



FACT SHEET

AGENCY: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement

SUBJECT: Eligibility for ORR Benefits and Services – Victims of Human Trafficking

VICTIMS OF HUMAN TRAFFICKING

Definition

The Trafficking Victims Protection Act of 2000 (TVPA) defines “Severe Forms of Trafficking in Persons” as:

- ❖ Sex Trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years; or
- ❖ Labor Trafficking: 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.

Eligibility

The TVPA makes adult victims of severe forms of trafficking who are not U.S. citizens or Lawful Permanent Residents (LPRs) and who have been certified by the U.S. Department of Health and Human Services (HHS) eligible for benefits and services under any Federal or State program or activity to the same extent as refugees.

Certification provides foreign victims of trafficking with the necessary documentation to be eligible to receive benefits and services they may need to rebuild their lives in the United States.

To receive certification, victims of trafficking must:

- ❖ Be a victim of a severe form of trafficking as defined by the Trafficking Victims Protection Act of 2000 (TVPA);
- ❖ Be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking or be unable to cooperate due to physical or psychological trauma; and
- ❖ Have made a bona fide application for a T visa that has not been denied; **or**
- ❖ Have received Continued Presence (CP) from the Department of Homeland Security (DHS) in order to contribute to the prosecution of human traffickers.

Once they have met the certification requirements listed above, adult victims of trafficking will receive A Certification Letter from the HHS Office of Refugee Resettlement (ORR).

Foreign child victims of trafficking (under the age of 18) do not need to be certified to receive benefits and services. ORR will issue an Eligibility Letter stating that a child is a victim of a severe form of trafficking and is therefore eligible for benefits.