

TRANSMITTAL LETTER FOR MANUAL RELEASES

**STATE OF MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BENEFICIARY SERVICES ADMINISTRATION
DIVISION OF ELIGIBILITY POLICY
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BALTIMORE, MARYLAND 21201**

410-767-1463 or 1-800-492-5231 option 2 and request extension 1463

MANUAL: Medical Assistance EFFECTIVE DATE: July 1, 2006

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APPLICABILITY: VERIFICATION OF CITIZENSHIP AND IDENTITY

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COMMENTS

Chapter 5

Citizenship and identity must be documented as a condition of eligibility for:

- Applicants: All MA and MCHP applications received on or after September 1, 2006; and
- Redeterminations: All MA and MCHP redeterminations with redetermination packets mailed (system-generated or manually) after July 1, 2006 for redeterminations due during or after September 2006.

These new federal requirements are mandated by the Deficit Reduction Act (DRA) of 2005 and apply to all Medical Assistance (MA) and Maryland Children's Health Program (MCHP) applicants and recipients **who declare that they are U.S. citizens by birth or naturalization.** The exceptions are noted below.

Proofs of citizenship and identity are **NOT** required for:

- Presumptively eligible newborns (P03 and P12 applicants made eligible through the DHMH 1184 process) whose mother was enrolled in MA or MCHP for the date of birth **unless** the mother is an illegal or ineligible alien who was only covered for emergency medical services (X02 coverage group);
- Pregnant women who are determined presumptively eligible through the Accelerated Certification of Eligibility (ACE) process (certain P02 and P11 applicants);
- Individuals who are eligible for or receiving any type of Medicare benefit (in S03, S07, S14, and any other coverage group with Medicare eligibles);
- Supplemental Security Income (SSI) recipients (in L01, S02, S04, S05 and any other coverage group with SSI beneficiaries); and
- Aliens: This new law does not affect the existing process by which aliens verify their qualified legal status, nor does it apply to refugees and others covered in the G-track, or illegal or ineligible aliens requesting emergency medical services (coverage group X02).

The new verification requirements for citizenship and identity **DO** apply to all other Medical Care Program coverage groups for which there is federal matching, including all MA coverage groups, all MCHP and MCHP Premium coverage groups (except P03 and P12), TCA, PAA, TDAP if they qualify for MA or the Primary Adult Care Program (PAC which replaced MPAP effective 7/1/06), E-track for foster care and subsidized adoption children (excluding State-only E03 and E04), Women's Breast and Cervical Cancer Health Program, Waivers, PAC, and the Employed Individuals with Disabilities Program (EID).

The verification of citizenship and identity is only required once and a copy of the approved documentation must be maintained in the case record. The type of citizenship verification must be indicated on the CARES DEM2 screen (see coding below). The CARES narration must explain how and when citizenship and identity were verified, or why eligibility was denied or terminated due to failure to verify citizenship and/or identity.

If the required documentation for citizenship and identity is already in the individual's case record, no additional information is required. However, it is expected that many applicants and recipients will need to provide these proofs.

The policies and procedures for verification are the same as what are currently used for all other types of required verifications, except that these requirements **also apply to MCHP**. As with all other required verifications, if the required documentation of citizenship and identity is not already in the case record, submitted with the application, or shown at the local office, the case worker must mail a DHR/FIA 1052 Request for Information to Verify Eligibility form or other written request, listing the documentation that is required by a specified due date.

The individual or representative may request additional time to provide the verifications, in accordance with the policies about extension of time standards at pages 400-23 – 400-25 of the MA Eligibility Manual.

Applicants: All applicants who apply on or after September 1, 2006 may not be approved until the required verifications are provided. **If the required documentation of citizenship and identity is not provided by the due date (which may be extended), the application must be denied.**

- **If the denied applicant** then submits the required documentation within the application's 6-month period under consideration (reactivation period), the application must be reactivated and eligibility determined as of the date of application, in accordance with the reactivation policies and procedures at pages 6 and 7 of Policy Alert 04-1 in the MA Eligibility Manual.

Current Recipients: All recipients are required to provide the verifications at their next redetermination with an end date on or after September 2006. **If the required documentation of citizenship and identity is not provided by the due date (which may be extended), a recipient's eligibility must be terminated with timely notice.**

- **If the terminated recipient** then submits the required documentation within 4 months of the month of termination, eligibility is redetermined as of effective date of termination in accordance with the tardy redetermination policies and procedures of Policy Alert 12-04 in the MA Eligibility Manual.

