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Background:

Trafficking and Crime Victims Assistance Program (TCVAP) was established to provide public social services and healthcare services to noncitizen victims of human trafficking, and to noncitizen victims of domestic violence and other serious crimes.

Policy:

Applicants qualified under these provisions will be eligible for benefits and services to the same extent as individuals who are admitted to the United States as refugees. Applicants may include single victims and/or married couples without children.

70-100.A.1 Human Trafficking Definition

Forms of Human Trafficking are defined as any of the following:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the induced to perform such an act has not reached 18 years of age
- 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

70-100.A.2 Determining Trafficking Victim Status

For purposes of determining eligibility for a victim of human trafficking for TCVAP, a sworn statement by the victim, or a representative (if the victim is not able to competently make a sworn statement) is sufficient to verify trafficking status, if at least one item of additional evidence is provided, including, but not limited to:

- Police, government agency, or court records or files
- News articles
- Documentation from a social services, trafficking, or domestic violence program, or a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with the crime
- A statement from any other individual with knowledge of the circumstances that provided the basis for the claim
- Physical evidence
- A copy of a completed visa application
- Written notice from the U.S. Citizenship and Immigration Services (USCIS) of receipt of the visa application

70-100.A.3 Sworn Statement

If the victim cannot provide additional evidence, a sworn statement is sufficient for the worker to make an eligibility determination and document in the case comments that the applicant is credible. The sworn statement should contain the applicant's declaration "under penalty of perjury" that she/he is a victim of human trafficking.

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70-100.A.4 Trafficking Victims Eligibility for TCVAP Benefits and Services

Once it has been determined that the applicant meets the definition of a victim of human trafficking, the worker must verify that the applicant meets at least one of the eligibility conditions for TCVAP listed below:

- Has filed an I-914 application for T Nonimmigrant status (T Visa) with USCIS and the application has not been denied
- Is preparing to file an application for a T Visa
- Is otherwise taking steps to meet the eligibility conditions for federal benefits
- Is a person for whom "continued presence" in the U.S. has been requested by federal law enforcement because s/he is assisting or willing to assist in the investigation or prosecution of human traffickers

70-100.A.5 Additional Documentation (T Visa)

The following documentation may be useful in determining whether an applicant has filed for a T Visa:

- A confirmation receipt or letter from USCIS verifying an application has been filed
- A copy of the application for a T Visa (form [I-914](#))

If an applicant has not yet filed for a T Visa, the applicant's statement that she/he intends to file or is taking steps to become federally eligible (e.g. working with a community-based organization to prepare to qualify for federal benefits, working with law enforcement, etc.), will be acceptable.

Documentation could include statements from persons in official capacities, (e.g., law enforcement officials or victims' advocates) who are assisting the victim with the T Visa application or steps to becoming eligible.

Note: If an individual by himself or herself possess a "Derivative T Visa" or a T Visa and has no linkage to the CalWORKs program, he or she would be aided under the Wilson-Fish program administered by Catholic Charities in San Diego: 619-287-1270.

70-100.A.6 Continued Presence

"Continued Presence" is a status that allows victims assisting law enforcement to remain in the country during the course of a criminal investigation.

70-100.A.7 Termination of Eligibility for State-Funded Services

Eligibility for state-funded services shall be terminated if the recipient meets any of the conditions below:

- The recipient's application for a T Visa has been "ultimately administratively denied"
- An application for a visa has been "ultimately administratively denied" when an appeal of the visa denial has been unsuccessful or the time to appeal the denial has passed without an appeal having been filed, whichever comes first
- The recipient has not applied for a T Visa within one year of the date of application for public social services

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- A request on behalf of the recipient for continued presence has not been made within one year of date of application for public social services
- The recipient has been issued a T Visa

Note: When a TCVAP victim is certified as a trafficking victim by the federal Office of Refugee Resettlement (ORR), a new 8 month period of federal Refugee Cash Assistance (RCA) eligibility begins from the date indicated on their certification letter issued by ORR.

70-100.A.8 Serious Crime Victims Eligibility for TCVAP

In determining serious crime victim’s eligibility for TCVAP benefits and services the worker must verify that the applicant has filed a formal application for a U Visa (Form [I-918](#) and required supplements) with USCIS.

70-100.A.9 Noncitizen Victims of Serious Crimes Federal Law

Federal law defines noncitizen victims of serious crimes as aliens who:

- Have suffered substantial physical or mental abuse as a result of having been victims of criminal activity involving or similar to, the following violations: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy or solicitation to commit any of the above mentioned crimes; and,
- Possess information concerning criminal activity (or in the case of an alien child under the age of 16, the parent, guardian, or adult representing the child); and
- Have been helpful, are being helpful, or are likely to be helpful to a federal, state, or local law enforcement official, prosecutor, or judge or to other federal, state, or local authorities investigating or prosecuting criminal activities described above (or in the case of an alien child under the age of 16, the parent, guardian, or adult representative of the alien is helpful).

70-100.A.10 Acceptable Documentation (U Visa)

Acceptable documentation for verifying that an application for a U Visa has been filed or that U Visa Interim Relief was requested (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was filed before October 17th, 2007) includes, but is not limited to any of the following:

- A confirmation receipt or letter from USCIS verifying that a request has been filed
- The Notice of Action (form [I-797](#)) approving a U Visa or request for U Visa Interim Relief (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was requested before October 17, 2007)
- A form [I-797](#) which serves as a fee receipt for an employment authorization request based on a U Visa application
- A copy of the Petition for U Nonimmigrant status (Form [I-918](#))
- An Employment Authorization Document (EAD) issued under Category “A19” or “A20” for an approved U Visa petitioner

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Eligibility for state-funded services for victims of serious crimes will be terminated when the recipient's application for a U Visa has been ultimately administratively denied, or when the program time limitation has been reached, whichever comes first.

