



## ORR State Letter

---

# 12 - 04

Date: August 28, 2012

---

TO: STATE REFUGEE COORDINATORS  
REFUGEE HEALTH COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
OTHER INTERESTED PARTIES

FROM: Eskinder Negash  
Director  
Office of Refugee Resettlement

SUBJECT: Legal Assistance for Victims of Trafficking, Potential Victims, and Certain Family Members

When using ORR program funds awarded to carry out activities under the Trafficking Victims Protection Act of 2000 (TVPA), as amended, to provide case management services to foreign victims of trafficking, potential victims seeking HHS certification, and certain family members, ORR grantees and contractors and their sub-awardees may use these funds to provide legal assistance for victims of severe forms of trafficking in persons, as defined in Section 107(b)(1)(C) of the TVPA (22 U.S.C. 7105(b)(1)(C)), in the United States; family members with T nonimmigrant status; and minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking, and to assist potential victims of trafficking in achieving HHS certification.

Grantees and contractors and their sub-awardees may use ORR trafficking program case management services funds for legal assistance that can include the following activities:

- Legal immigration services, including assistance in screening the client to ensure that the victim meets the definition of human trafficking as described by the TVPA;
- Explanation of legal rights and protections;
- Coordination with law enforcement to request Continued Presence;
- Assistance in applying for T nonimmigrant status or other immigration relief;
- Assistance in applying for adjustment of status;

- Assistance on family and civil matters, including protection from abuse orders, victims' rights enforcement and compliance efforts, representation in family court, and emancipation of minors;
- Legal assistance with repatriation or family reunification; and
- General legal advocacy on matters that arise as a direct result of the human trafficking situation.

Assistance can also include victim advocacy and information about crime victims' rights and services. Examples of services in this area include referrals to and coordination with the victim/witness coordinators with the Federal Bureau of Investigation, Immigration and Customs Enforcement, and U.S. Attorneys' Offices; victim/witness staff in District Attorneys' offices or in local law enforcement; victim advocates for intimate partner violence and domestic violence or sexual assault crisis centers; Child Advocacy Centers; and local Sexual Assault Response Teams, Sexual Assault Nurse Examiners, and Sexual Assault Forensic Examiner programs. Victim advocates within these settings may provide information on the status of an investigation or prosecution; assistance with the application process for state crime victim compensation benefits; sexual assault forensic medical exam options; accompaniment to court proceedings; additional comprehensive victim services, whether in-house or through referrals; and information to help clients exercise their rights as crime victims within the criminal justice process.

Grantees and contractors, and their sub-awardees, may also use program funds to provide 'know your rights' presentations and to facilitate legal representation by private attorneys willing to act on behalf of the individual *pro bono*.

ORR funding for trafficking program grants and contracts may not be used for criminal defense attorney services.

This State Letter supersedes State Letter #09-11.

If you have questions about any of the information in this State Letter, please call Maggie Wynne, Director of the ORR Division of Anti-Trafficking in Persons, at 202-401-4664.