



Ohio Administrative Code

Rule 5101:1-2-30.1 Benefit eligibility: victims of trafficking.

Effective: July 8, 2019

According to 22 U.S.C. 7105 (12/2018) a victim of a severe form of trafficking is eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under 8 U.S.C. 1612 (9/2008).

(A) What is the definition of a "severe form of trafficking in persons?"

As described in 22 U.S.C. 7102 (10/2018), the term "severe form of trafficking in persons" means:

- (1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or
- (2) 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.

(B) Who determines if an individual is a victim of a severe form of trafficking?

The office of refugee resettlement (ORR) within the department of health and human services will make certification determinations for victims of a severe form of trafficking.

- (1) For adults, ORR will issue notarized letters of certification for an adult victim of a severe form of trafficking.
- (2) For children, ORR will issue notarized letters, similar to adult certification letters, stating that the child is a victim of a severe form of trafficking.

(C) What are the county agency responsibilities in determining eligibility for a victim of a severe form of trafficking?



(1) The county agency shall:

(a) Accept the letters described in paragraph (B) of this rule in place of the citizenship and immigration service documentation and retain a copy in the case file.

(b) Call ORR for assistance if an individual presents an expired letter when applying for benefits or when a redetermination is being completed and the county agency finds that a certification letter has expired.

(c) Call the trafficking verification telephone line to confirm the validity of the certification letter before providing benefits. During the verification telephone call, notify ORR of the benefits for which the victim of trafficking has applied.

(d) Note the individual's entry date for refugee benefit purposes once the letter described in paragraph (B) of this rule is received and the validity of the document is verified by calling the trafficking verification telephone line. The entry date is the date of certification.

(e) Determine eligibility or redetermine eligibility in accordance with the appropriate program rules.

(f) Issue benefits and services to the same extent as a refugee, when the applicant meets other program eligibility criteria (e.g., income levels).

(2) The county agency shall not:

(a) Require a victim of a severe form of trafficking to provide any other immigration documents to receive benefits.

(b) Contact the systematic alien verification for entitlements (SAVE) to confirm eligibility for benefits. The SAVE system does not contain information about a victim of a severe form of trafficking.

(c) Automatically deny benefits when the individual is unable to provide verification of identity. The



county agency shall call the trafficking verification telephone line for assistance.

(d) Delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a social security number. When an individual is required to provide or apply for a social security number for another benefit program, such as medicaid, Ohio works first, or supplemental nutrition assistance program; or the victim of a severe form of trafficking does not yet have or is unable to obtain a social security number for work purposes, the individual shall:

(i) Complete the SS-5, "Social Security Administration Application for a Social Security Card" form;

(ii) Provide all department of homeland security documents;

(iii) Provide a passport; and

(iv) Provide a state identification card or driver's license.

(D) What if an individual does not have certification from ORR?

The county agency shall contact ORR when it encounters:

(1) An individual or a child that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no certification; or

(2) A child believed to have been subjected to a severe form of trafficking who lacks an eligibility letter.