





EDMUND G. BROWN JR. GOVERNOR

January 29, 2015

REASON FOR THIS TRANSMITTAL

[] State Law Change

[] Federal Law or Regulation Change

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-07-15

[] Court Order

[x] Clarification Requested by One or More Counties

[] Initiated by CDSS

- TO:
 - ALL COUNTY WELFARE DIRECTORSALL COUNTY REFUGEE COORDINATORSALL COUNTY CALFRESH PROGRAM COORDINATORSALL COUNTY WELFARE-TO-WORK COORDINATORSALL COUNTY CALIFORNIA WORK OPPORTUNITY ANDRESPONSIBILITY TO KIDS (CalWORKs) PROGRAM SPECIALISTSALL COUNTY CASH ASSISTANCE PROGRAM FOR IMMIGRANTS(CAPI) PROGRAM MANAGERSALL COUNTY IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAMMANAGERSALL COUNTY CIVIL RIGHTS COORDINATORSALL COUNTY FISCAL OFFICERSALL COUNTY CONSORTIUM PROJECT MANAGERS
- SUBJECT: TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM (TCVAP) ELIGIBILITY GUIDELINES
- REFERENCE: Welfare and Institutions (W&I) Code Section 13283; W&I Code Section 14005.2; W&I Code Section 18945; Manual of Policies and Procedures (MPP) Chapter 70-100; All County Letter (ACL) No. 06-60, dated December 21, 2006; ACL No. 08-15, dated April 4, 2008, ACL No. 09-49, dated September 30, 2009; ACL No.13-25, dated April 18, 2013, ACIN No. I-41-07, dated August 8, 2007, ACIN No. I-27-09, dated April 16, 2009; ACIN No. I-26-12, dated May 8, 2012, County Fiscal Letter (CFL) 11/12-38, dated January 20, 2012, and CFL 13/14-07, dated September 5, 2013.

The purpose of this ACIN is to provide County Welfare Departments (CWDs) with program guidelines to determine eligibility for TCVAP benefits and services to assist non-citizen victims of human trafficking, domestic violence, and other serious crimes.

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This ACIN provides guidance on:

- Federal and state programs for victims;
- The TCVAP population;
- The benefits and services available to them and their eligible family members;
- Steps to determine eligibility;
- Termination of state-funded TCVAP benefits and services;
- Transfer of cases to federal programs;
- Fiscal reporting requirements;
- Aid codes for data reporting; and
- Links to program-related documents and information.

The TCVAP was authorized by Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006), and became effective on January 1, 2007, requiring the implementation of the state-funded TCVAP for trafficking and other crime victims who are currently ineligible for state and federal programs. On December 21, 2006, the California Department of Social Services (CDSS) released ACL No. 06-60, which provides instructions to counties for the TCVAP implementation.

In 2007, ACIN No. I-47-07, dated August 8, 2007, in a question and answer format, provided post-implementation clarification on the TCVAP. In 2009, TCVAP regulations were added to the MPP for county use to determine TCVAP eligibility. Since that time, many counties have requested further clarification on TCVAP policies and procedures because the circumstances of the TCVAP population present unique challenges to CWDs when assisting them.

Since this ACIN is related to the TCVAP eligibility only, detailed TCVAP employment and social services guidelines will be provided through a subsequent ACIN. If you have any questions about how the TCVAP is administered in the following programs, please contact the appropriate program staff identified below:

Refugee Programs Bureau: Please contact the TCVAP Policy Analyst, (916) 654-4356 or <u>RPB@dss.ca.gov</u>.

CalWORKs Program: Please contact your CalWORKs County Consultant at (916) 654-1322.

CalFresh Program: Please contact your CalFresh County Consultant at (916) 651-8047.

Sincerely,

Original Document Signed By:

THUAN NGUYEN, Acting Chief Child Care and Refugee Programs Branch

Attachments

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM GUIDELINES

January 29, 2015

I. INTRODUCTION

Human trafficking is a form of modern-day slavery; a crime which involves the use of force, fraud, or coercion to recruit, harbor, transport, provide, or obtain a person for the purpose of sexual or labor exploitation.

Victims of trafficking, domestic violence, and other serious crimes have suffered substantial physical and/or mental abuse as a result of having been victims of criminal activity involving, or similar to, the following violations: rape, torture, trafficking, incest, domestic violence, sexual assault, and numerous other felonies.

II. BACKGROUND

Prior to October 2000, there were no comprehensive federal laws to protect non-citizen victims of human trafficking, domestic violence, and other serious crimes. The federal Trafficking Victims Protection Act of 2000 established human trafficking as a federal crime and created two nonimmigrant visas: the T Visa for victims of human trafficking; and the U Visa for victims of domestic violence and other serious crimes. Both visas provide victims with a means to remain in the United States (U.S.) while cooperating with law enforcement in the investigation or prosecution of the perpetrator.

In 2006, Senate Bill (SB) 1569 established human trafficking as a crime in California, and in 2007, SB 1569 was enacted. In 2007, SB 1569 was enacted and established the state-funded Trafficking and Crime Victims Assistance Program (TCVAP) to provide critical support, benefits, and services to victims of human trafficking, domestic violence, and other serious crimes who are not eligible for state or federally-funded benefits and services due to immigration status or those victims awaiting federal benefits, if eligible. The TCVAP provides individuals who meet program eligibility criteria with state-funded benefits and services comparable to those provided to refugees. For more information on SB 1569, please see: http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_1551-1600/sb_1569 bill 20060929 chaptered.pdf.

III. THE TCVAP CLIENT POPULATION

The CDSS' Refugee Programs Bureau (RPB) surveys counties each February and July to capture statewide TCVAP data and to develop budgetary proposals. The individual county responses to the surveys are important because they provide data that is used to determine program funding and equitably allocate TCVAP funds to counties. Though many counties report that they have few or no TCVAP clients, it is important for all County Welfare Departments (CWDs) to be familiar with the CDSS' regulations and guidelines for this population in the event that an individual or family applies for benefits in their county.

