

For External Use
DOCUMENTATION OF CITIZENSHIP FOR MEDICAID RECIPIENTS AND
APPLICANTS THAT DECLARE THEY ARE U.S. CITIZENS
FREQUENTLY ASKED QUESTIONS

Beginning July 1, 2006, when initially applying for Medicaid or upon a recipient's first Medicaid redetermination, individuals who declare they are U.S. citizens must provide satisfactory documentary evidence of citizenship or nationality. Below are answers to some frequently asked questions and examples of acceptable documentary evidence of citizenship.

Why must I declare that I am a citizen or a national of the United States?

Before enactment of this provision, in order to qualify for Medicaid, the applicant had to declare under penalty of perjury that he or she is a citizen or national of the United States and if not a citizen or national, that the individual is in a satisfactory immigration status. Individuals who declared they were citizens did not have to do anything else to support that claim, although some States did require documentary evidence of such a claim. Individuals who declared they were aliens in a satisfactory immigration status were required in every State to provide documentary evidence of that claim. The new provision requires that the State obtain satisfactory documentation of citizenship. Under the new law, simply declaring your identity and that you are a U.S. citizen is no longer an acceptable practice under the new law. If you are receiving Medicaid and are enrolled in Medicare, are receiving SSI, or are not a citizen you are not affected by this new law.

What do we mean by "Declare to be a citizen or national of the United States"?

This means that you affirmatively state that you were born in the United States or in the Commonwealth of the Northern Marianas, or American Samoa and Swain's Island or if you were not born in the United States you have become a naturalized citizen of the United States.

What do we mean by satisfactory documentary evidence of citizenship?

This means you must present to your Medicaid agency documents that show you are a citizen of the United States and that you are the person you claim to be. To establish U.S. citizenship the document must show that you were born in the U.S. or that you are a naturalized U.S. citizen. To establish your identity the document must provide identifying information that relates to the person named on the document. For naturalized citizens, a copy of your naturalization certificate will be sufficient if the picture on the certificate is clear and readable.

What if I don't have a birth certificate or driver's license? A State Medicaid agency can accept a number of alternative documents that will establish your citizenship or identity. If you don't have and cannot get documentary evidence of citizenship, you should explain your situation to your Medicaid office as soon as you apply or when you are asked at the time your eligibility is redetermined. The Medicaid agency will then explain what alternatives you may use and what assistance can be provided.

What if I had my citizenship documented when I applied for Medicaid, will I have to document my citizenship again?

No. Generally you will not have to repeat documentation after July 1, 2006 if the Medicaid Agency documented your citizenship before July 1, 2006 and has a record of that documentation.

What if I am already receiving Medicaid benefits? When do I have to provide documentation of citizenship?

If you are already a Medicaid recipient, you will remain eligible unless determined ineligible. You will be asked to provide these citizenship documents at your next redetermination on or after July 1, 2006. You will be given a reasonable amount of time to present evidence of citizenship and you must make a good faith effort to present the documents requested.

May I bring copies of documents that prove I am a citizen?

States are not permitted to accept copies of satisfactory documentary evidence that you are a citizen. All documents must be either originals or copies certified by the issuing agency.

What if I don't bring documents to show I am a citizen when I go to apply for Medicaid?

States will give you a reasonable opportunity to present satisfactory documentary evidence that shows you are a citizen. If you do not provide the requested documents after you have been given a reasonable opportunity to present evidence of citizenship or your State determines that you have not made a good faith effort to present satisfactory documentary evidence of citizenship your eligibility will be denied.

What if I apply for Medicaid by mail, phone or computer?

You will be given the same opportunity to provide evidence of citizenship as you are given to provide evidence of any other fact about your eligibility.

How will the Centers for Medicare & Medicaid Services (CMS) inform people about this new requirement?

CMS has established an Outreach Plan to educate Medicaid applicants and recipients about the new citizenship documentation requirement and how the requirements may be satisfied. CMS has developed a strategy that includes identifying and establishing relationships with key organizations that represent state and local government health officials so that they can help educate applicants and recipients about the requirements.

What appeal rights do I have if during my redetermination for Medicaid eligibility, or in applying for Medicaid, my application is rejected?

States are not obligated to make or keep eligible any individual who fails to cooperate with the requirement to present documentary evidence of citizenship and identity. Failure to provide this information is no different than the failure to provide any other information that is material to the eligibility determination.

An applicant or recipient who fails to cooperate with the State in presenting documentary evidence of citizenship may be denied or terminated. Failure to cooperate consists of failure by an applicant/recipient or that individual's representative, after being notified, to take a required action. Notice and appeal rights and adequate and timely notice must be given to beneficiaries if the State denies or terminates an individual for failure to cooperate with the requirement to provide documentary evidence of citizenship. In the case of individuals already receiving Medicaid, the notice must be in advance.

If I am a qualified alien in this country as a legal immigrant, must I also provide documentary evidence?

The new law applies to those applicants or recipients who declare they are a U.S. citizen or national. There is no change in current policy regarding documentation that aliens must submit.

If I am caring for a foster child who receives Medicaid, does the foster child also have to have documentary evidence of citizenship?

Foster children receiving Medicaid must have in their Medicaid file a declaration of citizenship or satisfactory immigration status and documentary evidence of the citizenship or satisfactory immigration status claimed on the declaration.

Can I still receive Medicaid benefits while I am trying to get the necessary documents?