Documentation requirements issued by the Centers for Medicare and Medicaid Services (CMS) for implementation of the Deficit Reduction Act:

Use one of the following documents to prove *both* citizenship and identity:

- U.S. passport (current or expired), or
- Certificate of Naturalization ((N-550 or N-570), or
- Certificate of Citizenship (N-560 or N-561).

NOTE: If the individual was born outside the U.S. and was not a U.S. citizen at birth, one of these three documents is required.

Or, use one of the following documents to prove citizenship and *another* document to prove identity: (see the attached Manual pages for details)

Proof of Citizenship	Proof of Identity
<ul style="list-style-type: none"> • U.S. Birth Certificate • Data match by DHMH to document a birth record • For child under 16: a record created near the date of birth, or 5 years before initial MA/MCHP application, and showing U.S. place of birth on hospital letterhead or other medical record, except immunization record 	<ul style="list-style-type: none"> • Photo driver's license or MVA ID card • Data match to document identity (current or past TCA, Food Stamps, SSI eligibility) • Photo school ID card • Photo on federal, state, or local government ID card • U.S. military ID card or draft record • Native American Tribal Document

Proof of Citizenship	Proof of Identity
<ul style="list-style-type: none"> • Record showing U.S. place of birth, if created at least 5 years before initial MA/MCHP application: record on hospital letterhead, or other medical record created near the date of birth, institutional admission papers, signed statement by physician or midwife who attended the birth, Vital Statistics notice of birth registration, insurance record • Final adoption decree for child born in U.S. • Certificate of citizen born abroad (DS-1350, FS-240, FS-545) • U.S. military service record showing U.S. place of birth • Evidence of U.S. civil service employment before 6/1/76 • Federal or state census record for 1900-1950 showing U.S. citizenship or U.S. place of birth • ID card for naturalized citizen living in Mexico or Canada ((I-179 or I-197) • Three written and signed affidavits. Two completed by citizens who have personal knowledge of the person's citizenship, one of whom is not a relative. Another affidavit completed by the person, representative, or someone else knowledgeable to explain why the proof isn't available 	<ul style="list-style-type: none"> • US Coast Guard Merchant Mariner card • For children under 16: school record, (DHR/FIA 604 form), nursery or day care record (pre-school health form), or written affidavit signed by parent or guardian if an affidavit was not used as proof of citizenship

It is important for the eligibility caseworker to review and correctly update the valid value verification field for citizenship on the DEM2 screen for the type of verification that is accepted to verify citizenship. CMS will audit states' compliance with these requirements.

Use the following citizenship verification codes to indicate the type of documentation received:

CARES DEM2 Valid Values for Citizenship Verification

- AC verified – alien card: use only for verification of alien status
- BC verified – birth certificate: use if a birth certificate, notice of birth registration, or data match from Vital Records verifies U.S. citizenship
- CP verified – citizen papers: use if a U.S. passport, Certificate of Naturalization, or Certificate of Citizenship verifies citizenship and identity

CARES DEM2 Valid Values for Citizenship Verification (continued)

- CS verified – client statement: use if citizenship is verified by three affidavits
- HC verified – hospital document: use for all P03 and P12 children and also for P02 and P11 pregnant women who are determined presumptively eligible through the ACE process; for others, use if a hospital, medical, or institutional record or a physician/midwife's witness of birth verifies citizenship
- NO not verified – if this is used, the case must be denied or closed; it is only acceptable for X02 emergency medical services for aliens
- OT verified – other: use this for all other acceptable verifications of citizenship

DO NOT USE

- BR verified – baptismal record: **do not use** because this is *not* acceptable for verification
- CO not verified – conversion: **do not use** because this is *not* acceptable for verification
- FB verified – family Bible: **do not use** because this is *not* acceptable for verification

As a condition of MA or MCHP eligibility for each individual requesting benefits (except for emergency medical services for illegal or ineligible aliens), either a valid Social Security number (SSN) must be reported or an application must be filed for an SSN. If an individual is made eligible based on an SSN application, a valid SSN must be reported and entered on CARES by the next redetermination, or MA/MCHP eligibility must be terminated. The eligibility caseworker is required to validate the reported SSN using SVES/SDX/SOLQ, by matching on name, SSN, and birth date.

