from proposal submission to project award, including hiring more program officers (from five in 2009 to nine in 2011) and establishing the grants officer and budget officer positions within G/TIP. In contrast to previous years, almost all of foreign assistance funds were obligated in 2010 and we expect the same this year.

Our thorough pre-award review process is necessarily coupled with effective monitoring and evaluation of international programs. The program and grant officers within the Department have monitored anti-trafficking grant projects to provide technical assistance to grantees and to ensure that project goals and objectives are implemented; that Federal grant funds are expended consistent with the provisions of pertinent statutes, regulations, agency administrative requirements; and, that Federal funds are used responsibly.

Grantees are required to submit program progress and financial reports throughout the project period and final reports within 90 days of the end of the project.

The U.S. embassy officers are partners in program monitoring. G/TIP notifies the appropriate officer at post when a new grant is awarded; the guidance from G/TIP provides key project information and recommends procedures for embassy participation in monitoring which are subject to embassy staffing and workloads. When G/TIP Program Officers conduct site visits they use a standardized format for review of administrative and programmatic aspects of the project and the TIP point of contact at the embassy accompanies the officer on the site visit, if available. This practice facilitates close collaboration between the post and G/TIP and strengthens follow-on monitoring by posts.

We take great care in ensuring that we are responsible custodians of the taxpayers' money, and I believe G/TIP has succeeded in our efforts to make the administration of our programs funding as transparent and accountable as possible. But the true success story here is the programs themselves. Whether in Cote D'Ivoire, where Prosperite is providing basic shelter and services to young girls; or in Thailand, where TRAFCORD has coordinated a series of successful rescues of labor and sex trafficking victims and serves as a model in the region; or in Mexico, where Casa Alianza is working to increase the identification of TIP victims among highly vulnerable street children; or in India where projects demonstrate best practices in raising awareness of government services for freed bonded laborers and aftercare following their release; or in Ghana where a U.S. expert provided technical assistance to local prosecutors leading to a path-breaking conviction, the first of its kind in a forced child labor case, the true success of our programs is the results we are seeing.

The sad reality is that without the modest funding G/TIP is able to provide, many of the projects we support would have to close their doors. That would mean more than just the end of a victim identification initiative or the shuttering of a shelter for survivors. In

many instances, it would mean the end of all such services in that country. That must not be the mark of our foreign policy.

The President and Secretary Clinton have made the effort to combat modern slavery a priority because it is in our strategic interest to combat modern slavery. Human trafficking thrives in places where vulnerable populations slip through the cracks and live without the protection of law. The places where we support anti-trafficking programs are the places where we need to show that the United States will stand up for those who cannot stand up for themselves.

But fighting slavery is more than good foreign policy. It's part of who we are as a nation. We cannot walk away from that responsibility here at home or in our conduct around the world.

I thank you again for the opportunity to testify today. We look forward to working with you further to provide information or answer questions that would provide additional clarity or background.

PREPARED STATEMENT OF KELLY RYAN

STATEMENT

of

Kelly Ryan

Acting Deputy Assistant Secretary
Office of Immigration and Border Security
Department of Homeland Security

REGARDING A HEARING ON

"Trafficking Victims Protection Reauthorization Act:
Renewing the Commitment to Victims of Human Trafficking"

BEFORE THE

Senate Judiciary Committee

Wednesday, September 14, 2011

Good morning Chairman Leahy, Ranking Member Grassley, and distinguished Members of the Committee. Thank you for inviting me to appear before you to discuss the Trafficking Victims Protection Act of 2000 (TVPA), which was most recently reauthorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and DHS's role and progress in implementing this important law. I am pleased to appear before the Committee to discuss a topic which is of great importance to me. I have worked on trafficking issues since prior to the passage of the landmark TVPA and have partnered with my colleague Ambassador CdeBaca on the first trafficking cases prosecuted under the law in Guam.

Combating human trafficking and protecting victims remain a top priority for DHS. We have trained our officers, prioritized the identification of traffickers and their victims, and coordinated enforcement action against traffickers. DHS continues to educate its personnel, as well as state and local law enforcement agencies and citizens, to identify and report indicators of human trafficking. Through our education and outreach efforts, we are able to help citizens and state and local law enforcement agencies to identify victims of human trafficking in the United States.

We also have played a critical role in providing victim assistance to foreign victims of trafficking in the United States. Through Continued Presence and T and U nonimmigrant status (commonly referred to as T and U visas), DHS permits eligible victims of trafficking to remain in the United States for an extended period of time, allowing them to assist with criminal investigations and prosecutions. Eventually, eligible individuals can then apply for permanent resident status.

In addition, DHS (1) provides continued presence to certain trafficking victims and paroles their family members into the United States; (2) employs victim assistance specialists and coordinators who work in tandem with law enforcement and nongovernmental service providers throughout the country; and (3) offers victim assistance information to potential victims informing them of their rights under federal law and how to access victim assistance resources.

I would like to share some of these DHS accomplishments and success stories this morning.

Blue Campaign

In July 2010, Secretary Napolitano launched the Blue Campaign to coordinate and enhance the Department's anti-human trafficking efforts. Seventeen of our components are involved in the Blue Campaign, which harnesses and leverages the varied DHS authorities and resources. The Senior Counselor to Secretary Napolitano, Alice Hill, chairs the Blue Campaign.

The Blue Campaign is comprised of the collaborative initiatives spanning the "3 Ps" of the U.S. Government's anti-human trafficking efforts: Prevention, Protection, and Prosecution; as well as a "fourth P": Partnership, which DHS recognizes is also critical to the success of our anti-trafficking efforts.

- Prevention: DHS helps prevent human trafficking by conducting domestic and international public awareness campaigns and disseminating informational materials to vulnerable populations and to people likely to encounter potential victims. U.S. Citizenship and Immigration Services (USCIS) has developed materials regarding immigration assistance options for victims of human trafficking, domestic violence, and other crimes, geared towards emergency responders, law

enforcement officers, and healthcare professionals who may be in a position to identify and aid victims of trafficking. These outreach materials are currently available in English, Spanish and Chinese.

- Protection for human trafficking victims: DHS provides rescue and emergency assistance; offers immigration benefits in the form of Continued Presence, and T and U visas; employs victim assistance specialists, victim assistance coordinators, and a forensic interviewer who work together with law enforcement and non-governmental service providers throughout the country; and actively distributes a number of victim assistance materials informing potential victims of their rights and how to seek help. U.S. Immigration and Customs Enforcement (ICE) provides victims with important immigration information, including eligibility and request guidelines, particularly with regard to Continued Presence—a temporary immigration relief provided by law enforcement to victims of human trafficking.
- Prosecution: DHS is active in conducting human trafficking investigations and supporting prosecutions, both domestically and abroad. As part of our efforts, we conduct training and outreach to international, federal, state, and local law enforcement officers and prosecutors. USCIS also issues public guidance and memoranda outlining the provisions and rights of trafficking victims under the most recent reauthorization of the law, the TVPRA 2008.
- Partnerships: Recognizing that no single entity can effectively combat human trafficking, DHS collaborates with more than 90 federal, state, and local entities, including non-governmental, private sector, law enforcement, community, faith-based and international organizations.

I would like to highlight some examples of our victim assistance efforts and our outreach materials.

Victim Assistance Efforts

- In fiscal year 2010, USCIS reached the statutory annual cap of 10,000 principal U visas approved for victims of qualifying criminal activity, including human trafficking, along with granting 9,315 derivative U visas to family members. Thus far, in fiscal year 2011, USCIS has issued 9,193 principal U visas and expects to reach the cap for the second year in a row in mid-September. USCIS has also issued 6,868 derivative U visas in fiscal year 2011 through July 2011. In addition, USCIS has granted T nonimmigrant status to 796 victims of human trafficking and their families (447 principals and 349 family members) – the highest number granted since the implementation of the statutory T visa program in 2002. From October through July 2011, USCIS has approved T nonimmigrant status for 1,009 victims of human trafficking and their families (437 principals and 572 family members). This already represents a 26 percent increase from fiscal year 2010. This upward trend indicates that we are becoming better at identifying victims and offering assistance.

- USCIS announced a procedure for victims of trafficking who were in diplomatic status (under A-3 or G-5 nonimmigrant status) and who are pursuing civil action against their trafficker to remain in the United States and receive work authorization while the civil case is pending.

- Eighteen of the 26 ICE Homeland Security Investigations' offices have hired full-time victim specialists. The specialists advise and assist ICE's 250 collateral duty victim assistance coordinators in the field and ICE special agents. Victim specialists also provide on-site

victim assistance and operational planning in complex cases involving large numbers of rescued victims, as well as coordination and assistance in cases in which foreign victims are brought to the United States to testify. ICE has a child forensic interview specialist to improve its ability to communicate with child victims.

- ICE has designated 39 human trafficking experts. These experts are trained to handle human trafficking leads, address urgent victim needs appropriately, serve as designated points of contact for our field and follow leads generated through the HSI-Tip Line. This Tip Line is a national intake center established to receive, analyze, document, and disseminate investigative leads. Tip-line specialists disseminate actionable leads to the responsible DHS field office or, in some cases, to an appropriate third party agency.

- U.S. Customs and Border Protection (CBP) produces informational posters and 'tear cards' for potential victims of human trafficking. These materials are publically available at each of the 330 ports of entry and Border Patrol station and checkpoint. The cards are designed to connect victims to a crisis support center and are currently available in 14 different languages.

As I mentioned, DHS's Blue Campaign has worked diligently to provide a variety of informational resources and materials about human trafficking. For example:

Public Awareness Campaigns/Informational Materials

- A new DHS public service announcement featuring Demi Moore and Ashton Kutcher, designed to raise awareness about the dangers and signs of human trafficking, is currently

airing on CNN Airport Network at airports across the country. The announcement includes information about how to report suspected human trafficking to authorities.

- The Hidden In Plain Sight's 2010 campaign featured newspaper advertisements on human trafficking in Chinese, English, Korean, Spanish, and Thai. The campaign was printed in 50 newspapers across the United States, whose total readership was an estimated 5 million people.
- "No Te Engañes", a CBP public service announcement, ran internationally in Guatemala, El Salvador and Mexico. The awareness campaign, which includes television, radio, and print media, informs potential migrants of the dangers of human trafficking and how to avoid becoming a victim. On July 19, 2011, DHS then launched the "No Te Engañes (Don't Be Fooled)" public service awareness campaign in the United States, debuting in Florida, Georgia, and Washington DC. The new U.S. campaign delivers a message of protection, enlisting the public to "Give victims a voice by using yours."
- U.S. Customs and Border Protection (CBP) produced plastic "Shoe Cards" for distribution to potential victims of human trafficking. These cards are designed to break into smaller cards for discreet portability and are available in English, Arabic, Chinese, Hindi, Indonesian, Korean, Portuguese and Spanish.
- USCIS developed informational materials about immigration options for victims of human trafficking, domestic violence, and other crimes, geared towards emergency responders, law enforcement officers, and healthcare professionals nationwide who may be in a position to identify and aid victims of trafficking. The materials are available in English, Spanish, Russian, and Chinese.

Training

Training is critical to our counter-trafficking efforts. I would like to describe briefly a few of our training efforts.

DHS' Federal Law Enforcement Training Center (FLETC), in cooperation with the DHS Office of Civil Rights and Civil Liberties (CRCL), is in the process of finalizing development of a new computer-based training course for DHS employees to increase awareness of human trafficking issues and provide information about the signs and indicators of human trafficking. This course will focus on the operational components and how employees from those components might encounter victims of human trafficking and how they should respond. DHS consulted with key non-governmental organizations in content development.

DHS has produced training on human trafficking for law enforcement officers. FLETC has developed a free, widely available interactive computer-based training system for federal, state, and local law enforcement officers, which includes information about Continued Presence, along with the T and U nonimmigrant visas. This relatively new training has already been certified by eight states for continuing law enforcement education purposes.

With the support of the State Department and other federal agencies, DHS is also developing a new training for federal acquisitions personnel, educating them on the provisions, including suspension and debarment, in the Federal Acquisition Regulation that can be used to combat human trafficking. The training is set to be completed by the end of this year, and will be available to all U.S. Government acquisition workforce personnel. DHS is using the general portion of the acquisitions

training to create an awareness training, which will be available to the public via the Blue Campaign web site later this year.

ICE provides annual training to field office juvenile coordinators and other key field office staff. The juvenile coordinators are responsible for managing the initial transportation, care, treatment and placement of minors apprehended by DHS. ICE held a national training session on TVPRA 2008 and Unaccompanied Alien Children (UAC) issues, which over 80 DHS officials attended in June 2011. This was a collaborative effort, with participation from various DHS components and the Department of Health and Human Services (HHS) Office of Refugee Resettlement.

During basic training, all new CBP officers and agents receive training on how to identify and respond to both victims and perpetrators of human trafficking. Additionally, in March 2011, CBP implemented a new annual mandatory TVPRA 2008training for all CBP officers, Border Patrol Agents, Agriculture Specialists, Air Interdiction Agents and Marine Interdiction Agents. This training updated and consolidated all previous CBP human trafficking training and included TVPRA 2008 requirements relating to Unaccompanied Alien Children. To date, over 34,500 CBP officers, agents and specialists have taken this training.

USCIS's Vermont Service Center, which has jurisdiction over applications and petitions for T and U nonimmigrant status, has conducted several outreach trainings in partnership with the USCIS Office of Policy and Strategy. USCIS provides training to federal, state and local law enforcement officers across the nation through in-person, telephonic, and web-based presentations. These sessions cover the DHS Blue Campaign; the roles of the individual components of DHS; the purposes and eligibility requirements of the T and U nonimmigrant visas; and the rights, roles, and responsibilities

of local and state law enforcement agencies in working with the federal government to combat human trafficking. The Vermont Service Center also holds bi-monthly WebEx trainings for law enforcement agencies on the U visa certification process. USCIS also provides T and U nonimmigrant visa training to nongovernmental organizations that work to support trafficking victims and those seeking Special Immigrant Juvenile Status. USCIS provides internal training to its field officers nationwide on the TVPRA 2008 changes to the immigration provision relating to Special Immigrant Juvenile status. Special Immigrant Juvenile status is available to alien victims of abuse, abandonment or neglect in the United States who cannot reunify with a parent.

Unaccompanied Alien Children (UAC)

DHS has worked diligently to implement the provisions relating to UAC identified in the TVPRA 2008. DHS's role is critical to protecting children. The TVPRA 2008 requires the HHS, in consultation with DHS, to develop procedures to make prompt age determinations of aliens in order to make custody determinations. HHS and DHS issued the required guidance last year.

The TVPRA 2008 requires DHS to screen Mexican and Canadian UAC who are apprehended at a land border or port of entry of the United States to determine whether the child is a victim of a severe form of trafficking or is at risk of being trafficked upon return; whether the child has a credible fear of persecution or torture if returned to their country of nationality or last habitual residence; and whether the child is capable of making an independent decision to withdraw his or her application for admission to the United States. If there are such risk indicators during the screening process, or if a screening determination cannot be made within 48 hours of

apprehension, the child is placed into removal proceedings and turned over to HHS for care and custody while awaiting the outcome of the immigration proceedings. I am proud to note that while the DHS statutory requirement is limited to the screening of UAC from contiguous countries, CBP issued guidance in March 2009, requiring its officers and agents to screen all UAC for these three risk categories at CBP ports of entry and Border Patrol sector stations.

Absent exceptional circumstances, UAC are turned over to HHS within 72 hours after determining that the child is unaccompanied. The primary goal of CBP is to transfer UAC processed for immigration proceedings to HHS within 24 hours. DHS recognizes that holding UAC in our facilities for a prolonged period is not in the best interest of children, especially the very young, and strives to ensure swift transfers to HHS to mitigate any adverse impacts.

If UAC express a fear of persecution or torture, they can pursue an asylum application affirmatively with USCIS, rather than defensively with the immigration court. After consultation with ICE and the Executive Office for Immigration Review (EOIR) of the Department of Justice, the USCIS Asylum Division has implemented this initial jurisdiction provision of the TVPRA 2008 by issuing extensive policy and procedural guidance. Our Asylum Officers have received comprehensive training on procedural issues relating to the TVPRA 2008, as well as on issues relating to adjudicating children's asylum applications generally. USCIS is currently working with DHS partners and EOIR to promulgate regulations codifying and improving upon the policy and procedural guidance already in existence.

In March 2009, USCIS issued policy guidance discussing the statutory changes to the Special Immigrant Juvenile program made by TVPRA 2008. On September 6, 2011, USCIS published a Notice of Proposed Rulemaking in the Federal Register proposing to amend the regulations governing Special Immigrant Juvenile status to implement TVPRA 2008.

Additionally, TVPRA 2008 allowed these vulnerable juveniles to become eligible for placement in the Unaccompanied Refugee Minor (URM) program of the Office of Refugee Resettlement of HHS. A placement in the URM program can assist a child up through the age of 21, or beyond, connecting these vulnerable children to much needed services.

Success Stories

I would also like to take this opportunity to highlight some of our successes.

- At our Los Angeles office, our ICE agents investigated and successfully rescued 15 women and girls who were forced into prostitution by a family-run human trafficking organization. As a result of our agents' successful investigation, we were able to identify and prosecute nine foreign nationals. These individuals were found guilty of conspiracy, sex trafficking of children by force, and importation and harboring of illegal aliens for the purposes of prostitution. They were sentenced to terms of imprisonment ranging from two to 40 years, depending on their level of involvement.

- TVPRA 2008 allowed for derivative family members to receive nonimmigrant status based on a fear of retaliation from the traffickers, regardless of the age of the principal applicant. In 2010, the Vermont Service Center successfully approved a mother of a sex trafficking survivor based on this new exception, and worked with the Department of State to facilitate her entry into the United States. The mother, who had received death threats by one of her daughter's traffickers, was able to reunite with her daughter and to testify at her daughter's trial. Both the mother and daughter have now successfully filed for adjustment of status and are lawful permanent residents living in the U.S.

Next Steps

We have made remarkable progress since the passage of the landmark law in 2000 and believe there is still work to be done. For example, DHS will continue to refine its guidance for proper implementation of the statutory provisions on Continued Presence and discretionary parole of trafficking victims' relatives. ICE recently issued a protocol on Continued Presence which outlines the procedures for federal, state, and local law enforcement agencies to request Continued Presence for individual victims and explains the respective roles of requesting law enforcement agencies and sponsoring federal law enforcement agencies.

With regard to parole for relatives of human trafficking victims, ICE's Continued Presence guidance incorporates TVPRA 2008's expansion of this authority by stating that, at the discretion of federal law enforcement agencies, Continued Presence recipients may be granted authorization to have their family members join them in the United States. Specifically, the protocol describes which family members may qualify, statutory limitations on qualifying, and

procedures for the law enforcement agency's request for "significant public benefit parole" on behalf of a victim's family member(s).

Conclusion

Secretary Napolitano has led DHS efforts to combat human trafficking and has made this issue a top priority for the Department. This Department is committed to fighting human trafficking through protection, prevention, prosecution and partnerships. Within a short period of time, DHS has succeeded in making important operational and policy changes. I am confident that we can further reduce the incidence of trafficking and protect victims. In the coming months, I look forward to working with Congress as it reauthorizes the TVPA with the goal of ending the scourge of modern human slavery.

Thank you again for opportunity to testify. I would be happy to answer your questions.

PREPARED STATEMENT OF CHAIRMAN PATRICK J. LEAHY

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Committee On The Judiciary,
"The Trafficking Victims Protection Reauthorization Act: Renewing The Commitment To Victims Of Human Trafficking"
September 14, 2011

Today, this Committee considers the Trafficking Victims Protection Reauthorization Act of 2011, and how best to continue and improve our efforts to end once and for all human trafficking at home and abroad.

Human trafficking is a modern-day form of slavery in which victims are forced into labor or sexual exploitation. It is an affront to human dignity that we cannot ignore. Traffickers prey on the most vulnerable members of society, and no country is immune. It happens even here, in our own backyard.

Earlier this summer, the Justice Department secured convictions against traffickers who compelled undocumented immigrant women hired to be waitresses to engage in commercial sex acts using violence, fraud, coercion and threats of deportation. Sadly, we hear similar reports about human trafficking every day, including in a recent case in my home state of Vermont.

Thanks to the tools provided by the Trafficking Victims Protection Act, we have made progress in combating this major human rights abuse. But there is more work to be done. As a country that has long been a beacon of hope to so many who face human rights abuses abroad, the United States must address this continuing injustice around the world and here at home.

The original Trafficking Victims Protection Act of 2000 and its three subsequent reauthorizations all had widespread bipartisan support. The original bill was passed by a Republican-controlled Congress and signed into law by President Clinton, and the most recent reauthorization in 2008 was passed by a Democratic-controlled Congress and signed into law by President Bush. I am pleased that the reauthorization bill we are discussing today continues that tradition, thanks to our cosponsors – Senators Brown, Rubio, and Cochran, as well as Senators Kerry, Feinstein, Klobuchar, Boxer, Cardin, and Gillibrand.

The bipartisan support for this bill in the Senate reflects the widespread focus on combating human trafficking in diverse communities across the country. Organizations from across the political and social spectrum, including faith-based groups and groups dedicated to human rights and women's rights, have taken up this cause. They have worked to raise awareness and to provide essential services to survivors of trafficking.

State and local law enforcement agencies and prosecutors have stepped up human trafficking enforcement. They have initiated local investigations and have worked in collaboration with Federal agencies in regional task forces to share information and resources and to conduct joint investigations of these complex, multi-faceted crimes. The National Association of Attorneys General has launched a major campaign to combat human trafficking in all 50 states.

More than 40 state legislatures have followed the Federal Government's lead and enacted anti-trafficking statutes. I am proud that Vermont recently passed a comprehensive anti-trafficking

law that includes criminal penalties, prevention programs, and services for human trafficking victims. I commend Vermont for taking on this important issue.

Today's hearing aims to highlight the important anti-human trafficking work that the Federal Government is doing as a result of the Trafficking Victims Protection Act. We also hope to discover ways we can do this crucial work better and more efficiently in the future.

Today we have witnesses from three Federal agencies that play key roles in Federal efforts to end human trafficking. The Departments of Justice, State, and Homeland Security investigate human trafficking crimes, use diplomatic tools to stop human trafficking in other countries, and ensure that trafficking victims receive crucial assistance and resources to assist law enforcement and begin to the long process of recovery.

I look forward to hearing from all of today's witnesses.

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PREPARED STATEMENT OF SENATOR DIANNE FEINSTEIN

Opening Statement of Senator Dianne Feinstein

Senate Judiciary Committee Hearing on the Trafficking Victims Protection Reauthorization Act

I would like to thank Chairman Leahy for convening today's hearing and for his leadership in working to reauthorize the Trafficking Victims Protection Act (TVPRA). I am a cosponsor of this legislation because I believe we must do more to protect the thousands of men, women and children who are trafficked into the United States each year.

California ranks as one of the top U.S. destination points for trafficked victims, so I am particularly interested in hearing the witnesses' testimony about their work in the U.S. and overseas to combat human trafficking.

Earlier this year, the federal government filed its largest human trafficking case to date, against Global Horizons, Inc., a California-based farm labor contractor. The

government claims that Global Horizons trafficked over 200 Thai males to farms in the U.S. where they were subjected to severe abuse. It is my hope that the federal government will continue to vigorously pursue these types of cases against human traffickers and provide needed services to the survivors.

I am pleased that the trafficking reauthorization bill that Senator Leahy introduced earlier this year includes provisions that would further strengthen the protections provided to unaccompanied children. Many of the children that are protected under the TVPRA have escaped traumatic situations such as sweatshop labor and forced prostitution. These children continue to need our help.

Over ten years ago, I introduced the Unaccompanied Alien Child Protection Act to ensure that children receive humane and appropriate treatment while in the custody of the United States government. This bill was included in

the 2008 TVPA reauthorization. As a result, I am eager to hear from today's witnesses about the progress that has been made in this important area.

In closing, I look forward to working with my colleagues on this Committee to move this bipartisan legislation forward in the near future.

QUESTIONS SUBMITTED TO MARY LOU LEARY BY SENATOR GRASSLEY

[Note: At the time of printing, the Committee had not received responses from Mary Lou Leary.]

QUESTIONS FOR THE RECORD FROM SENATOR CHARLES GRASSLEY

FOLLOWING THE SENATE JUDICIARY COMMITTEE HEARING:

"THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING"

HELD ON SEPTEMBER 14, 2011

Questions for Mary Lou Leary, U.S. Department of Justice:

1. Section 201 of the TVPRA (S.1301) has two immigration related parts. The first part modifies criminal law provisions that address trafficking in persons. Under the Racketeer Influenced Corrupt Organizations Act (18 U.S.C. § 1961), the definition of a "racketeering activity" is expanded to include "fraud in foreign labor contracting," pursuant to 18 U.S.C. § 1351.

   (a) How many investigations for violation of 18 U.S.C. § 1351 were commenced by the Department of Justice in each year since the enactment of the law?

   (b) How many indictments for violations of § 1351 were filed by the Department of Justice in each year since the enactment of the law?

   (c) How many individuals were convicted of violating § 1351 in each year since the enactment of the law?

   (d) How many guilty pleas for violating § 1351 were obtained in each year since the enactment of the law?

   (e) Have career prosecutors at the Department of Justice been consulted about expanding the definition of a "racketeering activity" to include "fraud in foreign labor contracting," pursuant to § 1351? If so, what was their reaction to this proposed legislation? If not, why weren't they consulted? Wouldn't career prosecutors have useful insights about whether federal criminal law should be expanded and if so, how?

   (f) Does the DOJ support expanding the definition of a "racketeering activity" to include "fraud in foreign labor contracting," pursuant to § 1351?

2. Under the second part of section 201 of the TVPRA (S.1301), a new misdemeanor provision is added to chapter 77 of title 18, which criminalizes the unlawful confiscation or destruction of a person's immigration documents in order to maintain or restrict the labor or services of that person. In particular, it criminalizes possessing an alien's immigration documents for 48 hours in the course of violating 18 U.S.C. § 1351.

   (a) How many investigations for violation of 18 U.S.C. § 1592 were commenced by the Department of Justice in each year since the law was enacted?

   (b) How many indictments charging violation of § 1592 were filed in each year since the law was enacted?

   (c) How many individuals were convicted of violating § 1592 in each year since the law enacted?

(d) How many guilty pleas for violating § 1592 were obtained in each year since the law enacted?

