



# FAMILY INDEPENDENCE ADMINISTRATION

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Policy, Procedures, and Training



## POLICY DIRECTIVE #10-37-ELI (This Policy Directive Replaces PD #03-30-ELI)

### ELIGIBILITY OF VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS

<b>Date:</b> October 29, 2010	<b>Subtopic(s):</b> Cash Assistance, Food Stamps, Medicaid
<b>AUDIENCE</b>	The instructions in this policy directive are for Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff, and are informational for all others.
<b>REVISIONS TO THE PRIOR DIRECTIVE</b>	<p>This policy directive is being revised to:</p> <ul style="list-style-type: none"> <li>• update the terminology from Public Assistance (PA) to Cash Assistance (CA) throughout.</li> <li>• inform staff about the New York State Anti-Trafficking Statute (Chapter 74 of the Laws of 2007).</li> <li>• provide information concerning the processing of state-confirmed human trafficking victims (HTVs) in accordance with their citizenship/immigration status.</li> <li>• provide information concerning the position of the Human Resources Administration (HRA) Human Trafficking Liaison.</li> <li>• provide separate processing instructions for NCA FS Centers.</li> <li>• update the Paperless Office System (POS) process and the manual process to reflect the activation of Alien Citizenship Indicator (ACI) code “D” for federally-certified HTV.</li> <li>• update the listing of Local Voluntary Agencies (<b>Attachment A</b>).</li> </ul>
<b>POLICY</b>  Federal Policy	Section 107 of The Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386 (TVPA), makes alien victims of severe forms of trafficking eligible for benefits to the same extent as aliens admitted to the United States (U.S.) as refugees under Section 207 of the Immigration and Nationality Act (INA) if otherwise eligible. This does <u>not</u> mean that alien victims of severe forms of human trafficking are considered to have a refugee status under the immigration law.

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 3 at the prompt followed by 1 or  
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Severe forms of trafficking in persons is defined in the TVPA as any of the following activities:

Definition of a Trafficking Victim

- Sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person, induced to perform such an act, is under 18 years of age; or
- 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.

ORR Process

In order to be eligible for temporary assistance benefits, an alien HTV (who would not otherwise be eligible for assistance due to his/her immigration status) must have been exposed to activities that meet the criteria of severe forms of trafficking as defined above and must have certification (adults) or eligibility letters (minors under 18 years of age) from the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR).

Only ORR can certify an HTV

The ORR has been assigned sole authority to certify individuals as trafficking victims after consultation with the Department of Justice and the Attorney General. The ORR may certify an adult as being an HTV if the individual:

- has been subjected to severe forms of trafficking as defined above;
- is willing to assist in the investigation and prosecution of severe forms of trafficking in persons; **and**
- has made a bona fide application for a visa under section 101 (a) (15) (T) of the INA ("T" visa) that has not been denied; or is a person whose continued presence in the U.S. the Attorney General is ensuring to help prosecute traffickers in persons.

Minors receive a letter of eligibility from ORR.

A minor under 18 years of age who is determined by the ORR to be a victim of a severe form of trafficking does not have to be certified by ORR. Instead, the ORR will issue a letter of eligibility stating that the child is eligible for benefits and services under any Federal or State program to the same extent as aliens admitted to the U.S. as refugees under Section 207 of the INA.

Certification or letters of eligibility from ORR may take up to 18 months for an applicant to receive.

**Note:** ORR certification and eligibility letters issued before November 6, 2001, had eight-month expiration dates. The ORR subsequently recertified these victims with a recertification letter or a new eligibility letter. The recertification and new eligibility letters issued on or after November 6, 2001, have a lower case r beside the HHS (Department of Health and Human Services) tracking number. Recertification and new eligibility letters do not have expiration dates.

Qualification for a T Visa Alien HTVs who are certified by the ORR or are issued letters of eligibility as victims of a severe form of trafficking may be determined eligible for a “T” Non-Immigrant Visa (Trafficking Victims) if they:

- comply with any reasonable request for assistance in the investigation or prosecution of the traffickers; or are less than 18 years of age; and
- are able to demonstrate that they would suffer extreme hardship involving unusual and severe harm if they were removed from the U.S.

