

NEW CREDIT REPAIR PROCESS FOR SURVIVORS

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 process for victims and survivors of trafficking to block adverse information from their 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.

Here is what you need to know.

- As of **July 25, 2022**, many victims and survivors of human trafficking in the United States can have information that resulted from their trafficking experience blocked from their credit reports.
- Survivors or their representative need to submit particular information directly to the private companies that manage these reports, known as "consumer reporting agencies" or "credit reporting companies," such as Experian, TransUnion, and Equifax.
- This process requires submission of the following information to consumer reporting agencies:
 - 1 Proof of identity;
 - 2 Documentation created or signed by a government agency or authorized non-governmental organization that states they are a survivor of trafficking; and
 - 3 Identification of what specific information should be blocked.
- After receiving a submission, consumer reporting agencies must:
 - 1 Temporarily block the adverse information from credit reports within **4 business days**;
 - 2 Contact the survivor or their representative about any missing information or other deficiencies in their submission within **5 business days**;
 - 3 Review the submission and make a final determination about whether to maintain the block permanently or rescind the block within **25 business days**;
 - 4 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.
- Survivors have the opportunity to appeal a consumer reporting agency's denial and/or revise their submission if needed.
- Consumer reporting agencies may only deny or rescind the block if:
 - 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.

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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 history into a [credit report](#) or a consumer report. The information contained in these reports is used to calculate an individual's [credit score](#).

Credit reports and credit scores are then used by other companies to make a variety of decisions including 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. In some instances, this information may be used by potential employers when making hiring decisions.

- 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 credit information?

By blocking credit information, the consumer reporting agency removes specific information from an individual's credit report.

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 information 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.

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 must provide two mailing addresses to receive submissions. Some companies may also provide a secure online portal for submissions.

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What information can be blocked?

Survivors of trafficking have complete discretion in identifying the specific pieces of information that resulted from their trafficking experience that they want to be blocked from their credit report. The type of information that a survivor might want to have removed from their credit report could take different forms. Examples of information that a survivor could choose to block from their credit report include:

- Prior evictions;
- Non-payment of rent;
- Loan defaults;
- Unpaid bills that went to a collection agency;
- Bankruptcy filings; and/or,
- Criminal convictions that were the result of their trafficking experience.

A survivor may choose to block information related to the time-period the individual experienced trafficking and/or information related to the time after the individual exited the trafficking experience. For instance, an individual who has exited a trafficking situation may have been evicted as a consequence of financial strain that was the result of having been trafficked. Through this process, the survivor can have information about their eviction following their exit from trafficking blocked from their credit report.

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. Consumer reporting agencies typically use identification documents, street addresses, and/or other pieces of information to verify someone's identity.

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 create reasonable policies around identification requirements. The agencies will be monitored to ensure they are not enforcing excessive identification requirements.

In order to allow for flexibility for survivors with different circumstances, there is no one single way to prove identity and different consumer reporting agencies may have different processes. 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.

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What documentation of a trafficking experience are survivors required to submit?

A new law called the Debt Bondage Repair Act created this new process. That law requires trafficking survivors to submit documentation that demonstrates that they experienced trafficking. The law says these documents need to show that a Federal, State, Local or Tribal government entity has determined that the individual is a victim of trafficking.

Because many trafficking survivors do not have documentation from a government entity affirming their trafficking experience, government agencies are allowed to designate victim service providers to make these determinations and provide documentation of their determination on behalf of the government entity. In order to increase access to this process, it is critical that government agencies move quickly to authorize service providers to play this role.

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.

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 victim 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 or certified by a government representative or a non-governmental organization that has been authorized by a government entity

ISSUE UPDATE

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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 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/>.