

Title 22, United States Code
Chapter 78, Trafficking Victims Protection
Section 7105—Protection and assistance for victims of trafficking
See 22 U.S.C. §7101 et. seq. for the full provisions of this law.

§7105

(b) Victims in the United States

(1) Assistance

(A) Eligibility for benefits and services

Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii) [8 USC § 1101(a)(15)(T)(ii)], shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) 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 [8 USC § 1157].

(B) Requirement to expand benefits and services

Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii) [8 USCS § 1101(a)(15)(T)(ii)], without regard to the immigration status of such victims. In the case of nonentitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.

(C) Definition of victim of a severe form of trafficking in persons

For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person -

- (i)** who has been subjected to an act or practice described in section 103(8) [22 USC § 7102(8)] as in effect on the date of the enactment of this Act [enacted Oct. 28, 2000]; and

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(ii)

(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) [Deleted]

(E) Certification

(i) In general

Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II) -

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)

(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act [8 USC § 1101(a)(15)(T)], as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) Period of effectiveness

A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) Investigation and prosecution defined

For the purpose of a certification under this subparagraph, the term "investigation and prosecution" includes -

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

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(iv) Assistance to investigations.

In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.

(2) Grants

(A) In general

Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) Allocation of grant funds

Of amounts made available for grants under this paragraph, there shall be set aside -

- (i)** three percent for research, evaluation, and statistics;
- (ii)** two percent for training and technical assistance; and
- (iii)** one percent for management and administration.

(C) Limitation on Federal share

The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted
