



CREDIT REPAIR FOR SURVIVORS OF HUMAN TRAFFICKING

The [Consumer Financial Protection Bureau](#) (CFPB), a U.S. government agency responsible for overseeing financial products and services for consumers, has [published details of a new credit repair law and process](#) for victims and survivors of trafficking to block adverse information from their consumer and credit reports that resulted from their trafficking experience.

This was created in response to efforts by survivors and other advocates to create and design an accessible process. This will change the lives of many survivors by providing a new pathway to financial freedom.

This process is new and will continue to evolve. There are some questions about the process that have not been answered yet. *We will continue to provide updates as we get more information.*

Here is what we know so far.

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HUMAN TRAFFICKING CREDIT REPAIR OVERVIEW

What is the Debt Bondage Repair Act?

In December 2021, Congress passed the [Debt Bondage Repair Act](#) as part of a larger package of legislation. This new law was drafted in response to survivors who shared how their trafficking experiences negatively impacted their credit scores, such as traffickers opening or controlling bank accounts or lines of credit in their name.

This new law required the [Consumer Financial Protection Bureau](#) (CFPB), a U.S. government agency responsible for overseeing financial products and services for consumers, to create a process through which survivors of human trafficking can apply to have adverse credit information resulting from their trafficking experience removed from their credit reports. In June, the CFPB [published details of the new process](#) through which victims and survivors of human trafficking submit specific information directly to consumer reporting agencies in order to have information resulting from their trafficking experience blocked from their consumer reports (including credit reports). This process launched on [July 25, 2022](#) and is now available to many victims and survivors in the United States.

What is a consumer reporting agency and what is a credit report?

In the United States, multiple private companies called consumer reporting agencies (also known as credit reporting companies or credit bureaus) collect and store financial data about individuals from creditors, such as lenders, credit card companies, and other companies such as debt collection agencies.

Consumer reporting agencies compile this information about an individual's financial and other history, including criminal records, into a [credit report](#) or a consumer report. The information contained in these reports is used for a variety of purposes including to calculate an individual's [credit scores](#). Different companies calculate credit scores using different mathematical formulas so an individual may have multiple different scores depending on the source. For more information, see this [CFPB resource](#).

Consumer reports and credit scores are then used by other companies to make a variety of decisions including but not limited to:

- *whether to loan money to an individual;*
- *what interest rates should be associated with loans or lines of credit;*
- *whether to offer an individual insurance, rent a house or apartment to an individual, or provide an individual with a utility or service; and/or*
- *whether to hire a particular job applicant.*



- The largest consumer reporting agencies in the United States are national companies like [Equifax](#), [Experian](#), and [TransUnion](#).
- Specialty consumer reporting agencies also exist and focus on areas such as employment screening, tenant screening, check and bank screening, and insurance.
- [A list of consumer reporting agencies is available here.](#)

What does it mean to block information from a consumer report? How does blocking information impact an individual's credit score?

By blocking information, the consumer reporting agency removes specific information from a consumer report about that individual. Whether or not an individual's credit score is impacted by blocking information depends on the type of information that is blocked from what consumer reports and what credit scoring formula is being used. [Click here for more information about credit scores.](#)

It is important to note that information included on credit reports is gathered from original sources known as information "furnishers," such as banks, credit card companies, or debt collection agencies. Through this new process, [consumer reporting agencies remove the information from the credit reports they create but do not contact the furnishers of the information about the block](#), in the interest of survivor privacy and security. This means that the furnishers may continue to disseminate the blocked information in the future. Consumer reporting agencies may maintain an internal record of the blocked information in order to prevent the same information from being inadvertently reinserted into the report later.

- Everyone is entitled to free copies of their credit reports on a regular basis. [Click here](#) for more information about how to obtain and monitor your credit reports.
- You also have the right to request [other consumer reports](#).

Blocking Info from a Credit Report vs. Debt Forgiveness

Blocking information about a loan default or unpaid bill from a credit report does not erase the debt with the company owed money (known as "the creditor").

An advocate may be able to assist survivors in getting debts resulting from their trafficking experience forgiven by the creditor(s) through other processes, including by contacting creditors directly. However, this can take time and may not always be possible. To get connected to legal services that may be able to provide help with debt forgiveness, contact the National Human Trafficking Hotline at 1-888-373-7888, text BEFREE (233733), or visit the [online referral directory](#).



How long does information remain on a consumer report or credit report?

Most financial information included in a credit report is from the past seven years but timeframes vary depending on the individual's state of residence, the type of information, and the consumer report. For instance:

- Evictions are generally reported for seven years but some states prohibit or limit reporting information about evictions.
- Bankruptcy filings are typically reported for 10 years but this timeframe may be shorter or longer depending on the type of bankruptcy.
- Criminal convictions often have no time limit though this may differ based on the state and the type of offense.

What information can survivors of trafficking block through the credit process created by the Debt Bondage Repair Act?

If the information is presently included on a survivor's consumer report and is the result of trafficking, it may be blocked through this process.