Holders of a “T” Visa are eligible for employment authorization and can apply for an adjustment to Lawful Permanent Resident (LPR) status if they can demonstrate:

- a continuous period of presence in the U.S. of at least three years since the date of admission as a “T” non-immigrant;
- good moral character since first being lawfully admitted as a “T” non-immigrant; and
- continued compliance with any reasonable request for assistance in the investigation or prosecution of the acts of trafficking or extreme hardship involving unusual and severe harm upon removal from the U.S.

Cash Assistance

See [PD #05-15-ELI](#) for the Refugee Cash Assistance procedure

Alien HTVs who are certified by the ORR or issued a letter of eligibility by the ORR can receive CA benefits through either the Family Assistance (FA) or the Safety Net Assistance (SNA) category, if they otherwise meet the eligibility requirements. Those alien HTVs who are categorically ineligible for FA (e.g., a single adult with no children) are eligible for the federally established Refugee Cash Assistance (RCA) program if they otherwise meet the eligibility requirements for SNA. RCA eligibility is limited to the 8-month period from the HTV certification or eligibility date received from the ORR.

In states that do not have an SNA general assistance program, RCA is used as a category of assistance for the issuance of benefits to eligible individuals who are categorically ineligible for FA. In New York, RCA is used for claiming and employment program engagement issues. State/Fed Charge Code **30** must be entered in WMS for individuals eligible for RCA in order for the Family Independence Administration (FIA) to receive the federal reimbursement for those cases.

If the 8-month period from the HTV certification or eligibility date received by the ORR has expired and the household is otherwise eligible for SNA, issue benefits under the SNA category but do not enter State/Fed Charge Code **30** in WMS.

New information

New York State Anti-Trafficking Statute

New York State Policy

On November 1, 2007, the New York State (NYS) Anti-Trafficking Statute (Chapter 74 of the Laws of 2007) took effect and established human trafficking as a state crime and established a process to “confirm” HTVs under state law as a means of providing services to victims, including those who are not eligible for assistance due to their immigration status.

State-confirmed HTVs are not given any immigration status.

The designation of being a state-confirmed HTV does **not** change an individual’s immigration status and does not affect his/her noncitizen eligibility to receive CA or FS. Only an ORR certification or a letter of eligibility from the ORR will allow an individual who would otherwise be ineligible for CA or FS due to his/her immigration status, to be eligible for CA and FS to the same extent as an alien admitted to the U.S. as a refugee under Section 207 of the INA.

The NYS Anti-Trafficking Statute gives the Office of Temporary and Disability Assistance (OTDA) the authority to enter into contracts with non-governmental organizations for providing services to certain state-confirmed HTVs who may not otherwise be eligible for CA or FS due to their immigration status.

When a state law enforcement agency or a state district attorney’s office becomes aware of a potential HTV, it must notify OTDA and the Division of Criminal Justice Services (DCJS). DCJS, in consultation with OTDA’s Bureau of Refugee and Immigrant Assistance (BRIA), will determine whether to “confirm” the referred person as a HTV under state law.

Persons who may be referred to DCJS/BRIA by law enforcement agencies and district attorneys’ offices for the purpose of obtaining state confirmation as an HTV include:

- U.S. citizens;
- aliens with a qualified or satisfactory immigration status;
- undocumented aliens who appear to be covered by the federal TVPA, and may have a pending application for federal certification as a victim of severe forms of trafficking in persons with the ORR; and
- minor HTVs.

BRIA will not refer aliens with no immigration status to HRA.

BRIA will refer to the HRA those state-confirmed adult HTVs who are citizens or noncitizens who may have a satisfactory immigration status for benefit eligibility.

Adult state-confirmed HTVs who are aliens without a satisfactory immigration status for CA or FS eligibility will be referred by BRIA to one of BRIA's contracted regional service providers. The regional service providers can provide these individuals with food, clothing, shelter, and access to protection from alleged perpetrators.

HTV Liaison

As part of the responsibilities under the NYS Anti-Trafficking Statute, HRA has been mandated to establish the position of an HTV Liaison. HRA's HTV Liaison will be responsible for monitoring the application process of all state-confirmed HTVs and minor victims who have been referred to HRA to apply for assistance at a Job Center/NCA FS Center. In addition, the liaison must enter specific data onto the LDSS Human Trafficking Victim Disposition Report and fax it to the OTDA Human Trafficking Coordinator at **(212) 961-8274**.

