



CDSS

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GOVERNOR

April 18, 2013

ALL COUNTY LETTER (ACL) NO. 13-25

REASON FOR THIS
TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY REFUGEE COORDINATORS
 ALL COUNTY WELFARE-TO-WORK COORDINATORS
 ALL COUNTY CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CaWORKs) PROGRAM SPECIALISTS
 ALL COUNTY CIVIL RIGHTS COORDINATORS
 ALL COUNTY FISCAL OFFICERS
 ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: NEW AID CODE FOR CaWORKs TRAFFICKING AND CRIME VICTIMS ASSISTANCE PROGRAM (TCVAP) TRAFFICKING VICTIMS

REFERENCE: Welfare and Institutions (W&I) Code section 13283; W&I Code section 14005.2; W&I Code Section 18945; ACL No. 06-60, dated December 21, 2006; ACL No. 08-15, dated April 4, 2008; ACL No. 09-49, dated September 30, 2009; All County Information Notice No. I-41-07, dated August 8, 2007 and Manual of Policies and Procedures (MPP) Section 70-100

This letter provides information and instructions regarding the new aid code, R1, in the Medi-Cal Eligibility Data System (MEDS). This aid code applies to noncitizen CalWORKs TCVAP trafficking victims who are undocumented, or otherwise ineligible for federally-funded benefits and services due to immigration status. These noncitizen individuals also must be identified as trafficking victims as defined in the California Department of Social Services (CDSS) MPP Sections 70-102 and 70-103.

NEW CALWORKS TCVAP TRAFFICKING VICTIMS AID CODE

The following new aid code has been programmed into MEDS and was effective October 1, 2012.

R1: CalWORKs TCVAP Trafficking Victims

Expenditures claimed with this aid code have a cost sharing ratio of 97.5 percent state general fund and 2.5 percent county funds.

This new aid code is required to correctly identify and track cash assistance expenditures of CalWORKs TCVAP trafficking victims so that CDSS can exclude these expenditures from counting towards meeting the state's maintenance of effort (MOE) requirements for CalWORKs California's Temporary Assistance for Needy Families (TANF) program. The TANF program requires the state to maintain a certain level of state general fund expenditures for TANF-eligible persons in order to receive the TANF block grant. Some expenditures for CalWORKs TCVAP trafficking victims are not eligible toward meeting the MOE requirement because some of the recipients may be undocumented (have no legal immigration status) and their presence in the United States may be unknown to the federal government.

Even though the CalWORKs TCVAP trafficking victim population is small, noncompliance with the mandate to exclude expenditures that cannot be counted towards meeting the state's MOE requirements for part of this population has serious fiscal consequences, such as potentially putting the TANF block grant in jeopardy, or leading to sanctions and penalties. In order to avoid the difficulty of determining which funding for individuals may be MOE countable and which may not, only the R1 aid code will be used for trafficking victims eligible pursuant to MPP Sections 70-102 and 70-103.

TCVAP ALIEN ELIGIBILITY CODE

Counties must use the alien eligibility code below with the R1 aid code.

W: Noncitizen victim of trafficking who is in the process of applying for a T Visa, has applied for a T Visa, or is taking steps to become certified by the federal Office of Refugee Resettlement for federal benefits.

BACKGROUND

The TCVAP was authorized by Senate Bill 1569 (Chapter 672, Statutes of 2006) and became effective on January 1, 2007. This program assists eligible noncitizen victims

of human trafficking and domestic violence or other serious crimes by providing them with state-funded benefits and services.

In most cases, noncitizen trafficking and serious crime victims must apply to the United States Citizenship and Immigration Services (USCIS) for a T Visa or U Visa, respectively, which allows them to remain in the country and to assist law enforcement with the investigation and prosecution of the crimes against them.

TRAFFICKING VICTIM ELIGIBILITY

The CDSS MPP Sections 70-102 and 70-103 require a TCVAP applicant to make a sworn statement that he/she is a victim of a severe form of human trafficking and:

- Is preparing to file an application for a T Visa; or
- Has filed an application for a T Visa with the USCIS and the application has not been denied; or
- Is otherwise taking steps to meet the federal conditions for federal benefits; or
- Is a person for whom continued presence in the United States has been requested by federal law enforcement because he/she is assisting or willing to assist in the investigation or prosecution of human traffickers. Continued presence is a status that allows victims assisting law enforcement to remain in the country during the course of a criminal investigation.

Eligibility for state-funded benefits and services under TCVAP will be terminated if:

- The recipient's application for a T Visa has been finally administratively denied; or
- The recipient becomes a federally-certified trafficking victim; or
- The recipient has not applied for a T Visa or has not had continued presence requested by law enforcement within one year of the date of application for public assistance.

CALWORKS ELIGIBILITY

Per ACL No. 06-60, CalWORKs TCVAP trafficking victims are eligible for state-funded cash assistance if they meet the income, resource, and other CalWORKs program requirements. However, CalWORKs TCVAP trafficking victims are not required to have a social security number.

Victims must participate in Welfare to Work activities to the same extent as other participants. However, if they are not work-authorized because of their immigration status, job search activities are not required. Activities that will assist the recipient to prepare for future employment, such as English language training and job skills development, may be appropriate. The CalWORKs program time limit on aid for adults applies to CalWORKs TCVAP trafficking victims.

The CalWORKs TCVAP trafficking victim assistance unit (AU) must include a child who meets the age requirement. A child meets the age requirement for eligibility until his/her 18th Birthday. A child 18 years of age is eligible only if he/she is enrolled as a full-time student in high school and is expected to graduate before his/her 19th birthday, he/she has not completed high school, or is in a technical training program, but he/she can reasonably be expected to complete either program before reaching age 19. Age requirements are specified in MPP Section 42-101.

Eligibility for CalWORKs TCVAP for noncitizen adults and noncitizen children must be determined independently. A parent's status as a victim of human trafficking does not eliminate the need for the noncitizen child to separately meet the CalWORKs TCVAP eligibility requirements. If the noncitizen child is not a trafficking victim, the child (or someone on behalf of the child) must apply for T Visa derivative status, prepare to apply for a T Visa derivative status, or otherwise take steps to meet the conditions for federal benefits eligibility. If the child does not meet the eligibility conditions, he/she is ineligible for state-funded CalWORKs. The county must then evaluate the parent's eligibility for TCVAP Cash Assistance. If the child is found eligible for state-funded CalWORKs TCVAP but the adult is not, the child would be aided as an AU of one.

Once the county determines eligibility for the adult and the child for state-funded CalWORKs trafficking victims benefits, the county shall use aid code R1, with an alien eligibility code of W. An AU consisting of mixed family members, such as a CalWORKs TCVAP trafficking victim parent and a citizen child, must be coded with the R1 aid code. Eligibility for state-funded benefits and services under TCVAP will be terminated if the recipient no longer meets CalWORKs eligibility criteria; for example, the income and resource limit has been exceeded or there is no longer a qualifying child in the AU.

The CDSS has requested a TCVAP Electronic Benefit Transfer benefit type and counties will be notified when it is available for use. To allow counties to report expenditures for the TCVAP, claiming instructions will be provided to the counties in a forthcoming County Fiscal Letter.

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If you have any questions regarding the TCVAP aid and alien eligibility codes, please contact your designated program staff:

CalWORKs Program: Contact your CalWORKs County Consultant at (916) 654-1322

Trafficking and Crime Victim Assistance Program: Deborah Cramer (916) 653-1556

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division