

4.3 CITIZENSHIP AND IDENTITY REQUIREMENTS

Section 6036 of the Deficit Reduction Act of 2005 (DRA) enacted on February 8, 2006, requires individuals who claim United States citizenship to provide documentary evidence of citizenship or nationality when initially applying for Medicaid or upon a recipient's first Medicaid redetermination on or after July 1, 2006. This provision does not affect individuals who have declared they are aliens in a satisfactory immigration status.

Section 6036 requires evidence of both citizenship and identity and specifies forms of acceptable evidence of citizenship or nationality and identity.

A. ESTABLISHING UNITED STATES (U.S.) CITIZENSHIP AND IDENTITY

To establish U.S. citizenship the document must show:

- A U.S. place of birth, or
- That the person is a U.S. citizen.

To establish identity a document must show:

- Evidence that provides identifying information that relates to the person named on the document.

All documents must be either an original or a copy certified by the issuing agency. A copy or notarized copy is not acceptable. A copy of the verification must be filed in the case record. Verification of citizenship is required only once, unless later evidence makes it questionable. There is no requirement that the verification be submitted in person.

NOTE: These requirements do not apply to SSI Medicaid recipients or to Medicaid applicants and recipients who are enrolled in Medicare.

NOTE: Children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens.

B. DOCUMENTS WHICH ESTABLISH U.S. CITIZENSHIP AND IDENTITY

The following items list acceptable evidence of U.S. citizenship and/or identity. Items 1 through 4 address citizenship and items 1 and 5 address identity. If an individual presents documents from item 1 no other information is required. If an individual presents documents from items 2 through 4, an identity document from item 5 must also be presented. Items 1 through 4 establish a hierarchy of citizenship documents and the following instructions specify when a document of lesser reliability may be acceptable.

NOTE: See item 5 below for additional identity documents which may be used when a child is age 16 or younger.

1. Primary Documents to Establish U.S. Citizenship

Primary documents to establish both citizenship and identity are outlined in item 1. Primary evidence conclusively establishes that the person is a U.S. citizen. The Worker should obtain primary evidence of citizenship and identity before using secondary evidence.

NOTE: Persons born in American Samoa, including Swain's Island, are generally U.S. non-citizen nationals. There is no difference in terms of Medicaid eligibility.

NOTE: References to documents issued by the Department of Homeland Security (DHS) include documents issued by Immigration and Naturalization Services (INS).

Applicants or recipients born outside the U.S., who were not citizens at birth, must submit a document listed under primary evidence of U.S. citizenship.