



FACT SHEET

AGENCY: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement

SUBJECT: Eligibility for ORR Benefits and Services – Survivors of Torture

SURVIVORS OF TORTURE

Definition

Services are provided to Survivors of Torture in accordance with the Torture Victims Relief Act of 1998 (TVRA) authorizing legislation, which uses the following definition of torture given in section 2340(1) of title 18, United States Code:

- A. “Torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;
- B. “Severe mental pain or suffering” means the prolonged mental harm caused by or resulting from:
 - 1) intentional infliction or threatened infliction of severe physical pain or suffering;
 - 2) administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;
 - 3) threat of imminent death;
 - 4) threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality

As used in the TVRA, this definition of torture also includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

Eligibility

Clients are determined eligible for the Services for Survivors of Torture Program based on the above-cited definition of torture (section 2340(1) of title 18, United States code).