



## COMBINED MEDICAID 301-1 Citizenship and Identity

**Supersedes:** FMA 301-1 (01/01/10); ABD 301-1 (01/01/14)

**Reference:** 42 CFR 435.406, .407; PL 104-193; 104-208; 109-171; and PL 111-342; USC 1396b

**Overview:** All Medicaid applicants must be United States (U.S.) citizens, nationals or qualified aliens to receive Medicaid benefits.

**ACA and Family Medically Needy:** Citizenship and identity are verified through the SSA Composite. If the SSA Composite verification differs from what is entered in the system, SSA Composite verification overrides all other documentation, including SVES. Hard copy proof is requested only when verification cannot be gathered through the SSA Composite.

**ABD:** If citizenship and identity cannot be verified through the electronic data sources, all Medicaid applicants and recipients who declare that they are U.S. citizens or U.S. Nationals are required to provide documentary evidence of U.S. citizenship within the 'reasonable opportunity' period, and proof of identity prior to receiving Medicaid benefits, unless they are exempt from this requirement (see 'Exemptions' and 'Reasonable Opportunity' later in this section).

### **U.S. CITIZEN:**

A United States citizen is someone born in:

1. One of the 50 states;
2. The District of Columbia;
3. Puerto Rico;
4. Guam;
5. The Virgin Islands; or
6. The Northern Mariana Islands

**NOTE:** Individuals born in the United States are U.S. citizens.

### **U.S. NATIONAL:**

A U.S. national is someone born in:

1. American Samoa; or
2. Swain's Island

**NOTE:** There is no requirement that U.S. nationals register with the United States Citizenship and Immigration Service (USCIS) or carry any documentation.

### **NATURALIZATION:**

People, who were not born in the U.S., can become citizens through naturalization. Immigrants do not become citizens simply by marrying a U.S. citizen. Spouses, however, can apply for naturalization and, if eligible, become citizens through the court. Immigrant children may become citizens when a parent is naturalized. These children may have their own naturalization records or papers; if so, their citizenship is verified the same as an adult. If not, the situation should be referred through the USCIS status verifier. Children may also become citizens under the Child Citizenship Act of 2000. See that caption below for more information.

Citizenship obtained through naturalization is verified in the county where the individual was naturalized. An index of all individuals naturalized in the county is maintained by the Clerk of Court. If the person's record cannot be located or the county of naturalization is unknown, verification is obtained from USCIS.

#### **CHILD CITIZENSHIP ACT OF 2000:**

Children born outside the U.S. to citizen parents or adopted from abroad by U.S. citizen parents automatically becomes a U.S. citizen when all the following are met on or after February 27, 2001:

1. At least of the child's parents is a U.S. citizen, whether by birth or naturalization.
2. The child is under 18 years of age.
3. The child is lawfully admitted for permanent U.S. residence and is residing in the citizen parent's legal and physical custody. The child will have either a permanent resident (i.e., green) card or an I-551 stamp on his/her passport. The child may or may not have a certificate of citizenship.

**NOTE:** When all of the above conditions are met on or after February 27, 2001, citizenship is granted without further action required by the family or government. When citizenship is granted, it does not go away even if any of the above conditions no longer continue to be met.

#### **DERIVATIVE CITIZENSHIP:**

Children can derive citizenship from their parent(s). For example, a child born abroad to a U.S. citizen might acquire foreign citizenship depending on the country's laws. However, the child may also claim U.S. citizenship. If citizenship is not gained under the Child Citizenship Act of 2000, refer the individual to USCIS to complete necessary paperwork and provide status verification.

#### **PERSONS BORN ABROAD:**

There are many legal considerations in determining the citizenship of a person born abroad. If citizenship is not obtained under the Child Citizenship Act of 2000, refer the individual to USCIS to complete the necessary paperwork and provide status verification.

#### **FOREIGN ADOPTION BY U.S. CITIZEN:**

If an adopted child did not gain citizenship under the Child Citizenship Act of 2000, determine if citizenship was granted by application to USCIS.

#### **EXEMPTIONS:**

Certain individuals are not required to provide proof of citizenship and identity. The following individuals, who declare they are U.S. citizens or U.S. Nationals, are exempt from providing proof of citizenship and identity. Individuals who are currently receiving:

1. Supplemental Security Income (SSI);
2. Social Security benefits on the basis of disability (SSDI);
3. Medicare;
4. Foster Care; or
5. IV-E Adoption Assistance

If an exempt individual no longer qualifies for an above-listed exemption (such as no longer receiving SSI), satisfactory proof of both citizenship and identity is obtained before further Medicaid benefits are issued.