NOTE: Federal law requires that all documents provided be originals or copies certified by the issuing agency. DHMH recognizes the hardship this currently poses for both caseworkers and applicants/recipients. At this time, individuals unable to provide originals may forward copies. However, if the documents are provided in-person at the local office, there must be a good reason for a copy rather than an original document to be accepted for copying for the case record. Mail-in programs may accept copies, unless they suspect fraud. DHMH is currently developing a system to facilitate the receipt of documentation, particularly for MCHP and other mail-in systems. Until this is effectuated, applicants and current recipients who provide copies, rather than originals or certified copies, may be required to provide originals at a later date, but their eligibility will not be denied or terminated (based on failure to provide documentation) at this time.

DHMH reserves the right to require verification through original documentation at a later date, and will notify caseworkers when the document intake system is established.

If you have any questions about these policies or procedures, contact the DHMH Division of Eligibility Policy and MCHP at 410-767-1463 or 1-800-492-5231 (select option 2 and request extension 1463). Questions regarding CARES processing should be directed to Cathy Sturgill at 410-238-1247 or via email at csturgil@dhr.state.md.us.

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- Admitted to the United States as an Amerasian immigrant under §584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988; and
- A victim of a severe form of trafficking, in accordance with §107(b)(1) of the Trafficking Victims Protection Act of 2000, who was subjected to:
 - Involuntary servitude; or
 - Sex trafficking if the act is induced by force, fraud, or coercion, or the individual who was induced to perform the act was younger than 18 years old on the date that the visa application was filed.

The following types of legal aliens are also not subject to the 5-year bar, regardless of their immigration category:

- A child receiving federal payments for foster care or adoption assistance under Part B or E of Title IV of the Social Security Act, if the child's foster or adoptive parent is considered a citizen or qualified alien (Note for E-track eligibility); and
- An alien who is:
 - An honorably discharged veteran of the armed forces of the United States;
 - On active duty in the armed forces of the United States; or
 - The spouse, including a surviving spouse who has not remarried, or an unmarried dependent child (younger than 21 years old) of an honorably discharged veteran or alien on active duty in the armed forces of the United States.

Meaning of "Continuously Present"

An alien is not considered to be continuously present in the United States if, before the date of qualified alien status, the alien had:

- A single absence from the United States of more than 30 days; or
- Absences from the United States totaling more than 90 days.

Requirements Effective 7/1/06 for Verification of Citizenship and Identity

NOTICE: Individuals declaring to be a U.S. citizen or national must now provide satisfactory documentation of citizenship and identity as a condition of eligibility for

Medical Assistance (MA) or the Maryland Children's Health Program (MCHP) (see exceptions below). For applicants, this new requirement takes effect for all applications received on or after September 1, 2006. For current recipients, this requirement takes effect for the first redetermination begun on or after July 1, 2006, based on the date that the redetermination packet is mailed (system-generated or manually) to the recipient or representative, for redeterminations due during or after September 2006. Before requesting this documentation, the applicant's or recipient's eligibility case worker should check the individual's case record to see if the required documentation is already on file, because it only has to be provided once.

These new requirements of the federal Deficit Reduction Act (DRA) of 2005 apply to all MA and MCHP applicants and recipients who declare that they are U.S. citizens by birth or naturalization, with the following exceptions. (Note: A national of the United States (i.e., born in American Samoa or Swain's Island) is considered to be a U.S. citizen for these purposes.) Documentation of U.S. citizenship and identity is not required if the individual is a:

- Recipient of Supplemental Security Income (SSI) (in L01, S02, and any other coverage group with SSI beneficiaries),
- Presumptively eligible newborn (P03 and P12 applicants made eligible through the DHMH 1184 process), whose mother was enrolled in MA or MCHP for the date of birth, unless the mother is an illegal or ineligible alien who was only covered for emergency medical services (X02 coverage group),
- Pregnant woman who is determined presumptively eligible by the provider's attestation through the Accelerated Certification of Eligibility (ACE) process (certain P02 and P11 applicants), or
- Medicare eligible individual or Medicare recipient (in S03, S07, S14, and any other coverage group with Medicare eligibles).
- **Aliens: This new law does not affect the existing process by which aliens verify their qualified legal status, nor does it apply to refugees and others covered in the G-track, or illegal or ineligible aliens requesting emergency medical services (coverage group X02).**

Therefore, the new verification requirements for citizenship and identity apply to all other Medical Care Program coverage groups for which there is federal matching, including all MA coverage groups, all MCHP and MCHP Premium coverage groups (except P03 and P12), TCA, PAA, TDAP if they qualify for MA or the Primary Adult Care Program (PAC which replaced the Maryland Pharmacy Assistance Program effective 7/1/06), E-track for foster care and subsidized adoption children (except State-only E03 and E04), Women's Breast and Cervical Cancer Health Program, Waivers, PAC, and the Employed Individuals with Disabilities Program (EID).

