

**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<br>131-k        |
| Public Law | 109-432             |
| Dept. Reg. | 349.3<br>360-3.2(f) |
| INF        | 08 OHIP/INF-1       |
| GIS        | 10 MA/006           |

**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.

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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.

Individuals who are initially eligible for Medicaid as a “deemed” newborn are considered to have provided satisfactory documentation of citizenship and identity, by virtue of being born in the United States, and will not be required to further document citizenship or identity at any subsequent Medicaid eligibility redetermination/renewal.

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);
- Certificate of U.S. Citizenship (N-560 or N-561);
- NYS Enhanced Driver’s License (EDL); Or
- Native American Tribal Document

#### 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;

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- 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.

#### 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;

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- 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:
  - 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.