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## Program Instruction

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- TO:** Trafficking Victim Assistance Program (TVAP) grantee(s) and other interested parties
- SUBJECT:** TVAP Program Eligibility in ACF Region 9
- REFERENCES:** The Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7105 (b)(1)(C) and (b)(1)(G) and 22 U.S.C. § 7106); U.S. Department of State Trafficking in Persons Report 2019
- PURPOSE:** This program instruction clarifies the eligibility terms of the Trafficking Victim Assistance Program for citizens of the **Federated States of Micronesia**, the **Republic of the Marshall Islands**, and the **Republic of Palau**.

### Background

The **Federated States of Micronesia** (FSM), the **Republic of the Marshall Islands** (RMI), and the **Republic of Palau** are in a Compact of Free Association (freely associated states) with the United States (U.S.). This agreement provides citizens of the freely associated states with access to many U.S. domestic programs and visa-free travel to the United States in exchange for diplomatic and military privileges.

According to the U.S. Department of State's 2019 Trafficking in Persons Report, the FSM, RMI, and Palau are all Tier 2 countries,<sup>1</sup> meaning that their governments do not meet the minimum standards for the elimination of trafficking<sup>2</sup> but are making significant efforts to do so. Human traffickers exploit domestic and foreign victims in the FSM and RMI, Marshallese citizens abroad, and foreign victims in Palau.

In July 2019, the Office on Trafficking in Persons (OTIP) conducted a site visit with the Administration for Native Americans (ANA) to several Pacific Islands to better understand the challenges and needs related to combating human trafficking in the region. To help address some of the findings of the site visit, OTIP is providing clarification of TVAP eligibility requirements for Pacific Islanders and citizens in ACF Region 9.

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<sup>1</sup> Micronesia: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/micronesia/>

Palau: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/palau/>

Marshall Islands: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/marshall-islands/>

<sup>2</sup> The minimum standards for the elimination of trafficking in persons are codified at 22 U.S.C. § 7106.

## Information

The Trafficking Victim Assistance Program (TVAP) provides trauma-informed, person-centered, comprehensive case management services to qualified persons through a network of service providers and community referrals. TVAP funding seeks to build the capacity of local communities to assist trafficking victims once they are identified by resourcing community-based organizations to provide a wide range of emergency and ongoing services and assistance to help trafficking survivors stabilize, attain, and maintain their independence. TVAP operates nationally through the award of three regional grants to the U.S. Committee for Refugees and Immigrants (USCRI). USCRI identifies and makes awards within each respective region to community-based, nongovernmental organizations (NGOs). Please visit <https://go.usa.gov/xvYf2> for more information.

## Instruction

Within ACF Region 9, the TVAP grantee(s) may make sub-awards to governmental components or agencies in the freely associated states of the **Republic of the Marshall Islands (RMI)** and the **Federated States of Micronesia (FSM)**. However, TVAP grantee(s) are **not** permitted to contract directly with a non-governmental (NGO) entity in either nation. Governmental components or agencies in the RMI or FSM that receive a TVAP sub-award may contract with NGO entities if they choose. The TVAP grantee is **not permitted** to contract with any governmental components, agencies, or NGOs in the Republic of Palau.

The TVAP grantee(s) and subrecipients are permitted to enroll any citizen from the FSM, Palau, and the RMI, whether the individual was located in the home country, or in the U.S. mainland states, District of Columbia, or U.S. Territories (Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) to facilitate necessary assistance and safety of a victim of human trafficking under the same terms and conditions authorized for subrecipient programs in other ACF/TVAP regions.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

## Inquiries

For questions about the information in this document, please email [EndTrafficking@acf.hhs.gov](mailto:EndTrafficking@acf.hhs.gov). To learn how to become a TVAP partner, please contact USCRI at [traffickingvictims@uscridc.org](mailto:traffickingvictims@uscridc.org) or 1-800-307-4712.

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