(e) Have career prosecutors at the Department of Justice been consulted about this proposed legislation? If so, what was their reaction? If not, why not? Wouldn't career prosecutors have useful insights about whether federal criminal law should be expanded and if so, how?

(f) Does the DOJ support this proposed legislation? If so, why is this provision needed given the existence of § 1592. What is the significance of 48 hours provision?

3. For each of the last eight years, how many investigations were terminated or not commenced because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

4. For each of the last eight years, how many prosecutions were terminated because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

5. For each of the last eight years, how many investigations were terminated or not commenced because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

6. For each of the last eight years, how many prosecutions were terminated because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

7. Current law requires a "T" visa holder to meet certain conditions prior to becoming eligible to adjust his or her status to lawful permanent residence. The Department of Homeland Security (DHS) is charged with evaluating whether the "T" visa holder is eligible for this adjustment.

Supporters of section 214 of the TVPRA (S.1301) maintain that it is appropriate for the DHS to consult with the DOJ in assessing cooperation when victims assist the DOJ in prosecuting a case. However, according to supporters requiring consultation with the DOJ is not appropriate for victims who cooperated with State or local law enforcement investigations. For cases involving the DOJ, the modified statute would read "in consultation with the Attorney General as appropriate."

(a) For each of the last eight years, how many times has the Department of Justice advocated against positive adjustments to the status of "T" visa applicants?

(b) If the DOJ has advocated against a positive adjustment, how many times has the DOJ's position been rejected in each of the last eight years? On each of those occasions, who overruled/rejected the DOJ's position?

(c) Aren't U.S. taxpayers better served having federal, career prosecutors analyze and make these status adjustment decisions?

(d) Have career prosecutors at the DOJ been consulted about this proposed legislation? If so, what was their reaction? If not, why not? Wouldn't career prosecutors have useful insights about whether federal criminal law should be expanded and if so, how?

(e) Does the DOJ support the enactment this provision?

(f) Does the DOJ agree that contrary to supporters' claims, there is certainly nothing "inappropriate" with having the DOJ involved in the process?

8. Section 224 of the TVPRA (S.1301) would expand the number of agencies required to be trained in identifying victims of trafficking to include personnel from the Department of Labor and the EEOC.

(a) During each of the last eight years, how many times has the EEOC reported a violation of the anti-trafficking laws? How many of these reports resulted in arrests? If any, how many of those arrests resulted in convictions?

(b) What will the cost of this additional training be on an annual basis?

9. The second part of section 401 of the TVPRA (S.1301) also expands the exemption to the bar to asylum for applicants under 18 years of age who were previously denied asylum. The proposed language provides that alien minors who have previously been removed, or who departed voluntarily, should not have their removal orders reinstated, but should instead be placed in removal proceedings.

(a) How does this proposed provision benefit U.S. citizens?

(b) Has the immigration judges' union been consulted about this proposed legislation? If so, what was its reaction? If not, why not?

(c) If a removal order was affirmed by a federal circuit court, would that courts' mandate be ignored under this provision?

(d) Has the federal judiciary been consulted about this proposed legislation? If so, what was its reaction? If not, why not?

(e) This proposed provision would increase the number of removal proceedings. What will be the cost of the repeated proceedings?

(f) For each of the last eight years, how many alien minors who were previously removed from the U.S. or had previously agreed to voluntary removal were apprehended in the U.S.?

(g) Are there any estimates on how many alien minors who were previously removed from the U.S. or previously agreed to voluntary removal have re-entered the U.S., but have yet to be apprehended? If so, what are those statistics?

10. The final part of section 401 of the TVPRA (S.1301) states that all cases of minors seeking asylum be adjudicated in the first instance by an asylum officer in a non-adversarial proceeding. The procedures, which were provided to unaccompanied minors in the TVPRA, are expanded by the bill to all minor asylum seekers. Has the immigration judges' union been consulted about this proposed legislation? If so, what was its reaction? If not, why weren't the immigration judges consulted?

11. Section 402 of the TVPRA (S.1301) amends Section 235(c)(2) of the TVPRA 2008 to address the situation of an unaccompanied minor in the custody of the Office of Refugee Resettlement who reaches the age of 18 prior to resolution of their immigration case.

(a) For each of the last eight years, how many alien minors placed in the custody of the Office of Refugee Resettlement were arrested while in the custody of that agency?

(b) For each of the last eight years, how many aliens in ICE custody who were transferred to ICE by the Office of Refugee Resettlement were arrested?

12. Section 403 of the TVPRA (S.1301) would expand the Child Advocate program that was established as a pilot program in 2003. 8 U.S.C. § 1232 (c)(6) provides:

> The Secretary of Health and Human Services is authorized to appoint independent child advocates for child trafficking victims and other vulnerable unaccompanied alien children. A child advocate shall be provided access to materials necessary to effectively advocate for the best interest of the child. The child advocate shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a child advocate. The child advocate shall be presumed to be acting in good faith and be immune from civil and criminal liability for lawful conduct of duties as described in this provision.

What is the Department of Justice's opinion on child advocates receiving criminal immunity? In formulating the DOJ's response, were career prosecutors consulted? If not, why not?

13. There is a great disparity between the number of victims claimed to exist and the actual number of victims rescued.

The Department of State has claimed in the past that as many at 50,000 victims per year were trafficked into the United States, although it later reduced that number to 14,500 victims, and that as many at 800,000 victims per year are trafficked around the world. The GAO has called those figures into question. And according to the latest DOJ figures available to the Committee, there have been only about 1900 victims discovered in the United States from Fiscal Year 2001 to 2009.

(a) What is the most reliable estimate of the number of victims trafficked each year in the United States?

(b) What has the Administration done to try to pin down the number of victims?

(c) If there is no reliable figure for the number of victims, how can the Administration—and Congress—determine the appropriate measures to fight this crime?

14. The Department's Inspector General found "significant inaccuracies in the performance data reported by the service providers". These significant inaccuracies included the woefully inflated number of trafficking victims assisted by the program. Ultimately, the Inspector General found that OVC "significantly overstated the number of victims actually served in its reports to Congress." Among the reasons for such shockingly inaccurate statistics provided to Congress were the fact that BJA "inadvertently" recorded cumulative data, the mistaken identification of

multiple victims, and most importantly, inaccurate data provided by the service providers (e.g. grantees).

(a) What steps have been taken to ensure that statistical reporting of victims served under TVPA sponsored grant programs are accurately reported to Congress?

(b) Was any OJP employee sanctioned or reprimanded for the inaccurate data reporting to Congress?

(c) What steps are now taken to verify the accuracy of victim service data provided to OJP by individual service providers? What steps are taken to sanction those service providers for providing inaccurate data to OJP? How many, if any, service providers have failed to receive additional TVPA funds as a result of inaccurate reporting of victims served? If any, please describe the circumstances in detail.

15. The Department of Justice Inspector General issued a report in July 2008, highlighting a number of serious problems in grants paid to individual grantees under grant programs administered by the Office of Justice Programs designed to benefit trafficking victims. At the hearing, you admitted that the grants highlighted in the audit report were "failures" given the negative audit findings. You also stated that you worked with each of the grantees audited to make sure to remedy the failures in those grants. I'm concerned that the mere sample of grantees awarded funding under the TVPA reviewed by the Inspector General generated a 100% failure rate—failures in management of the grants, failures to account for costs incurred, failures to document salaries and fringe benefits, and failures to ensure that grantees were paying the matching funds that were required by law. This all paints a dark picture of the grant management at the Department.

(a) What are you doing to fix this problem with grantees?

(b) What percentage of grantees under TVPA are annually audited for compliance? Note, this means an independent audit conducted by an outside, disinterested third party, and not simply overseen by the Office of Justice Programs, Office of Violence Against Women, or any other internal Department entity.

(c) Provide a list of every grant recipient under TVPA that received an award, was audited by any Department entity and found to have a grant program violation, what the violations were, what action was taken by the Department to remedy the violation, and whether the Department recouped any taxpayer dollars from those entities (please include dollar totals of any recouped monies).

16. On September 20, 2011, the Inspector General issued an audit report discussing Department expenditures of taxpayer dollars on conference planning, and food and beverage costs. That audit found the Department spent nearly $121 million on conferences over a two-

year period—this included wasting taxpayer dollars on $16 muffins, and spending over $600,000 for event planners. Despite these serious misuses of taxpayer money, the audit only focused on 10 individual conferences—of which OJP funded four. How many taxpayer dollars were provided by OJP, either directly or indirectly through subordinate agencies (such as OJJDP, NIJ, OVC, BJA, BJS…etc.), to fund conferences? Provide a list of all conferences, location, number of attendees, total cost, cost per attendee, and any cost sharing from the attendees. This list should include all conferences funded by grant recipients that are awarded grants to host conferences, for example, the National Forensic Science Technology Center (NFSTC) which was awarded two OJP grants to host the National Public Safety Summit on Forensic Science Conference (BJA CONGRESSIONALLY DIRECTED AWARD 2009-D1-BX-K028, NIJ Forensic Centers of Excellence award 2010-DN-BX-K210).

17. Provide a list of all policy staff employed by the Office of Justice Programs, including a list of all position titles, salaries, and duties. This list should include all sub-level divisions at OJP, such as OJJDP, NIJ, OVC, BJA, BJS, and all others. Also, provide a list of all policy staff employed by Office of Legal Policy (OLP), Office of Violence Against Women (OVW), and the Community Oriented Policing Services (COPS) Office that work on policy issues that overlap with issues covered by the policy staff employed by the Office of Justice Programs. This list should also include all position titles, salaries, and duties.

18. The Trafficking Victims' Protection Act requires the Attorney General to submit a report to Congress annually on federal government efforts in the past fiscal year to combat trafficking in persons. The report is to include, most importantly, information on the number of T visas and continued presence granted to victims, convictions of traffickers and their sentences, and grants awarded by the federal government. The statute requires the report to be submitted by May of each year. The report had not been issued as of September 21st, a week after the Senate Judiciary Committee held a hearing on reauthorization of the Act.

(a) Do you think it is acceptable that a report on US government efforts to combat trafficking in persons is almost five months late, when Congress is in the process of evaluating your efforts as part of the reauthorization process?

(b) When will the report be provided?

QUESTIONS SUBMITTED TO LUIS CDEBACA BY SENATOR GRASSLEY

Questions for Ambassador Luis CdeBaca, U.S. Department of State:

1. Section 224 of the TVPRA (S.1301) would expand the number of agencies required to be trained in identifying victims of trafficking to include personnel from the Department of Labor and the EEOC.

(a) What will the cost of this additional training be on an annual basis?

(b) If your answer is that you do not know how much implementing this provision will cost, do you agree that given the difficult economic conditions, it is unwise to enact legislation without knowing how much it will cost U.S. taxpayers?

2. There is a great disparity between the number of victims claimed to exist and the actual number of victims rescued. The Department of State has claimed in the past that as many at 50,000 victims per year were trafficked into the United States, although it later reduced that number to 14,500 victims, and that as many at 800,000 victims per year are trafficked around the world. The GAO has called those figures into question. And according to the latest DOJ figures available to the Committee, there have been only about 1900 victims discovered in the United States from Fiscal Year 2001 to 2009.

(a) What is the most reliable estimate of the number of victims trafficked each year in the United States?

(b) What has the Administration done to try to pin down the number of victims?

(c) If there is no reliable figure for the number of victims, how can the Administration—and Congress—determine the appropriate measures to fight this crime?

3. Although they are not in the version of S.1301 which was introduced, it is my understanding that the sponsors of the bill intend to add several sections as amendments. One of those sections requires the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and relevant offices and bureaus, to formulate and distribute guidance to prevent child marriage and to promote the empowerment of girls at risk of child marriage in developing countries. It also requires the annual State Department Country Reports on Human Rights Practices to include reporting on child marriage.

(a) How much will it cost U.S. taxpayers to implement this provision?

(b) If your answer is that you do not know how much implementing this provision will cost, do you agree that given the difficult economic conditions, that it is unwise to enact legislation without knowing how much it will cost U.S. taxpayers?

(c) Have you or any other official at the Department of State been consulted about this provision? If so, when did that occur?

4. At the hearing, you testified that:

> [I]n the last two years my office has received 998 applications for assistance from 546 organizations requesting a total of $547 million. Our foreign assistance budget for the last two years was $39.1 million, not even 10 percent of the ***demonstrated need***, and we took a 24 percent pay cut, as it were, in the spring down to under $17 million in program funds.
>
> (Emphasis added).
>
> At a later point in the hearing, you testified:
>
> There is a lot of unmet need. As you may know, the State Department's Trafficking in Persons Office budget for programs was cut by about 24 percent earlier this spring. So we're down to a little bit under 16 1/2 million dollars in a world in which there's about 27 million people who are enslaved. And so we're not talking even a dollar a person at that point.
>
> What we've seen is, over the last two years, almost a thousand – 998 applications for assistance requesting $547 million. That's for prosecutor training, for police training, for shelters for the victims around the world. And our foreign assistance budget that we were able to get out the door for that was about 39.1 million (dollars) in total. So not even 10 percent of the ***demonstrated need*** being met from what we've been able to do -- and, again, the 24 percent reduction this spring.
>
> And we certainly know shared sacrifice, and we're making our money go as far as we can. But that's -- it's something that certainly is starting to play out in the field in that there are some countries in the world in which, if we aren't funding the victim care, it's just not getting funded.
>
> (Emphasis added).

It appears that according to your testimony, all of the requests for funding that you and the State Department receive in this area constitute part of a "demonstrated need." Your testimony stands in stark contrast to the testimony of Ms. Leary from the DOJ, who admitted that certain DOJ grants which had questionable expenditures were "failures."

(a) Is it your position that every one of the 998 applications for funding you referred to should have received funding?

(b) Were any of the 998 applicants you referred to rejected because of questions of potential corruption, evidence of actual corruption, concerns about misuse of funds or evidence of actual misuse in the past? If so, identify those applicants and the set forth in detail the reasons they were rejected.

(c) Were any of the 998 applicants you referred to rejected for other reasons? If so, shouldn't those applicants be subtracted from the "demonstrated need" you referred to?

(d) Explain in detail the background investigation that the State Department conducts on grantees before they are awarded a grant under the Trafficking Victims Protection Act (TVPA).

(e) Explain in detail the oversight that the State Department conducts on grantees under the TVPA.

(f) How many State Department grantees that received funds under the TVPA have been audited during the last three years? If any, what were the results of those audits?

(g) How many State Department grantees which received funds under the TVPA have been investigated by law enforcement agencies (in the U.S. or abroad) during the last three years? If any, what were the results of those investigations?

(h) Have any grantees of funds under the TVPA been required to return funds during the last three years? If any, identify those grantees and how much was returned?

(i) Do you believe that any grants made by the State Department during the last three years were mistakes? If so, identify the grants and provide a detailed explanation of why each such grant was a mistake.

(j) Do you believe that any grants made by the State Department during the last three years were failures? If so, identify the grants and provide a detailed explanation of why each such grant was a failure.

[If any of the responses to the foregoing questions include classified information, provide those responses in a separate classified report].

QUESTIONS SUBMITTED TO KELLY RYAN BY SENATOR GRASSLEY

Questions for Kelly Ryan, U.S. Department of Homeland Security:

1. Under current law, a victim of trafficking may apply for a "T" visa under the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(T), if he or she meets the definition of a victim of trafficking and is currently present in the United States on account of that trafficking.

The first part of section 211 of the TVPRA (S.1301) would allow would-be "T" visa applicants who have left the United States to apply from outside the country if they left based on a threat from the traffickers to the victim or the victim's family. An application for a "T" visa that is filed from outside the United States can be filed up to five years after the trafficking.

(a) How many additional "T" visa applications will be filed each year, if this provision is enacted?

(b) What will the cost be each year of implementing this provision, in terms of the amount of public assistance that will have to be given to the additional "T" visa recipients and their relatives?

2. For each of the last eight years, what was the cost of the public assistance given to "T" visa recipients?

3. For each of the last eight years, what was the cost of the public assistance given to the derivative beneficiaries/relatives of "T" visa recipients?

4(a). What type of background investigation (if any) is currently conducted on a "T" visa applicant and his family members/derivative beneficiaries before they are allowed to remain in/enter the U.S.?

4(b). Assuming there is an investigation, who conducts it? Who evaluates it?

4(c). Assuming there is an investigation, if it results in an adverse determination, can a "T" visa applicant be allowed to remain in the U.S. and receive a visa? If so, under what circumstances and how is that justified? Who makes that decision? If it can occur, for each of the last eight years how many times did it occur?

4(d). Assuming there is an investigation, if it results in an adverse determination, will a "T" visa applicant's derivative beneficiary be allowed to remain in the U.S.? If so, under what circumstances and how is that justified? Who makes that decision? If it can occur, for each of the last eight years, how many times did it occur?

5. If a "T" visa applicant is in the U.S. illegally, is any effort be made to determine whether the applicant was complicit in violating U.S. immigration law? If not, why not? If any effort is made, describe it and the standard governing it in detail. If an applicant was complicit in violating U.S. immigration law, does that bar him or her from being awarded a "T" visa?

6. For a "T" visa applicant's derivative beneficiary who is already in the U.S., is any investigation done to determine whether the beneficiary is in the U.S. illegally? If so, what does that investigation consist of? Who conducts it?

7. If a "T" visa applicant's derivative beneficiary is in the U.S. illegally, is the beneficiary allowed to remain in the U.S.? Are removal proceedings commenced against the beneficiary?

8. For the proposed legislation (section 211 of S.1301), what type of background investigation will be conducted on a "T" visa applicant applying from abroad before he is allowed to return to the U.S.? Assuming there will be an investigation, who will conduct it? Who will evaluate it?

9. For the proposed legislation (section 211 of S.1301), what type of background investigation will be conducted on a "T" visa applicant' family members/derivative beneficiaries before they are allowed to enter or remain in the U.S.? Assuming there will be an investigation, who will conduct it? Who will evaluate it?

10. One of the conditions of receiving a "T" visa is that the applicant complies with reasonable requests by law enforcement to assist in trafficking investigations or proves that he or she is unable to do so because of physical or psychological trauma.

The second part of section 211 provides that such trauma may be caused by a reasonable fear of retaliation by the traffickers against a family member. Section 211 only requires that an alien have a "reasonable fear of retaliation" by the trafficker or the trafficker's associates in order for the alien to be excused from cooperating with law enforcement.

(a) Who evaluates a claim of physical or psychological trauma? What does that evaluation consist of? If it is merely a review of paper, how is that justified? Isn't an in-person review needed for a true review?

(b) For each of the last eight years, how many "T" visa applications sought to be excused from having to cooperate with law enforcement official?

(c) For each of the last eight years, how many "T" visa recipients were excused from cooperating with law enforcement officials? Was the Department of Justice consulted in every instance before exemptions were granted? If not why not?

(d) For each of the last eight years, on how many occasions did the DOJ maintain that an exemption should not be granted, but was overruled?

(e) For each of the last eight years, how many criminal investigations were terminated or not commenced because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

(f) For each of the last eight years, how many prosecutions were terminated because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

11. The third part of section 211 of the TVPRA (S.1301) expands the list of eligible relatives who may join a "T" visa recipient. Under current law, spouses and children may accompany or follow an eligible trafficking victim. A parent or unmarried sibling under 18 years of age may also do so if the victim is a minor or if the derivative relatives face a danger of retaliation based on the victim's escape from the traffickers or cooperation with law enforcement. Section 211 would allow additional derivative family members to apply to join the trafficking victim if those family members allegedly face a danger of retaliation.

(a) Under the current system, who evaluates a "T" visa applicant's claim that he faces retaliation if he cooperates with law enforcement? How is that evaluation carried out?

(b) Under the current system, who evaluates a "T" visa applicant's claim that family members/beneficiaries face retaliation? How is that evaluation carried out?

(c) How many additional relatives/beneficiaries of "T" visa applicants will be allowed to enter/remain in the U.S. annually, if this legislation is enacted?

(d) What type of background investigation will be conducted before a relative is admitted or allowed to remain in the U.S. under this provision?

(e) If any background investigation is to be conducted, who will carry it out?

(f) If any background investigation will be conducted, what will the role of the Vermont Service Center (VSC) be in the process?

(g) Will an employee of the VSC be able to overrule an adverse determination of a background investigation and award an applicant a visa or legal status?

(h) What will the cost of implementing this proposed provision be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to the additional derivative beneficiaries?

12. Section 212 of the TVPRA (S.1301) adds "fraud in foreign labor contracting," as defined by 18 U.S.C. § 1351, to the list of crimes of which victims may be eligible to apply for a "U" visa.

(a) Under the current system, who evaluates a "U" visa applicant's claim of suffering substantial physical or mental abuse? How is that evaluation conducted? What standard is applied?

(b) What will the cost of implementing this proposed provision be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to additional "U" visa recipients?

(c) What type of background investigation, if any, will be conducted on the "U" visa applicant and his or her relatives/beneficiaries before the "U" visa is granted under this new provision?

13. In 2009, Congress amended the immigration statute to enable certain widows and widowers of U.S. citizens to apply for lawful permanent residence. Prior to this change, if the alien spouse was in his or her conditional residency period when the U.S. citizen passed away, the DHS was supposed to deport the alien widow(er), the rationale being that the basis for the spousal visa no longer existed. Section 213 of the TVPRA (S.1301) would add the derivative beneficiaries of "T" visa holders, "U" visa holders, and VAWA Self-Petitioners to the "widows fix" in the immigration statute. .

(a) For each of the last four years how many individuals were subjected to removal proceedings under the law as currently written? Of those, how many were removed from the U.S.?

(b) Is the DHS currently removing the beneficiaries who will be covered by this proposed legislation? Or are they receiving deferred action?

(c) What will the cost of implementing section 213 of the TVPRA (S.1301) be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to derivative beneficiaries who would receive relief under this provision?

(d) What type of background investigation will be conducted before a derivative beneficiary is given legal status and allowed to remain in the U.S. under this provision? If any investigation is to be conducted, who will conduct it? Who will evaluate it?

(e) Will an employee of the Vermont Service Center (VSC) or any other government agency be able to overrule an adverse determination of a background investigation and award a visa or legal status?

14. When considering applications, does the DHS/USCIS/VSC consider whether "T" visa applicants have criminal records (both in the U.S. and abroad)? If so, for each of the last eight years, how many "T" visa applicants had criminal records and what were the crimes they were arrested for?

15. When considering applications, does the DHS/USCIS/VSC consider whether "T" visa applicants' derivative beneficiaries have criminal records (both in the U.S. and abroad)? If so, for each of the last 8 years, how many "T" visa applicants' derivative beneficiaries had criminal records and what were the crimes they were arrested for?

16. When considering applications, does the DHS/USCIS/VSC consider whether "U" visa applicants have criminal records (both in the U.S. and anywhere else)? If so, for each of the last 8 years, how many "U" visa applicants had criminal records and what were the crimes they were arrested for?

17. When considering applications, does the DHS/USCIS/VSC consider whether "U" visa applicants' derivative beneficiaries have criminal records (both in the U.S. and anywhere else)? If so, for each of the last 8 years, how many "U" visa applicants' derivative beneficiaries had criminal records and what were the crimes they were arrested for?

18. If criminal records are considered, what is the DHS'/VSC's policy on awarding visas to "T" and "U" visa applicants with criminal records? Does having a record disqualify an applicant?

19. If criminal records are considered, what is the DHS'/VSC's policy on derivative beneficiaries with criminal records? Does the discovery of a record result in the beneficiary being removed from the U.S. or bar the beneficiary from being allowed to enter the U.S.?

20. If the DHS/VSC does conduct criminal background investigations on applicants and/or beneficiaries, for each of the last 8 years how many visas were granted to applicants with records and how many beneficiaries with records were (a) allowed to remain in the U.S. and (b) allowed to enter the U.S.?

21. In each of the last 8 years, how many "T" visa recipients were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

22. In each of the last 8 years, how many "derivative beneficiaries of "T" visa holders were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

23. For each of the last 8 years, how many "T" visa recipients testified against criminal defendants?

24. In each of the last 8 years, how many "U" visa recipients were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

25. In each of the last 8 years, how many "derivative beneficiaries of "U" visa holders were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

26. For each of the last 8 years, how many "U" visa recipients testified against criminal defendants?

27. If a "U" visa applicant is in the U.S. illegally, is he or she still eligible for a "U" visa?

28. If a "U" visa applicant is in the U.S. illegally and that does not bar him from receiving a visa, does it factor into the determination of whether a visa is awarded? If so, to what extent? If not, why not?

29. For each of the last eight years, how many "U" visa applications sought to be excused from having to cooperate with law enforcement officials?

30. For each of the last eight years, how many "U" visa recipients were excused from having to cooperate with law enforcement officials? Which governmental unit granted these exemptions? If it was not the Department of Justice, was the DOJ consulted before exemptions were granted? If the DOJ was consulted, on how many occasions did the DOJ (or another law enforcement agency) maintain that an exemption should not be granted, but was overruled? If the DOJ was not consulted in every instance, why wasn't it?

31. For each of the last eight years, how many investigations were terminated or not commenced because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

32. For each of the last eight years, how many prosecutions were terminated because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

33. The second part of section 401 of the proposed legislation, the TVPRA (S.1301), also expands the exemption to the bar to asylum for applicants under 18 years of age who were previously denied asylum. The proposed language provides that alien minors who have previously been removed, or who departed voluntarily, should not have their removal orders reinstated, but should instead be placed in removal proceedings.

(a) For each of the last eight years, how many alien minors who were previously removed from the U.S. were apprehended a second time for being in the U.S. illegally? How many were apprehended for being in the U.S. illegally a third time?

(b) Are there any estimates on how many alien minors who were previously removed from the U.S. have re-entered the U.S. illegally, but have yet to be apprehended? If so, what are those statistics?

34. Section 402 of the TVPRA (S.1301) amends Section 235(c)(2) of the TVPRA 2008 to address the situation of an unaccompanied minor in the custody of the Office of Refugee Resettlement who reaches the age of 18 prior to resolution of their immigration case. Such persons are typically transferred to adult immigration detention under the authority of U.S. Immigration and Customs Enforcement (ICE). Section 402 requires DHS to consider where to place the alien, with a preference for the least restrictive setting possible.

(a) For each of the last eight years, how many alien minors were placed in the custody of the Office of Refugee Resettlement?

