



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201  
[www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

**SURVIVORS OF TORTURE PROGRAM  
ELIGIBILITY DETERMINATION  
GUIDELINES REVISED 2023**

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## INTRODUCTION

The United States has repeatedly reaffirmed its commitment to upholding the prohibition on both the use of torture and to the rehabilitation of survivors of torture. On May 20, 1988, President Ronald Reagan transmitted the [Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#) to the United States Senate for ratification, which he explained “will clearly express United States opposition to torture, an abhorrent practice unfortunately still prevalent in the world today.” The United States ratified CAT the following month. In that same spirit, on June 26, 2021—International Day in Support of Victims of Torture—President Biden “pledge[d] the full efforts of the United States to eradicate torture in all its forms,” and Secretary of State Blinken emphasized “the importance of rehabilitation...so [that] victims and survivors can transition from horror to healing.”

The Office of Refugee Resettlement (ORR) plays a role in upholding the United States’ commitment to the rehabilitation of survivors of torture through the Services for Survivors of Torture (SOT) Program. In this program, ORR provides grants for rehabilitation, social and legal services to victims of torture, as well as research and training for health care providers on servicing victims of torture.

Only qualifying individuals who meet the ORR criteria are eligible for the SOT Program. ORR has issued this guidance to help inform recipients of SOT funding<sup>1</sup> on criteria for determining eligibility for SOT services. ORR grant recipients must apply and document the criteria for all clients receiving services. Determining eligibility is the critical first step toward providing torture survivors access to rehabilitative services designed to help those individuals integrate and thrive in the United States.

For each element required to establish eligibility for the program, these Guidelines use domestic and international sources to explain the element and provide examples of what constitutes torture to help SOT recipients apply criteria consistently when evaluating individuals’ eligibility for SOT services.

The authorizing legislation for the SOT Program is the Torture Victims Relief Act of 1998 (TVRA).<sup>2</sup> It authorizes ORR to provide grants for services to survivors of torture. The SOT program uses the definition of torture in section 3 of the TVRA. This section cross-references 18 U.S.C. 2340(1)), which defines torture as:

*“an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or lawful control.”*

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<sup>1</sup> Referred to as “recipients” throughout this document.

<sup>2</sup> Pub. L. No. 105-320, 112 Stat. 3016.

The TVRA specifically includes rape and other forms of sexual violence within the harms that can amount to torture.<sup>3</sup>

## ELIGIBLE INDIVIDUALS

Survivors eligible for services under this program are primary and secondary survivors of torture<sup>4</sup> in a foreign country who are now living in the United States, including refugees, asylees, asylum seekers, immigrants, stateless persons, other displaced persons, and native-born or naturalized U.S. citizens.

**A primary survivor of torture** is an individual who survived torture, as the term torture is defined in the TVRA. This category includes individuals who were forced by perpetrators to either torture or witness the torture of another person.

ORR defines a **secondary survivor** as a relative or other individual closely associated with a primary survivor, who is impacted by the torture and subsequent trauma in a way that threatens their health or mental health and their ability to function or normal development. ORR authorizes a secondary survivor's eligibility for the same SOT services as a primary survivor of torture, regardless of whether the primary survivor is enrolled in an SOT program.

Through the Survivors of Torture Program, ORR serves both primary and secondary survivors of torture. Torture is the deliberate and systematic dismantling of a person's identity and humanity through the infliction of physical and psychological pain and suffering. Although governments tend to target individuals in the practice of torture, its purpose is to destroy a sense of community, eliminate leaders, create a climate of fear, and produce a culture of apathy.

The TVRA<sup>5</sup> states that governments use torture not only to cause "deliberate mental and physical damage to individuals" but also to "terrorize society." Furthermore, it states, "Repressive governments often use torture as a weapon against democracy" by "eliminating the leadership of their opposition and frightening the general public."

According to the TVRA, torture survivors and individuals closely associated with them (e.g., treatment providers,) often "remain under physical and psychological threats especially in communities where the perpetrators are not brought to justice." Because of these threats, survivors of torture and treatment providers often experience ongoing traumatic stress and therefore "should be accorded protection from further repression."

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<sup>3</sup> See 22 U.S.C. 2152 note.

<sup>4</sup> As defined by 18 U.S.C. 2340(1).