Prior to enactment of this provision, the MA/MCHP applicant had to declare under penalty of perjury that he/she is a citizen or national of the U.S. or an alien with a satisfactory immigration status. If an individual was declared to be citizen, proof was not required, unless there was cause to doubt the claim. *Self-attestation of citizenship and identity is no longer acceptable.*

Documentation of citizenship and identity is required just **once** for MA or MCHP eligibility, and then becomes part of the individual's permanent case record. The findings should also be completely narrated in CARES. **If the required documentation is already in the individual's case record**, no additional documentation is required, unless there is a reason to request more current and/or reliable documentation (e.g., the individual may have lost citizenship or there is cause to question previously accepted documentation). If the documents presented by the customer are determined to be counterfeit, altered, or inconsistent with pre-existing information, the case should be referred to DHMH's Program Integrity Unit for an investigation of potential fraud or abuse.

The eligibility caseworker is required to assist the customer as necessary, by helping to obtain a birth certificate or other documents, or by checking available databases. This assistance will be needed, especially, for customers who are homeless, amnesia victims, mentally impaired, or physically incapacitated and who need help to obtain the required documentation but do not have someone to act on their behalf. DHMH will attempt to obtain documentation of citizenship and identity from various sources (e.g., data match with Vital Records for birth registration) and will then provide that information to eligibility caseworkers, in order to relieve the burden on customers.

The policies and procedures for documenting citizenship and identity will be the same as what is currently used for all other types of required verifications, except that these requirements **also apply to MCHP**. As with all other required verifications, if the required documentation of citizenship and identity is not already in the case record, submitted with the application, or shown at the local office, the case worker must mail a DHR/FIA 1052 Request for Information to Verify Eligibility form or other written request, listing the documentation that is required by a specified due date. The eligibility case worker must inform the customer that additional time may be requested to provide the verifications, in accordance with the policies about extension of time standards at pages 400-23 – 400-25 of the MA Eligibility Manual.

Applicants: All applicants who apply on or after September 1, 2006 may not be approved until the required verifications are provided. **If the required documentation of citizenship and identity is not provided by the due date (which may be extended), the application must be denied.**

- **If the denied applicant** then submits the required documentation within the application's 6-month period under consideration (reactivation period), the application must be reactivated and eligibility determined as of the date of application, in accordance with the reactivation policies and procedures at pages 6 and 7 of Policy Alert 04-1 in the MA Eligibility Manual.

Recipients: All recipients are required to provide the verifications at their next redetermination with an end date on or after September 2006. **If the required documentation of citizenship and identity is not provided by the due date (which may be extended), a recipient's eligibility must be terminated with timely notice.**

- **If the terminated recipient** then submits the required documentation within 4 months of the month of termination, eligibility is redetermined as of effective date of termination in accordance with the tardy redetermination policies and procedures of Policy Alert 12-04 in the MA Eligibility Manual.

DOCUMENTATION REQUIREMENTS

To establish U.S. citizenship, a document must show either:

- A U.S. place of birth, or
- That the individual is a U.S. citizen.

The individual's place of birth that is entered on the MA/MCHP application should be the same as the place of birth entered on the documentation used to verify citizenship.

Note: Children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens.

To establish identity, a document must provide identifying information for the individual named on the document (e.g., a photograph).

Following are lists of documents that give acceptable evidence of U.S. citizenship and/or identity. There is a hierarchy for reliability of citizenship documents. The following instructions specify when a document of lesser reliability may be accepted. The eligibility caseworker must decide whether documents with a given level of reliability are reasonably available to an individual within the time limit for determining eligibility. If a document with a higher level of reliability is reasonably available (e.g., birth certificate), a less reliable document (e.g., signed affidavits) may not be accepted as proof, and the individual must be required, as a condition of MA/MCHP eligibility, to produce the more reliable document.

