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TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 15-25
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

SUBJECT: SERVICES TO NONCITIZEN VICTIMS OF HUMAN
TRAFFICKING, DOMESTIC VIOLENCE AND OTHER SERIOUS
CRIMES UNDER A NEW PROGRAM – TRAFFICKING AND
CRIME VICTIMS ASSISTANCE PROGRAM

The purpose of this letter is to clarify the statute and practice for Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006) which created state-funded benefits for noncitizen victims of human trafficking, domestic violence, and other serious crimes. The bill was codified at Welfare & Institutions (W&I) Code Sections 13283, 14005.2 and 18945. The legislation allows these noncitizen victims to be eligible for services and benefits to the same extent that these services are afforded to refugees (although state funded coverage pursuant to SB 1569 may extend beyond eight months in certain circumstances), and provides that if federal funding is unavailable, these services shall be paid for with state funds.

The provisions of SB 1569 took effect January 1, 2007. The Medi-Cal benefit program is called the Trafficking and Crime Victims Assistance Program (TCVAP). (See California Department of Social Services (CDSS) All County Letter (ACL) Nos. 06-60 and 08-15 and CDSS All County Information Notice (ACIN) I-41-07 for information about the Social Services program implemented pursuant to SB 1569.)

Overview

Prior to the passage of SB 1569, only those immigrants who declared satisfactory immigration status (SIS) and met all other program requirements could receive full scope Medi-Cal services. An immigrant is considered to have SIS for Medi-Cal purposes if he or she is a lawful permanent resident, an amnesty alien with a current and valid I-688, or is in one of the Permanently Residing in the United States (U.S.) Under Color of Law (PRUCOL) categories. Refugees and other immigrants who have been granted refugee status and meet program income limits (meaning they have countable income above 138 percent of the Federal Poverty Level (FPL) and up to 200 percent of the FPL) can receive services under Refugee Medical Assistance/Entrant Medical Assistance (RMA/EMA) if eligible (under 22 California Code of Regulation (CCR) Section 50257). Please note that with the implementation of the Affordable Care Act (ACA), most refugees who would have been eligible for TCVAP benefits under RMA rules will now qualify under Medi-Cal rules.

SB 1569 ensures that specified noncitizen victims of human trafficking, domestic violence, or other serious crimes that meet Medi-Cal eligibility requirements, but are not in a SIS for Medi-Cal purposes, can receive state-funded full-scope Medi-Cal. It also provides state-funded benefits to noncitizen victims of human trafficking, domestic violence, or other serious crimes who meet the RMA income limits and who meet all eligibility requirements of the RMA/EMA program except the immigration status requirements. The period of eligibility for these services depends on the basis for establishing that eligibility and whether or not specified visa applications have been filed as explained below.

Who is Covered

TCVAP covers noncitizen victims of human trafficking, domestic violence, and other serious crimes who, other than the fact that they are not in a status that makes them eligible for federal refugee programs, in all other respects meet the requirements for either Medi-Cal (Group A) or RMA (Group B) below:

- Group A refers to victims that would otherwise be eligible for a full scope Medi-Cal program, but do not meet the immigration status requirements for full scope Medi-Cal.
- Group B refers to victims who meet the RMA income limits and all other eligibility requirements for RMA/EMA except for the immigration status requirements.

Persons Eligible for TCVAP

The state-funded Medi-Cal and RMA eligibility categories created by SB 1569 are limited to two types of noncitizen victims:

1. **Trafficking Victims:**

Noncitizen victims of a severe form of trafficking in persons who have filed or are preparing to file for T Nonimmigrant status (hereinafter referred to as "T Visa") (Title 8, U.S. Code Sec. 1101 (a)(15)(T)(i) or (ii)), or are taking steps to meet the conditions for federal benefits eligibility (to become certified by the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR)) under Title 22, U.S. Code, Section 7105. Child victims of severe forms of trafficking in persons do not require ORR certification to be eligible for federal benefits (Title 22, U.S.C. Section 7105(b)(1)(C)). To facilitate delivery of federal services, ORR issues interim assistance letters and eligibility letters to child trafficking victims.

Definition: "Severe form of trafficking in persons" includes:

- 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 (Title 22, U.S. Code Section 7102(8)).

Definition: "Sex trafficking" means:

- The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act (Title 22, U.S. Code Section 7102(9)).

