

4.3 CITIZENSHIP AND IDENTITY REQUIREMENTS FOR MEDICAID AND WV CHIP

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.

Section 211 of the CHIP Reauthorization Act of 2009 mandated citizenship documentation for CHIP applicants, and for recipients at redetermination, beginning January 1, 2010. West Virginia implemented this provision effective March 1, 2010.

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:

The following applicants and recipients are exempt from the requirement:

- Current 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
- A child born in the U.S. to a woman who was eligible for and receiving Medicaid on the date of the child's birth is exempt from the requirement to

provide citizenship **and identity** documentation. This includes a child born to an ineligible/illegal alien who received Medicaid for the birth only.

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.

Primary Documents	Explanation
U. S. Passport	<p>The Department of State issues this. A U.S. passport does not have to be currently valid to be accepted as evidence of U.S. citizenship, as long as it was originally issued without limitation.</p> <p>NOTE: Spouses and children were sometimes included on one passport through 1980 and the citizenship and identity of the included person can be established when one of these passports is presented.</p> <p>EXCEPTION: Do not accept any passport as evidence of U.S. citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.</p>
Certificate of Naturalization (N-550 or N-570)	The Department of Homeland Security issues for naturalization.
Certificate of Citizenship (N-560 or N-561)	The Department of Homeland Security issues certificates of citizenship to individuals who derive citizenship through a parent.
Documentation from a Federally-Recognized Indian Tribe	This includes an Indian Tribal enrollment document/card or certificate of degree of Indian blood. If the Tribe has an international border, and the membership includes non-U.S. citizens, the Tribal enrollment/membership document is used.

In addition to the documents outlined in the chart above, a child born in the U.S. to a woman who was eligible for and receiving Medicaid on the date of the child's birth is exempt from the requirement to provide citizenship and identity documentation. This includes a child born to an ineligible/illegal alien who received Medicaid for the birth only.

2. Secondary Documents to Establish U.S. Citizenship

Secondary evidence of citizenship is used when primary evidence of citizenship is not available. In addition, a second document which establishes identity must also be presented as described in item 5.

Accept any of the documents listed in the chart below as secondary evidence of U.S. citizenship, if the document meets the criteria and there is no indication that the person is not a U.S. citizen.

Applicants or recipients born outside the U.S. must submit a document listed under primary evidence of U.S. citizenship.

Naturalized citizens may submit primary or secondary evidence of citizenship. In rare circumstances, a naturalized citizen can submit a written affidavit to verify citizenship. See item 4 below. The remaining documents in the 3rd and 4th levels are not applicable for naturalized citizens because they require the document to show a U.S. place of birth.

See Section 4.3,A for a child born to a woman who was eligible for and receiving Medicaid on the date of the child's birth. This includes a child born to an ineligible/illegal alien who received Medicaid for the birth only.

Secondary Documents	Explanation
<p>A U.S. public birth record showing birth in:</p> <ul style="list-style-type: none"> - One of the 50 U.S. States; - District of Columbia; - American Samoa - Swain's Island - Puerto Rico, if born on or after January 13, 1941; - Virgin Islands of the U.S. on or after January 17, 1917; - Northern Mariana Islands after November 4, 1986, (NMI local time; or - Guam, on or after April 10, 1899 	<p>The birth record document may be recorded by the State, Commonwealth, territory or local jurisdiction. It must have been recorded before the person was 5 years of age.</p> <p>A delayed birth record document that is recorded after 5 years of age is considered fourth level evidence of citizenship. See item 4 below.</p> <p>NOTE: The online records of WV Vital Registration, obtained from the IPACT system, may be used to verify citizenship for persons born in West Virginia. The IPACT print screen must be filed in the case record.</p> <p>NOTE: If the document shows the individual was born in Puerto Rico, the Virgin Islands or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each of the territories. Please note the additional requirements for Collective Naturalization.</p>
<p>Certification of Report of Birth (DS-1350)</p>	<p>The Department of State issues a DS-1350 to U.S. citizens who were born outside the U.S. and acquired U.S. citizenship at birth, based on the information shown on the FS-240. When the birth was recorded as a Consular Report of Birth (FS-240), certified copies of the Certification of Report of Birth Abroad (OS-1350) can be issued by</p>