



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

May 22, 2009

MEDICAID MANUAL – VOLUME XIII

TRANSMITTAL #92

The following acronyms are used in this transmittal:

- CHIPRA - The Children's Health Insurance Program Reauthorization Act of 2009
- DMAS – Department of Medical Assistance Services
- DRA – The Deficit Reduction Act of 2005
- F&C – Families and Children
- LDSS – Local Department of Social Services
- MMIS – Medicaid Management Information System
- SPARK – Services Programs Answers Resources Knowledge
- SSN – Social Security Number
- VDSS – Virginia Department of Social Services

The purpose of this transmittal is to provide revised citizenship eligibility policy and procedures for the Medicaid Program. Unless otherwise indicated, the provisions included in this transmittal are effective for all eligibility determinations completed on or after May 22, 2009.

Revised Policy

The DRA required verification of the citizenship and identity of applicants and recipients who declare themselves United States citizens, with some exceptions. The citizenship and identity verification requirements were effective July 1, 2006. The CHIPRA provides that individuals born to a mother who was eligible for Medicaid in the United States on the date of the individual's birth are deemed to meet the citizenship and identity requirements and are exempt from having to provide verification of citizenship and identity. Verification of the mother's Medicaid coverage in Virginia can be obtained through MMIS. If the mother received Medicaid coverage in another state, she or the adult applying for the child must provide verification of her coverage for the child to be considered exempt from the citizenship and identity verification requirements.

The CHIPRA also requires states to allow all applicants and enrollees a reasonable opportunity to provide verification of citizenship and identity. Virginia set the reasonable opportunity period to coincide with the annual renewal of Medicaid eligibility. At the time of application approval, or when it is discovered that the individual is no longer exempt from providing citizenship and

identity verification, the individual must be informed of the citizenship and identity verification requirement and that documentation must be provided at the next annual renewal of eligibility. If the individual meets all other Medicaid eligibility requirements, do not delay, deny, reduce, or terminate Medicaid coverage because of failure to provide citizenship and identity verification. The individual remains eligible for Medicaid during the reasonable opportunity period. The reasonable opportunity period applies to all Medicaid applications pending or received on or after May 22, 2009.

A list of frequently asked questions about the change in citizenship and identity verification procedures and instructions for processing Medicaid applications in ADAPT are available on SPARK at: <http://spark.dss.virginia.gov/divisions/bp/me/citizenship/procedures.cgi>.

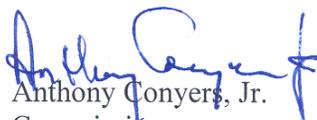
Additionally, the "Medicaid Proof of Citizenship and Identity" insert (form # D032-03-0298) has been revised to include an explanation of the reasonable opportunity period. The insert, also available on SPARK at: <http://spark.dss.virginia.gov/divisions/bp/me/citizenship/procedures.cgi>, is to be included with the Notice of Action.

Electronic Version

Transmittal #92 is available electronically on SPARK and the VDSS public web site. It has not been printed for distribution. The electronic version is the transmittal of record. Significant changes to the manual are as follows:

Pages Changed	Significant Changes
Subchapter M0220 Table of Contents pages 1-6a Appendix 8 (18 pages) Pages 4a-4t were removed and not replaced.	Updated the Table of Contents. On page 1, revised the Introduction. On pages 2 and 3, added the policy giving applicants and enrollees a reasonable opportunity to provide citizenship and identity verification. On pages 3 and 4, the citizenship documentation procedures are deleted and moved to Appendix 8. Pages 5-6a are runover pages. The new appendix, Appendix 8, is added.

Please retain this transmittal letter for future reference. Should you have questions about information contained in this transmittal, please contact Stephanie Sivert, Manager, Medical Assistance Programs, at 804-726-7660 or stephanie.sivert@dss.virginia.gov.


 Anthony Conyers, Jr.
 Commissioner

Electronic Attachment

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M0220.000 CITIZENSHIP & ALIEN REQUIREMENTS

M0220.001 GENERAL PRINCIPLES

A. Introduction

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) made major changes to the Medicaid eligibility of non-citizens of the United States. These changes eliminated the “permanently residing under color of law” (PRUCOL) category of aliens. The *Medicaid* benefits for which an alien is eligible are based upon whether or not the alien is a “qualified” alien as well as the alien’s date of entry into the United States.

With some exceptions, the Deficit Reduction Act of 2005 (DRA) required applicants for Medicaid and Medicaid recipients to verify their United States citizenship and their identity to be able to qualify for Medicaid benefits. The citizenship and identity verification requirements became effective July 1, 2006. The Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA) allows additional exemptions from the citizenship and identity verification requirements. It also requires states to enroll applicants, prior to providing citizenship and identity verification, and grant them a “reasonable opportunity” period after enrollment to provide the necessary verification.

This subchapter (M0220) explains in detail how to determine if an individual is a citizen or alien eligible for full Medicaid benefits (referred to as “full benefit aliens”) or emergency services only (referred to as “emergency services aliens”). *It contains the procedures for verifying citizenship and identity, the explanation of the “reasonable opportunity” period, and the entitlement and enrollment procedures for full benefit aliens and emergency services aliens who meet all other Medicaid eligibility requirements.*

B. Declaration of Citizenship/Alien Status

The Immigration Reform and Control Act (IRCA) requires as a condition of eligibility that the adult applicant who is head of the household (with exceptions below) declare in writing under penalty of perjury whether or not the individual(s) for whom he is applying is a citizen or national of the United States, and if not, that the individual is a lawfully admitted alien. For children under 18 years of age, the declaration is made by an adult family member. The declaration statement is on the application form.

EXCEPTION: An individual who is an “unqualified” alien (as defined in section M0220.410) does NOT complete the declaration.

Individuals who are required to sign the declaration and who fail or refuse to sign are NOT eligible for any Medicaid services.

C. Procedures

The policy and procedures for determining whether an individual is a citizen or a “full benefit” or an “emergency services” alien are contained in the following sections:

M0220.100 Citizenship & Naturalization;
M0220.200 Alien Immigration Status;
M0220.300 Full Benefit Aliens;
M0220.400 Emergency Services Aliens;
M0220.500 Aliens Eligibility Requirements;
M0220.600 Full Benefit Aliens Entitlement & Enrollment;
M0220.700 Emergency Services Aliens Entitlement & Enrollment.

M0220.100 CITIZENSHIP AND NATURALIZATION

A. Introduction

A citizen or naturalized citizen of the United States meets the citizenship requirement for Medicaid eligibility, and is eligible for all Medicaid services if he meets all other Medicaid eligibility requirements.

B. *Citizenship Determination*

1. **Individual Born in the United States**

An individual born in the United States, any of its territories (Guam, Puerto Rico, United States Virgin Islands, or Northern Mariana Islands), American Samoa, or Swain's Island is a United States citizen.