Complete and specific information about an individual's documentation of citizenship and identity must be recorded on the CARES DEM2 screen, in the CARES narrative, and in the individual's permanent case record. The eligibility caseworker must narrate whether citizenship and identity were verified and, if so, when, how, and the findings. The level, type, and source of verifications must be specified. A copy of the verifications must be retained in the individual's permanent case record, because the verifications must be requested again if they are not retained for audit purposes. If citizenship and identity were not satisfactorily verified, CARES and the case record must detail what happened.

References to documents issued by the U.S. Department of Homeland Security include documents issued by its predecessor, the Immigration and Naturalization Services (INS). On March 1, 2003, the former INS became part of the Department of Homeland Security, and its naturalization function was assumed by the U.S. Citizenship and Immigration Services within the Department of Homeland Security.

Proof of Citizenship and Identity

Use one of the following 1st level documents to document both citizenship and identity:

- U.S. passport: issued by the U.S. Department of State. It is not necessary for the U.S. passport to be currently valid, as long as the expired passport was originally issued without limitation. If a passport was issued with a limitation, it may be used as proof of identity, but not as proof of citizenship.

Note: Spouses and children were sometimes included on one passport through 1980. Consequently, the citizenship and identity of an included person can be established when one of these passports is presented. U.S. passports issued after 1980 show only one person.

- Certificate of Naturalization ((N-550 or N-570): issued by the Department of Homeland Security for naturalization.
- Certificate of Citizenship (N-560 or N-561): issued by the Department of Homeland Security to individuals who derive citizenship through a parent.

NOTE: If the individual was born outside the U.S. and was not a U.S. citizen at birth, one of these three documents is required.

Or, if there is no 1st level document available, use one of the following documents to prove citizenship and another document to prove identity:

Proof of Citizenship

One of the following 2nd level documents may be used to document **citizenship**, if none of the 1st level documents are available within the time limit for determining eligibility:

- U.S. Birth Certificate: issued by a state, Commonwealth, Territory, or local jurisdiction.
 - The U.S. public birth record must show birth in one of the 50 U.S. States, the District of Columbia, American Samoa, Swain's Island, Puerto Rico (if born on or after January 13, 1941), U.S. Virgin Islands (if born on or after January 17, 1917), Northern Mariana Islands (if born after November 4, 1986), or Guam (if born on or after April 10, 1899).
 - A data match by DHMH with Vital Records birth records in Maryland or another state may be used as 2nd level verification of citizenship. The source of the documentation and the findings must be recorded in each individual's case record.
 - To be used as 2nd level verification of citizenship, the birth certificate must have been issued before the person was 5 years old.
 - An amended birth record document that was amended after the individual was 5 years old is considered 4th level evidence of citizenship.
 - Also considered 4th level evidence of citizenship is a U.S. State Vital Statistics official notification of birth registration, but it must have been created at least 5 years before the individual's initial MA or MCHP application.
 - **Do not** accept a souvenir "birth certificate" issued by the hospital.
 - If the document shows the individual was born in Puerto Rico, the U.S. Virgin Islands, Northern Mariana Islands, or Guam before the date given above, the individual may be a collectively naturalized citizen. See the requirements below for verification of Collective Naturalization.
- Official military record of service: The document must show a U.S. place of birth (e.g., form DD-214).

- Evidence of civil service employment by the U.S. government: The document must show employment by the U.S. government before June 1, 1976.
- Final adoption decree for a child born in the U.S.: The adoption decree must show the child's name and a U.S. place of birth. If the adoption is not yet finalized and the state where the child was born will not release a birth certificate before the adoption is final, a written certification from a state-approved adoption agency that shows the child's name and U.S. place of birth is acceptable, if it states that the source of information is an original birth certificate.
- Certificate of citizen born abroad (DS-1350, FS-240, FS-545)
 - Certification of Report of Birth Abroad (DS-1350): issued in the U.S. by the U.S. Department of State to U.S. citizens who were born outside the U.S. and acquired U.S. citizenship at birth. If the birth was recorded on a FS-240, a certified copy of the DS-1350 can be issued by the Department of State in Washington, D.C. The DS-1350 is not issued outside the U.S. The DS-1350 contains the same information as the current version of the FS-240.
 - Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240): issued by a U.S. Department of State consular office. A FS-240 can only be prepared at an American consular office overseas while the child is younger than 18 years old. Children born outside the U.S. to U.S. military personnel usually have this form.
 - Certification of Birth Abroad (FS-545): issued by U.S. Department of State consulates before November 1, 1990, along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue the FS-545. Treat an FS-545 the same as the DS-1350.
- U.S. Citizen Identification Card (I-197 or the prior I-179): formerly issued by the Immigration and Naturalization Services (INS). The I-179 was issued during 1960 – 1973 and the I-197 during 1973 - April 7, 1983 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although no longer issued, either form that was previously issued is still valid.

