

**OTHER ELIGIBILITY REQUIREMENTS**

**CITIZENSHIP AND IMMIGRATION STATUS  
QUALIFIED ALIENS**

**VICTIMS OF TRAFFICKING**

**Description:** The federally eligible immigration 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 (INA).

**Policy:** Victims of “a severe form of trafficking in persons” (VOTs) are 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. Individuals with letters of certification or eligibility as victims of severe forms of trafficking are eligible for medical assistance. They retain this eligibility for seven years from the date of certification contained in the letter.

<b>References:</b>	The Trafficking Victims Protection Act of 2000	Sect.107(B) P.L. 106-386
	The Trafficking Victims Reauthorization Protection Act of 2003	P.L. 108-193
	Dept. Regs.	360.3.2 (j)
	ADMs	04-ADM-7 03-ADM-1(OTDA)
	INF	06 OMM INF-5
	GIS	08 MA/009

**Interpretation:** A “victim of a severe form of trafficking in persons” means a person:

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- 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 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 establishing Medicaid eligibility for refugees. Local districts must also:

1. Accept the certification letter for adults, or eligibility letter for children in place of USCIS 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. The local district must call the trafficking verification line at 1-866-401-5510 to verify the validity of the documentation.

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2. Use the certification date as the “Date of Status” (DOS) 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 other refugees, provided the victim of a severe form of trafficking meets other program eligibility criteria (e.g., income levels).
4. Upstate WMS: Districts should use citizenship/alien code (ACI) “D”- Victim of Human Trafficking.

New York City WMS: Workers should use ACI code “R”- Person Admitted as a Refugee” for Victim of Human Trafficking.

For purposes of Medicaid/Family Health Plus and/or Child Health Plus eligibility, victims of a severe form of trafficking, (holders of a T-visa/T-1, and holders of T-2, T-3, T-4 and T-5 [“Derivative” T-visas]) who are the minor children, spouses and in some cases the parents and siblings of victims of severe forms of trafficking in persons, may receive Medicaid benefits to the same extent as refugees. Recipients of a “T” visa are eligible for employment authorization. “T” visa recipients also may, if eligible, adjust their status to that of lawful permanent resident after three years. Victims may also apply for other immigration benefits such as an “S” visa (See section on **OTHER VISA STATUSES**) or asylum.

**RESERVE SPACE FOR STATE “CONFIRMED” VICTIMS OF HUMAN TRAFFICKING**

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**Documentation: Victims of Trafficking** will have the following documentation:

**Category 2: Qualified Immigrants Continued**

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<b>Victims of Trafficking</b>	<ul style="list-style-type: none"> <li>▶ I-94 Arrival/Departure Record coded T1, T2, T3, T4, or T5 stating admission under Section 212(d)(5) of the INA if status is granted for at least one year;</li> <li>▶ Certification letter (for adults) or eligibility letter (for children) from the Office of Refugee Resettlement. Must call 1-866-401-5510 for verification; or</li> <li>▶ I-797 Notice of Action acknowledging receipt of I-914, Application for T non-immigrant status.</li> </ul>	<p>D- Upstate</p> <p>or</p> <p>R-NYC</p>	<p><b>YES</b></p>	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement.</p>