A child born in the United States to non-citizen parents who are in the United States as employees of a foreign country's government may not meet the United States citizen requirement. When a child born in the United States to non-citizen parents is a United States citizen by birth, the child may not meet the Virginia residency requirements in M0230.201 because of the parents' temporary stay in the United States.

2. **Individual Born Outside the U.S.**

a. **Individual Born to or Adopted by U.S. Citizen Parents**

A child or individual born outside the United States to U.S. citizen parents (the mother, if the child was born out-of-wedlock) automatically becomes a citizen by birth. A child under age 18 years who is a lawful permanent resident, who is currently residing permanently in the U.S. in the legal and physical custody of a U.S. citizen parent, and who meets the requirements applicable to adopted children under immigration law automatically becomes a citizen when there is a final adoption of the child, and does not have to apply for citizenship.

b. **Individual Born to Naturalized Parents**

A child born outside the United States to alien parents automatically becomes a citizen after birth, if his parents (the mother, if the child was born out-of-wedlock) are naturalized before he becomes 16 years of age.

c. **Naturalized Individual**

A child or individual born outside the U.S. and not automatically a citizen as in a) or b) above, must have been naturalized to be considered a citizen.

C. Verification

1. **Requirements**

The Deficit Reduction Act (DRA) of 2005 requires that effective July 1, 2006, all Medicaid applicants and enrollees who declared citizenship at the time of application, or for whom citizenship was declared at the time of application, present satisfactory evidence of citizenship and identity.

Individuals, including non-IV-E Adoption Assistance children, who apply for or receive Medicaid must have in their case record:

- a declaration of citizenship or qualified immigration status AND
- documentary evidence of the *individual's* citizenship, and
- documentation of identity.

Procedures for verifying citizenship and identity and acceptable forms of documentation are included in Appendix 8 to this subchapter.

1. Exceptions to Verification Requirements

The following groups of individuals *are NOT required to provide verification of citizenship and identity. Document in the case record why an individual is exempt from verifying citizenship and identity:*

- a. All foster care children and IV-E Adoption Assistance children;
- b. *Individuals born to mothers who were eligible for Medicaid on the date of the individuals' birth;*
- c. Individuals entitled to or enrolled in Medicare, *individuals receiving Social Security benefits on the basis of a disability* and SSI recipients currently entitled to SSI payments. Former SSI recipients are not included in the exemption. The local department of social services (LDSS) must have verification from the Social Security Administration (such as a SVES response) of an individual's Medicare enrollment, *benefits entitlement or current SSI recipient status.*

NOTE: A parent or caretaker who is applying for a child, but who is NOT applying for Medicaid for himself, is NOT required to verify his or her citizenship and identity. The parent or caretaker must verify only the child's citizenship and identity, unless the parent signs an "Affidavit of Citizenship on Behalf of Medicaid Applicants and Recipients" attesting to a Medicaid applicant/recipient's citizenship.

3. Loss of Exception Status

When an individual loses an exception status and his citizenship and identity has not previously been verified, *the individual must be given a reasonable opportunity to provide citizenship and identity verification* for the individual to remain eligible for Medicaid.

4. Reasonable Opportunity to Provide Verification

CHIPRA of 2009 requires states to provide a reasonable opportunity period for individuals to present verification of citizenship and identity. Virginia has established the reasonable opportunity period to coincide with the annual renewal of an individual's Medicaid eligibility.

Upon application, if an individual meets all other Medicaid eligibility requirements and declares that he is a citizen, enroll the individual giving him the reasonable opportunity period to provide citizenship and identity verification.

Do not delay or deny the application for proof of citizenship or identity but specify on the Notice of Action that, upon renewal of eligibility, that the individual may need to provide verification of both citizenship and identity or include the "Medicaid Proof of Citizenship and Identity" insert with the Notice of Action.

The insert is available on SPARK at:

<http://spark.dss.virginia.gov/divisions/bp/me/citizenship/forms.cgi>.

The individual remains eligible for Medicaid during the reasonable opportunity period. The same reasonable opportunity period requirements apply should an individual lose his exemption from providing citizenship and identity verification.

5. Verification Required One Time

Once documentation of citizenship and identity has been provided it is not necessary to obtain documentation again. Documentary evidence may be accepted without requiring the applicant or recipient to appear in person. *See Appendix 8 to this subchapter. Documentation is to be kept or stored in the case record.*

M0220.200 ALIEN IMMIGRATION STATUS

A. Introduction An alien's immigration status is used to determine whether the alien meets the definition of a "full benefit" alien. All aliens who meet the state residency, covered group and all other nonfinancial eligibility requirements (except SSN for illegal aliens), and who meet all financial eligibility requirements are eligible for Medicaid coverage of emergency services. "Full benefit" aliens may be eligible for all Medicaid covered services. "Emergency services" aliens may be eligible for emergency services only.

B. Procedure An alien's immigration status must be verified. Use the procedures in sections M0220.201 and 202 below to verify immigration status. After the alien's immigration status is verified, use the policy and procedures in section M0220.300 to determine if the alien is a full benefit alien. If the alien is a full benefit alien and is eligible for Medicaid, use the policy and procedures in section M0220.600 to enroll the alien in Medicaid.

If the alien is an emergency services alien who is eligible for Medicaid, use the policy and procedures in section M0220.700 to enroll an eligible emergency services alien in Medicaid for emergency services only.

M0220.201 IMMIGRATION STATUS VERIFICATION

A. Verification Procedures An alien's immigration status is verified by the official document issued by the USCIS and a comparison with the Systematic Alien Verification for Entitlements (SAVE) system. The EW must see the original document or a photocopy. Submission of just an alien number is NOT sufficient verification.

If the alien

- has an alien number but no USCIS document, or
- has no alien number and no USCIS document, use the **secondary verification** SAVE procedure in M0220.202 below if the alien provides verification of his or her identity.

NOTE: If the alien claims to be an illegal alien, do not use the verification procedures in this section or the SAVE procedures. Go to section M0220.400 below to determine the illegal alien's eligibility.

B. Documents That Verify Status Verify lawful permanent resident status by a Resident Alien Card or Permanent Resident Card (Form I-551), or for recent arrivals a temporary I-551 stamp in a foreign passport or on Form I-94.

Verify lawful admission by a Resident Alien Card (issued from August 1989 until December 1997) or Permanent Resident Card (Form I-551); a Re-entry Permit; or a Form I-688B with a provision of law section 274A.12(A)(1).

Afghan and Iraqi immigrants admitted to the U.S. under a Special Immigrant Visa will have either (1) a Form I-551 or (2) a passport or I-94 form indicating categories SI1, SI2, SI3, QQ1, SQ2, or SQ3 and bearing the Department of Homeland Security stamp or notation.

Form I-151 (Alien Registration Receipt Card – the old "green card"), Form AR-3 and AR-3a are earlier versions of the Resident Alien Card (Form I-551). An

alien with one of the older cards who does not have an I-551 should be referred to USCIS to obtain the application forms for the I-551. The forms may be ordered by calling 1-800-375-5283. When an I-151 is presented, refer the alien to USCIS, but accept the document for further verification (see M0220.201.E below).

