18.12 VICTIMS OF HUMAN TRAFFICKING WHO ARE NON U.S. CITIZENS ELIGIBILITY FOR REFUGEE CASH AND MEDICAL ASSISTANCE

A.   INTRODUCTION

The Trafficking Victims Protection Act (TVPA) makes victims of a severe form of trafficking in persons eligible for federally-funded or administered benefits and services to the same extent as refugees. They are eligible for federally-funded or administered benefits and services, such as, refugee cash and medical assistance, WV WORKS (TANF), Medicaid and SNAP benefits, provided they meet other program eligibility criteria. Victims of Trafficking are eligible to access refugee cash and medical assistance (RCA and RMA) for eight months from the beginning date of their certification as a Trafficking Victim, if they do not meet the eligibility requirements for WV WORKS and/or Medicaid.

B.   ELIGIBILITY SCREENING

Immigrants that have been granted Trafficking Victims Protection will have documents termed "Derivative T-Visas" in their possession. Victims of Trafficking who provide a T-2, T-3, T-4, or T-5 visa ("Derivative T-Visas") or have that status stamped on their I-94 Arrival Record or passport are eligible for federally funded or administered benefits and services (RMA, RCA, WV WORKS, Medicaid, SNAP benefits) provided they meet program eligibility criteria. See Section 18.10, Items C through J.

1.   T-Visa Alien Under 21 Years Of Age

When an alien is awarded a T-Visa and was under 21 years of age on the date the T-Visa application was filed, the Derivative T-Visas are also available to this alien's parents, spouse, children, and unmarried siblings who were under 18 years of age on the date on which such alien's T-Visa application was filed.

2.   T-Visa Alien 21 Years Of Age Or Older

When an alien 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 this alien's spouse and children.

3.   Date Of Entry For Purposes Of Eligibility For Some Benefits And Services

a.   Refugee Cash and Medical Assistance

Refugee Cash and Medical Assistance is only available for the first eight months from the individual's date of entry into the United States, or the date the T-Visa status was established.

b.   Individual Already Present in United States

For an individual who is already present in the United States on the date the Derivative T-Visa is issued, the date of entry for federally funded or administered benefits and services is the Notice Date on the I-797, Notice of Action, of approval of that individual's Derivative T-Visa.

c.   Individual Entering United States with T-Visa

For an individual who enters the United States on the basis of a Derivative T-Visa, the date of entry for federally funded and administered benefits and services is the date of entry stamped on that individual's passport or I-94, Arrival Record.

4.   Application For Benefits

a.   Accepting Derivative T-Visa Related Documents

When a Derivative T-Visa holder applies for benefits or services, follow normal procedures for providing services and benefits to refugees, except that the non-immigrant T-2, T-3, T-4, or T-5 visa is accepted, or the I-797, Notice of Action, or the I-94, Arrival Record, with date of entry and status.

b.   Contacting the SAVE Coordinator

The Worker must e-mail or fax the documentation the immigrant has provided to the SAVE Coordinator, including the benefits for which the individual has applied. The SAVE Coordinator will respond with eligibility/verification information and notify the Federal Office of Refugee Resettlement of the benefits for which the individual applied.

NOTE: At this time the SAVE system does not contain information about victims of a severe form of trafficking or nonimmigrant alien family members.

c.   Receiving Response From SAVE Coordinator

Once the response is received from the SAVE Coordinator, the Worker takes the appropriate action regarding eligibility as outlined in Section 18.10, Items C through J.