



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #13-07-ELI *(This Policy Directive Replaces PD #10-37-ELI)*

ELIGIBILITY OF VICTIMS OF SEVERE FORMS OF TRAFFICKING

Date: March 14, 2013	Subtopic(s): (Cash Assistance, SNAP, Medicaid)
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AUDIENCE The instructions in this policy directive are for Job Center and Non Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP) Center staff, and are informational for all others.

REVISIONS TO THE PRIOR DIRECTIVE

This policy is being revised to:

- inform staff that family members of federally certified victims of human trafficking that hold derivative T visas are eligible for benefits to the same extent as federally certified victims of human trafficking;
- add a sample copy of a certification letter from the federal Office of Refugee Resettlement (ORR) as an attachment;
- provide immigration codes to identify T visa holders who have been granted employment authorization and T visa holders that have been adjusted to legal permanent resident status;
- add a sample copy of a Notice of Confirmation as a Human Trafficking Victim in New York State as an attachment;
- specify that the regional service providers for the New York City (NYC) region for state-confirmed trafficking victims are Safe Horizon and CAMBA, and to add attachments that list information for each of the regional service providers;
- inform staff not to ask the human trafficking victim (HTV) any questions regarding his/her trafficking circumstances which are not required to determine the HTV's eligibility for benefits;
- inform staff that they are no longer required to notify the Human Resources Administration (HRA) trafficking liaison when an applicant is a state-confirmed HTV;

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

- inform staff that a new window has been added to POS and SNAP POS to track all state-confirmed HTVs and all ORR certified HTVs that will not be assigned ACI (Alien Citizenship Indicator) code **D**. For these individuals, POS and SNAP POS will transmit Action Code **991T** (Human Trafficking Victim) to New York City Work Accountability and You (NYCWAY); and
- inform staff that if an individual meets the criteria to be assigned ACI code **D** (federally certified victim of human trafficking), and also meets the criteria to be assigned another ACI code, choose the ACI code that affords the individual the most benefit eligibility.

POLICY

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 not mean that alien victims of severe forms of human trafficking are considered to have a refugee status under the immigration law.

New information

The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). The TVPRA expanded eligibility to certain family members of victims of severe forms of trafficking. Family members with **T-2**, **T-3**, **T-4**, or **T-5** visas (referred to as “derivative **T** visas”) were made eligible for benefits to the same extent as victims of severe forms of human trafficking.

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). See **Attachment A** for a sample of a certification letter from the ORR.

New attachment

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 listed 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-1** 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 of unusual and severe harm if they were removed from the U.S.

New information

Derivative visas are available to the family members of trafficking victims who have been issued a **T-1** visa. If a **T-1** visa holder was age 21 or older when the **T** visa application was filed, derivative **T** visas are available to the victim's spouse and children. If a **T-1** visa holder was under age 21 when the **T** visa application was filed, derivative **T** visas are available to the victim's spouse, children, parents, and unmarried siblings under the age of 18.

T visa holders may be eligible for employment authorization. HTVs with **T** visas and family members of the HTV with derivative **T** visas that have been granted employment authorization will have the following codes on their Employment Authorization Card (I-766):

New information

- **(a)(16)**: HTV
- **(c)(25)**: family member of the HTV

T visa holders 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.

HTVs with **T** visas and family members of the HTV with derivative **T** visas that have been granted LPR status will have one of the following codes on their Permanent Resident Card (Form I-551):

New information

- **ST6**: HTV
- **ST7**: spouse of the HTV
- **ST8**: child of the HTV
- **ST9**: sibling of the HTV
- **ST0**: parent of the HTV

Cash Assistance

Alien HTVs who are certified by the ORR or issued a letter of eligibility by the ORR and individuals who hold derivative **T** visas, can receive Cash Assistance (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.

See PD #05-15-ELI for the Refugee Cash Assistance procedure

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 HRA 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 York State Anti-Trafficking Statute

NYS 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. See **Attachment B** for a sample of a Notice of Confirmation as a Human Trafficking Victim in New York State.

New attachment

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 SNAP benefits. Only an ORR certification or a letter of eligibility from the ORR will allow an individual who would otherwise be ineligible for CA or SNAP benefits due to his/her immigration status, to be eligible for CA and SNAP benefits 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 SNAP benefits 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 trafficking in persons with the ORR; and
- minor HTVs.

