



Ohio Administrative Code

Rule 5101:4-3-06 Food assistance: victims of trafficking.

Effective: [May 1, 2022](#)

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

As described in 22 U.S.C. 7102 (01/2021), the term "severe forms of trafficking in persons" is defined as:

- (1) Sex trafficking in which a commercial sex act induced by force, fraud or coercion, or in which the person is induced to perform such an act is under the age of eighteen years; or
- (2) Labor trafficking in which 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 may be eligible for benefits as a result of being a victim of a severe form of trafficking?

- (1) Adult victims who have been certified by the United States office of refugee resettlement (ORR), within the department of health and human services, are eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act of 1952.
- (2) Victims who are under the age of eighteen are also eligible for benefits to the same extent as refugees, but do not need to be certified by the ORR; however, they do need a letter of eligibility.
- (3) A holder of a "T-2", "T-3", "T-4", "T-5", or "T-6" visa (collectively referred to as "Derivative T Visas") is considered a family member of a victim of a severe form of trafficking. These individuals are eligible for supplemental nutrition assistance program (SNAP) benefits to the same extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the program. County agencies shall follow the procedures outlined in paragraphs (D) and (E) of this rule in determining eligibility for these individuals. The eligible relatives of trafficking victims includes:



(a) In the case of an alien who is awarded a "T" visa and who is under twenty-one years of age on the date the "T" visa application was filed, derivative "T" visas are available to the alien's parents, spouse, children, unmarried siblings under eighteen years of age on the date on which the alien's visa application was filed.

(b) In the case of an alien who is awarded a "T" visa and was twenty-one years of age or older on the date the "T" visa application was filed, the derivative "T" visas are available to the alien's spouse and children.

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

ORR 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 of eligibility, similar to adult certification letters, stating that the child is a victim of a severe form of trafficking.

(D) What are the procedures for determining eligibility for victims of trafficking?

The county agency shall:

(1) Accept the notarized letter of certification or letter of eligibility for children as described in paragraph (C) of this rule and retain a photocopy in the case file. Victims of severe forms of trafficking are not required to provide any other immigration documents to receive benefits.

(2) Call the ORR trafficking victims verification toll-free number, (866) 401-5510, to confirm the validity of the notarized letter of certification before providing benefits. During the verification telephone call, the county agency shall notify ORR of the benefits for which the victim of trafficking has applied.



(3) Confirm identity. Benefits shall not be automatically denied when the individual is unable to provide verification of identity. The county agency shall call the ORR trafficking victims verification toll-free number for assistance.

(4) Assist in obtaining a social security number (SSN) in accordance with rule 5101:4-3-22 of the Administrative Code. The county agency shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a SSN. When an individual is required to provide or apply for a SSN for another benefit program, such as medicaid or Ohio works first, or the victim of severe forms of trafficking does not yet have or is unable to obtain a SSN for work purposes, assistance must be given to these individuals in obtaining non-work SSN's as follows:

The individual must present a letter that:

- (a) Is on county agency letterhead;
- (b) Includes the applicant's name;
- (c) States that the applicant meets the requirements to receive the benefit except for the SSN; and
- (d) Cannot be a generic application, form letter, or photocopy.

(5) Note the "entry date" for refugee benefits purposes in the case record of the statewide automated eligibility system once the notarized letter of certification for adults or letter of eligibility for children is received and the validity of the document is verified. The entry date is the date of certification and appears in the body of the notarized letter of certification for adults or letter of eligibility for children.

(6) Determine eligibility or redetermine eligibility in accordance with division 5101:4 of the Administrative Code.

(7) Issue benefits. When the applicant meets other program eligibility criteria (e.g., income levels) in accordance with division 5101:4 of the Administrative Code, the individual shall receive benefits and services to the same extent as a refugee.



(E) How is an individual handled who does not have a notarized letter of certification for an adult or a letter of eligibility for a child from ORR?

When a county agency encounters 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 notarized letter of certification or letter of eligibility in the case of a child, the county agency shall contact ORR for assistance.