

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



September 23, 2004

ALL COUNTY LETTER NO. 04-38

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT (TVPRA) OF 2003 – ELIGIBILITY FOR BENEFITS AND SERVICES EXTENDED TO CERTAIN FAMILY MEMBERS OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS

REFERENCE: OFFICE OF REFUGEE RESETTLEMENT (ORR) STATE LETTER NO. 04-12, DATED JUNE 18, 2004
ALL COUNTY LETTER NO. 02-28, DATED MARCH 18, 2002

The purpose of this letter is to transmit information and instructions regarding the provision of benefits to certain family members of trafficking victims as directed by the federal ORR's State Letter No. 04-12, dated June 18, 2004 (see Attachment I). Even though this Letter may also be found on the ORR website at <http://www.acf.dhhs.gov/programs/orr/policy/stltrs04.htm>, we apologize for the delay in getting this information to you.

The Trafficking Victims Protection Act (TVPA) of 2000, Public Law (P. L.) No. 106-386 (8 United States (U.S.) Code 7105(b)(1)) makes victims of a severe form of trafficking in persons eligible for benefits and services to the same extent as refugees. The TVPA was reauthorized and amended by the TVPRA of 2003, P. L. No. 108-193. The TVPRA also provides that certain family members of trafficking victims are eligible for benefits and services to the same extent as refugees effective December 19, 2003.

Eligibility for Benefits

Non-citizen individuals who have a T-2, T-3, T-4, or T-5 Visa (collectively referred to as "Derivative T Visas") are eligible for benefits and services (e.g., Refugee Cash Assistance, Medi-Cal, Food Stamps, California Work Opportunity and Responsibility to Kids, etc.) provided they meet other program criteria (e.g., age, income levels, etc.).

In the case of a trafficking victim who is awarded a T Visa and who was under 21 years of age on the date the T Visa application was filed, the Derivative T Visas are available to the trafficking victim's spouse, children, parents, and unmarried siblings who are under 18 years of age on the date the T Visa application was filed.

In the case of a trafficking victim who is awarded a T Visa and who was 21 years of age or older on the date the T Visa application was filed, the Derivative T Visas are available to the trafficking victim's spouse and children.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

Application for Benefits

When a Derivative T Visa holder applies for benefits or services, the County Welfare Department (CWD) shall accept the non-immigrant T-2, T-3, T-4 or T-5 Visa as documentation of eligibility. The CWD shall follow standard eligibility determination procedures and issue benefits to Derivative T Visa holders to the same extent as refugees provided they meet other program eligibility requirements (e.g., age, income levels, etc.). Please note that notwithstanding Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a non-citizen who is a victim of a severe form of trafficking in persons, or a non-citizen who holds a Derivative T Visa is eligible for benefits and services to the same extent as a refugee.

Date of Entry for Purposes of Eligibility for Benefits and Services

For a non-citizen individual who is already present in the United States (U.S.) on the date the Derivative T Visa is issued, the date of entry for purposes of benefits and services is the Notice Date on the Form I-797, Notice of Action of approval of the individual's Derivative T Visa. See Attachment II for a sample of this document.

For a non-citizen individual who enters the U.S. on the basis of a Derivative T Visa, the date of entry for purposes of benefits and services is the date of entry stamped on the individual's passport or I-94 Arrival Record. See Attachment III for a sample of this document.

Verification of Trafficking Victim and Nonimmigrant Family Member Status

The Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) system does not contain information about victims of a severe form of trafficking or their non-immigrant family members. Until further notice, please do not contact SAVE concerning trafficking victims or trafficking victim's non-immigrant family members. The CWD should call the toll-free trafficking verification line at 1-(866) 401-5510 to notify ORR of the benefits for which the individual has applied.

If you have any questions regarding this letter, please contact Kathy Noble, Refugee Programs Bureau, at (916) 654-0495.

Sincerely,

Original Document Signed by

CHARR LEE METSKER
Acting Deputy Director
Welfare to Work Division

Attachments

c: CWDA
Refugee Program County Coordinators



Office of Refugee Resettlement

GENERAL INFORMATION

- ORR MISSION
- ORR PARTNERS
- NEWS & EVENTS
- RELATED SITES
- PROGRAMS
- POLICY
- FUNDING
- REPORTING
- ARCHIVES
- TECHNICAL ASSISTANCE
- DATA

SITE SEARCH

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State Letter # 04-12

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Nguyen Van Hanh, Ph.D.
Director
Office of Refugee Resettlement

SUBJECT: The Trafficking Victims Protection Reauthorization Act of 2003 – Eligibility for Federally Funded or Administered Benefits and Services to the Same Extent as Refugees Extended to Certain Family Members of Victims of a Severe Form of Trafficking in Persons.

The Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. No. 106-386 (8 U.S.C. 7105(b)(1)) makes victims of a severe form of trafficking in persons eligible for federally funded or administered benefits and services to the same extent as refugees. The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Pub L. No. 108-193. As a result, effective December 19, 2003, certain family members of victims of a severe form of trafficking are eligible for federally funded or administered benefits and services to the same extent as refugees. Specifically, holders of a T-2, T-3, T-4 or T-5 visa (collectively referred to as "Derivative T Visas") are eligible for federally funded or administered benefits and services (e.g., refugee cash and medical assistance, TANF, Medicaid and food stamps) provided they meet other program criteria (e.g., age or income levels).

In the case of an alien who is awarded a T visa and who was under 21 years of age on the date the T visa application was filed, the Derivative T Visas are available to such alien's spouse, children, unmarried siblings under 18 years of age on the date on which such alien's T visa application was filed, and parents.

In the case of an alien who is awarded a T visa and who was 21 years of age or older on the date the T visa application was filed, the Derivative T Visas are available to such alien's spouse and children.

