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## Program Instruction

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- TO:** Anti-trafficking organizations, task forces, and coalitions; State Refugee Coordinators; State Refugee Health Coordinators; National Voluntary Agencies; Social Security Administration Regional Offices; and other interested parties
- SUBJECT:** Non-Work Social Security Number Cards for Foreign National Minor Victims of a Severe Form of Trafficking in Persons
- REFERENCES:** The Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7105 (b)(1)(C) and (b)(1)(G)); The Immigration and Nationality Act (INA), as amended (8 U.S.C. § 1101(a)(15)(T)(ii)); Social Security Agency Program Operations Manual System (POMS)
- PURPOSE:** This Program Instruction (PI) provides information on non-work social security number cards for foreign national minor victims of human trafficking who have a valid HHS Eligibility or Interim Assistance Letter.

### Background

On November 27, 2018, the U.S. Department of Health and Human Services (HHS) Office on Trafficking in Persons (OTIP) hosted a national listening session with the Social Security Administration (SSA) to implement Cross-Agency Priority 4 in the President's Management Agenda: to improve customer experience with federal services.<sup>1</sup> The listening session also supported the Reimagine HHS initiative, which notes the importance of [putting people at the center of HHS programs](#) and learning from local efforts to [promote economic mobility](#).<sup>2</sup>

The listening session focused on social security services for domestic and foreign victims of human trafficking. Participants noted that victims often do not have access to basic identification documents when they escape their trafficking situation. Access to social security identification cards often marks the start of the path toward safety and self-sufficiency for survivors of human trafficking. As one response to the listening session, OTIP worked with SSA to provide additional guidance specifically on non-work social security cards for minor victims of human trafficking with an HHS Interim Assistance or Eligibility Letter.

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<sup>1</sup> President's Management Agenda: Modernizing Government for the 21st Century <https://www.whitehouse.gov/wp-content/uploads/2018/03/Presidents-Management-Agenda.pdf>

<sup>2</sup> Putting People at the Center: Highlighting Local Efforts to Promote Economic Mobility <https://www.hhs.gov/blog/2018/04/13/putting-people-at-center-highlighting-local-efforts-to-promote-economic-mobility.html>

The Trafficking Victims Protection Act of 2000 (TVPA) authorizes HHS to issue Eligibility and Interim Assistance Letters to foreign national minors upon receiving credible information that the child was, or may have been, subjected to a severe form of trafficking in persons.<sup>3</sup> Foreign nationals with an HHS Eligibility or Interim Assistance Letter are eligible to apply for a non-work social security number (SSN) identification card.

Foreign nationals with an HHS Eligibility or Interim Assistance Letter are eligible for benefits and services to the same extent as a refugee.<sup>4</sup> U.S. citizens and Lawful Permanent Residents are not required to obtain HHS certification or eligibility in order to access specialized benefits and services for victims of trafficking.<sup>5</sup>

## Information

Effective June 5, 2018, the SSA policy concerning **Victims of a Severe Form of Trafficking (VSFT)** has been updated to help SSA field offices verify HHS Eligibility and Interim Assistance Letters that applicants must present to apply for a non-work SSN card.

## Instruction

**Foreign national minor VSFTs** must bring the following documents to their local SSA office to obtain an original non-work SSN:

- An original HHS Eligibility or Interim Assistance Letter
- Document(s) from the appropriate government entity explaining the non-work need for the SSN
- Evidence to establish identity (RM 10210.405)\*
- Evidence to establish age (RM 10210.250)\*

*\*An HHS Eligibility or Interim Assistance letter can be sufficient to establish age and identity, but the SSA may request additional documentation.*

If there are any concerns during the SSN application process, refer the SSA employee to **POMS RM 10211.075H – Victim of Severe Form of Trafficking (VSFT)** to confirm that an HHS Eligibility or Interim Assistance Letter by itself can be sufficient to establish identity and age of a foreign national VSFT applying for a non-work SSN card.