Derivative Relatives: The term "victim" includes both the primary (direct) victim and certain eligible family members, called "derivative relatives." Derivative relatives are those who have filed or are preparing to file for T Visa (Title 8, U.S. Code Section 1101 (a)(15)(T)(ii)), or are taking steps to meet the conditions for federal benefits eligibility. ORR does not issue separate certification letters to derivative relatives of trafficking victims. Rather, their eligibility for federal benefits begins when the primary victim receives his or her ORR certification. See ORR State Letter 04-12

<http://www.acf.hhs.gov/programs/orr/resource/state-letter-04-12>).

2. Survivors of Domestic Violence and Other Serious Crimes:

Noncitizen victims who have filed for or have been granted U Nonimmigrant status (hereinafter referred to as “U Visa”) as victims of domestic violence or other severe criminal acts as established under Title 8, U.S. Code Section 1101(a)(15)(U)(i) - (iii).

Definition: “Noncitizen victims of domestic violence or other serious crimes” are aliens who:

- Have suffered substantial physical, or mental abuse as a result of having been victims of criminal activity, involving one or more of the following or any similar activity in violation of federal, state or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting; or attempt, conspiracy or solicitation to commit any of the above-mentioned crimes; and,
- Possess information concerning criminal activity described above (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien); and,
- Have been helpful, are being helpful, or are likely to be helpful to federal, state, or local authorities investigating or prosecuting criminal activities described above (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien); and,
- Have been victims of a criminal activity (described above) that violated the laws of the U.S. or occurred in the U.S. (including Indian country and military installations) or in the territories and possessions of the U.S.

Definition: “Next friend of the alien” means:

- A person who appears in a lawsuit to act for the benefit of an alien under the age of 16 or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian.

Derivative Relatives: The term “victim” includes both the primary (direct) victim and certain eligible family members, called “derivative relatives.” Eligible

derivative relatives are those who have filed U Visa (Title 8, U.S. Code Section 1101(a)(15)(U)(ii) - (iii).

Eligibility Requirements

To establish eligibility for benefits under the TCVAP categories, an applicant must:

- Meet all eligibility requirements (not related to immigration status) for a Medi-Cal program available to refugees or for the RMA program; and,
- Meet the immigration status documentation requirements specific to these new eligibility categories as explained below.

Date of entry does not affect eligibility under this program

For purposes of establishing eligibility for victims under this program, date of entry is not to be considered when determining the eligibility period for victims who meet the RMA eligibility rules. Victims who meet the RMA eligibility rules as described in this letter are eligible for coverage under this program regardless of their date of entry into the United States. In addition, the eligibility period may be extended for noncitizen victims who meet the filing requirements explained below.

Immigration Documentation Requirements

The county must determine the victim's status for this program based on documentation that establishes:

1. They are a victim of human trafficking, domestic violence or other serious crime,

AND

2. They have filed an application for a T Visa, are preparing to file an application for a T Visa, or otherwise are taking steps to meet the conditions for federal benefits eligibility (to be certified by ORR);

OR

They have filed an application for, or have been granted, a U Visa.

Trafficking Victims: TCVAP provides benefits to eligible victims of human trafficking, domestic violence, and other serious crimes who have filed for or are preparing to file for a T Visa or otherwise are taking steps to become certified for federal benefits eligibility, but who have not yet been granted that status.

A sworn statement or declaration under penalty of perjury by a victim, or an authorized representative if the victim is not able to competently swear, is sufficient to establish that a person is a victim of a severe form of human trafficking if at least one item of additional evidence is also provided, including, but not limited to:

1. Police, government agency, or court records or files.
2. News articles.
3. Documentation from a social services, trafficking or domestic violence program, or a legal, clinical, medical, or other professional from whom the applicant has sought assistance in dealing with the crime.
4. A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.
5. Physical evidence (not contained in the evidentiary items described under 1 or 3 above, e.g., wheelchair, bruises, or casts).
6. A copy of a completed visa application.
7. Written notice from the federal agency of receipt of the visa application.

If the victim of human trafficking, domestic violence, and other serious crimes cannot provide additional evidence, then the sworn statement shall be sufficient if the county or state law enforcement agency investigating the crimes makes a determination documented in the case file that the applicant is credible. A sample sworn statement is included as Attachment A.

