



Ohio Administrative Code

Rule 5101:4-3-06 Food assistance: victims of trafficking.

Effective: January 1, 2017

(A) What is considered a severe form of trafficking?

Under section 103(8) of the Trafficking Victims Protection Act of 2000 Public Law No. 106-386, the term "severe forms of trafficking in persons" is defined as:

(1) 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 induced by force, fraud or coercion, or in which the person is forced to perform such an act is under the age of eighteen years; or

(2) 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.

(B) Who may be eligible for benefits as a result of being a victim of a severe form of trafficking?

(1) Adult victims who have been certified by the United States office of refugee resettlement are eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act of 1952.

(2) Victims who are under age eighteen are also eligible for benefits to the same extent as refugees, but do not need to be certified by the office of refugee resettlement; however, they do need a letter of eligibility.

(3) Certain family members of victims of a severe form of trafficking may be eligible for benefits and services to the same extent as refugees under the Trafficking Victims Protection Reauthorization Act of 2003, Public Law No. 108-193. Victims of severe forms of trafficking as defined in paragraph (A) of this rule are issued "T" visas by the United States immigration and citizenship services.



Certain 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 supplemental nutrition assistance program (SNAP) benefits to the same extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the program. County agencies shall follow the procedures outlined in paragraphs (D) and (E) of this rule in determining eligibility for these individuals. The eligible relatives of trafficking victims includes:

(a) In the case of an alien who is awarded a "T" visa and who is under twenty-one years of age on the date the "T" visa application was filed, derivative "T" visas are available to the alien's parents, spouse, children, unmarried siblings under eighteen years of age on the date on which the alien's visa application was filed.

(b) In the case of an alien who is awarded a "T" visa and was twenty-one 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.

(C) Do certification letters expire?

(1) Certification letters for adults and eligibility letters for children no longer contain expiration dates.

(2) Expired letters are being reissued by the office of refugee resettlement with a lowercase "r" beside the tracking number confirming that the individual continues to meet certification requirements.

(D) What are the procedures for determining eligibility for victims of trafficking?

The county agency shall:

(1) Accept the original certification letter or eligibility letter for children and retain a photocopy in the case file. Victims of severe forms of trafficking are not required to provide any other immigration documents to receive benefits.



(2) Call the trafficking victims verification toll-free number, (866) 401-5510, to confirm the validity of the certification letter before providing benefits. During the verification telephone call, the county agency shall notify the office of refugee resettlement of the benefits for which the victim of trafficking has applied.

(3) Confirm identity. Benefits shall not be automatically denied if the individual is unable to provide verification of identity. The county agency shall call the trafficking verification telephone number for assistance.

(4) Assist in obtaining a social security number (SSN). The county agency shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a SSN. If an individual is required to provide or apply for a SSN for another benefit program, such as medicaid or Ohio works first, or the victim of severe forms of trafficking does not yet have or is unable to obtain a SSN for work purposes, assistance must be given to these individuals in obtaining non-work SSN's as follows:

The individual must present a letter which:

- (a) Is on county agency letterhead;
- (b) Includes the applicant's name;
- (c) States that the applicant meets the requirements to receive the benefit except for the SSN; and
- (d) Cannot be a generic application, form letter, or photocopy.

(5) Note the "entry date" for refugee benefits purposes in the case record of the statewide automated eligibility system. Once the certification letter or letter for children is received and the validity of the document is verified by calling the trafficking verification telephone number, the county agency shall note the individual's "entry date" for refugee benefit purposes. The entry date is the date of certification. The certification date appears in the body of the certification letter for adults or eligibility letter for children.



(6) Determine eligibility or redetermine eligibility in accordance with division 5101:4 of the Administrative Code. When an individual presents an expired certification letter when applying for benefits or when a reapplication is being completed and the county agency finds that a certification letter has expired, the county agency shall call the office of refugee resettlement trafficking victims verification toll-free number, (866) 401-5510, for assistance.

(7) Issue benefits. If the applicant meets other program eligibility criteria (e.g., income levels) in accordance with division 5101:4 of the Administrative Code, the individual shall receive benefits and services to the same extent as a refugee.

(E) How is an individual handled who does not have a certification letter or a letter for a child from the office of refugee resettlement?

When a county agency encounters an individual or a child that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification letter or letter in the case of a child, the county agency shall contact the office of refugee resettlement at (866) 401-5510 for assistance.