<sup>5</sup> Torture Victims Relief Act of 1998, § 2, Pub. L. No. 105-320, 112 Stat. 3016 (1998).

The TVRA states that “a significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications... to minimize their insecurity and sense of danger.” Furthermore, the TVRA recognizes “a need for a comprehensive strategy” to protect and support torture victims, “to heal the effects of torture and prevent its use around the world.”

ORR recognizes the pain and suffering that families and communities experience when individuals are tortured. The trauma generated by torture resides not only in survivors but also affects their relatives and close associates. Through the inclusion of primary and secondary survivors of torture within this program, ORR promotes a whole-family and public health approach to understanding, addressing, and preventing the aftermath of trauma, which exists at multiple levels of society.<sup>6</sup>

### **Criteria for Determining Eligibility**

Based on the definition of torture used in the TVRA, ORR has identified five elements that a primary survivor must have experienced to qualify for SOT eligibility:

An act (or omission) that has the following elements

- a. it caused severe physical or mental pain or suffering;
- b. it was specifically intended to cause the severe physical or mental pain or suffering;
- c. it was committed under color of law;
- d. it was not incidental to lawful sanctions;
- e. it was committed while within another person’s custody or physical control.

#### **a. Severe Physical or Mental Pain or Suffering**

Eligibility determinations are made by ORR recipients. ORR recipients must determine survivor eligibility based on the prospective client’s physical or mental pain and suffering.

**Physical Pain or Suffering:** The TVRA does not define physical pain, and there are no precise, objective, scientific criteria for measuring physical pain. The more intense and lasting the physical pain and suffering, the more likely it is that the individual was subjected to torture.

Although an individual often experiences physical pain and suffering concurrently, they may be eligible for services if physical “suffering” alone—resulting from the persistent effect of intentional harms on the body—is severe enough. For example, forced medical procedures resulting in lasting injury could constitute torture, even if the victim received anesthetics for the procedure, as in the case of forced sterilization. The severity of the physical pain and suffering

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<sup>6</sup> <https://www.samhsa.gov/trauma-violence>

that amounts to torture is most often the result of “extreme, deliberate, and unusually cruel practices.”<sup>7</sup>

In some cases, recipients can easily establish that an individual satisfies the criterion for severe physical pain or suffering because of the specific intensity or nature of certain acts or circumstances of the torture experienced by that individual. However, in other cases, recipients must consider the totality of the circumstance under which an individual suffered torture. Factors for consideration include the vulnerability of the victim (age, sex, gender identity, sexual orientation, etc.), as well as the environment and the cumulative effect of the circumstances.

**Mental Pain or Suffering:** The mental harm caused by abuse—whether physical or non-physical/psychological abuse—is as significant as the harm caused by physical abuse.<sup>8</sup> Per the TVRA (via the cross reference to the U.S. criminal code, 18 U.S.C. 2340(2),) severe mental pain or suffering involves:

*“mental harm caused by or resulting from the intentional infliction or threatened infliction of severe physical pain or suffering; the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality; the threat of imminent death; or the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the sense or personality.”*

In most cases, the mental harm that qualifies an individual for eligibility under the SOT Program is the result of specific acts inflicted on the individual. The resulting mental harm may include nightmares, flashbacks, dissociation, anxiety, depression, difficulty sleeping, interpersonal difficulties, and other trauma-related conditions and experiences. When determining eligibility, recipients should consider the total amount of mental harm that resulted from acts inflicted, including acts that they later identify as torture due to the resulting harm.

Mental suffering can result from acts that include, but are not limited to, those carried out deliberately against victims to suppress their psychic resistance and to force them to incriminate themselves or falsely confess certain criminal behaviors. Threats of torture or mock executions are included within the concept of mental suffering. Forcing a person to watch others being tortured as part of a larger psychological attack may also result in mental pain or suffering rising to the level of torture.

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<sup>7</sup> Legal Standards Applicable under 18 U.S.C. §§ 2340-2340A, 28 U.S. Op. Off. Legal Counsel 297 (2004) quoting S. Exec Rep. No. 101-30, at 14.

<sup>8</sup> Human Rights First & Physician for Human Rights, “Leave No Marks: Enhanced Interrogation Techniques and the Risk of Criminality,” (August 2007) available at <https://phr.org/wp-content/uploads/2007/08/leave-no-marks-1.pdf>.

As the TVRA does not include a measurement of severity, recipients will need to determine if the harm is severe by assessing whether the source of the mental harm involves one or more of the following:

- The infliction of severe physical pain or suffering (which would also make the individual eligible under the severe physical pain category)
- The threat of the infliction of severe physical pain or suffering
- The forced administration or application of psychoactive drugs or other psychological procedures designed to disrupt the victim’s senses or personality
- Threats of imminent death made against the victim
- Threats made against others of imminent death, severe physical pain or suffering, or forced administration or application of psychoactive drugs or psychologically disruptive procedures
- The wrongful imprisonment, infliction of severe pain and suffering, or disappearing of a close family member, colleague, or friend to inflict severe psychological pain on the targeted individual

A person who witnesses torture, including threats that amount to torture, against another and who consequently experiences mental harm may potentially be eligible for SOT services as well.

For any of the acts to qualify as “severe mental pain or suffering,” the effects on an individual must produce a lasting damage or injury, although that damage or injury need not be permanent or lifelong.<sup>9</sup>

SOT recipients should consider the timeframe during which the torturer inflicted mental pain or suffering or frequently repeated the threats. Certain isolated acts can cause individuals mental pain or suffering that rises to the level of torture, while in other cases the requisite degree of harm may not result from a single act but does when that act is repeated over time (as can be the case with extended sleep deprivation).<sup>10</sup>

#### **b. Specifically Intended to Cause Severe Physical or Mental Pain or Suffering**

Unlike other widely used definitions of torture, the TVRA does not limit its scope based on *why* perpetrators inflicted the harm (for example, to extract a confession or suppress political dissent). For SOT Program purposes, it is necessary only that the perpetrator had a conscious desire to

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<sup>9</sup> Legal Standards Applicable under 18 U.S.C. §§ 2340-2340A, 28 U.S. Op. Off. Legal Counsel 297 (2004) quoting S. Exec Rep. No. 101-30, at 14, p312.

<sup>10</sup> SOT recipients should remember that the TVRA definition does not require infliction of mental harm over a specific period. The duration of time is used only in assessing the extent of trauma affecting (or experienced by) an individual.

inflict physical or mental pain or suffering, or that the perpetrator knew or should have known that their acts would cause such harm.<sup>11</sup>

ORR recommends a practical approach to this requirement, which considers the totality of the surrounding circumstances to determine the perpetrator’s intent. It may be reasonable to infer intent to torture from the totality of the facts and circumstances as reported by the victim. Note that, in some circumstances, specific intent may be inferred from the omission of a duty to provide certain necessities.<sup>12</sup> For example, if a government omits to protect certain citizens from attacks because of their race, sex, gender identity, or sexual orientation, one may reasonably infer intent to torture on the part of that government.

### **c. Torture Committed under the Color of Law**

The “color of law” includes both formally recognized authorities (e.g., the military) and non-state actors, such as *de facto* groups that operate in the absence of a formally recognized government and/or that use any means necessary to establish and maintain control over the population.

Formally recognized authorities are government agents whose acts arise out of their official duties. These agents include military authorities, militia members, members of the police, secret police, security forces, medical personnel, and other private actors who either commit acts of torture under state sanction or do so with impunity.

*De facto* authorities are those that do not have formally recognized authority but, rather, hold power by unlawful, unconstitutional, or otherwise illegitimate means. Examples include opposition groups who have seized military control of a particular geographic area, or members of a cartel, gang, or ethnic group who control a particular region and commit acts of torture. (Note, though, that it is not necessary for a non-state or private actor to control territory for torture that they perpetrate to meet the “color of law” standard; for example, the test can be met where authorities fail to prevent and protect victims from acts of gender-based violence committed by private actors.)

Under the “color of law” definition in the Department of Homeland Security regulation implementing the Convention against Torture 8 CFR § 208.18(a)(7), individuals who represent

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<sup>11</sup> Legal Standards Applicable under 18 U.S.C. §§ 2340-2340A, 28 U.S. Op. Off. Legal Counsel 297 (2004) (explaining that there are two tests generally used to determine specific intent – “conscious desire” or “knowledge / reasonable foreseeability” – and concluding that “[i]n light of the President’s directive that the United States not engage in torture, it would not be appropriate to rely on parsing the specific intent element of the statute to approve as lawful conduct that might otherwise amount to torture.”).

<sup>12</sup> Matter of B-B-, (BIA unpublished, Mar. 10, 2009) available at <http://www.ijdh.org/wp-content/uploads/2011/02/Matter-of-BB-BIA-February-2-2010.pdf>



the “color of law” need not be present or directly inflict the act. If they are aware of such activity and do not intervene to prevent it, the situation meets the “color of law” standard. Officially tolerating torture also meets the standard. For example, if a government or related entity is unwilling or unable to punish the acts that have caused harm, and this appears to be *generally* true (not just in the particular instance of the client) as to these types of acts, the TVRA considers such unwillingness or inaction to be “deliberate indifference” on the part of the governing authority.<sup>13</sup>

When the state knows or ought to know that vulnerable sections of society (e.g., minority populations or marginalized communities) run the risk of widespread and very serious mistreatment or violence that is sustained and blatant, then the line between privately inflicted and state-sanctioned violence is sufficiently blurred. It is therefore reasonable to determine that an action falls under the “color of law” when states are aware of such acts which otherwise qualify as torture and fail to protect the victim or to punish the perpetrator.

#### **d. Pain and Suffering Not Incidental to Lawful Sanctions**

The TVRA requires that the acts inflicting severe pain and suffering are not incidental to (in other words, do not stem from) lawful sanctions. In general, lawful sanctions do not involve specific intent to inflict severe pain or suffering. Therefore, a finding of specific intent to inflict such pain or suffering generally means that the actions were not lawfully sanctioned. A notable exception is the lawfully sanctioned use of the death penalty.

Also, if the act that caused severe pain and suffering to a person was authorized by law in a country that does not uphold international human rights standards and norms, neither the act nor the harm should be considered “incidental to lawful sanctions.” In such cases, recipients should evaluate an individual’s eligibility for services based on the remaining criteria and should assume that the “incidental to lawful sanctions” exception does not apply.

Examples of acts that are outside of lawful sanctions, even when permitted under the laws of a country, include beatings, imprisonment in a prison notorious for torture, and burning a person with cigarettes.

#### **e. Committed While Within Another Person’s Custody or Physical Control**

Under the TVRA standard, custody or physical control assumes that the alleged torturer committed the acts while holding the victim captive by tacit means of state power, but not as part of a legitimate exercise of such power. For instance, the mere detention of a person for a long

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<sup>13</sup> U.S. Department of State, Initial Report of the United States of America to the UN Committee Against Torture (October 15, 1999), [https://1997-2001.state.gov/global/human\\_rights/torture\\_articles.html](https://1997-2001.state.gov/global/human_rights/torture_articles.html)

period of time may result in significant stress and mental suffering, but it would not likely constitute torture if the detention was incident to lawful sanctions, if the person was detained in satisfactory conditions of confinement, and if the detention was not indefinite in nature.

However, actions of custody and control that go beyond (and are therefore not merely incident to) lawful detention with knowable duration could cause severe physical or mental pain or suffering sufficient to qualify as torture. Examples include, but are not limited to, deliberate starvation, extended and inappropriate prison conditions, solitary confinement (when prolonged, used as punishment, or used against certain vulnerable populations),<sup>14</sup> and refusal to provide customary medical treatment. Accordingly, the use of appropriate physical force to restrain and take into custody a person resisting arrest would not constitute torture; however, severe brutality as punishment for resistance would qualify as torture.

In addition to detention in a facility such as a jail, police station, military base, or a building occupied by a non-state actor (e.g., a gang), the element of custody or physical control is met when an individual is detained in a residence, a roadside checkpoint, a healthcare facility, a village compound, or any confined space where the person is detained.

The element of custody or physical control is also present without physical confinement. For example, beating protesters under the guise of “crowd control”; escalated psychological methods, including intense stalking; car chases; consistent harassment at home, work, or elsewhere (even when escape may be possible); effective or *de facto* house arrest; can all be considered custody or control.

