

AUG 31, 2004

SUBJECT: FSP – Eligibility of Victims of Severe Trafficking

TO: All Regional Directors
Food Stamp Program

This is to advise you that as the result of the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), Pub. L. No. 108-193, the categories of noncitizens eligible to participate in the Food Stamp Program (FSP) under the Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. No. 106-386, have been expanded to include the minor children, spouses and in some cases the parents and siblings of victims of severe trafficking. Eligibility was originally limited to the victims themselves. Under TVPA, noncitizens classified as victims of severe trafficking are eligible to participate in the FSP under the same conditions as noncitizens classified as refugees.

Section 107(b)(1) of TVPA, provides that “Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking is eligible for benefits or services under any Federal or State program, or activity funded or administered by any official or agency ... to the same extent as an alien who is admitted to the United States as refugee under section 207 of the Immigration and Nationality Act. Victims of trafficking are issued T visas by US Immigration and Citizenship Services. Under TVPRA, eligible relatives of trafficking victims are entitled to visas designated as T-2, T-3, T-4 or T-5 (collectively referred to as “Derivative T Visas”) and after the issuance of the visas are eligible for federally funded or administered benefits, including food stamps, to the same extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the programs. Under TVPRA, the relatives of victims of trafficking are entitled to Derivative T visas under the following conditions:

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

Please advise the States in your region of the revised policy regarding the food stamp eligibility of victims of severe trafficking. Except for victims under the age of 18, in order to be eligible for assistance, including food stamps, victims of severe trafficking must be certified by the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). Although children do not have to be formally certified as victims, their status must be verified by HHS. Eligibility for food stamps (as well as the programs

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administered by HHS, itself) may be verified through the HHS trafficking victims verification toll-free number (1-866-401-5510). Holders of derivative T Visas should be treated the same as refugees.

We also wish to note that since TVPRA also confers potential eligibility for TANF it is very likely that a significant number of persons/households affected by TVPRA would be categorically eligible for food stamps eliminating the need for a separate determination of food stamp eligibility. We have also attached, for your information, guidance issued by ORR since the procedures and eligibility requirements applicable to the HHS programs are also applicable to food stamps.

If you have any questions, please contact Larry Tropp of my staff at (703) 305-2504.

/S/ *Arthur Foley*

Arthur T. Foley
Director
Program Development Division

Attachments