

GENERAL INFORMATION SYSTEM

01/11/10

DIVISION: Office of Health Insurance Programs

PAGE 1

GIS 10 MA/002

TO: Local District Commissioners, Medicaid Directors

FROM: Judith Arnold, Director
Division of Coverage and Enrollment

SUBJECT: New York State "Confirmed" Victims of Human Trafficking: Medicaid Implications

ATTACHMENTS: Notification Letter Templates (OTDA):
Attachment A: Notice of Confirmation as a Human Trafficking Victim in New York State
Attachment B: Notice of Minor Individual Referred for Confirmation as a Human Trafficking Victim in New York State
Attachment C: Notice to Service Provider Agency

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
Upstate (518)474-8887 NYC (212)417-4500

The purpose of this General Information System (GIS) message is to provide local departments of social services (LDSS) with the most current information available on their responsibilities for New York State "Confirmed" Victims of Human Trafficking.

On November 1, 2007, the New York State Anti-Trafficking Statute, Chapter 74 of Laws of 2007, established human trafficking as a State crime and initiated a process to "confirm" victims of human trafficking under the State law, as a means of providing assistance to "confirmed" victims. "Confirmed" victims are eligible for Medicaid benefits and services in accordance with their citizenship or immigration status.

Local departments of social services may receive referrals from the Office of Temporary and Disability Assistance (OTDA), Bureau of Refugee and Immigration Affairs (BRIA). OTDA's Administrative Directive (OTDA 09-ADM-01) informed local departments of social services of their responsibilities under NYS Anti-Trafficking Statute.

Please note: State "confirmed" victims of human trafficking are not to be confused with the federally "certified" alien victims of human trafficking (GIS 02 MA/022 issued 08/27/02). Federally "certified" adult victims of trafficking will have a Certification Letter from the Office of Refugee Resettlement (ORR). Federally "certified" children (under 18) will have a Letter of Eligibility from ORR.

A State "confirmed" victim of human trafficking can include both adults and/or children (under 18 years of age) who are:

- 1) U.S. citizens;
- 2) Aliens with a satisfactory immigration status; or

- 3) Aliens who appear to meet the criteria for certification by the ORR as victims of a severe form of trafficking in persons.

State "*confirmed*" human trafficking victims who are citizens or aliens with a satisfactory immigration status are eligible for Medicaid to the same extent as any other citizen or alien with satisfactory immigration status. The term "satisfactory immigration status" is defined as an immigration status that does not make the individual ineligible for benefits under the applicable program (refer to 04 OMM/ADM-7, "Citizenship and Alien Status Requirements for the Medicaid Program"). If it is determined that the State "*confirmed*" human trafficking victim is a U.S. citizen or alien in satisfactory immigration status, his/her application for Medicaid would be processed in accordance with the district's standard procedures. All qualified aliens and persons Permanently Residing (in the United States) Under Color of Law (PRUCOL) are individuals said to be in satisfactory immigration status. An eligibility determination for Medicaid for all referred State "*confirmed*" victims of human trafficking will be required.

Please note: Refer to: 08 GIS MA 009, "Revised Desk Guide: Documentation Guide to Citizenship and Immigrant Eligibility for Health Coverage in New York State"; 04 OMM/ADM-7, "Citizenship and Alien Status Requirements for the Medicaid Program"; and 06 OMM/INF-05, "Eligibility for Federal Medicaid based on Immigration Status and Required Documentation", for information on categories of qualified aliens and PRUCOL aliens.

When the State "*confirmed*" adult or minor victim is an alien without satisfactory immigration status (i.e., undocumented), local districts must contact the Office of Temporary and Disability Assistance (OTDA), Bureau of Refugee and Immigration Affairs (BRIA) Anti-Trafficking Program Coordinator (refer to contact information below). State "*confirmed*" human trafficking victims who do not have a satisfactory immigration status may receive Medicaid coverage and care necessary for the treatment of an emergency medical condition (coverage code "07").

In cases where the victim is an adult without a satisfactory immigration status, BRIA will refer the victim to a specific regional case management agency and/or other local resources that may be able to assist the victim.

By the time a "*confirmed*" adult victim applies at the local district, the victim should have received a letter from OTDA indicating that she/he is a State "*confirmed*" victim of human trafficking. Each "*confirmed*" adult victim will need to present evidence of confirmation (see Attachment A or C). If the victim does not present the letter to the intake worker or she/he does not appear to have a letter, or if additional information about the case is needed, the local district is instructed to contact the BRIA Anti-Trafficking Program Coordinator (refer to contact information below).

Minor children who are State "*confirmed*" trafficking victims may be provided medical coverage without regard to immigration status under the Child Health Plus (CHPlus) program. The Child Health Plus program is distinct and separate from the Medicaid program. LDSS staff does not determine eligibility for the CHPlus program. BRIA will notify the LDSS by telephone call and follow-up letter (via the Notification Letter, Attachment B of this GIS) of any minor victims of human trafficking whether "*confirmed*" or "*not confirmed*", and whether a "victim" or "possible victim" of human trafficking.

Please note:

- State "*confirmed*" human trafficking victims who are pregnant may be provided Medicaid at any time without regard to immigration status.