70-100.A.11 Eligibility Criteria for TCVAP Equivalent to RCA

Individuals determined eligible to TCVAP are entitled to benefits and services to the same extent as refugees and are subject to the same requirements (outside of legal status) as RCA recipients with the following exceptions that include, but are not limited to:

Eligibility for Other Programs

Noncitizen victims of human trafficking and noncitizen victims of domestic violence or other serious crimes:

- Applying for benefits under these provisions shall not be required to apply for Supplemental Security Income (SSI) and/or State Supplemental Payments (SSP), as it would be inappropriate to impose a requirement for which it is known there is no eligibility
- Who qualify for assistance under the Cash Assistance Program for Immigrants (CAPI) shall be aided under CAPI
- Who qualify for assistance under the state CalWORKs program shall be aided under the state CalWORKs program
- Who are not already receiving CalFresh, shall be informed that they can apply for CalFresh at the same time
- Will be referred to Medi-Cal for a determination of Medi-Cal Eligibility

Eligibility for TCVAP Cash Aid

- Neither time-eligibility nor refugee status criteria are considered in TCVAP cases
- Eligibility for TCVAP cash aid is limited to 8 months following the *date of application* (for persons not possessing a T Visa)

TCVAP Trafficking Recipients

TCVAP trafficking recipients are permitted one year to apply for a T Visa, and are limited to a maximum of 8 months of TCVAP cash aid during this period.

Note: If the request for a T Visa is ultimately administratively denied, the case is discontinued.

TCVAP Crime Victims Recipients

TCVAP crime victim recipients must have filed a request for a U Visa in order to be eligible for TCVAP benefits and services. Once eligible, they are limited to a maximum of eight months of TCVAP cash aid and continuing services for which they are eligible.

Note: If/when the U Visa request is ultimately administratively denied, the TCVAP case shall be discontinued.

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70.100.A.12 Conversion To RCA

When a TCVAP trafficking recipient obtains ORR certification, a determination shall be made of RCA eligibility by the worker. If all eligibility factors for RCA are met, the worker will discontinue the TCVAP case and a new eight month eligibility period for RCA will be granted pursuant to Section [CPG 69-205.A](#).

70-100.A.13 Employment/Training Requirements and Exemptions

Compliance with certain Registration, Employment and Employment-Directed Education/Training Requirements shall not be required if the recipient does not have work authorization from USCIS.

TCVAP recipients may not possess a social security number or be authorized to work. Employment-directed education and training must be appropriate to the situation, therefore, if a recipient is technically or legally unable to participate s/he cannot be required to do so. If a recipient is unable to work or participate in a Welfare-To-Work/Refugee Employment Services (WTW/RES) approved employment-directed program due to lack of work authorization, s/he would not be required to participate in job search activities, or be referred to the Employment Development Department (EDD). Activities should be identified by the Employment Case Manager (ECM) that will assist the recipient to prepare for future employment, such as English language training, job skills development, job-specific training, etc.

In addition to the exemptions from appropriate applicable work registration, employment and training requirements, an exemption shall be available to TCVAP recipients if physical or psychological trauma related to or arising from the victimization impedes their ability to comply, when verified by a physician's written statement that the illness or injury is serious enough to temporarily prevent his/her entry into an appropriate education/training program.

70-100.A.14 Case Records

A TCVAP applicant/recipient may not possess a passport, Alien Registration number, or any USCIS documentation. As a result, the case record shall include the following information in addition to that required by CalWORKs program regulations:

- Documentation gathered to verify trafficking status
- The applicant's sworn statement
 - The worker's written determination of the applicant's credibility if a sworn statement is the only evidence available
- Documentation gathered for verifying that the applicant has filed or intends to file for a T Visa
- Documentation gathered for verifying that the applicant has filed for a U Visa

Note: The Systematic Alien Verification System (SAVE) does not contain information about victims of trafficking and should not be requested to obtain this information. Workers should call the toll-free trafficking verification line at 1-866-401-5510 to notify the [Office of Refugee Resettlement \(ORR\)](#) of the benefits for which the individual has been approved.

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70-100.A.15 Aid Codes

- TCVAP (TCVAP-CalWORKs)
 - Aid Code R1
- TCVAP (TCVAP-Cash Assistance)
 - Aid Code 1V
- RCA (Refugee Case Assistance)
 - Aid Code 01

70-100.A.16 Notices of Action

Workers are required to send an adequate and timely Notices of Action (NOA) to the customer upon approval or denial of aid.

Procedure:

Refer to [Processing Guide 70-100.A.1](#)

Impacts:

Refer to the following regulations for:

- CalFresh [CFPG 63-155](#)
- Cash Assistance Program for Immigrants: [CAPI PG Letter No. 8](#)
- Refugee Case Assistance: [CPG 69.205.A](#)
- Medi-Cal: [MPG Article 05.08.07](#)

References:

[ACIN No. I-07-15](#)

[ACL No. 06-60](#)

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March 16, 2015

Sunset Date:

This policy will be reviewed for continuance by March 31, 2018.