C. Letters that Verify Status

The USCIS and the Office of Refugee Resettlement (ORR) issue letters that are used in lieu of or in conjunction with USCIS forms to identify alien status. If the letter is the only document provided, it is necessary to verify the status of the alien. For USCIS letters, contact the local USCIS office for assistance in identifying the alien's status (see Appendix 1 of this subchapter). For ORR letters, contact the toll-free ORR Trafficking Verification Line at 866-401-5510 (see Appendix 5 of this subchapter). Do not verify ORR letters via the SAVE system.

D. Local USCIS Office Documents

Some USCIS offices have developed their own stamps. Therefore, it is possible that a locally produced stamp or legend will be on an USCIS form. If there is any question as to the veracity or status of the document, contact USCIS.

E. Expired or Absent Documentation

If an applicant presents an expired USCIS document or is unable to present any document showing his immigration status, refer the individual to the USCIS district office to obtain evidence of status **unless** he provides an alien registration number.

If the applicant provides an alien registration number with supporting verification of his identity, use the SAVE procedures in M0220.202 below to verify immigration status.

If an applicant presents an expired I-551 or I-151, follow procedures for initiating a primary verification. If the alien presents any expired document other than an expired I-551 or I-151, follow procedures for initiating a secondary verification.

If the alien does not provide verification of his identity, his immigration status cannot be determined, and he must be considered an unqualified alien.

M0220.202 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE)

A. SAVE

Aliens must submit documentation of immigration status before eligibility for the full package of Medicaid benefits can be determined. If the documentation provided appears valid and meets requirements, eligibility is determined based on the documentation provided AND a comparison of the documentation provided with immigration records maintained by the United States Citizenship and Immigration Services (USCIS).

The comparison is made by using the SAVE system established by Section 121 of the Immigration Reform and Control Act of 1986 (IRCA).

1. Primary Verification

Primary verification is the automated method of accessing the USCIS data bank. SAVE regulations require that automated access be attempted prior to initiating secondary verification. There are some specific instances, however, when the agency will forego the primary verification method and initiate secondary verification (see **Secondary Verification**).

SAVE is accessed by the Alien Registration Number. SAVE is accessed directly by the local agency. The alien registration number begins with an "A" and should be displayed on the alien's USCIS document(s).

Information obtained through SAVE should be compared with the original USCIS document. If discrepancies are noted, the secondary verification process must be initiated. No negative action may be taken on the basis of the automated verification only.

A primary verification document must be **initiated prior to case approval**. The primary verification document must be filed in the case record.

2. Secondary Verification

Secondary verification is required in the following situations:

- a. The alien has an alien number but no USCIS document, or the alien has no alien number and no USCIS document.
- b. Primary verification generates the message "Institute Secondary Verification" or "No File Found."
- c. Discrepancies are revealed when comparing primary verification to the original immigration document.
- d. Immigration documents have no Alien Registration Number (A-Number).
- e. Documents contain an A-Number in the A60 000 000 or A80 000 000 series.
- f. The document presented is an USCIS Fee Receipt.
- g. The document presented is Form I-181 or I-94 in a foreign passport that is endorsed "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and the I-181 or I-94 is more than one year old.

When secondary verification is required, the agency must complete the top portion of a Document Verification Request (Form G-845) or initiate an on-line request for a secondary verification through SAVE. Appendix 2 of this subchapter contains a copy of the G-845.

B. Document Verification Request (Form G-845)

If the alien has filed an USCIS application for or received a change in status, the application for or change in status in itself is not sufficient basis for determining immigration status. Likewise, any document which raises a question of whether USCIS contemplates enforcing departure is not sufficient basis for determining the alien's status. In such situations, verify the alien's status with USCIS using the Document Verification Request (Form G-845). For an alien who entered the U.S. before 8-22-96 and whose status is adjusted to a qualified status after he entered the U.S. use the Form G-845 Supplement to request the period of continuous presence in the U.S. A copy of the G-845 Supplement (S) is in Appendix 2a of this subchapter.

Form G-845 should be completed as fully as possible by the submitting agency. It is essential that the form contain enough information to identify the alien.

A separate form must be completed for each alien. Completely legible copies (front and back) of the alien immigration documents must be stapled to the upper left corner of Form G-845. Copies of other documents used to make the initial alien status determination such as marriage records or court documents must also be attached.

Once the requirement to obtain secondary verification is determined, the agency must initiate the request within ten work days. A photocopy of the completed G-845 form must be filed in the record as evidence that the form has been forwarded to USCIS. Refer to Appendix 1 for the USCIS mailing address appropriate to your local DSS agency.

The USCIS maintains a record of arrivals and departures from the United States for most legal entrants, and LDSS can obtain the required information from their USCIS office. The USCIS does not maintain an arrival and departure record for Canadian and Mexican border crossers. For these immigrants, as well as immigrants whose status was adjusted and whose original date of entry cannot be verified by USCIS, LDSS will need to verify continuance presence by requiring the immigrant to provide documentation showing proof of continuous presence.

Acceptable documentation includes:

- letter from employer
- school or medical records
- series of pay stubs
- shelter expense receipts, such as utility bills

in the immigrant's name that verify continuous presence for the period of time in question.

C. Agency Action

When the primary verification response requires the eligibility worker to initiate a secondary verification from USCIS, do not delay, deny, reduce or terminate the individual's eligibility for Medicaid **on the basis of alien status**. If the applicant meets all other Medicaid eligibility requirements, approve the application and enroll the applicant in Medicaid. Upon receipt of the G-845 or response to the on-line query, compare the information with the case record. Timely notice must be given to the individual when Medicaid benefits are denied or reduced.

Note: When a secondary verification is requested for an alien with an expired I-551, the G-845 or response to the on-line SAVE query should indicate that the person continues to have lawful permanent resident status. When a secondary verification is requested for an alien with an expired I-151, the G-845 or response to the on-line SAVE query will indicate that the documentation is expired; however, do not delay, deny, reduce or terminate an individual's eligibility for Medicaid on the basis of an expired I-151.

Once information has been obtained through SAVE, aliens with a permanent status are no longer subject to the SAVE process. Aliens with a temporary or conditional status are subject to SAVE at the time of application and when the temporary or conditional status expires.

Citizenship & Identity Procedures and Documentation Charts

Use the following procedures when citizenship and identity verification is required to determine the individual's continued eligibility.

A. Documents

Establishing U.S. Citizenship and Identity

1. Citizenship Document

To establish U.S. citizenship, the document must show:

- a U.S. place of birth, or
- that the person is a U.S. citizen.

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

NOTE: A state driver's license issued by any state or territory, including Virginia, does NOT prove citizenship. It will satisfy requirements for proof of **identity** if the license has either a photograph of the individual or other identifying information about the individual such as name, age, sex, race, height, weight or eye color.

2. Identity Document

To establish identity, a document must show evidence that provides identifying information that relates to the person named on the document.