(b) For each of the last eight years, how many alien minors placed in the custody of the Office of Refugee Resettlement were determined to be violent or otherwise dangerous?

(c) For each of the last eight years, how many alien minors in the custody of the Office of Refugee Resettlement turned 18 and were transferred to adult detention under ICE? How many of those minors had criminal records before they came into custody? How many of those minors engaged in criminal and/or violent behavior while in the custody of the Office of Refugee Resettlement?

(d) For each of the last eight years, how many aliens in ICE custody who were transferred to ICE by the Office of Refugee Resettlement engaged in violent and/or criminal behavior while in ICE's custody?

35. Subsection (B)(ii) of section 403 of the TVPRA (S.1301) mandates the establishment of additional advocacy programs at numerous locations. It states:

> ADDITIONAL SITES.—Not later than 3 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall establish and implement child advocate programs at immigration detention sites at which more than 50 children are held in immigration custody.

What will the cost be to implement this provision?

36. Supporters of section 404 of the TVPRA (S.1301) maintain that under current law, when an unaccompanied alien minor who was also a victim of crime is awarded a "U" visa, that minor loses eligibility for certain benefits available to children who are considered unaccompanied minors under law. Section 404 would make "U" visa recipients who are minors and who were formerly considered unaccompanied minors eligible for federal foster care and certain benefits available to refugee minors.

(a) Do alien minors, who are given "U" visas, receive any public assistance? If so, what types of assistance? If so, for each of the last eight years, how much have U.S. taxpayers paid (directly or indirectly thru grants to state governments) for the public assistance given to alien minors who are given "U" visas?

(b) On an annual basis, how much will implementing this provision cost U.S. taxpayers, in terms of the increase in the amount of public assistance?

37. Section 405 of the TVPRA (S.1301) requires the GAO to conduct a study on the implementation of provisions of the TVPRA 2008 with regard to DHS screening of children. For example, the GAO will assess whether DHS personnel are adequately screening children to determine whether they may be victims of trafficking or persecution. The GAO will also assess whether children are properly cared for while in the custody of the DHS and repatriated in an appropriate manner.

(a) Is there any documented evidence that DHS is inadequately screening minor aliens to determine whether they are the victims of trafficking? If so, summarize that evidence and provide a copy of the document.

(b) Is there any documented evidence that DHS is inadequately caring for minor aliens in its custody? If so, summarize that evidence and provide a copy of the document.

(c) Is there any documented evidence that DHS repatriates minor aliens in an inappropriate manner? If so, summarize that evidence and provide a copy of the document.

(d) The proposed legislation also requires that the "Comptroller General [be given] unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General." What difficulties or safety concerns might such access raise?

38. How many alien minors have been transferred to Department of Health and Human Services (HHS) custody by the DHS during each of the last eight years? What were their ages at the time of transfer? What has been the cost for each of the last eight years of housing and otherwise providing for these minors?

39. What procedures does the DHS employ to determine whether an alien claiming to be a minor, is in fact a minor? Have the standards changed or been relaxed during the last 8 years? If so, when and how were they changed? If the standards have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

40. What procedures does the DHS employ to determine whether a minor alien has a criminal record (in the U.S. or anywhere else)? Have the standards been changed or relaxed at any time within the last 8 years? If so, when and how were they changed? If the standards themselves have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

41. If DHS investigates minors' backgrounds, for each of the last 8 years, how many minors were determined to have criminal records and what crimes had they committed?

42. At any time within the last 8 years, has an alien minor with a criminal record been released into the U.S., either as a minor or an adult? If so, how many such individuals have been released, when were they released and what crimes had they committed?

43. In each of the last 8 years, how many aliens who had been granted legal status in the U.S. as minors were subsequently arrested (either as a minor or as an adult) and for what crimes were they charged with?

44. What procedures does the DHS employ to determine whether an alien claiming to be a relative of an applicant for a "T" or "U" visa, is in fact the applicant's relative and is eligible for derivative beneficiary status? Have the standards changed or been relaxed during the last 8 years? If so, when and how were they changed? If the standards have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

45. There is a great disparity between the number of victims claimed to exist and the actual number of victims rescued.

The Department of State has claimed in the past that as many at 50,000 victims per year were trafficked into the United States, although it later reduced that number to 14,500 victims, and that as many at 800,000 victims per year are trafficked around the world. The GAO has called those figures into question. And according to the latest DOJ figures available to the Committee, there have been only about 1900 victims discovered in the United States from Fiscal Year 2001 to 2009.

(a) What is the most reliable estimate of the number of victims trafficked each year in the United States?

(b) What has the Administration done to try to pin down the number of victims?

(c) If there is no reliable figure for the number of victims, how can the Administration—and Congress—determine the appropriate measures to fight this crime?

46. For each of the last eight years, what was the cost of the public assistance given to "U" visa recipients?

47. For each of the last eight years, what was the cost of the public assistance given to the derivative beneficiaries/relatives of "U" visa recipients?

48. If a "U" visa applicant's derivative beneficiary is in the U.S. illegally, is the beneficiary allowed to remain in the U.S.? Are removal proceedings commenced against the beneficiary?

49. According to the immigration statute (INA §204(c)), related USCIS regulations, and the USCIS Adjudicator's Field Manual, if the USCIS has denied a marriage-based petition because of suspected marriage fraud, it must deny any subsequent immigrant petition by the petitioner. Would it be possible for the VSC to approve a VAWA self-petition to a person whom the USCIS previously denied a petition because of suspected marriage fraud? If so, how many times has that occurred in each of the last three years?

50. Would it be possible for the VSC to approve a VAWA self-petition to a person where law enforcement has concluded that the person had filed a false claim of spousal abuse? If so, how many times has that occurred in each of the last three years?

51. Would it be possible for the VSC to approve a VAWA self-petition to a person where a state court, as part of divorce or custody proceeding, had concluded that the person's claim of

spousal abuse was a false one? If so, how many times has that occurred in each year of the last three years?

52. Since the VSC relies entirely on documentation and does not conduct face-to-face interviews with petitioners, how does the VSC compensate for this lack of knowledge about the petitioner?

53. Are there any special considerations or internal instructions regarding battered spouse petitions that allow VSC adjudicators to reconsider information from a previous petition indicating potential marriage fraud?

54. Are there any special considerations or internal instructions regarding battered spouse petitions that describe what type and scope of corroboration would allow the VSC adjudicators to consider information from the alleged abusive spouses indicating potential marriage fraud?

55. Is it mandatory when reviewing a VAWA petition to review any previous case files involving the immigrant petitioner? If not, why not?

56. Is it mandatory when reviewing a VAWA petition to review any previous criminal files for immigrant petitioners, including criminal complaints filed by the petitioner against a citizen spouse? If not, why not?

57. Is it mandatory when reviewing a VAWA petition to review the files of any divorce proceedings and/or child custody proceedings involving the immigrant petitioner? If not, why not?

58. What has the Office of Audits in the Office of Inspector General of the Department of Homeland Security (DHS) done to further its FY2011 performance objective of "determining whether I-130 marriage based petitions are being adjudicated uniformly, according to established policies and procedures, and in a manner that fully addresses all fraud and national security risks"?

59. What is the role of the Benefits Fraud Referral Process of the Office of Fraud Detection and National Security (FDNA) in the USCIS, if any, with respect to the adjudication of VAWA-based petitions?

60. What role should ICE play regarding the investigation and prosecution of alleged immigration fraud?

[If any of the responses to the foregoing questions include classified information, provide those responses in a separate classified report].

QUESTIONS SUBMITTED TO MARY LOU LEARY BY SENATOR KLOBUCHAR

[Note: At the time of printing, the Committee had not received responses from Mary Lou Leary.]

QUESTIONS FOR THE RECORD FROM SENATOR AMY KLOBUCHAR

FOLLOWING THE SENATE JUDICIARY COMMITTEE HEARING:

"THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING"

HELD ON SEPTEMBER 14, 2011

Mary Lou Leary – Department of Justice

- Human trafficking obviously has a very large international component. Can you tell us how the Justice Department works with other governments to combat trafficking?

- In this time of constrained budgets, what is the Office of Justice Program's strategy for leveraging limited resources in our effort to identify human trafficking, rescue victims, and ensure that victims receive needed services and support?

QUESTIONS SUBMITTED TO LUIS CDEBACA BY SENATOR KLOBUCHAR

QUESTIONS FOR THE RECORD FROM SENATOR AMY KLOBUCHAR

FOLLOWING THE SENATE JUDICIARY COMMITTEE HEARING:

"THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING"

HELD ON SEPTEMBER 14, 2011

Luis CdeBaca – Department of State

- Combating human trafficking would seem like something that all countries could or should agree on, but do you ever run into obstacles with countries that are reluctant to take the necessary steps to address the problem? Or do some countries just not have the resources to tackle the issue?

QUESTIONS SUBMITTED TO KELLY RYAN BY SENATOR KLOBUCHAR

QUESTIONS FOR THE RECORD FROM SENATOR AMY KLOBUCHAR

FOLLOWING THE SENATE JUDICIARY COMMITTEE HEARING:

"THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: RENEWING THE COMMITMENT TO VICTIMS OF HUMAN TRAFFICKING"

HELD ON SEPTEMBER 14, 2011

Kelly Ryan - Department of Homeland Security

- Can you tell us if the criminals and groups that are involved in human trafficking are often involved in other illegal activities, such as smuggling drugs or guns into the country?

QUESTIONS SUBMITTED TO MARY LOU LEARY BY SENATOR COBURN

[Note: At the time of printing, the Committee had not received responses from Mary Lou Leary.]

Written Questions of Senator Tom Coburn, M.D.
Mary Lou Leary, Principal Deputy Assistant Attorney General, Office of Justice Programs
Trafficking Victims Protection Act Reauthorization Hearing
United States Senate Committee on the Judiciary
September 14, 1011

1. In your testimony, you stated:

> There's a very strong need for more research and more data, so that we can truly understand this problem, even the extent of the problem: characteristics of victims, characteristics of traffickers, what approaches really work, where's the evidence that they really work? And we don't really have the funding to do that kind of research. And all of our partners, our federal partners, we're all trying to work together…

However, the State Department's Office to Monitor and Combat Trafficking in Persons claims there has already been a significant amount of research. The Office states on its website:

> Over the last decade, the U.S. Government has funded research focused on labor and sex trafficking, and in every global area. There has been research on a myriad of topics related to human trafficking, including victim services delivery, law enforcement actions, and prevention methods. There have also been significant research evaluation studies to measure program effectiveness, impact, and potential for replication.[1]

The State Department website goes on to list more than 200 research projects funded by the U.S. government on the topic of trafficking.

   a. If the U.S. Government has funded "significant" research on a "myriad" of topics, why is there still a "very strong need" for more research and data?

   b. How can the State Department justify touting the amount of research it has funded in the past while the Department of Justice simultaneously claims there is a significant lack of funding to do the necessary research in this area?

   c. Does the Department of Justice utilize the research funded by the State Department?

   d. If not, how does this support your claim that the Department of Justice and its federal partners are "all trying to work together?"

2. According to the Office of the Inspector General's most recent Semiannual Report to Congress on the Office of Justice Programs monitoring and overseeing the Recovery Act and non-Recovery Act grants awarded through OJP from October 2010 to March 2011, the Inspector General identified duplication in the monitoring and oversight services provided by OJP, the Office on Violence Against Women, and the COPS program. The Inspector General then made

[1] http://www.state.gov/g/tip/response/research/index.htm.

thirteen recommendations in its audit report, and the Department of Justice agreed with all thirteen. However, at the time of the Semiannual Report, the Office of Justice Programs had "completed corrective action on one of the recommendations," while the other twelve had not been completed.[2]

a. Why were twelve of thirteen recommended corrective actions incomplete at that time the report was issued?

b. What is the current status of those remaining actions?

c. When do you expect OJP to have completed the corrective action on all thirteen of the suggested recommendations by the IG?

d. Will you agree to report back to this Committee when the recommendations have been implemented?

3. As you know, estimates of the number of persons trafficked have varied drastically. In 2007, the *Washington Post* noted the discrepancies writing:

> "The government estimated in 1999 that about 50,000 slaves were arriving in the country ever year. That estimate was revised downward in 2004 to 14,500 to 17,500 a year. Yet since 2000, and despite 42 Justice Department task forces and more than $150 million in federal dollars to find them, about 1,400 people have been certified as human trafficking victims in this country, a tiny fraction of the original estimates."

Then, in the Inspector General's 2008 report entitled "Top Management and Performance Challenges in the Department of Justice" the Inspector General found that grantees have "significantly overstated the number of victims they served." The Department of Justice reported these overstated numbers in its semiannual report to Congress. Since that report, you testified the Department of Justice has implemented better methods for determining the number of potential victims. How many victims of trafficking does the Department of Justice estimate are currently in the United States?

a. Howe many of these are U.S. citizens?

4. As your testimony makes clear, federal authorities and local service providers have a difficult task in estimating the number of victims needing assistance because of the secretive nature of the crime. How then does your agency measure success and failure in a given time frame?

a. Under what metric do you declare "the Department's excellent track record" in this area?

5. In your testimony, you list several direct services for "domestic" victims of trafficking that have been expended since 2009. Yet, the Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons issued on July 2010 states: "The funds provided under the TVPA by the federal government for direct services

[2] http://www.justice.gov/oig/semiannual/1105/recovery.htm

to victims are dedicated to assist non-U.S. citizen victims and may not be used to assist U.S. citizen victims." The Congressional Research Service in a December 2010 report noted this disagreement stating: "There is confusion over whether U.S. citizens, as well as noncitizens, are eligible for services under all the anti-trafficking grant programs, and whether Congress has provided funding for programs that target U.S. citizen and LPR victims."

a. When you refer to victims as "domestic" victims, are they always U.S. citizens? Please define the term "domestic" victim.

b. Are funds allocated under the TVPA available to provide direct services to domestic, U.S. citizen victims of human trafficking?

i. If so, specifically what direct services does DOJ provide, either directly or through grants, to domestic U.S. citizen victims of human trafficking?

ii. How much money does DOJ spend, either directly or through grants, providing direct services to domestic U.S. citizen victims of human trafficking?

iii. How much money does DOJ spend, either directly or through grants, providing direct services to noncitizen, domestic victims of human trafficking?

iv. What percentage of the appropriations DOJ receives is used to provide direct services to domestic U.S. citizen victims of human trafficking?

v. What percentage of the appropriations DOJ receives is used to provide direct services to domestic noncitizen victims of human trafficking?

6. A recently released audit by the Department of Justice Office of the Inspector General details exorbitant prices and lavish spreads at 10 conferences hosted by the Department of Justice between October 2007 and September 2009.[3] Included in this list of conferences were four events hosted by the Office of Justice Programs, at an average cost of $365,897 per event. One of these conferences was found to have charged as much as $5.57 per soda and another spent $29,365 on lodging, travel, and food and beverage costs for a "planning meeting" the Inspector General deemed "unnecessary" and potentially "unallowable."

a. Does the Office of Justice Programs believe these expenses are reasonable?

b. Since April 2008, how many conferences or other meetings hosted in whole or in part by the Office of Justice Programs or by grants issued by the office related to trafficking included food and beverage expenditures?

[3] *Audit of Department of Justice Conference Planning and Food and Beverage Costs*, U.S. Department of Justice Office of the Inspector General, Audit Division, Audit Report 11-43, September 2011.

i. For example, you noted in your testimony that OVC and BJA hosted three Anti-Human Trafficking Task Force Regional Training Forums this year. Did any of these forums include food and beverages?

1. What was the cost of each of these forums, how many people attended, and what was the cost of food and beverages, if any?

ii. Another example you provided was a focus group on Human Trafficking of American Indian and Alaska Native Women and Children hosted by OVC in August 2010. Where was this focus group held?

1. Did the meeting include food and beverages?

2. What was the cost of each of these forums, how many people attended, and what was the cost of food and beverages, if any?

c. While I recognize the Department of Justice issued new policies designed to control conference spending in April 2008, the DOJ Inspector General's audit report notes that it "remains concerned that not all components will take into account service fees, taxes, and indirect costs when deciding what food and beverages – if any – should be served at a DOJ conference." Is your office taking into account service fees, taxes, and indirect costs when deciding what food and beverages – if any – should be served at your conferences?

d. The IG report also notes that "the [Justice Management Division] policy limiting meal and refreshment costs did not apply to conference planned under cooperative agreements, [thus] DOJ awarding agencies can circumvent meal and refreshment cost limits by using cooperative agreements to support their conferences." The report highlighted the fact that OJP … training and technical service providers that were hired via cooperative agreements to serve as event planners charged over $242,000 in indirect costs …." Does OJP still use cooperative agreements?

e. If so, what is OJP doing to control the costs of the conferences arranged through cooperative agreements?

7. In light of the Department of Justice's statement that there has been insufficient funding for trafficking research, does the Department believe it is prudent to spend nearly $400,000 per conference, especially considering the exorbitant prices it spends on food and beverages?

a. What steps, if any, has OJP taken to decrease the cost of conferences in the future and to monitor the administration of those conferences?

QUESTIONS SUBMITTED TO LUIS CDEBACA BY SENATOR COBURN

Written Questions of Senator Tom Coburn, M.D.
Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, Department of State
Trafficking Victims Protection Act Reauthorization Hearing
United States Senate Committee on the Judiciary
September 21, 2011

1. In your testimony, you claim there are as many as 27 million victims worldwide; however, the International Labor Organization at the United Nations estimates there are 2.4 million victims and the United Nations Entity for Gender Equality and the Empowerment of Women estimates 500,000 to 2 million a year. Further, Jay S. Albanese, Ph.D., a Criminologist at Virginia Commonwealth University has said: "The estimates of trafficking, both in the U.S. and worldwide, are not based on actual counts, and the basis for the estimates is not reproducible, so they fluctuate in unexplained ways and cannot be relied on to assess changes in the extent of trafficking."[1] Further, the 2007 Trafficking in Persons Report issued by the State Department say estimates range from 4 million to 27 million,[2] but then a similar State Department report in 2010, which included a letter from you, it estimated there are 12.3 million "adults and children in forced labor, bonded labor, and forced prostitution around the world."[3]

    a. On what evidence did you base the 27 million victim estimate you provided in your testimony?

2. In your testimony, you state that "61 percent [of the G/TIP's projects] provide direct services for victims."

    a. The Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons issued on July 2010 states: "The funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not be used to assist U.S. citizen victims." Are funds allocated under the TVPA available to provide direct services to U.S. citizen victims of human trafficking?

        i. If funds allocated under the TVPA are available to provide direct services to U.S. citizen victims of human trafficking, specifically what direct services does G/TIP provide, either directly or through grants, to U.S. citizen victims of human trafficking?

        ii. How much money does G/TIP spend, either directly or through grants, providing direct services to U.S. citizen victims of human trafficking?

[1] Jay S. Albanese, Ph.D., Professor, Virginia Commonwealth University, email to Russ Ferguson, Legislative Counsel to Senator Tom Coburn, M.D., July 1, 2011.
[2] 2007 Trafficking in Persons Report, United States Department of State, *available at* http://www.state.gov/g/tip/rls/tiprpt/2007.
[3] 2010 Trafficking in Persons Report, United States Department of State, *available at* http://www.state.gov/g/tip/rls/tiprpt/2010/.

iii. How much money does G/TIP spend, either directly or through grants, providing direct services to noncitizen victims of human trafficking?

iv. What percentage of the appropriations G/TIP receives is used to provide direct services to U.S. citizen victims of human trafficking?

v. What percentage of the appropriations G/TIP receives is used to provide direct services to noncitizen victims of human trafficking?

3. It has been well-documented that in 2005, USAID funded Sampada Grameen Mahila Sanstha (SANGRAM), an organization that was comprised of brothel owners and was actively trafficking in persons.

   a. Can you confirm that the Department of State is not currently funding SANGRAM?

   b. What assurances can you give that such an egregious mistake will not be repeated in the future?

4. More recently, the State Department provided funding to Casa del Migrante, "a shelter located in Tijuana, Mexico." Casa del Migrante "provides temporary lodging and other services to migrant workers who are stranded in Tijuana while attempting to cross the U.S.-Mexico border without documents."[4] Thus, the government was funding an organization that advertises itself as giving shelter to illegal immigrants who voluntarily leave home and attempt to cross the border and enter the U.S. illegally.

   a. Is the Department of State still funding Casa del Migrante?

5. The amount of money authorized to combat human trafficking has increased exponentially over the years – from $31.8 million in 2001 to $185.5 million in 2009; however, almost none of the agencies have any method for tracking the effectiveness of their programs.

   a. How does your agency measure success and failure in a given time frame?

   b. Do you plan on introducing any specific metrics for measuring success in the near future? And, if so, what metrics will you use?

[4] http://current.com/participate/vc2/77146472_casa-del-migrante.htm.

RESPONSES OF LUIS CDEBACA TO QUESTIONS SUBMITTED BY SENATORS COBURN, GRASSLEY, AND KLOBUCHAR

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Chuck Grassley (#1)
Senate Committee on the Judiciary
September 14, 2011

Question:

Section 224 of the TVPRA (S.1301) would expand the number of agencies required to be trained in identifying victims of trafficking to include personnel from the Department of Labor and the EEOC.

a. What will the cost of this additional training be on an annual basis?

b. If your answer is that you do not know how much implementing this provision will cost, do you agree that given the difficult economic conditions, it is unwise to enact legislation without knowing how much it will cost U.S. taxpayers?

Answer:

The Department of State cannot accurately respond to specific questions about the costs associated for training personnel for the Department of Labor and the EEOC. We would refer you directly to those relevant USG agencies for those cost estimates.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Chuck Grassley (#2)
Senate Committee on the Judiciary
September 14, 2011

Question:

There is a great disparity between the number of victims claimed to exist and the actual number of victims rescued. The Department of State has claimed in the past that as many at 50,000 victims per year were trafficked into the United States, although it later reduced that number to 14,500 victims, and that as many at 800,000 victims per year are trafficked around the world. The GAO has called those figures into question. And according to the latest DOJ figures available to the Committee, there have been only about 1900 victims discovered in the United States from Fiscal Year 2001 to 2009.

a. What is the most reliable estimate of the number of victims trafficked each year in the United States?

b. What has the Administration done to try to pin down the number of victims?

c. If there is no reliable figure for the number of victims, how can the Administration—and Congress—determine the appropriate measures to fight this crime?

Answer:

Trafficking by nature is a hidden crime and victims often do not self-report for fear of retribution or authorities, illegal immigration status, or inability to speak the local language. The Department of State no longer uses the referenced estimates for TIP victims within the United States, which are based on out-of-date research. Estimates of the number of victims both in the United States and around the world are difficult to quantify.

Reputable international research from the International Labor Organization (ILO) and Dr. Kevin Bales estimate the number of victims worldwide at 12.3 million people (ILO) and 27 million people (Bales).

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Chuck Grassley (#3)
Senate Committee on the Judiciary
September 14, 2011

Question:

Although they are not in the version of S.1301 which was introduced, it is my understanding that the sponsors of the bill intend to add several sections as amendments. One of those sections requires the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and relevant offices and bureaus, to formulate and distribute guidance to prevent child marriage and to promote the empowerment of girls at risk of child marriage in developing countries. It also requires the annual State Department Country Reports on Human Rights Practices to include reporting on child marriage.

a. How much will it cost U.S. taxpayers to implement this provision?

b. If your answer is that you do not know how much implementing this provision will cost, do you agree that given the difficult economic conditions, that it is unwise to enact legislation without knowing how much it will cost U.S. taxpayers?

c. Have you or any other official at the Department of State been consulted about this provision? If so, when did that occur?

Answer:

Our office cannot accurately respond to specific questions about the costs associated with formulating and distributing this guidance as primary responsibility for this issue resides with USAID and/or other bureaus within the Department of State. We refer you directly to USAID and/or the relevant bureaus within the Department of State for any cost estimates.

While we cannot speak for other bureaus, or offices within the Department of State, our office has not been consulted on this provision, nor have we seen draft legislative language or been asked for comment.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Chuck Grassley (#4)
Senate Committee on the Judiciary
September 14, 2011

Question:

At the hearing, you testified that: [I]n the last two years my office has received 998 applications for assistance from 546 organizations requesting a total of $547 million. Our foreign assistance budget for the last two years was $39.1 million, not even 10 percent of the ***demonstrated need***, and we took a 24 percent pay cut, as it were, in the spring down to under $17 million in program funds. (Emphasis added).

At a later point in the hearing, you testified: There is a lot of unmet need. As you may know, the State Department's Trafficking in Persons Office budget for programs was cut by about 24 percent earlier this spring. So we're down to a little bit under 16 1/2 million dollars in a world in which there's about 27 million people who are enslaved. And so we're not talking even a dollar a person at that point.

What we've seen is, over the last two years, almost a thousand – 998 applications for assistance requesting $547 million. That's for prosecutor training, for police training, for shelters for the victims around the world. And our foreign assistance budget that we were able to get out the door for that was about 39.1 million (dollars) in total. So not even 10 percent of the ***demonstrated need*** being met from what we've been able to do -- and, again, the 24 percent reduction this spring.

And we certainly know shared sacrifice, and we're making our money go as far as we can. But that's -- it's something that certainly is starting to play out in the field in that there are some countries in the world in which, if we aren't funding the victim care, it's just not getting funded. (Emphasis added).

It appears that according to your testimony, all of the requests for funding that you and the State Department receive in this area constitute part of a "demonstrated need." Your testimony stands in stark contrast to the

testimony of Ms. Leary from the DOJ, who admitted that certain DOJ grants which had questionable expenditures were "failures."

a. Is it your position that every one of the 998 applications for funding you referred to should have received funding?

Answer:

As set forth in our answer to question 2, as many as 27 million men, women, and children may be victims of modern slavery. Human trafficking affects every region and country in the world and no country can claim immunity from its reach or from the responsibility to confront it.

The scope of the problem far outweighs the resources appropriated for the US Government to respond to this heinous crime. With very few exceptions, the applications for funding that our Office receives show tremendous merit and demonstrate genuine need in some aspect of this fight. Not all of them meet our technical specifications. Not all of them are in line with our office's priorities, which are primarily protection-focused programs in Tier 3, Tier 2 Watch List, and in some cases Tier 2 countries. Not all use approaches we would support, but the needs identified are credible. Indeed, due to the paucity of funding, hard decisions must be made. The fact that we choose certain projects over others reflects our need to prioritize projects

based on the constraints of our Congressional appropriation. If anything, the self-identified need for funding demonstrated by anti-trafficking organizations formulating these proposals is a gross understatement of the true need required to effectively combat this crime.

b. Were any of the 998 applicants you referred to rejected because of questions of potential corruption, evidence of actual corruption, concerns about misuse of funds or evidence of actual misuse in the past? If so, identify those applicants and the set forth in detail the reasons they were rejected.