IV. TCVAP REFERENCES

- A. ACL No. 06-60 dated December 2, 2006, which implemented the TCVAP; (<u>http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl06/pdf/06-60.pdf</u>).
- B. ACL No. 07-45 dated October 30, 2007, which informs counties of the Social Security Number (SSN) requirement exception for those individuals applying for CalWORKs and/or Food Stamp benefits who claim the status of a victim of human trafficking or other serious crimes. (http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl07/pdf/07-45.pdf)
- C. ACL No. 08-15 dated April 4, 2008, which provides an update on the status of the eligibility for benefits and services for victims of serious crime; (<u>http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl08/08-15.pdf</u>).
- D. ACL No. 09-49 dated September 30, 2009, provides information and instructions regarding new aid and alien eligibility codes in the Medi-Cal Eligibility Data System (MEDS) for individuals who receive benefits and services under the TCVAP; (<u>http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl/2009/09-49.pdf</u>)
- E. ACL No. 13-25 dated April 18, 2013; which provides information and instructions regarding the new aid code, R1, in the MEDS; (<u>http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2013/13-25.pdf</u>).
- F. ACIN No. I-41-07 dated August 8, 2007; which clarified questions from CWDs regarding ACL No. 06-60: (<u>http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin07/pdf/l-41_07.pdf</u>).
- G. Regulations governing the TCVAP can be found in the CDSS Manual of Policies and Procedures (MPP), Specialized Programs, Division- 70: (<u>http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/SPMAN.pdf</u>).
- H. Common Acronyms used in this document: (See Attachment One).

V. TCVAP KEY POINTS

A. Client Characteristics

 CWD staff are encouraged to be familiar with the unique characteristics and behaviors that trafficking, domestic violence, and other serious crime victims may display when applying for benefits at the CWD. These can include: has signs of trauma, physical and mental abuse, avoids certain topics and has fear of sharing information, looks to a partner for answers to questions, shows fear of a partner, and does not have control over their own immigration or other documents. Additionally, victims may have been treated as criminals and may be fearful and apprehensive with government officials, CWD staff, etc. Particular care and respect should be taken with this population to show them that assistance is available. For more information, please refer to the resource section in ACIN No. I-41-07

http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acin07/pdf/l-41_07.pdf.

- Some victims may not be aware that they are victims of human trafficking. It is suggested that a CWD ask questions that may help determine if they are a victim of human trafficking (i.e., What type of work do you do? Has your identification or documentation been taken from you?) For more examples of helpful questions or clues that may help identify a possible trafficking victim, please visit the following websites:
 - The Administration of Children & Families (ACF) "Look Beneath the Surface" brochure used to understand victims of human trafficking, recognize signs, and what action you can take to help: <u>http://www.acf.hhs.gov/sites/default/files/orr/look_beneath_the_surf_ace_brochure_1_english.pdf</u>
 - 2. The Polaris Project's website for resources on human trafficking: http://www.polarisproject.org/resources/resources-by-topic/humantrafficking
 - 3. The Polaris Project's tools for service providers and law enforcement: <u>http://www.polarisproject.org/resources/tools-for-service-providers-and-law-enforcement</u>
 - 4. The ACF's "Identifying Victims of Human Trafficking" fact sheet: <u>http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf</u>
- Many victims are accompanied by an advocate who provides assistance with immigration documents and services related to the crime. It is common for the victim to give authorization for the advocate to act on his/her behalf.
- The majority of TCVAP applicants and clients are limited or non-English speakers. As with all limited English applicants and recipients, CWDs must ensure that effective bilingual interpreter services are provided without delay. It is particularly important that free county-provided interpreter services be offered. Counties are encouraged to make efforts to ensure that the abuser/criminal is not interpreting for the victim.
- Some applicants/clients may provide their own interpreter; however, the CWD cannot require them to do so. The CWD may allow a minor under the age of 18 years old to temporarily act as an interpreter only under

extenuating circumstances or at the specific request of the applicant/recipient.

B. Eligibility

- For **TRAFFICKING VICTIM APPLICANTS ONLY**, the CWD may use a generic "under the penalty of perjury" form for the sworn statement with the applicant's declaration that he/she is a victim of human trafficking if they do not have the documentation listed in Section VI. A. of these guidelines. The sworn statement is sufficient to determine that the applicant is a victim if the CWD determines that the applicant is credible. See **Attachment Two** for an example of a sworn statement.
- Additionally, the CWD should explain to the trafficking victim, what the terms and definitions listed in a sworn statement clearly mean. For example, in **Attachment Two**, the CWD should clearly explain the terms listed in bullets 1 and 2 so that the trafficking victim is clear as to what they are signing "under penalty of perjury."
- DOMESTIC VIOLENCE AND OTHER SERIOUS CRIME VICTIM APPLICANTS <u>cannot</u> use a sworn statement as proof of eligibility and must provide documentation that they have filed an application for a U Visa or have an approved U Visa to be eligible for TCVAP benefits.
- TCVAP applicants must also meet all other program requirements, including income, resource limitations, and work registration requirements, just as any other applicant for benefits.

C. Documentation

- TCVAP applicants may be undocumented and have no legal immigration status at the time they apply. However, CWDs **must** provide benefits and services, including employment, training, and social services if they meet TCVAP eligibility requirements.
- Some TCVAP applicants have entered the country legally with nonimmigrant status and a visa (e.g., a student or a tourist visa). These individuals will be in the Statewide Automated Verification for Entitlements (SAVE) system and may be eligible for TCVAP benefits if the crime against them occurred while they were legally present in the U.S.
- If a TCVAP applicant is undocumented, the applicant will not be in the SAVE system. The CWD cannot deny benefits to individuals whose status cannot be verified if they are otherwise eligible. DO NOT AUTOMATICALLY TURN APPLICANTS AWAY.

