

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320
(916) 657-2941



August 27, 2001

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons
All County Health Executives
All County Mental Health Directors

Letter No.: 01-49

THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Ref.: Office of Refugee Resettlement (ORR) State Letter No. 01-13; Article 24
of the Medi-Cal Eligibility Procedures Manual

The purpose of this letter is to inform counties about a new group of individuals who are to be determined eligible for benefits and services as Refugees. Under the Trafficking Victims Protection Act of 2000 (Public Law No. 106-386), adult victims of severe forms of trafficking who have been certified by the United States (U.S.) Department of Health and Human Services' ORR are eligible for the same benefits and services as provided to Refugees. Children under 18 years of age do not need to be certified, but will have a letter from ORR stating that they are victims of trafficking who should be treated as refugees for receipt of benefits and services. (An example of both the Certification letter and the letter for children are enclosed.)

Definition:

Severe Forms of Trafficking is defined in the Act 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.

ORR, after consultation with the Attorney General, may certify a victim who:

- (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons;

and

(II) (aa) has made a bona fide application for a visa under Section 101(a)(15)(T) of the Immigration and Nationality Act . . . that has not been denied; or

(bb) is a person whose continued presence in the U.S. the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

Certification:

Adults must be granted a Certificate by ORR that they are victims of severe forms of trafficking. Children under 18 years of age who are victims of severe forms of trafficking as described above will receive letters from ORR stating that the child is a victim under the Act. No further evaluation is necessary. They will be eligible for the same benefits and services as refugees. However, no Immigration and Naturalization Service (INS) documentation is required for these individuals. The Certification or Letter of Certification for children are proof of a status that confers eligibility for refugee benefits. Applicants must submit the original certification or letter, and a photocopy should be retained in the case file.

ORR will make all certification determinations and issue letters of certification for victims of severe forms of trafficking. No other agency is authorized to issue these certifications.

Eligibility Determination:

When a "Victim of a Severe Form of Trafficking" applies for benefits, the county welfare department must:

1. Accept the original Certification or the Letter for children in place of INS documentation. INS documentation is not required for these individuals.
2. Call the Trafficking Verification Line at (202) 401-5510 to confirm the validity of the Certification or Letter for children and to notify ORR of the benefits for which the individual has applied. (Do not institute System Automatic Verification Eligibility [SAVE] verification. Information on these individuals is not yet available on SAVE.)
3. Use the Date of Certification as the Date of Entry for these individuals.
4. Follow the same eligibility requirements as for Refugees in determining eligibility for benefits.

5. Record the expiration date of the Certification or Letter for children. The expiration date is eight months from the date of certification. A redetermination of trafficking certification must be conducted to determine if the individual will continue to meet the certification requirements. ORR may issue follow-up certification letters.

Other Applicants:

ORR is in the process of developing procedures under which an individual may apply for certification as a Victim of Severe Forms of Trafficking. Until a formal application process is implemented, the most expeditious method for establishing certification would be to contact the federal Department of Justice, Criminal Section of the Civil Rights Division at (202) 616-3807.

If you have any questions, please contact Ms. Elena Lara of my staff at (916) 657-0712.

Sincerely,

ORIGINAL SIGNED BY

Shar Schroepfer, Chief
Medi-Cal Eligibility Branch

Enclosures



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

HHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

CERTIFICATION LETTER

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is _____
This certification is valid for eight months from the date of this letter. The expiration date is _____.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

IHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

Dear Ms. Doe:

This letter confirms that, pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria.

Your initial eligibility date is _____. This eligibility is valid for eight months from the date of this letter. The expiration date is _____.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform IHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement