



April 19, 2022

FOOD ASSISTANCE TRANSMITTAL LETTER NO. 426

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Food assistance: victims of trafficking and good cause for failure to comply in providing a social security number.

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date based on regulations from the United States Department of Agriculture (USDA) Federal and Nutrition Services (FNS) and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

These rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 05/01/2022.

Chapter 3000

5101:4-3-06 "Food Assistance: Victims of Trafficking."

This rule describes the definitions of trafficking as well as the process of determining the eligibility of victims of trafficking. OFA amended this rule. This rule has been revised with the following changes:

- (A) was amended for clarity;
- (B)(3) was amended for clarity and was updated to include those who hold a T-6 visa;
- (C) was updated to answer who makes certification determinations for adults and children who are victims of severe forms of trafficking;
- (D)(4) was updated to reference 5101:4-3-22 of the Ohio Administrative Code;
- (D)(5) was amended for clarity;
- (D)(6) was updated to remove reference to expired certification letters; and
- Other minor grammatical changes.

5101:4-3-24 "Food Assistance: Good Cause for Failure to Comply in Providing A Social Security Number."

This rule describes the process of determining good cause for failure to comply with providing a social security number. OFA amended this rule. This rule has been revised with minor changes made for clarity. No other substantive changes were made.

5101:4-3-06

Food assistance: victims of trafficking.

(A) What is ~~considered~~ the definition of "a severe form forms of trafficking in persons"?

~~Under section 103(8) of the Trafficking Victims Protection Act of 2000 Public Law No. 106-386~~ As described in 22 U.S.C. 7102 (01/2021), the term "severe forms of trafficking in persons" is defined as:

- (1) ~~Sex trafficking: the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act induced by force, fraud or coercion, or in which the person is forced~~ induced to perform such an act is under the age of eighteen years; or
- (2) ~~Labor trafficking: in which~~ the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(B) Who may be eligible for benefits as a result of being a victim of a severe form of trafficking?

- (1) Adult victims who have been certified by the United States office of refugee resettlement (ORR), within the department of health and human services, are eligible for benefits and services to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act of 1952.
- (2) Victims who are under the age of eighteen are also eligible for benefits to the same extent as refugees, but do not need to be certified by the ~~office of refugee resettlement~~ ORR; however, they do need a letter of eligibility.
- (3) ~~Certain family members of victims of a severe form of trafficking may be eligible for benefits and services to the same extent as refugees under the Trafficking Victims Protection Reauthorization Act of 2003, Public Law No. 108-193. Victims of severe forms of trafficking as defined in paragraph (A) of this rule are issued "T" visas by the United States immigration and citizenship services. Certain eligible relatives of trafficking victims are entitled to visas designated as~~ A holder of a "T-2", "T-3", "T-4", or "T-6" visa (collectively referred to as "Derivative T Visas") ~~and after the issuance of the visas~~ is considered a family member of a victim of a severe form of trafficking. These individuals are eligible for supplemental nutrition assistance program (SNAP) benefits to the same extent as direct victims of severe trafficking, provided that they meet the other eligibility criteria for the program. County agencies shall follow the procedures outlined in paragraphs (D) and (E) of this rule in determining

eligibility for these individuals. The eligible relatives of trafficking victims includes:

(a) In the case of an alien who is awarded a "T" visa and who is under twenty-one years of age on the date the "T" visa application was filed, derivative "T" visas are available to the alien's parents, spouse, children, unmarried siblings under eighteen years of age on the date on which the alien's visa application was filed.

(b) In the case of an alien who is awarded a "T" visa and was twenty-one years of age or older on the date the "T" visa application was filed, the derivative "T" visas are available to the alien's spouse and children.

(C) ~~Do certification letters expire~~ Who determines if an individual is a victim of a severe form of trafficking?

ORR will make certification determinations for victims of a severe form of trafficking.

(1) ~~Certification letters for adults and eligibility letters for children no longer contain expiration dates~~ For adults, ORR will issue notarized letters of certification for an adult victim of a severe form of trafficking.

(2) ~~Expired letters are being reissued by the office of refugee resettlement with a lowercase "r" beside the tracking number confirming that the individual continues to meet certification requirements~~ For children, ORR will issue notarized letters of eligibility, similar to adult certification letters, stating that the child is a victim of a severe form of trafficking.

(D) What are the procedures for determining eligibility for victims of trafficking?

The county agency shall:

(1) Accept the ~~original certification~~ notarized letter of certification or ~~eligibility letter of eligibility~~ for children as described in paragraph (C) of this rule and retain a photocopy in the case file. Victims of severe forms of trafficking are not required to provide any other immigration documents to receive benefits.

(2) Call the ORR trafficking victims verification toll-free number, (866) 401-5510, to confirm the validity of the notarized letter of certification ~~letter~~ before providing benefits. During the verification telephone call, the county agency shall notify ~~the office of refugee resettlement~~ ORR of the benefits for which the victim of trafficking has applied.

- (3) Confirm identity. Benefits shall not be automatically denied ~~if~~ when the individual is unable to provide verification of identity. The county agency shall call the ORR trafficking victims verification telephone toll-free number for assistance.
- (4) Assist in obtaining a social security number (SSN) in accordance with rule 5101:4-3-22 of the Administrative Code. The county agency shall not delay, deny, or discontinue assistance to any eligible applicant because he or she does not have a SSN. ~~If~~ When an individual is required to provide or apply for a SSN for another benefit program, such as medicaid or Ohio works first, or the victim of severe forms of trafficking does not yet have or is unable to obtain a SSN for work purposes, assistance must be given to these individuals in obtaining non-work SSN's as follows:
- The individual must present a letter ~~which~~ that:
- (a) Is on county agency letterhead;
 - (b) Includes the applicant's name;
 - (c) States that the applicant meets the requirements to receive the benefit except for the SSN; and
 - (d) Cannot be a generic application, form letter, or photocopy.
- (5) Note the "entry date" for refugee benefits purposes in the case record of the statewide automated eligibility system. ~~Once~~ once the ~~certification~~ notarized letter of certification for adults or letter of eligibility for children is received and the validity of the document is verified ~~by calling the trafficking verification telephone number~~, the county agency shall note the individual's "entry date" for refugee benefit purposes. The entry date is the date of certification. ~~The certification date~~ and appears in the body of the ~~certification~~ notarized letter of certification for adults or letter of eligibility ~~letter~~ for children.
- (6) Determine eligibility or redetermine eligibility in accordance with division 5101:4 of the Administrative Code. ~~When an individual presents an expired certification letter when applying for benefits or when a reapplication is being completed and the county agency finds that a certification letter has expired, the county agency shall call the office of refugee resettlement trafficking victims verification toll-free number, (866) 401-5510, for assistance.~~
- (7) Issue benefits. ~~If~~ When the applicant meets other program eligibility criteria (e.g., income levels) in accordance with division 5101:4 of the Administrative Code, the individual shall receive benefits and services to the same extent as a refugee.

- (E) How is an individual handled who does not have a ~~certification-notarized letter of certification for an adult~~ or a letter of eligibility for a child from ~~the office of refugee resettlement~~ ORR?

When a county agency encounters an individual or a child that is believed to meet the definition of a victim of a severe form of trafficking, but the individual has no ~~certification-notarized letter of certification~~ or letter of eligibility in the case of a child, the county agency shall contact ~~the office of refugee resettlement at (866) 401-5510~~ ORR for assistance.

Effective: 5/1/2022
Five Year Review (FYR) Dates: 1/28/2022 and 05/01/2027

CERTIFIED ELECTRONICALLY

Certification

04/18/2022

Date

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5101:4-3-24

Food assistance: good cause for failure to comply in providing a social security number.

(A) ~~Do all assistance group members have~~ What happens when an assistance group member refuses or fails to provide a social security number (SSN) to be eligible for benefits?

~~When an assistance group member refuses to provide his or her SSN, he or she, as an individual, is ineligible to participate unless they provide good cause as described in paragraph (C) of this rule. This disqualification applies to the individual for which the number is not provided (including the child who is under eighteen whose parent has refused to cooperate for him or her) and not to the entire assistance group. The earned or unearned income of an individual disqualified for failure to comply with this requirement shall be treated as described in rule 5101:4-6-13 of the Administrative Code. Prior notice requirements shall be followed before the assistance group's benefit level can be decreased. The disqualified assistance group member may become eligible upon providing the county agency with an SSN.~~

(1) When an assistance group member refuses or fails to provide his or her SSN, he or she, as an individual, is ineligible to participate in the supplemental nutrition assistance program (SNAP) unless they provide good cause as described in paragraph (C) of this rule.

(2) The disqualification applies to the individual for which the number is not provided (including the child who is under eighteen whose parent has refused or failed to cooperate for him or her) and not to the entire assistance group.

(3) The earned or unearned income and resources of an individual disqualified for failure to comply with this requirement is to be treated as in accordance with rule 5101:4-6-13 of the Administrative Code. Prior notice requirements are to be followed before the assistance group's benefit level can be decreased.

(4) The disqualified assistance group member may become eligible upon providing the county agency with an SSN.

(B) How is good cause determined?

In determining when good cause exists for failure to comply with the SSN requirement, the county agency shall consider information from:

- (1) The assistance group member;
- (2) The social security administration (SSA); and

- (3) The case file (especially ~~if~~ when the county agency failed to refer the assistance group member to SSA, or SSA did not process the referral and/or SSN application in a timely manner).

(C) What is considered good cause?

Documentary evidence or collateral information that the assistance group member has applied for a SSN or made every effort to supply SSA with the necessary information to complete an application for a SSN shall be considered good cause for not complying on a timely basis with this requirement.

(D) What is not considered good cause?

Good cause does not include delays due to illness, lack of transportation or temporary absences. SSA makes provisions for mail-in applications in lieu of applying in person.

(E) How is good cause handled?

- (1) ~~The~~ When the assistance group member demonstrates good cause for why an application has not been completed in a timely manner, the assistance group member shall be allowed to participate for one month in addition to the month of application.
- (2) When an assistance group member applying for a SSN has been unable to obtain the documents required by SSA, the county agency shall make every effort to assist the individual in obtaining these documents.
- (3) The assistance group must demonstrate good cause for failure to apply each month in order for the assistance group member to continue to participate.
- (4) Once an application has been filed, the county agency shall permit the member to continue to participate pending notification of the assistance group member's SSN.
- (5) When an assistance group is unable to provide proof of application for a SSN for a newborn, the assistance group shall provide the SSN or proof of application at its next ~~reapplication~~ recertification or within six months following the month the baby is born, whichever is later. When an assistance group is unable to provide a SSN or proof of application for a SSN at its next ~~reapplication~~ recertification or within six months following the baby's birth, the county agency shall determine if there is good cause.

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