BRIA will not refer aliens without satisfactory immigration status to HRA.

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

New attachments

State-confirmed HTVs who are aliens without a satisfactory immigration status for CA or SNAP eligibility will be referred by BRIA to BRIA’s contracted regional service providers. The contracted regional service providers for NYC are Safe Horizon and CAMBA. See **Attachment C** for information on Safe Horizon and **Attachment D** for information on CAMBA.

For state-confirmed HTVs who are minors, BRIA will make a referral to the Administration for Children’s Services on behalf of the child.

New information

HTV’s may have health, safety, and/or housing issues. Therefore, JOS/Specialized JOS should pay close attention to the needs of these applicants and provide services per current procedure. However, the JOS/Specialized JOS should not ask the HTV any questions regarding the victim’s trafficking circumstances which are not required to determine eligibility for benefits or services.

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 SNAP 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

Job Center Process

Non-citizen state-confirmed HTVs who are not LPR's with five or more years in that status

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

During an application interview, if a JOS learns that a non-citizen 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 reassign the case to the Immigrant Liaison Supervisor, who will assign the case to a Specialized JOS.

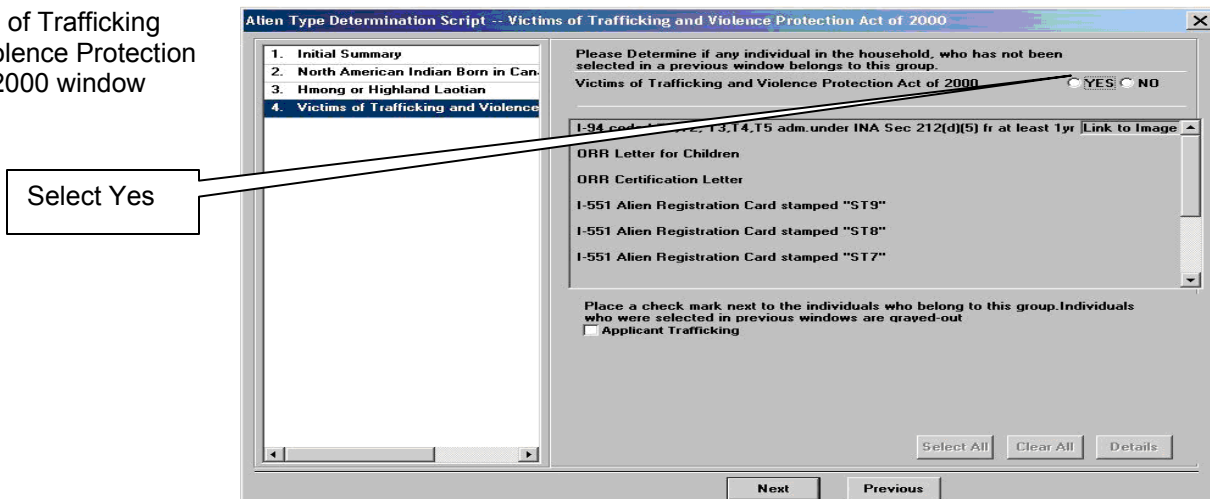
State-confirmed HTV without satisfactory immigration status

If the Specialized JOS determines that the state-confirmed HTV is an alien without satisfactory immigration status, he/she must inform the state-confirmed HTV to call Safe Horizon at **(718) 943-8648/8652** or CAMBA at **(718) 282-0108 Ext. 79333**. Safe Horizon or CAMBA will assist the HTV in obtaining available services. Whenever a state-confirmed HTV is informed to call one of the regional service providers, a note must be entered in POS referencing the referral.