Under this program, the beneficiary will receive one year of full scope Medi-Cal benefits, from the date of application under Group A and eight months of full scope Medi-Cal benefits under Group B who have yet to file a T Visa application or is taking steps to obtain ORR certification or recognition of eligibility as a child victim. Derivative relatives will not get certification or a letter of eligibility from ORR, but meet noncitizen eligibility requirements for federal benefits and services once the primary victim does so. SB 1569 also provides that if an eligible victim files a T Visa application within the initial period (one year for Group A and eight months for Group B), eligibility is extended until the T Visa is granted and/or ORR certification takes place, or the T Visa is administratively denied. A sample ORR certification letter is included as Attachment C.

If the individual is eligible under Medi-Cal rules (Group A) and there is no evidence of filing for a T Visa within one year, or a certification from ORR, the county shall evaluate the individual for other Medi-Cal eligibility and move the individual into the appropriate Medi-Cal aid code or terminate coverage if the individual is not eligible for ongoing benefits.

If the individual is eligible under RMA rules (Group B) and there is no evidence of filing for a T Visa by the end of the eight-month period, or a certification from ORR, the county shall evaluate the individual for Medi-Cal eligibility and move the individual into the appropriate Medi-Cal aid code or terminate if the individual is not eligible for Medi-Cal benefits.

T Visa Documentation

Documentation that an applicant has filed for a T Visa or intends to file for a T Visa, or is taking steps to meet federal eligibility (certification by ORR), includes:

- A confirmation receipt or letter from United States Citizenship and Immigration Services (USCIS) verifying an application has been filed; or
- A copy of the application for a T Visa (Form I-914); or
- Statements from persons in official capacities (e.g., law enforcement officials or victims' advocates) who have assisted or are assisting the victim with the T Visa application; or
- If no documentation is available, the applicant's statement that he or she has filed or intends to apply for a T Visa, or is taking steps to become federally eligible (e.g., is working with a community-based agency to prepare to qualify for federal benefits), is acceptable.

Please note that this filing documentation is in addition to the required sworn statement and additional evidence required to establish that a person is indeed a victim of a severe form of human trafficking. The declaration of intent to file a T visa must be signed under penalty of perjury in accordance with current Medi-Cal declaration requirements.

ORR may certify a victim of a severe form of human trafficking who:

- Is willing to assist in every reasonable way with the investigation and prosecution of severe forms of trafficking in persons; and,
- Has made a bona fide application to USCIS for a T Visa and the application has not been denied; or,
- Is a person for whom "continued presence" status has been granted by USCIS because the U.S. Attorney General and the Secretary of Homeland Security have deemed the individual's continued presence in the U.S. necessary to effectuate the prosecution of traffickers in persons; Title 22, U.S. Code Sec. 7105(b)(1)(E).

Once an adult victim of a severe form of human trafficking has been certified by ORR, he or she is eligible for federal benefits and services to the same extent as refugees and must be re-evaluated for regular Medi-Cal or RMA eligibility. For trafficking victims who are minors, ORR issues an eligibility letter or interim eligibility letter stating that a minor is in fact a victim of a severe form of human trafficking, and is therefore, eligible for certain federal benefits and services. This eligibility letter is used in the same manner as certification for status as a refugee.

Certified human trafficking victims must be evaluated for on-going RMA/EMA or Medi-Cal eligibility without a break in aid, pursuant to W&I Code Section 14005.37 rules and procedures. (Remember that federal RMA/EMA eligibility for trafficking victims is limited to eight months from a refugee's date of certification by ORR)

Survivors of Domestic Violence and Other Serious Crimes: SB 1569 provides state-funded services for noncitizen victims of domestic violence or other serious crimes (U Visa applicants), if otherwise eligible, only when a request with USCIS for a U Visa has been filed. Unlike T Visa applicants who can establish eligibility for this program while they are taking steps to file a T Visa, applicants for a U Visa are not eligible for this program until the U Visa application is filed. Examples of documentation that show that a victim has applied for a U Visa can include (but are not limited to):

- A confirmation receipt or letter from USCIS verifying that a Petition for U Nonimmigrant Status (Form I-918) has been filed.
- A Form I-797 approving a U Visa or U Visa stamp in passport.
- A Form I-797 which serves as a fee receipt for an employment authorization request based on a U Visa application.
- A completed copy of Form I-918. If the only available evidence is the completed copy of the I-918, the applicant must provide, within a reasonable time, verification from USCIS that it was submitted.
- An Employment Authorization Document (EAD) issued under category "A19" or "A20" for an approved U Visa petitioner.
- A Form I-797 which serves as a fee receipt for a Form I-485 Application to Register Permanent Residence or Adjust Status, and the first page of the applicant's Form I-485 indicating that it is based on U Visa status.*
- An Employment Authorization Document (EAD) issued under category "C9" along with the first page of the applicant's Form I-485, indicating that the application to adjust to lawful permanent residence is based on U Visa status.*
- A Form I-797C Extension of U nonimmigrant status.