- Undocumented applicants and those with legal, non-immigrant status with any valid visa may not have a passport, an alien registration number, any U.S. Citizenship and Immigration Services (USCIS) documents, a SSN, an Employment Authorization Document (EAD – Form I-766), a driver's license, or other documents usually required by the CWD. See a sample EAD at <u>https://e-verify.uscis.gov/esp/help/EvHelpANumberEAD.htm</u>. Counties must not deny or discontinue a TCVAP case because the applicant/client does not have one of the items listed above, if the individual is otherwise eligible.
- For automation systems that require an SSN and the system allows for it, counties may enter a "pseudo" number. Counties should develop workarounds to ensure that TCVAP cases are processed and clients receive the benefits and services for which they are eligible.
- Continued Presence (CP) can be requested by various law enforcement agencies on behalf of a trafficking victim to assist with an investigation and/or prosecution. CP is a temporary status that delays or prevents deportation. Trafficked children under 18 are not required to cooperate with law enforcement to receive benefits and services. CP is granted in one year increments.
- Domestic violence and serious crime victims are not necessarily granted CP. For most noncitizen victims of domestic violence and/or a serious crime, it is implicit in their status to assist or prepare to assist law enforcement with the investigation or prosecution of criminal activities.

D. Benefits and Services Available to TCVAP Clients

- State-funded California Work Opportunity and Responsibility to Kids (CalWORKs) for families with minor children;
- TCVAP Cash Assistance for single adults or families without children;
- California Food Assistance Program (CFAP);
- Cash Assistance Program for Immigrants (CAPI);
- In-Home Supportive Services (IHSS);
- State-funded Medi-Cal, administered by the California Department of Health Care Services;
- Healthy Families Program, administered by the California Department of Public Health;
- Employment Services; and/or

- Supportive Services (child care, transportation, and ancillary services).
- If TCVAP applicants/clients are not work-authorized, they cannot legally work in the U.S and employment-directed training and education must be appropriate to this situation. TCVAP clients must not be required to participate in job search activities, nor should they be referred to the Employment Development Department (EDD). If the client is not workauthorized, appropriate employment activities must be identified to assist the client in preparing for future employment, such as English language training, job skills development, or job-specific training.
- Per MPP Section 70-105.142, an exemption may be granted if a TCVAP client has physical or psychological trauma related to or arising from the victimization that impedes his/her ability to comply with Welfare-to-Work (WTW) activities. A physician must provide written verification specifying that the illness or injury is serious enough to temporarily prevent his/her participation in the program.
- TCVAP clients who are victims of domestic violence and who are participating in the CalWORKs program may be eligible for additional services, including a temporary waiver of program requirements, if needed, under MPP Sections 42-713 and 42-715.
- Specific program time limits are as follows: eight months for TCVAP Cash Assistance clients and 48 months for adult TCVAP CalWORKs clients. Time limits are consistent with Refugee Cash Assistance (RCA) and CalWORKs programs. If time limits change in either program, those changes will also apply to TCVAP time limits. Please note that there are no program time limits for medical benefits and CalFresh (food stamps), if all eligibility requirements are met, including income and resource limits.
- Once certified by the Office of Refugee Resettlement (ORR) as a trafficking victim, clients are transferred to an equivalent federal program available to refugees. Victims of domestic violence and other serious crimes do not have federal equivalent programs and remain in statefunded programs until they reach their time limit or when their U Visa is finally administratively denied. See **Attachment Three** for a table of state-funded TCVAP benefits and services and their federal equivalents.
- TCVAP Cash Assistance clients transferring into the federal Refugee Cash Assistance (RCA) program start a new eight-month eligibility time limit. However, TCVAP CalWORKs clients transferring into the federally equivalent CalWORKs program (i.e., Temporary Assistance for Needy Families (TANF)) do not begin a new eligibility period. The 48-month time limit does not start over. This transfer is only an administrative change in the reporting system from a state-funded to a federally-funded program. See Attachment Four for a sample certification letter.

VI. ELIGIBILITY AND DOCUMENTATION CRITERIA FOR TCVAP BENEFITS

Potential eligibility for the TCVAP is dependent on the applicant establishing that they are a victim of human trafficking, domestic violence, or other serious crimes. Additionally, victims must verify their T or U Visa filing status in accordance with the MPP Sections 70-101 through 70-105. For more information, please see: http://www.dss.cahwnet.gov/ord/PG600.htm.

A. Human Trafficking Victims

Determining eligibility for TCVAP benefits and services for trafficking victims is a multistep process:

(1) The CWD must determine if a client is a trafficking victim, (2) The CWD must determine if a victim is preparing to become federally eligible and, (3) the CWD must determine eligibility for TCVAP benefits and services.

Step 1: Determine if a Client is a Trafficking Victim

Verification:

In order to establish that the applicant is a trafficking victim, a sworn statement from the applicant, or a representative if the applicant is not able to competently make a sworn statement, is sufficient to verify the applicant's trafficking status. Additional evidence shall be provided, if available. If the applicant cannot provide any additional evidence, the sworn statement shall be sufficient if the county or state agency makes a determination documented in the case file that the applicant is credible. One of the items below may be presented as corroborating evidence, including, but not limited to:

- Police, government agency, or court records or files;
- News articles;
- Documentation from a social services, trafficking, or domestic violence program, or a legal, clinical, medical, or other professional from whom the applicant or client has sought assistance in dealing with the crime;
- A statement from any other individual with knowledge of the circumstances that provided the basis of the claim;
- Physical evidence; or
- A copy of a completed T Visa application (Form I-914). For more information, please see: <u>http://www.uscis.gov/files/form/i-914.pdf</u>.

Should the CWD find the applicant not credible, the CWD should follow normal fraud investigation and referral procedures. The CWD may use a generic "under the penalty of perjury" form for his/her sworn statement. See **Attachment Two** for an example of a sworn statement. Also refer to ACL No. 13-89 dated October 31, 2013; which provides counties of the current polices related to the steps and considerations to be taken in determining whether it is appropriate to make a referral for a fraud investigation. For more information, please see:

http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2013/13-89.pdf

Step 2: Determine if a Client is Preparing to Become Federally Eligible

In order to determine eligibility for the TCVAP, the CWD must verify that the applicant is taking, or is preparing to take steps toward obtaining federal eligibility as a certified victim of human trafficking.

The CWD must verify that the applicant has done one or more of the following:

- Filed an I-914 application for a T Visa with the United States Citizenship and Immigration Services (USCIS) and the application has not been denied. This can be verified by a confirmation letter or receipt from the USCIS. For a sample receipt, please see: <u>http://www.uscis.gov/g-1145</u>, or
- Is preparing to file for a T Visa; this may be verified by the applicant's sworn statement that he/she intends to file or is taking steps to become federallyeligible, which may include working with a community-based organization to file for a T Visa, or working with a law enforcement agency; or
- Is taking steps to become federally-eligible for TCVAP benefits and services; this may be verified by statements from law enforcement officials or advocates who are assisting the victim with the T Visa process to become federally-eligible; or
- Is a person for whom CP in the U.S. has been requested by federal law enforcement because he/she is assisting or willing to assist in the investigation or prosecution of human traffickers. CP is a temporary immigration status which allows individuals to remain in the U.S. during the investigation of the crimes committed against them.

Example:

Mr. Tam, who is single with no children and is undocumented, applied for TCVAP Cash Assistance. He states that he is a victim of trafficking, but has no corroborating evidence. He makes a sworn statement that he is a trafficking victim and that he intends to apply for a T Visa. The CWD documents in the case file that Mr. Tam is credible.

Mr. Tam is eligible, if he meets all other program eligibility criteria, to receive TCVAP Cash Assistance. Even though he has no documentation, a sworn statement saying

that he is a victim of human trafficking is sufficient to find him eligible for TCVAP benefits.

Step 3: Determine Eligibility for TCVAP Benefits and Services

For a flow chart outlining the eligibility process for human trafficking victims, please see **Page 6 in ACL No. 06-60**:

http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl06/pdf/06-60.pdf.

B. Domestic Violence and Other Serious Crimes Victims

Unlike human trafficking applicants, to be eligible for TCVAP benefits and services, domestic violence and other serious crimes applicants must have <u>proof</u> that they have either filed for or received a U Visa. U Visa applicants cannot use a sworn statement as proof that they are taking steps to apply for a U Visa.

Once the applicant has provided proof that they have filed for or been granted a U Visa, the county <u>must</u> accept this documentation as sufficient evidence that they are a victim of a crime. The CWD may not ask the applicant for a statement regarding the circumstances of their victimization, as this may further traumatize them. Please note that the CalWORKs requirement to obtain a sworn statement from domestic violence victims does <u>not</u> apply to TCVAP applicants.

Required documentation for determining TCVAP eligibility must include at least one of the following:

- The applicant's U Visa; or
- A confirmation receipt or letter from the USCIS verifying that an application for a U Visa has been filed; or
- A USCIS Notice of Action, Form I-797C, approving a U Visa. For more information, please see: http://images.tdaxp.com/tdaxp_upload/uscis_interview_notice_hg.jpg.
- A fee receipt (Form I-797) for an employment authorization request based on an application for a U Visa; or
- A copy of an application for a U Visa; Form I-918. For more information, please see: <u>http://www.uscis.gov/i-918;</u> or,
- An EAD issued under Category "A19" or "A20" for an approved U Visa applicant.

Example One:

Ms. Ali, who is married with no children, has a non-immigrant tourist visa and applied for TCVAP Cash Assistance. Her husband is not with her in the U.S. She claims that she has been a victim of a serious crime and has a copy of a completed application for a U Visa (Form I-918) that was submitted to the USCIS. If she meets other program eligibility criteria, **she is eligible** for TCVAP Cash Assistance. Though she is married, her husband is in another country and this has no bearing on her case.

Unlike trafficking victims who can make a sworn statement to be found eligible for TCVAP benefits, victims of domestic violence and other serious crimes cannot make a sworn statement, and must provide proof that an application for a U Visa has been filed.

Example Two:

Ms. Givon is a single mother of three children and has applied for CalWORKs. She stated that she was a victim of a serious crime. The CWD worker asked her if she has proof of applying for a U Visa and she stated that she plans to apply, and has consulted with an attorney for assistance with the application. Ms. Givon **is not eligible** for TCVAP CalWORKs until she can provide required documentation verifying that she has applied for a U Visa. Eligibility shall be determined as promptly as possible within no more than 30 days from the date of application.

For a flow chart outlining the eligibility process for domestic violence and other serious crimes victims, see **Page Eight in ACL No. 06-60**: http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl06/pdf/06-60.pdf.

VII. ELIGIBILITY AND DOCUMENTATION CRITERIA FOR FAMILY MEMBERS

Certain family members (derivatives) of victims of trafficking, domestic violence, and other serious crime victims may be eligible for TCVAP benefits and services, if they meet the following eligibility criteria:

- Non-citizen family members who have a T-2, T-3, T-4, T-5, or T-6 Visa or U-2, U-3, U-4, or U-5, etc., collectively referred to as derivative T or U Visas, are eligible for TCVAP benefits and services provided they meet other program criteria (e.g., age, income levels, etc.)
- A principal victim who was granted a T or U Visa and who was under 21 years old on the date the T or U Visa application was filed, has derivative T or U Visas available to their spouse, children, parents, and unmarried siblings who were under 18 years old on the date the T or U Visa application was filed.
- In the case of a victim who is granted a T or U Visa and who was 21 years old or older on the date the T or U Visa application was filed, derivative T or U Visas are generally only available to the victim's spouse and children.

See Application for a Derivative T Visa – Form I-914 Supplement A, Petition for Qualifying Family Members of T-1Recipient at <u>http://www.uscis.gov/i-914</u> – and application for a derivative U Visa – Form I-918, Supplement A, Petition for Qualifying Family Members of U-1 Recipient at <u>http://www.uscis.gov/i-918</u>.