3. Acceptable Documents

All documents must be either originals or copies certified by the issuing agency. Photocopies of original documents, including notarized copies, **are not** acceptable. The original must be viewed by the agency or other authorized staff and a copy made of the original; the copy must have written on it the date the original was seen and the name and title of the individual who saw the original. See *item C.3., below*, for details regarding which staff are authorized.

Exception: A copy of a **Virginia birth certificate** that is in the existing LDSS agency record, or is presented by an individual as verification, is acceptable temporarily while the LDSS agency is waiting for verification of the Virginia birth record from the Birth Record Verification System (BRVS). The agency may approve or renew coverage if the individual meets **all** other eligibility requirements. The agency must obtain verification of the Virginia birth record from BRVS, and a copy of the BRVS Birth Record Verification Results screen for the individual must be placed in the record when received. BRVS is accessed on SPARK. The procedures for using BRVS are in the BRVS User Guide, available in BRVS.

Acceptance of a photocopied birth certificate does **not** apply to individuals born outside of Virginia or for documentation of an individual's identity.

4. Levels of Acceptable Documents

The tables in section D, below, list acceptable evidence of U.S. citizenship and identity in the order of their reliability level. Level tables 1-4 address citizenship; Level table 1 and Chart 5 address identity.

If an individual presents documents from Level 1, no other information is required. If an individual presents documents from Levels 2-4, then an identity document from Chart 5 must also be presented. Level tables 1-4 establish the hierarchy of reliability of citizenship documents.

The following instructions specify when a document of lesser reliability may be accepted by the agency. An asterisk by the document in the charts means that the document is listed in the law, section 6036 of DRA 2005 (public law No. 109-171).

See the Level 2 section for documents that prove citizenship by collective naturalization.

See M0220, Appendix 7 for information about the documents, the document issuer, and contact information for each document.

**5. How to Verify
Citizenship
and Identity**

First, ask the individual if he has a Level 1 document listed – U.S. Passport, Certificate of Naturalization or a Certificate of Citizenship. If the individual presents the original of one of these documents, he has verified his citizenship and identity.

**6. How to Verify
Citizenship**

If the individual does not have one of the Level 1 documents, ask if he has one of the Level 2 documents to prove citizenship. If the individual presents the original of one of the documents in Level 2, he has verified his citizenship, but not his identity. He must present a document from Chart 5 to verify his identity.

If the individual does not have one of the Level 2 documents, ask if he has one of the Level 3 documents to prove citizenship. If the individual presents the original of one of the documents in Level 3, he has verified his citizenship, but not his identity. He must present a document from Chart 5 to verify his identity.

If the individual does not have one of the Level 3 documents, ask if he has one of the Level 4 documents to prove citizenship, which includes a written affidavit. If the individual presents the original of one of the documents in Level 4, he has verified his citizenship, but not his identity. He must present a document from Chart 5 to verify his identity.

If the individual does not present one of the Level 4 documents to verify citizenship, he is not eligible for Medicaid because he has failed to provide documentary evidence of citizenship. **However, see section C that follows before cancelling Medicaid because of failure to verify citizenship.**

NOTE: Naturalized citizens are limited to the documents in Level 1, Level 2 and the citizenship affidavit in Level 5 because they were not born in the United States. They should not have the documents listed in Levels 3 and 4, and they should not have any of the Level 5 documents except for the affidavit.

**7. How to Verify
Identity**

If the individual presents the original of one of the documents in Levels 2, 3, or 4, he has verified his citizenship, but not his identity. He must present a document from Chart 5 to verify his identity.

a. Children Under Age 16

A written affidavit for a child under age 16 may be used to verify the child's identity **if an affidavit was not used to prove the child's citizenship** and the identity affidavit language is not on the application, ADAPT Statement of Facts (SOF) or renewal form submitted by the individual. The Affidavit of Identity for Medicaid Applicants and Recipients Under Age 16 is on the intranet at:

<http://localagency.dss.virginia.gov/divisions/bp/files/me/citizenship/forms/032-03-0282-02-eng.pdf>.

The Health Insurance for Children and Pregnant Women application form, form number 032-03-0401, has been updated to include the identity affidavit language. The application form is available on the intranet at:

<http://localagency.dss.virginia.gov/divisions/bp/me/forms/famis.cgi>. The Families & Children Medicaid and FAMIS Plus Renewal form contains the identity affidavit language. The form is available on the intranet at: <http://spark.dss.virginia.gov/divisions/bp/me/forms/general.cgi>.

b. Individuals Age 16 or Older

An affidavit of identity cannot be used for an individual age 16 or older, except when the individual resides in an institution. This form is available on SPARK at:

<http://spark.dss.virginia.gov/divisions/bp/me/citizenship/forms.cgi>. If the applicant is age 16 or older, the agency must assist the applicant in obtaining an identity document. If the individual does not present one of the documents in Chart 5 to verify identity, he is not eligible for Medicaid because he has failed to provide documentary evidence of identity. **See section E below before denying or cancelling Medicaid because of failure to verify identity.**

B. Hierarchy of Documentation

The agency's contact with the client about citizenship documents must follow the hierarchy of documentation. If the client does not have a Level 1, Level 2 or Level 3 citizenship document, the client must tell the agency why he or she cannot obtain these documents. The agency must write in the case record why the client cannot get Level 1, 2 or 3 document in order to explain why a Level 4 document was used (Level 4 includes the affidavits of citizenship).

NOTE: Applicants or recipients born outside the United States must submit a document listed under Level 1 - **primary evidence** of United States citizenship.

There is no hierarchy for the documentation of identity. For children under age 16, an affidavit of identity signed by the parent is acceptable whether or not other forms of identification may exist (see B.5 below).

**1. LEVEL 1 –
Primary
Documents to
Establish Both
United States
Citizenship
and Identity**

Level 1 primary evidence of citizenship and identity is documentary evidence of the highest reliability that conclusively establishes that the person is a United States citizen. Obtain primary evidence of citizenship and identity before using secondary evidence. Accept any of the documents listed in the Level 1 table as primary evidence of both United States citizenship and identity if the document meets the listed criteria and there is nothing indicating the person is not a United States citizen (e.g., lost United States citizenship).

NOTE: Persons born in American Samoa (including Swain's Island) are generally United States non-citizen nationals. References in this guidance to "citizens" should be read as references to non-citizen nationals.

NOTE: References to documents issued by the Department of Homeland Security (DHS) include documents issued by its predecessor, the Immigration and Naturalization Services (INS). On March 1, 2003, the former INS became part of DHS, and its naturalization function was assumed by United States Citizenship and Immigration Services (USCIS) within DHS. However, even documents issued after this date may bear INS legends.

Applicants or recipients born outside the United States who were not citizens at birth must submit a document listed under primary evidence of United States citizenship.