**REQUIRED ACTION**

OTDA process for state-confirmed HTVs

U.S. citizens and LPRs with 5 or more years.

Refer to [PB #08-32-OPE](#) for referring cases to the Immigrant Liaison Supervisor.

**Job Center Process**

The application process for a state-confirmed HTV who is a U.S. citizen or an LPR who has been in that status for five or more years will be handled by a Job Opportunity Specialist (JOS) and will not be referred to the Immigrant Liaison Supervisor. U.S. citizens are eligible for services regardless of their HTV status.

If during an application interview a JOS learns that a noncitizen state-confirmed HTV applicant is not an LPR with five or more years in that status, he/she must suspend the interview and alert his/her supervisor. The Supervisor will transfer the case to the Immigrant Liaison Supervisor, who will assign the case to a Specialized JOS.

If an applicant is a state-confirmed HTV, the JOS/Specialized JOS must call the HRA Human Trafficking Liaison at **(212) 331-4545**. This is a dedicated phone line that will provide a voice mail message to collect the information on the individual as well as the status of the application process. The state-confirmed HTV must be interviewed by the JOS/Specialized JOS to determine CA and FS eligibility.

New information

State-confirmed HTV without satisfactory immigration status

If the Specialized JOS determines that the state-confirmed HTV is an alien without satisfactory immigration status, he/she must advise the Human Trafficking Liaison, who will contact BRIA for a referral to the nearest regional service provider under contract with OTDA. The regional service provider will assist these victims in obtaining services available to them.

In cases in which minors are state-confirmed HTVs, BRIA will make a referral to the Administration for Children's Services (ACS) on behalf of the child(ren).

HTVs may have health, safety, and/or housing issues. Therefore, JOS/Specialized JOS at Job Centers should pay close attention to the needs of these applicants and provide services per current procedure.

See [PD #10-08-ELI](#) for the Domestic Violence program procedure.

See [PD #09-37-ELI](#) for eligibility information on battered aliens.

BRIA will determine the best facility to refer the applicant to for safety issues.

**Note:** It is possible that an HTV who was trafficked by an intimate partner may be a victim of domestic violence and wish to see a Domestic Violence Liaison (DVL) for possible waivers from program requirements and referrals for services. Additionally, an alien HTV who was trafficked by a spouse who is a U.S. citizen or an LPR may be eligible for benefits as a qualified battered alien.

In cases in which, during an interview at a Job Center, the HTV completes the Domestic Violence Screening Form ([LDSS-4583](#)) and agrees to meet with a DVL, the JOS/Specialized JOS must contact the Office of Domestic Violence and the Human Trafficking Liaison. The Office of Domestic Violence will arrange an appointment with a DVL. The Human Trafficking Liaison will consult with OTDA/BRIA on safety issues concerning the HTV as appropriate.

Human trafficking victims may have difficulty with specific program requirements due to safety implications. The Family Violence Option (FVO) must be considered for those victims who complete the **LDSS-4583** in the Job Center and agree to meet with the DVL.

If the DVL determines that the victim meets the definition of a domestic violence victim, he/she can then determine for which waivers the victim might be eligible.

Persons who fail to comply with an eligibility or program requirement for CA due to domestic violence but are not eligible for a waiver under the FVO should be considered for good cause when there are safety concerns with the requirements. For example, an applicant wants to obtain child support but has severe anxiety about facing the absent parent in court. The claim should be investigated to determine if good cause should be granted for not participating in the child support process.