*NOTE: After three years in U Visa status and before the expiration of the four year U Visa, the U Visa holder is eligible to apply to adjust to lawful permanent resident status.

For eligible U Visa applicants eligibility for state-funded services will continue until and unless the recipient's application for a U Visa has been finally administratively denied. If

a victim claims to meet the requirements for filing a U Visa based on documentation or statements not listed above, contact the analyst assigned to refugee programs in the Medi-Cal Eligibility Division for assistance.

Aid Codes, Citizen/Alien Indicator Codes and Alien Eligibility Codes

TCVAP Aid Codes — Use the following aid codes for TCVAP:

- 2V – For victims eligible under RMA rules (Group B) without a share of cost
- 4V – For victims eligible under RMA rules (Group B) with a share of cost
- 5V – For victims eligible under Medi-Cal rules (Group A) without a share of cost
- 7V – For victims eligible under Medi-Cal rules (Group A) with a share of cost

Manually Processing TCVAP Applications

Because TCVAP is a state-only Medi-Cal program and the aid codes are not programmed into the California Healthcare Eligibility, Enrollment and Retention System (CalHEERS), do not run TCVAP applications through CalHEERS Business Rules Engine (BRE). This means that paper verifications may be necessary. When a person, who is a victim of trafficking or other crimes, as specified above, applies at the county human services agency, counties must check their income by completing a manual MAGI budget calculation. For TCVAP applicants whose income is at or below 138 percent of the FPL or if the individual is Medi-Cal eligible based on non-MAGI rules (Group A eligible), grant TCVAP based on Medi-Cal rules using aid code 5V or 7V as appropriate. If a TCVAP applicant is eligible based on RMA rules (Group B eligible) use aid code 2V or 4V as appropriate.

Because the TCVAP aid codes are not currently programmed into CalHEERS, grant TCVAP by means of a Medi-Cal Eligibility Data System (MEDS) online transaction. TCVAP applicants who apply on-line could be placed into a restricted scope aid code by CalHEERS. If the county identifies a TCVAP individual who has been granted restricted scope Medi-Cal, the county must take the appropriate steps to grant the appropriate full scope TCVAP eligibility in MEDS including appropriate notice to the beneficiary. The counties can use existing notices when a TCVAP beneficiary becomes eligible for regular Medi-Cal or federally funded RMA benefits. The notice of action (NOA) should explain that eligibility has changed due to a change in immigration status.

TCVAP Alien Eligibility Codes — The Alien Eligibility Code located on the INQE screen in MEDS is currently used to track veterans, spouses and children of veterans, and battered aliens. Three Alien Eligibility code values were added to track noncitizen victims eligible for the benefits described in this letter. Please note that these codes

must be updated by the county, as these noncitizen victims move through the visa application and approval process. The Alien Eligibility codes used for TCVAP include:

- W – Victim of trafficking who has not filed a visa application--Noncitizen Applicant for the Trafficking and Crime Victims Assistance Program who is taking steps to file for a T Visa, or is taking steps to become certified by ORR for federal benefits. This includes derivative relatives described above.
- X – Victim of domestic violence or other serious crimes who has filed a U Visa application–Noncitizen Applicant for the Trafficking and Crime Victims Assistance Program who has filed for a U Visa. This includes derivative relatives described above.
- Y – Victim of Domestic Violence or other serious crimes. Update MEDS with this code when the U Visa has been granted. This includes derivative relatives described above.

Citizen/Alien Indicator Codes — Citizen/Alien indicator codes are used to track the citizenship or immigration status of Medi-Cal and RMA beneficiaries. One Citizen/Alien indicator code was added for this program. Victims of Severe Forms of Trafficking who have been certified by ORR or granted a T Visa (thus making them eligible for the benefits afforded to refugees under federal law) should be placed in Refugee/Alien Indicator Code **O** instead of **R** as soon as they are determined eligible for federal RMA or Medi-Cal benefits. There will be no new Refugee/Alien indicator codes used for victims of trafficking who are receiving state-funded Medi-Cal under SB 1569. Those beneficiaries should be identified by the new Alien Eligibility indicator codes described above. Counties should use the appropriate Citizen/Alien Indicator Code based on the individual's immigration status and the appropriate Alien Eligibility Code based on the individual's TCVAP status.

