

Department of Social and Health Services

Olympia, Washington

EAZ Manual

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Category Public Benefit Eligibility for Survivors of Certain Crimes

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Division CSD

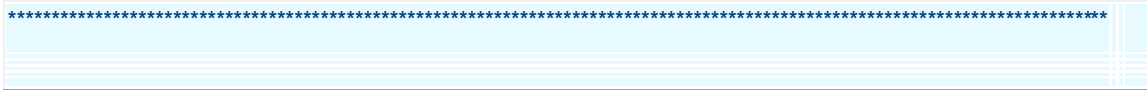
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Summary

Updating EAZ to reflect current Survivors of Certain Crimes processes.



Public Benefit Eligibility for Survivors of Certain Crimes

Revised on: ~~July 1, 2022~~ April 21, 2023

Purpose

This section provides clarifying information to support benefit determination for *survivors of certain crimes*. Relevant WAC sections include:

- **WAC 388-424-0001** Citizenship and immigration status—Definitions.
- **WAC 388-400-0010** Who is eligible for state family assistance?
- **WAC 388-424-0009** Citizenship and immigration status—Social Security number (SSN) requirements.
- **WAC 388-424-0010** Citizenship and immigration status—Eligibility for TANF.
- **WAC 388-424-0015** Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs.
- **WAC 388-424-0030** How does my immigration status impact my eligibility for state-funded benefits under the food assistance program?
- **WAC 388-424-0035** Verifications—Survivors of certain crimes.

Clarifying Information

1. Who are *survivors of certain crimes*?

Survivors of certain crimes are noncitizens and their qualifying family members, who have been harmed by a crime, and have filed, or are preparing to file an application with U.S. Citizenship and Immigration Services (USCIS) for:

- T-Visa (for trafficking victims),
- U-Visa (for victims of qualifying crimes), or
- Asylum status.

For full definitions, see [WAC 388-424-0001](#).

Note: It is extremely important to be sensitive to psychological, cultural, and gender aspects of the trauma these individuals and their families have faced in order to prevent re-victimization.

Note: Some victims of trafficking cooperate with the Department of Justice on the prosecution of their traffickers. **All details of the case are confidential and they can't talk about it, nor should they be asked to discuss the details of their case.**

2. **What does "preparing to file" mean?**

“Preparing to file” means a survivor is preparing to request a T-Visa (for trafficking victims), a U-Visa (for victims of qualifying crimes), or asylum, but has not yet submitted an application to the USCIS. This may be for a number of reasons, including the need to gather information for their application, or because the survivor needs to recover from physical, mental, and/or emotional abuse.

3. **Who are victims of human trafficking?**

Human trafficking is a form of modern-day slavery in which traffickers lure individuals with false promises of a better life. Traffickers force their victims into prostitution, slavery, or forced labor through coercion, threats, psychological abuse, torture, and imprisonment. Trafficked persons have been intimidated, both psychologically and physically, into submission. Trafficked noncitizens may be eligible for a T-Visa through USCIS.

4. **Who are victims of qualifying crimes?**

Victims of qualifying crimes are noncitizens who suffered substantial mental or physical abuse as a result of the crime, and are applying for a U-Visa. To be eligible for a U-Visa, victims must:

- Possess credible information about the qualifying crime;
- Establish with USCIS that they suffered substantial physical or mental abuse as a result of the crime; and
- Are willing or assisting law enforcement in the investigation or prosecution of the criminal activity.

5. **Who are applicants for asylum?**

Applicants for asylum are persons who flee their country and are unable, or unwilling, to return due to persecution or a well-founded fear of persecution. The persecution may be on the basis of race, religion, nationality, political opinion, or membership in a social group. For the full definition, see [EA-Z Manual - Definitions, Clarifying Information, #16](#).

Note: If a client is going through the asylum application process and provides proof of that process, they become non-qualified lawfully present aliens (see [EA-Z Manual Citizenship and alien status – Definitions #15](#)). For more information on what documents verify the asylum process and how to code those individuals in ACES, please see the following: [Applicants for Asylum & their Documents](#).

6. **What verifies an applicant meets the definition of a survivor of certain crimes?**

An applicant’s verbal self-attestation is sufficient for program eligibility determination. Self-attestation must include the applicant stating:

- They were harmed by a crime; and
- They have filed or are preparing to file an application with USCIS for T Visa, U Visa, or Asylum.

Note: Do not ask applicants for additional details regarding their experience- **this includes what the crime was or details of the trafficking event.**

Alternative evidence may also be provided in lieu of a verbal self-attestation, **if preferred by the applicant.** This may include but isn't limited to:

- Police, government agency, or court records or files;
- Documentation from a social services, trafficking, or domestic violence program;
- A legal, clinical, medical, or other statement from a professional, from whom the applicant has sought assistance in dealing with their situation; or
- A statement from an individual with knowledge of the circumstances that provides the basis for the survivor's claim (including signed sworn statement by survivor's advocate).

7. **Who are qualifying family members?**

Qualifying family members are defined in [WAC 388-424-0001](#). They don't include a family member charged with or convicted of a crime committed against the survivor spouse or a child of the spouse.

A written or verbal statement from the survivor that speaks to how they are related to a qualified family member may be accepted as verification of relationship.

