



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202- _____

DCL ID: GEN-06-09

SUBJECT: Eligibility for Title IV Program Assistance for Victims of Human Trafficking

SUMMARY: This letter describes the process by which a person who has documentation of entering the United States under certain provisions of the Victims of Trafficking and Violence Protection Act can be determined to be eligible for Title IV program assistance.

Dear Colleague:

Background: Section 107(b)(1)(A) of the Victims of Trafficking and Violence Protection Act (VTVPA) provides that “an alien who is a victim of a severe form of trafficking in persons . . . shall be eligible for benefits and services under any Federal or State program . . . to the same extent as an alien who is admitted to the United States as a refugee . . .”. The U.S. Department of Education has long held that non-citizens with refugee status, as provided under section 207 of the Immigration and Naturalization Act (INA), are eligible for Title IV program assistance as eligible non-citizens.

The VTVPA provides that the U.S. Department of Health and Human Services (HHS) has responsibility for certifying an individual as a victim of human trafficking and for issuing letters to that effect. HHS issues a Certification Letter to a victim age 18 or older and an Eligibility Letter to a victim under the age of 18. Both letters instruct the individual to present the letter when applying for Federal or State benefits or services – Title IV program assistance in this case. Certain relatives of a victim, in possession of a valid T-visa as explained below, may also be eligible.

Applicants with an HHS Certification Letter or Eligibility Letter: A non-citizen human trafficking victim (and their qualified relatives as discussed below) should, when completing a Free Application for Federal Student Aid, answer the citizenship question, “Are you a U.S. citizen?” with response ‘b’ - “No, but I am an eligible non-citizen” and provide his or her Alien Registration Number. These responses should trigger a data match with the Department of Homeland Security (DHS). However, because DHS does not have the eligibility status of victims of human trafficking from HHS in its systems, the applicant will fail the computerized data match. Therefore, before Title IV program assistance can be disbursed, the financial aid administrator (FAA) at the school must, using the procedures described below, confirm the applicant’s status under the VTVPA.

An applicant for Title IV program assistance who is in the United States under the auspices of the VTVPA must present to the FAA, at the institution where the student plans to attend, a copy of the Certification Letter or Eligibility Letter that was issued by

HHS. The FAA must call the HHS Office of Refugee Resettlement at 1-866-401-5510, as noted on the letter, to verify its validity and to confirm that HHS certification or eligibility has not expired. The FAA must document the time and date of the call to the HHS Office of Refugee Resettlement, as well as record the results of the call. Once the FAA has made a copy of the Certification Letter or Eligibility Letter for the school records and has verified and documented its validity, an otherwise eligible student may receive Title IV program assistance for the award year. If the student applies for Title IV program assistance at the same institution in a subsequent year, the FAA must re-verify that the student's Certification Letter or Eligibility Letter remains in force by again calling the HHS Office of Refugee Resettlement at the toll free number provided above. A sample copy of an HHS Certification Letter and an Eligibility Letter is enclosed.

Relatives of Victims: The spouse, child, or parent of an individual certified by HHS as a victim of human trafficking may also be eligible for Title IV program assistance. These individuals will not have an HHS provided Certification Letter or Eligibility Letter, but will have a T-visa (T-2, T-3, or T-4, etc.). Should a qualifying relative of a person certified as a victim of human trafficking apply for Title IV program assistance, his or her data will also fail the computer match with DHS, as noted above. The FAA must collect a copy of the applicant's T-visa as well as a copy of the victim's HHS Certification Letter or Eligibility Letter. The FAA must follow the procedure outlined above, by calling the Office of Refugee Resettlement to establish both the validity of the victim's status and to confirm the validity of the applicant's T-visa. The FAA must document the time and date of the call to the HHS Office of Refugee Resettlement as well as record the results of the call.

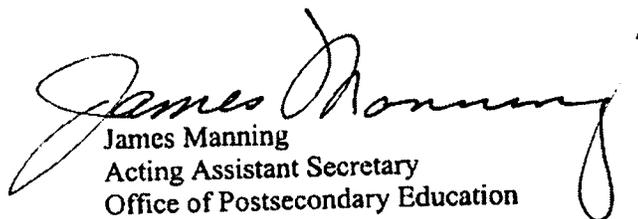
If you have any questions regarding this message, please contact Dan Klock via email at dan.klock@ed.gov.

We appreciate your assistance and cooperation as we work to implement this new process.

Sincerely,



Theresa S. Shaw
Chief Operating Officer
Federal Student Aid



James Manning
Acting Assistant Secretary
Office of Postsecondary Education

Enclosures