## Inquiries

For questions about the information in this document or to verify the validity of an HHS Eligibility Letter or Interim Assistance Letter, call the toll-free HHS Trafficking Victim Verification Line at **1-866-401-5510**.

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<sup>3</sup> Section 107(b)(1) of the TVPA of 2000 (22 U.S.C. § 7105(b)(1)(G)), as amended by Section 102 of the Justice for Victims of Trafficking Act of 2015 ([Public Law 114-22](#))

<sup>4</sup> 22 U.S.C. § 7105(b)(1)(A)

<sup>5</sup> 22 U.S.C. § 7105(b)(1)(F)

If you continue to have difficulties obtaining a non-work SSN card for a foreign national VSFT, notify OTIP by calling the HHS Trafficking Victim Verification Line at **1-866-401-5510** or by sending an email to **[EndTrafficking@acf.hhs.gov](mailto:EndTrafficking@acf.hhs.gov)**.

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Katherine Chon  
Director  
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Additional Resources:

- Fact Sheet: [Human Trafficking](#)
- Fact Sheet: [Assistance for Child Victims of Human Trafficking](#)
- Recording and Materials: [National Listening Session on Social Security Services for Survivors of Human Trafficking](#)

# National Listening Session on Social Security Services for Survivors of Human Trafficking

November 27, 2018

## Questions & Answers (Q&A)

In November 2018, the Office on Trafficking in Persons (OTIP) at the U.S. Department of Health and Human Services hosted a national listening session on social security services for survivors of human trafficking, along with the Social Security Administration (SSA) (recording and other materials available [online](#)). The following Q&A from the listening session, condensed and edited for clarity, provide additional information related to SSA services for domestic (U.S. citizens, lawful permanent residents) and foreign national survivors of human trafficking.

**Q1.** Traffickers often steal the Social Security Income (SSI) benefits of their victims by confiscating the victim's SSI benefits debit card or registering as the victim's representative payee. **What is SSA doing to monitor SSI benefits distribution to decrease the risk of theft and trafficking?** In many criminal trafficking cases involving theft of the victim's SSI benefits, criminal restitution orders require the defendant to pay the SSA the total cost of stolen SSI benefits. **What is the process for ensuring that these stolen benefits are returned to the victim?**

**A1.** If traffickers act as a representative payee and misuse benefits (steal funds), SSA considers the representative payee indebted to the beneficiary and obligated to reimburse the beneficiary. Upon receiving criminal restitution orders, SSA reissues the misused benefits to the beneficiary or the newly appointed legal representative payee. SSA then recovers the money from the misuser payee to comply with the criminal restitution order to reimburse the improperly used funds.

**Q2.** The ability to change Social Security Numbers (SSNs) is critical for the safety of survivors of human trafficking. When a survivor's request to change their SSN is denied by the SSA, they cannot get a job without the risk of being located by their trafficker. **What can SSA do to make it easier for survivors of human trafficking to change their SSN for their safety?**

**A2.** Although SSA does not routinely assign new SSNs, we may consider doing so when evidence submitted indicates the SSN holder is being harassed, abused, or endangered.

An SSN holder applying for a new SSN based on harassment, abuse, or life endangerment must apply in person at any Social Security office. SSA employees will help the individual complete a statement explaining why they need a new number and an application for a new number. In addition, the individual must present:

- Evidence documenting the harassment, abuse, or life endangerment
- Current Social Security number
- Evidence documents establishing their:
  - U.S. citizenship or work-authorized immigration status
  - Age
  - Identity
- Evidence of legal name change, if applicable

Also, SSA will need documents showing that the individual has custody of any children for whom they are requesting new numbers as well as documentation proving each child's U.S. citizenship, age, and identity.

**Q3. Why does the time to approval for SSI applications vary so widely (trafficking survivors have reported timespans of 3 months to 5 years or more)?**

**A3.** SSA has a uniform process for accepting and processing SSI applications. In terms of aged SSI claims, these applications generally do not take up to 3 months for final determinations.

For disability applications, because each situation is unique, the medical determination, including the timeframes, may vary.

**Q4. Can survivors have their accounts flagged as “Human Trafficking Survivor” in your systems?**

**A4.** Our systems are not designed to flag these cases, nor do we have policy that requires these cases to be flagged.

**Q5. Survivors of human trafficking are eligible for SSI, but many have been denied and need to go through an appeals court, where they may also be denied. Moreover, it may take up to a year to get a court date. Is there a way for survivors to expedite the process?**

**A5.** The following SSA publication explains the SSI program: [Supplemental Security Income \(SSI\) Pub. 05-11000](#).

In addition, the following publication explains appeals: [Your Right to Question a Decision Made on Your Supplemental Security Income \(SSI\) Claim Pub. 05-11008](#).

**Q6. Are there publications about the documentation requirements for trafficking survivors and how to obtain a non-working SSN or other form of alternative proof of legal status?**

**A6.** SSA has many publications that explain the requirements to apply for a Social Security Card. This information is available at [www.ssa.gov](http://www.ssa.gov).

**Q7. Are there materials that service providers can take to their regional SSA office for those offices that are not familiar with trafficking survivors and their derivative family members?**

**A7.** SSA has provided a list of our Social Security Regional Office points of contact to the Health and Human Services staff. This allows for two-way communication between HHS and SSA Regional Coordinators.

**Q8. Survivors have been informed that those approved for SSI should have automatically qualified for state medical insurance, but that local SSA offices do not necessarily report that information to Jobs and Family Services. Is this true?**

**A8.** Based on the information provided, this is a Medicaid question, which is ultimately a State decision and SSA cannot speak to specific State requirements. In addition, the background information does not indicate which State is involved, or whether it is a 1634 state (Medicaid buy-in); therefore, we are unable to address that aspect without further information.

**Q9. Which documents should newly arrived T2–T6 derivatives provide to SSA to obtain non-work SSNs?**

**A9.** You may provide us the U.S. immigration stamp in the foreign passport, DHS-issued immigration documents (e.g., an I-551 stamp), or an original OTIP certification letter<sup>6</sup> with documentation from the appropriate government entity explaining the non-work need for the SSN.

**Q10. In the following scenario, how can the child obtain a Social Security card and number?** A woman was forced to give birth under a false identity. Because her name is not on the child’s birth certificate, she was not able to obtain a SSN for her son. The mother has copies of the documentation she provided with her I-914 regarding her use of the false identity, a DNA test establishing that she is the child’s mother, and the child’s birth certificate and Employment Authorization card.

**A10.** The applicant (the child) must provide the mother’s name on an application for an original SSN card. In this case, the mother may obtain an amended birth certificate that indicates her current legal name. We may accept the amended birth certificate or court determination of paternity to establish relationship for a natural parent of a foreign-born child.

**Q11.** Is the following draft language accurate for a child victim of a severe form of trafficking seeking to obtain a non-work SSN card?

***Apply for a Non-work Social Security Number***

*A case manager can help the child apply for a non-work Social Security number*

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<sup>6</sup> Please note that HHS only provides certification letters to the T-1 Visa holder. HHS certification can include a Certification Letter, Interim Assistance Letter, or Eligibility Letter.

*(SSN). This should be done as soon as possible so that the child is able to use the SSN to apply for benefits and services to the same extent as a refugee. Visit the [Social Security Office Locator](#) to locate the nearest SSA. Depending on the location, the child may need to make an appointment in advance.*

*When visiting the SSA office, remember to bring the following:*

- *Original OTIP Eligibility Letter or Interim Assistance Letter (required)*
- *Letters/documentation from government entity explaining the non-work need for the SSN*
- *Evidence to establish identity ([RM 10210.405](#))<sup>7</sup>*
- *Evidence to establish age ([RM 10210.250](#))<sup>7</sup>*

**A11.** Yes.

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<sup>7</sup> An HHS Eligibility or Interim Assistance letter can be sufficient to establish age and identity, but the SSA may request additional documentation.