

OPWDD SERVICES FOR INDIVIDUALS WHO ARE UNDOCUMENTED

- The Applicant for services from the New York State Office for People with Disabilities (OPWDD) is required to **apply** for Medicaid, but does **not** have to be **approved** for Medicaid, in order to receive services.
- If the Applicant is a U.S. citizen, but the family member submitting the application is not a U.S. citizen, the family member's immigration status will **not** affect the Applicant's eligibility for Medicaid or OPWDD services.
- No City or State agency (e.g., OPWDD, the New York City Human Resources Administration, or the New York City Department of Health) is permitted to provide any information to the U.S. Immigration and Customs Enforcement Agency (ICE).

APPLYING FOR OPWDD SERVICES

- **STEP ONE:** Contact OPWDD through the "Front Door" at <https://opwdd.ny.gov/get-started/front-door>, or contact a Care Coordination Organization (CCO)¹
- **STEP TWO:** Apply for Medicaid services.
 - It is **not** true that the Applicant (person with intellectual/developmental disability) must receive Medicaid services in order to apply for OPWDD services.
 - However, the Applicant **must apply** for Medicaid services and must show the Medicaid letter of acceptance or denial to OPWDD.
 - If the Applicant receives Medicaid, the Applicant is eligible to receive **full** OPWDD services.

If the Applicant is denied Medicaid **because of immigration status**, the Applicant is still eligible for some OPWDD services, such as respite services. **New York State regulations only require the applicant to APPLY for Medicaid.**

If the Applicant is denied Medicaid because of immigration status, the service agency is supposed to provide the applicant with services paid for by New York State, rather than Medicaid.

If the Applicant is a citizen, **the immigration status of the parent/guardian has no effect on the Applicant's eligibility for Medicaid (or OPWDD).**

If the Applicant is over 18, **neither the income nor the assets of the parent/guardian or other family member can be counted to determine if the Applicant is eligible for Medicaid.**

If you have questions, you can contact New York Lawyers for the Public Interest (NYLPI) for free assistance at **(212) 244-4664 (M-F, 10am-3pm)** or at www.nylpi.org/get-help/.



¹ **CCOs** oversee the coordination of the services the person receives for their intellectual/developmental disability through an individualized "Life Plan" at <https://opwdd.ny.gov/find-care-manager>