The type of information that a survivor might want to have blocked could take different forms including:

- *Prior evictions*
- *Late rental payments*
- *Credit card or loan defaults*
- *Unpaid bills that went to a collection agency*
- *Criminal convictions that were the result of a trafficking experience*
- *Bankruptcy filings*

Survivors of trafficking are able to self-identify what pieces of information on their consumer reports are the result of trafficking. Other than a self-attestation that the information is the result of trafficking, survivors do not have to submit additional evidence to prove the connection.

Information that can be blocked could be related to consumer events that occurred *during* trafficking or *after exit* from trafficking, provided it is the result of trafficking.



Example Situation	Info that could be Blocked
<i>During trafficking...</i>	
You could no longer afford rent for the apartment you had rented before you experienced trafficking because your trafficker controlled your finances. You were evicted.	Late rental payments Loan defaults Eviction records
Your trafficker(s) made you sign up for bank accounts in your name that they used.	Account openings & closings
You were arrested and/or convicted of a criminal act you were made to commit by your trafficker(s).	Criminal records
<i>After trafficking...</i>	
Your criminal record from your time being trafficked prevented you from getting a new job. Without a steady income, you could not pay your rent and were evicted.	Criminal records Late rental payments Eviction records
Your previous trafficker(s) used your identity documents/information they had obtained during your trafficking experience to open credit cards in your name and never paid the bills.	Credit card defaults Account openings & closings
You sought medical treatment for trauma/injuries you experienced during trafficking but were unable to pay off your medical debt because the trauma/injuries prevented you from working.	Unpaid bills that went to a collection agency



INFORMATION REQUIREMENTS AND ELIGIBILITY

Who is eligible and what information is required?

Whether or not a survivor is eligible for this process does not depend on when they experienced trafficking, what type of trafficking they experienced, or any demographic factor. Any victim/survivor of human trafficking with U.S. consumer reports is eligible for this process if they are able to provide the following required information:

1. **Proof of identity.**
 - Each consumer reporting agency sets their own requirements for proof of identity. Examples that are likely to satisfy the requirements may include: a copy of a driver's license or another government-issued identification card; a copy of a utility bill, bank statement, or insurance statement.
2. **Victim Determination Document(s) from a government agency or authorized non-governmental service provider.**
 - This may be the most difficult for many survivors to obtain.
3. **A list of specific pieces of information included on consumer report(s) resulting from trafficking to be blocked.**

More detailed information about each of these requirements and the process is available in this resource.

We recognize that there may be many survivors who cannot provide all of the information required (particularly, a victim determination document). *We will continue to advocate for this process to be accessible to as many survivors as possible.*

What proof of identity are survivors required to submit?

Consumer reporting agencies need identifying information about the trafficking survivor to ensure that they remove information from the correct credit report. **Each consumer reporting agency sets their own requirements for proof of identity and there may be different requirements between companies.**

Examples that are likely to satisfy the requirements for most companies include:

- *A copy of driver's license, passport or another government-issued identification document.*
- *A copy of a utility bill, bank statement, or insurance statement.*

Because trafficking survivors often do not possess particular identification documents or might not have a consistent street address or access to other pieces of information, consumer reporting agencies have been instructed to allow for flexibility for survivors with different circumstances. In addition to accepting standard identification documents, consumer reporting agencies are expected to allow for non-documentary



means of verifying identity such as asking the survivor questions that only that individual would be likely able to answer.

- Consumer reporting agencies with excessive identification requirements can be reported to CFPB through this [online form](#).

What documentation of trafficking experience are survivors required to submit?

Trafficking survivors are required to submit documentation that demonstrates that a Federal, State, Local or Tribal government entity or authorized non-governmental service provider has determined that they are a victim of trafficking (known as a “Victim Determination Document”).

Because many trafficking survivors do not have documentation from a government entity affirming their trafficking experience, government agencies are allowed to designate non-governmental victim service providers to make these determinations and provide documentation of their determination on behalf of the government entity.

Status Report: Victim Determination Documents from Non-Governmental Service Providers

As of August 2022...

- Very few non-governmental service providers have been authorized to provide determination documents.
- We do not currently have a list of non-governmental service providers that have been authorized but are working to identify these providers.
- In order to increase access to this process, it is critical that government agencies move quickly to authorize service providers to play this role.