Answer:

No applicants were rejected for these reasons.

c. Were any of the 998 applicants you referred to rejected for other reasons? If so, shouldn't those applicants be subtracted from the "demonstrated need" you referred to?

Answer:

"Demonstrated need" as used in my testimony is neither an official term nor a term of art in our programs review process. It reflects the needs asserted by the applicants, rather than the eventual funding decisions following an in-depth review.

d. Explain in detail the background investigation that the State Department conducts on grantees before they are awarded a grant under the Trafficking Victims Protection Act (TVPA).

Answer:

We uniformly apply all review procedures and maintain all relevant standards applicable to grant awards mandated by Congress and implemented across the federal government.

In addition to reviewing any information submitted by the applicant regarding organizational capability to conduct the proposed project, G/TIP determines whether the applicant is included on the Excluded Parties Listing System maintained by the U.S. General Services Administration (GSA). This system is a centrally maintained government-wide database that includes the names of organizations and individuals that have been debarred, suspended, declared ineligible, or been voluntarily excluded; the reasons for that status; and the duration of that status. All applicants must also secure a Data Universal Numbering System (D-U-N-S) number, a unique nine-digit code that helps identify and link more than 100 million companies worldwide. This allows us to provide consistent name and address data for electronic grant application systems, and to better track how federal funds are awarded and dispersed.

All applicants must also register with Central Contractor Registration (CCR).

In order to register with the CCR, international entities must obtain a NATO Commercial and Governmental Entity (NCAGE) code - a five-character ID number used to support a variety of mechanized systems throughout the government and provides for a standardized method of identifying a given facility at a specific location.

Additionally, G/TIP participated in the pilot of a recently mandated grants management system (GrantSolutions), which has the ability to conduct control checks throughout the grant award process.

e. Explain in detail the oversight that the State Department conducts on grantees under the TVPA.

Answer:

In full support of this Administration's effort to make government more transparent and accountable, this Office has made oversight of grantees and responsible use of taxpayer dollars top priorities.

In recent years, G/TIP has placed increased emphasis on ensuring sound project design *before* a project is awarded, and subsequent

monitoring and evaluation (M&E) to measure the effectiveness of funded programs.

To improve program design, in FY 2010, G/TIP began requiring that all applicants submit a logical framework as part of their application package. A logical framework demonstrates the relationship between the project goal(s) and objectives and includes performance measurement indicators for outputs and outcomes of each objective. Increased focus on project design has improved the quality of funded projects and has facilitated assessment of a particular program's effectiveness and outcomes.

Through a combination of desk and on-site monitoring, Program Officers engage in continuous dialogue with grantees to ensure that program goals and objectives are being met. This involves continuous communication and evaluation through telephone calls, e-mails, and analysis of reports. At the same time, monitoring also gives us the opportunity to provide training and support to our grantees in developing improved measures to establish baseline data and assess program impact. In recent years, we have increased the number of on-site monitoring visits and implemented

a standardized procedure to assess fiscal and administrative management and programmatic progress while on-site.

We have also increased our attention to conducting rigorous evaluations of promising practices or programs identified through our monitoring activities. In Fiscal Year 2008, G/TIP began supporting evaluability assessments (EA) as the critical first step in moving toward funding well-targeted, cost-effective impact evaluations. G/TIP is currently funding impact evaluations of two programs that provide comprehensive services to victims of trafficking that were the subject of earlier EAs. In FY 2010, G/TIP funded EAs of additional projects. Impact evaluations of these projects will be conducted if the evaluability findings indicate they are worthy of this type of evaluation.

f. How many State Department grantees that received funds under the TVPA have been audited during the last three years? If any, what were the results of those audits?

Answer:

Of the 98 projects G/TIP funded in FY 2010, approximately 35 were implemented by U.S.-based organizations, and 19 of those organizations have been audited in the last three years. These routine audits were performed in accordance with the standard provisions of OMB Circular

A-133 for states, local governments and non-profit organizations based in the United States and expended more than $500,000 per year in U.S. Federal assistance funds. Fewer than eight percent of grantees were shown to suffer significant deficiencies or material weaknesses, and of those grantees that did show such findings, those deficiencies and weaknesses were not related to their G/TIP award. Furthermore, all reports reflected an overall assessment that grantees were "low risk."

g. How many State Department grantees which received funds under the TVPA have been investigated by law enforcement agencies (in the U.S. or abroad) during the last three years? If any, what were the results of those investigations?

Answer:

Demonstrating the effectiveness of our monitoring and oversight procedures, G/TIP referred one grantee to the DOS Office of the Inspector General's Office of Investigations following a regular on-site programmatic and administrative review which uncovered inadequate fiscal and administrative controls, a violation of the grant agreement. Access to funds was terminated. More specific information is not available at this time.

h. Have any grantees of funds under the TVPA been required to return funds during the last three years? If any, identify those grantees and how much was returned?

Answer:

G/TIP cannot comment on the status of TVPA funding from other entities. In terms of the Office's funds, G/TIP has taken back approximately $183,000 from a grantee that was referred to the OIG Office of Investigations (mentioned above in answer 4.g). More specific information is not available at this time.

We would also note that G/TIP monitors grants and cooperative agreements throughout the project period and the Office has established procedures for recouping unexpended funds after a project has ended. In some instances, a grantee has unexpended funds that have not been released to the grantee's bank account and these funds are taken back through an administrative process. To date, these funds total approximately $283,800.

In other instances, funds may be in the control of the grantee, but not expended for purposes of the project. In this situation, the grantee would return the funds by check. The disposition of recouped funds depends on the year and type of appropriation. Some funds are re-programmed for

other anti-trafficking projects and some funds are returned to the U.S. Treasury. In recent actions to recoup funds, most of the funds have gone to the Treasury.

i. Do you believe that any grants made by the State Department during the last three years were mistakes? If so, identify the grants and provide a detailed explanation of why each such grant was a mistake.

Answer:

I am confident in our review and evaluation process, and I am confident that in the time I have overseen this office, we have not made any decisions to fund a project that were inconsistent with those standards, or reflected an error in judgment or carelessness. We allocate our foreign assistance through an open, competitive process that includes input from our embassies and several inter-agency review panels. We work collaboratively with regional and functional bureaus to ensure that funds are used to produce maximum and lasting results.

However, we recognize that that not all programs will achieve their strategic goals and objectives. This does not mean that the initial decision to fund them was an error. A number of external factors, such as natural disasters (Haiti) or political turmoil (Cote d'Ivoire) can change how a program operates or affect program outcomes. Through

continuous monitoring, we are able to promptly identify issues and risks related to program implementation and work with grantees to improve rates of success or redirect funding if it becomes apparent that a grantee is unable to fulfill its commitment.

j. Do you believe that any grants made by the State Department during the last three years were failures? If so, identify the grants and provide a detailed explanation of why each such grant was a failure.

Answer:

Our office is charged with administering roughly $16 million in foreign assistance to battle a crime that may victimize as many as 27 million individuals worldwide. There are techniques that we know are effective against this crime, and we have chosen often to fund programs implementing those techniques. But at the same time, 10 years into this struggle, the number of prosecutions is relatively stagnant, the number of victims identified is woefully anemic, and the level of service provided to survivors is inadequate. We will continue funding the activities that we know work. But we also realize that making measurable progress against this crime will require innovation. G/TIP has built a staff of anti-trafficking experts who are unparalleled in any government in the world, and I have publicly encouraged potential grantees to not settle for "safe"

proposals if by so doing they fail to innovate and simply create a moribund anti-TIP "industry."

When we're brought a project that pushes the envelope, my staff and I will review that project using all of the knowledge and experience at our disposal, because at the end of the day, we're going to need to break the mold if we're actually to put an end to modern slavery.

I learned this when I was a federal prosecutor. District Attorneys who boast of a 100 percent conviction rate are not innovators—they may be playing it safe and only indicting when there is proof beyond a reasonable doubt, rather than taking the hard cases for which there is probable cause.

Fighting this crime is an unpredictable endeavor. Our partners are working to effect change in the social and cultural norms and the legal systems of countries often marked by corruption, limited resources, and low institutional capacity. This can take several years – or even longer – and we may not necessarily see the full impact at the end of a given project period. This does not mean that a project was a "failure." In recent years our Office has increased the award amount ceiling to

$750,000 and funded more two and three-year long projects, allowing for more time for interventions to take root. We have moved away from funding one-off trainings with no planned follow-up, and instead put more resources into institutionalizing training curricula for police, judges and prosecutors that can have impact long after the project has been completed. We have also provided more continuation funding for projects that have been able to demonstrate impact and are building sustainability.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Tom Coburn (#1)
Senate Committee on the Judiciary
September 14, 2011

Question:

In your testimony, you claim there are as many as 27 million victims worldwide; however, the International Labor Organization at the United Nations estimates there are 2.4 million victims and the United Nations Entity for Gender Equality and the Empowerment of Women estimates 500,000 to 2 million a year. Further, Jay S. Albanese, Ph.D., a Criminologist at Virginia Commonwealth University has said: "The estimates of trafficking, both in the U.S. and worldwide, are not based on actual counts, and the basis for the estimates is not reproducible, so they fluctuate in unexplained ways and cannot be relied on to assess changes in the extent of trafficking." Further, the 2007 Trafficking in Persons Report issued by the State Department say estimates range from 4 million to 27 million, but then a similar State Department report in 2010, which included a letter from you, it estimated there are 12.3 million "adults and children in forced labor, bonded labor, and forced prostitution around the world."

a. On what evidence did you base the 27 million victim estimate you provided in your testimony?

Answer:

The 27 million estimate is based on research by renowned trafficking expert Dr. Kevin Bales, and was peer reviewed and published in Scientific American. We believe this research represents the best analysis of the current global levels of trafficking victims.

The low numbers cited in this question stem from definitions of TIP that are predicated on movement, an element not included in the UN Palermo Protocol or the US TVPA definitions. The 12.3 million estimate cited in the 2010 TIP Report is from the ILO, but fails to account for all the bonded laborers. Accordingly, we are comfortable citing the Bales research as the high end of the estimated scope of the phenomenon globally.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Tom Coburn (#2)
Senate Committee on the Judiciary
September 14, 2011

Question:

In your testimony, you state that "61 percent [of the G/TIP's projects] provide direct services for victims."

The Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons issued on July 2010 states: "The funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not be used to assist U.S. citizen victims." Are funds allocated under the TVPA available to provide direct services to U.S. citizen victims of human trafficking?

i. If funds allocated under the TVPA are available to provide direct services to U.S. citizen victims of human trafficking, specifically what direct services does G/TIP provide, either directly or through grants, to U.S. citizen victims of human trafficking?

Answer:

G/TIP receives foreign assistance funds, which may support anti-trafficking programs outside of the U.S. To our knowledge, these programs have not provided services to U.S. citizens who have been victims of trafficking overseas.

ii. How much money does G/TIP spend, either directly or through grants, providing direct services to U.S. citizen victims of human trafficking?

Answer:

As mentioned, G/TIP receives foreign assistance funds, which support anti-trafficking programs outside of the U.S. To our knowledge, these programs have not provided services to U.S. citizens who have been victims of trafficking overseas.

iii. How much money does G/TIP spend, either directly or through grants, providing direct services to noncitizen victims of human trafficking?

Answer:

In FY 2010, G/TIP obligated a total of $33,436,925 in foreign assistance funds to support a total of 98 anti-trafficking projects outside of the United States. Approximately $7.2 million supported projects that provide direct services for non-U.S. citizen victims of trafficking outside of the U.S. To our knowledge, these programs have not provided services to U.S. citizens who have been victims of trafficking overseas.

iv. What percentage of the appropriations G/TIP receives is used to provide direct services to U.S. citizen victims of human trafficking?

Answer:

G/TIP foreign assistance funds support anti-trafficking programs outside of the U.S. To our knowledge, these programs have not provided services to U.S. citizens who have been victims of trafficking overseas.

v. What percentage of the appropriations G/TIP receives is used to provide direct services to noncitizen victims of human trafficking?

Answer:

More than 20 percent of G/TIP total funding administered in FY 2010 supported projects that provided direct services for non-U.S. citizen victims of trafficking; ninety percent included a victim protection component.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Tom Coburn (#3)
Senate Committee on the Judiciary
September 14, 2011

Question:

It has been well-documented that in 2005, USAID funded Sampada Grameen Mahila Sanstha (SANGRAM), an organization that was comprised of brothel owners and was actively trafficking in persons.

a. Can you confirm that the Department of State is not currently funding SANGRAM?

b. What assurances can you give that such an egregious mistake will not be repeated in the future?

Answer:

G/TIP is not currently funding this organization nor has it in the past. In addition, according to FACTS Info, an integrated data collection system and repository that includes budget data from a range of State and USAID reporting systems, no other Department of State office is currently funding SANGRAM.

G/TIP allocates foreign assistance through an open, competitive process that includes input from our embassies and inter-agency review panels. We work very collaboratively with regional and functional bureaus

to ensure that our finite funds are used to produce maximum impact and lasting results. We draw on embassies' first-hand knowledge of a country's deficiencies on counter-trafficking efforts and of non-governmental organizations (NGOs) working within that country. Our Office takes very seriously its responsibility as a steward of taxpayer money. With these procedures, coupled with rigorous oversight, it is extremely unlikely that our foreign assistance could end up in the hands of a corrupt organization.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Tom Coburn (#4)
Senate Committee on the Judiciary
September 14, 2011

Question:

More recently, the State Department provided funding to Casa del Migrante, "a shelter located in Tijuana, Mexico." Casa del Migrante "provides temporary lodging and other services to migrant workers who are stranded in Tijuana while attempting to cross the U.S.-Mexico border without documents." Thus, the government was funding an organization that advertises itself as giving shelter to illegal immigrants who voluntarily leave home and attempt to cross the border and enter the U.S. illegally.

a. Is the Department of State still funding Casa del Migrante?

Answer:

G/TIP does not and has not funded the program you describe in Tijuana, Mexico, with which we are unfamiliar. We are currently funding an organization titled Casa del Migrante Scalabrini, A.C., a faith-based organization operating in Tapachula, Chiapas, on the Mexico/Guatemala border. The program we support provides assistance to victims of trafficking.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Tom Coburn (#5)
Senate Committee on the Judiciary
September 14, 2011

Question:

The amount of money authorized to combat human trafficking has increased exponentially over the years – from $31.8 million in 2001 to $185.5 million in 2009; however, almost none of the agencies have any method for tracking the effectiveness of their programs.

a. How does your agency measure success and failure in a given time frame?

b. Do you plan on introducing any specific metrics for measuring success in the near future? And, if so, what metrics will you use?

Answer:

In recent years, G/TIP has placed increased emphasis on ensuring sound project design before a project is awarded and monitoring and evaluation (M&E) to measure the effectiveness of funded programs.

To improve program design, in FY 2010, G/TIP began requiring that all applicants submit a logical framework as part of their application package. A logical framework demonstrates the relationship between the project goal(s) and objectives and includes performance measurement indicators for outputs and outcomes of each objective. Increased focus on

project design has improved the quality of funded projects and has facilitated assessment of a particular program's effectiveness and outcomes.

Through a combination of desk and on-site monitoring, Program Officers engage in continuous dialogue with grantees to ensure that program goals and objectives are being met. This involves continuous communication and evaluation through telephone calls, e-mails, and analysis of reports. At the same time, monitoring also grants us the opportunity to provide training and support to our grantees in developing improved measures to establish baseline data and assess program impact. In recent years, we have increased the number of on-site monitoring visits and implemented a standardized procedure to assess fiscal and administrative management and programmatic progress while on-site.

We have also increased our attention to conducting rigorous evaluations of promising practices or programs identified through our monitoring activities. In Fiscal Year 2008, G/TIP began supporting evaluability assessments (EA) as the critical first step in moving toward funding well-targeted, cost-effective impact evaluations. G/TIP is currently funding two impact evaluations of programs that were the subject of the EAs

of two victim protection programs providing comprehensive services to victims of trafficking. In FY 2010, G/TIP funded EAs of additional projects.

As mentioned above, G/TIP has taken several steps to enhance our monitoring and evaluation of funded anti-TIP projects. The Office has also been engaged in developing metrics that can be applied to programs with similar activities and objectives.

First, G/TIP developed a set of standardized output and outcome indicators based on the "3P" paradigm of prevention, protection, and prosecution. Standardizing the performance indicators for our programs with similar activities enables us to better monitor results and identify and highlight promising practices and programs.

On a broader scale, G/TIP actively is participating in the U.S. Department of State's initiative to revise and streamline the performance indicators used to measure long-term results of foreign assistance, including human trafficking. This initiative, which involved subject matter experts and includes collaboration with the U.S. Agency for International

Development (USAID), is working to develop a system to evaluate the effectiveness of counter-TIP programs.

In addition, the Senior Policy Operating Group (SPOG) Grant-making Committee facilitates the sharing of information about TIP projects funded by the USG. This interagency group is reviewing performance indicators used by USG agencies in TIP-related grant-making and expect to utilize the indicators developed by the group mentioned above to build a framework for evaluation of anti-trafficking programming that can be used government-wide to improve the efficiency and efficacy of limited resources.

Questions for the Record Submitted to
Ambassador Luis CdeBaca
Senator Amy Klobuchar (#1)
Senate Committee on the Judiciary
September 14, 2011

Question:

Combating human trafficking would seem like something that all countries could or should agree on, but do you ever run into obstacles with countries that are reluctant to take the necessary steps to address the problem? Or do some countries just not have the resources to tackle the issue?

Answer:

In the 2011 Trafficking in Persons (TIP) Report, 23 countries were ranked in our lowest tier, Tier 3. Pursuant to the TVPA, countries placed in Tier 3 have governments deemed not to fully comply with the TVPA minimum standards and not to be making significant efforts to do so. While these assessments take resources and capabilities into account, it is not a lack of resources that has determined a country's placement in the lowest tier; the governments of Tier 3 countries generally have not shown the political will to address human trafficking in any meaningful way.

While political will is sometimes demonstrated financially, ingenuity, dedication, and expertise can make up a lot of ground that money otherwise would provide. For example, the creative government anti-trafficking team

in Latvia inspired regional units to participate in home-grown awareness raising campaigns. Instead of funding expensive, public-relations developed billboards, the regional teams distributed brochures they designed and produced themselves. In Tajikistan, the government gave officers incentives to work on trafficking cases by increasing the salaries of officials in the anti-trafficking unit by ten percent. Despite minimal resources, the Albanian government took progressive steps to improve its TIP response in 2010. Specifically, they provided economic reintegration assistance directly to victims, appointed a victim-witness coordinator, and assigned two specialized anti-trafficking prosecutors to improve the litigation of trafficking cases and treatment of victims who agree to serve as state witnesses.

RESPONSES OF KELLY RYAN TO QUESTIONS SUBMITTED
BY SENATORS GRASSLEY AND KLOBUCHAR

Question#:	1
Topic:	TVPRA (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Under current law, a victim of trafficking may apply for a "T" visa under the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(T), if he or she meets the definition of a victim of trafficking and is currently present in the United States on account of that trafficking.

The first part of section 211 of the TVPRA (S.1301) would allow would-be "T" visa applicants who have left the United States to apply from outside the country if they left based on a threat from the traffickers to the victim or the victim's family. An application for a "T" visa that is filed from outside the United States can be filed up to five years after the trafficking.

How many additional "T" visa applications will be filed each year, if this provision is enacted?

Response: It is unknown how many additional Applications for T Nonimmigrant Status (Form I-914) would be filed if the provision is enacted. However, we believe that the provision, if implemented, is drafted in such a way that a victim residing abroad could have trouble meeting the evidentiary burden to establish eligibility. For example, it might be difficult for an applicant residing abroad to show cooperation with a Federal, state or local law enforcement agency in the United States. As such, if the provision is enacted, we do not anticipate a significant number of additional I-914 filings.

Question#:	2
Topic:	TVPRA (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Under current law, a victim of trafficking may apply for a "T" visa under the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(T), if he or she meets the definition of a victim of trafficking and is currently present in the United States on account of that trafficking.

The first part of section 211 of the TVPRA (S.1301) would allow would-be "T" visa applicants who have left the United States to apply from outside the country if they left based on a threat from the traffickers to the victim or the victim's family. An application for a "T" visa that is filed from outside the United States can be filed up to five years after the trafficking.

What will the cost be each year of implementing this provision, in terms of the amount of public assistance that will have to be given to the additional "T" visa recipients and their relatives?

For each of the last eight years, what was the cost of the public assistance given to "T" visa recipients?

For each of the last eight years, what was the cost of the public assistance given to the derivative beneficiaries/relatives of "T" visa recipients?

Response: DHS does not provide public assistance benefits to T visa recipients or their derivatives; therefore, the Department does not collect such data on T visa recipients.

Question#:	3
Topic:	"T" Visa
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What type of background investigation (if any) is currently conducted on a "T" visa applicant and his family members/derivative beneficiaries before they are allowed to remain in/enter the U.S.?

Response 3a: All applicants for T nonimmigrant status between the ages of 14 through 79, including derivative family members, must be fingerprinted for the purpose of conducting a criminal background check. After submitting an application to USCIS, the applicant and any derivative beneficiaries are notified of the proper time and location to appear for fingerprinting. Fingerprint notification, for both the applicant and all derivatives, is sent to the principal applicant's "safe address." Safe Address is an address indicated by an applicant where they can receive mail in a safe and secure manner that will not alert a trafficker and potentially endanger the applicant. Fingerprint appointments are scheduled at the Application Support Center (ASC) based upon the zip code of the residential mailing address. Overseas applicants must appear at an embassy or consulate for fingerprinting.

USCIS subjects all applicants for T nonimmigrant status, including derivative family members, to the following background checks:

The Interagency Border Inspection System (IBIS) Name Check — IBIS is a multiagency effort with a central system that combines information from multiple agencies, databases and system interfaces to compile data relating to national security risks, public safety issues and other law enforcement concerns. USCIS can quickly check information from these multiple government agencies to determine if the information in the system concerns an applicant and thereby affects the adjudication of the case. Results of an IBIS check are usually available immediately. In some cases, information found during an IBIS check will require further investigation. The IBIS check is not deemed completed until all eligibility issues arising from the initial system response are resolved.

FBI Fingerprint Check — The FBI fingerprint check provides information relating to criminal background within the United States. Generally, the FBI forwards responses to USCIS within 24 hours. If there is a record match, the FBI forwards an electronic copy of the criminal history (RAP sheet) to USCIS. At that point, a USCIS adjudicator reviews the information to determine what effect it may have on eligibility for the benefit. In cases involving arrests or charges without disposition, USCIS requires the applicant to provide court certified evidence of the disposition. All applicants with prior arrests

Question#:	3
Topic:	"T" Visa
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

should provide complete information and certified disposition records at the time of filing an application to avoid adjudication delays or denial resulting from misinformation about criminal history. Even expunged or vacated convictions must be reported for immigration purposes.

FBI Name Checks — The FBI name check is different from the FBI fingerprint check. The records maintained in the FBI name check process consist of administrative, applicant, criminal, personnel and other files compiled by law enforcement. Initial responses to this check generally take about two weeks. Some of these cases involve complex, highly sensitive information and cannot be resolved quickly. Even after the FBI has provided an initial response to USCIS concerning a match, the name check is not complete until full information is obtained and eligibility issues arising from it are resolved.

Question: Assuming there is an investigation, who conducts it? Who evaluates it?

Response 3b: See response to 3a above. USCIS officers at the Vermont Service Center (VSC) review and evaluate the results of IBIS checks, FBI Fingerprint Checks, and FBI name checks. If a criminal investigation is warranted, it will be conducted by Immigration and Customs Enforcement (ICE). Administrative investigations, where needed, will be conducted by USCIS's Fraud Detection and National Security (FDNS) officers.

Question: Assuming there is an investigation, if it results in an adverse determination, can a "T" visa applicant be allowed to remain in the U.S. and receive a visa? If so, under what circumstances and how is that justified? Who makes that decision? If it can occur, for each of the last eight years how many times did it occur?

Response 3c: If any of the background checks result in derogatory information on a particular applicant, USCIS will evaluate that information on a case-by-case basis to determine if the applicant remains eligible for T nonimmigrant status. If a criminal investigation is warranted, it will be conducted by ICE. Administrative investigations, where needed, will be conducted by USCIS's FDNS. If the derogatory information indicates that the applicant is inadmissible under applicable grounds of section 212(a) of the Immigration and Nationality Act (INA), the applicant will not be eligible for T nonimmigrant status unless USCIS waives the ground of inadmissibility. Applicants for T nonimmigrant status may apply for INA section 212(d)(3) waivers of inadmissibility to the same extent as any other applicant for nonimmigrant status or for INA section

Question#:	3
Topic:	"T" Visa
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

212(d)(13) waivers of inadmissibility which are specific to applicants for T nonimmigrant status.

Such waivers are not automatic, but may be granted in the exercise of USCIS' discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a principal or derivative family member is seeking such waiver of inadmissibility.

USCIS does not capture numerical information of how many Form I-192 requests were granted for T applicants over the past 8 years.

Question: Assuming there is an investigation, if it results in an adverse determination, will a "T" visa applicant's derivative beneficiary be allowed to remain in the U.S.? If so, under what circumstances and how is that justified? Who makes that decision? If it can occur, for each of the last eight years, how many times did it occur?

Response 3d: The approvability and maintenance of a derivative beneficiary's T nonimmigrant status depends on that of the principal applicant. Under 8 CFR 214.11(s)(5), if a principal's T-1 status is revoked, all T nonimmigrant status holders deriving status from the principal shall have that status revoked or denied, if the derivative's application is pending. Derivative beneficiaries are subject to the same background checks as principal applicants, which are explained in response to question 3a. Any derogatory information is reviewed and evaluated by USCIS on a case-by-case basis. If a criminal investigation is warranted, it will be conducted by ICE. Administrative investigations, where needed, will be conducted by USCIS's FDNS. If the derogatory information indicates that the derivative beneficiary is inadmissible under section 212(a) of the INA, the derivative beneficiary will not be eligible for derivative T nonimmigrant status unless USCIS waives the ground of inadmissibility. Derivatives may apply for INA section 212(d)(3) waivers of inadmissibility to the same extent as any other applicant for nonimmigrant status or for INA section 212(d)(13) waivers of inadmissibility which are specific to applicants for derivative and principal T nonimmigrant status.