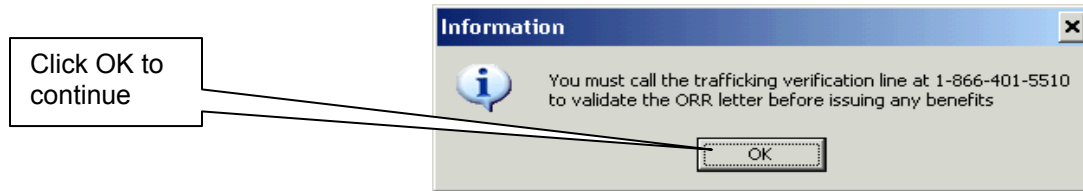
When the Specialized JOS gets to the Alien Checklist during the application interview process in POS for individuals who are ORR certified HTVs, family members of ORR certified HTVs with derivative **T** visas, or minors with letters of eligibility from the ORR that are not currently LPRs with at least five years in that status or citizens, he/she must:

- Open the Alien Type Determination Script in the Alien Checklist; and select Victims of Trafficking and Violence Protection Act of 2000 and POS will display the following window:

Victims of Trafficking and Violence Protection Act of 2000 window



- Select **YES** next to the statement Victims of Trafficking and Violence Protection Act of 2000. POS will display the following reminder to call the trafficking verification line:



- 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. The verification line can also be called to obtain the certification date for certified HTVs who do not have their ORR letter.
- 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 if 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/SNAP 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 E** 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 documentation provided regarding the individual's status as an HTV.
- After clicking **OK** to the reminder to call the trafficking verification line, click **Next** on the bottom of the Victims of Trafficking and Violence Protection Act of 2000 window. Select **Additional Information** in the Alien Type Determination Script and POS will display the following window:

Alien Type Determination Script -- Additional Information for

1. Initial Summary
 2. North American Indian Born in Can.
 3. Hmong or Highland Laotian
 4. Victims of Trafficking and Violence
 5. Cuban/Haitian Entrants
 6. Refugees or Amerasian Immigrants
 7. Asylee
 8. Deportation or Removal Withheld
 9. Conditional Entrant
 10. Legal Permanent Resident
 11. Parolee for at Least One Year
 12. Battered (Abused) Spouse and/or I
 13. Parolee for Less than One Year
 14. PRUCOL (PA)
 15. PRUCOL (MA)
 16. Undocumented immigrant or non-im
 17. Additional Information for Mdsaom

Name: [Redacted] Type: [Redacted]
 SSN: [Redacted] Date of Birth: [Redacted]
 Date of Status (DOS) from WMS: [Redacted] [Link to the Entry Date Procedure](#)
 Date Entered Country (DEC) from WMS: [Redacted]

Instructions
 Please Read This Before Entering the Dates listed below!
 For immigrants who were determined to be Battered Aliens (B) enter the Date of Application, when determination for alien status 'B' was made, in the 'Date of Application when alien status 'B' was Determined'. For Legal Permanent Residents (K) who have their Legal Permanent status for less than 5 years, you must investigate if they had other qualified status prior to becoming an LPR. If prior status can be verified, you must enter the date when original status was obtained. Legal Permanent Residents (K), Parolees for at least one year, and Conditional Entrants (C) must enter the date when original status was obtained.

Dates
 Alien Number: [Redacted]
 Does the Individual Have Employment Authorization Document I-688B or I-766? Yes No
 Does the Individual Have Social Security Card Authorizing Employment (card doesn't say 'Not Valid for Employment')? Yes No

Dates
 Date of Entry (Alien Type R or F): 00/00/0000
 Date Status Granted (Alien Type A, H, L, Z, K, T or G): 00/00/0000
 Date of Application when alien status 'B' was Determined: 00/00/0000
 Date Deportation/Removal Withheld (Alien Type J only): 00/00/0000
 Certification (Initial Eligibility) Date (Alien Type D only): 00/00/0000
 Did the Individual Have Other Qualified Status Prior to Becoming an LPR? Yes No
 Prior Status: [Redacted] Do you have documents to verify prior status? Yes No
 Documented Date of Prior Status: 00/00/0000
 Date the Individual Physically Entered the US (help?): 00/00/0000
 Does the individual have documents to verify U.S. residence prior to 8/22/96? Yes No
 Was this individual out of US since that date for 30 consecutive days (help?) Yes No or a total of more than 90 days?

Next Previous

- enter the alien registration number in the **Alien Registration Number** field if the noncitizen HTV has a **T** visa. If the 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.

A new Human Trafficking Victim window has been added to POS to track the applications of HTVs that are certified by ORR that will not be assigned ACI code **D** and to track the applications for all state-confirmed HTVs. The window appears after the **Pre-Referrals** window in the CA application interview.

New Human Trafficking Victim window

HUMAN TRAFFICKING VICTIM

Instructions
 Human Trafficking Victims may have difficulty with specific program requirements due to safety implication. The Family Violence Option (FVO) must be considered for those victims who complete the LDSS-4583 Domestic Violence Screening Form. Please do not ask the HTV any questions regarding the Victims trafficking circumstances. You must answer all questions listed below for each individual in the household.

Name: Stores Nortel
 Immigrant Type: [Redacted]
 Date of Status: 00/00/0000

Who: Stores Nortel

Is this individual a Human Trafficking Victim? [HELP] Yes No
 Is this individual NYS-Confirmed HTV? Yes No
 Does the Individual have the NYS Confirmation letter for HTV? OR The NYS-Minor Individual Referred As a Human Trafficking Victim (HTV) letter? Yes No
 Is the individual willing to complete the LDSS-4583? (Domestic Violence Screening form) or accept a Referral To the Domestic Violence Liaison (DVL)? Yes No

Document: [Redacted] Scan: [Redacted] Comments: [Redacted]

Next Previous

- If an individual is a state-confirmed HTV or an HTV certified by ORR, select “**Yes**” to the first question in the window (Is this individual a Human Trafficking Victim?). If the individual is a state-confirmed HTV, select “**Yes**” to the second question in the window (Is this individual NYS-Confirmed HTV?). Select **Next** at the bottom of the window after the questions have been answered and any documentation has been submitted.

POS will transmit Action Code **991T** to NYCWAY for any individual that is a state-confirmed HTV and any HTV that is certified by ORR but will not be assigned ACI code **D**.

- If the HTV is in need of a DV referral, answer **Yes** to the fourth question

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 state-confirmed 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.

During an interview at a Job Center, in cases in which the HTV completes the Domestic Violence Screening Form (**LDSS-4583**) and agrees to meet with a DVL, the JOS/Specialized JOS must refer the HTV to a DVL for a DV interview.

Human trafficking victims may have difficulty with specific program requirements due to safety implications. For those victims who complete the **LDSS-4583** and agree to meet with the DVL, the DVL will determine if the victim meets the definition of a domestic violence victim and if the individual is eligible for certain waivers of program requirements.

Persons who fail to comply with an eligibility or program requirement for CA and do not meet the criteria for waivers to those requirements, should be considered for good cause when there are safety concerns with the required eligibility and program requirements.

For example, an applicant wants to obtain child support but has severe anxiety about facing the absent parent in court. The claim must be investigated to determine if good cause exists for not participating in the child support process.

Both state-confirmed HTVs and federally certified HTVs that indicate being a victim of domestic violence should be encouraged to meet with the DVL.

- complete the interview and issue the Documentation Requirements and/or Assessment Follow-Up (**W-113K**) to the applicant for any required documentation.

Eligibility Determination

In addition to completing all the required fields on the POS TAD when making an eligibility determination (e.g. budget authorization, CA status, CA reason code, CA date, FS status, FS reason code, FS date) the Specialized JOS must:

- enter State/Federal Charge Code **30** (Refugee Assistance Programs RCA/RMA) if CA benefits will be provided under the SNA category for an HTV with an ORR certification or letter of eligibility and the CA 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 as the State/Federal Charge Date if State/Federal Charge Code **30** is used.

Enter State/Federal Code **30** if CA benefits will be provided under the SNA category and the CA application date is within 8 months of the ORR date of certification.

Enter the Certification Date from the ORR letter

The screenshot shows the 'TAD Data - Eligibility' form in the Paperless Office System. The form is divided into several sections:

- Personal Information:** Fields for First Name, Last Name, Middle Name, Sex, Marital Status, and Buy-In Indicator.
- Ethnicity and Race:** Radio button options for Hispanic/Latino, Asian, American Indian/Alaska Native, Black or African American, Native Hawaiian/Other Pacific Islander, and White.
- Identification:** Fields for Reuse CIN, Relation to Casehead, DGC, BVI, Birth Date, CHT, TPII, AD-EX, STATE/FEDERAL Code, Date, Coverage, CBIC, SSN, CC, CDC, Number, Valid, and Student ID.
- Citizenship and Alien Status:** Fields for Line No, CIN, Citizen/Alien Status, Alien Type, Alien No, Date of Status, and Date Entered Country.
- Employment and Education:** Fields for BCS, Emp Code, TASA, OTM, SSI, VET, Highest Degree Earned Code, Education Level, High School Grad, and Twelfth Grade.
- Individual and Waivers:** Fields for Individual Cat Code, Mother of Child, Waivers (D/A, IVD, LF, TL, Oth), and Exemption Indicator (TL-EX, AFIS-EX).

