



To: County and Community Agencies Serving Immigrant Children  
From: Sally Kinoshita and Katon Dalton, Immigrant Legal Resource Center  
Date: January 2007

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## Public Benefits Eligibility for Immigrant Victims of Human Trafficking, Domestic Abuse and Other Crimes

As a result of the passage of SB 1569, effective January 1, 2007, non-citizens who are victims of human trafficking, domestic violence, and certain other serious crimes can be eligible for state and local benefits and social services programs such as: Refugee Cash Assistance (RCA), California Food Assistance Program (CFAP), CalWORKs, Cash Assistance Program for Immigrants (CAPI), In-Home Support Services (IHSS), Employment Social Services, Medi-Cal, General Assistance (GA), State Food Stamps, and Healthy Families, if they meet the eligibility requirements of the respective programs.

### Victims of human trafficking

Victims of human trafficking are victims of modern day slavery. They may be a situation in which they have been trafficked for their labor or for commercial sex acts. In human trafficking for labor or services, people are recruited, harbored, transported, provided or obtained through the use of fraud, force, or coercion and subjected to involuntary servitude, debt bondage or slavery. Sex trafficking occurs when a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform a commercial sex act is under the age of 18 years old.

Eligibility requirements for the new state program SB 1569 demand a sworn statement by the victim and one additional item of evidence that documents the trafficking act. If additional evidence cannot be furnished, the victim's sworn statement shall be sufficient if the county determines the client to be credible.

Non-citizens who are victims of human trafficking may also be eligible for an immigration status referred to as the "T Visa" if they are actively assisting or may assist law enforcement in the investigation or prosecution of human traffickers. Victims who file an application for a T visa to U.S. Citizenship & Immigration Services, are preparing to file an application for a T visa or are otherwise taking steps to meet the eligibility conditions for federal benefits as a victim of human trafficking, may be eligible for state and local benefits under SB 1569.

### Victims of Domestic Violence and Other Serious Crimes

Noncitizen victims of domestic violence and other crimes are eligible for state funds when they apply for U Visa Interim Relief or are granted a U Visa once requirements are made available.

The U Visa was added to our immigration laws to protect victims of rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact,

prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury; or attempt, conspiracy or solicitation of one of these crimes. Individuals who are victims of these crimes must show that they have been or will be helpful in the criminal investigation or prosecution of the crime with a certification from a law enforcement agency. Child Protective Services agencies can sign such certifications when they investigate crimes.

Eligibility for benefits and social services programs under SB 1569 require the crime victim verify that they have submitted a request U Visa Interim Relief or a petition for a U visa to the U.S. Citizenship & Immigration Services.

***For more information on SB 1569 and eligibility for benefits and services available for immigrant victims of human trafficking and other crimes, please see the All-County Letter (ACL) No. 06-60, dated December 21, 2006.***