ORR process

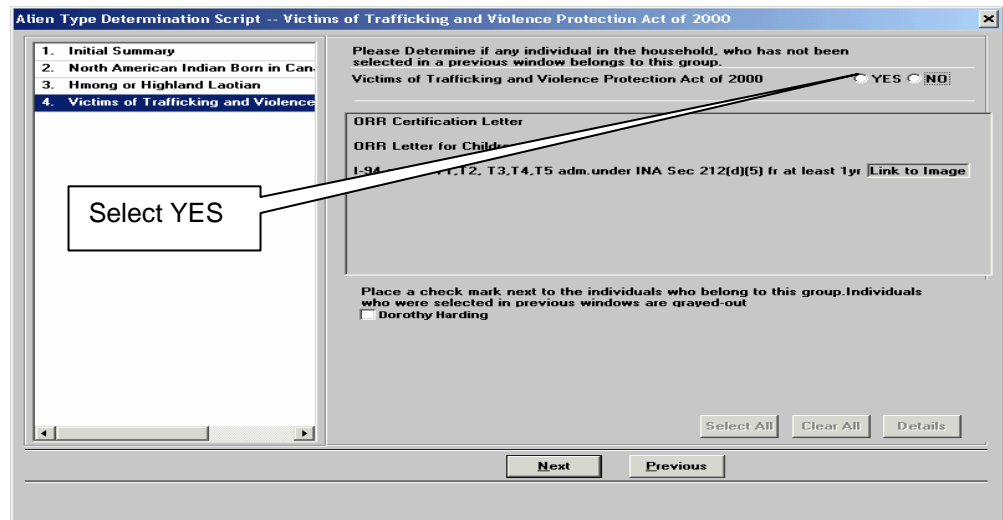
When determining eligibility for CA/FS benefits for noncitizen HTVs who provide an ORR certification letter or an ORR letter of eligibility for a child HTV, the Specialized JOS will complete the interview and:

- call the HHS trafficking victim verification line at **(866) 401-5510** to validate the ORR letter and to notify ORR of the benefits for which the individual has applied before authorizing any benefits.

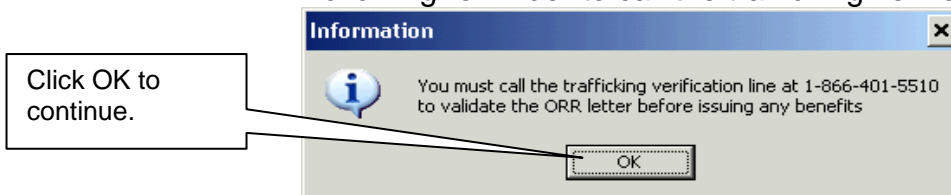
- accept the validated ORR certification letter or letter of eligibility as proof of satisfactory immigration status for eligibility for benefits. U.S. Citizenship and Immigration Services (USCIS) documentation of immigration status is not required from HTVs. If available, USCIS documentation may be used to verify identity.
- when an applicant has a “T” visa with an employment authorization document (I-766), ask the applicant whether or not he/she is in receipt of a refugee match grant (RMG). If the certification/eligibility date on the ORR letter is within four months of the CA/Fs application filing date, the applicant must obtain a letter confirming whether or not he/she is in receipt of a RMG. The confirmation letter may be obtained from his/her nearest Voluntary Agency (VOLAG). See **Attachment A** for a list of the VOLAG sites. HTVs in receipt of a RMG are ineligible for CA for four months from the ORR certification date.
- scan and index the ORR certification/eligibility letter. For Medicaid purposes, if an original letter is reviewed, a copy should be made and initialed with the date the original was seen. Scan and index the initialed copy into the electronic file.
- open the Alien Type Determination in the Alien Checklist and select “Yes” in the Victims of Trafficking and Violence Protection Act of 2000 window. Alien Type **D** will be assigned in the window.

ORR Certification Eligibility is within four months of the CA/Fs file date

Victims of Trafficking and Violence Protection Act of 2000 window



After **YES** has been selected in the Victims of Trafficking and Violence Protection Act of 2000 window, POS will display the following reminder to call the trafficking verification line:







- enter the alien registration number in the Alien Registration Number field (which is now optional) if the noncitizen HTV has a “T” visa. If the noncitizen HTV does not have an Alien Registration Number, leave this field blank.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in both the Certification (Initial Eligibility) Date (Alien Type **D** Only) and the Date the Individual Physically Entered the U.S. fields in the Additional Information window. The same date must be entered in both fields.

Additional Information Window

Enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter.

Enter the same date in the Date the Individual Physically Entered the US field.