There is no single, exhaustive list of what documents will be accepted. *The following are examples of documents that meet the requirements:*

- *Certification Letters issued by the Department of Health and Human Services*
- *Child Eligibility Letters issued by the Department of Health and Human Services*
- *Documentation of continued presence issued by the Department of Homeland Security*
- *T Visas*
- *U Visas with a Form I-918 Supplemental B filled out indicating that the individual experienced trafficking*



- *Criminal record relief court orders (such as a vacatur, expungement, or sealing of records) where a victim of trafficking obtained an order to clear convictions of criminal offenses they were forced or coerced to commit*
- *Criminal human trafficking prosecution court records in which the survivor has been identified as a victim (Records from prosecutions that do not include trafficking-specific charges will not be accepted)*
- *Civil suit decisions involving human trafficking in which the survivor is identified as a victim*
- *Restitution orders that provide a victim with compensation after a criminal conviction for human trafficking*
- *Documents issued by State government agencies affirming an individual is a victim of trafficking (such as a Notice of Confirmation as a Human Trafficking Victim issued by New York State)*
- *Law enforcement affidavit or other documented statement/attestation from a government entity*
- *Documented statement/attestation from a non-governmental organization, service provider, or human trafficking task force member that has been authorized by a government entity to make this determination*
- *Signed statement by the survivor attesting that they are a victim of trafficking that is signed/certified by a government representative or a non-governmental service provider that has been authorized by a government entity*

Because consumer reporting agencies do not need detailed information of a survivor's trafficking experience, survivors are allowed to redact unnecessary details that may be included in their documentation before submission.

- As long as the redacted document still states that a government entity has determined the individual is a survivor of trafficking, consumer reporting agencies must accept documents in which details have been redacted.

How do government agencies authorize non-governmental service providers to attest to an individual's victim status?

The regulations governing this process, created by CFPB, specifically did not "prescribe how a Federal, State, Local, or Tribal government entity may authorize non-governmental organizations to make victim determinations," and stated that "each governmental entity may establish their own criteria for making such authorizations".

- Each government agency/task force is responsible for creating its own internal process and policies around authorizing non-governmental service providers.



- This means that each government agency/task force, may have a different process.

Status Report: Authorization for Non-Governmental Service Providers

As of August 2022...

- We do not have information about specific authorization processes or policies within government agencies.
- We encourage NGOs interested in obtaining authorization to reach out to government agencies/law enforcement agencies with which they have established relationships for more information on how to become authorized.
- We are actively working to advocate for the authorization of non-governmental service providers and will provide updates as this system develops.

THE PROCESS

How do you submit a request to block adverse credit information through this process?

As of **July 25, 2022** each consumer reporting company is required to publish information about how to submit a request on their website. There may be differences in the submission process by company.

Every consumer reporting agency is required to accept submissions through the mail. Companies may choose to provide a secure online portal to accept submissions but are not required to do so.

CFPB created a [template letter](#) for survivors to use when preparing their submissions. Some consumer reporting agencies may include specific forms on their website.

When identifying items that should be blocked, be specific.

Include:

- The source of the information (such as the credit card issuer or bank).
- The type of item (such as credit account, checking account, criminal conviction, utility account, etc.)
- Dates and account numbers associated with the information if possible.



Survivors may want to begin by submitting the required information to the three largest consumer reporting agencies - [Experian](#), [Equifax](#), and [TransUnion](#).

- The credit reports created by these companies are widely used for a variety of purposes.

Submissions to additional consumer reporting agencies can be made on a case-by-case basis depending on a survivor’s specific credit history and their goals.

- [This list of consumer reporting agencies](#) can be used to help prioritize.
- For more information about a specific consumer reporting agency, visit that company’s website and/or contact them directly.

How long does this process take?

The regulations require that consumer reporting agencies take particular actions within specific timeframes. The following chart contains more information about these requirements.

Consumer Reporting Agency Action	Timeframe
Temporarily block the adverse information from credit reports.	Within 4 business days of receiving* the submission.
Contact the survivor or their representative about any missing information or other deficiencies in their submission (if needed).	Within 5 business days of receiving* the submission.
Review the submission and make a final determination about whether to maintain the block permanently or rescind the block.	Within 25 business days of receiving* the submission.
Notify the survivor of the outcome of the determination and provide the survivor or their representative with a copy of their revised credit report (at no cost) through the survivor’s preferred communication method.	Within 5 business days of making a final determination.

**Submissions sent via snail mail may take a few days in transit before being received.*



How does a consumer reporting agency make a final determination about whether to block the information?

Consumer reporting agencies can only deny or rescind a block in limited circumstances:

1. The identity of the survivor cannot be reasonably confirmed;
2. The survivor did not provide documentation from an accepted source determining that they are a victim of trafficking; and/or
3. The consumer reporting agency cannot identify the adverse credit information to be blocked.

Survivors have the opportunity to appeal a consumer reporting agency's denial and/or revise their submission if needed.

- The consumer reporting agency is required to provide information about the appeal process when they communicate their final determination.

Who should I contact if I have more questions about this process?

For questions about this process at a specific consumer reporting agency or about a specific submission, contact that consumer reporting agency.

- Contact information is available on the company's website.

For questions related to the regulations and general requirements, submit your question to CFPB online at <https://reginquiries.consumerfinance.gov/>.

- Select Reg V/Fair Credit Report Act (FCRA) from the dropdown menu.
- Reference "the trafficking rule, FCRA Regulation V and 12 CFR 1022.142" in the body of the question.

To file a complaint about a specific consumer reporting agency's implementation of this process, visit <https://www.consumerfinance.gov/complaint/>.