

TO: Local District Commissioners, Medicaid Directors

FROM: Linda LeClair, Director
Bureau of Medicaid Eligibility, Operations and Family Health Plus

SUBJECT: Citizenship Documentation and Identity Requirements of The Deficit Reduction Act of 2005

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
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This Message supplements GIS 06 MA/015, and provides further clarification of recently issued federal citizenship documentation requirements.

Federal exemptions: In the Interim Final Rules on Citizenship Documentation for Medicaid Eligibility issued by the Centers for Medicare and Medicaid Services (CMS) on July 6, 2006, CMS announced that the following individuals who state they are U.S. citizens are exempt from the citizenship documentation requirements established under the DRA:

- Individuals who are receiving Supplemental Security Income (SSI-cash) in New York State.
- Applicants/Recipients enrolled in Medicare who are able to present their Medicare card. Under State law, such individuals must continue to provide proof of identity.

Identity: Districts are reminded that birth certificate can no longer be accepted as proof of both citizenship and identity. If the birth certificate is presented as proof of citizenship, the eligibility worker must obtain another form of identity document from the Identity Documentation checklist, such as a driver's license.

For children under 16 years of age, school records may be used as an identity document when available; these include nursery or daycare records. If no other form of identity listed in the charts is available, an affidavit from the parent or guardian is acceptable if it is signed under penalty of perjury by the parent or guardian and states the date and place of birth of the child. For Medicaid purposes the parent or guardian's signature on the Medicaid application should suffice in fulfilling the affidavit requirement.

Foster care: Foster care children, who are categorically eligible for Medicaid, are considered **recipients**; therefore, Medicaid for foster care children who are citizens shall be authorized pending documentation of citizenship.

Case records: Although eligibility workers/facilitated enrollers are required to see original documents or documents certified by the issuing agency, copies may be made for the case record. The worker should make photocopies of any original documents and annotate on the copy that they saw the original or a document certified by the issuing agency.

Please note: A Certificate of Naturalization may not be copied. The worker should record in the case file:

- The type of certificate;
- The certificate number;
- The alien number (do not data enter the alien #);
- Date Naturalization was granted; and
- Sign their initials and enter the date the document was reviewed.

Types of documents: Please refer to the attached document entitled "Documents Establishing U.S. Citizenship and Identity". These charts contain a description of the types of documentation that establish evidence of U.S. citizenship and an explanation of documents that establish identity.

NOTE: Please be reminded that pregnant women continue to be eligible for prenatal and postpartum care in New York without regard to citizenship or immigration status. Further, the new DRA provisions do not affect immigrants. Individuals with satisfactory immigration status can continue to receive Medicaid in New York as described in 04 OMM/ADM-07.

As additional information becomes available, the Office of Medicaid Management will provide further guidance to LDSS.

If you cannot access this GIS from the e-mail or through the Intranet, please contact Chris Larsen at (518) 486-9054.

DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY

PRIMARY CITIZENSHIP DOCUMENTS

Primary Documents	Explanation <i>Highest reliability; proves U.S. citizenship and identity. No other document required.</i>
United States passport	The Department of State issues this document. A U.S. passport does not have to be currently valid to be accepted as evidence of U.S. citizenship. Note: Spouses and children were sometimes included on one passport through 1980. U.S. passports issued after 1980 show only one person. Consequently, the citizenship and identity of the included person can be established when one of these passports is presented.
Certificate of Naturalization (DHS Forms N-550 or N-570)	Department of Homeland Security (DHS) issues for naturalization.
Certificate of Citizenship (DHS Forms N-560 or N-561)	Department of Homeland Security (DHS) issues certificates of citizenship to individuals who derive citizenship through a parent.

SECONDARY CITIZENSHIP DOCUMENTS (In order of reliability)

(Districts should attempt to obtain the most reliable document available.)

Secondary Documents	Explanation <i>Satisfactory reliability when a primary document not available; also requires an identity document.</i>
A U.S. public birth certificate showing birth in: <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 issued by the State, Commonwealth, territory or local jurisdiction. It must have been issued before the person was five years of age.</p> <p>Note: If the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the United States, the individual may be a collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each of the territories. * See additional requirements for Collective Naturalization, on page 5.</p>
Certification of Report of Birth (DS-1350)	The Department of State issues a DS-1350 to U.S. citizens in the U.S. 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 (DS-1350) can be issued by the Department of State in Washington, D.C. The DS-1350 contains the same information as that on the current version of Consular Report of Birth FS-240. The DS-1350 is not issued outside the U.S.
A Report of Birth Abroad of a U.S. Citizen (FS-240)	The Department of State consular office prepares and issues this document. A Consular Report of Birth can be prepared only at an American consular office overseas while the child is under the age of 18. Children born outside the U.S. to U.S. military personnel usually have one of these.