Such waivers are not automatic, but may be granted in the exercise of the USCIS' discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a derivative family member is seeking such waiver of inadmissibility.

Question#:	3
Topic:	"T" Visa
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

USCIS does not capture numerical information of how many Form I-192 requests were granted for derivative T applicants over the past 8 years.

Question#:	4
Topic:	applicant
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If a "T" visa applicant is in the U.S. illegally, is any effort be made to determine whether the applicant was complicit in violating U.S. immigration law? If not, why not? If any effort is made, describe it and the standard governing it in detail. If an applicant was complicit in violating U.S. immigration law, does that bar him or her from being awarded a "T" visa?

Response: All T visa applicants are scrutinized to determine how they entered the United States. This is done through a review of the evidence and the information provided on the application. Other checks are done of the alien's background including fingerprint and IBIS checks. If a criminal investigation is warranted, it will be conducted by the U.S. Immigration and Customs Enforcement (ICE). Administrative investigations, where needed, will be conducted by U.S. Citizenship and Immigration Services' (USCIS) FDNS. An alien's complicity in illegally entering the United States does not automatically bar him/her from receiving T nonimmigrant status due to the waiver authority at INA 212(d)(13). Certain waivers are available for those who entered illegally. To receive an approval of the waiver the alien must demonstrate that it is in the national interest to waive the illegal entry and that the violation is caused by or is incident to the trafficking.

Such waivers are not automatic, but may be granted in the exercise of the USCIS's discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when an applicant is seeking such waiver of inadmissibility.

Question#:	5
Topic:	beneficiary
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For a "T" visa applicant's derivative beneficiary who is already in the U.S., is any investigation done to determine whether the beneficiary is in the U.S. illegally? If so, what does that investigation consist of? Who conducts it?

Response: Derivative beneficiaries are subject to the same scrutiny given to principal applicants to determine how they entered the United States. This is done through a review of the evidence and the information provided on the derivative's application. Other checks are done of the derivative's background including fingerprint and IBIS checks. If a criminal investigation is warranted, it will be conducted by the U.S. Immigration and Customs Enforcement (ICE). Administrative investigations, where needed, will be conducted by U.S. Citizenship and Immigration Services' (USCIS) FDNS. A derivative's complicity in illegally entering the United States does not automatically bar him/her from receiving derivative T nonimmigrant status due to the waiver authority at INA 212(d)(13). Certain waivers are available for those who entered illegally. To receive an approval of the waiver the derivative must demonstrate that it is in the national interest to waive the illegal entry and that the violation is caused by or is incident to the trafficking. Such waivers are not automatic, but may be granted in the exercise of the USCIS's discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a derivative family member is seeking such waiver of inadmissibility.

Question#:	6
Topic:	removal
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If a "T" visa applicant's derivative beneficiary is in the U.S. illegally, is the beneficiary allowed to remain in the U.S.? Are removal proceedings commenced against the beneficiary?

Response: Those derivative family members in the United States unlawfully may remain if they receive an approved T application as a derivative family member and a waiver of their unlawful presence in the United States (see response to 5). Removal proceedings may be commenced against the family member if U.S. Immigration and Customs Enforcement (ICE) chooses to pursue removal.

Question#:	7
Topic:	legislation
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For the proposed legislation (section 211 of S.1301), what type of background investigation will be conducted on a "T" visa applicant applying from abroad before he is allowed to return to the U.S.? Assuming there will be an investigation, who will conduct it? Who will evaluate it?

Response: See the response to question 3a. All applicants, whether in the United States or abroad, for T nonimmigrant status or a T visa between the ages of 14 and 79 are required to submit fingerprints and receive an IBIS check prior to a final decision being issued. Since these checks are currently done on all applicants, including derivatives who enter from overseas, U.S. Citizenship and Immigration Services (USCIS) anticipates following this same procedure for any future filings from abroad that result from the proposed legislation.

In addition, all T applicants who enter from abroad are required to consular process through the Department of State (DOS). DOS has certain requirements for issuance of a visa, including an interview, proof of identity and relationship, and proof of admissibility to the United States or a waiver of any grounds of inadmissibility. Additionally, DOS may request further documentation. USCIS believes this process would also apply to any future principal applicants entering the United States from abroad.

The results of any administrative investigation conducted by USCIS's FDNS or Department of State, or any criminal investigation conducted by U.S. Immigration and Customs Enforcement (ICE) would be reviewed by USCIS and be relevant to any adjudication.

Question#:	8
Topic:	family members
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For the proposed legislation (section 211 of S.1301), what type of background investigation will be conducted on a "T" visa applicant' family members/derivative beneficiaries before they are allowed to enter or remain in the U.S.? Assuming there will be an investigation, who will conduct it? Who will evaluate it?

Response: See response to Question 7, which applies equally to derivative family members.

Question#:	9
Topic:	conditions
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: One of the conditions of receiving a "T" visa is that the applicant complies with reasonable requests by law enforcement to assist in trafficking investigations or proves that he or she is unable to do so because of physical or psychological trauma. The second part of section 211 provides that such trauma may be caused by a reasonable fear of retaliation by the traffickers against a family member. Section 211 only requires that an alien have a "reasonable fear of retaliation" by the trafficker or the trafficker's associates in order for the alien to be excused from cooperating with law enforcement.

Who evaluates a claim of physical or psychological trauma? What does that evaluation consist of? If it is merely a review of paper, how is that justified? Isn't an in-person review needed for a true review?

Response 9a: In accordance with our statutory authority, the U.S. Citizenship and Immigration Services (USCIS) would evaluate any claim of physical or psychological trauma on a case-by-case basis and with a thorough review of all submitted evidence. An applicant may submit an affirmative statement describing the trauma, and any other credible evidence, including a signed statement on official letterhead from a professional who makes determinations of this type in the course of his or her job and can attest to the victim's mental state, such as a medical professional, social worker, or victim advocate. While a victim's affidavit may be enough to satisfy the evidentiary burden, USCIS encourages the submission of other evidence, particularly a signed statement from a mental health professional or victim advocate. USCIS reserves the right to contact the law enforcement agency that is involved in the case, if appropriate. Under 8 CFR 214.11(d)(6) and (n)(6), in its discretion, USCIS may require an applicant to submit to an in-person interview. While USCIS has the authority to interview any applicant at its discretion, USCIS will consider all factors when deciding to exercise its interview authority, including whether an interview is in the best interest of a traumatized victim of human trafficking and any possibility of continued victimization.

Question: For each of the last eight years, how many "T" visa applications sought to be excused from having to cooperate with law enforcement official?

Response 9b: To date, USCIS has not received any T applications seeking an exception to the cooperation requirement based on trauma. The trauma exception was only added by TVPRA 2008, so there would not be eight years of data. Prior to TVPRA 2008 there

Question#:	9
Topic:	conditions
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

was no exception to the cooperation requirement. There was only a statutory exemption for minor applicants under the age of 18.

Question: For each of the last eight years, how many "T" visa recipients were excused from cooperating with law enforcement officials? Was the Department of Justice consulted in every instance before exemptions were granted? If not why not?

Response 9c: None (see clarification in above response 9b).

Question: For each of the last eight years, on how many occasions did the DOJ maintain that an exemption should not be granted, but was overruled?

Response 9d: None (see clarification in above response 9b).

Question: For each of the last eight years, how many criminal investigations were terminated or not commenced because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

Response 9e: No trauma exceptions to the cooperation requirement were granted (see clarification in above response 9b).

Question#:	10
Topic:	terminated
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many prosecutions were terminated because a "T" visa applicant was excused from having to cooperate with law enforcement officials?

Response: No trauma exceptions to the cooperation requirement were granted (see clarification in above response 9b). Additionally, DHS does not track the number of prosecutions terminated as a result of a T visa applicant being excused from having to cooperate with law enforcement officials.

Question#:	11
Topic:	"T" visa recipient (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The third part of section 211 of the TVPRA (S.1301) expands the list of eligible relatives who may join a "T" visa recipient. Under current law, spouses and children may accompany or follow an eligible trafficking victim. A parent or unmarried sibling under 18 years of age may also do so if the victim is a minor or if the derivative relatives face a danger of retaliation based on the victim's escape from the traffickers or cooperation with law enforcement. Section 211 would allow additional derivative family members to apply to join the trafficking victim if those family members allegedly face a danger of retaliation.

Under the current system, who evaluates a "T" visa applicant's claim that he faces retaliation if he cooperates with law enforcement? How is that evaluation carried out?

Response 11a: The burden to establish danger of retaliation is on the applicant. U.S. Citizenship and Immigration Services' (USCIS) Vermont Service Center considers any credible evidence of a present danger of retaliation to the immediate family member. The determination of present danger is evaluated on a case-by-case basis. An applicant may submit an affirmative statement describing the danger the family member faces and how the danger is linked to the victim's escape from the traffickers or cooperation with law enforcement. However, an applicant's statement alone is not sufficient to establish that a family member faces a danger of retaliation. An applicant must submit some other type of evidence to establish the present danger of retaliation. Some examples of acceptable evidence include, but are not limited to, a previous grant of advance parole to a family member, a signed statement from a law enforcement official describing the danger of retaliation, trial transcripts, court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and affidavits from other witnesses. USCIS reserves the right to contact the law enforcement agency involved in the case, as appropriate.

Question: Under the current system, who evaluates a "T" visa applicant's claim that family members/beneficiaries face retaliation? How is that evaluation carried out?

Response 11b: See response to 11a.

Question: How many additional relatives/beneficiaries of "T" visa applicants will be allowed to enter/remain in the U.S. annually, if this legislation is enacted?

Question#:	11
Topic:	"T" visa recipient (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Response 11c: It is unknown how many additional relatives/beneficiaries would be allowed to enter/remain in the United States if the legislation is enacted.

Question: What type of background investigation will be conducted before a relative is admitted or allowed to remain in the U.S. under this provision?

Response 11d: All applicants for T nonimmigrant status, whether in the United States or abroad, including derivative family members, would receive the checks cited in response to Questions 3a and 8. In addition, any individual who seeks to be admitted to the United States would need to complete the Department of State (DOS) consular processing.

Question: If any background investigation is to be conducted, who will carry it out?

Response 11e: See responses to 3a and 7.

Question: If any background investigation will be conducted, what will the role of the Vermont Service Center (VSC) be in the process?

Response 11f: The role of the Vermont Service Center is to review all results and determine the impacts of the findings on the alien's eligibility for T nonimmigrant status (see response to question 3c). If an administrative investigation is conducted by USCIS's FDNS or DOS, or a criminal investigation is conducted by ICE, the VSC will coordinate with those agencies to obtain any information revealed as a result of an investigation.

Question: Will an employee of the VSC be able to overrule an adverse determination of a background investigation and award an applicant a visa or legal status?

Response 11g: Adverse information from a background investigation may negatively impact an alien's eligibility for nonimmigrant status or a visa. However, DHS and DOS are prohibited from making an adverse determination based on evidence supplied solely by a prohibited source under 8 U.S.C. § 1367. Derogatory information based on evidence which is not solely from a source prohibited by section 384 may be considered in the adjudication of a case.

Question#:	12
Topic:	"T" visa recipient (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The third part of section 211 of the TVPRA (S.1301) expands the list of eligible relatives who may join a "T" visa recipient. Under current law, spouses and children may accompany or follow an eligible trafficking victim. A parent or unmarried sibling under 18 years of age may also do so if the victim is a minor or if the derivative relatives face a danger of retaliation based on the victim's escape from the traffickers or cooperation with law enforcement. Section 211 would allow additional derivative family members to apply to join the trafficking victim if those family members allegedly face a danger of retaliation.

What will the cost of implementing this proposed provision be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to the additional derivative beneficiaries?

Response: DHS does not provide public assistance benefits to T visa recipients or their derivatives; therefore, the Department does not collect such data on T visa recipients.

Question#:	13
Topic:	section 212 (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 212 of the TVPRA (S.1301) adds "fraud in foreign labor contracting," as defined by 18 U.S.C. § 1351, to the list of crimes of which victims may be eligible to apply for a "U" visa.

Under the current system, who evaluates a "U" visa applicant's claim of suffering substantial physical or mental abuse? How is that evaluation conducted? What standard is applied?

Response: U.S. Citizenship and Immigration Services (USCIS) officers evaluate evidence of suffering substantial physical or mental abuse on a case-by-case basis and with a thorough review of all evidence submitted in support of the petition. Under 8 CFR 214.11(f), an applicant must submit an affirmative statement describing the victimization. While a victim's affidavit may be enough to satisfy the evidentiary burden, USCIS encourages submitting other credible evidence, including a signed statement on official letterhead from a professional who makes determinations of this type in the course of his or her job duties and can attest to the victim's mental state, such as medical professionals, social workers, or victim advocates. USCIS reserves the right to contact the law enforcement agency that is involved in the case, as appropriate, for further information.

Question: What type of background investigation, if any, will be conducted on the "U" visa applicant and his or her relatives/beneficiaries before the "U" visa is granted under this new provision?

Response: The same background investigation/security check process is in place for U nonimmigrant petitions as for T nonimmigrant applications. See response 3a.

Question#:	14
Topic:	section 212 (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 212 of the TVPRA (S.1301) adds "fraud in foreign labor contracting," as defined by 18 U.S.C. § 1351, to the list of crimes of which victims may be eligible to apply for a "U" visa.

What will the cost of implementing this proposed provision be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to additional "U" visa recipients?

Response: DHS does not provide public assistance benefits to U visa recipients; therefore, the Department does not collect such data on U visa recipients.

Question#:	15
Topic:	immigration (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In 2009, Congress amended the immigration statute to enable certain widows and widowers of U.S. citizens to apply for lawful permanent residence. Prior to this change, if the alien spouse was in his or her conditional residency period when the U.S. citizen passed away, the DHS was supposed to deport the alien widow(er), the rationale being that the basis for the spousal visa no longer existed. Section 213 of the TVPRA (S.1301) would add the derivative beneficiaries of "T" visa holders, "U" visa holders, and VAWA Self-Petitioners to the "widows fix" in the immigration statute.

For each of the last four years how many individuals were subjected to removal proceedings under the law as currently written? Of those, how many were removed from the U.S.?

Is the DHS currently removing the beneficiaries who will be covered by this proposed legislation? Or are they receiving deferred action?

Response: While U.S. Immigration and Customs Enforcement (ICE) is responsible for carrying out any removals of the types of persons the inquiry addresses, ICE does not delineate this type of category of removals and cannot report how many derivative beneficiaries were removed who might otherwise have been eligible if this provision had been in effect.

Question#:	16
Topic:	immigration (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What will the cost of implementing section 213 of the TVPRA (S.1301) be to U.S. taxpayers on an annual basis, in terms of the amount of public assistance that will be given to derivative beneficiaries who would receive relief under this provision?

Response: DHS does not provide public assistance benefits to T and U visa recipients or their derivatives; therefore, the Department does not collect such data on T and U visa recipients.

Question#:	17
Topic:	VSC
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What type of background investigation will be conducted before a derivative beneficiary is given legal status and allowed to remain in the U.S. under this provision? If any investigation is to be conducted, who will conduct it? Who will evaluate it?

Response: All applicants for U and T nonimmigrant status, whether in the United States or abroad, would have fingerprint checks and FBI Name/date of birth checks described in 3a. All applicants for U and T nonimmigrant status receive an IBIS check as indicated in 3a above.

Currently, VAWA self-petitioners are not required to submit fingerprints as part of the VAWA self-petitioning process. However, each VAWA self-petitioner receives an IBIS check (see answer to question 3a above). Fingerprint checks are conducted on VAWA self-petitioners at the time the application for the "green card" is submitted.

Question: Will an employee of the Vermont Service Center (VSC) or any other government agency be able to overrule an adverse determination of a background investigation and award a visa or legal status?

Response: Adverse information from a background investigation may negatively impact an alien's eligibility for nonimmigrant status or a visa. However, the U.S. Department of Homeland Security (DHS) and U.S. Department of State (DOS) are prohibited from making an adverse determination based on evidence supplied solely by a prohibited source under 8 U.S.C. § 1367. Derogatory information based on evidence which is not solely from a source prohibited by section 384 may be considered in the adjudication of a case.

In the T and U contexts, some adverse information in an individual's background may be waived in certain circumstances. If the alien submits a waiver application and demonstrates that it is in the national or public[1] interest to allow that individual to remain in the United States, the VSC may, after a thorough consideration of the circumstances of the case and the waiver application, waive the derogatory information that indicates inadmissibility under many grounds of section 212(a) of the INA. T applicants must also generally demonstrate that the inadmissibility was caused by or incident to the

[1] T nonimmigrants are eligible for a waiver of certain inadmissibilities if the Secretary determines it to be in the national interest. INA 212(d)(13). U nonimmigrants are eligible for a waiver of certain inadmissibilities if the Secretary determines it to be in the public or national interest. INA 212(d)(14).

Question#:	17
Topic:	VSC
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

trafficking. Congress has provided waiver authority over INA section 212(a) grounds of inadmissibility at INA section 212(d)(13) and 212(d)(14) for T and U nonimmigrants, respectively. Such waivers are not automatic, but may be granted in the exercise of USCIS's discretion on a case-by-case basis. See response to questions 3c, 18, and 20.

Question#:	18
Topic:	records
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: When considering applications, does the DHS/USCIS/VSC consider whether "T" visa applicants have criminal records (both in the U.S. and abroad)? If so, for each of the last eight years, how many "T" visa applicants had criminal records and what were the crimes they were arrested for?

Response: U.S. Citizenship and Immigration Services (USCIS) conducts the background checks described in response to question 3a to determine if an applicant has a criminal record. In addition, on the Form I-914, Application for T Nonimmigrant Status, an applicant must answer a series of questions related to their criminal history. An applicant is prompted to respond even if an arrest or conviction never took place. An applicant signs the Form I-914 under oath.

If any of the background checks or responses on the Form I-914 results in derogatory information on a particular applicant, or if USCIS has other information not disclosed by the applicant, USCIS will evaluate that information on a case-by-case basis. If a criminal investigation is warranted, it will be conducted by ICE. Administrative investigations, where needed, will be conducted by USCIS's FDNS. If the derogatory information indicates that the applicant is inadmissible under section 212(a) of the INA, the applicant will not be eligible for T nonimmigrant status unless USCIS waives the ground of inadmissibility. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a principal applicant or derivative family member is seeking such a waiver of inadmissibility.

Applicants for T nonimmigrant status may apply for INA section 212(d)(3) waivers of inadmissibility to the same extent as any other applicant for nonimmigrant status or for INA section 212(d)(13) waivers of inadmissibility which are specific to applicants for T nonimmigrant status.

USCIS may not waive the following grounds of inadmissibility: 212(a)(3) [the security and related grounds of inadmissibility, including terrorist activities]; 212(a)(10)(C) [international child abduction]; and 212(a)(10)(E) [former citizens who renounced citizenship to avoid taxation]. Other 212(a) grounds of inadmissibility may be waived. Such waivers are not automatic, but may be granted in the exercise of USCIS's discretion on a case-by-case basis. When a waiver for violent or dangerous crimes is requested, DHS will generally only exercise favorable discretion in T nonimmigrant status cases in extraordinary circumstances. Moreover, depending on the nature and severity of the

Question#:	18
Topic:	records
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

underlying offense(s) to be waived, the Secretary retains the discretion to determine that the mere existence of extraordinary circumstances is insufficient.

USCIS does not capture numerical information of how many of these cases are approved or what crimes the applicant was arrested for.

Question#:	19
Topic:	applicants
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: When considering applications, does the DHS/USCIS/VSC consider whether "T" visa applicants' derivative beneficiaries have criminal records (both in the U.S. and abroad)? If so, for each of the last 8 years, how many "T" visa applicants' derivative beneficiaries had criminal records and what were the crimes they were arrested for?

Response: See response to question 18. USCIS does not capture numerical information of how many of these cases are approved or what crimes they were arrested for.

Question#:	20
Topic:	"U" visa (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: When considering applications, does the DHS/USCIS/VSC consider whether "U" visa applicants have criminal records (both in the U.S. and anywhere else)? If so, for each of the last 8 years, how many "U" visa applicants had criminal records and what were the crimes they were arrested for?

Response: U.S. Citizenship and Immigration Services (USCIS) conducts the background checks described in response to question 3a to determine if an applicant has a criminal record. In addition, on the Form I-918, Petition for U Nonimmigrant Status, a petitioner must answer a series of questions related to his or her criminal history. A petitioner is prompted to respond even if an arrest or conviction never took place. A petitioner signs the Form I-918 under oath.

If any of the background checks or responses on the Form I-918 results in derogatory information on a particular petitioner, or if USCIS has other information not disclosed by the applicant, USCIS will evaluate that information on a case-by-case basis. If a criminal investigation is warranted, it will be conducted by ICE. Administrative investigations, where needed, will be conducted by USCIS's FDNS. If the derogatory information indicates that the petitioner is inadmissible under section 212(a) of the INA, the petitioner will not be eligible for U nonimmigrant status unless USCIS waives the ground of inadmissibility. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a principal petitioner or derivative family member is seeking such a waiver of inadmissibility.

Petitioners for U nonimmigrant status may apply for INA section 212(d)(3) waivers of inadmissibility to the same extent as any other applicant for nonimmigrant status or for INA section 212(d)(14) waivers of inadmissibility which are specific to petitioners for U nonimmigrant status.

USCIS may not waive INA section 212(a)(3)(E) [Participants in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing] for U petitioners. Other 212(a) grounds may be waived. Such waivers are not automatic, but may be granted in the exercise of USCIS' discretion on a case-by-case basis. When a waiver for violent or dangerous crimes is requested, DHS will generally only exercise favorable discretion in U nonimmigrant status cases in extraordinary circumstances. Moreover, depending on the nature and severity of the underlying offense(s) to be

Question#:	20
Topic:	"U" visa (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

waived, the Secretary retains the discretion to determine that the mere existence of extraordinary circumstances is insufficient.

USCIS does not capture numerical information of how many of these cases are approved or what crimes they were arrested for.

Question#:	21
Topic:	"U" visa (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: When considering applications, does the DHS/USCIS/VSC consider whether "U" visa applicants' derivative beneficiaries have criminal records (both in the U.S. and anywhere else)? If so, for each of the last 8 years, how many "U" visa applicants' derivative beneficiaries had criminal records and what were the crimes they were arrested for?

Response: Please see response to Question 20.

Question#:	22
Topic:	criminal records (1)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If criminal records are considered, what is the DHS'/VSC's policy on awarding visas to "T" and "U" visa applicants with criminal records? Does having a record disqualify an applicant?

Response: Having a criminal record does not automatically disqualify the alien as waivers of inadmissibility are available under INA sections 212(d)(13) and 212(d)(14). Only certain grounds are not eligible for a waiver of inadmissibility. Under INA section 212(d)(13), T visa applicants are barred from receiving a waiver for security related grounds, international child abduction and renouncing U.S. citizenship to avoid taxation. Under INA section 212(d)(14), U visa petitioners are barred from receiving a waiver for participation in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing. For both T and U nonimmigrant status, the alien must demonstrate that it is in the national or public[2] interest that the criminal act be waived. T applicants must also generally demonstrate that the crime was caused by or incident to the trafficking. Such waivers for T applicants and U petitioners are not automatic, but may be granted in the exercise of USCIS's discretion on a case-by-case basis. When a waiver for violent or dangerous crimes is requested, DHS will generally only exercise favorable discretion in T or U nonimmigrant status cases in extraordinary circumstances. Moreover, depending on the nature and severity of the underlying offense(s) to be waived, the Secretary retains the discretion to determine that the mere existence of extraordinary circumstances is insufficient.

[2] T nonimmigrants are eligible for a waiver of certain inadmissibilities if the Secretary determines it to be in the national interest. INA 212(d)(13). U nonimmigrants are eligible for a waiver of certain inadmissibilities if the Secretary determines it to be in the public or national interest. INA 212(d)(14).

Question#:	23
Topic:	criminal records (2)
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If criminal records are considered, what is the DHS'/VSC's policy on derivative beneficiaries with criminal records? Does the discovery of a record result in the beneficiary being removed from the U.S. or bar the beneficiary from being allowed to enter the U.S.?

Response: See response to question 22. ICE may initiate removal proceedings in its discretion if the VSC denies T or U nonimmigrant status. If the beneficiary is abroad, the Department of State (DOS) conducts consular processing. If the VSC does not waive inadmissibility and denies T or U nonimmigrant status, DOS will not issue a visa for the applicant to enter the United States.

Question#:	24
Topic:	DHS/VSC
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If the DHS/VSC does conduct criminal background investigations on applicants and/or beneficiaries, for each of the last 8 years how many visas were granted to applicants with records and how many beneficiaries with records were (a) allowed to remain in the U.S. and (b) allowed to enter the U.S.?

Response: USCIS does not capture numerical information of how many of these cases are approved.

Question#:	25
Topic:	recipients
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In each of the last 8 years, how many "T" visa recipients were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

In each of the last 8 years, how many "derivative beneficiaries of "T" visa holders were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

For each of the last 8 years, how many "T" visa recipients testified against criminal defendants?

In each of the last 8 years, how many "U" visa recipients were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

In each of the last 8 years, how many "derivative beneficiaries of "U" visa holders were subsequently arrested (after a visa was awarded) and for what crimes were they arrested?

For each of the last 8 years, how many "U" visa recipients testified against criminal defendants?

Response: The Department of Homeland Security (DHS) does not track the number of arrests that took place after a T or U visa was awarded or the number of T or U visa recipients who testify in court against the criminal defendant. As these questions pertain to other agencies' functions, DHS respectfully defers to the Department of State and the Department of Justice.

Question#:	26
Topic:	eligible
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If a "U" visa applicant is in the U.S. illegally, is he or she still eligible for a "U" visa?

