

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS****CITIZENS**

Description: A citizen is a person who was born in the United States or who has been naturalized.

Policy: Medicaid may be given to citizens of the United States who are residents of New York State and who are otherwise eligible. The Deficit Reduction Act of 2005 (DRA) amended federal Medicaid Statute to require that all United States citizens applying for or renewing Medicaid coverage provide “satisfactory documentary evidence” of their citizenship. Applicants/recipients (A/Rs) declaring to be U.S. citizens, who are eligible for or enrolled in Medicare or receiving Supplemental Security Income (SSI) are exempt from documenting both citizenship and identity. These individuals have already established their citizenship and identity to the Social Security Administration (SSA).

The Tax Relief and Health Care Act of 2006 (PL 109-432) amended the DRA further to exempt A/Rs in receipt of Social Security Disability Insurance (SSDI) and children under Title IV-B on the basis of being a child in foster care and IV-E on the basis of adoption or receiving foster care assistance.

References:

SSL Sect.	122 131-k
Public Law	109-432
Dept. Reg.	349.3 360-3.2(f)
INF	08 OHIP/INF-1

Interpretation: Natural born citizens and individuals who acquire citizenship through naturalization and who are residents of the State of New York may receive Medicaid, if otherwise eligible. For the Medicaid program, identity, citizenship and/or satisfactory immigration status must be documented. For the purposes of qualifying as a United States citizen, the United States includes the 50 states, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands and the Northern Mariana Islands. Nationals from American Samoa or Swain’s Island are also regarded as United States citizens for the purpose of Medicaid eligibility.

OTHER ELIGIBILITY REQUIREMENTS CITIZENSHIP AND IMMIGRATION STATUS

CITIZENS

All persons who were born in the United States are, with rare exception, United States citizens. United States citizenship can also be acquired by naturalization or acquired by persons who are born in another country and whose parent(s) are citizens of the United States. Lengthy residence in this country or marriage to a U.S. citizen does not by itself bestow citizenship.

Once a person's citizenship is documented, it need not be re-documented unless that person's citizenship becomes questionable.

Documentation: The following are examples of items which constitute primary documentation of U.S. citizenship:

Documents which Establish both Citizenship and Identity

- U.S. passport book/card;
- Certificate of Naturalization (N-550 or N-570); or
- Certificate of U.S. Citizenship (N-560 or N-561).

Secondary Documents which Establish Citizenship but also require one identity document from the Identity Documentation list below:

- U.S. Birth Certificate showing birth in one of the 50 U.S. States, District of Columbia, American Samoa, Swain's Island, Puerto Rico (if born on or after 4/11/1899), Virgin Islands of the U.S. (on or after 2/25/1927), Northern Mariana Islands (after 11/3/1986 [NMI local time]), or Guam (on or after 4/10/1899);
- Certification of Report of Birth issued by the Department of State (DS-1350) ;
- Report of Birth Abroad of a U.S. Citizen (FS-240);
- Certification of birth issued by Department of State (Forms FS-545 or DS-1350);
- U.S. Citizen Identification Card (I-197 or I-179);
- Northern Mariana Identification Card (I-873);
- American Indian Card with classification code of "KIC" (I-872);
- Final adoption decree showing U.S. place of birth;
- Evidence of U.S. civil service employment before 6/1/1976;
- Military record of service showing U.S. place of birth (i.e., DD-214); or
- Evidence of qualifying for U.S. citizenship under the Child Citizenship Act of 2000.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

Third Level Documents which Establish Citizenship but are less reliable than Secondary Documents (Also requires an identity document)

- Extract of hospital record on hospital letterhead. The record must have been established at the time of birth and the extract must have been created at least 5 years before the Medicaid application date (or, for children younger than 16, near the time of birth) and must show a U.S. place of birth;
- Life, health or other insurance record, if it shows a U.S. place of birth and was created at least 5 years prior to the application date (or, for children younger than 16, near the time of birth);
- Religious record recorded in the U.S. within 3 months of birth showing a U.S. place of birth and either the date of birth or the individual's age at the time the record was made; or
- Early school record showing date of admission, a U.S. place and date of birth and names and places of birth of the applicant's parents.