**DEEMED NEWBORN:**

Proof of citizenship and identity is never needed for a child born to a woman receiving Medicaid or HMK. All other eligibility requirements continue to apply, including providing proof of SSN application.

**NEWBORN – NOT DEEMED:**

The “Certificate of Live Birth” created by the hospital is used as proof of the child’s name, date of birth, parental relationships and usually proof that an SSN application was completed.

**VERIFICATION:**

All Medicaid applicants must be either U.S. citizens, nationals or qualified aliens to receive benefits. (See CMA 301-2 for information on Qualified Alien Status.) **When hard copy verification is needed**, use the following charts to determine acceptable documentation of U.S. citizenship/national status and identity. The charts below identify acceptable primary, secondary, third and fourth level documentation of citizenship. When primary documents are obtained, those documents verify both citizenship and identity; no other documentation is required. If secondary, third or fourth-level documents are used to verify citizenship, an additional document, as listed below in the final chart (identity documentation) below, must be obtained to verify identity.

**PRIMARY DOCUMENTATION OF CITIZENSHIP AND IDENTITY**

Primary evidence of citizenship and identity is documentary evidence of the highest reliability. Obtain primary evidence of citizenship and identity before using secondary evidence. Applicants or recipients born outside the U.S. who were not citizens at birth must submit a primary document as evidence of citizenship.

<b>PRIMARY DOCUMENTS --</b> verifies both citizenship and identity	<b>EXPLANATION</b>
U.S. Passport	U.S. Passport does not have to be currently valid to be accepted, as long as it was originally issued without limitations. Do not accept any U.S. Passport as verification of citizenship if it was issued with limitations; it may, however, be used as proof of identity. Through 1980, spouses and children were sometimes included on one passport. Citizenship and identity of all included persons can be established.
Certificate of Naturalization (Form N-550 or N-570)	Issued by Department of Homeland Security (via USCIS)

Certificate of Citizenship (Form N-560 or N-561)	Issued by Department of Homeland Security (via USCIS) for individuals who derive citizenship through a parent.
Tribal Documents	Issued by federally recognized Indian Tribe evidencing membership, enrollment in, or affiliation with such Tribe. Document must identify the federally recognized Indian Tribe that issued it, identify the individual by name and confirm the individual's membership, enrollment in or affiliation with the Tribe. Examples include, but are not limited to: enrollment/membership card, certificate of degree of Indian blood issued by BIA, Tribal census document or document issued by the Tribe indicating the individual's affiliation with the Tribe.
SVES match	See detailed information under 'Special Instructions' in the Business Process

### SECONDARY DOCUMENTATION OF CITIZENSHIP ONLY

Secondary documents can be used when primary evidence of citizenship is not available. Applicants or recipients born outside the U.S. must submit a primary document as evidence of citizenship. **Additional documentation is required to prove identity.**

SECONDARY DOCUMENTS - - verifies citizenship only	EXPLANATION
A U.S. public birth record showing birth in: * Any of the 50 U.S. States * District of Columbia * American Samoa * Swain's Island * Puerto Rico ( <b>if born on or after January 13, 1941</b> ) * Virgin Islands ( <b>if born on or after January 17, 1917</b> ) * Northern Mariana Islands ( <b>if born after November 4, 1986</b> ) * Guam ( <b>if born on or after April 10, 1899</b> )	The document must be issued by the State, territory or local jurisdiction and have been issued before the person turned five years old. If the birth record document was amended after the individual was age five, it is considered fourth level evidence of citizenship.
Certification of Report of Birth Abroad (Form DS-1350)	Issued by Department of State (Washington D.C.) to citizens born outside the U.S. who acquired citizenship at birth
Consular Report of Birth Abroad of a Citizen of the United States of American (Form FS-240)	Issued by Department of State consular office. Children born outside the U.S. to U.S. military personnel usually have this documentation.
Certification of Birth Abroad (Form FS-545)	Issued by Department of State consulate prior to November 1, 1990.
United States Citizen Identification Card (I-197) or prior version (I-179)	The former INS issued I-179 from 1960 until 1973. I-197 issued from 1973 until April 7, 1983. Neither