LEVEL 1 – Primary Documents	Explanation – Level 1
* United States Passport	<p>The Department of State issues this. A United States passport does not have to be currently valid to be accepted as evidence of United States citizenship, as long as it was originally issued without limitation.</p> <p>Note: Spouses and children were sometimes included on one passport through 1980. United States passports issued after 1980 show only one person. Consequently, the citizenship and identity of the included person can be established when one of these passports is presented.</p> <p>Exception: Do not accept any passport as evidence of United States citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.</p>
* Certificate of Naturalization (N-550 or N-570)	<p>Department of Homeland Security issues this document for naturalization. NOTE: A Certificate of Naturalization may not have a number on it. Form numbers N-550 and N-570 are no longer used. DHS now uses form number N-565. The application form for naturalization is now N-400.</p>
* Certificate of Citizenship (N-560 or N-561)	<p>Department of Homeland Security issues certificates of citizenship to individuals who derive citizenship through a parent.</p>

**2. LEVEL 2 -
Secondary
Documents to
Establish
United States
Citizenship**

Level 2 secondary evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence of citizenship is not available. Available evidence is evidence that exists and can be obtained within the application processing time frame (see section M0130.100). **A second document establishing identity MUST also be presented (see Chart 5, Evidence of Identity).**

Accept any of the documents listed in the Level 2 table as secondary evidence of United States citizenship if the document meets the listed criteria and there is nothing indicating the person is not a United States citizen (e.g., lost United States citizenship).

NOTE: Applicants or recipients born outside the United States must submit a document listed under **primary evidence** of United States citizenship.

LEVEL 2 – Secondary Documents	Explanation – Level 2
A United States public birth record	<p>A United States public birth record showing birth in:</p> <ul style="list-style-type: none"> • one of the 50 United States; • District of Columbia; • Puerto Rico (if born on or after January 13, 1941); • Guam (on or after April 10, 1899). • Virgin Islands of the United States (on or after January 17, 1917); • American Samoa; • Swain's Island; or • Northern Mariana Islands (after November 4, 1986 (NMI local time)). <p>The birth record document may be <i>recorded</i> by the State, Commonwealth, Territory or local jurisdiction. It must have been <i>recorded</i> before the person was 5 years of age. A <i>delayed</i> birth record document that is <i>recorded</i> after 5 years of age is considered fourth level evidence of citizenship.</p> <p>Plastic birth certificate cards issued by the Virginia Department of Health are valid birth certificates. A copy of the card is to be placed in the case record, with a note that the original card was viewed. Other states may have issued similar plastic birth certificate cards. If an individual presents a plastic birth certificate card from another state, verify with that state’s office of vital records that such cards are issued by the state.</p>
	<p>NOTE: Individuals born to foreign diplomats residing in one of the states, the District of Columbia, Puerto Rico, Guam or the Virgin Islands are not citizens of the United States.</p>
<i>Collective Naturalization</i>	<p>If the document shows the individual was born in Puerto Rico, the Virgin Islands of the United States, or the Northern Mariana Islands before these areas became part of the United States, the individual may be a collectively naturalized citizen. Collective naturalization</p>

LEVEL 2 – Secondary Documents	Explanation – Level 2
<i>Collective Naturalization</i>	occurred on the dates listed for each of the Territories. The following will establish United States citizenship for collectively naturalized citizens:
	<p>a. Puerto Rico:</p> <ol style="list-style-type: none"> 1) Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the United States, a United States possession or Puerto Rico on January 13, 1941; or 2) Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain. <p>b. United States Virgin Islands:</p> <ol style="list-style-type: none"> 1) Evidence of birth in the United States Virgin Islands, and the applicant's statement of residence in the United States, a United States possession or the United States Virgin Islands on February 25, 1927; or
	<ol style="list-style-type: none"> 2) The applicant's statement indicating residence in the United States Virgin Islands as a Danish citizen on January 17, 1917 and residence in the United States, a United States possession or the United States Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or 3) Evidence of birth in the United States Virgin Islands and the applicant's statement indicating residence in the United States, a United States possession or Territory or the Canal Zone on June 28, 1932. <p>c. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):</p> <ol style="list-style-type: none"> 1) Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the United States, or a United States Territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or 2) Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

LEVEL 2 – Secondary Documents	Explanation – Level 2
Collective Naturalization	<p>3) Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).</p> <p>4) NOTE: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a United States citizen.</p>
*Certification of Report of Birth (DS-1350)	The Department of State issues a DS-1350 to United States citizens in the United States who were born outside the United States and acquired United States citizenship at birth, based on the information shown on the FS-240. When the birth was recorded as a Consular Report of Birth (FS-240), certified copies of the Certification of Report of Birth Abroad (DS-1350) can be issued by the Department of State in Washington, D.C. The DS-1350 contains the same information as that on the current version of Consular Report of Birth FS-240. The DS-1350 is not issued outside the United States.
*Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240)	The Department of State consular office prepares and issues this. A Consular Report of Birth can be prepared only at an American consular office overseas while the child is under the age of 18. Children born outside the U.S. to U.S. military personnel usually have one of these.
*Certification of Birth Issued by the Department of State (Form FS-545 or DS-1350)	Before November 1, 1990, Department of State consulates also issued Form FS-545 along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form FS-545. Treat an FS-545 the same as the DS-1350.
U.S. Citizen Identification Card	(This form was issued as Form I-197 until the 1980s by INS. Although no longer issued, holders of this document may still use it consistent with the provisions of section 1903(x) of the Act. Note that section 1903(x) of the Act incorrectly refers to the same document as an I-97). INS issued the I-179 from 1960 until 1973. It revised the form and renumbered it as Form I-197. INS issued the I-197 from 1973 until April 7, 1983. INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
Northern Mariana Card (I-873)	Issued by the DHS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986). The former Immigration and Naturalization Service (INS) issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
American Indian Card (I-872)	(Issued by DNS to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border). DHS issues this card to identify a member of the Texas Band of Kickapoos living near the

LEVEL 2 – Secondary Documents	Explanation – Level 2
	U.S./Mexican border. A classification code "KIC" and a statement on the back denote U.S. citizenship.
Final adoption decree showing the child’s name and a U.S. place of birth	The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the State in which the child was born will not release a birth certificate prior to final adoption, a statement from a State-approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate.
Evidence of civil service employment by the U.S. government	The document must show employment by the U.S. government before June 1, 1976.
Official Military record of service	The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth).
Child Citizenship Act of 2000	<p>Adopted or biological children born outside the U.S. may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 U.S.C. § 1431), as amended by the Child Citizenship Act of 2000 (Pub. L. 106-395, enacted October 30, 2000). The agency must obtain documentary evidence that verifies that at any time on or after February 27, 2001, the following conditions have been met:</p> <ul style="list-style-type: none"> • At least one parent of the child is a United States citizen by either birth or naturalization (as verified under the Medicaid eligibility requirements); • The child is under the age of 18; • The child is residing in the United States in the legal and physical custody of the U.S. citizen parent; • The child was admitted to the United States for lawful permanent residence (as verified under the requirements of 8 U.S.C. 1641 pertaining to verification of qualified alien status); and • If adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. § 1101(b)(1) pertaining to international adoptions (admission for lawful permanent residence as IR-3 (child adopted outside the United States)), or as IR-4 (child coming to the United States to be adopted) with final adoption having subsequently occurred).