### **Circumstances That Do Not Constitute Torture Under TVRA**

Torture by individuals acting on their own—while inhumane—does not meet the definition applied to the SOT Program. Neither does pain and suffering from accidental or random causes, such as the crash of a government vehicle. Also, eligibility does not apply to situations involving collective human suffering and trauma experienced by large groups of persons due to mass persecutions, detention, war violence, or ethnic cleansing. However, within these large groups, specific persons can fit the eligibility definition if they were singled out and subjected to severe pain or suffering—for example, if they were raped, maimed, or mutilated. This deliberate targeting and control of an individual is consistent with the purposeful nature of torture.

As noted above, pain and suffering resulting from legitimate legal sanctions (such as imprisonment due to a criminal sentence) do not constitute torture under the TVRA, unless accompanied by actions that exceed the legitimate exercise of power.

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<sup>14</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para. 22.

## SPECIFIC FORMS OF TORTURE AND TORTURE SETTINGS

Two torture settings are highlighted because of their unique and/or prevalent nature.

- a. Sexual and gender-based violence
- b. Torture in healthcare settings

### **a. Sexual and Gender-Based Violence**

Sexual and gender-based violence can amount to torture. The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Special Rapporteur on Torture) notes that gender stereotypes facilitate downplaying the pain and suffering that women, girls, and lesbian, gay, bisexual, transgender, and intersex persons experience from certain practices. These vulnerable populations are “disproportionately subjected to practices that amount to torture and ill-treatment for not conforming to socially constructed gender expectations.”<sup>15</sup> As such, “[f]ull integration of a gender perspective into any analysis of torture and ill-treatment is critical to ensuring that violations rooted in discriminatory social norms around gender and sexuality are fully recognized, addressed and remedied.”<sup>16</sup>

Viewing systemic sexual and gender-based crimes of violence (SGBV) through the lens of torture reflects the full impact of this pervasive cruelty on victims’ physical integrity, mental health, and human dignity.<sup>17</sup> Rape, domestic violence, sexual humiliation, sexual exploitation, female genital mutilation, child and forced marriage, and honor-based violence are some examples of gender-based crimes or harmful practices that can amount to torture or ill-treatment under the TVRA.<sup>18</sup>

The UN Committee against Torture and other human rights mechanisms have established a solid legal basis for regarding SGBV as acts involving severe mental pain or suffering amounting to torture. To determine an individual’s eligibility for SOT Program services, recipients must assess the level of pain and suffering, which means they “must examine the totality of the circumstances, including the victim’s social status; extant discriminatory legal, normative and institutional frameworks that reinforce gender stereotypes and exacerbate harm; and the long-term impact on victims’ physical and psychological well-being”.<sup>19</sup>

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<sup>15</sup> Id., para. 57.

<sup>16</sup> Id., para. 6.

<sup>17</sup> OHCHR joint statement, “Gender-based crimes through the lens of torture,” 4 March 2016. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17152&>

<sup>18</sup> Torture Victims Relief Act of 1998, Pub. L. No. 105-320, 112 Stat. 3016 (1998).

The definition of torture as used in the TVRA specifically includes the use of rape and other forms of sexual violence.

<sup>19</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para. 68.

The element involving a public official acting “under the color of law” is met when states fail to exercise due diligence to prevent and protect victims from acts of gender-based violence, such as rape, interpersonal violence, female genital mutilation, and sexual exploitation. This obligation arises when state authorities (or others acting in an official capacity or “under the color of law”) have reasonable grounds to believe that such acts of torture or ill-treatment are being committed not just by state officials but also by non-state officials or private actors. Because private actors often inflict SGBV-related torture with impunity, states are under “a heightened obligation to prevent and combat” such conduct.<sup>20</sup> The state’s failure to fulfill its positive obligations through indifference or inaction represents a form of encouragement and/or *de facto* permission to torture.<sup>21</sup>

### **b. Torture in Healthcare Settings**

Torture in healthcare settings arises from both acts and omissions. According to the Special Rapporteur on Torture, “[m]edical care that causes severe suffering for no justifiable reason” can amount to torture.<sup>22</sup> This includes medical treatments of an intrusive and irreversible nature that lack a therapeutic purpose and are enforced or administered without free and informed consent. For example, the forced administration of psychoactive drugs, psychological procedures designed to disrupt the victim’s senses or identity (such as conversion therapy) and forced medical procedures (such as abortion, uninformed or forced sterilization, intersex-related and non-consensual surgeries) can amount to torture if the other elements of the definition of torture are met. As discussed above, none of these prohibited acts would be considered “incidental to lawful sanctions” even if permitted under the laws of the country where they occurred.