Response: All U visa petitioners are scrutinized to determine how they entered the United States. This is done through a review of the evidence and the information provided on the petition. Other checks are done of the alien's background including fingerprint and IBIS checks. If a criminal investigation is warranted, it will be conducted by U.S. Immigration and Customs Enforcement (ICE). Administrative investigations, where needed, will be conducted by U.S. Citizenship and Immigration Services' (USCIS) FDNS. An alien's unlawful entry or presence in the United States does not automatically bar him/her from receiving U nonimmigrant status under the waiver authority at INA 212(d)(14). Certain waivers are available for those who entered illegally or who are unlawfully present. To receive an approval of the waiver, the alien must demonstrate that it is in the national or public interest to waive the illegal entry and/or unlawful presence.

Such waivers are not automatic, but may be granted in the exercise of USCIS's discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a derivative family member is seeking such waiver of inadmissibility.

Question#:	27
Topic:	awarded
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If a "U" visa applicant is in the U.S. illegally and that does not bar him from receiving a visa, does it factor into the determination of whether a visa is awarded? If so, to what extent? If not, why not?

Response: Please see response to Questions 20 and 26.

Question#:	28
Topic:	excused
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many "U" visa applications sought to be excused from having to cooperate with law enforcement officials?

Response: None. There is no exception or exemption from cooperation with law enforcement officials for U petitioners. Per statute (INA section 214(p)) and regulation (8 CFR 214.14), U nonimmigrant petitioners must demonstrate cooperation with law enforcement in the investigation or prosecution of the qualifying crime of which they were a victim. The U nonimmigrant petitioner must include a Form I-918 Supplement B, U Nonimmigrant Status Certification, when applying for U nonimmigrant status. The U Nonimmigrant Status Certification is signed by a law enforcement official and states that the alien "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of the criminal activity. U nonimmigrant petitioners are required to be helpful to law enforcement, if necessary, throughout the U nonimmigrant petition process and while in U nonimmigrant status.

If a U nonimmigrant petitioner or U nonimmigrant refuses to cooperate with reasonable requests from law enforcement for assistance in the investigation or prosecution of the qualifying crime, the law enforcement agency that certified the U Nonimmigrant Status Certification may contact U.S. Citizenship and Immigration Services (USCIS) and withdraw the certification. USCIS may also contact the law enforcement agency that certified, as appropriate. USCIS may then deny the U nonimmigrant petition or, if initially granted, USCIS may revoke the U nonimmigrant status. If a U nonimmigrant petitioner submits a petition without a U Nonimmigrant Status Certification, the petition will be denied automatically.

Question#:	29
Topic:	cooperate
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many "U" visa recipients were excused from having to cooperate with law enforcement officials? Which governmental unit granted these exemptions? If it was not the Department of Justice, was the DOJ consulted before exemptions were granted? If the DOJ was consulted, on how many occasions did the DOJ (or another law enforcement agency) maintain that an exemption should not be granted, but was overruled? If the DOJ was not consulted in every instance, why wasn't it?

Response: Please see response to Question 28.

Question#:	30
Topic:	visa applicant
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many investigations were terminated or not commenced because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

Response: There is no exception or exemption from cooperation with law enforcement officials for U visa petitioners, so there is no such statistic. (Please see above response to Questions 28 and 29.)

Question#:	31
Topic:	prosecutions
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many prosecutions were terminated because a "U" visa applicant was excused from having to cooperate with law enforcement officials?

Response: There is no exception or exemption from cooperation with law enforcement officials for U visa petitioners or recipients, so there is no such statistic. (Please see above response to Questions 28 and 29.)

Question#:	32
Topic:	section 401
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: The second part of section 401 of the proposed legislation, the TVPRA (S.1301), also expands the exemption to the bar to asylum for applicants under 18 years of age who were previously denied asylum. The proposed language provides that alien minors who have previously been removed, or who departed voluntarily, should not have their removal orders reinstated, but should instead be placed in removal proceedings.

For each of the last eight years, how many alien minors who were previously removed from the U.S. were apprehended a second time for being in the U.S. illegally? How many were apprehended for being in the U.S. illegally a third time?

Are there any estimates on how many alien minors who were previously removed from the U.S. have re-entered the U.S. illegally, but have yet to be apprehended? If so, what are those statistics?

Response: DHS has provided data on the number of alien minors who were apprehended and who had a prior removal (this includes removals, voluntary returns, and voluntary departures). This data includes unaccompanied alien children (UAC) who have at least one prior removal but we are unable to capture the number of prior removals or the date of that removal given current data limitations. Please see chart below for each of the last eight years for the number of minor aliens with prior removals.

Fiscal Year	UAC Initial Book-ins	UAC Initial Book-ins with Prior Removal
2004	4,321	61
2005	6,536	110
2006	6,902	151
2007	6,597	152
2008	6,127	168
2009	5,594	151
2010	7,256	94
2011	6,162	82
2012 YTD	7,051	21

Question#:	32
Topic:	section 401
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

FY2004-FY2012 YTD initial book-in data is updated through 06/06/2012 (IIDS v 1.10 run date 06/08/2012; EID as of 06/06/2012).

FY2004-FY2012 YTD prior removal data is updated through 06/11/2012 (IIDS v 1.10 run date 06/13/2012; EID as of 06/11/2012).

Prior Removal data is for unique individuals per initial book-in fiscal year. If an individual had unique detention stays in two different Fiscal Years, they will show up under both Fiscal Years in the "UAC Initial Bookins" column. However, they will only show up in the Fiscal Year under the "Prior Removal" column if they have had a prior removal before the unique Fiscal Year bookin.

UAC Initial Bookins data is for total UAC initial bookins per unique detention stay ids. Initial Bookin data excludes cases when birth date is greater than or equal to initial bookin date (when Age<=0).

Removals data include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Control.

Starting in FY2009, ICE began to "lock" removal statistics on October 5th at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5th were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after October 5th into the next fiscal year.

Question#:	33
Topic:	section 402
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 402 of the TVPRA (S.1301) amends Section 235(c)(2) of the TVPRA 2008 to address the situation of an unaccompanied minor in the custody of the Office of Refugee Resettlement who reaches the age of 18 prior to resolution of their immigration case. Such persons are typically transferred to adult immigration detention under the authority of U.S. Immigration and Customs Enforcement (ICE). Section 402 requires DHS to consider where to place the alien, with a preference for the least restrictive setting possible.

For each of the last eight years, how many alien minors were placed in the custody of the Office of Refugee Resettlement?

Response: The chart below reflects the number of minors placed in the custody of the U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR) for the past eight years.

Minors Placed in ORR Custody by Fiscal Year	
Fiscal Year	**Minors in ORR Custody**
2004	5,148
2005	7,006
2006	7,696
2007	7,332
2008	6,568
2009	5,971
2010	7,403
2011	8,887
Total	**56,011**
Source: DHHS/ACF Efforts to Outcome (ETO) Database	

Question: For each of the last eight years, how many alien minors placed in the custody of the Office of Refugee Resettlement were determined to be violent or otherwise dangerous?

Question#:	33
Topic:	section 402
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Response: U.S. Immigration and Customs Enforcement (ICE) respectfully defers to HHS's Office of Refugee Resettlement (ORR) as this office is in the best position to provide this information.

Question: For each of the last eight years, how many alien minors in the custody of the Office of Refugee Resettlement turned 18 and were transferred to adult detention under ICE?

Response: The chart below reflects the number of minors who became age majority and were transferred from HHS's ORR to ICE for the past eight years.

Question: How many of those minors had criminal records before they came into custody? How many of those minors engaged in criminal and/or violent behavior while in the custody of the Office of Refugee Resettlement?

Response: The chart below reflects the number of minors who became age majority and were transferred from HHS's ORR to ICE for the past eight years. It also indicates those alien minors who engaged in criminal behavior prior to coming to ICE custody.

Minors who became Age Majority and Transferred from ORR to ICE by Fiscal Year		
Fiscal Year	**Total ORR transfers to ICE (Aged Out)**	**Convicted Prior to ICE Custody**
2004	53	2
2005	78	4
2006	95	5
2007	76	4
2008	183	9
2009	236	26
2010	102	13
2011	60	15
Total	**883**	**78**

Source: ICE Integrated Decision Support (IIDS), IIDS as of September 26, 2011; EID extract as of September 24, 2011
Convicted status reflects conviction of criminal charges only

Question#:	33
Topic:	section 402
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, how many aliens in ICE custody who were transferred to ICE by the Office of Refugee Resettlement engaged in violent and/or criminal behavior while in ICE's custody?

Response: Typically, if aliens are returning to ICE's Enforcement and Removal Operations (ERO) custody after being with ORR, they are either being removed from the United States or have reached the age of 18 and are being transferred to an adult facility. ERO does not have a mechanism to track whether these aliens have become violent or engaged in criminal behavior once they returned to ICE custody.

Question#:	34
Topic:	section 403
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Subsection (B)(ii) of section 403 of the TVPRA (S.1301) mandates the establishment of additional advocacy programs at numerous locations. It states: ADDITIONAL SITES.—Not later than 3 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall establish and implement child advocate programs at immigration detention sites at which more than 50 children are held in immigration custody.

What will the cost be to implement this provision?

Response: The Department of Homeland Security respectfully defers to the Department of Health and Human Services (HHS), Office of Refugee Resettlement, to provide the cost to implement this provision as HHS is the sole agency responsible for the long-term care and custody, including detention, of unaccompanied alien children, as well as the agency authorized to appoint child advocates.

Question#:	35
Topic:	section 404
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Supporters of section 404 of the TVPRA (S.1301) maintain that under current law, when an unaccompanied alien minor who was also a victim of crime is awarded a "U" visa, that minor loses eligibility for certain benefits available to children who are considered unaccompanied minors under law. Section 404 would make "U" visa recipients who are minors and who were formerly considered unaccompanied minors eligible for federal foster care and certain benefits available to refugee minors.

Do alien minors, who are given "U" visas, receive any public assistance? If so, what types of assistance? If so, for each of the last eight years, how much have U.S. taxpayers paid (directly or indirectly thru grants to state governments) for the public assistance given to alien minors who are given "U" visas?

On an annual basis, how much will implementing this provision cost U.S. taxpayers, in terms of the increase in the amount of public assistance?

Response: DHS does not provide public assistance benefits to U visa recipients or their derivatives; therefore, the Department does not collect such data on U visa recipients.

Question#:	36
Topic:	section 405
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 405 of the TVPRA (S.1301) requires the GAO to conduct a study on the implementation of provisions of the TVPRA 2008 with regard to DHS screening of children. For example, the GAO will assess whether DHS personnel are adequately screening children to determine whether they may be victims of trafficking or persecution. The GAO will also assess whether children are properly cared for while in the custody of the DHS and repatriated in an appropriate manner.

Is there any documented evidence that DHS is inadequately screening minor aliens to determine whether they are the victims of trafficking? If so, summarize that evidence and provide a copy of the document.

Is there any documented evidence that DHS is inadequately caring for minor aliens in its custody? If so, summarize that evidence and provide a copy of the document.

Is there any documented evidence that DHS repatriates minor aliens in an inappropriate manner? If so, summarize that evidence and provide a copy of the document.

The proposed legislation also requires that the "Comptroller General [be given] unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General." What difficulties or safety concerns might such access raise?

Response: The Department of Homeland Security (DHS) is not aware of any documented evidence regarding non-compliance with the Trafficking Victims Protection Reauthorization Act (TVPRA) in regard to the screening of, caring for, or repatriation of minor aliens. A recent DHS Office of the Inspector General (OIG) audit report entitled "OIG-10-117: CBP's Handling of Unaccompanied Alien Children," published on September 9, 2010, did not reveal any evidence regarding non-compliance and reflected rather favorably on U.S. Customs and Border Protection's efforts. DHS is happy to cooperate; however, the presence of oversight personnel during actual operations will cause privacy and safety concerns.

Question#:	37
Topic:	alien minors
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: How many alien minors have been transferred to Department of Health and Human Services (HHS) custody by the DHS during each of the last eight years? What were their ages at the time of transfer? What has been the cost for each of the last eight years of housing and otherwise providing for these minors?

Response: Please see the attached QFR 37 addendum.

Question: What has been the cost for each of the last eight years of housing and otherwise providing for these minors?

Response: DHS respectfully defers to Health and Human Services (HHS), Office of Refugee Resettlement (ORR) to provide the cost to implement this provision as HHS ORR is the sole agency responsible for the long-term care and custody, including detention, of unaccompanied alien children (UAC).

The FY 2009 to FY 2011 UAC costs to U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) prior to HHS ORR taking custody are provided in the following table.

FY 2009-FY 2011 ICE ERO UAC Costs						
	FY 2009		FY 2010		FY 2011	
Cost Type	Cost	No. of UACs	Cost	No. of UACs	Cost	No. of UACs
Processing*	**$1,612,422**	**2,049**	**$1,782,738**	**2,844**	**$800,810**	**2,186**
Air Transportation*	$3,563,925	3,075	$4,820,963	2,775	$3,557,663	1,692
Ground Transportation*	$448,533	817	$384,764	755	$232,535	450
Total Transportation Costs	**$4,012,458**	**3,892**	**$5,205,727**	**3,530**	**$3,790,198**	**2,142**
Initial Detention*	$190,333	2,049	$166,988	2,844	$113,396	2,186
Additional Detention*	$1,623,950	1,646	$1,429,449	2,496	$1,679,980	2,175
Total Detention Costs						

Question#:	37
Topic:	alien minors
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	$1,814,283	**3,695**	**$1,596,437**	**5,340**	**$1,793,376**	**4,361**
Total Costs	**$7,439,163**		**$8,584,902**		**$6,384,384**	
***See attached definition sheet.**						

ERO Detention Management Division

Juvenile QFRs Grassley

Source: HHS/ACF Efforts to Outcome (ETO) Database. Data is as of September 30, 2011.

Question 37 Part 1: How many alien minors have been transferred to Department of Health and Human Services (HHS) custody by the DHS during each of the last eight years? What were their ages at the time of transfer? What has been the cost for each of the last eight years of housing and otherwise providing for these minors?

Juveniles Transferred to HHS by DHS and Age at Time of Transfer by Fiscal Year

Age at the Time of Transfer

Row Labels	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Total
2004	16	14	9	15	32	38	46	52	55	57	106	118	128	209	332	754	1353	1799	15	5148
2005	21	15	13	23	34	55	53	100	110	110	148	153	191	279	442	954	1743	2483	79	7006
2006	32	21	27	28	54	55	77	93	113	114	151	157	211	284	510	1072	1963	2650	84	7696
2007	14	9	14	21	23	49	51	84	100	94	112	123	184	277	479	1044	1914	2690	50	7332
2008	10	4	5	10	17	34	29	50	57	90	104	115	158	219	464	983	1660	2474	85	6568
2009	20	5	4	6	30	22	43	55	73	88	110	147	158	241	418	824	1448	2191	88	5971
2010	22	3	8	7	13	23	60	74	104	114	148	165	227	327	513	981	1785	2717	112	7403
2011	39	10	7	10	14	31	46	71	96	104	100	165	227	373	567	1138	2246	3540	103	8887
Total	**174**	**81**	**87**	**120**	**217**	**307**	**405**	**579**	**708**	**771**	**979**	**1143**	**1484**	**2209**	**3725**	**7750**	**14112**	**20544**	**616**	**56011**

Category	Definition/Assumptions used for Calculations for Fiscal Years 2009–2011 ICE ERO Unaccompanied Alien Children (UAC) Transportation Costs
Processing	**Processing Assumptions include: Salary costs and UAC Count ICE Initial Book-ins**
	Salary Costs: The processing costs are calculated for each fiscal year (FY) using the following formula (GS 11, Step 5 Washington, D.C., hourly salary) * ((24 Hours) *(ICE Initial Book-in Facility Length of Stay))*(Count of UAC ICE initial book-ins) for each FY.
	UAC Count ICE Initial Book-ins: ICE processing costs are only applied to UACs who initially book into an ICE facility.
Transportation Assumptions (both Air and Ground)	**Transportation Assumptions include: Data Source, Percentage Ground and Air, Costs Captured, Wages, Travel Ratio, Meet-and-Greet.**
	Data Source: FY 2009: Data from the previous FY (FY 2008) was used as the basis for all figures. Assume all costs associated with transportation of a juvenile are static, with the exception of officers' wages. FY 2010: 1 year of raw data was used (October 1, 2009, through September 30, 2010) for calculations. FY 2011: Where possible, first quarter expenses were used to generate an average per trip that was applied to all FY 2011 transports (hotel, airfare, and rental car). Other expenses were estimated to increase 3 percent from FY 2010. FY 2011 UAC Count: For FY 2011, it was assumed the number of transfers is equal to the number of UACs initially booked into ICE facilities.
	Percentage Air and Ground: FY 2009–FY 2011: For the purpose of extrapolating costs, it is assumed that the same percentages of UAC transfers using air and ground transportation for FY 2008 (79 percent air and 21 percent ground) were preserved for the FY 2009–FY 2011 cost estimates.
	Costs Captured: FY 2009–FY 2011: The cost estimates only capture the costs associated with the transfer and transportation of UAC from ICE to ORR custody. The costs associated with holding a juvenile in ICE custody prior to transportation/transfer to ORR are not included.
	Escort Wages: It is assumed that the average escorting officer was a GS-11, Step 5 (Washington, D.C.) pay scale. It should be noted that ICE employs various escorts from Immigration Enforcement Agents (IEAs) to Supervisory Detention and Deportation Officers (SDDOs), so this average hourly rate for escorts may differ from the actual total salary cost. There was a government pay freeze in FY 2011 so rates did not change.
	Travel Ratio: For FY 2011 projections during Quarters 2-4 (Q2-Q4): It is assumed there is a ratio of one officer to one alien per trip.
	Meet-and-Greet: The meet-and-greet cost from FY 2008 calculations was applied using a 3 percent increase per year. On average, there are 3.5 meet-and-greets per officer, per year. This equates to $141,092 for FY 2008.
Air Transportation	**Air Expenses include: Officer airfare and juvenile airfare, hotel costs, rental car costs, escort wages, custody transfer costs, per diem, incidentals, and gas mileage.**

Category	Definition/Assumptions used for Calculations for Fiscal Years 2009–2011 ICE ERO Unaccompanied Alien Children (UAC) Transportation Costs
	Officer and Juvenile Airfare: FY 2009: Data from the previous FY (FY 2008) was used as the basis for all figures. Assume all costs associated with transportation of a juvenile are static. FY 2010: One year of raw data was used (October 1, 2009, through September 30, 2010) for calculations. FY 2011: First quarter data was used to generate an average per-alien ticket and an average per-officer ticket, which was applied to the number of air transports.
	Hotel: Hotel costs were calculated for overnight trips. FY 2009 uses an average hotel cost per city, FY 2010 captures actual hotel costs, and FY 2011 captures Q1 hotel costs and applies the average rate over the estimated number of hotel stays.
	Rental Car: The FY 2010 captures actual rental car costs and FY 2011 captures Q1 rental car costs and applies the average rate over the estimated number of trips.
	Escort Wages: For 1-day trips, a 12-hour day for the escorting officer was applied (8 regular hours and 4 overtime hours). For 2-day trips, a 16-hour trip was applied (12 regular hours and 4 overtime hours). Trips may deviate from the estimated hours.
	Custody Transfer Costs: Custody transfer costs were calculated by assuming a 3 percent increase per-fiscal year from FY 2008.
	Per Diem: FY 2009 and FY 2010 per diem costs were calculated for each round trip. Rates are based on a full day of per diem in the destination city. FY 2011 per diem was calculated using a 3 percent increase to the average FY 2010 per diem.
	Incidentals: It is assumed that each officer has $50 worth of incidentals per trip.
	Gas Mileage: It is assumed there are 200 miles of car travel round trip. The per diem mileage rate is applied each year: FY 2009 at $.585 per mile, FY 2010 at $.50 per mile, and FY 2011 at $.51 per mile.
Ground Transportation	**Ground Expenses include: Escort Wages, Incidentals, and Gas Mileage**
	Escort Wages: The average trip is 8 hours of regular time for the escorting officer. The escorting officer salary is based on the government hourly rate for a GS 11, Step 5 employee in the Washington, D.C., area.
	Incidentals: It is assumed that each officer has $50 worth of incidentals per trip.
	Gas Mileage: It is assumed there are 400 miles of car travel round trip. The per diem mileage rate is applied each year: FY 2009 at $.585 per mile, FY 2010 at $.50 per mile, and FY 2011 at $.51 per mile.
	Detention Assumptions include: Estimated Daily Facility Rates, Initial Detention Facilities, and Additional Detention Facilities

Category	Definition/Assumptions used for Calculations for Fiscal Years 2009–2011 ICE ERO Unaccompanied Alien Children (UAC) Transportation Costs
Detention (Initial and Additional)	**Estimated Daily Facility Rates**: For ICE facilities with unknown daily rates, an average-rate-per-year was calculated. This average rate was calculated for each FY as the (sum of ICE initial facility Average Daily Population (ADP))/(sum of ICE daily facility cost) for facilities with available cost information. This average daily rate was applied to the remaining ICE facilities for the fiscal year. A separate rate was calculated for initial detention facilities and for additional detention facilities.
Initial Detention	**Initial Detention Facilities:** Initial detention costs capture costs for ICE facilities used to initially book-in a UAC. FY 2010 and FY 2011 calculate the additional detention costs based on average daily population at the facility multiplied by the daily facility rate.
Additional Detention	**Additional Detention Facilities:** Additional detention facility costs associated with ICE detentions that are not done at the initial book-in facility location. The additional detention costs are based on average daily population non-initial UAC book-in (ADP) at the facility multiplied by the daily facility rate.

Question#:	38
Topic:	claiming
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What procedures does the DHS employ to determine whether an alien claiming to be a minor, is in fact a minor? Have the standards changed or been relaxed during the last 8 years? If so, when and how were they changed? If the standards have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

Response: U.S. Immigration and Customs Enforcement (ICE), in accordance with the age determination provision of the TVPRA of 2008, 8 U.S.C. § 1232(b)(4), follows the procedures for age determination that the Department of Health and Human Services (HHS) issued in September 2010. The HHS age determination procedures amended ICE practices relating to age range determination. Previously, age determination procedures required the use of the higher end of an age range determination. The new policy requires that if a healthcare practitioner recommends a medical age range determination—for example, an age range of 16-19 years of age—ICE now uses the lower end of the age spectrum (designating the alien as 16 years of age). There has been no other substantive change in this process over the last several years.

The TVPRA age determination provision requires that age determination procedures developed by HHS take into account multiple forms of evidence. Even prior to September 2010, DHS utilized multiple forms of available evidence taken into consideration when making an age determination, including available documentation, statements, and other agency information. DHS makes each age determination based on the totality of all available evidence.

Under the *Flores v. Reno* settlement agreement, if DHS reasonably believed that an individual was an adult despite his or her claims to be a minor, the individual was treated as an adult until proven otherwise. As such, DHS could require such an individual to submit to a medical or dental examination by a medical professional to verify his or her age. Under the new guidance, medical age determinations that are ambiguous, debatable or borderline are resolved in favor of determining the alien as a minor.

In the context of the initial jurisdiction provision of the TVPRA of 2008, USCIS asylum officers are instructed to confirm that an asylum applicant was under 18 years of age at the time of filing the Form I-589, Application for Asylum and for Withholding of Removal. Where the file includes a Form I-213, Record of Deportable Alien, including an apprehending agent's notation of the date of birth, this serves to indicate the age that

Question#:	38
Topic:	claiming
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

the applicant claimed to be at the time of apprehension and assists the asylum officer to calculate the applicant's age on the date that the asylum application was filed. Where there is evidence that the applicant was in the custody of the HHS Office of Refugee Resettlement, this also indicates that the applicant was under 18 years of age at the time of apprehension. Where the evidence indicates that the applicant was under 18 years of age on the date that the asylum application was filed, unless there is clear, contradictory evidence in the file, jurisdiction should not be refused on the basis of age. As with other forms of evidence, an asylum applicant's credible testimony may establish his or her age without corroborating documentation. Corroborating evidence may be requested if it is reasonably available. Upon passage of the TVPRA of 2008, the USCIS Asylum Division refined and formalized this guidance for determining the age of an asylum applicant, and this guidance has been in effect since that time.

Question#:	39
Topic:	procedures
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What procedures does the DHS employ to determine whether a minor alien has a criminal record (in the U.S. or anywhere else)? Have the standards been changed or relaxed at any time within the last 8 years? If so, when and how were they changed? If the standards themselves have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

Response: The same standards applicable to adult aliens are used to determine whether a minor alien has a criminal record. DHS conducts checks of relevant law enforcement databases to determine if the minor alien has any criminal arrests or convictions. There has been no change to the DHS standards used to determine whether alien minors have a criminal record.

Question#:	40
Topic:	backgrounds
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If DHS investigates minors' backgrounds, for each of the last 8 years, how many minors were determined to have criminal records and what crimes had they committed?

Response: Please see attached addendum to QFR 40.

ERO Detention Management Division

Juvenile QFRs Grassley

Source: ICE Integrated Decision Support (IIDS), IIDS as of 9/26/2011; EID extract as of 9/24/2011
IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

Question 40: If DHS investigates minors' backgrounds, for each of the last 8 years, how many minors were determined to have criminal records and what crimes had they committed?	
Convicted Juvenile Criminals by Fiscal Year	
Fiscal Year	**Convicted Criminals**
2004	505
2005	656
2006	658
2007	632
2008	656
2009	599
2010	519
2011	479
Total	**4,704**

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Abduct-No Ransom or Assault							1		1
Aggravated Assault - Family-Gun	1								1
Aggravated Assault - Family-Strongarm	1	2	2	5	3	7	3		23
Aggravated Assault - Family-Weapon		3		1			1	2	7
Aggravated Assault - Gun	1			2		2	1	1	7

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Aggravated Assault - Non-family-Gun				1	1	1		4	7
Aggravated Assault - Non-family-Strongarm			1	2	1	3	1	5	13
Aggravated Assault - Non-family-Weapon	3	2	1	6		1		1	14
Aggravated Assault - Police Officer-Gun						2			2
Aggravated Assault - Police Officer-Strongarm	1	1	4	1	1				8
Aggravated Assault - Police Officer-Weapon								1	1
Aggravated Assault - Public Officer-Strongarm				1					1
Aggravated Assault - Public Officer-Weapon					1				1
Aggravated Assault - Weapon	9	5	7	8	9	10	13	13	74
Amphetamine			1	1					2
Amphetamine - Possession	3	6	3	2	1	3	2	1	21
Amphetamine - Sell	2	2	2	2		1		1	10
Arson	1	1	1		1		3	1	8
Arson - Public-Building	2								2
Assault	31	40	30	45	56	49	55	31	337
Assembly - Unlawful					1	1	2		4
Barbiturate - Sell	1								1
Battery	1	2			1		1		5
Burglary	29	32	25	24	44	32	47	48	281
Burglary - Forced Entry-Non-Residence	4	2	2		2	3	3	1	17
Burglary - Forced Entry-Residence	3	4	11	2	2	5	4	5	36
Burglary - No Forced Entry-Non-Residence		1			1		3		5
Burglary - No Forced Entry-Residence	1			2		4	3	2	12
Burglary Tools - Possession	3		1	1	6	3		1	15

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Carrying Concealed Weapon		1	2	2	7		1	2	15
Carrying Prohibited Weapon	1	3	4	3	4	2	1	3	21
Cocaine	1	2	2		1	2	1		9
Cocaine - Possession	9	24	22	21	22	18	4	9	129
Cocaine - Sell	10	8	14	6	7	5	5	6	61
Cocaine - Smuggle		4	3	1			1	1	10
Commercial Sex		1	1						2
Conceal Stolen Property		1							1
Conditional Release Violation		1	1					1	3
Conservation - Birds			1						1
Conspiracy [use when no underlying offense, such as 18 U.S.C. SEC. 371]						1			1
Contempt Of Court	1		5		2	2	3	1	14
Contributing to Delinquency of Minor	1		1	1	2				5
Counterfeiting	1								1
Counterfeiting Of (identify in comments)	1							1	2
Crimes Against Person		1	1	1	1	3	1	3	11
Cruelty Toward Child	2		1		1		3		7
Cruelty Toward Wife	3	4	1	1	2				11
Damage Property	3	4	8	9	6	6	4	14	54
Damage Property - Business					1				1
Damage Property - Private	2	1	2	1	2			1	9
Damage Property - Public					1	1	2	3	7
Damage Property - Public-With Explosive								1	1
Dangerous Drugs	20	27	23	17	34	29	12	11	173
Disorderly Conduct	12	19	27	17	16	12	9	7	119
Domestic Violence			1						1
Driving Under Influence Drugs	3	1		2	1	1			8

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Driving Under Influence Liquor	44	49	42	56	30	28	18	19	286
Drug Possession	1				1	3		6	11
Drug Trafficking				1				1	2
Drugs - Adulterated				1		1			2
Drugs - Health or Safety	2	3	5	4	5	11	13	8	51
Embezzle		1							1
Escape (identify type institution in comments)		3	1	2	2	1	1	3	13
Escape From Custody	1		1	1	6	3	1		13
Evidence - Destroying	1		1			1	2		5
Extortion			1						1
Extortion - Threat Injure Person					1				1
Failure Report Crime					2		1		3
Failure To Appear	4	2	7	6	1	1	3		24
False Citizenship	2	4	1			3			10
False Imprisonment-Minor-Nonparental						1		1	2
Family Offense	3				2		1		6
Firing Weapon	2	1	2	1	5	2	3	1	17
Flight - Escape	1	2	3	1	4	1	1	3	16
Flight To Avoid (prosecution, confinement, etc.)	5	6	5	8	14	11	9	12	70
Forgery	8	15	9	7	5	1	5		50
Forgery Of (identify in comments)		2	2	1			1	1	7
Fraud	7	7	8	10	11	4	3	3	53
Fraud - False Statement	4	6	1	3	8	4	4	3	33
Fraud - Illegal Use Credit Cards			2						2
Fraud - Impersonating	5	6	7	7	8	6	1	2	42
Fraud - Swindle	1				1				2

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Gambling								1	1
Gang Activity			1	1	1	1		3	7
Hallucinogen - Distribution			2		2				4
Harassing Communication		1	1	2	2	1	1	1	9
Health - Safety		2	1	2		4			9
Heroin		1			1				2
Heroin - Possession	1	2			2	1	1	2	9
Heroin - Sell	2	2	1	3	2	1		5	16
Heroin - Smuggle								1	1
Hit and Run	3	3	5	6	4	3	1	1	26
Homicide	3	1	4	2	3	2			15
Homicide-Negligent Manslaughter-Vehicle	2	1	1	1				1	6
Homicide-Negligent Manslaughter-Weapon			1						1
Homicide-Willful Kill-Non-family-Gun							1		1
Homicide-Willful Kill-Non-family-Weapon	1	1							2
Illegal Arrest						1			1
Illegal Entry (INA SEC.101(a)(43)(O), 8USC1325 only)	119	166	180	153	133	109	71	30	961
Illegal Re-Entry (INA SEC.101(a)(43)(O), 8USC1326 only)	1	2	2	2	1	2			10
Immigration (Possess of Fraud. Immigration Docs)	38	59	78	75	44	37	61	36	428
Immigration (Trafficking of Fraud. Immigration Documents)				1	2				3
Incendiary Device - Using	1								1
Incest With Minor				1					1
Indecent Exposure		1		1				1	3
Intimidation		2	1	3	3		3	3	15

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Kidnap Adult				1					1
Kidnap Adult To Sexually Assault					1				1
Kidnap Minor To Sexually Assault							1		1
Kidnap Minor-Parental			1			1			2
Kidnapping	3	3	2		5		3		16
Larceny	29	43	41	38	47	47	34	30	309
Larceny - From Auto	1	1	1	2		3	3	2	13
Larceny - From Building	1							1	2
Larceny - Parts from Vehicle				3					3
Lewd or Lascivious Acts with Minor		1					1	7	9
Liquor			2	3	1	1	1	1	9
Liquor - Possession	3	3	4	2	4	2	2	11	31
Making False Report	2	2	2	2	2			1	11
Marijuana	1	4	1		3	4	6	6	25
Marijuana - Possession	29	42	29	39	52	33	35	44	303
Marijuana - Sell	6	4	5	10	6	5	4	8	48
Marijuana - Smuggle	4	3	7	6	5	2	1	4	32
Marijuana (describe offense)					1		2	1	4
Military						1			1
Molestation of Minor					1	2		2	5
Morals - Decency Crimes						1		1	2
Narcotic Equip - Possession	5		4		5	2	3	2	21
Neglect Child				1		1	1		3
Neglect Family	3	1	1						5
Obscene Communication						1			1
Obstruct (specify Judiciary, Congress, Legislature, Commission in comments)		1	1	1				1	4
Obstruct Criminal Invest		1				1			2

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Obstruct Police	1	9	8	4	10	11	9	6	58
Obstructing Court Order			1			2			3
Obstructing Justice	5	2	3	3	4	1	1	1	20
Opium Or Derivatives - Sell					1	1			2
Parole Violation				1	2		2		5
Pass Counterfeited (identify in comments)		1							1
Peeping Tom					1				1
Perjury						1			1
Possession Counterfeited (identify in comments)		1		1					2
Possession Forged (identify in comments)	1	3	2		1	2	2	1	12
Possession Of Weapon	6	6	3	4	13	4	9	6	51
Possession Stolen Property	2	4	5	4	4	4	3	4	30
Possession Stolen Vehicle	1	1			1	2			5
Probation Violation	3	6	3	5	4	5	5	11	42
Property Crimes	3	3	5	4	7	12	12	14	60
Prostitution	1	1	1	1	2	1			7
Public Order Crimes	11	22	14	13	21	21	22	20	144
Public Peace		1	1	2	4	3	3	3	17
Purse Snatching - No Force		1							1
Rape - Remarks			2					1	3
Rape - Strongarm	3	1		4	1	7	2	3	21
Receive Stolen Property	5	4	3	2	4	3	3	1	25
Receiving Stolen Vehicle					2	2			4
Refusing To Aid Officer	2	2		2	2		1		9
Resisting Officer	10	10	10	17	14	10	13	13	97
Riot			1	2	2				5
Riot - Engaging in				1	2				3

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Robbery	27	18	13	20	20	33	26	22	179
Robbery - Business Weapon		2				3			5
Robbery - Business-Gun	1		2		2	2			7
Robbery - Business-Strongarm								1	1
Robbery - Residence-Strongarm		1	1					1	3
Robbery - Residence-Weapon		1	1		1				3
Robbery - Street-Gun		1		1				1	3
Robbery - Street-Strongarm					3	1	2	3	9
Robbery - Street-Weapon	4	2	2	1	3		3	2	17
Sale Of Stolen Property				1					1
Selling Weapon		1							1
Sex Assault	14	8	11	5	10	6	7	6	67
Sex Assault - Carnal Abuse	1	3	2	2	1		1		10
Sex Assault - Disabled							1	1	2
Sex Assault - Sodomy-Boy-Strongarm						1	2		3
Sex Assault - Sodomy-Girl-Strongarm	1	1			1	3	2	3	11
Sex Assault - Sodomy-Woman-Strongarm	1								1
Sex Offense	6	3	3	6	5	7	4	3	37
Sex Offense Against Child-Fondling	4	3	2	5	6		3	4	27
Sexual Exploitation of Minor - Sex Performance			1						1
Shoplifting	6	11	7	5	4	5	3	8	49
Simple Assault	2	7	4	6	2	5	2	4	32
Smuggle Contraband Into Prison	1		2						3
Smuggling	1					2		2	5
Smuggling Aliens	9	6	3	4	5	3	1	2	33
Statutory Rape - No Force	1		2	3	1	3			10
Stolen Property	1	4	4	1	6	5	8	1	30

Juveniles with Convictions (by Crime) based on Initial Booking Date									
Crime	**FY2004**	**FY2005**	**FY2006**	**FY2007**	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total**
Stolen Vehicle	3	4	3	2	4	2	1	2	21
Synthetic Narcotic	1								1
Synthetic Narcotic - Possession	1	1	3				1		6
Synthetic Narcotic - Sell	1				5	2	1		9
Synthetic Narcotic - Smuggle				2					2
Theft And Sale Vehicle					1		1		2
Theft And Use Vehicle Other Crime	1			3	5	6	3	1	19
Theft Of US Government Property					2				2
Theft Vehicle By Bailee								2	2
Threat Terroristic State Offenses	1	1	3	1	4	2	1	2	15
Traffic Offense	44	89	68	64	44	33	15	24	381
Trespassing	11	18	16	16	19	18	18	16	132
Unauthorized Use of Vehicle (includes joy riding)	11	10	5	4	8	7	12	5	62
Vehicle Theft	12	6	10	8	11	11	9	11	78
Violation of a Court Order			1						1
Weapon Offense	22	17	10	9	23	23	22	21	147
Witness - Deceiving						1	1		2
Witness - Dissuading		1							1
Total	**758**	**962**	**929**	**897**	**978**	**836**	**730**	**684**	**6,774**
Note: This table contains convicted crimes for minor detainees who may have multiple convictions. Data is provided for all DHS.									

Question#:	41
Topic:	released
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: At any time within the last 8 years, has an alien minor with a criminal record been released into the U.S., either as a minor or an adult? If so, how many such individuals have been released, when were they released and what crimes had they committed?

Response: DHS respectfully defers to Health and Human Services (HHS) Office of Refugee (ORR) for information related to alien minors who may be released from its care, as HHS ORR is the sole agency responsible for the long term care and custody of unaccompanied alien children.

DHS reviews the individual circumstances for each case it encounters regarding custody. The majority of minors who age out of HHS ORR's program and are now adults are likely eligible for one of ICE's alternative to detention programs and would not be placed in detention. Minors who are out and were in secure HHS ORR facilities, as a result of some form of criminality or other public safety concern, would likely be ineligible for release. Minors who age out who are ineligible for release are placed in detention pending resolution of their immigration proceedings in accordance with ICE's detention classification system. We cannot provide further statistical information based on release records because ICE does not systematically track juvenile convictions because convictions do not factor into a minor's immigration case.

Question#:	42
Topic:	legal status
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: In each of the last 8 years, how many aliens who had been granted legal status in the U.S. as minors were subsequently arrested (either as a minor or as an adult) and for what crimes were they charged with?

Response: DHS does not collect this information.

Question#:	43
Topic:	relative
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What procedures does the DHS employ to determine whether an alien claiming to be a relative of an applicant for a "T" or "U" visa, is in fact the applicant's relative and is eligible for derivative beneficiary status? Have the standards changed or been relaxed during the last 8 years? If so, when and how were they changed? If the standards have not been expressly changed during the last 8 years, has the manner in which they have been applied or interpreted changed? If so, when and how were they changed?

Response: The alien must demonstrate by a preponderance of evidence that the individual being claimed as a relative is in fact related to the principal. The burden to establish the qualifying family relationship is on the alien. USCIS requires birth certificates and/or marriage certificates when determining parent/child or spousal relationships. The standards have not been relaxed in the last eight years. The standards have remained the same.

If the applicant is abroad, the Department of State conducts consular processing and requires proof of identity and relationship before the applicant can be issued a visa for entry into the United States.

Question#:	44
Topic:	trafficked
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: There is a great disparity between the number of victims claimed to exist and the actual number of victims rescued.

The Department of State has claimed in the past that as many at 50,000 victims per year were trafficked into the United States, although it later reduced that number to 14,500 victims, and that as many at 800,000 victims per year are trafficked around the world. The GAO has called those figures into question. And according to the latest DOJ figures available to the Committee, there have been only about 1900 victims discovered in the United States from Fiscal Year 2001 to 2009.

What is the most reliable estimate of the number of victims trafficked each year in the United States?

What has the Administration done to try to pin down the number of victims?

If there is no reliable figure for the number of victims, how can the Administration—and Congress—determine the appropriate measures to fight this crime?

Response: There is no widely accepted estimate for the number of human trafficking victims in the United States. U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) recognizes that current statistics on human trafficking are based upon demographic projections. HSI focuses and uses statistics derived from HSI investigations and the victims identified in those cases. The difficulty in determining a reliable estimate of trafficking victims in the United States is due to the hidden nature of the crime; moreover, trafficking victims rarely self-identify as such.

Question#:	45
Topic:	cost
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: For each of the last eight years, what was the cost of the public assistance given to "U" visa recipients?

For each of the last eight years, what was the cost of the public assistance given to the derivative beneficiaries/relatives of "U" visa recipients?

Response: DHS does not provide public assistance benefits to U visa recipients; therefore, the Department does not collect such data on U visa recipients.

Question#:	46
Topic:	removal
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: If a "U" visa applicant's derivative beneficiary is in the U.S. illegally, is the beneficiary allowed to remain in the U.S.? Are removal proceedings commenced against the beneficiary?

Response: Derivative beneficiaries are subject to the same scrutiny given to principal petitioners to determine how they entered the United States. This is done through a review of the evidence and the information provided on the derivative's petition. Other checks are done of the derivative's background including fingerprint and IBIS checks. If a criminal investigation is warranted, it will be conducted by U.S. Immigration and Customs Enforcement (ICE). Administrative investigations, where needed, will be conducted by U.S. Customs and Immigration Services' USCIS FDNS. A derivative's unlawful entry or presence in the United States does not automatically bar him/her from receiving derivative U nonimmigrant status under the waiver authority at INA 212(d)(14). Certain waivers are available for those who entered illegally or who are unlawfully present. To receive an approval of the waiver, the derivative must demonstrate that it is in the national or public interest to waive the illegal entry and/or unlawful presence.

Such waivers are not automatic, but may be granted in the exercise of USCIS's discretion on a case-by-case basis. Application for Advance Permission to Enter as Nonimmigrant (Form I-192) must be used when a derivative family member is seeking such waiver of inadmissibility.

ICE may initiate removal proceedings if USCIS denies a U petition.

Question#:	47
Topic:	USCIS regulations
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: According to the immigration statute (INA §204(c)), related USCIS regulations, and the USCIS Adjudicator's Field Manual, if the USCIS has denied a marriage-based petition because of suspected marriage fraud, it must deny any subsequent immigrant petition by the petitioner. Would it be possible for the VSC to approve a VAWA self-petition to a person whom the USCIS previously denied a petition because of suspected marriage fraud? If so, how many times has that occurred in each of the last three years?

Response: The section 204(c) prohibition against marriage fraud does impact the adjudication of the VAWA Self-Petition. However, an independent determination should be made as to whether non-conclusive evidence of marriage fraud in another immigration petition should result in the denial of the VAWA Self-Petition. Case law concerning section 204(c) dictates that USCIS must make an independent finding on whether there is substantial and probative evidence to indicate marriage fraud. See *Matter of Tawfik*, 20 I & N Dec. 166, 170 (BIA 1990). In addition, there are statutory limitations on what information can be used by USCIS when making an adverse determination (i.e. a denial of the self-petition or referral for removal proceedings) on a VAWA self-petition. 8 U.S.C. § 1367 prohibits any officer of the Department of Homeland Security from making an adverse determination on a VAWA Self-Petition if the adverse information was solely provided by certain specified sources, including the alleged abuser. If the initial finding of marriage fraud resulted from information provided solely by the alleged abuser, USCIS is statutorily prohibited from using that information or finding in making an adverse determination on the VAWA Self-Petition.

Question#:	48
Topic:	VAWA
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Would it be possible for the VSC to approve a VAWA self-petition to a person where law enforcement has concluded that the person had filed a false claim of spousal abuse? If so, how many times has that occurred in each of the last three years?

Response: If information about a false reporting of a domestic incident was known to VSC, that evidence can adversely impact the eligibility for a VAWA Self-Petition. VSC does not have any statistics to provide regarding how often this may have happened in the last three years.

Question: Would it be possible for the VSC to approve a VAWA self-petition to a person where a state court, as part of divorce or custody proceeding, had concluded that the person's claim of spousal abuse was a false one? If so, how many times has that occurred in each year of the last three years?

Response: If such information was known to VSC, the evidence could be used in making an adverse determination on a VAWA Self-Petition. VSC does not have any statistics to provide regarding how often this may have happened in the last three years.

Question#:	49
Topic:	documentation
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Since the VSC relies entirely on documentation and does not conduct face-to-face interviews with petitioners, how does the VSC compensate for this lack of knowledge about the petitioner?

Response: VSC weighs the alien's credibility based on all the evidence submitted with the VAWA Self-Petition, all evidence in the alien's administrative file and all other information available in electronic systems about the alien and his/her interaction with USCIS and ICE. In addition, VSC has a team of specially trained officers who only work on victim-based adjudications. This specialization allows them to develop an expertise both in the assessment of how much weight to give evidence and in the intricacies of determining what evidence is prohibited from use by the restrictions provided in 8 U.S.C. § 1367. VSC also has a close partnership with the Fraud Detection and National Security Unit at VSC which liaises with similar units at USCIS offices across the country in identifying and determining fraud trends.

Question#:	50
Topic:	special considerations
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Are there any special considerations or internal instructions regarding battered spouse petitions that allow VSC adjudicators to reconsider information from a previous petition indicating potential marriage fraud?

Response: VSC adjudicates the majority of VAWA Self-Petitions when in possession of the alien's complete administrative file (A-file). The alien's prior interactions and submissions (other petitions and claims) are contained in the A-file. Any adverse information in the A-file that was part of another immigration proceeding or filing involving that alien will be reviewed and assessed as part of the adjudication of the VAWA Self-Petition.

Question: Are there any special considerations or internal instructions regarding battered spouse petitions that describe what type and scope of corroboration would allow the VSC adjudicators to consider information from the alleged abusive spouses indicating potential marriage fraud?

Response: See response to question 47.

Question#:	51
Topic:	mandatory
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Is it mandatory when reviewing a VAWA petition to review any previous case files involving the immigrant petitioner? If not, why not?

Response: USCIS makes every effort to review an alien's complete administrative file containing all previous petitions and applications for status prior to issuing a decision on the VAWA Self-Petition. In certain limited circumstances, review of the entire file may not be possible. In such instances, VSC may request certified copies of the file, consult with local counsel, and/or request additional information prior to making a final decision. Additionally, supervisory review is required to review the case and sign off on any final decision.

Question: Is it mandatory when reviewing a VAWA petition to review any previous criminal files for immigrant petitioners, including criminal complaints filed by the petitioner against a citizen spouse? If not, why not?

Response: It is not mandatory to review criminal complaints filed by the self-petitioner against the citizen spouse. However, VSC reviews all evidence submitted with the petition and all other evidence in the A-file.

Question: Is it mandatory when reviewing a VAWA petition to review the files of any divorce proceedings and/or child custody proceedings involving the immigrant petitioner? If not, why not?

Response: It is not mandatory to review divorce proceedings and/or child custody proceedings involving the petitioner. However, VSC reviews all evidence submitted with the petition and all other evidence in the A-file.

Question#:	52
Topic:	FDNA
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What is the role of the Benefits Fraud Referral Process of the Office of Fraud Detection and National Security (FDNA) in the USCIS, if any, with respect to the adjudication of VAWA-based petitions?

Response: A standard process governs the referral of all immigration benefit applications or petitions referred to Fraud Detection and National Security (FDNS) Units. Once the referral is received, FDNS investigates the basis of the referral in accordance with statutes, regulations, and policies that affect eligibility for the benefit being sought. In certain programs, there are statutory restrictions on the sources and types of information that USCIS may consider when investigating claims made in an application or petition. FDNS is mindful of these limits, as well as limits on permitted use and disclosure of information relating to an alien who is the beneficiary of an application/petition for relief under VAWA and other programs, and takes great care when investigating and reporting their findings to Adjudications. While FDNS is mindful of the statutory restrictions, it will explore allowable sources of information to develop leads and investigations. FDNS does not adjudicate applications or petitions, but rather performs administrative investigations and reports its findings to specially-trained adjudicators. On confirming fraud, FDNS will refer certain cases to ICE for criminal investigation and possible prosecution. For those cases that do not meet criteria for referral to ICE, USCIS will deny the benefits sought and issue a Notice to Appear, seeking removal of the alien from the United States.

Question#:	53
Topic:	fraud
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: What role should ICE play regarding the investigation and prosecution of alleged immigration fraud?

Response: U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) is the lead agency responsible for investigating allegations of immigration fraud. Immigration-related fraud is closely connected to other immigration-related crimes, such as human smuggling (http://www.ice.gov/human-smuggling/) and human trafficking (http://www.ice.gov/human-trafficking/), critical infrastructure protection, worksite enforcement (http://www.ice.gov/worksite/), visa compliance enforcement, and national security investigations. These investigations are complex and challenging, often involving benefit fraud with sophisticated schemes and multiple co-conspirators. Typically, and as a direct result of HSI's criminal investigations, the fraud scheme is dismantled, the facilitators are criminally prosecuted, and their assets are seized.

ICE has four Benefit Fraud Units (BFUs). The BFUs were created as a means of identifying and targeting, at the earliest possible point (i.e., when a petition or application is received at a U.S. Citizenship and Immigration Services center), the most significant and egregious immigration benefit fraud violators, such as organizations and facilitators that engage in large-scale schemes involving multiple applications or individuals and pose a threat to national security or public safety. ICE is also a part of the Document and Benefit Fraud Task Forces (DBFTF), which builds upon existing partnerships to bring together investigators from a variety of agencies with expertise in different aspects of investigating document and benefit fraud.

USCIS's Fraud Detection and National Security Directorate also works closely with ICE to investigate and address alleged immigration fraud.

Question#:	54
Topic:	illegal activities
Hearing:	The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking
Primary:	The Honorable Amy Klobuchar
Committee:	JUDICIARY (SENATE)

Question: Can you tell us if the criminals and groups that are involved in human trafficking are often involved in other illegal activities, such as smuggling drugs or guns into the country?

Response: U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) would need to review human trafficking investigations on a case-by-case basis to determine which investigations included other crimes in addition to human trafficking. Anecdotally, HSI can say that there are human trafficking organizations that utilize drugs or weapons in order to hold their victims against their will.

Questions for Kelly Ryan, U.S. Department of Homeland Security from Senator Grassley:

58. What has the Office of Audits in the Office of Inspector General of the Department of Homeland Security (DHS) done to further its FY2011 performance objective of "determining whether I-130 marriage based petitions are being adjudicated uniformly, according to established policies and procedures, and in a manner that fully addresses all fraud and national security risks"?

Response - The Office of Audits is currently conducting a review of USCIS's strategy for deterring and combating family-based immigration benefit fraud. [Project No. 11-033-AUD-USCIS] The purpose of the review is to determine whether USCIS' fraud referral process ensures the resolution of cases with potential fraud indicators and deters family-based immigration benefit fraud. The audit is currently in its field work phase. The final report is expected to be issued during the 2nd quarter FY 2012.

SUBMISSION FOR THE RECORD

Joint Written Testimony of

Ima Matual,
Foreign National Labor Trafficking Survivor

and

Holly Smith,
U.S. Citizen Domestic Minor Sex Trafficking (DMST) Survivor

"The Importance of The Trafficking Victims Protection Act of 2011 (TVPRA) to Survivors of Human Trafficking"

Submitted September 14, 2011 to the Senate Judiciary Committee

As survivors of human trafficking in the United States, we hope our stories will help to raise awareness and protect other potential victims from falling into the hands of traffickers while preventing other survivors from enduring future abuse.

Ima: My name is Ima Matul. I was born in Indonesia, and I was trafficked into the United States for forced labor when I was 17 years old.

Holly: My name is Holly Smith. I was born in New Jersey, and I was trafficked into commercial sexual exploitation when I was 14 years old.

Ima: At 16, I was forced into an arranged marriage with a man who was 12 years older than me. I was scared, and I screamed every night as he raped me. The whole town heard me.

I ran away when I got the chance. Luckily, my parents realized what they had done to me, and they helped me separate from my husband. But I felt so ashamed with the people in my town.

I wanted a different life, a better life.

Holly: Between age 7 and 13, I was taken advantage of by several older boys. I didn't understand that I owned my body, and that I had the basic *right* to say "No" or "Stop". I thought these experiences were my fault, and I carried this shame and guilt alone.

I got into trouble at school and I argued with my parents constantly. I was angry and depressed and emotionally unstable. I needed help, professional help, but I was too angry and confused to express how I was feeling or what I needed.

But I did know that I wanted a better life.

Ima: I decided to go to the city to work as a nanny. I got an offer to work in Los Angeles, California. This was a great opportunity for me. I even brought my cousin with me. We didn't have to pay for anything. They took care of everything: our passports, visas, and tickets. They promised us $150 a month and one day off a week so that we could see each other.

Holly: I was at the mall with friends from school when I saw a man staring at me. He motioned for me to come over to him.

I felt special that he was pointing *me* out of the crowd. I always felt like I was last to be picked. So I strayed from my friends and walked over to him.

His name was Greg. We exchanged numbers, and he called me that night.