Fourth Level Documents which Establish Citizenship but are the least reliable and should only be used in rarest of circumstances (Also requires an identity document)

- Federal or State census record showing U.S. citizenship or a U.S. place of birth; or
- The following other documents are acceptable if they indicate a U.S. place of birth and were created at least 5 years prior to the application date (or, for children younger than 16, near the time of birth):
 - Medical (clinic, doctor, or hospital) record;
 - Seneca Indian tribal census;
 - Bureau of Indian Affairs tribal census records of the Navajo Indians;
 - U.S. State Vital Statistics official notification of birth registration;
 - Delayed U.S. public birth record that is recorded more than 5 years after the person's birth;
 - Statement signed by the physician/midwife who was in attendance at the time of birth; or
 - Bureau of Indian Affairs Roll of Alaska Natives;

OTHER ELIGIBILITY REQUIREMENTS CITIZENSHIP AND IMMIGRATION STATUS

CITIZENS

- Institutional admission papers from a nursing facility, skilled care facility or other institution (created at least 5 years before the application date) showing a U.S place of birth; or
- Written affidavit (to be used only in rare instances). The affidavit must contain the following information under the following circumstances:
 - 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 applicant or recipient.
 - 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.
 - The affidavit **must** also be signed **under penalty of perjury** by the person making the affidavit, but need not be notarized.

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.

Evidence that Establishes U.S. Citizenship for Collectively Naturalized Individuals

Puerto Rico

- Evidence of birth in Puerto Rico on or after 4/11/1899 and the applicant's or recipient's (A/R's) statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on 1/13/1941; or
- Evidence that the A/R was a Puerto Rican citizen and the A/R's statement that he or she was residing in Puerto Rico on 3/1/1917 and that he or she did not take an oath of allegiance to Spain.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

U.S. Virgin Islands

- Evidence of birth in the U.S. Virgin Islands, and the A/R's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927; or
- The A/R's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on 1/17/1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927, 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 A/R's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on 6/28/1932.

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

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on 11/3/1986 (NMI local time) and the A/R's statement that he or she did not owe allegiance to a foreign state on 11/4/1986 (NMI local time); or
- Evidence of TTPI citizenship, continuous residence in the NMI since before 11/3/1981 (NMI local time), voter registration prior to 1/1/1975 and the A/R's statement that he or she did not owe allegiance to a foreign state on 11/4/1986 (NMI local time), or
- Evidence of continuous domicile in the NMI since before 1/1/1974 and the A/R's statement that he or she did not owe allegiance to a foreign state on 11/4/1986 (NMI local time). If a person entered the NMI as a non-immigrant and lived in the NMI since 1/1/1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

HOMELESS INDIVIDUALS

Homeless individuals often need assistance from the eligibility worker in obtaining acceptable proof of identity, citizenship or immigration status. When the applicant is a homeless individual, it may be difficult for him/her to establish his or her identity, citizenship or immigration status. However, just because an individual is homeless, she/he still must be identified. Proving one's citizenship is a requirement of the Medicaid program.

The eligibility worker may accept any of the aforementioned documents listed in the citizenship section, above, or on page 4, of the attached desk aide, as proof of citizenship for the homeless individual.

NOTE: If an individual is unable to verify his or her identity, citizenship or immigration status, workers should **not** assume she/he is therefore eligible for coverage of an emergency medical condition.

“JOHN/JANE DOE”

A Medicaid application submitted by a “John/Jane Doe” individual (i.e., an individual who is unable to verify his or her identity) should be evaluated in the same manner as any other Medicaid applicant, that is, these individuals are required to meet the same documentation requirements as any other Medicaid applicant. **A true “John/Jane Doe” individual is not eligible for Medicaid coverage for the treatment of an emergency medical condition.** Verification of identity is a requirement for this coverage and all other covered services.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

