



## PROGRAM LETTER 02-5

**TO:** All LSC Program Directors

**FROM:** Randi Youells, Vice President for Programs

**DATE:** May 15, 2002

**RE:** Eligibility of Immigrant Victims of Severe Forms of Trafficking for Legal Services

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The Victims of Trafficking and Violence Protection Act (Pub. L. No. 106-386) allows for the victims of trafficking to be eligible for legal services without regard to their immigration status. Section 107 (b)(1)(B). The trafficking of women, children, and men for sex crimes, sweatshop labor, involuntary domestic servitude, and migrant agricultural labor is estimated to affect 50,000 persons in the United States. Congress enacted this law in October 2000 to address this problem.

LSC intends to incorporate the statutory provision regarding legal services for victims of trafficking into its alien eligibility regulations, 45 C.F. R. part 1626, and is in the process of doing so. In the interim, pursuant to this statutory provision, recipients may represent victims of trafficking without regard to their immigration status.

### Who are “victims of trafficking”?

The statute encompasses victims who are trafficked by force or fraud into the commercial sex industry as well as those individuals who are exploited for their labor. Specifically, victims of trafficking are defined as persons who have been subject to sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or 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.

Persons covered by the Act must meet the definition of a victim of trafficking and be under 18 years of age or “subject to certification” under the Act.

How does an adult trafficking victim become certified under the Act?

The certification process includes applying for a special immigration visa and obtaining a certification letter from the Department of Health and Human Services' Office of Refugee Resettlement (ORR).

How can programs determine whether ORR has issued a certification letter?

ORR has established a trafficking verification line at (202) 401-5510. ORR can also provide specific guidance on obtaining certification letters. Further, while victims of trafficking under 18 years of age do not need to be certified under the Act to receive benefits, ORR plans to issue certification letters to child victims.

How should programs verify a victim's eligibility for legal services?

A trafficking victim seeking legal assistance should submit her certification letter as documentation of her eligibility for legal services. In the absence of the certification letter, the intake worker should verify the trafficking victim's status by calling the phone number listed above and noting the call in the casefile.

Can legal services programs represent trafficking victims with the certification process?

Yes.