- O – Use this Citizenship/Alien indicator code for a Victim of Severe Forms of Trafficking who has been certified by ORR or granted a T Visa. This includes derivative relatives described above, where the primary victim has been certified by ORR or is a child victim. **Please note this code must be input as a letter “O” and not as the number zero.**

Note: The TCVAP aid codes, Alien Eligibility Codes, and the Refugee Indicator Code have been programmed into MEDS and are available for use.

Period of Eligibility

The period of eligibility for this program depends on the basis for establishing the victim's eligibility and whether or not the appropriate visa application is filed, approved, or denied as explained below.

TCVAP applicants who qualify based on the Medi-Cal eligibility rules (Group A)

T Visa applicants – Eligibility for T Visa applicants is limited to one year unless an application for continued presence or an application for a T Visa is filed within the first year of eligibility. If these applications are filed within this time period, eligibility is extended until the T Visa is granted or denied, or until they are certified by ORR for federal benefits eligibility. If the T Visa is granted or ORR certifies the victim, transfer the victim into a regular Medi-Cal aid code, if still otherwise eligible, and update their citizenship/alien indicator coding so that federal financial participation can be claimed.

U Visa applicants – Eligibility of U Visa applicants who are eligible for TCVAP benefits based on Medi-Cal rules must be extended past the one-year period unless the U Visa is finally administratively denied. When TCVAP beneficiaries are granted a U Visa, their TCVAP benefits continue for the life of the visa or until their immigration status changes, whichever is sooner. If their immigration status changes, evaluate ongoing eligibility accordingly.

TCVAP applicants who qualify based on the RMA eligibility rules (Group B)

T Visa applicants – Eligibility for T Visa applicants who do not meet Medi-Cal requirements is limited to eight months unless an application for continued presence or an application for a T Visa is filed within the first eight months of eligibility. If these applications are filed within the initial eight month period, eligibility is extended until the T Visa is granted or denied, or until they are certified by ORR for federal benefits eligibility. If the T Visa is granted or the victim is certified by ORR, the victim shall be transferred into a RMA or Medi-Cal aid code without a break in aid if otherwise eligible and their Citizen/Alien Indicator and Alien Eligibility Codes must be updated accordingly.

U Visa applicants – Eligibility of U Visa applicants who are eligible under RMA rules must be extended past the eight month period if the U Visa has not been finally administratively denied. When a TCVAP beneficiary is granted a U Visa, his/her benefits continue for the life of the visa or until his/her immigration status changes, whichever is sooner.

Beneficiaries who qualify for TCVAP based on RMA rules must be placed in aid code 2V or 4V depending on whether or not there is a share of cost. Their Alien Eligibility code will depend on the status of their visa application.

Eligibility for Federal Benefits — When a T Visa applicant who is receiving state-funded full scope Medi-Cal benefits under this program obtains ORR certification or is granted a T Visa, their state-funded full scope benefits must be terminated and they must be placed directly into the RMA/EMA program or the appropriate Medi-Cal program without a break in aid, if otherwise eligible. For individuals with income above 138 percent of the FPL and up to 200 percent of the FPL, who qualify for federal RMA

benefits based on ORR certification, the federal 8 month RMA eligibility period begins the month of ORR certification.

When TCVAP eligibility ends, counties must evaluate the case for any available ongoing Medi-Cal or federal RMA eligibility. For example, a TCVAP beneficiary could be eligible for full or restricted scope Medi-Cal or RMA when TCVAP ends depending on immigration status and other factors. W&I Code Section 14005.37 applies to individuals eligible for TCVAP based on Medi-Cal rules. If a TCVAP beneficiary was eligible based on RMA rules, he/she must be evaluated for ongoing eligibility based on RMA rules.