3. LEVEL 3 – Third Level Documents to Establish U.S. Citizenship

Level 3 third level evidence of U.S. citizenship is documentary evidence of satisfactory reliability that is used when neither primary nor secondary evidence of citizenship is available. Third level evidence may be used **ONLY** when the following conditions exist:

- primary evidence cannot be obtained within the State's reasonable opportunity period (see reasonable opportunity discussion below),

- secondary evidence does not exist or cannot be obtained, **and**
- the applicant or recipient alleges being born in the U.S.

In addition, a second document establishing identity MUST be presented as described in Chart 5, “Evidence of Identity.”

Third level evidence is generally a non-government document established for a reason other than to establish U.S. citizenship and showing a U.S. place of birth. The place of birth on the non-government document and the application must agree. Accept any of the documents listed in the Level 3 table as third level evidence of U.S. citizenship if the document meets the listed criteria, the applicant alleges birth in the U.S., and there is nothing indicating the person is not a U.S. citizen (e.g., lost U.S. citizenship).

LEVEL 3 - Third Level Documents	Explanation – Level 3
Extract of hospital record on hospital letterhead established at the time of the person’s birth that was created 5 years before application and indicates a U.S. place of birth	<p>An extract of a hospital record on hospital letterhead that was established at the time of the person's birth, that was created at least 5 years before the initial Medicaid application date and that indicates a U.S. place of birth is acceptable.</p> <p>Do not accept a birth certificate “souvenir” issued by the hospital.</p> <p>NOTE: For children under 16, the document must have been created near the time of birth or 5 years before the date of application.</p>
Life, health or other insurance record created at least 5 years before initial Medicaid application date and indicates a U.S. place of birth	<p>Life, health or other insurance records may show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth and it was created at least 5 years before the initial Medicaid application date.</p> <p>NOTE: For children under 16, the document must have been created near the time of birth or 5 years before the date of application.</p>
Religious record recorded in the U.S. showing a U.S. place of birth	<p>Religious record recorded in the U.S. within 3 months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual’s age at the time the record was made. The record must be an official record recorded with the religious organization.</p>
	<p>CAUTION: In questionable cases (for example, where the child’s religious record was recorded near a U.S. international border and the child may have been born outside the U.S.), the agency must verify the religious record and/or document that the individual’s mother was in the U.S. at the time of the individual’s birth.</p>
Early school record showing a U.S. place of birth	<p>The early school record showing a U.S. place of birth must be from a Head Start program, a pre-school, kindergarten or elementary school (early school records do NOT include report cards). The school record must show the name of the child, the date of admission to the school, the date of birth, a U.S. place of birth, and the name(s) and place(s) of birth of the applicant’s parents.</p>

**4. LEVEL 4 -
Fourth Level
Documents**

Level 4 fourth level evidence of citizenship is documentary evidence of the lowest reliability. Fourth level evidence should ONLY be used in the rarest of circumstances. This level of evidence is used ONLY when primary evidence is not available, both secondary and third level evidence do not exist or cannot be obtained within the State's reasonable opportunity period, and the applicant alleges a U.S. place of birth. In addition, a second document establishing identity MUST be presented as described in Chart 5, Evidence of Identity. Available evidence is evidence that can be obtained within the State's reasonable opportunity period as discussed below.

Fourth level evidence, as described in the Level 4 table below, consists of documents established for a reason other than to establish U.S. citizenship and showing a U.S. place of birth. The U.S. place of birth on the document and the application must agree. Accept any of the documents listed in the Level 4 table as fourth level evidence of U.S. citizenship if the document meets the listed criteria, the applicant alleges U.S. citizenship, and there is nothing indicating the person is not a U.S. citizen (e.g., lost U.S. citizenship). A second document establishing identity must be presented.

The written affidavit described in the Level 4 table may be used only when the State is unable to secure evidence of citizenship listed in any other Level.

LEVEL 4 - Fourth Level Documents	Explanation – Level 4
Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).	The census record must also show the applicant's age. NOTE: Census records from 1900 through 1950 contain certain citizenship information. To secure this information the applicant, recipient or agency should 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." Add that the purpose is for Medicaid eligibility. This form requires a fee.
One of the documents listed that was created at least 5 years before the application for Medicaid	The other document must be one of the following documents that shows a U.S. place of birth and was created at least 5 years before the application for Medicaid. (For children under 16 the document must have been created near the time of birth or 5 years before the date of application.) This document must be one of the following and must show a U.S. place of birth: <ul style="list-style-type: none"> • Seneca Indian tribal census record, • Bureau of Indian Affairs tribal census records of the Navaho Indians, • U.S. State Vital Statistics official notification of birth registration, • A delayed U.S. public birth record that is recorded more than 5 years after the person's birth,

LEVEL 4 - Fourth Level Documents	Explanation – Level 4
	<ul style="list-style-type: none"> • Statement signed by the physician or midwife who was in attendance at the time of birth, or • The Roll of Alaska Natives maintained by the Bureau of Indian Affairs.
<p>Institutional admission papers created at least 5 years before the initial application date</p>	<p>Institutional admission papers from a nursing facility, skilled nursing care facility, a local, state or federal prison or other institution created at least 5 years before the initial application date that indicate a U.S. place of birth are acceptable. Admission papers generally show biographical information for the person including place of birth. The record can be used to establish U.S. citizenship when it shows a U.S. place of birth.</p>
<p>Medical (clinic, doctor, or hospital) record created at least 5 years before the initial application date and indicates a U.S. place of birth.</p>	<p>Medical records generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth and was created at least 5 years before the initial application date.</p> <p>NOTE: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.</p> <p>NOTE: For children under 16 the document must have been created near the time of birth or 5 years before the date of Medicaid application.</p>
<p>Written affidavit of citizenship</p>	<p>Affidavits should ONLY be used in rare circumstances. When the LDSS is unable to secure any other form of documentation of citizenship listed above within the allowed processing time frame, a written affidavit described below may be accepted for citizens born in the U.S. and for naturalized citizens. The individual must also provide documentation of identity.</p> <p>NOTE: The Affidavit of Identity for Medicaid Applicants/Recipients Under Age 16 cannot be used when an affidavit of citizenship is used.</p> <p>If the citizenship documentation requirement needs to be met through affidavits, the following rules apply:</p> <ul style="list-style-type: none"> • There must be at least two affidavits by two individuals who are United States citizens, including naturalized citizens, who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship. • At least one of the individuals making the affidavit cannot be related to the applicant/recipient. Neither of the two individuals can be the applicant/recipient. • In order for the affidavits to be acceptable, the persons making the affidavits must be able to provide proof of their own citizenship and identity. • If the individuals making the affidavits have information which explains why documentary evidence establishing the