 Two callout boxes are present:

- One points to the 'STATE/FEDERAL Code' field, with the text: 'Enter State/Federal Code **30** if CA benefits will be provided under the SNA category and the CA application date is within 8 months of the ORR date of certification.'
- Another points to the 'Date' field for the State/Federal Code, with the text: 'Enter the Certification Date from the ORR letter'.

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

See the Preparation of Form LDSS-3517 in the Authorization of Grants Manual for instructions on completing a TAD.

In addition to completing all the required elements on a TAD when making an eligibility determination (e.g. budget authorization, client identification number, categorical code, employability code), the Specialized JOS must: :

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

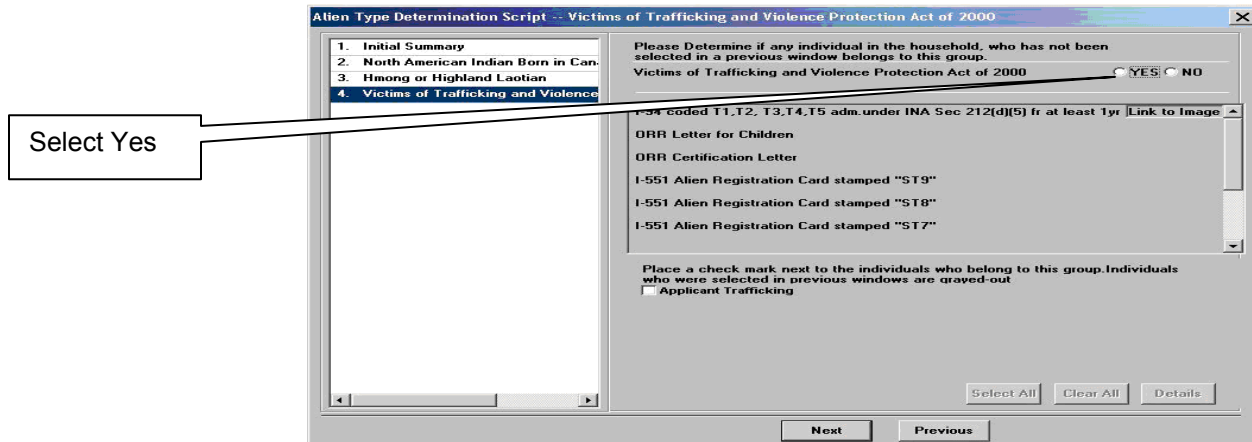
- enter code **30** in Element **307** of the TAD if benefits are provided under SNA for alien HTV with ORR certification or letter of eligibility and an application date within eight months of the date of certification or eligibility.
- enter the Certification Date (for adults) or the Initial Eligibility Date (for minors) from the ORR letter in Element **325** of the TAD if State/Federal Charge Code **30** is entered in Element **307**.
- enter **D** in Element **382** (Alien Citizenship Indicator) of the TAD. **Note:** If an individual meets the criteria to be assigned ACI code **D** and also meets the criteria to be assigned another ACI code, choose the ACI code that affords the individual the most benefit eligibility. For example: If an individual who meets the criteria to be assigned ACI code **D** has been in the status of lawfully admitted for permanent residence for at least five years, use ACI code **K** (Persons lawfully admitted for permanent residence)
- 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). The Date of Status and Date Entered Country must be the same.

