



Migration and Refugee Services

Office of Refugee Programs

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BENEFITS ELIGIBILITY FOR TRAFFICKING VICTIMS

Who is a Victim of a Severe Form of Trafficking?

The Victims of Trafficking and Violence Protection Act of 2000 defines “severe forms of trafficking in persons” as:

- A. 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
- B. 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.

What is the immigration status of a victim of a severe form of trafficking?

Survivors of human trafficking may have any of a variety of immigration statuses when they are first identified. Once identified as victims of trafficking by law enforcement, they may be granted continued presence by BCIS and/or self-petition for the T-visa. A T-visa allows victims of severe forms of trafficking to remain in the U.S. if they have complied with any reasonable request to assist in the investigation or prosecution of their case or are under 18 years of age (*i.e.* minors do not have to cooperate with the prosecution), AND would suffer extreme hardship upon removal. Recipients of T-visas are eligible for work authorization. T-visa recipients may adjust their status to lawful permanent residents after three years. In some cases, the U-visa is also appropriate for a person who has been trafficked.

What is “Certification” and why is it necessary?

A person in the United States who is identified by law enforcement as a victim of a severe form of trafficking may be referred for certification from the DHHS/Office of Refugee Resettlement (ORR). To receive certification, the person must

1. be willing to assist in every reasonable way in the investigation and prosecution of their case, and
2. have made a bona fide application for a “T-visa” OR be a person whose continued presence the Attorney General is ensuring for the prosecution of traffickers and thus have an INS grant of authorized stay.

Once certified by ORR, the person is eligible for benefits and services to the same extent as a refugee. Therefore, certification allows the person to access resettlement services, public benefits such as Refugee Medical Assistance, etc.

How does a victim of trafficking access services?

The Department of Justice’s Office for Victims of Crime and the Department of Health and Human Services’ Office of Refugee Resettlement has funded some grantees to provide social services to victims of trafficking while they await certification. Once certified by the ORR, victims of trafficking are eligible for benefits and services to the same extent as a refugee.

USCCB/MRS has a program to provide services through the Catholic social service network to pre- and post-certified victims any time they surface, anywhere in the United States. Contact Nyssa Mestas at 202-541-3366 for more information.

What benefits and services are available to refugees (and therefore to certified victims of trafficking)?

Type of Assistance	Description	Eligibility Period For Refugees (from date of entry)
Temporary Assistance to Needy Families (TANF)	A monthly case payment to low-income parents with children under 18.	5 years (federal life-time limit)
Medicaid	Reimburses doctor and hospital costs for certain low-income people, primarily pregnant women, families with children, the elderly, and the disabled.	7 years
Social Security Income (SSI)	A monthly case payment to elderly people age 65 and older and to people with certain disabilities that prevent them from working and are certified by the Social Security Administration.	7 years
Refugee Cash and Medical Assistance (RCA & RMA)	A federally funded program available to needy refugees/asylees who are not eligible for other cash or medical assistance programs such as TANF, SSI, or Medicaid.	8 months
Refugee Social Services	Designed to smooth adjustment and facilitate early self-sufficiency. These include job preparation and placement and English language classes.	5 years
Match Grant	An early employment program administered by private refugee resettlement agencies as an alternative to public cash assistance. Provides job counseling and placement, case management, cash and living assistance. Selective: only those who are good candidates for early employment are chosen, and it is based on availability of slots.	4 months, but must be enrolled within 31 days of certification.
Health Screening	A preventive health assessment provided by the State Dept. of Public Health to refugees for early diagnosis and treatment of any illness. Includes screening for TB, parasites, and hepatitis. Also includes school vaccinations for children.	90 days
Food Stamps	Allow low income people to buy food necessary for good health.	No time limit.

The certification date of the victim of trafficking should be treated like the refugee entry date for purposes of benefits eligibility determination.