	form is currently issued, but both are still valid evidence of citizenship.
American Indian Card (I-872)	Must be issued by Department of Homeland Security and have classification of "KIC" – Texas Band of Kickapoo's living near the U.S./Mexican border
Northern Mariana Card (I-873)	The former INS issued I-873 to collectively naturalized U.S. citizens born in the Northern Mariana Islands before November 4, 1986. The card is no longer issued, but is still valid evidence of citizenship.
Final Adoption Decree	Decree must show the child's name and a U.S. place of birth. If adoption is not finalized and child's birth state will not release a birth certificate prior to final adoption, a statement from a state approved adoption agency that shows the child's name and U.S. place of birth is acceptable. Adoption agency must state that the source of birth place information is from the child's original birth certificate.
Evidence of U.S. Government Civil Service Employment	Must show employment by the U.S. government prior to June 1, 1976.
Official Military Record of Service	Document must show a U.S. place of birth. Can use a DD-214 or similar official document showing a U.S. place of birth.
Department of Homeland Security's SAVE (Systematic Alien Verification for Entitlement)	SAVE may be used to verify citizenship of naturalized citizens who do not have their Certificate of Naturalization (Form N-550 or N-570), but it will verify only citizenship; other proof of identity must also be obtained.
Child Citizenship Act of 2000	Evidence of meeting automatic criteria of U.S. citizenship as outlined in this Act.

### THIRD LEVEL DOCUMENTATION OF CITIZENSHIP ONLY

Third level documents can be used when primary or secondary evidence of citizenship is not available. **Additional documentation is required to prove identity.** Third level evidence is generally a non-government document showing a U.S. place of birth. The place of birth on the non-government document and the application must agree.

THIRD LEVEL DOCUMENTS - - verifies citizenship only	EXPLANATION
Extract of hospital record <u>on hospital letterhead.</u>	Must be established at time of person's birth and be created at least five years before initial application date and indicate a U.S. place of birth. For children under age 16, the document must have been created near the time of birth OR five years before the application. <b>DO NOT ACCEPT SOUVENIR BIRTH CERTIFICATE ISSUED BY THE HOSPITAL.</b> <u>All</u> hospital-issued birth certificates are considered to be souvenirs.

Life, health or other insurance record	Must show a U.S. place of birth and have been created at least five years before the initial application date.
Religious Records	Must be recorded in the U.S. within three months of birth and show a U.S. place of birth. Must show either the date or individual's age at the time the record was made. The record must be 'official' and recorded with the religious organization. (Entries in a family bible are NOT considered religious records)
Early School Records	Must show a U.S. place of birth. The record must also show the child's name, date of admission to the school, date of birth, and the name(s) and place(s) of birth of the child's parents.

#### FOURTH LEVEL DOCUMENTATION OF CITIZENSHIP ONLY

Fourth level evidence of U.S. citizenship is of the lowest reliability and should only be used when primary evidence, secondary and third level evidence of citizenship is not available. **Additional documentation is required to prove identity.** The place of birth on the document and the application must agree.

FOURTH LEVEL DOCUMENTS - - verifies citizenship only	EXPLANATION
Federal or State census record showing U.S. citizenship or a U.S. place of birth (for individuals born from 1900 through 1950)	The census record must also show the person's name. To get this information, the applicant, recipient or state must complete Form BC-600 (Application for Search of Census Records for Proof of Age), and add in the remarks portion "U.S. citizenship data requested." Also add that the purpose is for Medicaid eligibility. <u>Form requires a \$65.00 fee.</u> Information from 1930 and earlier is public information and is available from the National Archives.
Other document listed at right that was created at least five years before the Medicaid application date.	The document must be one of the following and show a U.S. place of birth: * U.S. Vital Statistics official notification of birth registration * A delayed U.S. public birth record that is amended more than 5 years after the person's birth * Statement signed from physician or midwife in attendance at the time of birth
Institutional admission papers from a nursing home, skilled nursing care facility or other institution	Must be created at least 5 years prior to initial Medicaid application date and show a U.S. place of birth
Medical (clinic, doctor or hospital) records	Must be created at least 5 years prior to initial Medicaid application date and show a U.S. place of birth. For children under age 16, the document must have been created near the time of birth OR 5 years prior to the initial date of application.  Hospital claims do not contain sufficient information to

	establish citizenship and will not be accepted to prove citizenship
Written Affirmation	<p><b>Only to be used in rare circumstances.</b> Must obtain affirmations from at least two people (one person must not be related to the applicant/recipient) who have personal knowledge of the event(s) establishing the applicant/recipient's citizenship. The person making the affirmation must be able to prove their own citizenship and identity for the affirmation to be accepted. If the person making the affirmation has information which explains why documentary evidence of the applicant/recipient's citizenship does not exist or cannot be readily obtained, this information should be included in the affirmation. The affirmation must be signed under penalty of perjury. An additional affirmation from the applicant/recipient explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.</p> <p>Citizenship affirmations may be used for naturalized citizens who do not have their Certificate of Naturalization (Form N-550 or N-570).</p>