New information

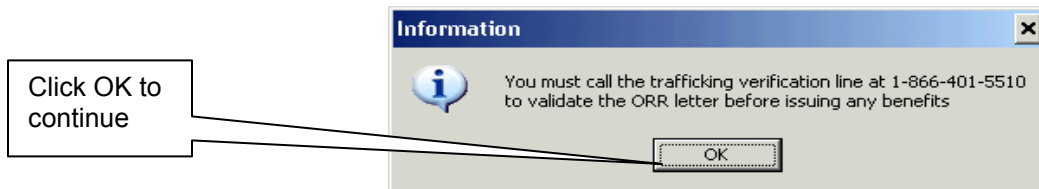
NCA SNAP Center Process

When the Eligibility Specialist gets to the Alien Checklist during the application interview process in SNAP POS for any individuals who are ORR certified HTVs, family members of ORR certified HTVs with derivative **T** visas, or minors with letters of eligibility from the ORR that are not currently LPRs with at least five years in that status or citizens, he/she must:

- open the Alien Type Determination Script in the Alien Checklist and select Victims of Trafficking and Violence Protection Act of 2000 and SNAP POS will display the following window:



- Select **YES** next to the statement Victims of Trafficking and Violence Protection Act of 2000. SNAP 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.

- contact the designated PAA II or PAA III who 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. The verification line can also be called to obtain the certification date for certified HTVs who do not have their ORR letter.
- accept the validated ORR certification letter or letter of eligibility as proof of satisfactory immigration status for SNAP. USCIS documentation is not required from HTVs. If available, USCIS documentation may be used to verify identity.
- scan and index the documentation provided regarding the individual’s status as an HTV.
- After selecting **OK** to the reminder to call the trafficking verification line, select **Next** on the bottom of the Victims of Trafficking and Violence Protection Act of 2000 window. Select **Additional Information** in the Alien Type Determination Script and SNAP POS will display the following window:

- enter the alien registration number in the Alien Registration Number field if the noncitizen HTV has a T visa. If the 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.

A new Human Trafficking Victim window has been added to SNAP POS to track the applications of HTVs that are certified by ORR that will not be assigned ACI code D and to track the applications for all state-confirmed HTVs. The window appears after the **Other Information** window in the SNAP application interview.

New Human Trafficking Victim window

- If an individual is a state-confirmed HTV or an HTV certified by ORR, select “**Yes**” to the first question in the window (Is this individual a Human Trafficking Victim?). If the individual is a state-confirmed HTV, select “**Yes**” to the second question in the window (Is this individual NYS-Confirmed HTV?). Select **Next** at the bottom of the window after the questions have been answered and any documentation has been submitted.

SNAP POS will transmit Action Code **991T** to NYCWAY for any individual that is a state-confirmed HTV and any HTV that is certified by ORR but will not be assigned ACI code **D**.

- Complete the interview and issue the Documentation Requirements and/or Assessment Follow-Up (**W-113K**) to the applicant for any required documentation.

Process for state-confirmed HTVs

The state-confirmed HTV must be interviewed by the Eligibility Specialist to determine his/her eligibility for SNAP benefits.

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 inform the state-confirmed HTV to call Safe Horizon at **(718) 943-8648/8652** or CAMBA at **(718) 282-0108 Ext. 79333**. Safe Horizon or CAMBA will assist the state-confirmed HTV in obtaining available services. Whenever a state-confirmed HTV is informed to call one of the regional service providers, a note must be entered in POS referencing the referral.

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 SNAP benefits.

See PD #10-08-ELI for the NCA SNAP Center DVL referral process.

If at any time during an interview, an HTV with satisfactory immigration status expresses a desire to be referred to the DVL for assistance, refer the HTV to a DVL for a DV interview. Referrals should be made to the DVL in the co-located Job Center or to the DVL in the nearest Job Center.

Obtaining Documentation

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

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.

See PD #10-09-SYS for information on the SAVE Program.

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 individual’s immigration status.

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/SNAP 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, SNAP, 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.

PROGRAM IMPLICATIONS

SNAP Implications ORR-certified alien HTVs are eligible to receive SNAP benefits 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 SNAP benefits.

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

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 HTVs 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.

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 PROFICIENT (LEP) AND HEARING IMPAIRED IMPLICATIONS

For Limited English Proficient (LEP) and hearing-impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with PD #11-33-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 SNAP Centers

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

The Center Director’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 Director’s Designee will make a decision.