**Documentation Guide
Citizenship and Immigrant Eligibility for Health Coverage in
New York State**

Category 1: U.S. Citizens

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>United States Citizen: (Includes the 50 U.S. States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and American Samoa, Swain's Island and the Northern Mariana Islands for purposes of Medicaid eligibility.)</p> <p><i>Note: Listed are the most common documents used to prove U.S. citizenship. The list is not exhaustive and there are other documents that can establish U.S. citizenship.</i></p> <p>CITIZENSHIP REMINDERS: A 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 worker must obtain another form of identity document from the Identity documentation list, such as a driver's license. All documents must be originals or copies certified by the issuing agency. Workers are required to photocopy the original/certified copy and annotate the copy with their initials and the date of the review.</p>	<p>Primary Documents (No other document required)</p> <ul style="list-style-type: none"> ▶ U.S. Passport; ▶ Certificate of Naturalization (N-550 or N-570); or ▶ Certificate of U.S. Citizenship (N-560 or N-561). <hr/> <p>Secondary Documents (When a primary document is unavailable, a secondary document may be used, but also requires ONE identity document from the identity documentation list below.)</p> <ul style="list-style-type: none"> ▶ U.S. Birth Certificate showing birth in one of the 50 U.S. States, District of Columbia, American Samoa, Swain's Island, Puerto Rico (if born on or after 1/13/1941), Virgin Islands of the U.S. (on or after 1/17/1917), Northern Mariana Islands (after 11/4/1986 [NMI local time]), or Guam (on or after 4/10/1899); ▶ Certification of Report of Birth issued by the Department of State (DS-1350); ▶ Report of Birth Abroad of a U.S. Citizen (FS-240); ▶ Certification of birth issued by Department of State (Forms FS-545 or DS-1350); ▶ U.S. Citizen Identification Card (I-197 or I-179); ▶ Northern Mariana Identification Card (I-873); ▶ American Indian Card with classification code of "KIC" (I-872); ▶ Final adoption decree showing U.S. place of birth; ▶ Evidence of U.S. civil service employment before 6/1/1976; ▶ Military record of service showing U.S. place of birth (i.e., DD-214); or ▶ Evidence of qualifying for U.S. citizenship under the Child Citizenship Act of 2000. 	C	YES	<p>A SSN is an eligibility requirement for all citizens applying for Medicaid or FHP.</p> <p>Note: Pregnant women are excluded from this requirement.</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

Category 1: U.S. Citizens continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>U.S. Citizen (Includes the 50 U.S. States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and American Samoa, Swain's Island and the Northern Mariana Islands for purposes of Medicaid eligibility.)</p>	<p>Third Level Documents (When a primary or secondary document is not available; also requires an identity document.) ► Extract of hospital record on hospital letterhead. The record must have been established at the time of birth and the extract must have been created at least 5 years before the Medicaid application date (or, for children younger than 16, near the time of birth) and must show a U.S. place of birth; ► Life, health or other insurance record, if it shows a U.S. place of birth and was created at least 5 years prior to the application date (or, for children younger than 16, near the time of birth); (When a primary or a secondary document is not available: also requires ONE identity document.) ► Religious record recorded in the U.S. within 3 months of birth showing a U.S. place of birth and either the date of birth or the individual's age at the time the record was made; or ► Early school record showing date of admission, a U.S. place and date of birth and names and places of birth of the applicant's parents.</p>	<p>C</p>	<p>YES</p>	<p>A SSN is an eligibility requirement for all citizens applying for Medicaid or FHP.</p> <p>Note: Pregnant women are excluded from this requirement.</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

Category 1: U.S. Citizens continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>U.S. Citizen (Includes the 50 U.S. States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and American Samoa, Swain's Island and the Northern Mariana Islands for purposes of Medicaid eligibility.)</p>	<p>Fourth Level Documents (Are the least reliable and should only be used in rarest of circumstances; also requires an identity document.)</p> <ul style="list-style-type: none"> ▶ Federal or State census record showing U.S. citizenship or a U.S. place of birth; or ▶ The following other documents are acceptable if they indicate a U.S. place of birth and were created at least 5 years prior to the application date (or, for children younger than 16, near the time of birth): <ul style="list-style-type: none"> ▪ Medical (clinic, doctor, or hospital) record; ▪ Seneca Indian tribal census; ▪ Bureau of Indian Affairs tribal census records of the Navajo Indians; ▪ U.S. State Vital Statistics official notification of birth registration; ▪ Delayed U.S. public birth record that is recorded more than 5 years after the person's birth; ▪ Statement signed by the physician/midwife who was in attendance at the time of birth; or ▪ Bureau of Indian Affairs Roll of Alaska Natives; ▶ Institutional admission papers from a nursing facility, skilled care facility or other institution (created at least 5 years before the application date) showing a U.S. place of birth; or ▶ Written affidavit (to be used only in rare instances). 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 applicant or recipient. • 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. • The affidavit must also be signed under penalty of perjury by the person making the affidavit, but need not be notarized. <p>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.</p>	<p>C</p>	<p>YES</p>	<p>A SSN is an eligibility requirement for all citizens applying for Medicaid or FHP.</p> <p>Note: Pregnant women are excluded from this requirement.</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