8. **What benefits are survivors of certain crimes potentially eligible for?**

Survivors of certain crimes may be eligible for the following state-funded assistance programs, provided they meet all other eligibility requirements for those programs and are not already eligible under other citizenship and immigration rules:

- Food Assistance Program for Legal Immigrants (FAP) – see [WAC 388-400-0050](#)
- Aged, Blind, or Disabled (ABD) – see [WAC 388-400-0060](#)
- Housing and Essential Needs (HEN) Referral – see [WAC 388-400-0070](#)
- State Family Assistance (SFA) - see [WAC 388-424-0010](#)

All survivors of certain crimes (and their qualifying family members) who are eligible for SFA, ABD or HEN Referral, may be eligible for Medical Care Services (MCS) if not already eligible for federally funded medical programs.

Note: When screening MCS, children are not added to the MCS (A24) assistance unit. Eligibility for any applying children should be determined under Apple Health for Children – see ACES Manual: Medical Care Services [MCS] Medical – A01, A05, A24 for more information.

Note: Pregnant women who are *survivors of certain crimes* may be eligible for Apple Health for Pregnant Women. See [Apple Health for Pregnant Women | Washington State Health Care Authority](#) for more information.

Survivors of certain crimes do not likely meet the minimum work requirements for a Working Family Support payment due to their immigration status ([WAC 388-493-0010](#)). As a reminder, staff are required to review each household to determine if Working Family Support benefits are an option.

9. **Are survivors of certain crimes eligible for WorkFirst services?**

All SFA recipients are required to participate in WorkFirst services. For survivors who are not eligible to work, these services may be geared towards preparing for future employment. This includes English language training, job skills development, job-specific training, etc. Please see [WorkFirst Handbook 5.2](#) for more information.

Note: If a *survivor of certain crimes* SFA recipient is WorkFirst sanctioned, they would not likely be disqualified from FAP due to meeting exemption criteria (not legally able to work due to immigration status) - see [WAC 388-444-0010](#). When someone is WorkFirst sanctioned, staff are to examine Basic Food/FAP work requirements separately to determine if a Basic Food disqualification is required or if the individual is exempt from those requirements.

10. **Are survivors of certain crimes subject to the public charge rule if they receive public assistance benefits?**

The receipt of public assistance is only one of several factors that USCIS considers to determine whether someone is likely to be a “public charge” and is therefore inadmissible. Any *survivor of certain crimes* assistance applicant or recipient should be directed to consult with an immigration attorney with questions regarding “public charge”. For more information: [Public Charge Information | DSHS \(wa.gov\)](#).

If an applicant asks questions regarding eligibility for specific immigration visas or statuses, staff are to advise them to seek advice from an immigration attorney.

Worker Responsibilities

Applications from survivors of certain crimes should be handled the same as all other applications for cash or food assistance, with the exception of the verification policy below.

1. **What kind of documents are not required for eligibility determination?**

- Passport
- Regular or non-work SSN
- Alien Registration number
- Any USCIS documentation

Absence of these documents does not affect an applicant’s eligibility for benefits. Don’t run applicants’ information through SAVE because the majority of applicants don’t have an immigration status, or may have an expired immigration status.

2. **What are the documentation requirements for staff?**

When verifying an individual is a survivor or a qualifying family member, workers should document the following in the ACES case narrative:

- The applicant verbally self-attested to being a survivor of certain crimes, or what form of alternative proof was provided; and
- Date information was provided

3. **The following ACES coding is used to issue benefits to survivors of certain crimes:**

Only use this coding when an applicant qualified for assistance as a *survivor of certain crimes* is preparing to file an application with USCIS. If they have already filed an application for status with USCIS, they may be eligible for benefits as a non-qualified or qualified alien. Assess based on verification provided and proceed based on that information.

- Citizen Status - Undocumented Alien (U)
 - This coding bypasses SAVE requirements.
- Citizenship Verification Code – Preparing to File/Survivor of Certain Crimes (PF)
- SSA/SSN Referral – Undocumented Alien
- Other Federally Qualifying Status as “NQ” (No federal Qualified Status)
 - This coding bypasses entering a SSN. The worker should still enter an SSN if the applicant has one to work under.

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Note: When processing an ABD application, staff must temporarily utilize alternate ACES coding per the Processing an ABD Application for Survivors of Certain Crimes Desk Aid. ACES automation changes are currently in progress to support this change.

1. **At eligibility review, are survivors of certain crimes required to provide verification they have applied for visa/status in order to continue receiving benefits?**

No, the only verification that is required in order to continue benefits is verbal self-attestation that the recipient is a survivor and is continuing to prepare to file, per WAC 388-424-0035.

If the recipient states that they applied for asylum, a T visa, or a U visa with USCIS, staff are to request e verification (a copy of receipt). The survivor may also provide their USCIS receipt number verbally, allowing staff to check the USCIS website directly to verify an application has been filed. In a scenario where verification was requested and the individual failed to provide the receipt and/or the worker cannot verify via the USCIS website that an application was filed, the individual would still be eligible for continued benefits, based solely on their self-attestation that they are continuing to prepare to file.

1. **What happens when a survivor of certain crimes's immigration status changes?**

Once new verification is received from the recipient, workers should:

- Update the client's Citizenship status information in ACES; and
- Establish eligibility for benefits.