

TO: Local District Commissioners, Medicaid Directors

FROM: Kathryn Kuhmerker, Deputy Commissioner
Office of Medicaid Management

SUBJECT: Trafficking Victims Certification Letter

EFFECTIVE DATE: Immediately

CONTACT PERSON: Bureau of Local District Support (518) 474-8216 (Upstate)
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The purpose of this GIS message is to inform local districts of a new federally eligible alien category—"victims of a severe form of trafficking." Section 107(b) of The Trafficking Victims Protection Act of 2000 (P.L. 106-386) makes victims of "a severe form of trafficking in persons" eligible for Medicaid and other benefits (if otherwise eligible) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

A "victim of a severe form of trafficking in persons" means only a person:

- 1) who has been subjected to a "severe form of trafficking in persons," which is defined as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 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"; and
- 2) who has not attained the age of 18 years or who is the subject of a certification issued by the federal government pursuant to Section 107(b) (1) (E) of the Act.

For individuals who meet the above criteria, the Office of Refugee Resettlement (ORR) will issue the certification letters for adults and the eligibility letters for children. To receive a certification or a letter, a victim of trafficking must be willing to assist with the investigation and prosecution of trafficking cases AND either: (1) have made a bona fide application for a "T" visa that has not been denied, OR (2) be an individual whose continued presence the Attorney General is ensuring to effectuate a trafficking prosecution.

When a victim of trafficking applies for Medicaid, local districts must follow their normal procedures for refugees (ACI Code R), except local districts must also:

1. Accept the certification letter or letter for children in place of INS documentation. Please note, as of November 6, 2001, certification letters for adults and eligibility letters for children no longer contain an eight-month expiration date. Victims of severe forms of trafficking do not need to provide any other

- documentation of their immigration status. If the local district has any questions regarding the validity of the documentation, they may call the trafficking verification line at (202) 401-5510.
2. Use the certification date as the "entry date" for Medicaid purposes. The certification date is in the body of the certification letter or the eligibility letter for children.
 3. Issue benefits to the same extent as a refugee, provided the victim of a severe form of trafficking meets other program eligibility criteria (e.g., income levels).