Category 1: U.S. Citizens continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>Collectively Naturalized</p> <p>Evidence that establishes U.S. Citizenship for Collectively Naturalized individuals.</p>	<p><u>Puerto Rico</u> ► Evidence of birth in Puerto Rico on or after 4/11/1899 and the applicant's or recipient's (A/R's) statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on 1/13/1941; or ► Evidence that the A/R was a Puerto Rican citizen and the A/R's statement that he or she was residing in Puerto Rico on 3/1/1917 and that he or she did not take an oath of allegiance to Spain.</p> <p><u>U.S. Virgin Islands</u> ► Evidence of birth in the U.S. Virgin Islands, and the A/R's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927; or ► The A/R's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on 1/17/1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927, 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 A/R's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on 6/28/1932.</p> <p><u>Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands [TTPI])</u> ► Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on 11/3/1986 (NMI local time) and the A/R's statement that he or she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time); or ► Evidence of TTPI citizenship, continuous residence in the NMI since before 11/3/1981 (NMI local time), voter registration prior to 1/1/1975 and the A/R's statement that he or she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time); or ► Evidence of continuous domicile in the NMI since before 1/1/1974 and the A/R's statement that he or she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time). If a person entered the NMI as a nonimmigrant and lived in the NMI since 1/1/1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.</p>	<p>C</p>	<p>YES</p>	<p>A SSN is an eligibility requirement for all citizens applying for Medicaid or FHP.</p> <p>Note: Pregnant women are excluded from this requirement</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

CITIZENS

Category 1: U.S. Citizens continued

Category	Identity Documents (One identity document must be used with secondary, third or fourth level citizenship documentation).	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>U.S. Citizen (Includes the 50 U.S. States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and American Samoa, Swain's Island and the Northern Mariana Islands for purposes of Medicaid eligibility.)</p>	<p>▶ A 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. Canadian driver's licenses may not be used;</p> <p>▶ School identification card with a photograph of the individual;</p> <p>▶ U.S. military card or draft record;</p> <p>▶ Identification card issued by Federal, State, or local government with the same information included on the driver's license;</p> <p>▶ Military dependent's identification card;</p> <p>▶ Certificate of Degree of Indian Blood, or other U.S. Native American/Alaska native tribal document with photo or other identifying information;</p> <p>▶ U.S. Coast Guard Merchant Mariner card;</p> <p>▶ A cross-match with a Federal or State governmental, public assistance, law enforcement, or corrections agency's data system;</p> <p>▶ If none of the above identity documents is available, a combination of three or more corroborating documents such as marriage certificates, divorce decrees, high school or college diplomas, employer ID cards or property deeds/titles. Voter registration cards are not acceptable;</p> <p>▶ Disabled individuals in residential care facilities may have identity attested to by the facility director or administrator, on behalf of the individual in the facility, when the individual does not have or cannot get any document listed above. This affidavit must be signed under penalty of perjury but need not be notarized.</p> <p>▶ Children under age 16 may have their identity documented using other means:</p> <ul style="list-style-type: none"> ▪ Clinic, doctor or hospital record; ▪ School records including report card, day care or nursery school record. Records must be verified with the issuing school; ▪ Affidavit signed under penalty of perjury by a parent, guardian or caretaker relative stating the date and place of the child's birth, if no other documents are available. An identity affidavit should not be used if a citizenship affidavit was used. Affidavits need not be notarized. Identity affidavits may be used for children under 18 when a school ID card or driver's license is not available to the child until he or she is 18 years of age. 	<p>C</p>	<p>Not applicable to identity documents</p>	<p>Not applicable to identity documents</p>