The Center Director’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

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

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

RELATED ITEMS

[PB #13-15-SYS](#)
[PB #13-13-SYS](#)
[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](#)

ATTACHMENTS

Attachment A Certification Letter from the ORR
Attachment B Notice of Confirmation as a Human Trafficking
Victim in New York State
Attachment C Services Provided by Safe Horizon
Attachment D Services Provided by CAMBA
Attachment E Local Voluntary Agencies (VOLAG)



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

HHS Tracking Number

DOB: [REDACTED]

[REDACTED]
International Institute of Buffalo
864 Delaware Avenue
Buffalo, New York 14209-2008

JAN 28 2013

CERTIFICATION LETTER

Dear Mr. [REDACTED]:

This letter confirms that you have been certified by the U.S. Department of Health and Human Services (HHS) under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000. With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. Certification does not confer immigration status.

Your certification date is **February 07, 2013**. The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this certification. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies must call the toll-free trafficking verification line at 1 (866) 401-5510 in the Office of Refugee Resettlement (ORR) to verify the validity of this document and to inform HHS of the benefits for which you have applied.

The Department of Labor offers employment and training services for which you may be eligible. Call 1-877-USA-JOBS or visit www.servicelocator.org to find out about the nearest One-Stop Career Center.

You must notify this office of your current mailing address. Please send a dated and signed letter with any changes of address to: Trafficking Program Specialist, Office of Refugee Resettlement, 8th Floor West, 370 L'Enfant Promenade, SW, Washington, DC 20447. We will send all notices to that address, and any notice mailed to that address constitutes adequate service. You may also need to share this same information with state and local benefit-issuing agencies.

Sincerely,

Eskinder Negash
Director
Office of Refugee Resettlement



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

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.

“providing temporary assistance for permanent change”

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



Anti-Trafficking Program

Safe Horizon Anti-Trafficking Program

Established in 2001, Safe Horizon's **Anti-Trafficking Program (ATP)** is one of the largest service providers for survivors of human trafficking in the United States. The ATP's services are open to women and men, including transgender individuals as well as children who have been compelled to work against their will. Human trafficking commonly occurs in areas such as domestic servitude, health care, manufacturing, construction, agriculture, food service, beauty salons, and the commercial sex industry. Since its founding, ATP has assisted more than 500 cases within and outside the New York metropolitan area, supporting survivors of human trafficking from over 60 countries.

What is Human Trafficking?

Human trafficking is a gross violation of human rights. It is the illegal trade in human beings through recruitment or abduction, by means of force, fraud, or coercion for the purposes of forced labor, debt bondage or sexual exploitation. Human trafficking is also referred to as modern day slavery. Trafficked persons are often forced, through sexual, physical and/or psychological violence, to perform work under slavery-like conditions. Of the estimated 700,000 to 2 million people trafficked globally each year, thousands are trafficked to or within the United States. New York City has been identified as a hub for human trafficking. The city is a logical place for trafficking to occur because of its large population of immigrants, its close proximity to major international ports, and its concentration of many formal and informal industries where severe labor rights violations can go undetected. Human trafficking does not always involve crossing an international border, **Safe Horizon's Streetwork Project** works closely with the Anti-Trafficking Program to provide services to domestically trafficked youth including United States citizens and lawful permanent residents.

A Unique Approach to Human Trafficking

Safe Horizon's **Anti-Trafficking Program** maintains a two-tiered approach to fighting the epidemic of human trafficking. First, we provide an intensive case management intervention model and legal services as well as referrals for other supports. Second, we recognize that client services alone will not turn the tide on human trafficking. In response, our Anti-Trafficking Program also offers a range of services including education, awareness raising, technical assistance, training and advocacy to foster systemic change.

A Comprehensive Model of Service Delivery

Safe Horizon's ATP designs and implements services that are survivor-centered, trauma-informed and rights-based by providing intensive case management and legal services to survivors of trafficking. The program has proven its capability and effectiveness in delivering a continuum of direct services to a large and varied population of trafficked persons:

- Culturally and linguistically sensitive services
- Shelter and housing referrals
- Supportive counseling and empowerment groups
- Linkages to other services
- Assistance with material needs
- Facilitation of access to public benefits
- Legal assistance
- Advocacy through the criminal justice system



National Training and Technical Assistance

The ATP responds to client needs and emerging issues from the field by developing an array of best practice materials. ATP can provide tailored trainings and presentations to meet the needs of your audience.