LEVEL 4 - Fourth Level Documents	Explanation – Level 4
Written affidavit of citizenship	<p>applicant's claim of citizenship does not exist or cannot be readily obtained, the affidavit must contain this information as well.</p> <ul style="list-style-type: none"> • The agency must obtain a separate affidavit from the applicant/recipient or other knowledgeable individual (or guardian or representative) explaining why the evidence does not exist or cannot be readily obtained. • The affidavits must be signed under penalty of perjury by the persons making the affidavits. <p>The Affidavit of Citizenship On Behalf Of Medicaid Applicants and Recipients, to be used by the two persons attesting to the applicant/recipient’s citizenship, is available on the intranet at: http://localagency.dss.virginia.gov/divisions/bp/files/me/citizenship/forms/032-03-0280-00-eng.doc.</p> <p>The Affidavit of Citizenship By Medicaid Applicants and Recipients, to be used by the applicant/recipient or his guardian or authorized representative, is available on the intranet at: http://localagency.dss.virginia.gov/divisions/bp/files/me/citizenship/forms/032-03-0281-00-eng.doc</p>

5. CHART 5 - Evidence of Identity

Section 1903 (x) of the Act provides that identity must be established. When Level 1 primary evidence of citizenship is not available, a document from the Level 2, Level 3 or Level 4 tables above may be presented if accompanied by an identity document from the following Chart 5 Identity Documents table. The identity documents do not have a hierarchy of reliability.

Exception to Identity Documentation: Do not accept a **voter’s registration card** or **Canadian driver’s license** [as listed in 8 CFR 274a.2 (b) (1) (v) (B) (1)].

CHART 5 – Identity Documents	Explanation – Chart 5
Driver’s license	A driver's license issued by State or Territory either with a photograph of the individual, or other identifying information such as name, age, sex, race, height, weight or eye color, is acceptable.
School identification card	A school identification card with the name and photograph of the individual is acceptable. The school ID card must be an official ID card issued by the school; unofficial ID cards such as those provided as a courtesy with school photographs, are not acceptable.

CHART 5 – Identity Documents	Explanation – Chart 5
United States military card or draft record	United States military card or draft record is acceptable.
Identification card issued by the Federal, State, or local government	An identification card issued by the Federal, State, or local government with the same information included on driver's licenses is acceptable. At a minimum, the ID must have the individual's name, address and photo. For photo ID cards, the photo must have been affixed to the ID card by the government agency that issued it. ID cards issued by a government agency that just have a space for the individual to attach a photo are NOT acceptable.
Military dependent's ID card	A military dependent's identification card is acceptable.
Native American Tribal document	A Native American Tribal document is acceptable.
United States Coast Guard Merchant Mariner card	A United States Coast Guard Merchant Mariner card is acceptable.
Certificate of Degree of Indian Blood, or other United States American Indian/Alaska Native tribal document	A Certificate of Degree of Indian Blood, or other United States American Indian/Alaska Native tribal document with a photograph or other personal identifying information relating to the individual is acceptable. The other personal identifying information relating to the individual on the document must be information such as age, weight, height, race, sex, and eye color.
State Agency Computer Data	<p>Identifying information from a Virginia state governmental data system can be used to provide identity verification for applicants and recipients. A copy of the screen(s) from a state data system that shows the individual's name, DOB, gender and SSN is acceptable documentation of the individual's identity if the agency establishes the true identity of the individual.</p> <p>NOTE: The state computer data base can only be used for identity verification; it cannot be used for verifying citizenship.</p>
Three or more corroborating documents	<p>The agency may accept three or more documents that together reasonably corroborate the identity of an individual provided such documents have not been used to establish the individual's citizenship and the individual submitted second or third tier evidence of citizenship. The agency must first ensure that no other evidence of identity is available to the individual prior to accepting such documents.</p> <p>The documents must at a minimum contain the individual's name, plus any additional information establishing the individual's identity. All three documents used must contain consistent identifying information.</p>

CHART 5 – Identity Documents	Explanation – Chart 5
Three or more corroborating documents	Examples of these documents include employer identification cards, high school and college diplomas from accredited institutions (including general education and high school equivalency diplomas), marriage certificates, divorce decrees and property deeds/titles.
Death Certificate	An official death certificate can be used to verify the identity of a deceased Medicaid applicant. NOTE: a death certificate CANNOT be used to verify citizenship.
Special identity rules for children under age 16	<p>For children under 16, when the application form does not contain the parent or caretaker’s statement of identity for children under age 16, a clinic, doctor, hospital or school record may be accepted for purposes of establishing identity. School records may include nursery or child care records and report cards that contain the required information.</p> <p>The school, nursery or daycare record must contain the child’s name, date of birth, place of birth and the parents’ names. The form agencies should use to request the school, nursery or daycare record is posted on the intranet. The school record request form workers can give to a child’s parent or <i>caretaker</i> to give to the school is posted to the intranet at: http://localagency.dss.virginia.gov/divisions/bp/me/citizenship/forms.cgi.</p>
	<p>a. Foster Care and Title IV-E Adoption Assistance Children</p> <p>All foster care children and Title IV-E Adoption Assistance children are excluded from the citizenship and identity verification requirements. Non-Title-IV-E Special Medical Needs children and non-Title-IV-E adoption assistance children must verify their citizenship and identity.</p> <p>b. Written affidavit of identity</p> <p>For children under 16 only, an affidavit of identity may be used when the application or renewal form does not contain the identity affidavit language. An affidavit is only acceptable if it is signed under penalty of perjury by a parent or caretaker stating the date and place of the birth of the child and cannot be used if an affidavit for citizenship was provided for the child. The Affidavit of Identity for Medicaid Applicants and Recipients Under Age 16 is available on the LDSS Intranet at: http://localagency.dss.virginia.gov/divisions/bp/files/me/citizenship/forms/032-03-0282-02-eng.pdf and may be sent to the parent or caretaker with the application or renewal form that does not contain the identity affidavit language when the agency is aware that a child under age 16 is in the home.</p> <p>The Application for Health Insurance for Children and Pregnant Women (FAMIS 1) and the Families& Children Medicaid and FAMIS Plus Renewal form contain an area for the parent or caretaker to attest</p>

CHART 5 – Identity Documents	Explanation – Chart 5
Special identity rules for children under age 16	<p>to the identity of a child under age 16. The forms are available on the intranet. A separate affidavit of identity is not necessary when the parent or caretaker has attested to identity on the application or renewal form.</p> <p>The affidavit of identity, or the attestation of identity on the original application form, remains valid when the child reaches age 16 or older, as long as the child remains continuously enrolled in Medicaid. If the child’s enrollment is canceled and he reapplies after turning age 16, his identity must be verified.</p>
Special rules for individuals in institutions	<p>The agency may accept an identity affidavit signed under penalty of perjury by a director or administrator of a residential care facility (such as an assisted living facility or group home), nursing home or hospital on behalf of an institutionalized individual who is residing or is an inpatient in the facility. The affidavit is not required to be notarized. The agency should first pursue other means of verifying identity prior to accepting an affidavit.</p> <p>The Affidavit of Identity for Medicaid Applicants/Recipients Residing in an Institution form is available on the intranet at: http://localagency.dss.virginia.gov/divisions/bp/me/citizenship/forms.cgi.</p>

C. Agency Actions

1. Documentation From Case Record and Individual

Documentation of citizenship and/or identity may be obtained from a number of different sources including the following:

- Existing LDSS agency records as long as the documentation conforms to Medicaid policy for citizenship and identity verification in M0220 of the Medicaid Eligibility Manual.
- Applicants and Recipients. All applicants and recipients, **except** SSI recipients, Medicare beneficiaries, SSDI beneficiaries, *individuals born to Medicaid-eligible mothers*, all foster care children and IV-E Adoption Assistance children, must provide documents that show proof of United States citizenship and proof of the person’s identity. Contact information for obtaining the various acceptable documents is available on the VDSS local agency intranet and the DSS public website and may be given to individuals to facilitate their obtaining documentation.

