



CERTIFICATION FOR ADULT VICTIMS OF TRAFFICKING FACT SHEET



Certification allows adult victims of trafficking who are not United States (U.S.) citizens or Lawful Permanent Residents (LPRs) to be eligible to receive benefits and services under any Federal or state program or activity to the same extent as a refugee. Victims of trafficking who are U.S. citizens or LPRs do not need certification to receive benefits because they may already be eligible for many benefits.

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

- Be a victim of a severe form of trafficking as defined by the TVPA¹;
- Be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking or be unable to cooperate due to physical or psychological trauma; and
- Have made a bona fide application for a T visa that has not been denied; or
- Have received Continued Presence (CP) from the Department of Homeland Security (DHS) in order to contribute to the prosecution of traffickers in persons.

Once a person has met the requirements listed above, he or she can receive a Certification Letter from the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). The certification process typically takes only a few days after ORR is notified by DHS that a person has made a bona fide application for a T visa or has been granted CP. Certification Letters do not expire but many benefits are time-limited.

Foreign child victims of trafficking (under the age of 18) *do not* need to be certified to receive benefits and services. ORR will instead issue a letter stating that a child is a victim of a severe form of trafficking and is eligible for benefits and services. (See *Rescue & Restore* Fact Sheet on Child Victims and ORR State Letter #10-05 for more information.)

T Visa

The Trafficking Victims Protection Act (TVPA) recognizes that returning victims to their country of origin is often not in their best interest, and that victims need the opportunity to rebuild their lives without fear of deportation. The T visa is a nonimmigrant status that allows a foreign victim of trafficking to remain in the United States for up to four years and to obtain an Employment Authorization Document (EAD) allowing the victim to work legally in the U.S. The victim must apply directly to DHS/U.S. Citizenship and Immigration Services (USCIS) for T nonimmigrant status. A recipient of T nonimmigrant status is eligible to apply for LPR status after a period of continuous physical presence in the United States.

Continued Presence

The DHS Immigration and Customs Enforcement (ICE) grants CP, which a Federal law enforcement official requests for a victim of a severe form of trafficking who is a potential witness. Continued Presence allows the victim to remain in the United States for one year during the course of an investigation or prosecution and to obtain an EAD.

Contacting ORR

To notify ORR of a victim of trafficking who has received CP or a T visa, or for whom DHS/USCIS has made an initial determination of a bona fide application for T nonimmigrant status, e-mail Trafficking@acf.hhs.gov or call (866) 401-5510.

¹ The Trafficking Victims Protection Act of 2000, or TVPA, defines "severe forms of trafficking in persons" as the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act induced by force, fraud or coercion, or in which the person is induced to perform such act is under the age of 18 years (Sex Trafficking); or 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 (Labor Trafficking).