When a derivative T or U Visa holder applies for benefits or services, the CWD must accept the derivative T or U Visas as documentation of TCVAP eligibility for family members. The CWD must follow standard eligibility determination procedures and issue benefits to derivative T and U Visa holders in accordance with the eligibility requirements of the program they are applying for.

Example One:

Mr. Gonzalez is married and has a two-year old child. All three family members are undocumented. Mr. Gonzalez and his wife make sworn statements that they are trafficking victims and intend to file for T Visas. Mr. Gonzalez also makes a sworn statement that his child is a trafficking victim and that he intends to apply for a T Visa on the child's behalf.

The family **is eligible** for TCVAP CalWORKs if all other program eligibility requirements are met. The family members **are eligible** because they made sworn statements that they are victims of human trafficking and that they intend to file for T Visas.

Example Two:

Ms. Nguyen is a trafficking victim and meets the TCVAP eligibility requirements. Ms. Nguyen has a spouse and no children. Her spouse is undocumented and is not a trafficking victim, but she has applied for a derivative T Visa on his behalf. Ms. Nguyen and her husband **are eligible** for TCVAP Cash Assistance.

Example Three:

Mr. Lopez's application for a U Visa, which he filed when he was 22-years old, was granted by the USCIS. He applied for his spouse, minor child, and father for derivative U Visas. Mr. Lopez, his spouse, and minor child applied for TCVAP benefits. The family met all other eligibility criteria and was found eligible for TCVAP CalWORKs benefits. His father also applied for benefits; however, he is **not eligible.** Because Mr. Lopez was 22-years old when he filed for his U Visa, he can only apply for derivative U Visas for his spouse and minor child, not for his father.

VIII. TERMINATION OF TCVAP ELIGIBILITY

Eligibility for TCVAP benefits and/or services will be terminated under the following situations:

A. Human Trafficking Victims

1. The client has not applied for a T Visa within one year of the date of application for benefits. Within one year, the client must show the CWD a copy of their T Visa or a receipt or letter from the USCIS that they have filed for a T Visa.

Exception: If the client has not filed for a T Visa within a year of their application for benefits, they are to be terminated from the TCVAP **unless** federal law enforcement has made a request for CP on behalf of the client. If a request for CP has been made by federal law enforcement, the client continues to be eligible for benefits and services.

2. The client's application for a T Visa has been finally administratively denied by the USCIS. An application for a T Visa is finally administratively denied when an appeal of the T Visa denial has been unsuccessful or the time to appeal the denial has passed without an appeal having been filed. It is the client's responsibility to notify the CWD when his/her T Visa has been finally administratively denied.

Example One:

Ms. Vang, who is single with one child, was determined eligible for TCVAP CalWORKs as a trafficking victim preparing to file an application for a T Visa. Her date of application for benefits was May 1, 2013. The CWD asked her to provide documentation that she had submitted an application for a T Visa or had been granted CP by April 30, 2014, one year from the date of her application for benefits. She did not provide the proof by that date and the CWD terminated her TCVAP benefits.

Ms. Vang is **not eligible** because she must apply for a T Visa or be granted CP within one year from the date of her application for benefits.

Example Two:

Mr. Tanaka is single with no children and has been receiving TCVAP Cash Assistance for four months. His T Visa was finally administratively denied by the USCIS. Mr.Tanaka notified the CWD that his T Visa was denied. Even though his eight-month time limit on aid has not been reached, he is **no longer eligible** for TCVAP Cash Assistance. The county correctly terminated his TCVAP benefits.

B. Domestic Violence and Other Serious Crimes Victims

TCVAP benefits and services for victims of domestic violence and other serious crimes will be terminated when the client's U Visa is finally administratively denied or when the program time limitation has been reached, whichever comes first. It is the client's responsibility to notify the CWD of a change in immigration status, such as the final administrative denial of their U Visa application.

Example One:

Mr. Ancona, who is single with no children, applied for TCVAP benefits and provided proof that he filed an application for a U Visa with USCIS, and met all other eligibility criteria for TCVAP Cash Assistance. He began receiving TCVAP Cash Assistance benefits on May 1, 2011. On July 15, 2011, he received his U Visa from the USCIS and notified the CWD of his change in status. Because there is no federal program for victims of domestic violence and other crimes, he was **no longer eligible** and was discontinued from TCVAP Cash Assistance on December 31, 2011, when his eightmonth time limit was reached. As the client has legal status with the receipt of the U Visa, the county should process him for General Assistance eligibility. He may also be eligible for CAPI if he meets age or disability requirements.

Example Two:

Ms. Petrov, who is single with one minor child, had her application for a U Visa approved by the USCIS. She **is eligible** and was approved for TCVAP CalWORKs benefits. If she remains otherwise eligible, she will continue to receive TCVAP CalWORKs benefits until her time limit on aid is reached. The CWD is correct in continuing her CalWORKs benefits until her time limit her time limit is reached because she has an approved U Visa.

C. Family Members

If the principal victim is later determined ineligible for TCVAP benefits and services, it is the responsibility of the CWD to evaluate eligibility of the remaining family members, if applicable.

Example:

Ms. Chang is a domestic violence victim with a U Visa and has one child, who is a U.S. citizen. Ms. Chang has been terminated from TCVAP CalWORKs because she reached her time limit on aid. She is **no longer eligible** for TCVAP CalWORKs benefits unless she meets one of the exception criteria at MPP section 42-302.11 and 42-302.12. Because the child is a U.S. citizen, the CWD has the responsibility to evaluate the child's eligibility for child-only CalWORKs benefits.

IX. ADJUSTMENT OF STATUS

T and U Visa holders **are required** to file for adjustment of status to a Legal Permanent Resident no later than 90 days prior to the third anniversary of the approval of their visa. Failure to apply for adjustment of status will result in the termination of their visa at the end of four years. For more information regarding the USCIS Policy Memorandum see <u>http://search.uscis.gov/search?utf8=%E2%9C%93&affiliate=uscis_gov&query=PM-602-</u>0032.1&commit.x=11&commit.y=15.

