

2402.15.10 VERIFICATION OF U.S. CITIZENSHIP

In compliance with federal law (Section 1903(x) of the Social Security Act as added by the Deficit Reduction Act of 2005) documentation of citizenship is required as a condition of eligibility for Medicaid, Hoosier Healthwise, and HIP. The requirement applies to applications filed on and after August 15, 2006, and redetermination interviews occurring on or after August 15, 2006.

Proof of citizenship must be provided to the DFR for persons declaring on the application to be citizens with either documentary evidence or electronic verification through the VLP, except in the following circumstances:

The individual is eligible in the Newborn (MA X) category. Further, citizenship documentation is not required for these children at the time of any future eligibility determinations that occur after the child ages out of the Newborn category.

- The individual is an SSI (Supplemental Security Income) recipient. Citizenship would have been documented by SSA, so further proof would not be needed for Medicaid.
- The individual is a Medicare beneficiary.
- The individual receives Social Security benefits based on their own disability.
- The individual is a ward of the DCS (Department of Child Services). Federal citizenship requirements for Medicaid are met for wards without verification by the DFR because federal rules allow an exception for them as children receiving assistance with IV-B funds.
- The individual is a recipient of foster care or adoption assistance under Title IV-E.

Case Record Requirements: If electronic verification is not available through the VLP, original documents or certified copies of original documents must be viewed and copied for the case file. The copy must be annotated: "Copy of original document" or "Copy of certified copy" as appropriate. Also, a case note entry as to the way in which citizenship was documented must be made.

Once completely and acceptably verified, citizenship is not to be re-verified at subsequent reapplications and redeterminations.

While medical coverage is pending for verification of citizenship, the VR field for citizenship on the Person Details Screen should be coded "unverified."

A case note entry must be made for every contact made with the client and every action taken by the caseworker regarding citizenship verification. It is important that the comments are specific. Simply indicating that "the client could not get a birth certificate" is not sufficient.

Case Processing Procedures: Such procedures include:

- Providing the “Notification of Requirement to Provide Documentation of Citizenship” (FI 2326 or FI 2326 S, the Spanish version) if citizenship has not been electronically verified through the VLP. When an application interview is not required (refer to IHCPPM 2005.00.00), the form should be sent on the same day a worker processes the application. When an application interview is required (refer to IHCPPM 2005.00.00), the form should be sent on the date of intake. The names of all persons for whom documentation is required should be listed. Each applicant whose name is on the form will have 95 days to provide proof of citizenship beginning the date after the form is sent. Please note, the “Pending Verifications for Applicants/Recipients” (FI 2032) is not to be used in lieu of this form. Giving the applicant a 95-day deadline (on the FI 2326) to provide the documents.
- Assisting the family in locating verification sources when necessary. This would include such things as helping to find websites, telephone numbers or mailing addresses so that out-of-state birth certificates can be ordered.
- Entering a detailed case note comment for each contact made with the client regarding citizenship verification.

If an applicant has provided all required criteria to allow for an eligibility determination, except for fulfilling his citizenship verification requirement, the applicant should be determined eligible without undue delay.

If documentation of citizenship was not provided to the DFR by the applicant and electronic verification of citizenship through VLP is not received after 95 days after the applicant received “Notification of Requirement to Provide Documentation of Citizenship”, eligibility is to be discontinued. If the person reapplies **at least 95 days after** being denied for not verifying citizenship, they are eligible for a new ROP. ~~will only get 13 days to verify citizenship a second time. During each succeeding ROP, Medicaid must be authorized if all other eligibility requirements are met (Refer to 2035.40.05). that second time, the case will need to remain pending until citizenship is verified.~~

Note: Effective 6/1/24, per CMS guidance, the number of Reasonable Opportunity Period is unrestricted. Members who reapply for Medicaid at least 95 days from initial denial for not verifying satisfactory immigration status or citizenship during their Reasonable Opportunity Period, will acquire a new ROP and if all other requirements are met, Medicaid benefits must be authorized.⁶

Referring the case to the supervisor so that an inquiry can be sent to the Policy Answer Line (PAL) if there is uncertainty as to whether benefits should be denied or discontinued for failing to meet the citizenship requirement.

The applicant may request a birth certificate by telephone, mail, or online at <https://www.vitalchek.com/birth-certificates>.

There are two general **sources of citizenship documentation**: primary, for which one source document is acceptable and secondary, which requires a source document for citizenship and proof of identity.

Primary sources of citizenship documentation are:

- A U.S. passport, issued without limitations, even if it is expired. Please note, however, that passports issued to persons born in Puerto Rico must be current. Refer to IHCPM, Section 2402.15.15
- A Certificate of Naturalization – N-550 or N-570
- A Certificate of Citizenship – N-560 or N-561
- Documentation from a federally recognized tribe. The document must identify the federally recognized Indian Tribe which issued it, identify the individual by name, and confirm the individual's membership, enrollment in, or affiliation with that Tribe. Some examples include Tribal enrollment/membership cards, a certificate of degree of Indian blood issued by the Bureau of Indian Affairs, a Tribal census document, or a document issued by a Tribe indicating an individual's affiliation with the Tribe. These documents are examples of documents that may be used, but do not constitute an all-inclusive list of such documents.

When any of the above documents are submitted as citizenship verification, no further proof of identity is required.

Secondary sources of citizenship documentation are:

- A U.S. public birth certificate showing birth in one of the 50 States, District of Columbia, Puerto Rico (if born on or after January 1, 1941), Guam (if born on or after 1899), the U.S. Virgin Islands (if born on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (if born after November 4, 1986)
- A Certification of Report of Birth (DS-1350)
- A Consular Report of Birth Abroad of a Citizen of the United States (FS-240)
- A Certification of Birth Abroad (FS-454)
- A United States Citizen Identification Card (I-197)
- An American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC".
- A Northern Mariana Card (I-873)
- A Final Adoption Decree showing the child's name and place of birth in the U.S.
- Evidence of civil service employment by the U.S. government before June 1, 1976
- An official military record of service that shows a U.S. place of birth.

The above sources are preferred secondary sources. The following two sources can be used only when the individual has provided a plausible reason as to why the preferred sources are not available:

- An extract of a hospital record, on hospital letterhead, established at the time of birth, if created five years before the initial Medicaid application date.
- A life, health or other insurance record showing a U.S. place of birth if created at least five years before the initial Medicaid application date.

The following “last resort” documents are to be used rarely and only when the more reliable sources listed previously are not available or cannot reasonably be obtained. Please note that this would not include situations where the individual is unwilling to pay the cost of ordering a birth certificate.

- A Seneca Indian tribal census record showing a U.S. place of birth, which was created at least 5 years before the application for Medicaid
- A Bureau of Indian Affairs tribal census record of the Navajo Indians, showing a U.S. place of birth, which was created at least five years before the application for Medicaid
- A U.S. State Vital Statistics official notification of birth registration showing a U.S. place of birth, which was created at least five years before the application for Medicaid
- A statement signed by the physician or midwife who attended the birth, showing a U.S. place of birth, which was created at least 5 years before the application for Medicaid
- Institutional admission papers from a nursing facility or other institution showing a U.S. place of birth
- Clinic, doctor, or hospital records created at least five years before the application for Medicaid that indicate a U.S. place of birth. For children under sixteen, the document must have been created near the time of birth, or five years before the application for Medicaid
- A religious record (recorded by a religious organization) in the U.S. created within three months of the individual’s birth. Please note that entries in a family’s personal religious text are not considered to be religious records for the purpose of citizenship verification
- Early school records showing a U.S. place of birth
- A special affidavit signed, State Form 53691, under penalty of perjury, by two individuals (other than the applicant/recipient) who have personal knowledge of the event establishing the person’s citizenship status. At least one of the individuals must be unrelated to the applicant/recipient and both must prove their own citizenship.

As stated previously, when secondary documentation is used, the individual’s identity must also be verified. Sources of identity documentation include:

- A driver’s license with picture or other identifying information
- A school picture ID

- Nursery or day care records for a child not yet in school
- A U.S. military card or draft record
- State, federal, or local government ID containing information identical to that on a driver's license
- A military dependent's ID card
- A U.S. Coast Guard Merchant Mariner card
- A Certificate of Degree of Indian Blood or other U.S. American Indian/Alaska Native tribal document, if it contains a photograph or other identifying information.
- Three or more corroborating documents verifying the individual's identity. Examples would be high school and college diplomas from accredited institutions, marriage certificates, property deeds and titles, and employee ID cards.
- For children under 16, clinic, doctor, and hospital records.
- For children under 16 if none of the above records are available, a special affidavit signed under penalty of perjury by the parent, guardian, or caretaker relative is acceptable.
- Identity affidavits may also be used for disabled individuals in residential care facilities. They are acceptable only if there is no other means of verifying the individual's identity and should be signed by the residential care facility director or administrator.

Please note that an affidavit cannot be used to verify identity if affidavits were used to verify citizenship.

⁶ 42 CFR 435.956(b)(4) and 42 CFR 457.380(b)(1)(ii)