

# MANUAL TRANSMITTAL

## Arkansas Department of Human Services

### Division of County Operations

Policy     Form     Policy Directive    Issuance Number FSC 01-08  
Food Stamp Certification    Manual    Issuance Date 12/01/01  
**From:** Ruth Whitney, Director    **Expiration Date** Until Superseded  
**Subj:** The Trafficking Victims Protection Act of 2000

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#### Introduction

Each year approximately 50,000 women and children and an unknown number of men are brought to the United States by traffickers and forced into prostitution, slavery or forced labor through coercion, threats of physical violence, psychological abuse, torture and imprisonment. To deter these crimes, in October 2000 Congress passed, and the President signed into law the Trafficking Victims Protection Act (P.L. 106-386).

Under this Act, an alien who has been certified by the U.S. Department of Health and Human Services (HHS) as a victim of a **severe form** of trafficking will be treated the same as an alien admitted to the U.S. as a refugee under section 207 of the Immigration and Nationality Act. (*See FSC 1621.1. Refugees may participate in the Food Stamp Program for up to seven years from the date of admission to the United States if otherwise eligible.*)

Severe trafficking is defined as:

- Inducing a commercial sex act by force, fraud or coercion;
- Inducing a commercial sex act when the person that performs the act is under the age of 18; or
- Recruiting, harboring, transporting, providing or obtaining through force, fraud, or coercion a person for the purpose of forced labor, involuntary servitude, peonage, debt bondage, or slavery.

#### Adult Aliens Who are Trafficking Victims

Aliens age 18 or older are classified as adult aliens. Adult aliens must be certified. The U.S. Department of Health and Human Services (HHS), in consultation with the Attorney General may certify an adult victim of severe trafficking if that adult:

- Is willing to assist in the investigation and prosecution of traffickers;
- Has made a bona fide application for a visa under the Immigration and Nationality Act that has not been denied; and
- Is needed by the U.S. Attorney General in the United States to assist in the prosecution of traffickers.

## **The Trafficking Victims Protection Act of 2000**

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County office workers do not determine if an adult alien is a victim of severe trafficking. The HHS Office of Refugee Resettlement (ORR) has been delegated the authority to determine which adult aliens are victims of severe trafficking and which of those aliens will be certified. If a county office worker encounters an adult who appears to be a victim of severe trafficking, the worker may contact the Food Stamp Section, Central Office. The Food Stamp Section will contact the Office of Refugee Resettlement regarding the status of the alien.

#### Aliens Under Age 18 Who are Trafficking Victims

Aliens under the age of 18 who have been victims of severe forms of trafficking do not need to be certified in order to receive benefits if otherwise eligible. County office workers do not determine if an alien under the age of 18 is a victim of severe trafficking. The ORR will make this determination and will issue a letter to any alien under the age of 18 who has been found to be a victim of severe trafficking. If a county office worker encounters a child who appears to be a victim of severe trafficking, the worker may contact the Food Stamp Section, Central Office. The Food Stamp Section will contact the Office of Refugee Resettlement regarding the status of the alien.

#### Verification of Eligible Alien Status

When ORR certifies an adult alien, a letter will be issued to the alien. (*See the sample letter attached.*) A similar letter will be issued to any child found by the ORR to be a victim of severe trafficking. ORR has advised that the make-up of these letters may change in the coming months.

Nothing other than the original letter from ORR may be accepted to establish that the alien is a victim of severe trafficking. This original letter will be used to establish eligible alien status, and the alien may receive food stamp benefits if he or she is otherwise eligible. The letter will also provide the information needed to establish the alien's date entry into the United States. No other INS documentation such as the *INS Arrival/Departure Card* (I-94) will be required.

The county office worker will make a copy of the letter for the case file. The original letter will be returned to the alien.

At this time the SAVE system does not contain information about victims of severe forms of trafficking. Instead, the worker must call the trafficking verification line at (202) 401-5510 to verify the letter's authenticity. During this call, the worker will be asked to notify the ORR of the benefits for which the alien has applied.

#### Verification of Identity

The letter from ORR will not be accepted as proof of identity yet many victims of severe forms of trafficking do possess standard identity documents such as driver's licenses. If the alien does have INS documents such as an I-94, an employment authorization document, proof of deferred action, or an order of supervision, these documents may be used to verify identity. If the alien does not have any type of document to verify identity, the worker must call the trafficking verification line at (202) 401-5510 and request assistance in obtaining proof of identity.

Expiration of Certification Letters for Adult Victims

The certification letters issued to the adults will expire 8 months from the month HHS certified the adult. At the end of this 8-month period, the county office worker must send a ten-day notice of adverse action to the household asking the household to provide an HHS “follow-up” letter. This letter should indicate if the adult continues to be certified by HHS. If the household does not provide the follow-up letter, the alien will be classified as an ineligible alien and the case will be adjusted as needed.

Social Security Numbers

Some victims of trafficking may not yet have obtained a social security number for work purposes. If that is the case, the individual will be assigned a pseudo SSN and referred to the SSA office as instructed in FSC 2221.

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