

- 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 once per lifetime.

1. Applicants

The reasonable opportunity period for applicants to provide documentation of citizenship is **90** days. The AG is initially approved for Medicaid or WV CHIP, if otherwise eligible, pending receipt of SVES match information or the resolution of any inconsistencies. If data inconsistencies can not be resolved, the Medicaid applicant must provide identity verification within the application processing time-frame. But, if otherwise eligible after providing identity documentation, the AG is approved and provided the reasonable opportunity period to submit citizenship documentation. WV CHIP applicants are not required to verify identity. WV CHIP applicants are provided the reasonable opportunity period to verify citizenship when SVES data inconsistencies cannot be resolved. If citizenship documentation is not supplied within the reasonable opportunity period, Medicaid is stopped after advance notice.

## 2. Recipients

Current Medicaid 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 a 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:** Current WV CHIP recipients are not required to verify citizenship during the certification period or at redetermination unless determined eligible for Medicaid.

**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 have benefits stopped after advance notice. Current notification procedures and appeal rights must be given if the individual fails to cooperate with the requirement to provide documentary evidence of citizenship.