- enter the State/Federal Charge Code of **30** (Refugee Assistance Programs RCA/RMA) in Element **307** of the POS TAD if benefits are provided under SNA for HTV with ORR certification or letter of eligibility and the application date is within eight months of the date of certification or eligibility.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in Element **325** (State/Federal Charge Date) of the POS TAD if State/Federal Charge Code **30** is entered in Element **307** of the POS TAD.
- enter a case comment for all actions performed on the case:
  - If currently in an activity, click the case comments icon  or press <ALT>M on the keyboard.
  - If not currently in an activity, select “Application Interview” on the activities menu and then click the case comments icon  or press <ALT>M on the keyboard.



- determine eligibility for CA/FS and issue benefits to eligible applicants.
- refer the applicant to the Social Security Administration (SSA) to apply for a Social Security number (SSN). The applicant must submit proof that he/she has applied for a SSN.
- submit the case to his/her Immigrant Liaison Supervisor for review and sign-off.

Manual completion of the Turn-Around Document (TAD) for ORR-certified alien HTV applicants that cannot be processed in POS

To process a manual TAD, the Specialized JOS must:

See [PB #09-105-SYS](#) for noncitizen related information captured on the TAD.

- enter code **30** (Refugee Assistance Programs RCA/RMA) in Element **307** (State and Federal Charge Codes) of the TAD if benefits are provided under SNA for alien HTV with ORR certification or letter of eligibility and an application date within eight months of the date of certification or eligibility.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in Element **325** (State/Federal Charge Date) of the TAD if State/Federal Charge Code **30** is entered in Element **307**.
- enter code **D** (Victim of Human Trafficking) in Element **382** (Alien Citizenship Indicator) of the TAD.
- enter the alien registration number in Element **381** (Alien Registration Number) if the noncitizen HTV has a “**T**” visa. If the noncitizen HTV does not have an Alien Registration Number, leave this element blank. Element **381** is an optional field for individuals with ACI code **D**.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in Element **389** (Date of Status) and Element **347** (Date Entered Country) of the TAD. The Date of Status and Date Entered Country must be same.

### NCA FS Center Process

OTDA Process

For state-confirmed HTV, the designated PAA II or PAA III must call the HRA Human Trafficking Liaison at **(212) 331-4545**. This is a dedicated phone line that will provide a voice mail message to collect the information on the individual as well as the status of the HTV application process. The state-confirmed HTV must be interviewed by the Eligibility Specialist to determine his/her eligibility for FS.

Aliens without satisfactory immigration status

If the Eligibility Specialist determines that the state-confirmed HTV is an alien without satisfactory immigration status, he/she must advise the designated PAA II or PAA III to contact the Human Trafficking Liaison, who will contact BRIA for a referral to the nearest regional service provider under contract with OTDA. The regional service provider will assist these victims in obtaining available services.

**Note:** The designation of being a state-confirmed HTV does **not** change an individual’s immigration status and does not affect his/her noncitizen eligibility to receive FS.

See [PD #10-08-ELI](#) for the NCA FS Center DVL referral process.

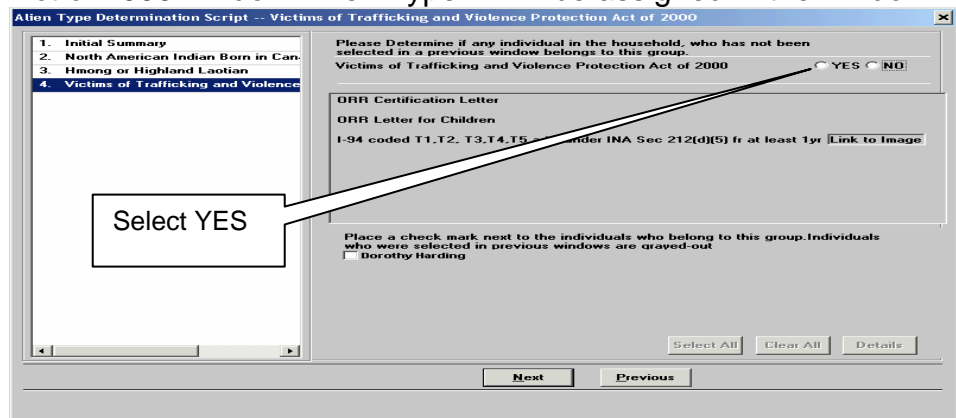
In cases in which, during an interview, the HTV reports or expresses a desire to be referred to the DVL for assistance at any time, he/she must be referred to a DVL for a DV interview. Referrals should be made to the co-located Job Center DVL or to the Job Center DVL closest to the NCA FS Center location.