- Since 2004, Safe Horizon has provided anti-trafficking education to more than 6,500 professionals throughout the U.S. through the Family Violence Prevention Fund, the U.S. Department of Justice, Freedom Network Training Institute, Intergovernmental Institute on Research and New York State Office of Temporary Disability Assistance.
- In Fiscal Year 2009-2010, ATP trained more than 2,000 first responders on ways to identify and assist trafficked persons. Audience members primarily included law enforcement, social service providers and other key stakeholders.

Sharing Best Practices around the Globe

The Anti-Trafficking Program also focuses on the global aspects of trafficking by working with advocates and law enforcement from around the world.

- Through the U.S. Department of State International Visitors Program, ATP staff has conducted informational exchanges with over 600 dignitaries and officials from every region of the world. Key visitors include federal level prosecutors, leaders of social service agencies and members of national legislatures.
- The Anti-Trafficking Program was selected as a civil society organization participating in the Organization of American States meeting of National Authorities on Human Trafficking held in Venezuela, March 2006.
- In 2005 and 2010, Safe Horizon was the U.S. representative at the Global Alliance Against Trafficking in Women consultancy meeting for human trafficking social service providers held in Bangkok, Thailand.

Building Collaborations

Safe Horizon works in partnership with other advocates, law enforcement agencies, and government entities because preventing human trafficking and providing necessary support to victims cannot be done alone. Safe Horizon is a founding member of the Freedom Network (USA), the Freedom Network Training Institute and the New York Anti-Trafficking Network. Safe Horizon is also a member of the New York City Anti-Trafficking Task Force.

For more information, please contact Safe Horizon's Anti-Trafficking Program: 718-943-8648
Avaloy Lanning, Senior Director, Anti-Trafficking Program (Avaloy.lanning@safehorizon.org)

The mission of Safe Horizon is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families and communities. For emergency assistance, please call one of our 24-hour hotlines—Domestic Violence: 800-621-HOPE, Crime Victims: 212-577-7777, Rape, Sexual Assault, and Incest: 212-227-3000. For more information about Safe Horizon, please call 212-577-7700.



CAMBA is a non-profit agency that provides services that connect people with opportunities to enhance their quality of life.

CAMBA offers integrated services and programs in: Economic Development, Education & Youth Development, Family Support Services, HIV/AIDS Services, Housing Services & Development, Legal Services.

CAMBA's Response to Human Trafficking Program assists NY State Confirmed Trafficking Victims through intensive Case Management with referrals to short-term housing, health assessment, medical and mental health care in a linguistically and culturally competent way. CAMBA Legal Services provides legal assistance or referrals as appropriate. CAMBA's Beyond Hunger Emergency Food Pantry will meet the food and nutritional needs of our RHTP clients. We will also address a variety of other needs such as: English language classes and employment preparation, training and assistance with job placement, Substance abuse addiction screening and treatment, and Interpretation and translation services as needed.

Contact: [Response to Human Trafficking Program Manager](#)

CAMBA

2211 Church Avenue

Room 202

Brooklyn, NY 11226

718 282 0108 x79333

bardham@camba.org

www.camba.org

CAMBA serves more than 45,000 individuals and families, including 8,000 youth, each year. Specifically, we help people of low-income; those moving from welfare to work; people who are homeless, at risk of homelessness or transitioning out of homelessness; individuals living with or at risk of HIV/AIDS; immigrants and refugees; human trafficking victims, children and young adults; entrepreneurs and other groups working to become self sufficient. The majority of CAMBA's clients live work and/or attend school in Brooklyn.

CAMBA's multi-faceted dedicated staff of over 1,300 speaks 30 languages and serves residents of diverse ethnic backgrounds, including recent immigrants and refugees from the Caribbean, the former Soviet Union, Africa, Latin America, Southeast Asia, and elsewhere. Fifteen percent of our employees are also former clients, which allow us to truly connect with those we serve.

Our experience shows us that, when provided with services and supports that are meaningful and culturally relevant, CAMBA's clients make tremendous contributions toward building their own lives and their community.

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