X. EMPLOYMENT AUTHORIZATION DOCUMENT

An Employment Authorization Document (EAD), also known as a work permit, authorizes a non-citizen to work in the U.S. for a period of time, usually one year. An EAD can be granted at the same time that a T or U Visa is granted. U.S. employers must verify that employees, regardless of citizenship or national origin, are authorized to work in the U.S. With an EAD, a non-citizen may legally work in the U.S. for any employer until the EAD expiration date is reached.

The following TCVAP applicants/clients **will** be work authorized:

- A person who has been granted CP by a federal law enforcement agency; and
- A person who has been granted a T or U Visa by the USCIS.

The following TCVAP applicants/clients **will not** be work authorized:

- A person who is in the U.S. with no legal immigration status; and
- A person, who is in the U.S. with a nonimmigrant status on a temporary basis, such as for tourism or study, may or may not be work authorized. The CWD must ask the applicant/client if they are authorized to work in the U.S. Once a person has entered the U.S. in a nonimmigrant status, he/she is usually restricted to the activity or reason for which he/she was allowed entry into the country.

If TCVAP applicants/clients are not work-authorized, they cannot legally work in the U.S., therefore, employment-directed training and education must be appropriate to this situation, such as Vocational English as a Second Language (VESL) training, occupational assessments, job search coaching, knowledge about employer expectations and workplace culture, etc. TCVAP clients who are not work-authorized must not be required to participate in job search activities, nor should they be referred to the EDD.

XI. CASE TRANSFERS TO FEDERALLY-FUNDED PROGRAMS

A. Human Trafficking Victims

Adults: Adult TCVAP clients who have received a certification letter from the ORR, whether or not they have been granted a T Visa, are eligible for federal benefits and services to the same extent as refugees, if otherwise eligible. Please note that once the certification letter has been issued, the client is no longer eligible for state-funded TCVAP benefits and services. In addition, the CWD must update the state-funded aid code to a federally-funded aid code. It is the trafficking certification letter, not the T Visa, which confers eligibility for federal benefits. The certification letter will contain in its body a date of certification (sometimes called a date of eligibility). The date of certification will serve as the "date of entry" for all federal benefits programs. For more information on ORR State Letter 01-13 see

http://www.acf.hhs.gov/programs/orr/resource/state-letter-01-13.

When the client has been issued a certification letter from the ORR, it is the client's responsibility to notify the CWD of any change in status. For clients who have been issued a certification letter from the ORR, the CWD is to assess the client's eligibility under other federally-funded programs, such as RCA, TANF, CalFresh, etc.

Minors: Federal law provides that minor victims of human trafficking who are under 18 years of age need not obtain ORR certification to be eligible for federal programs. ORR will provide an "eligibility letter" for minor victims. For more information on ORR State Letters 01-13 and 02-01 see

http://www.acf.hhs.gov/programs/orr/resource/state-letter-01-13 and http://www.acf.hhs.gov/programs/orr/resource/state-letter-02-01.

Example:

Mr. Yee, who has been granted a T Visa, was determined eligible for TCVAP Cash Assistance benefits. He received his certification letter from the ORR, therefore he is no longer eligible for TCVAP benefits. His state-funded TCVAP benefits were terminated and the CWD found him eligible for federally-funded RCA benefits.

1. Transfer of State-funded TCVAP Cash Assistance Clients to Federally-Funded RCA

TCVAP Cash Assistance clients who receive an ORR trafficking certification letter, with or without a T Visa, are transferred to the federal RCA program if otherwise eligible, and receive an additional eight months of aid from the date of the certification letter. Once the time limit has been reached, the CWD is encouraged to work with clients to identify additional programs and resources to refer them to. For example, TCVAP cash assistance individuals should be referred to the County General Assistance/General Relief program or CAPI program, if appropriate.

Example One:

Ms. Hasani, who is single with no children, was approved for TCVAP Cash Assistance beginning on August 1, 2013. She received her ORR trafficking certification letter, dated December 1, 2013 and reported this to the CWD immediately. The CWD sent a notice informing Ms. Hasani that her TCVAP Cash Assistance was terminated December 1, 2013. Her RCA benefits begin December 1, 2013 and end August 1, 2014 – eight months from the date of the certification letter.

Example Two:

Ms. Gomez, a single woman receiving TCVAP Cash Assistance, received her T Visa, but not a certification letter. She reached her eight-month time limit on aid and the CWD transferred her to the federal RCA program. Ms. Gomez is **not eligible** at this time because it is the certification letter, not the T Visa, which makes her eligible for federal benefits.

2. Transfer of State-Funded TCVAP CalWORKs to Federally-Equivalent CalWORKs

When a TCVAP CalWORKs client becomes federally-eligible, they will continue their time limit on aid; a new time limit period <u>does not</u> begin. Please note that once the certification letter has been issued, the client is no longer eligible for TCVAP benefits and services. In addition, the CWD must update the state-funded aid code to a federally-funded aid code. TCVAP CFAP clients do not have any time limits. The CFAP and CalFresh households are unchanged as the households already utilize the same aid code.

B. Domestic Violence and Other Serious Crime Victims

Unlike trafficking victims, domestic violence and other serious crime victims are ineligible for federally-funded programs, regardless of being issued a U Visa. They will remain in the state-funded TCVAP until the program time limit is reached or TCVAP eligibility ends, whichever comes first. Once the program time limit has been reached, the CWD is encouraged to work with clients to identify additional programs and resources to refer them to.

C. Family Members

If the principal victim is transferred to a federally-funded program, it is the responsibility of the CWD to evaluate eligibility for the remaining family members. In most cases, when the principal victim is transferred to a federally-funded program, their derivative family members are also transferred.