ORR Process for Certified Victims of Human Trafficking

When determining FS eligibility for an HTV who provides an ORR certification letter or an ORR letter of eligibility for a child HTV, the Eligibility Specialist will conduct the interview and refer the case to the PAA II or PAA III designated by the NCA FS Center Manager.

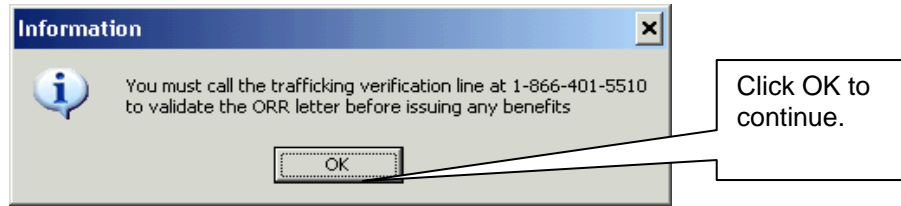
The designated PAA II or PAA III will call the HHS trafficking victim verification line at **(866) 401-5510** to validate the ORR letter and to notify ORR of the benefits for which the individual has applied for before authorizing any benefits. Once the letter has been validated by ORR, the PAA II or PAA III will instruct the Eligibility Specialist to:

- open the Alien Type Determination in the Alien Checklist and select “Yes” in the Victims of Trafficking and Violence Protection Act of 2000 window. Alien Type **D** will be assigned in the window.

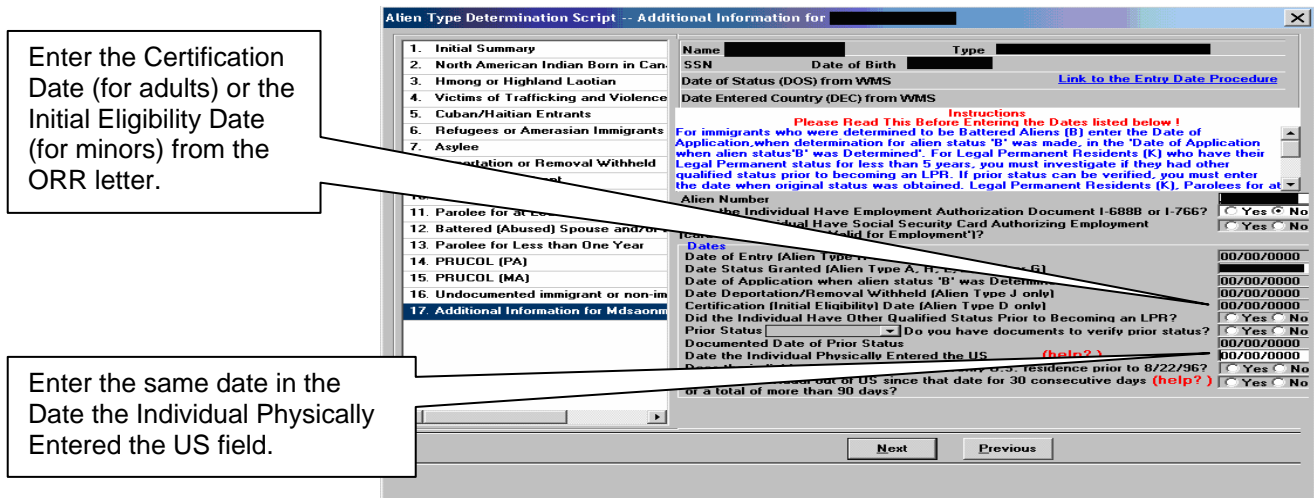


After **YES** has been selected in the Victims of Trafficking and Violence Protection Act of 2000 window, POS will display the following reminder to call the trafficking verification line:

The designated PAA II or PAA III will call the trafficking verification line.