Termination of Benefits — The state-funded benefits provided under this program must be terminated with a proper 10-day notice if any of the following conditions are met:

- There is a final administrative denial of the victim's application for a T or U Visa.
- All eligibility requirements described in this letter are not met.
- A victim of human trafficking eligible for this program based on RMA/EMA rules has not had an application for continued presence filed on his/her behalf, or has not taken steps to obtain ORR certification or recognition of eligibility as a child victim or has not filed an application for a T Visa within eight months from the date of application for this program. For derivative relatives, this means if the primary victim has not taken steps to obtain certification or a letter of eligibility from ORR.
- A victim of human trafficking eligible for this program based on Medi-Cal rules has not had an application for continued presence filed on his/her behalf, or has not taken steps to obtain ORR certification or recognition of eligibility as a child victim, or has not filed an application for a T Visa within one year from the date of application for this program. For derivative relatives, this means if the primary victim has not taken steps to obtain certification or a letter of eligibility from ORR.
- The victim of human trafficking has been certified by ORR or is a child victim. This includes derivative relatives described above, where the primary victim has been certified by ORR or is a child victim. In these cases, end eligibility for the state-funded benefits provided by SB 1569 and place the victim in the appropriate aid code for federally funded full scope Medi-Cal or RMA/EMA if all eligibility requirements for that program are met. (Note: When a person is certified by ORR, his/her eight-month period of eligibility for federally funded RMA/EMA begins on the date of his/her certification -- (Medi-Cal Eligibility Procedures Manual Article 24B-14).

- The individual has been granted a T Visa. In these cases, end eligibility for the state-funded benefits provided by SB 1569 and place the individual in the appropriate aid code for federally funded full scope Medi-Cal or RMA/EMA if all eligibility requirements are met. Place this person in the appropriate program without a break in aid if all eligibility requirements are met.

The following TCVAP notices of action are included with this letter as Attachment B:

- Denial For Trafficking And Crime Victims Assistance Program (TCVAP)
- Approval For Benefits Under the Trafficking And Crime Victims Assistance Program (TCVAP)
- Discontinuance For Trafficking And Crime Victims Assistance Program (TCVAP)

NOTE: Counties must include the NA back 9 when these notices are used.

Social Security Numbers and Other Verifications

TCVAP applicants are not required to present a Social Security number (SSN) to be eligible for TCVAP benefits. Counties may ask for a SSN but must not deny eligibility for TCVAP benefits if an otherwise eligible. TCVAP applicant does not have a SSN.

A SSN will be required if the individual has one, in accordance with current Medi-Cal policy, for trafficking victims who are certified by ORR and are eligible for federally funded full scope Medi-Cal. These individuals will have the Citizen/Alien Indicator Code "O" as described above.

Some victims have ORR certification but may not yet have an employment authorization document ("EAD" or "work permit"), and thus not yet be able to obtain a SSN. If the victim cannot obtain a SSN, the case should not be denied for this reason.

For all individuals described in this letter, there may be documentation barriers which will have to be considered. For example, verifications such as birth and identity documents may not be available. Some victims may need to use non-standard identity documents (for example: foreign ID, non-photo ID, etc.). Where no documents exist, the eligibility worker may need to substitute a sworn declaration of identity.

The charts below reflect the aid codes, immigration status codes, and period of eligibility for the various TCVAP beneficiaries depending on the status of their application for a T Visa, ORR Certification, or U Visa:

Trafficking and Crime Victims Assistance Program (T Visa)

1: RMA/EMA RULES (Group B)

2: MEDI-CAL RULES(Group A)

STATUS	ALIENAGE CODING	AID CODE¹	ELIGIBILITY¹	AID CODE²	ELIGIBILITY²
Victim intends to file for T Visa and/or ORR Certification	Alien Eligibility code: W	2V or 4V	Eight Months	5V or 7V	12 months
Victim has filed for T Visa and/or ORR Certification*	Alien Eligibility code: W	2V or 4V	Until T Visa and/or ORR Certification is denied or granted (if granted, transfer to federal RMA/EMA or MC if still eligible)	5V or 7V	Until T Visa and/or ORR Certification is denied or granted (if granted, continue on MC if still eligible)
Victim has received T Visa and/or ORR Certification or is child victim**	Citizen/Alien Indicator Code: O	RMA aid code	Treat as refugee and determine if eligible for RMA/EMA or Medi-Cal	Medi-Cal aid code	Treat as refugee and determine if eligible for RMA/EMA or Medi-Cal
Victim has been denied T Visa and/or ORR Certification	End TCVAP***	End TCVAP***	End TCVAP***	Depends on eligibility*	Evaluate for other Medi-Cal eligibility

* Includes derivative relatives where the primary victim has filed for ORR certification.

