

## OTHER ELIGIBILITY REQUIREMENTS CITIZENSHIP AND IMMIGRATION STATUS

### NATIVE AMERICANS

**Policy:**

Native Americans born in the United States are citizens of the United States and will have the same types of documentation of citizenship as do other U.S. citizens.

Native Americans born outside the U.S. are eligible for Medicaid without regard to immigration status restrictions, if they reside in New York State and are:

- ▶ A non-citizen member of a federally recognized tribe; or
- ▶ A Native American, who is at least fifty percent American Indian blood and was born in Canada;

A Native American born in Canada may freely enter and reside in the U.S. and is considered to be lawfully admitted for permanent residence if s/he is of at least one-half American Indian blood. As such, s/he is considered a U.S. citizen for the purposes of Medicaid eligibility and coding. This does not include a non-citizen whose membership in an Indian tribe or family is created by adoption unless such person is at least fifty percent Indian blood.

**NOTE:** The tribal membership card demonstrates membership in a U.S. Federally recognized Indian Tribe. For the purposes of Medicaid eligibility, Medicaid will accept a tribal membership card, with a date of birth, as proof of age, identity and citizenship status.

**References:**

SSL Sect.	122 131-k
Dept. Reg.	349.3 360.3.2(j)
ADM	04 OMM/ADM-7
GIS	08 MA/009 05 MA/ 028

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**Documentation:** The following items can be used to verify Native American status or membership in a federally recognized tribe:

Native American Indians born in Canada:

- ▶ I-94 coded "S1-3";
- ▶ I-551 Permanent Resident Card stamped "S1-3";
- ▶ Temporary I-551 stamp in a Canadian passport coded "S1-3";
- ▶ Tribal Record or document certifying at least 50% American Indian blood, as required by Section 289 of the INA;
- ▶ Birth or Baptismal Certificate issued on a reservation or other satisfactory evidence of birth in Canada;

Member of federally recognized Native American tribe born outside of the U.S:

- ▶ A membership card or other tribal document demonstrating membership in a federally recognized Indian Tribe under Section 4 (e) of the Indian Self-determination and Education Assistance Act [25 U.S.C. §450b (e) and satisfactory evidence of birth outside the U.S].

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Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<b>Native Americans born in Canada</b>	<ul style="list-style-type: none"> <li>▶ I-94 coded "S1-3";</li> <li>▶ I-551 Permanent Resident Card stamped "S1-3";</li> <li>▶ Temporary I-551 stamp coded S1-3 in a Canadian passport;</li> <li>▶ Tribal Record or document certifying at least 50% American Indian blood, as required by Section 289 of the INA; and satisfactory evidence of birth in Canada, such as the following:                             <ul style="list-style-type: none"> <li>-a Birth certificate or Baptismal Certificate issued on a reservation;</li> <li>-Letter from Canadian Department of Indian Affairs; <b>or</b></li> <li>-School Records.</li> </ul> </li> </ul>	C	YES	<p>For the purpose of Medicaid, Native Americans are classified as U.S. citizens.</p> <p>A SSN is an eligibility requirement for all citizens applying for Medicaid of FHP.</p> <p>Note: Pregnant women are excluded from this requirement.</p>
<b>Native Americans belonging to a Federally recognized Tribe born outside the U.S.</b>	-Membership card or other tribal document demonstrating (i.e., tribal card), membership in U.S. federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act and satisfactory evidence of birth outside the U.S.	C	YES	