



## Washington Public Assistance for Victims of Trafficking

This brochure will tell you what benefits you may be eligible for if you are a victim of trafficking. If you have a different immigration status please read one of the brochures listed below.

- Washington Public Assistance for Public Interest Parolees
- Washington Public Assistance for Refugees and Humanitarian Entrants
- Washington Public Assistance for Family Visa Beneficiaries
- Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)
- Washington Public Assistance for Undocumented Immigrants
- Washington Public Assistance for Immigrant Victims of Domestic Violence
- Washington Public Assistance for Immigrants Who Legalized Under the Immigration Reform and Control Act

### How can I tell if I am a Victim of Trafficking?

If you have been determined by the Department of Health and Human Services (DHHS) to be victim of trafficking you should have either a "certification letter" or "letter for children" from the DHHS designating you as a victim of trafficking. **If you do not have such a letter, see our document entitled *Victims of Trafficking* to learn more about victims of trafficking and the certification process.** Alternatively, your immigration documents should list your status either by name or with a code. If you don't have a document that shows your status, consult an immigration lawyer or call Northwest Immigrant Rights Project at (206) 587-4009 or (509) 854-2100 for advice. You may also be able to get assistance from DSHS to help you obtain copies of immigration documents you have lost.

**A Victim of Trafficking is defined as an individual who has been subjected to a severe form of trafficking in persons.** Under the Victims of Trafficking and Violence Protection Act of 2000, a victim of trafficking may obtain a nonimmigrant status permitting her to remain in the United States and to work, if:

1. the individual is in the United States as a result of trafficking, *and*
2. has not unreasonably refused to cooperate in any investigation of the trafficking (if 15 years old or older), *and*
3. the individual would suffer hardship involving unusual and severe harm if deported.

**Please see our document entitled *Victims of Trafficking* for information regarding certification for victims of trafficking.**

## **How do I become eligible for public assistance if I have been a victim of trafficking?**

In order for adults to be eligible for assistance as a victim of trafficking you must be certified by the Department of Human and Health Services. A victim of trafficking who is also a minor need not be certified, however he/she must have a letter from the DHHS declaring the child is a victim of trafficking.

## **I am a victim of trafficking. What benefits can I receive?**

If you are certified, you may be eligible to receive federal benefits such as Refugee Cash Assistance (RCA), Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Medicaid (including refugee, emergency, pre-natal and children's health programs), federal Food Stamps, and social services. You may also be eligible for state benefits like General Assistance-Unemployable, food assistance (if not eligible for the federal program) and health care programs for emergency costs. You may also be eligible for the Basic Health Plan and Hospital Charity Care. Of course, you must have low income and few resources and meet other program requirements.

If you are not yet certified, and you are 19 years of age and older, you may still be eligible for some benefits. To find out what you may be eligible read our brochure *Washington Public Assistance for Undocumented Immigrants*.

## **What are my Immigration options?**

Victims of Trafficking are often eligible for two nonimmigrant visas: T visas and U visas. T visas are specifically for victims of trafficking. U visas were created as part of the Violence Against Women Act of 2000 and are intended to provide temporary status for individuals who are victims of specific violent crimes such as trafficking, rape or sexual assault committed against them while in the United States. Individuals who receive T or U visas may work in the United States and are eligible for all major federal benefits programs. Individuals who have been continuously present in the United States for three years following a grant of T status may adjust to lawful permanent resident status.

## **What should I do if I need welfare benefits and I don't speak English?**

The welfare office is required to provide you with a free interpreter without delay. Be sure to mark on the application form if you have difficulty in reading, speaking or understanding English. The office should also send you translated notices about your benefits so that you can read about your rights and responsibilities in your own language. Keep a copy of the letters the welfare office sends you. When you take information to the office, ask them to make a copy for you to keep and stamp the date on both copies. If you have not received interpreters or notices in your own language and the welfare office has cut off your benefits, you may be able to get your benefits back.

## **Are there any special programs for Victims of Trafficking?**

Yes. Victims of Trafficking are eligible for the same benefits as refugees. The Refugee Assistance Program provides cash assistance and medical coupons to eligible low-income Refugees and Victims of Trafficking for up to eight months after they enter the United States.

## **Am I eligible for SSI?**

Possibly, since immigrants in this category can get SSI to the same extent as citizens during the first seven years that they have that immigration status. After that time, you will probably need to become a citizen if you wish to continue to be eligible for SSI. For more information, especially about special eligibility rules for people who have a work history or are in the armed services, consult a legal services lawyer.

## **Can receiving cash assistance prevent me from getting a green card (lawful permanent residence) or becoming a citizen?**

No. Victims of Trafficking are treated like refugees and may receive cash benefits and still be eligible to get a green card and their citizenship even if they need to receive cash and other assistance. However, immigrants who **fraudulently** receive public assistance may have trouble getting a green card or becoming a citizen and may even face deportation if convicted of a crime. For more information, consult an immigration attorney for questions or read our brochure *New INS Guidance on "Public Charge": When is it Safe to Use Public Benefits?*

## **Can I be denied assistance because I have a sponsor?**

No, Victims of Trafficking who may have a sponsoring organization are not subject to the rules on sponsor deeming even though you must report any **actual income** your sponsoring organization has given you. The sponsor deeming rules only apply to immigrants who have immigrated to the United States with an affidavit of support (Form I-864) filled out on their behalf.

## **What if the welfare office denies my application?**

If the welfare office denies your application or terminates your benefits it may be because you are no longer eligible. It may also be because the rules are complicated and the welfare office has made a mistake. If you believe you are eligible or would like another person to review your case, you should either tell your worker that you want a

Fair Hearing or ask for a copy of the Hearing Request form to fill out. There is no fee or penalty for requesting a fair hearing and you can always withdraw your request later if you believe the welfare office was correct. You should also contact a legal services office for advice.

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*This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, January, 2005.*

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