SECONDARY CITIZENSHIP DOCUMENTS (In order of reliability)

Secondary Documents	Explanation <i>Satisfactory reliability when a primary document not available; also requires an identity document.</i>
Certification of Birth issued by Department of State (Forms FS-545 or DS-1350) (No longer issued, however, still acceptable documentation)	Before November 1, 1990, Department of State consulates also issued Form FS-545 along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form-545. Treat an FS-545 the same as the DS-1350.
United States Citizenship Identification Card (I-197) or prior version I-179 (No longer issued, however, still acceptable documentation)	The former Immigration and Nationality Services (INS) issued the I-179 from 1960 until 1973. It revised the form and renumbered it as Form I-197. INS issued the I-197 from 1973 until April 7, 1983. INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
American Indian Card (I-872)	DHS issues this card to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code "KIC" and a statement on the back denote U.S. citizenship.
Northern Mariana Card (I-873) (No longer issued, however, still acceptable documentation)	The former INS issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
Evidence of civil service employment by the U.S. government	The document must show employment by the U.S. government before June 1, 1976.
Official Military record of service	The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth).
Final adoption decree	The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the State in which the child was born will not release a birth certificate prior to final adoption, a statement from a State approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the birth information is an original birth certificate.
Extract of hospital record on hospital letterhead established at the time of the person's birth that was created at least 5 years before the initial application date and that indicates a U.S. place of birth.	DO NOT ACCEPT a souvenir "birth certificate" issued by the hospital. <i>Note: For children under 16 the document must have been created near the time of birth or 5 years before the date of application.</i>
Life or health or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date.	Life or health insurance records may show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth.
Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).	The census record must also show the applicant's age. <i>Note: Census records from 1900 through 1950 contain certain citizenship information. To secure this information the applicant, recipient or social services district should complete a Form BC-600 Application for Search of Census Records for Proof of Age. Add in the remarks portion "U.S. citizenship data requested." Also add that the purpose is for Medicaid eligibility. This form also requires a fee.</i>

SECONDARY CITIZENSHIP DOCUMENTS (In order of reliability)

Secondary Documents	Explanation <i>Satisfactory reliability when a primary document not available; also requires an identity document.</i>
Institutional admission papers from a nursing facility, skilled care facility or other institution that was created at least 5 years before the initial application date and indicates a U.S. place of birth.	Admission records generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth.
Other document as listed in the explanation column that was created at least 5 years before the application for Medicaid.	This document must be one of the following and show a U.S. place of birth: <ul style="list-style-type: none"> • Seneca Indian tribal census record; • Bureau of Indian affairs tribal census records of the Navajo Indians; • U.S. State Vital Statistics official notification of birth registration; • An amended U.S. public birth record that is amended more than 5 years after the person's birth; or Statement signed by the physician or midwife who was in attendance at the time of birth.
Medical (clinic, doctor, or hospital) record that was created at least 5 years before the initial application date and that indicates a U.S. place of birth.	Medical records generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth. <i>Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.</i> <i>Note: For children under 16 the document must have been created near the time of birth or 5 years before the date of application.</i>
Written Affidavit	Affidavits should ONLY be used in rare circumstances. The affidavit must contain the following information under the following circumstances: <ul style="list-style-type: none"> • There must be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship. • The two affidavits can be combined in a joint affidavit. • At least one of the individuals making the affidavit cannot be related to the either of the two individuals. • The person(s) making the affidavit must be able to provide proof of his or 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 or recipient's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. • The affidavit must also be signed under penalty of perjury by the person making the affidavit. • A separate affidavit from the applicant/recipient or other knowledgeable individual (guardian or representative) explaining why documentary evidence does not exist or cannot be readily obtained must also be obtained.

When primary evidence of citizenship is not available, a document from the list of Secondary Documents may be presented and must be accompanied by an identity document below.

IDENTITY DOCUMENTS

Documents to Establish Identity	Explanation
Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska native tribal document.	Acceptable if the document carries a photograph of the applicant or recipient, or has other personal identifying information relating to the individual.
Any identity document described in Section 274A(b)(1)(D) of the Immigration and Nationality Act (INA).	<p>Use 8 CFR 274a.2(b)(1)(v)(B)(1). This section includes the following acceptable documents for Medicaid purposes:</p> <ul style="list-style-type: none"> • A valid driver's license issued by State or Territory either with a photograph of the individual 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 Federal, State, or local government with the same information included on driver's license; • Military dependent's identification card; • Native American Tribal document; or • U.S. Coast Guard Merchant Mariner card. <p>NOTE: For children under 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 birth of the child and cannot be used if an affidavit for citizenship was provided.</p> <p>Exception: Do not accept a voter's registration card or Canadian driver's license as listed in 8 CFR 274a.2 (b)(1)(v)(B)(1).</p>

COLLECTIVE NATURALIZATION

Evidence that establishes U.S. citizenship for collectively naturalized individuals:	Explanation
*Puerto Rico	<ul style="list-style-type: none"> • Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S. possession or Puerto Rico on January 13, 1941; or • Evidence that the applicant/recipient was a Puerto Rican citizen and the applicant's/recipient's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.
*U.S. Virgin Islands	<ul style="list-style-type: none"> • Evidence of birth in the U.S. Virgin Islands, and the applicant/recipient's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927; • The applicant/recipient's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 citizen and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or • Evidence of birth in the U.S. Virgin Islands and the applicant/recipient'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 Island (TTPI))	<ul style="list-style-type: none"> • Evidence of birth in the NMI, TTPI 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/recipient's statement that he or she did owe allegiance to a foreign state on November 4, 1986 (NMI local time); • Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant/recipient's statement that he or she 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/recipient's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). <p>NOTE: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.</p>