DOCUMENTATION	STATE ELIGIBLE	FEDERALLY ELIGIBLE
PREPARING TO APPLY FOR T VISA	YES	NO
APPLIED FOR T VISA	YES	NO
T VISA GRANTED	YES	NO*
RECEIVED CERTIFICATION LETTER (TRAFFICKING VICTIMS ONLY)	NO	YES
PREPARING TO APPLY FOR U VISA	NO	NO
APPLIED FOR U VISA	YES	NO
U VISA GRANTED	YES	NO

State vs. Federal Eligibility Matrix

* It is the trafficking certification letter, not the T Visa, which confers eligibility for federal benefits.

XII. CASE RECORDS

In addition to other necessary documents, TCVAP case records must include the following, when applicable:

- Documentation to verify trafficking status;
- Documentation that the applicant has filed an application or intends to file an application for a T Visa;
- The trafficking victim's sworn statement that they are a victim of human trafficking, in the absence of any other documentation; and
- Documentation verifying that the applicant has filed for or been granted a U Visa.

Please refer to Section VIII for complete eligibility and documentation requirements.

XIII. DATA REPORTING

The following codes apply to TCVAP cases and must be used for data reporting and claiming purposes by counties. Once the codes are programmed into the consortia (i.e., LEADER, C-IV, and/or CalWIN), the CDSS will have the capacity to identify TCVAP cases, which help determine program funding and equitably allocate funds to the counties. In the meantime, counties are to continue to flag their TCVAP cases and report them on the survey mentioned in Section III.

A. TCVAP Cash Assistance - 1V Aid Code

As stated in ACL No. 09-49, dated September 30, 2009, the 1V aid code was established and applies to single adult TCVAP Cash Assistance recipients only. The 1V aid code has been programmed into the Medi-Cal Eligibility Data System (MEDS) and was effective October 1, 2009.

The following TCVAP alien eligibility codes were also established to be used in conjunction with aid code 1V, as well as any state-funded CalWORKs aid codes that are relevant to the TCVAP:

- W: Non-citizen victim of trafficking who is in the process of applying for a T Visa, has applied for a T Visa, or is taking steps to become certified by the ORR for federal benefits.
- **X**: Non-citizen victim of domestic violence and other serious crimes who has filed a U Visa application.
- **Y**: Non-citizen Victim of domestic violence and other serious crimes whose U Visa has been approved.

For more information on the TCVAP Cash Assistance 1V aid code please refer to ACL No. 09-49 at: <u>http://www.dss.cahwnet.gov/lettersnotices/PG3104.htm</u>.

B. TCVAP CalWORKs (Trafficking Victims Only) - R1 Aid Code

As stated in ACL No. 13-25, dated April 18, 2013, the R1 aid code applies to noncitizen TCVAP CalWORKs trafficking victims who are otherwise ineligible for federally-funded benefits and services due to immigration status. The R1 aid code has been programmed into the MEDS and was effective October 1, 2012.

This aid code is required to correctly identify and track cash assistance expenditures of TCVAP CalWORKs trafficking victims so that CDSS can exclude these expenditures from counting towards meeting the state's Maintenance of Effort (MOE) requirements for CalWORKs, California's TANF. Expenditures claimed with this aid code have a cost sharing ratio of 97.5 percent State General Fund (SGF) and 2.5 percent county funds.

The TANF program requires the state to maintain a certain level of SGF expenditures for TANF-eligible persons in order to receive the TANF block grant. Some expenditures for TCVAP CalWORKs trafficking victims are not eligible toward meeting the MOE requirement because some of the clients may have no legal immigration status and their presence in the U.S. may be unknown to the federal government.

Counties must use the alien eligibility code below with the R1 aid code:

W: Non-citizen victim of trafficking who is in the process of applying for a T Visa, has applied for a T Visa, or is taking steps to become certified by the ORR for federal benefits.

For more information on the CalWORKs Cash Assistance R-1 aid code for trafficking victims please refer to ACL No. 13-25 at: http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/acl/2013/13-25.pdf.

C. RTCVAP

A benefit type code for TCVAP Cash Assistance benefits has been added to the Electronic Benefit Transfer (EBT) system. The TCVAP benefit type is RTCVAP and is to be used in conjunction with the 1V TCVAP Cash Assistance aid code and R1 TCVAP CalWORKs aid code. The RTCVAP benefit type is available for county use once counties program their respective consortium with the new benefit type and the aid codes mentioned above, if necessary.

XIV. TCVAP ALLOCATIONS AND FISCAL CLAIMING INSTRUCTIONS

As discussed in Section III, the RPB surveys counties in July and in February to capture statewide TCVAP data and to develop budgetary proposals. Counties' responses to the survey are important because this data is used to determine program funding and equitably allocate TCVAP funds to counties.

A. TCVAP Allocations

CFL No. 13/14-07 provides counties with the SFY 2013/14 allocation of \$10,575,000 General Fund for TCVAP-related services, administration, and child care costs is available based on the approved SFY 2013/14 Budget Act.

In consultation with the County Welfare Directors' Association, counties received their hold harmless SFY 2012-13 allocation. Any additional funds were allocated on a percent to statewide total of the TCVAP client count survey. Counties have the flexibility to spend their allocations across program areas and activities, if needed. For more information on TCVAP allocations, please refer to CFL No. 13/14-07 at: http://www.dss.cahwnet.gov/lettersnotices/EntRes/getinfo/cfl/2013-14/13-14 07.pdf.

B. TCVAP Fiscal Claiming Instructions

Counties may claim administrative costs for TCVAP Non-citizen activities to Program Code (PC) 713 and services costs to PC 714, TCVAP Non-citizen services. Both PCs are 100 percent SGF with no county share of cost. Expenditures that exceed the state allocation will be transferred to county-only share via State Use Only Code 715. For more information on claiming instructions, please refer to CFL No. 11/12-38 at: <u>http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/cfl/2011-12/38.pdf</u>.

