

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



April 1, 2005

ALL COUNTY LETTER NO. 05-08

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS
ALL QC PROGRAM COODINATORS
ALL COUNTY REFUGEE COORDINATORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: EXPANSION OF ELIGIBIILTY FOR RELATIVES OF VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS UNDER THE FOOD STAMP PROGRAM EFFECTIVE DECEMBER 19, 2003

REFERENCE: MANUAL POLICY & PROCEDURES (MPP) 63-405.112, 8 CFR PARTS 103, 212, 214, 274(a) AND 299, ADMINISTRATIVE NOTICE (AN) 05-03, AND 01-60, ALL COUNTY LETTER (ACL) 01-58, 02-28, AND 04-38, ALL COUNTY INFORMATION NOTICE (ACIN) I-24-02

The purpose of this letter is to provide instructions to counties regarding expansion of food stamp eligibility to some family members of noncitizen victims of severe forms of trafficking in persons (human trafficking victims). Previously, eligibility was limited to noncitizen trafficking victims themselves. As stated in ACL 01-13, for food stamp purposes, noncitizen trafficking victims are eligible for benefits to the same extent as refugees under MPP 63-405.112. The Food Stamp Program regulations will be revised to clarify this expansion in the near future.

Public Law Expansion

As a result of the Trafficking Victims Protection Reauthorization Act of 2003, Public Law (PL) 08-193, the categories of noncitizens eligible for benefits and services under the Trafficking Victims Protection Act of 2000, PL 106-386, have been expanded to include the minor children, spouses and in some cases the parents and siblings of trafficking victims depending upon the age of the trafficking victim at the time the T Visa application is filed. Family members of trafficking victims are also eligible for benefits and services to the same extent as refugees under MPP 63-405.112.

Eligible Family Members

If the noncitizen trafficking victim is under the age of 21 on the date the T Visa application is filed, then Derivative T Visas may be available to the spouse (T-2), children (T- 3), victim's parents (T-4), and single minor siblings (T-5). If the noncitizen trafficking victim is 21 years of age or older on the date the T Visa is filed, Derivative T Visas will be available to the victim's spouse and children. (Parents and minor siblings are not eligible for benefits if the trafficking victim is 21 or older at the time the T Visa Application is filed).

For additional information on victims of trafficking and the eligibility of benefits extended to family members of trafficking victims, please see ACL 04-38 or contact the Refugee Programs Bureau at (916) 654-4356. If you have any questions or comments regarding this letter, please contact Sharon Brown of the Food Stamp Policy Implementation Unit at sharon.brown@dss.ca.gov or (916) 654-0737.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

c: CWDA