** Includes derivative relatives where the primary victim has received ORR certification.

*** Evaluate for Medi-Cal eligibility pursuant to W&I Code Section 14005.37

Trafficking and Crime Victims Assistance Program (U Visa)

1: RMA/EMA RULES (Group B)

2: MEDI-CAL RULES(Group A)

STATUS	ALIENAGE CODING	AID CODE¹	ELIGIBILITY¹	AID CODE²	ELIGIBIITY²
Victim has filed for U Visa	Alien Eligibility code: X	2V or 4V	Eligible until U Visa is denied	5V or 7V	Eligible until U Visa is denied
Victim has received U Visa	Alien Eligibility code: Y	2V or 4V	Eligible until status changes	5V or 7V	Eligible until status changes
Victim has been denied U Visa	End TCVAP*	End TCVAP*	End TCVAP*	Depends on eligibility*	Evaluate for Medi-Cal eligibility

* Evaluate for Medi-Cal eligibility pursuant to W&I Code, Section 14005.37

If you have questions or need other assistance related to the requirements of this letter, please contact Ms. Amar Singh at 916-332-9595, or by email at amar.singh@dhcs.ca.gov

Original Signed By:

Alice Mak, Acting Chief
Medi-Cal Eligibility Division

DECLARATION UNDER PENALTY OF PERJURY

CASE NAME	CASE NUMBER
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I, _____ residing at _____

hereby declare that I was a victim of human trafficking, where I was subjected to one of the following:

- 1) Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion (or I was induced to perform such acts and have not attained 18 years of age); or
- 2) The recruitment, harboring, transportation, provision, or obtaining 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.

I declare under penalty of perjury that the foregoing statement is true and correct, and I am aware that if I present any material matter as true which I know to be false, I may be subjected to penalties prescribed for perjury under the Penal Code of the State of California in accordance with Section 11054 of the Welfare and Institutions Code.

Executed at _____ California, this _____ day of _____, 20_____.

Applicant's Signature

Signature of Applicant's Representative

Title of Applicant's Representative

**MEDI-CAL
NOTICE OF ACTION**

**DENIAL FOR
TRAFFICKING AND CRIME VICTIMS
ASSISTANCE PROGRAM
(TCVAP)**

(County Stamp)

Notice date: _____

Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

Your application dated _____ for the Trafficking and Crime Victims Assistance Program (TCVAP) has been denied.

The reason for this denial is:

IMPORTANT: If you have any questions about this action or if there are additional facts that could affect your eligibility such as changes in your income, property, medical condition, disability status, or household situation, please report them to the County Eligibility Worker listed above.

Do not throw away your plastic Benefits Identification Card (BIC) if you have one. You can use it again if you become eligible for Medi-Cal.

The statutes which require this action are Welfare & Institutions Code Sections 13283, 14005.2, and 18945.

**MEDI-CAL
NOTICE OF ACTION**

**DISCONTINUANCE FOR
TRAFFICKING AND CRIME VICTIMS
ASSISTANCE PROGRAM
(TCVAP)**

(County Stamp)

Notice date: _____

Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

As of _____ your eligibility for Trafficking and Crime Victims Assistance Program (TCVAP) Medical Assistance will stop because:

_____ You did not file for a T Visa.

_____ You filed for a T Visa and your Visa and/or ORR Certification was denied.

_____ Your U Visa was denied or has expired.

When you became ineligible for TCVAP Medical Assistance we reviewed your case for Medi-Cal eligibility and found:

_____ You are eligible for restricted scope Medi-Cal effective _____. Restricted scope Medi-Cal covers only emergency and pregnancy-related services. Tell your Medi-Cal worker if you need long-term care.

_____ You are ineligible for Medi-Cal because _____

Do not throw away your plastic Benefits Identification Card (BIC). You can use it again if you become eligible for Medi-Cal.

IMPORTANT: If you have any questions about this action or if there are additional facts that could affect your eligibility such as changes in your income, property, medical condition, disability status, or household situation, please report them to the County Eligibility Worker listed above.

The statutes which require this action are Welfare & Institutions Code Sections 13283, 14005.2, and 18945.

HHS Tracking Number
XXXXXXXXXXXXXXXX
DOB: XX/XX/XXXX

VICTIM NAME
C/O CASE MANAGER
NGO
ADDRESS
CITY, STATE ZIP

CERTIFICATION LETTER

Dear VICTIM:

This letter confirms that you have been certified by the U.S. Department of Health and Human Services (HHS) under section 107(b) 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 **CERTIFICATION DATE**. 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-US2-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