- enter the alien registration number in the Alien Registration Number field (which is now optional) if the noncitizen HTV has a “T” visa. If the noncitizen HTV does not have an alien registration number, leave this field blank.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in both the Certification (Initial Eligibility) Date (Alien Type D Only) and the Date the Individual Physically Entered the U.S. fields in the Additional Information window. The same date must be entered in both fields.



- enter a case comment for all actions performed on a case:
  - If currently in an activity on a case, click the case comments icon or press <ALT>M on the keyboard.
  - If not currently in an activity on a case, select “Application Interview” on the activities menu and then click the case comments icon or press <ALT>M on the keyboard.
- accept the validated ORR certification letter or letter of eligibility as proof of satisfactory immigration status for FS. USCIS documentation is not required from HTVs. If available, USCIS documentation may be used to verify identity.
- scan and index the ORR certification/eligibility letter.
- determine FS eligibility and issue benefits to eligible applicants. ORR-certified alien HTVs are eligible to receive FS benefits to the same extent as refugees under Section 207 of the INA.
- refer the applicant to the SSA to apply for a SSN. The applicant must submit proof that he/she has applied for a SSN.

### Manual completion of the TAD for ORR-certified alien HTV applicants that cannot be processed in POS

To process a manual TAD, the Eligibility Specialist must:

- enter ACI code **D** (Victim of Human Trafficking) in Element **382**.
- enter the alien registration number in Element **381** (Alien Registration Number) if the noncitizen HTV has a “T” visa. If the HTV does not have an alien registration number, leave this element blank. Element **381** is an optional field for individuals with ACI code **D**.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in Element **389** (Date of Status) and Element **347** (Date Entered Country). The Date of Status and Date Entered Country must be same.

### **Job Center and NCA FS Center**

#### Obtaining Documentation

Refer to [PD #07-30-ELI](#) for detailed instructions on lost or expired immigration documents.

See [PD #10-09-SYS](#) for information on the SAVE Program.

It is possible that the HTV may not be able to provide certain documents needed to prove identity and/or immigration status. Before denying an application for failure to provide documents, the JOS/Specialized JOS/Worker should assist victims in obtaining verification of identity and/or immigration status. If the HTV has an alien registration number or an **I-94** number, a Systematic Alien Verification for Entitlements (SAVE) clearance must be done to verify the validity of the immigration documentation.

**Note:** For the purposes of Medicaid eligibility, a U.S. birth certificate can establish U.S. citizenship but it does not establish identity. A separate identity document is needed, such as a driver’s license. The TA/FS Documentation/Verification Desk Guide ([LDSS-3666](#)) lists other documents that may be used to verify identity.

#### Alien Eligibility for CA/FS benefits

JOS/Specialized JOS/Workers are reminded to use the Alien Eligibility Desk Guide ([LDSS-4579](#)) as a reference when servicing noncitizens applying for assistance. The [LDSS-4579](#) assists with determining what CA, FS, and Medical Assistance (MA) benefits noncitizens are entitled to receive and the category under which CA benefits may be provided, if the noncitizen is otherwise eligible.

OTDA is in the process of revising the [LDSS-4579](#) to include the usage of ACI indicator code **D** for ORR-certified HTV.

**PROGRAM  
IMPLICATIONS**

Food Stamp  
Implications

ORR-certified alien HTVs are eligible to receive FS to the same extent as refugees under Section 207 of the INA. Unlike the ORR Certified HTVs, the designation of being a state-confirmed HTV does not change an individual’s immigration status and does not affect his/her noncitizen eligibility to receive FS benefits.

Medicaid  
Implications

An ORR-certified alien HTV is eligible to receive Medicaid. Eligibility for Medicaid is to the same extent as for refugees under Section 207 of the INA.

Revised information

An alien HTV who receives RCA will also receive Refugee Medical Assistance for the first eight months of status.

HTVs who are citizens or aliens with a satisfactory immigration status are eligible for Medicaid as any citizen or alien with a satisfactory immigration status, if otherwise eligible. State-confirmed HTV without a satisfactory immigration status may receive Medicaid coverage and care necessary for the treatment of an emergency medical condition. State-confirmed HTV who are pregnant may be provided Medicaid at any time without regard to immigration status.

