

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.

EXCEPTIONS:

WV CHIP: This requirement does not apply.

Medicaid: The following applicants and recipients are exempt from the requirement:

- **SSI recipients**
- **RSDI recipients when receipt is based on disability**
- **Medicare enrollees or those eligible to enroll in Medicare**
- **Individuals covered under Title IV-B child welfare services or Title IV-E foster care or adoption services.**

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.

Any identity document described in section 274A(b) (1) (D) of the Immigration and Nationality Act	<p>The following are acceptable documents for Medicaid:</p> <ul style="list-style-type: none"> • Driver's license issued by a state or territory, either with a photograph or other identifying information of the individual such as name, age, sex, race, height, weight or eye color. • School identification card with a photograph of the individual • U.S. military card or draft record • Identification card issued by the federal, state, or local government with the same information included on driver's licenses • Military dependent's identification card • Native American Tribal document • U.S. Coast Guard Merchant Mariner card <p>NOTE: For children under age 16, school records may include nursery or daycare records. If none of the above documents in the preceding charts are available, an affidavit may be used. An affidavit is only acceptable if it is signed under penalty of perjury by a parent or guardian stating the date and place of the birth of the child and cannot be used if an affidavit for citizenship was provided.</p> <p>EXCEPTION: A voter's registration card or Canadian driver's license cannot be used.</p>
---	--

C. COLLECTIVE NATURALIZATION

The following establish U.S. citizenship for collectively naturalized individuals:

Puerto Rico:

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or
- Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he did not take an oath of allegiance to Spain.

U.S. Virgin Islands:

- Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927

- The applicant's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he she did not make a declaration to maintain Danish citizenship; or
- Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI):

- Evidence of birth in the NMI, TIPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
- Evidence of TIPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

NOTE: If a person entered the NMI as a non-immigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

D. DRIVER'S LICENSE DOCUMENTATION TO ESTABLISH BOTH CITIZENSHIP AND IDENTITY

Section 6036(a)(3)(B)(iv) of the DRA permits the use of a valid state-issued driver's license or other identity document described in Section 274A(b)(1)(O) of the Immigration and Nationality Act, only if the state issuing the license or such document requires proof of United States citizenship before issuance of such license or obtains a Social Security Number from the applicant and verifies, before certification, that such number is valid and assigned to the applicant who is a citizen. West Virginia does not have these processes in place at this time. The West Virginia driver's license is valid for identity verification only.

E. REASONABLE OPPORTUNITY

At the time of application or upon redetermination of benefits all applicants and recipients must be given a reasonable opportunity period to provide documents to establish U. S. citizenship or nationality and identity.

Applicants are not approved until the required verification is supplied. For applicants, the verification must be supplied within the appropriate application processing time frame(s). This is the reasonable opportunity period for applicants.

Current recipients continue to receive benefits until determined ineligible. Medicaid is closed only after the recipient is given a reasonable opportunity period of 45 days to present evidence. This is the reasonable opportunity period for recipients.

The Worker may make an exception to the time limit when an applicant or recipient is making a good faith effort to provide the verification, but is unable to do so. The extension period may not exceed 45 days. Any exception must be recorded thoroughly in RAPIDS. The Worker must assist the client to secure verification if necessary.

NOTE: Individuals who are ineligible for Medicaid coverage due to failure to supply citizenship/identity documentation cannot be approved for WV CHIP. These are individuals who qualify for Medicaid financially and otherwise, but lack the required documentation.

F. APPLICANTS OR RECIPIENTS WHO REQUIRE ASSISTANCE

If the applicant or recipient is homeless, an amnesia victim, mentally impaired, or physically incapacitated and lacks someone who can act for the individual, and cannot provide evidence of U.S. citizenship or identity, the Worker should assist the applicant or recipient to document U.S. citizenship and identity.

G. NOTIFICATION AND FAIR HEARINGS

An applicant or recipient who fails to cooperate with presenting documentary evidence of citizenship may be denied or terminated. Current notification procedures and appeal rights must be given if the individual has failed to cooperate with the requirement to provide documentary evidence of citizenship. Current recipients require advanced notification.