Date of Entry for Purposes of Eligibility for Some Benefits and Services

Because some benefits and services may be time-limited, ORR

encourages those with a Derivative T Visa to apply for benefits and services as quickly as possible. For example, Refugee Cash and Medical Assistance is only available to a refugee for the first eight months from that individual's date of entry into the United States.

For an individual who is already present in the United States on the date the Derivative T Visa is issued, the date of entry for federally funded or administered benefits and services is the Notice Date on the I-797, Notice of Action of approval of that individual's Derivative T Visa. A sample of this document is attached.

For an individual who enters the United States on the basis of a Derivative T-Visa, the date of entry for federally funded and administered benefits and services is the date of entry stamped on that individual's passport or I-94 Arrival Record. A sample of this document is attached.

Applications for Benefits

1. When a Derivative T Visa Holder applies for benefits or services, the benefit or service agency should follow their normal procedures for providing services and benefits to refugees except that they should accept the non-immigrant T-2, T-3, T-4 or T-5 visa.
2. Call the toll-free trafficking verification line at 1(866) 401-5510 to notify ORR of the benefits for which the individual has applied. (Note: At this time, the DHS Systematic Alien Verification for Entitlements (SAVE) system does not contain information about victims of a severe form of trafficking or nonimmigrant alien family members. Until further notice, do not contact SAVE concerning victims of trafficking or nonimmigrant alien family members.)
3. Issue benefits to the same extent as a refugee, provided the Derivative T Visa holder meets other program eligibility criteria (e.g., age or income levels). Note that for any of the limitations imposed on the receipt of federal benefits by Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act, 8 U.S.C. 1601 et seq., all exceptions applicable to refugees should be applied to victims of a severe form of trafficking and Derivative T Visa holders.

Please contact Antoinette Aqui if you have questions regarding the information contained in this State Letter at 202 401-4825.

[I-94 Arrival/Departure Record](#)
[I-914A Application for Immediate Family Member of T-1 Recipient](#)

I914 Principal Applicant A#: I914A Applicant A#:		CASE TYPE: I-914A Application for Immediate Family Member of T-1 Recipient
RECEIPT DATE:	PRIORITY DATE	PRINCIPAL APPLICANT:
NOTICE DATE:	PAGE: 1 of 1	DERIVATIVE APPLICANT:
		Notice Type: Approval Class: T2 Valid From: To

Your application for derivative T Nonimmigrant Classification as a qualifying family member has been approved. Attached below, please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted T Nonimmigrant Classification for the specified period.

EMPLOYMENT AUTHORIZATION:

If you filed a Form I-765, Application for Employment Authorization, in conjunction with your application for T Nonimmigrant Classification, a decision on that form will be mailed to you separately.

DEPARTING FROM THE UNITED STATES:

If you plan to depart the United States you must obtain permission to return to the United States before you leave this country by obtaining advance parole. If you do not obtain advance parole in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You may apply for advance parole by submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver to this office.

Please see attached additional information on the back. You will be notified separately about other cases you filed.

United States Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden St
St Albans, VT 05479
Form I-797a (rev. 09/07/93)N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach this Half for Personal Records Receipt # I-94 # NAME CLASS T2 VALID FROM UNTIL	Receipt Number United States Citizenship and Immigration Services	
	I-94 Departure Record	
	14. Family Name	
	15. First (Given) Name	16. Date of Birth
17. Country of Citizenship		

U.S. Department of Justice
Immigration and Naturalization Service

OMB 1115-0077

This Side For Government Use Only

Primary Inspection

Admission Number

Welcome to the United States

468965797 10

I-94 Arrival/Departure Record - Instructions

This form must be completed by all persons except U.S. Citizens, returning resident aliens, aliens with immigrant visas, and Canadian Citizens visiting or in transit.

Type or print legibly with pen in ALL CAPITAL LETTERS. Use English. Do not write on the back of this form.

This form is in two parts. Please complete both the Arrival Record (Items 1 through 13) and the Departure Record (Items 14 through 17).

When all items are completed, present this form to the U.S. Immigration and Naturalization Service Inspector.

Item 7. If you are entering the United States by land, enter LAND in this space. If you are entering the United States by ship, enter SEA in this space.

Form I-94 (04-15-86)Y

U.S. Government Printing Office: 2002 - 492-866

Admission Number

468965797 10

Immigration and
Naturalization Service
I-94
Arrival Record

SAMPLE

1. Family Name	
2. First (Given) Name	3. Birth Date (Day/Mo/Yr)
4. Country of Citizenship	5. Sex (Male or Female)
6. Passport Number	7. Airline and Flight Number
8. Country Where You Live	9. City Where You Boarded
10. City Where Visa Was Issued	11. Date Issued (Day/Mo/Yr)
12. Address While in the United States (Number and Street)	
13. City and State	

Departure Number

468965797 10

Immigration and
Naturalization Service
I-94
Departure Record

14. Family Name	
15. First (Given) Name	16. Birth Date (Day/Mo/Yr)
17. Country of Citizenship	

See Other Side

ENGLISH

STAPLE HERE

SAMPLE

SAMPLE

SAMPLE

Applicant's Name _____
Date _____ Time _____ Insp. # _____

Reason Referred
 212A PP Visa Parole SLB TWOV
 Other _____

Secondary Inspection

End Secondary Time _____ Insp. # _____
Disposition _____

18. Occupation	19. Waivers
20. INS File A -	21. INS FCO
22. Petition Number	23. Program Number
24. <input type="checkbox"/> Bond	25. <input type="checkbox"/> Prospective Student

26. Itinerary/Comments

27. TWOV Ticket Number

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Port: _____ Departure Record
Date: _____
Carrier: _____
Flight #/Ship Name: _____

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402