ATTACHMENTS

ATTACHMENT ONE

ACRONYMS

ACIN ACL CalWORKs CAPI	All County Information Notice All County Letter California Work Opportunity and Responsibility to Kids Cash Assistance Program for Immigrants
CDSS	California Department of Social Services
CFAP CFL	California Food Assistance Program
CP	County Fiscal Letter Continued Presence
CWD	County Welfare Department
EAD	Employment Authorization Document
EBT	Electronic Benefit Transfer
GF	General Fund
IHSS	In-Home Supportive Services
MOE	Maintenance of Effort
MPP	Manual of Policies and Procedures
ORR	Office of Refugee Resettlement
PC	Program Code
RCA	Refugee Cash Assistance
RMA	Refugee Medical Assistance
RSS	Refugee Social Services
SAR	Semi-Annual Reporting Statewide Automated Verification for Entitlements
SAVE SB	Statewide Automated Vernication for Entitlements
SFY	Senate Bill State Fiscal Year
SGF	State General Fund
SNAP	Supplemental Nutrition Assistance Program
SSI	Supplementary Security Income
SSN	Social Security Number
TA	Targeted Assistance
TANF	Temporary Assistance for Needy Families
TCVAP	Trafficking and Crime Victims Assistance Program
USCIS	United States Citizenship and Immigration Services
W & I Code	Welfare and Institutions Code
WTW	Welfare to Work

ATTACHMENT TWO

CASE NAME		CASE NUMBER	
My name is	. My address is		
I declare that I was a victim of i me:	numan trafficking. This means that	one of the following happe	med to
1). Sex trafficking - This mean	is that I was made to sell myself for	sex by force, fraud ¹ , coerce	ion ² , or l
was persuaded to sell myself wi	nen I was under 18 years old; or		
2) Forced or unpaid work - T	his means that someone used force,	fraud threats etc. to get m	e to
	aid, forced to work off debt, held in		
I understand that hy signing this	application under penalty of perjur	3 that	
I understand that by signing the	s application under penaity of perjur	y mai.	
	e, the information in this declaration		
	id correct to the best of my knowled		
	; false or misleading statements or m ablish eligibility is fraud and that I n		under
	false or untrue information. Fraud c		
against me.			Constanting and a second
I dealars under populity of p	erjury that the foregoing statement i	true and correct to the he	at of any
	that if I present any material matter		
	es prescribed for perjury under the P		
California in accordance wi	th Section 11054 of the Welfare and	Institutions Code.	
Executed at	California, this	day of	_2
Applicant's Signature			
Signature of Applicant's Repre-	sentative		
Title of Applicant's Representa	tive		

ATTACHMENT THREE

	Benefits and Services	
Population	State Programs Under TCVAP (for Trafficking, Domestic Violence and Other Serious Crime Victims)	Federal Benefits and Services (for Federally- Certified Trafficking Victims <u>only</u>)
Single adults and families <u>without</u> children	 TCVAP Cash Assistance up to 8 months Up to 60 months Refugee Social Services (RSS)/Targeted Assistance (TA) type employment and social services from date of entry 	 Refugee Cash Assistance (RCA) up to 8 months (Trafficking victims are allowed an additional 8 months of cash assistance from date of certification) Up to 60 months RSS/TA employment and social services from date of entry (Trafficking victims will begin a new 60 month time limit from date of certification)
Eligible families <u>with</u> children	 State-funded TCVAP California Work Opportunity and Responsibility to Kids (CalWORKs) up to 48 months of cash assistance (cumulative) State-funded TCVAP CalWORKs Welfare-to-Work (WTW) employment services and supports for as long as the client qualifies for TCVAP CalWORKs cash aid and is meeting participation requirements Up to 60 months RSS/TA-type employment and social services from date of entry 	 Federally-equivalent CalWORKs up to 48 months of cash assistance (Time clock that began under State-funded TCVAP CalWORKs continues. The 48-month time limit does not start over) Federally-equivalent CalWORKs W TW employment services and supports for as long as the client qualifies for CalWORK's cash aid and is meeting participation requirements. Up to 60 months R SS/TA employment and social services from date of entry (Trafficking victims will begin a new 60 month time limit from date of certification)
Eligible adults and families	California Food Assistance Program (CFAP)	CalFresh
Adults over the age of 65, disabled, and/or blind	Cash Assistance Program for Immigrants (CAPI) State-funded In-Home Supportive Services (IHSS) Personal care services	Supplemental Security Income (SSI) IHSS Personal care services
Unaided Adults	 Up to 80 months of RSS/TA-type employment and social services from date of entry 	Up to 60 months RSS/TA employment and social services from date of entry
Individuals who meet all eligibility requirements for a Medi-Cal program except satisfactory immigration status	State-funded Medi-Cal	Federally-funded Medi-Cal
Children and teens with no health insurance who do not qualify for free Medi-Cal	State-funded Healthy Families Program	Healthy Families Program

ATTACHMENT FOUR



DEPARTMENT OF HEALTH & HUMAN SERVICES

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

HHS Tracking Number DOB: 03/13/19XX

Client's Name c/o Advocate's Name

la Maestra Community Health Centers 4060 Fairmont Avenue San Diego, CA 92105

OCT 2 1 2013

CERTIFICATION LETTER

Dear Mr.

This letter confirms that you have been certified by the U.S. Department of Health and Human Services (HHS) under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000. 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. Certification does not confer immigration status.

Your certification date is October 25, 2013. The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this certification. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter.

You should present this letter when you apply for benefits or services. <u>Benefit-issuing agencies must call the</u> toll-free trafficking verification line at 1 (866) 401-5510 in the Office of Refugee Resettlement (ORR) to verify the validity of this document and to inform HHS of the benefits for which you have applied

The Department of Labor offers employment and training services for which you may be eligible. Call 1-877-USA-JOBS or visit <u>www.servicelocator.org</u> to find out about the nearest One-Stop Career Center.

You must notify this office of your current mailing address. Please send a dated and signed letter with any changes of address to: Trafficking Program Specialist, Office of Refugee Resettlement, 8'h Floor West, 370 L'Enfant Promenade, SW, Washington, DC 20447. We will send all notices to that address, and any notice mailed to that address constitutes adequate service. You may also need to share this same information with state and local benefit-issuing agencies.

Director Office of Refugee Resettlement