- American Indian Card (I-872): issued by the U.S. Department of Homeland Security to identify a U.S. citizen member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code of "KIC" and a statement on the back denote U.S. citizenship.
- Northern Mariana Card (I-873): issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986. Although no longer issued, a form that was previously issued is still valid.

One of the following **3rd level** documents may be used to document **citizenship**, if none of the 1st or 2nd level documents are available within the time limit for determining eligibility:

- Extract of a hospital record on hospital letterhead that shows a U.S. place of birth:
 - The hospital record must have been established at the time of the person's birth, and created at least 5 years before the initial application date for MA or MCHP.
Example: A redetermination is being conducted for October 2006 for an individual who initially applied for MA in October 2003. The hospital record must have been created before October 1998, and must have been established at the time of the individual's birth (in order to verify the individual's birth in the U.S.).
 - For a child younger than 16 years old, the document must have been created either near the time of birth or at least 5 years before the initial application date for MA or MCHP.
 - Do not accept a souvenir "birth certificate" issued by the hospital.
- Life, health, or other insurance record showing a U.S. place of birth: The record must have been created at least 5 years before the initial application date for MA or MCHP.

One of the following **4th level** documents may be used to document **citizenship**, if none of the 1st, 2nd, or 3rd level documents are available within the time limit for determining eligibility. Documentation with this low level of reliability should only be used in the rarest of circumstances.

- Federal or state census record for 1900-1950 showing U.S. citizenship or a U.S. place of birth: The census record must also show the individual's age. To secure this information, the individual or state must 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 Medical Assistance eligibility. A fee is charged for this form.
- Medical record (clinic, doctor, or hospital) that shows a U.S. place of birth:
 - The record must have been established at the time of the person's birth, and created at least 5 years before the initial application date for MA or MCHP.
 - For a child younger than 16 years old, the document must have been created either near the time of birth or at least 5 years before the initial application date for MA or MCHP.
 - An immunization record is *not* acceptable.
- One of the following records showing a U.S. place of birth, if created at least 5 years before the initial application date for MA or MCHP:
 - An amended U.S. birth certificate (public birth record) that was amended more than 5 years after the person's birth
 - A U.S. State Vital Statistics official notification of birth registration
 - Signed statement by a physician or midwife who attended the birth
 - Institutional admission papers (e.g., nursing facility)
 - Seneca Indian tribal census record
 - Bureau of Indian Affairs tribal census records of the Navajo Indians

Affidavits for documenting citizenship

If none of the previously discussed documents are available within the time limit for determining eligibility, written affidavits may be used to document citizenship. Affidavits should ONLY be used in rare circumstances. The affidavits must be signed under penalty of perjury. The signer must be able to provide proof of his/her own citizenship and identity. See the Appendix of this Chapter for the affidavit forms to be used for this purpose (one for an affidavit completed by the A/R and another for an affidavit completed by someone else).

- There must be at least **two** written and signed affidavits by **citizens** who have personal knowledge of the event(s) (e.g., birth, naturalization) establishing the applicant/recipient's (A/R's) claim of citizenship. One of the affidavits must be signed by someone who is **not related** to the A/R. If the individual signing the affidavit has information explaining why documentary evidence establishing the A/R's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well.
- A **third** affidavit must be signed by the A/R, or another knowledgeable individual (representative, parent, or guardian), and must explain why the required documentary evidence does not exist or cannot be readily obtained.