Original documents may be viewed by all eligibility, administrative, and services staff of the LDSS as long as the person viewing the document makes a copy of the document, notes that the original was viewed, and signs and dates the copy.

2. Authorized Representative

For individuals who have authorized representatives, such as the disabled or individuals who are institutionalized, initiate efforts to assist in securing documentation with the appropriate representative.

In those instances in which an authorized representative lives in another locality than the Medicaid enrollee and the authorized representative's LDSS is more convenient to them than the locality where the case is maintained, a LDSS may copy and verify an original document for an authorized representative. The LDSS is not to give the copy to the client's representative; the agency staff must send it to the LDSS that holds the Medicaid enrollee's case. In this way, the "chain of evidence" is not broken—it has always stayed within DSS.

A local DSS agency may accept the copy as verification providing another LDSS:

- saw the original document,
- made the copy of the original,
- wrote on the copy that the staff member saw the original document on (date), and
- signed and dated the copy.

3. Documents From Other Approved Organizations

Original citizenship and identity documents can be accepted from other organizations approved by DMAS when the original document is viewed, the authorized person makes a copy and affixes a statement to the copy that has the following information:

- the original document was viewed and copied by (name and title of the individual who viewed the documentation), signature of staff member who saw the original,
- the name of the entity with which the individual is affiliated, and
- the date the documentation was viewed and copied.

DMAS has approved documentation copies from the following:

- an established outreach organization,
- local health department,
- Department of Corrections personnel for prisoners leaving the correctional system,
- Federally Qualified Health Centers (FQHC),
- hospital discharge planners or social workers.

Two lists of approved organizations are posted on the local agency intranet site: "Project Connect and Independent Outreach Projects List" and "FQHC-Virginia Primary Care Association Membership Roster".

Hospital contractors, such as Chamberlin-Edmonds, are **not** considered authorized to view original documents.

4. DMAS FAMIS Plus Unit

Original documents can be viewed by local department of social services (LDSS) for applications handled by the Department of Medical Assistance Services (DMAS) FAMIS Plus Unit. As a service to clients, staff from any LDSS is to view an original document, make a copy, and note on the copy that the original was viewed, including the date and signature of the staff person. The LDSS are to send or fax the annotated copy to the DMAS FAMIS Plus Unit. The DMAS FAMIS Plus Unit will accept the copy and place it in the record. This process will significantly reduce the likelihood

of important and possibly irreplaceable documents being misplaced or destroyed.

5. Birth Certificate Viewed By Out-of-State Agency

Local agencies are to accept copies of out-of-state birth certificates if the copies have statements on or attached to them that say the original birth certificates were viewed by staff of the issuing state's Department of Social Services or Medicaid state agency, and the statements are signed and dated by the issuing state's staff who viewed the originals.

6. Individuals Who No Longer Meet Exception

When an individual loses the exception status, and his citizenship and identity has not been previously verified, it must be verified for him to remain eligible for Medicaid. If the individual's eligibility in another covered group must be determined (due to the loss of SSI benefits, for example), obtain the documentation of citizenship and identity at the time of the eligibility review. *If the verification is not readily available, the individual must be allowed a reasonable opportunity to obtain the documentation. See M0220.100 A.3.*

Verify the SSI recipient's or Medicare beneficiary's entitlement to benefits through SVES or SOLQ-I. A copy of the SVES or SOLQ-I printout must be placed in the case file.

7. Individual NOT Required to Submit Documents in Person

Individuals do not have to submit their citizenship and identity to the agency worker in person. They may mail-in the **original document** for the agency to copy and mail back to the individual, with the exception of a copy of a Virginia birth certificate which may be furnished rather than the original. The worker must write on the copy made for the case record that "the original document was viewed on (date) and the original was mailed back to the individual on (date)."

For individuals who need assistance securing a birth certificate, LDSS may request Virginia birth record verification via BRVS without receiving additional approval from the recipient beyond the recipient's original signature on the application for Medicaid. If the result of a BRVS request is "unverified," however, the individual is to be notified that documentation of citizenship is needed and allowed the reasonable opportunity period to secure the documentation (*see M0220.100 A.3*).

8. Special Populations Needing Assistance

The agency shall assist special populations who need additional assistance, such as the homeless, mentally impaired, or physically incapacitated individual who lacks someone who can act on his behalf, to provide necessary documentation.

For individuals born in Virginia who are mentally impaired or physically incapacitated and lack someone who can act on their behalf, the agency should initiate action to secure the documentation for these individuals using the BRVS to request Virginia birth verification. For individuals not born in another state, use the procedures described in the Procedures-Verifying Citizenship and Identity document posted on SPARK.

9. Failure to Provide Requested Verifications

Failure to provide satisfactory evidence of citizenship and identity, after being provided a reasonable *opportunity* to present such documentation, is to result in the termination of Medicaid.

A recipient who fails to cooperate with the agency in presenting documentary evidence of citizenship may be denied or terminated. Failure to cooperate consists of failure by a recipient or that individual's representative, after being notified, to take a required action within the reasonable opportunity time period.

10. Notification Requirements

Prior to the termination of benefits, the enrollee must be sent the Advance Notice of Proposed Action (Form 032-03-018) at least 10 calendar days (plus one day for mailing) prior to the effective date of the closure.

A Notice of Action and appeal rights must be sent to an individual whose application is denied because of failure to provide citizenship and/or identity verification.

11. Maintain Documents in Case Record

The agency must maintain copies of the documents used to verify citizenship and identity in the individual's case record or data base and must make the documents available for state and federal audits.

12. No Reporting Requirements

There are no monthly reporting requirements. However, the Medical Assistance Program Consultants *may* conduct reviews of cases where Medicaid eligibility was denied or terminated because of lack of citizenship and/or identity verification.

13. Refer Cases of Suspected Fraud to DMAS

If documents are determined to be inconsistent with pre-existing information, are counterfeit, or are altered, refer the individual to DMAS for investigation into potential fraud and abuse. See section M1700.200 for fraud referral procedures.