States will give you a reasonable opportunity to present satisfactory documentary evidence that shows you are a citizen. If you continue to make a good faith effort to present satisfactory documentary evidence of citizenship, you can continue to receive Medicaid benefits.

Will States have to help people get the necessary documents? Who will pay the fee for getting a birth certificate or passport?

States must assist applicants or recipients who are homeless, are an amnesia victim, mentally impaired, or physically incapacitated and lack someone who can act for individuals on their behalf. Individuals are responsible for getting the necessary documents to prove citizenship and identity including all applicable fees.

What if I am enrolled in Medicare or receiving Supplemental Security Income, do I still have to provide proof of citizenship and identity?

If you are enrolled in Medicare or receiving Supplemental Security Income, this law does not apply to you since you have already had your citizenship and identity established by the Social Security Administration.

What are the acceptable documents that may be accepted as proof of citizenship and identity?

We have adopted a hierarchy of reliability and acceptable evidence of citizenship. Under this hierarchical approach documentary evidence of citizenship and identity is sought first from a list of primary documents. If an applicant or recipient presents evidence from the listing of primary documentation, no other information would be required. When such

evidence is unavailable, evidence to establish citizenship in the list describing secondary, third level, and fourth level documents should be used. In rare cases, an affidavit from another person may be used (see detailed discussion below). The law also requires that identity must be established. If documentation is used from other than the primary evidence listing establishing both citizenship and identity, individuals must establish citizenship from one of the successive secondary, third level, or fourth level lists and must establish identity from the proof of identity list (List 5). You should ask your Medicaid Agency if there are additional requirements before they can accept one of the following documents.

- Acceptable primary documentation for identification and citizenship (List 1):
 - A U.S. Passport as long as it was originally issued without limitation.
 - A Certificate of Naturalization (DHS Forms N-550 or N-570).
 - A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561).
 - A driver's license if the State requires proof of citizenship before issuing. (See note below).
 - State Data Exchange
- Acceptable secondary documentation to verify proof of citizenship (List 2):
 - A U.S. birth certificate.
 - A Certification of birth issued by the Department of State (DS-1350).
 - A Report of Birth Abroad of a U.S. Citizen (Form FS-240).
 - A Certification of Birth Abroad (FS-545).
 - A U.S. Citizen I.D. card (DHS Form I-197).
 - An American Indian Card issued by the Department of Homeland Security with the classification code "KIC". (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border.)
 - A Northern Mariana Identification Card. (Issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986.)
 - A final adoption decree showing the child's name and U.S. place of birth.
 - Evidence of civil service employment by the U.S. government.
 - A military record showing a U.S. place of birth (DD-214).
- Acceptable third level documentation to verify proof of citizenship (List 3):
 - Extract of a U.S. hospital record of birth.
 - Life or health or other insurance record showing a U.S. place of birth.
- Acceptable fourth level documentation to verify proof of citizenship (List 4):
 - Federal or State census record showing U.S. citizenship or a U.S. place of birth.
 - Other document such as Seneca Indian tribal census record, Bureau of Indian Affairs tribal census record of the Navaho Indians, U.S. State Vital Statistics official notification of birth registration, U.S. public birth record amended more than 5 years after the person's birth, or a statement signed by the physician or midwife who was in attendance at the time of birth if the document was created at least 5 years before the application for Medicaid.

- Institutional admission papers from a nursing home, skilled nursing care facility or other institution that indicates a U.S. place of birth
- Medical (clinic, doctor, or hospital) record that indicates a U.S. place of birth
- Written affidavit.

Affidavits should ONLY be used in rare circumstances. An affidavit by at least two individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship. The person(s) making the affidavit must be able to provide proof of his/her own citizenship and identity for the affidavit to be accepted. If the affiant has information which explains why documentary evidence establishing the applicant's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. It must also be signed under penalty of perjury by the person making the affidavit. A second affidavit from the applicant/recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

- Acceptable documentation to verify proof of identity (List 5).
 - A current State Driver's License or non-driver identification card bearing the individual's picture or non-picture with personal identifying information such as name, age, sex, race, height, weight, or eye color.
 - Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.
 - Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act such as a driver's license, school identification card, U.S. military or draft record, identification card issued by the Federal, State, or local government, military dependent's identification card, Native American Tribal document, or U.S. Coast Guard Merchant Mariner card. A voter's registration card or Canadian driver's license described in section 274A(b)(1)(D) may not be used.
 - A second document from lists 2 through 4 that has not been used to establish citizenship and contains the personal identifying information required for a non-photo drivers license. Such identifying document may be used only when the applicant/recipient is unable to obtain other identification documents listed above because of physical or mental capacity.
 - State cross matches with Federal, State, or local governmental, public assistance, law enforcement or correction agency's data systems to establish identity if the agency establishes and certifies true identity of individuals.

What documents will be accepted from children?

When a child under age 16 does not have or cannot get any documentation from the attached list, at least two of the following documents providing corroborating information can be presented.

- School identification card with a photograph.
- Military dependent's identification card if it contains a photograph.
- School record showing date and place of birth and parent(s) name.
- Clinic, doctor or hospital record showing date of birth.
- Daycare or nursery school record showing date and place of birth.
- Affidavit signed under penalty of perjury by a parent or guardian stating the date and place of the child's birth.

NOTE: Drivers licenses may only be used for identity because currently no State requires proof of citizenship before issuing a license. Nor does any State include citizenship information on the license or maintains such information in a searchable database.