New information

Minor children (under 18 years of age) may receive emergency Medicaid. Treatment should be sought at the closest emergency room. Minor HTVs may receive treatment for an emergency medical condition under Medicaid. Minor children who are state-confirmed alien HTVs may be provided medical coverage without regard to their immigration status under the Child Health Plus program. The Child Health Plus program is distinct and separate from the Medicaid program.

**LIMITED ENGLISH  
SPEAKING  
ABILITY (LESA)  
AND HEARING  
IMPAIRED  
IMPLICATIONS**

For Limited English-Speaking Ability (LESA) and hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with [PD #10-12-OPE](#) and [PD #08-20-OPE](#).

## FAIR HEARING IMPLICATIONS

### Avoidance/ Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

### Conferences at Job Centers

An applicant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. If an applicant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen. In Model Centers, the Receptionist at Main Reception will issue an FH&C ticket to the applicant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant. If the applicant has in fact presented good cause for the infraction or shown that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS I/Supervisor I will Settle in Conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant to the appropriate JOS/Worker for corrective action to be taken.

If the adverse case action still shows on the "Pending" (08) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form ([LDSS-3722](#)), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form – WMS ([LDSS-3573](#)) to delete a recoupment. The AJOS I/Supervisor I must complete a Conference Report ([M-186a](#)).

The FH&C AJOS I/Supervisor I is responsible for ensuring that further appeal by the applicant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

### Conferences at NCA FS Centers

If an applicant comes to the NCA FS Center and requests a conference, the Receptionist must alert the Center Manager's Designee that the applicant is to be seen. If the applicant contacts the Eligibility Specialist directly, advise the applicant to call the Center Manager's Designee.

The Center Manager’s Designee will listen to and evaluate the applicant’s complaint regarding the action taken on the case. After reviewing the documentation and case record and discussing the issue with the Group Supervisor/Eligibility Specialist, the Center Manager’s Designee will make a decision.

The Center Manager’s Designee is responsible for ensuring that further appeal by the applicant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets All complete and relevant Evidence Packets must include a copy of the Action Taken Notice and any other information to support the action.

**RELATED ITEMS**

- [PB #10-11-SYS](#)
- [PB #10-10-SYS](#)
- [PD #10-14-SYS](#)
- [PD #10-09-SYS](#)
- [PD #10-08-ELI](#)
- [PB #09-105-SYS](#)
- [PD #09-37-ELI](#)
- [PB #08-32-OPE](#)
- [PD #07-30-ELI](#)
- [PD #05-15-ELI](#)
- [PB #03-88-ELI](#)
- [PD #03-17-ELI](#)

**REFERENCES**

- [GIS 10 MA/002](#)
- [GIS 09 TA/DC022](#)
- [09-ADM-01](#)
- [04-ADM-08](#)
- [03-ADM-01](#)
- [03 INF 14](#)
- SSL 483-aa
- 18 NYCRR 765

**ATTACHMENT**

**Attachment A** Local Voluntary Agencies (VOLAG)



## Local Voluntary Agencies (VOLAG)

Name	Address	Telephone	Fax
Catholic Charities Refugee Resettlement Director: Mr. Mustafa Tabakovic	1011 First Avenue, 12th Floor New York, NY 10022	(212) 371-1000, ext. 2485	(212) 826-6254
International Rescue Committee Director: Kelly Agnew – Barajas	122 East 42nd Street, 12th Floor New York, NY 10168-1289	(212) 551-3100	(212) 551-3101
Hebrew Immigrant Aid Society (HIAS) President & CEO: Gideon Aronoff	333 Seventh Avenue New York, NY 10001-5004	(212) 967-4100	(212) 967-4483
CAMBA Inc. Refugee Assistance Program Deputy Executive Director: Kathleen Masters	884 Flatbush Avenue Brooklyn, NY 11226	(718) 282-2500	(718) 282-8329
Refugee Resettlement Program/Catholic Charities Director: Allmina Berisha	191 Joralemon Street, 4th Floor Brooklyn, NY 11201	(718) 722-6009	(718) 722-6073