Pursuant to OTDA 09-ADM-1, local departments of social services have the following responsibilities under the NYS Anti-Trafficking Statute:

- Designating a Human Trafficking Liaison;
- Determining eligibility for assistance for State "*confirmed*" trafficking victims who are U.S. citizens;
- Determining eligibility for assistance for State "*confirmed*" trafficking victims who are qualified aliens or other aliens with satisfactory immigration status;
- Providing assistance to eligible minor victims of human trafficking;
- Facilitating the provision of service to eligible State "*confirmed*" trafficking victims who are aliens without a satisfactory immigration status; and
- Reporting outcomes of "*confirmed*" trafficking victims' referrals to OTDA's BRIA State Coordinator.

CONTACT INFORMATION

Questions may be addressed by contacting the following:

- For Medicaid Questions: Call (518)474-8887;
- For Temporary Assistance questions: Call (518)474-0886; or
- For Program questions: Call (212)961-5688; or

contact:

Christa Stewart

OTDA Anti-Trafficking Program Coordinator;

Bureau of Refugee and Immigration Assistance

NYS OTDA

317 Lenox Avenue, 9th Floor

New York, NY 10027



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David A. Paterson
Governor

David A. Hansell
Commissioner

ATTACHMENT A
NOTICE OF CONFIRMATION AS A HUMAN TRAFFICKING VICTIM IN NEW YORK STATE

[date]

[name]

[c/o referring law enforcement agency or district attorney's office, RHTP case management provider, local department of social services, or other service provider]

[number and street]

[city, state, zip code]

Dear [name],

The New York State Division of Criminal Justice Services, in consultation with the New York State Office of Temporary and Disability Assistance and [referring law enforcement agency or district attorney's office], has reviewed the information that [referring law enforcement agency or district attorney's office] supplied on [date(s)] regarding your circumstances.

The New York State Division of Criminal Justice Services has determined that you MEET THE CRITERIA FOR CONFIRMATION as a human trafficking victim in New York State.

Under New York State law, you may be entitled to assistance. We recommend that you contact the following service provider(s) (these service providers may require that you meet additional eligibility requirements):

[RHTP case management provider or local department of social services]

[number and street]

[city, state, zip code]

[telephone number]

[other appropriate state or federal agency, e.g., NYS Crime Victims Board]

[number and street]

[city, state, zip code]

[telephone number]

Under Section 483-DD of New York State Social Services Law, you or your representative may request that [referring law enforcement agency or district attorney's office] provide you with United States Citizenship and Immigration Services Form I-914, Supplement B – Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. This document may assist you to obtain immigration status in the United States, if necessary, as well as assistance from the United States government.

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Should you require further information or a copy of the explanation of this determination, please contact the New York State Office of Temporary and Disability Assistance at 518-961-5688. Either you or your representative may request a copy of the explanation of this determination.

Best wishes,

Christa M. Stewart, Esq.
Coordinator, NYS Anti-Trafficking Program

Cc: Mark Bonacquist, Division of Criminal Justice Services



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

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ATTACHMENT B

NOTICE OF MINOR INDIVIDUAL REFERRED FOR CONFIRMATION
AS A HUMAN TRAFFICKING VICTIM IN NEW YORK STATE

[date]

[name], Commissioner
[local department of social services]
[number and street]
[city, state, zip code]

Dear Commissioner [name],

The purpose of this letter is to notify you that [referring law enforcement agency or district attorney's office] referred an individual under the age of 18 in [name of county] County to the New York State Division of Criminal Justice Services (DCJS) and the NYS Office of Temporary and Disability Assistance (OTDA) for confirmation as a human trafficking victim in NYS. His/her name is [name of individual] and his/her last known location is:

[c/o individual or organization]
[number and street]
[city, state, zip code]
[telephone number]

Regardless of whether [name of individual] meets the criteria for confirmation as a human trafficking victim in NYS, s/he may be considered an endangered or destitute child requiring the assistance of [local department of social services].

If you have any questions, please do not hesitate to contact me at 212-961-5688.

Sincerely,

Christa M. Stewart, Esq.
Coordinator, NYS Anti-Trafficking Program

cc: Mark Bonacquist, Division of Criminal Justice Services



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

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ATTACHMENT C

NOTICE TO SERVICE PROVIDER AGENCY

[date]

[name, title]

[RHTP case management provider, local department of social services, or appropriate government agency]

[number and street]

[city, state, zip code]

Dear [name],

The purpose of this letter is to notify you that the New York State Division of Criminal Justice Services (DCJS), in consultation with the NYS Office of Temporary and Disability Assistance (OTDA) and [referring law enforcement agency or district attorney's office], has determined that [name of human trafficking victim] MEETS THE CRITERIA FOR CONFIRMATION as a human trafficking victim in NYS.

OTDA has referred [name of human trafficking victim] (male or female, date of birth MM/DD/YY) to your office for assessment. His/her last known location is:

[c/o individual or organization]

[number and street]

[city, state, zip code]

[telephone number]

Please be sure to consider all possible means of assistance for [name of human trafficking victim], including, but not limited to, assistance under the Unaccompanied Refugee Minor Program. If you have any questions, please do not hesitate to contact me at 212-961-5688.

Sincerely,

Christa M. Stewart, Esq.
Coordinator, NYS Anti-Trafficking Program

cc: Mark Bonacquist, Division of Criminal Justice Services

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