

**Operations Memorandum - Cash Assistance/
Medical Assistance/Food Stamp
OPS020304**

3/21/02

SUBJECT: The Trafficking Victims Protection Act of 2000
TO: Executive Directors
FROM: Mary Brugger, Acting Director, Bureau of Operations

Purpose

To inform County Assistance Offices (CAOs) about the Trafficking Victims Protection Act of 2000 (TVPA), Public Law 106-386.

Background

Approximately 50,000 women and children are trafficked annually into the United States, along with an unknown number of men. Traffickers force their victims into the international sex trade, prostitution, slavery, and forced labor through coercion, threats of physical violence, psychological abuse, torture and imprisonment. To deter these crimes, Congress passed and the President signed into law the TVPA, Public Law 106-386. The law aims to combat trafficking through increased law enforcement: to ensure effective punishment to traffickers; to protect victims; and to provide Federal and State assistance to victims.

Discussion

Some individuals have been identified as being victims of human trafficking in 2001. Five Russian women and two minors were trafficked into Anchorage, Alaska and 47 Vietnamese citizens were scattered in Hawaii, Orange County, California, Philadelphia, the State of Washington and a number of other states. Twenty-five victims have been relocated to Pennsylvania – two in Pittsburgh and 23 in the Philadelphia area.

Individuals who are already in the United States can seek asylum based on TVPA. The Office of Refugee Resettlement (ORR) has begun making certification determinations and issuing certification letters to victims of human trafficking. When a victim of trafficking applies for Cash, Medicaid and/or the Food Stamp Program (FSP), follow normal procedures for refugees, except the CAO should:

1. Accept the original certification letter or letter for children in place of the Immigration and Naturalization Service documentation. Victims of human trafficking are not required to provide documentation of their immigration status.

2. Retain a photocopy of the original certification letter in the case record file. Return the original letter to the applicant.

Note: Until further notice, CAOs should not use the SAVE system to confirm eligibility for FSP benefits for victims of human trafficking.

3. Note the "entry date" for refugee benefits purposes. The individual's "entry date" for refugee benefit purposes is the certification date, which appears in the body of the certification letter.
4. Issue benefits to the trafficking victim to the same extent as a refugee, provided the trafficking victim meets all other eligibility criteria.

Note: As of November 6, 2001, certification letters for adults and eligibility letters for children will no longer contain expiration dates. This part of TVPA Act has been deleted. Recertification letters will be issued to those individuals who were certified before November 6, 2001, when their eight-month expiration date ends. Standard eligibility and/or redetermination periods will apply to those individuals in the same manner as they apply to refugees.

The CAO does not determine whether an individual is a victim of human trafficking. If the CAO encounters an adult or child with or without a certification letter who has been subjected to a severe form of trafficking, contact Mr. Fredrick Gosart at (717) 772-2605, who will provide verification of their non-citizen status and notify ORR of the benefits for which the individual has applied.

Next Steps

1. Share this information with appropriate staff.
2. This Operations Memorandum becomes obsolete when all appropriate Handbook Chapters are updated.