Proof of Identity

One of the following 2nd level documents must be used to document identity, if none of the 1st level documents for documenting citizenship and identity are available within the time limit for determining eligibility:

- Driver's license or an identification card for a non-driver: issued by the Motor Vehicles Administration for a U.S. state or Territory (not Canada or another country). This is acceptable if it has a photograph or other identifying information for the A/R (e.g., name, date of birth, race, sex, height, weight, eye color)
- School identification card with a photograph
- Federal, state, or local government identification card, if it has a photograph or other identifying information for the A/R (e.g., name, date of birth, sex, race, height, weight, eye color)
- U.S. military ID card or draft record
- U.S. Coast Guard Merchant Mariner card
- A cross match with data systems of other federal or state governmental, public assistance, law enforcement, or correction agencies, if the agency establishes and certifies individuals' true identity (e.g., TCA, Food Stamps, Child Support, Child Protective Services, corrections, juvenile services, motor vehicle administration, SVES/SDX/SOLQ for former SSI recipients)

- Certificate of Degree of Indian Blood, or other U.S. American Indian or Alaska Native Tribal document with a photograph or other personal identifying information relating to the individual
- U.S. passport issued with a limitation: It may be used to verify identity, but not to verify citizenship.
- For children younger than 16 years old, one of the following documents:
 - School record (DHR/FIA 604 form);
 - Nursery or day care record (including pre-school health form); or
 - Written affidavit signed under penalty of perjury by the child's parent or guardian, stating the date and place of the child's birth: An affidavit may only be used to document a child's identity if affidavits were not used to document the child's citizenship, and if none of the other acceptable documents are available to document identity within the time limit for determining eligibility. See the Appendix of this Chapter for the affidavit form to be used for this purpose.

CARES DEM2 Valid Values for Citizenship Verification

It is important to code correctly the field on the DEM2 screen for the type of verification that is accepted to verify citizenship. CMS will audit states' compliance with these requirements. When additional database matches are available nationally, CMS may decide that certain types of documentation are no longer unacceptable (e.g., level 3 or 4 verification of citizenship) and that recipients with those documents must be re-evaluated in accordance with new requirements. Following is how the citizenship verification codes must be used to indicate the type of documentation received:

- AC verified – alien card: use only for verification of alien status
- BC verified – birth certificate: use for a birth certificate, notice of birth registration, or other U.S. public birth record or certification, including a data match by DHMH with Vital Records
- BR verified – baptismal record: do not use because this is not acceptable for verification
- CO not verified – conversion: do not use because this is not acceptable for verification
- CP verified – citizen papers: use if a U.S. passport, Certificate of Naturalization, or Certificate of Citizenship (i.e., 1st level document) verifies citizenship and identity

- CS verified – client statement: use if citizenship is verified by two affidavits
- HC verified – hospital document: use for all P03 and P12 children and also for P02 and P11 pregnant women who are determined presumptively eligible through the ACE process; for others, use if a hospital, medical, or institutional record or a physician/midwife's verification of birth verifies citizenship
- FB verified – family bible: do not use because this is not acceptable for verification
- NO not verified – if this is used, the case must be denied or closed; it is only acceptable for X02 emergency medical services for aliens
- OT verified – other: use this for all other acceptable verifications of citizenship

Collective Naturalization

The following requirements are used to document U.S. citizenship for collectively naturalized individuals who were born in Puerto Rico or the U.S. Virgin Islands:

Puerto Rico:

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the individual's statement that he/she was residing in the U.S., a U.S. possession, or Puerto Rico on January 13, 1941; or
- Evidence that the individual was a Puerto Rican citizen, and the individual's statement that he/she was residing in Puerto Rico on March 1, 1917 and that he/she did not take an oath of allegiance to Spain.

U.S. Virgin Islands

- Evidence of birth in the U.S. Virgin Islands, and the individual's statement that he/she was residing in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927; or
- The individual's statement that he/she was residing in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and was residing in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927, and that he/she did not make a declaration to maintain Danish citizenship; or

- Evidence of birth in the U.S. Virgin Islands, and the individual's statement that he/she was residing in the U.S., a U.S. possession or Territory, or the Canal Zone on June 28, 1932.

SSN Requirements

As a condition of MA or MCHP eligibility for each individual requesting benefits (except emergency medical services for illegal or ineligible aliens), either a valid Social Security number (SSN) must be reported or an application must be filed for an SSN. If an individual is made eligible based on an SSN application, a valid SSN must be reported and entered on CARES by the next redetermination, or MA eligibility must be terminated. The eligibility caseworker is required to validate the reported SSN using SVES/SDX/SOLQ, by matching on name, SSN, and birth date.

Procedures for Verification of Alien or Immigration Status

The primary way to verify alien/immigration status for a legal alien is by the *Systematic Alien Verification for Entitlement (SAVE)* system of the Department of Homeland Security. See the DHR/FIA Action Transmittal 04-34, issued in April 2004, for how an authorized user at the LDSS or other designated entity is to access and use the on-line screens of the SAVE system. Inquiry to SAVE may not be made by an alien's name, Social Security number, etc. Only the identification number on an alien's immigration document may be used for SAVE inquiry. Therefore, SAVE cannot be used if the eligibility case worker does not have a valid "INS" number for the alien (e.g., the individual is now a naturalized citizen, is an illegal alien, or gave the eligibility case worker an invalid INS number or someone else's number).

Refer to the following transmittals issued by the Department of Human Resources about how to verify immigration status for certain categories of aliens or immigrants:

- Action Transmittal 05-16: Eligibility for Family Members of Victims of Severe Trafficking in Persons (Derivative T-visas)
- CARES Bulletin 05-16: Legal Immigrants in F-Track Medical Assistance
- FIA Information Memo 05-47: Mexico's Matricula Consular Identification Card
- CARES Bulletin 04-07: 5 Year Bar for Federal Benefits for Qualified Aliens

- Action Transmittal 03-34: Restoration of Food Stamps to Immigrants Who Have Lived in the United States for Five or More Years
- FIA Information Memo 99-51: Guidance for Verification of Immigration Status

Form numbers and the types of immigration documentation change over time. For the most current information about immigration documents issued by the federal government, consult federal web sites, such as <http://uscis.gov/>.

If qualified alien status cannot be verified through the SAVE system or if additional information is needed to resolve a discrepancy, the following documentation may be used:

State of Maryland
Department of Health and Mental Hygiene
AFFIDAVIT OF CITIZENSHIP

To Be Completed By Applicant/Recipient Only

This Document Is Not Valid Unless Fully Completed.

Applicant/Recipient Name: _____ Date of Birth: _____

Address: _____

Head of Household (if the individual is younger than 21 years old): _____

1. I am a U.S. citizen.

2. I am 18 years old or older.

3. I am a U. S. Citizen because:

I was born in the U.S. or a U.S. territory. Date and place: _____

I was naturalized as a U.S. citizen. Date and place: _____

I was born overseas to a U.S. citizen parent(s).

Date, place, and parent(s) name: _____

Other: _____

4. I am unable to produce documents to prove citizenship because:

I affirm and declare under penalty of perjury that the facts I state in this Affidavit are true, correct, and complete to the best of my ability, belief, and knowledge.

Signature

Printed Name

Date Signed

State of Maryland
Department of Health and Mental Hygiene
AFFIDAVIT OF CITIZENSHIP
This Document Is Not Valid Unless Fully Completed.

Applicant/Recipient Name: _____ Date of Birth: _____
Address: _____
Head of Household (if the individual is younger than 21 years old): _____

1. My name is _____, and I live at _____
_____.

- I am a U.S. citizen.
- I am 18 years old or older.

2. Are you a relative of the individual named above?
 Yes. Relationship? _____
 No.

3. How long have you known this individual? _____
How do you know this individual? _____

4. How do you know the facts you present in this Affidavit?

5. I have personal knowledge of how the applicant/recipient became a U.S. citizen. The facts known to me are that he/she was:
 Born in the U.S. or a U.S. territory. Date and place: _____
 Naturalized as a U.S. citizen. Date and place: _____
 Born overseas to a U.S. citizen parent. Date, place, and parent(s) name(s): _____
 Other: _____

6. The individual is unable to produce documents to prove citizenship because:

I affirm and declare under penalty of perjury that the facts I state in this Affidavit are true, correct, and complete to the best of my ability, belief, and knowledge.

Signature

Printed Name

Date Signed

State of Maryland
Department of Health and Mental Hygiene
AFFIDAVIT OF IDENTITY
For a Child Younger Than 16 years Old

This Document Is Not Valid Unless Fully Completed.

Child's Name: _____

Child's Date of Birth: _____ Child's Age: _____

Child's Place of Birth: _____

Child's Current Address: _____

1. My name is _____, and I live at _____
_____.

2. I am the child's:
 Parent
 Legal guardian
 Other

3. I am unable to produce the required documents to prove the child's identity (U.S. passport, Certificate of Naturalization (N-550 or N-570), Certificate of Citizenship (N-560 or N-561), school photo ID card, school record with date and place of birth, nursery or day care record with date and place of birth, learner driver's license, or military dependent's ID card) because: _____
_____.

I affirm and declare under penalty of perjury that the facts I state in this Affidavit are true, correct, and complete to the best of my ability, belief, and knowledge.

Signature

Printed Name

Date Signed