

	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families Office on Trafficking in Persons	
	Doc No: OTIP-FS-16-01	Issuance Date: May 10, 2016

CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET

BACKGROUND

The U.S. Department of Health and Human Services (HHS) provides assistance to victims of human trafficking in the United States, guided by the Trafficking Victims Protection Act of 2000 (TVPA), Preventing Sex Trafficking Act and Strengthening Families Act of 2014, and the Justice for Victims of Trafficking Act of 2015. The Office on Trafficking in Persons (OTIP) within the Administration for Children and Families (ACF) was established to provide overall leadership of anti-trafficking programs and services including issuing Certification Letters, in accordance with the TVPA.

A foreign national adult victim of human trafficking is eligible for Federal and State benefits and services to the same extent as a refugee upon certification by HHS. HHS issues a Certification Letter after notification from the U.S. Department of Homeland Security (DHS) granting a person Continued Presence, or a T visa, or that a bona fide T visa application has not been denied.

Foreign victims of a severe form of trafficking under 18 years of age do not need to be certified to receive benefits and services. Children are not required to cooperate with law enforcement or to have been granted Continued Presence or a T nonimmigrant visa by DHS to receive assistance. Instead, HHS will make an independent determination on whether the minor is a victim of a severe form of trafficking eligible for benefits and services to the same extent as a refugee¹.

U.S. citizens or lawful permanent residents who are victims of a severe form of human trafficking do not need to obtain certification from HHS in order to access specialized services for victims of trafficking or any other Federal benefits and protections to which they are entitled (22 U.S.C. § 7105).

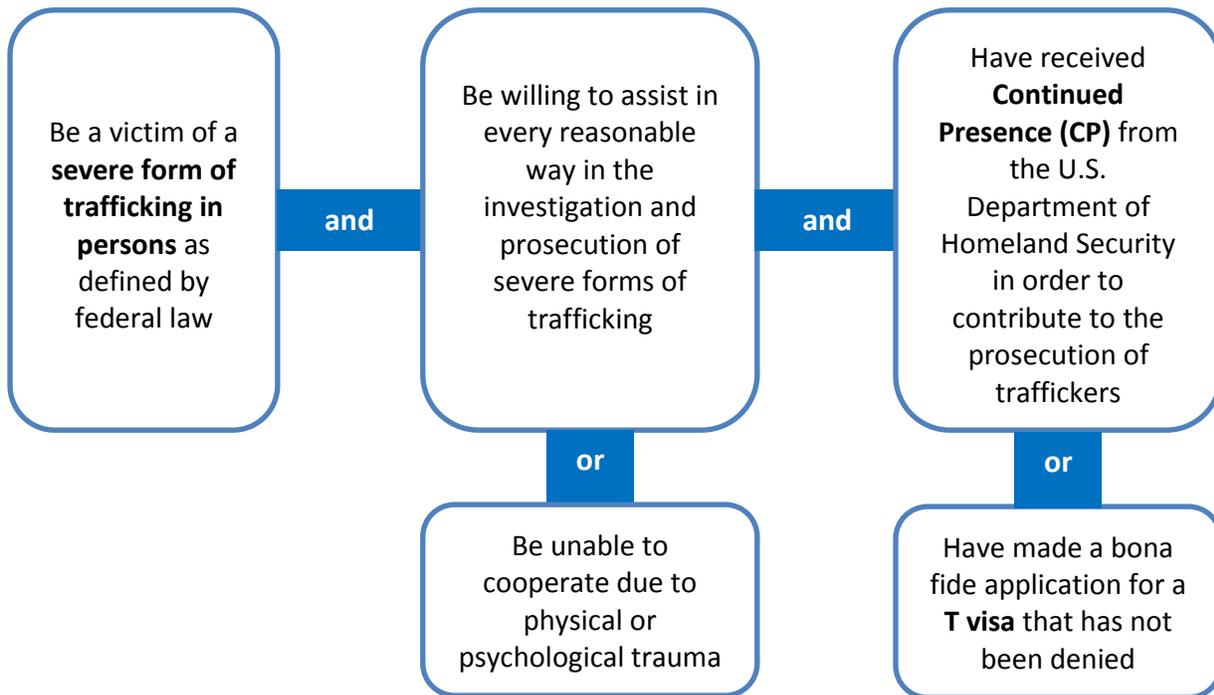
REQUESTING ASSISTANCE

Contact OTIP to notify HHS of a victim of trafficking who wishes to receive a Certification Letter by emailing Trafficking@acf.hhs.gov or calling 1-866-401-5510. Benefits offices can also contact OTIP to verify the validity of Certification Letters or for more information about the benefits available to victims of trafficking. OTIP usually sends the Certification Letter to the victim of trafficking in care of a service provider or other person assisting the recipient. Certification does not grant any immigration status. Certification letters do not expire, but some benefits are time-limited. Family members of trafficking victims who have their own derivative T visas (T-2 through T-6) are immediately eligible for benefits and services to the same extent as refugees. They do not need HHS certification.

¹ See OTIP Fact Sheet #16-02 and Program Instruction #16-01 available at www.acf.hhs.gov/endtrafficking for more information on requesting assistance for minors under the age of 18 who have been or may have been subjected to a severe form of trafficking in persons.

REQUIREMENTS

To receive HHS certification, a person who is 18 years of age or older must:



The Trafficking Victims Protection Act of 2000 (TVPA) defines “severe forms of trafficking in persons” (22 U.S.C. § 7102) as:

- **Sex trafficking:** The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act which is induced by force, fraud, or coercion. Any child under the age of 18 who has been subjected to a commercial sex act is a victim of trafficking regardless of force, fraud, or coercion.
- **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.

The DHS Immigration and Customs Enforcement (ICE) grants **Continued Presence (CP)** when a federal law enforcement official requests it for a foreign victim of human trafficking. CP provides a trafficking victim temporary immigration status in the United States for one year during an ongoing investigation or prosecution of human-trafficking related crimes. An Employment Authorization Document (EAD) is issued with all approved CP applications. ICE can renew CP in one-year increments.²

The DHS U.S. Citizenship and Immigration Services (USCIS) reviews applications for T nonimmigrant status. The **T visa** allows victims to remain in the United States to assist federal authorities in the investigation and prosecution of human trafficking cases for up to four years and obtain an EAD. If the victim is under the age of 18 or unable to cooperate with law enforcement due to a physical or psychological trauma, victims may qualify for the T visa without having to assist in the investigation or prosecution. Once a T visa is granted, a victim can apply for permanent residence after three years.³

² More information available at <https://www.ice.gov/doclib/human-trafficking/pdf/continued-presence.pdf>

³ More information available at <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>