### IDENTITY DOCUMENTATION

When primary evidence is not available, and secondary, third or fourth level citizenship evidence is used, one of the following documents must also be obtained to prove identity. A photo ID is required for individuals age 16 or older, unless a Primary Document is used to verify both U.S. Citizenship and Identity,

DOCUMENTS TO ESTABLISH IDENTITY	EXPLANATION
Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaskan Native tribal doc	Document is acceptable only if it carries a photograph of the applicant/recipient or has other personal identifying information.
Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act <b>EXCEPTION: Do not accept a voter's registration card or Canadian driver's license</b>	<p>For Medicaid purposes, acceptable documents include:</p> <ul style="list-style-type: none"> <li>* Driver's license with photograph or other identifying information (name, age, sex, race, height, weight and eye color). <u>May be recently expired</u>, as long as there is no reason to believe the document does not match the individual.</li> <li>* School ID card with photograph</li> <li>* U.S. military card or draft record</li> <li>* Federal, State or Local government ID card; must contain the same info as a driver's license</li> <li>* Military dependent's ID card</li> <li>* Native American Tribal document</li> <li>* U.S. Coast Guard Merchant Mariner card</li> </ul>

Three or more corroborating documents	Marriage license, divorce decree, high school/college diploma (must be from accredited institution), property deeds/titles, tax records, Social Security cards and employer ID cards—or other similar legal documents from an official source. Can only be used if citizenship was verified using 2 <sup>nd</sup> or 3 <sup>rd</sup> level documents. <b>Cannot be used if 4<sup>th</sup> level citizenship documentation was provided.</b>
Special documentation for children under age 16	ONLY for children up to age 16: * School records that show the date and place of child’s birth and the parent(s)’ name(s) – this includes report cards * Daycare or nursery school records showing child’s date and place of birth * Clinic, doctor or hospital records showing date of birth <b>(cannot be same documents used to verify citizenship)</b> * If none of previously listed documents are available, affirmation may be used.
Affirmations of Identity	May be used for disabled individuals who reside in residential care facilities – the director or administrator of the facility can attest to the individual’s identity when the individual does not have and cannot get any of the other allowable identity documents. The affirmation must be signed under penalty of perjury. For children under age 16, affirmations are only acceptable if signed under penalty of perjury by a parent or guardian stating the date and place of the child's birth, and cannot be used if an affirmation for citizenship was provided. <u>Identity affirmations cannot be used if citizenship was verified by affirmation.</u>
SVES match	See detailed information under ‘Special Instructions’ in the Business Process

**MONTANA BIRTH CERTIFICATE:**

The “Birth Registry System – Record Window” that is available on the Vital Statistics interface (for individuals born in Montana) is valid proof of citizenship and is considered an original birth record. A copy is uploaded to DMS.

**REASONABLE OPPORTUNITY:**

If we cannot verify citizenship or satisfactory immigration status within the 45-day processing timeframe, we must provide for a 90-day reasonable opportunity period to allow an individual to either provide proof of U.S. citizenship, national status, or satisfactory immigration status, or to provide evidence that they are trying to obtain that proof (such as providing a copy of the application requesting their birth certificate from another state). The reasonable opportunity period will be 90 days after the notice of reasonable opportunity is received by the individual (5 days after the date the notice is sent).



Medicaid is issued to otherwise eligible individuals during the reasonable opportunity period as of the first day of the application containing the declaration of citizenship and/or immigration status.

If satisfactory proof of U.S. citizenship/ national status is not provided by the end of the reasonable opportunity period, Medicaid coverage is closed, with timely notice provided.

The reasonable opportunity period can be extended for a noncitizen if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process. The extension of the reasonable opportunity period does not apply to individuals who attest to being U.S. citizens. No extension may be granted after the 90-day reasonable opportunity period to individuals who attest to U.S. citizenship.

**SEE BUSINESS PROCESS:** Citizenship and Identity

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