



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
DIRECTORS, LOCAL HEALTH DEPARTMENTS**

**FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA
JOSEPH E. DAVIS, EXECUTIVE DIRECTOR, DHMH/OOE**

**RE: ELIGIBILITY FOR FAMILY MEMBERS OF VICTIMS OF SEVERE
TRAFFICKING IN PERSONS**

**PROGRAM AFFECTED: FOOD STAMP PROGRAM, TEMPORARY CASH
ASSISTANCE, REFUGEE CASH ASSISTANCE, MEDICAL
ASSISTANCE**

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

The Trafficking Victims Protection Act of 2000 (TVPA) makes non-citizens classified as victims of severe trafficking in persons eligible for federally funded or administered benefits and services to the same extent as refugees. A "severe form of trafficking in persons" means:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Eligibility was originally limited to the victims themselves. The TVPA was amended and reauthorized by the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). As a result, certain family members of victims of trafficking are now eligible for benefits to the same extent as refugees.

The US Immigration and Citizenship Services issues T visas to victims of trafficking. Under TVPRA, eligible relatives of trafficking victims are entitled to visas designated as T-2, T-3, T-4 or T-5 (collectively referred to as "Derivative T Visas"). After the issuance of the visas they are eligible for federally funded or administered benefits to the same

extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the programs. Under TVPRA, the relatives of victims of trafficking are entitled to Derivative T visas under the following conditions:

- When the victim of trafficking is under 21 years of age on the date the T visa application was filed, Derivative T Visas are available to the victim's:
 - Spouse,
 - Children,
 - Unmarried siblings under 18 years of age on the date on which the visa application was filed, and
 - Parents.
- When the victim of trafficking is 21 years of age or older on the date the T visa application was filed, Derivative T Visas are available to the trafficking victim's spouse and children.

Except for victims under the age of 18, in order to be eligible for assistance, victims of severe trafficking must be certified by the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). Although children do not have to be formally certified as victims, the case manager must verify their status.

Verify eligibility for Food Stamps, TCA, RCA, MA and MCHP by calling the trafficking victim's verification toll-free number 1-866-401-5510. Treat holders of derivative T Visas the same as refugees.

ACTION REQUIRED:

Applications for Benefits

Because some benefits and services are time-limited, it is important to process applications for those with a Derivative Visa as quickly as possible.

1. When a Derivative T Visa Holder applies for benefits, follow normal procedures for providing benefits to refugees except that you will accept the non-immigrant T-2, T-3, T-4 or T-5 visa.
2. Call the toll-free trafficking verification line at 1-866-401-5510 to notify ORR of the benefits for which the individual has applied.

Note: At this time, the DHS Systematic Alien Verification for Entitlements (SAVE) system does not contain information about victims of severe trafficking in persons or nonimmigrant family members. Do not contact SAVE concerning victims of trafficking or nonimmigrant alien family members.

3. Issue benefits to the same extent as a refugee, provided the Derivative T Visa holder meets other program eligibility criteria (e.g., age or income levels).

CARES PROCEDURES

When a victim of a severe form of trafficking or a Derivative T-Visa applies for benefits:

- Complete the mandatory fields on the **STAT** and **DEM1** screens
- On the **DEM2** screen, in the **Citiz** field, enter **L** (legal immigrant).
- On the **ALAS** screen:
 - In the **Ins Stat** field enter **RF** (refugee),
 - In the **V** field, enter **LE** (letter),
 - In the **Country of Origin** field, enter the appropriate valid value,
 - Using the month and year taken from the date of the certification letter, complete the **Entry Date** field,
 - Enter the INS number in the **INS Number** field, and
 - Enter the verification type in the **V** field.

Note: If the INS number is unknown, press **PF4** to exit the **ALAS** screen.

ACTION DUE:

This policy is effective upon receipt.

INQUIRIES:

Please direct Food Stamp and Refugee Cash Assistance questions to Kay Finegan at 410-767-7939. Direct Temporary Cash Assistance questions to Marilyn Lorenzo at 410-767-7333. Direct Medical Assistance questions to Phyllis Arrington at 410-767-7079.

cc: FIA Management Staff
Constituent Services
DHR Help Desk