Greg asked me questions about myself and he *listened* to me.

"I can get you a job in California," he said, "I'll get you a red corvette and you can drive across the country and leave all this behind you."

"You're too mature for high school," he said, "and you're too pretty."

"I can get you a job modeling or acting in Hollywood; run away with me," he said, "and I'll introduce you to famous people."

Ima: When my cousin and I arrived in Los Angeles, immediately we were separated. My cousin went with her trafficker, and I went with mine. My trafficker took me to her house. She explained about my duties around the house: cooking, cleaning, laundry, caring for the children, gardening, and washing the car.

I worked 18 hours a day, sometimes more, 7 days a week, with no day off. And I wasn't allowed to talk to anyone. I was physically and verbally abused by my trafficker daily. She hit me all the time on my face and head. I even had to get stitches after she hit me with a ceramic salt shaker. I was bleeding so badly.

My trafficker threatened me. She told me that if I left, the police would arrest me and put me in jail. And in jail there were bad people who would rape me. So I was scared to leave.

I had nowhere to go. I had no money because my trafficker never paid me. And I didn't know anyone in the country besides my cousin, who I hadn't seen since the day I arrived. I had no idea where she was. I felt like I had no choice but to stay and work for my trafficker.

I couldn't speak much English, and I didn't know I had any rights.

Holly: I packed my favorite jeans, my favorite earrings, my diary, my music tapes, my camera, and I ran away with Greg. We met at the mall, and Greg bought me sneakers. He said he was going to take me to a club that night. I was so excited to be on my own, to be an adult.

He also bought two bottles of blond hair dye and a pair of high heel shoes.

He dropped me off with a woman. Her name was Nikki. Nikki dyed my hair, put makeup on my face, and dressed me in her clothes.

Greg and Nikki put me on the street that very night. Nikki arranged the first meeting with an old man who told me I reminded him of his granddaughter.

Greg forced himself on me the next day inside a rundown motel room in Absecon, New Jersey.

Ima: After 3 years, I could not take it anymore. It got worse by the day. She started hitting me almost every day and I had bruises on my head and my face. I finally decided to write a letter to the nanny next door. It took me a while to write that letter; I didn't know how to write in English. I was so scared to get caught. What would happen to me if my trafficker found out, I thought. Finally, I gave the nanny the letter.

A few days later she arranged my escape. We drove a long way; I had no idea where I was, because I never went anywhere. And we didn't communicate because I couldn't speak much English. I didn't even bother to ask where she was taking me. As long I was out of that house, I was happy.

Holly: By the time a police officer approached me on Pacific Avenue in Atlantic City, I had transformed into someone else. I wasn't the 14 year old girl who had graduated middle school a month earlier. I was an exploited run away.

"How old are you?" the officer asked me.

"Eighteen," I said.

"What's your birth date?" he asked me.

Even though I got a B in math class, I struggled with calculations under pressure. I struggled with everything under pressure. Nikki was steps away from me, and I knew she was watching. So I started screaming at him.

The officer looked me up and down, shrugged, and walked away.

And then reality hit me. If I didn't say something, Greg would force himself on me again. I called out to the officer and asked what would happen if I *was* under 18.

This was a sincere question actually. I wanted to know what other options were available for me. I didn't want to go home. I didn't know what I wanted, but I knew I didn't want to go home.

The officer arrested me. I was searched and questioned and threatened with juvenile detention until I finally gave up my real name.

Ima: The woman who worked next door took me to the CAST office in Los Angeles.

When we arrived at CAST, there was a social worker waiting for me. There weren't many housing options available for me at that time, so I was taken to a homeless shelter. I couldn't speak or relate with the women living there.

After 3 weeks, I was transferred to transitional housing for women and children.

Another group of forced labor victims from Indonesia were not as lucky as me. They wrote a letter to the police asking for help. The police rescued them but didn't have anywhere to put them, so they were taken to jail. They were scared and humiliated as it is not customary in Indonesia to disrobe and shower together. It took them 30 days to be released from jail.

Housing is always a struggle for trafficking survivors—my friend Jason, a male trafficking survivor, had no other option but to be placed in a homeless shelter.

At this shelter the men are required to leave during the daytime hours. Jason was allowed to stay, however, because he was working with the police in a case against his trafficker. It wasn't safe for him to be out on the streets.

This made the other men angry. They didn't understand why Jason was given this privilege, but Jason was not allowed to disclose any details of his case. He was fearful and lonely and had no one to relate to.

Even when identified there are few happy endings for trafficking survivors—services are so limited.

Holly: After giving my real name, the police sent me home.

I refused to testify against my traffickers at first. I was confused; I felt obligated to them. I thought they were my friends.

I finally agreed and gave a video testimony to two male detectives alone in a room in which I was asked for details regarding the abuse. It was humiliating.

Then, I was sent home. I realize this *should* have been a happy ending, but it wasn't for me. I received no immediate counseling or mentoring. Within days, I attempted suicide.

I was sent to a psychiatric hospital. I felt like damaged goods. I told the psychiatrist that the only thing I was good for was prostitution. They didn't understand how to help me.

If there was anything on Earth that I needed, it was help! I needed to *talk* to someone. I needed to *trust* in someone. The psychiatrist gave me Prozac and sent me home after 30 days.

Recommendations for the Trafficking Victims Protection Act of 2011

As survivors, we are passionate about the TVPRA because of its potential to help innocent victims now. Ima and I were both trafficked prior to the passage of the original Trafficking Victims Protection Act of 2000. In 1992 and 1997, there simply was little to no help for us or other victims. We both struggled to overcome many challenges on our own.

After the trafficking experience, Holly was housed in a temporary shelter, hospitalized twice for suicidal threats, and enrolled in four different high schools in four different cities. By the time she graduated high school, she overcame an addiction to PCP and, with the help of her teachers, enrolled in college. She took public transportation to her community college before getting accepted to the Richard Stockton College of New Jersey. She graduated with a B.A. degree in Biology and a Minor in Writing.

Ima spent 3 weeks in a homeless shelter before getting transferred to transitional housing. She learned how to read and write English, and she attended school to learn computers and other skills. Ima is now married with three children and works as an Office Administrator in the United States.

Holly and Ima both had to struggle to get to these places on their own, and many victims are not as lucky. The TVPRA has the ability to equip trafficked men and women, and trafficked boys and girls, with the tools needed to overcome this injustice and become successful members of society.

Recommendation #1: Increased Funding for Services for All Victims of Human Trafficking

We, and our friends, other trafficking survivors, report that survivors need:

- Basic legal rights
  - Medical care, access to information about rights, translation services, witness protection, mandatory restitution, civil action
- Shelters
  - Survivors who are working with law enforcement commonly face homelessness
- Specialized Counseling
  - Therapists generally do not understand the dynamics behind happened human trafficking (e.g. the common predisposing factors for DMST victims)
  - Counseling for girls and boys in juvenile detention centers
- Training for law enforcement
  - Many of our friends have been arrested for crimes or been detained by immigration
- Education and other basic skills training
  - Reading/writing
  - Computers
  - Nutrition / Cooking
  - Confidence-Building / Fitness / Incentive Programs
  - Instruction on how to tap into available resources (eg. Scholarships, Grants, Food Stamps, etc)
- Mentorship Programs
  - DMST survivors should be listed in the Big Brother / Big Sister program or similar programs.
  - Foreign victims will trust in other foreign survivors
- School programs that increase awareness of Human Trafficking, especially DMST
  - Young survivors can be ridiculed in school and labeled as prostitutes by peers

Recommendation #2: Increase Measures to Prevent Human Trafficking

As survivors of human trafficking, we are also asking not just for increased funds for victim services but for measures that will prevent human trafficking in the first place, so that other survivors do not have to stand here in our place.

The Senate-introduced version of the TVPRA excludes a key provision important to survivors (a provision which has been included in the House-introduced draft). This provision requires state foster care programs, which receive federal funds under the Social Security Act, to report in their annual plan their existing efforts regarding human trafficking and commercial sexual exploitation of children in their care and their future plans to address the issue.

Additionally, Representative Karen Bass recently introduced H.R. 2730 Strengthening the Child Welfare Response to Trafficking Act, an even more comprehensive approach to utilizing our child welfare system to combat human trafficking. We need champions in the Senate to take up such a measure.

Sandra Morgan- the Director of Vanguard University's Global Center for Women and Justice stated the following in her podcast entitled Ending Human Trafficking:

"The...reason kids are homeless often is because of preexisting abuse...maybe there's a history of domestic violence in the home (or) the child may have experienced sexual abuse. And in fact some of the literature now shows us anywhere from 65 to 85% of child victims of commercial sexual exploitation have a history of child sexual abuse in their own community or home environment. And so they may have run away to escape that and now then they're in another situation where they're being sexually exploited."

Sandra Morgan stresses that, upon rescue, "all of these kids...require special services for restoration (and) rehabilitation."

We need to better equip the current system to identify kids who are at-risk, and we need to utilize our preexisting services to prevent them from falling into a human trafficking situation.

We can also prevent human trafficking by reforming our foreign labor recruitment system. Another key provision missing from the Senate-introduced TVPRA (but present in the House-introduced draft) is a system to ensure that workers lawfully entering the United States do not end up vulnerable to human trafficking because of large debts. Ima's friend, Angela, was told after she entered the United States on a lawful visa that she had to work for her trafficker for 10 years in order to pay back her visa and transportation debt. That's not right. We need a system in place so that workers know their rights and can stop human trafficking before it starts. Ima has friends who have worked 2, 3, 7, and 20 years for their traffickers—we need a system in place to better protect people's freedom.

The Trafficking Victims Protection Act, a federal law that provides the majority of funding to combat human trafficking, expires on September 30th, 2011 and must be reauthorized. Additional funds must also be authorized to assist victims. We are depending on you to pass the TVPRA in order to make a difference in the lives of today's trafficked victims.

We speak to you as survivors-for survivors.

SUBMISSION FOR THE RECORD



Lutheran Immigration and Refugee Service

www.lirs.org

Statement of Lutheran Immigration and Refugee Service

Senate Committee on the Judiciary

September 14, 2011 Hearing: "The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking"

On June 27, 2011, the Department of State released its 2011 Trafficking in Persons report. U.S. government officials estimate that there are as many as 27 million victims of human trafficking around the world, many of whom are in the United States.

A U.S. federal jury recently convicted a Georgia woman for the human trafficking of two Nigerian youth – ages 17 and 20. The woman lured these young Nigerian women to come to the United States with promises of a better life and education. However, when they arrived, she beat them, forced them to sleep on the ground, made them eat spoiled food, and never paid them for their work. The woman was convicted of forced labor, trafficking for forced labor, document servitude, and alien harboring, among other egregious offenses. President of Lutheran Services of Georgia Rev. Dr. Gary L. Danielsen said, "I am deeply saddened that the city of Atlanta has become one of the largest trafficking hubs in the country. This form of slavery destroys any semblance of community and is at odds with the values of our country."

In July 2010 the Lutheran Church—Missouri Synod (LCMS) approved a resolution to support international efforts to end human trafficking and called on the Church to provide information about human trafficking to congregants, encouraging pastors and laity to "become educated regarding this issue and to be proactive in their response." The Rev. Carlos Hernandez, Director for Districts and Congregations for LCMS World Relief and Human Care, applauded the passage of the resolution and said, "I am proud that the Synod voted in support of such an important resolution. The resolution opens up new avenues of addressing this insidious problem by providing resources to congregations as we all join together in combating this grievous and sinful injustice."

Lutheran Immigration and Refugee Service (LIRS), the national organization established by Lutheran churches in the United States to serve uprooted people, supports the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2011 (S. 1301). Introduced earlier this year by Senators Leahy (D-VT) and Scott Brown (R-MA), the TVPRA of 2011 is also cosponsored by Senators Kerry (D-MA), Boxer (D-CA), Cardin (D-MD), Wyden (D-OR), Feinstein (D-CA), Rubio (R-FL), Cochran (R-MS), Gillibrand (D-NY), and Landrieu (D-LA). Linda Hartke, LIRS President and CEO, said, "LIRS stands with Lutherans all across the United States and our broad

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network of legal and social service partners in the fight to abolish modern day slavery. The TVPRA of 2011 represents much-needed legislation to improve U.S. laws that combat trafficking and to ensure that victims or those at risk of being trafficked receive proper services and support."

LIRS welcomes refugees and migrants on behalf of the Evangelical Lutheran Church in America, the Lutheran Church—Missouri Synod and the Latvian Evangelical Lutheran Church in America. LIRS is nationally recognized for its leadership advocating with and on behalf of refugees, asylum seekers, unaccompanied children, immigrants in detention, families fractured by migration and other vulnerable populations, and for providing services to migrants through over 60 grassroots legal and social service partners across the United States.

If you have any questions about this statement, please feel free to contact Eric B. Sigmon, Director for Advocacy at (202) 626-7943 or via email at esigmon@lirs.org.

To read the 2011 Trafficking in Persons report, click here: http://1.usa.gov/lajbx6.

To read more about the human trafficking case in Georgia, click here: http://bit.ly/kw5Rjo.

To read the LIRS press release commending the 2010 LCMS trafficking resolution, click here: http://bit.ly/jMFRYz.

To read the press release from Senator Leahy about the introduction of the TVPRA of 2011, click here: http://1.usa.gov/iN0GCs.

To read the LIRS statement welcoming the introduction of the TVPRA of 2011, click here: http://bit.ly/qbEZPn.

SUBMISSION FOR THE RECORD

Committee on Migration
c/o Migration and Refugee Services, USCCB
3211 Fourth Street NE • Washington DC 20017-1194

CRS
CATHOLIC RELIEF SERVICES

August 24, 2011

United States Senate
Washington, DC 20510

Dear Senator:

The United States Conference of Catholic Bishops (USCCB) and Catholic Relief Services (CRS) write to express our support for S. 1301, the Trafficking Victims Protection Reauthorization Act of 2011, which was introduced in the Senate on June 29, 2011 and enjoys bipartisan co-sponsorship. We urge you to lend your support to this measure.

As you know, trafficking is a modern day scourge that afflicts millions of people, particularly women and children, around the world. In this era of difficult economic circumstances, even more women, men and children are at risk of falling victim to severe forms of sexual exploitation and labor slavery. Many women suffering from labor slavery are simultaneously victimized by sexual exploitation. Over the past ten years, CRS and our local partners have been involved in combating trafficking in more than 35 countries through programs that prevent trafficking and protect victims. Through a contract with the Department of Health and Human Services, USCCB provides essential services to foreign nationals who have been trafficked and their family members in the United States. The Trafficking Victims Protection Act makes this work possible, and thus we urge you to support its reauthorization.

As introduced, S. 1301 would expand the United States' innovative methods of combating trafficking in persons. First, it would establish a fund for the Office to Monitor and Combat Trafficking in Persons to assist governments in responding to urgent needs. After the earthquake of January 2010 in Haiti, many orphaned, displaced and vulnerable children found themselves without any adult protection and thus became victims of trafficking. This need not be the case: after the devastating tsunami of 2005, CRS' partner in India, Prajwala, conducted rapid response assessments of the risk of trafficking in affected regions, and established programs to protect widows and orphans. A new GTIP emergency fund would help to ensure that more victims of such calamities are not re-victimized. Specific authorization funds should be identified in the bill for this fund.

Second, the bill would establish child protection compacts, which would help specific countries to develop and implement comprehensive anti-trafficking plans to protect children. Well-designed community-based responses to prevent child-trafficking have proven effective in our experience, and we encourage use of such models in these compacts. As with the emergency fund, we urge specified funding for these provisions in the bill.

Third, including technical assistance to help governments establish legal frameworks and regulate and oversee foreign labor recruitment practices would seriously prevent labor trafficking. CRS and our partners have witnessed firsthand the relationship between abusive foreign labor recruitment and trafficking in persons, particularly in the sectors of agriculture and domestic work. In these sectors, where employers often confiscate legal documents, workers find themselves with no legal recourse for the abuse they suffer. The protection of domestic service workers under labor laws will help ensure such access.

Fourth, we appreciate the new partnerships section in the TVPRA, which highlights the impact that non-governmental organizations can have in combating trafficking. Working through community organizations and consulting with them in the design and implementation of anti-trafficking work ensures the sustainability and efficacy of such programs. For example, in Brazil our partners not only helped to remove victims from slavery, but also over ten years won restitution for them and their families. We commend the authors of this legislation for recognizing that local, national, and international collaboration is necessary to prevent trafficking, prosecute traffickers, and protect victims.

Finally, we appreciate the bill's increased authorization of funding for trafficking victim services, education, and outreach to assist victims of trafficking who are found in the United States; as well as provisions in the bill that enable child trafficking victims who have been granted a "U" visa to be eligible for the Unaccompanied Refugee Minor (URM) foster care program. These provisions, as well as others that harmonize the treatment of child asylum seekers, are greatly needed improvements to the way the United States treats vulnerable foreign-born children in our midst.

The reauthorization of this monumental legislation to combat trafficking in persons is one of the most important bills that will come before this Congress. Enactment of this bill would ensure that the United States will continue to lead the fight to prevent the poor and marginalized from falling prey to traffickers, prosecute those who profit off the suffering of others, and help to rehabilitate victims.

We would be pleased to discuss this bill further with you as it moves forward. Please feel free to contact Jill Marie Gerschutz at CRS (jill.gerschutz@crs.org; (202) 531-6645) or Micheal E. Hill at USCCB (mhill@usccb.org; (202) 541-3161).

Sincerely yours,



Ambassador Johnny Young
Executive Director
USCCB Migration and Refugee Services



Kenneth Hackett
President and CEO
Catholic Relief Services

SUBMISSION FOR THE RECORD

ATEST Alliance To End Slavery & Trafficking
A Project Of Humanity United

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October 11, 2011

Dear Senator:

We, the undersigned organizations, are writing to express our support for the Trafficking Victims Protection Reauthorization Act (TVPRA), S.1301, and encourage the Senate to consider additional measures to significantly improve the bill as it makes its way through the legislative process to better prevent trafficking, protect victims, and enhance prosecutions. This landmark legislation provides the tools necessary to combat trafficking and modern-day slavery at home and abroad. It was originally signed into law in 2000 and reauthorized in 2003, 2005 and 2008, and must be reauthorized again in 2011. The original sponsors of the current bill are Senators Leahy, Brown (MA), Kerry, Boxer, Cardin and Wyden. Additional co-sponsors include Senators Feinstein, Rubio, Cochran and Gillibrand.

This is an opportunity to continue the fight to end modern-day slavery in our generation. Although the United States has taken significant steps to combat human trafficking through a comprehensive approach commonly referred to as the 4P's (prevention, protection, prosecution and, most recently, partnership), more needs to be done. Its reauthorization would further the victim-centered approach that has been crucial to combating human trafficking.

The scope of human trafficking and slavery has come into sharp focus over the past years. Combined, human trafficking and slavery are the world's third largest criminal enterprises, after drugs and weapons. The 2010 Department of State's annual Trafficking in Persons report estimates that 12.3 million men, women and children are in forced labor, bonded labor and forced prostitution around the world.

The United States can and should do more to help fight human trafficking both domestically and internationally. We respectfully ask for your support on this important legislation.

Sincerely,

Abolitionist Faith Community

Alameda County District Attorney's Office, Human Exploitation and Trafficking (H.E.A.T.) Watch Program

Alliance to Stop Slavery and End Trafficking (ASSET) (ATEST)

American Federation of Labor and Congress of Industrial Organizations

Americans for Immigrant Justice

Asian American Legal Defense and Education Fund (AALDEF)

Asian & Pacific Islander Women & Family Safety Center

Benedictine-Franciscan Justice Commission

Benedictine Sisters, Mount St.Scholastica, Atchison, Kansas

Bernardine Franciscan Sisters

Bon Secours Health System, Inc.

Break the Chain Campaign

California National Organization for Women

Casa de la Familia

Catholic Charities of Louisville

Catholic Health East

Catholic Health Initiatives, Englewood, CO

Center for Human Rights and Constitutional Law

Center for REflection, Education and Action (CREA)

Central Missouri Stop Human Trafficking Coalition (CMSHTC)

Chicago Alliance Against Sexual Exploitation

Christian Brothers Investment Services, Inc.

CHRISTUS Health

Civil Society

Coalition to Abolish Slavery and Trafficking (CAST) (ATEST)

Coalition of Immokalee Workers (CIW) (ATEST)

Conference of Major Superiors of Men (CMSM)

Congregation of Divine Providence, San Antonio, Texas

Congregation of the Sisters of the Sacred Heart of Jesus in San Antonio, TX

Congregation of Sisters of St. Agnes – General Council, Fond du Lac, WI

Council of the Boerne Benedictine Sisters

Covenant House International

The Crisis Center of Tampa Bay

Crisis Intervention of Houston

CSP Victim Assistance Programs

Dalit Freedom Network

Dominican Sisters, Grand Rapids MI

Dominican Sisters, Houston TX

Dominican Sisters, Sparkill NY

Dominican Sisters, Springfield IL

Dominican Sisters of St. Catherine deRicci

ECPAT-USA (ATEST)

The Emancipation Network/Made by Survivors

Farmworker Legal Services of NY, Inc.

Franciscan Friars (OFM) of St. John the Baptist Province JPIC Office

Florrie Burke, Consultant
Anti-Human Trafficking/Human Rights/Collaborations
Freedom Network Chair Emeritus

Free the Slaves (ATEST)

Freedom Network

Friends Fiduciary Corporation

The General Council of the Sisters of Divine Providence of San Antonio, Texas

Girl Fest Hawaii a dba of the Safe Zone Foundation

Global Centurion

Global Ministries of the Christian Church (Disciples of Christ) and United Church of Christ

Global Workers Justice Alliance

Gracehaven

Grey Nuns of the Sacred Heart
Yardlet, PA

Holy Spirit Missionary Sisters, USA, JPIC

Immigrant Legal Advocacy Project

Interfaith Center on Corporate Responsibility – Human Trafficking/Modern Day Slavery Group

International Crisis Aid

Danelle Ragoonanan-Storph
Director, Project Rescue
Anti-Human Trafficking Program
International Institute of Connecticut, Inc.
Co-chair, Connecticut Coalition Against Trafficking

International Institute of St. Louis

International Justice Mission (ATEST)

The International Organization for Adolescents (IOFA)

Jewish Labor Committee Western Region

Jubilee Campaign USA

Kurdish Human Rights Watch, Inc.

LaborVoices, Inc.

Los Angeles Network to End Slavery

Marianist Province of the US

Maryknoll Office for Global Concerns

The Masala Project

Maternal and Child Health Access

Medical Mission Sisters

Mennonite Central Committee U.S. Washington Office

Mercy Investment Services, Inc.

Midwest Coalition for Responsible Investment

Minnesota Indian Women's Resource Center

Missionary Oblates of Mary Immaculate

Modern Slavery Taskforce of Mennonite Church USA

Mosaic Family Services

Monika Johnson Hostler, President
National Alliance to End Sexual Violence
c/o North Carolina Coalition Against Sexual Assault

National Council of Catholic Women

National Research Consortium on Commercial Sexual Exploitation

NEXUS Institute

No Human Trafficking

Nomi Network

Not For Sale Campaign (ATEST)

Not For Sale Campaign Arkansas Chapter

Not For Sale Campaign Connecticut Chapter

Not For Sale Campaign Denver Chapter

Not For Sale Campaign Florida Chapter

Not For Sale Campaign Georgia Chapter

Not For Sale Campaign Houston Chapter

Not For Sale Campaign Illinois Chapter

Not For Sale Campaign Kansas Chapter

Not For Sale Campaign Louisiana Chapter

Not For Sale Campaign Maine Chapter

Not For Sale Campaign Massachusetts Chapter

Not For Sale Campaign Nevada Chapter

Not For Sale Campaign North Carolina Chapter

Not For Sale Campaign Ohio Chapter

Not For Sale Campaign Oregon Chapter

Not For Sale Campaign Pennsylvania Chapter

Not For Sale Campaign San Diego Chapter

Not For Sale Campaign South Carolina Chapter

Not For Sale Campaign Virginia Chapter

Not For Sale Campaign Washington Chapter

Oasis USA

Pacific Alliance to Stop Slavery

PaxWorld Management LLC

Polaris Project (ATEST)

Rabbis for Human Rights North America

Racine Dominican SRI Committee – Racine, WI

Region VI Coalition for Responsible Investment

Release

Responsible Sourcing Network

Richmond Justice Initiative

Safe Horizon (ATEST)

Sands Of Silence: Fighting Sexual Slavery and Trafficking

School Sisters of Notre Dame – Central Pacific Province Shalom Office

SDS Hope House, Inc.

Linda Smith (U.S. Congress 1994-98)
President and Founder
Shared Hope International

Sisters of Charity of Cincinnati, Corporate Responsibility Committee

Sisters of the Holy Names of Jesus and Mary

Sisters of Charity of Saint Elizabeth

Sisters of the Presentation of Aberdeen, SD

Sisters of St. Basil the Great

Sisters of St. Dominic of Caldwell, NJ, Office of Corporate Responsibility

Sisters of St. Francis of Assisi

Sisters of St. Francis of the Holy Cross

Sisters of St. Francis of Philadelphia

Sisters of St. Joseph of Carondelet – St. Louis Province

Slavery Eradication and Rights Initiative (SERI) Project of the Thai Community Development Center

Society of the Holy Child Jesus, American Province, Provincial Team

Southern Poverty Law Center

Tri-State Coalition for Responsible Investment

Unitarian Universalist Service Committee (UUSC)

United Church of Christ, Justice and Witness Ministries

United Methodist Church, General Board of Church & Society

University of Michigan Law School
Human Trafficking Clinic

Ursuline Sisters of Mount Saint Joseph

U.S. Committee for Refugees and Immigrants

Verité (ATEST)

Virginia Coalition Against Human Trafficking

Vital Voices Global Partnership (ATEST)

Wall of Women, Los Angeles, CA

WestCoast Children's Clinic

Wisconsin Coalition Against Sexual Assault

World Vision (ATEST)

The Xaverian Brothers

ATEST is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end modern-day slavery and human trafficking domestically and globally. The current

member organizations address many different aspects of human trafficking, including both labor trafficking and sex trafficking. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Not For Sale Campaign, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, World Vision, and one individual member, Julia Ormond, former U.N. Goodwill Ambassador and president and founder of the Alliance to Stop Slavery and End Trafficking (ASSET).

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