

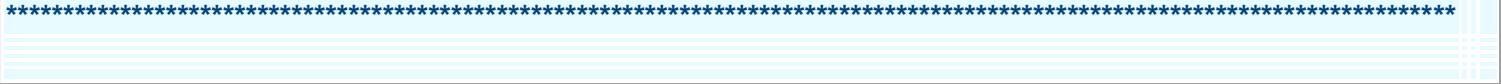
Department of Social and Health Services
Olympia, Washington
EAZ Manual

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Category Public Benefit Eligibility for Survivors of Certain Crimes
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Summary

Clarifying the definition of a survivor of certain crimes and better defining the verification process.

See below for edited text:



Public Benefit Eligibility for Survivors of Certain Crimes

Revised on: ~~April 26, 2022~~ February 5, 2024

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 ~~and have been harmed by one of the specific crimes described in WAC 388-424-0001(c)(ii)(A)-(C).~~

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~~ individuals into ~~prostitution~~

~~sexual~~; slavery, commercial sexual exploitation, or forced labor through coercion, fraud, threats, psychological abuse, torture, and or 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 a qualifying crime that happened in the U.S. or violated U.S. laws and may be eligible for a U visa through USCIS, and are applying for a U-Visa.~~ To be eligible for a U-Visa, victims ~~must~~:

- ~~Must~~Possess ~~credible~~ information about the qualifying crime;
- ~~Must~~Establish with USCIS that they suffered substantial physical or mental abuse as a result of the crime; and
- ~~Are~~Are, were, or are likely to be ~~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 their race, religion, nationality, political opinion, or membership in a particular social group. For the full definition, see [EA-Z Manual - Definitions, Clarifying Information, #16](#).

Note: Not all applicants for asylum are survivors of certain crimes. ~~To be a survivor of certain crimes as an asylum applicant, the individual must have filed, or be preparing to file, for asylum and have been harmed by one of the specific crimes described in WAC 388-424-0001(4)(c)(ii)(A)-(C). Individuals who have not been harmed by one of the specified crimes but are applying for asylum are 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.~~

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?**

The only verification needed to meet the definition of a survivor of certain crimes is a verbal self-attestation by the applicant. 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 have filed or are preparing to file an application with USCIS for a T Visa or U Visa; or
- They were harmed by a crime as described in WAC 388-424-0001(4)(c)(ii)(A)-(C) and 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.**

If an individual states that they are applying for asylum and that the crime happened in their country of origin or they do not initially offer that the crime was one of the ones described in WAC 388-424-0001(4)(c)(ii)(A)-(C), the individual is not a survivor of certain crimes. Do not ask for further details, but code the individual in ACES as a lawfully present non-qualified alien who is an asylum applicant.

No other documentation or evidence is necessary to verify that an applicant is a survivor of certain crimes. An applicant's verbal self-attestation is sufficient for program eligibility determination.

An applicant's verbal self-attestation is sufficient for program eligibility determination. Alternative evidence may also be provided *in lieu* of a verbal self-attestation, **only 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).