Torture in the healthcare context can also result from a failure to act. For example, denial of free access to appropriate medical treatment in detention, which results in severe pain and suffering, can constitute torture when it meets the other elements of the definition.”<sup>23</sup> The Committee against Torture has repeatedly expressed concerns about restrictions on access to abortion and about absolute bans on abortion as violating the prohibition on torture.<sup>24</sup> A state’s failure to

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<sup>20</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, paras. 9, 57, 68.

<sup>21</sup> See Committee against Torture, General Comment No. 2., CAT/C/GC/2, 24 January 2008, para. 18. See also Convention on the Elimination of All Forms of Discrimination against Women general comment No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, para. 24.

<sup>22</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/22/53, 1 February 2013, para. 39.

<sup>23</sup> Ackerman et. al., Non-Typical Forms of Torture and Ill-Treatment: An Analysis of Int’l Human Rights and Int’l Crim. Juris, Berkeley Law Int’l Human Rights Clinic (July 2018); Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/22/53, 1 February 2013, para. 54.

<sup>24</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/22/53, 1 February 2013, para. 50.

ensure adequate hygiene and sanitation, and to provide appropriate facilities and materials, can also in certain circumstances amount to torture.<sup>25</sup>

Generally speaking, patients in healthcare settings must rely on healthcare workers for services, and so are in a position of powerlessness—an environment conducive to torture. As the Special Rapporteur on Torture has explained, discrimination against women, girls, and persons on the basis of sex, real or perceived sexual orientation or gender identity, and sex characteristics makes them especially vulnerable and often underpins their torture and ill-treatment in healthcare settings.<sup>26</sup>

## **DOCUMENTATION AND TRAINING REQUIREMENTS**

### **Information Required for Documenting Client Eligibility**

ORR requires recipients to document an applicant's eligibility for SOT Program services through the creation of a case file containing the following:

1. an eligibility form created by the recipient and signed by the staff member responsible for determining eligibility, that assesses each criterion of eligibility described in this document and certifies that the client is eligible for services.
2. an intake assessment form for primary and secondary survivors and/or case notes that support the determination and aligns with information in the eligibility form. For secondary survivors, include details on how the individual is closely associated with a primary survivor and how they have been impacted by the torture and subsequent trauma; and
3. a rationale within or attached to the eligibility form, if a client's eligibility is based on circumstances that are not clearly defined or identified in the TVRA, or if that determination involves an interpretation not discussed in this document.

A sample of an eligibility form and intake assessment form can be provided by ORR's technical assistance provider, The National Capacity Building Project.

### **ORR Expectations Regarding Maintaining TVRA Standards**

ORR requires recipients funded under the SOT Program to maintain professional standards for all staff who collect information and determine client eligibility. ORR recommends that recipients adequately cover the following topics in staff orientation and training:

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<sup>25</sup> Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para. 26.

<sup>26</sup> *Id.*, para. 42.

- Fundamentals of the practice and art of interviewing individuals who have experienced severe trauma, including developmentally appropriate approaches for children and adolescents.
- Differentiating torture from other types of traumas to inform eligibility determinations.
- The differences between eligibility for refugee/asylee status and eligibility for SOT Program services.

ORR strongly encourages recipients to provide opportunities for peer review, case presentations, and discussion of potential cases to staff responsible for determining eligibility. Experience shows that peer discussion strengthens staff understanding and facilitates sound determination of eligibility, promoting uniformity of standards across staff and recipients.

## **TECHNICAL ASSISTANCE AND TRAINING RESOURCES**

ORR funds the Technical Assistance to the Survivors of Torture (TA SOT) Program to address recipients' technical assistance and training needs for Direct Services for Survivors of Torture (DS SOT). [The National Capacity Building Project](#) was sponsored by ORR for this purpose. In addition to providing consultations and hosting training events, the TA provider also archives recorded trainings and other resources, including the sample eligibility determination form. Other ORR resources are available at <https://www.acf.hhs.gov/orr/outreach-material/orr-network-resources>.

## **ACKNOWLEDGMENTS**

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