

2215 – CITIZENSHIP AND ALIENAGE**POLICY
STATEMENT**

An individual must be a U.S. citizen or establish INS status as an alien lawfully admitted for permanent residence in order to be eligible for Medicaid.

EXCEPTION: An individual determined ineligible for Medicaid solely because of not meeting the citizenship (alienage) requirement is potentially eligible for Emergency Medical Assistance. Refer to Section 2054, Emergency Medical Assistance (EMA).

Alien status determines the benefits to which an alien may be entitled. Citizenship/alienage status does not have to be established for a child under Newborn Medicaid or for an individual receiving EMA.

**BASIC
CONSIDERATIONS**

A U.S. citizen is an individual who is one of the following:

- Born in one of the 50 states, District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands (St. Thomas, St. Croix and St. John), Northern Mariana Islands (Saipan, Rota and Tinian), American Samoa, or Swains Island.
- Minor child(ren) born in another country to a non U.S. citizen become a citizen when the parent resides in the U.S. for the required period of time and becomes a naturalized citizen.
- Born in another country to a U.S. citizen.

NOTE: Children born in another country to a U.S. citizen are U.S. citizens until age 18, when they must declare either U.S. citizenship or birth country citizenship.

**Definition of
Alienage**

Aliens are individuals who are not U.S. citizens, but reside in the U.S. or its territories. Visitors, tourists, foreign students and diplomats are not eligible for benefits.

Alien status determines the benefits to which an alien may be entitled. Any alien who entered the U.S. on or after August 22, 1996, is not eligible for Medicaid for any class of assistance for a period of five years from the date of entry into the U.S., unless s/he is a Qualified Alien and meets one of the criteria listed in Chart 2215.1.

Any alien, who entered the U.S. for permanent lawful residence prior to August 22, 1996, continues to meet the citizenship/alien criteria for any Family Medicaid or ABD Medicaid COA.

Any alien who has entered the U.S. for permanent lawful residence prior to August 22, 1996, and is not potentially eligible for SSI based on the criteria in Chart 2215.1 can be determined eligible for ABD Medicaid under any appropriate COA, including AMN.

**BASIC
CONSIDERATIONS
(cont.)**

For Family Medicaid, any assistance unit (AU) member who fails or refuses to cooperate in determining citizenship/alienage status is ineligible. Refer to Chapter 2650, Family Medicaid Budgeting.

Individuals who are not recipients of Medicaid but who are Medicaid budget group members only do not have to meet the citizenship/alienage requirements.

**Definition of
Qualified Alien**

According to the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, a Qualified Alien is an alien who, at the time the alien applies for, receives or attempts to receive a Federal public benefit, such as Medicaid, is:

- an alien who is lawfully admitted for permanent residence under the INS, whose departure from the U.S. INS does not contemplate enforcing. An alien is considered to be permanently residing when INS has granted permission to remain in the U.S. for an indefinite period of time. This is referred to as PRUCOL and this designation

PROCEDURES
(cont.)
Establishing Citizenship

Accept the A/R's statement of U.S. citizenship unless questionable or information known to the agency conflicts with that statement.

Establish citizenship/alienage at the following times:

- at initial application
- when an individual is added to the AU
- when the agency becomes aware of a discrepancy

Verification

If questionable, verify citizenship with one of the following:

- birth certificate
- U.S. passport
- Report of Birth from Abroad of a U.S. Citizen (Form FS-240)
- Certificate of Birth (Form FS-545)
- U.S. Citizen ID card (I-97)
- Naturalization Certificate (N-550)
- Certificate of Citizenship (N-560)
- SSN issue prior to 6/30/48
- prior entitlement to SSI
- any document over 5 years old showing place of birth
- any document over 5 years old that shows U.S. residency prior to 6/30/48
- the written statement of a person in a position to have knowledge of an individual's place of birth (to be used only for an individual born in the U.S. when no other method of verification is available).

Document the following:

- the A/R's statement is accepted, or
- the source of verification used.

PROCEDURES
(cont.)
Verifying Alien Status

Verify INS alien status for each alien AU member. Use INS documents and Chart 2215.1 to determine alien status and potential eligibility for benefits.

PROCEDURES

**Determining 40
Qualifying
Quarters (cont.)**

Step 4 Exclude as a credit quarter any quarter in which the wage earner received federal public assistance on or after January 1, 1997. The resulting total qualifying quarters must equal or exceed 40 for the lawful permanent resident to be eligible for benefits.

NOTE: “Received” is defined as being included in federal public assistance.

Public assistance is defined as Food Stamp benefits, housing, TANF, employment services, support services, child care subsidy, federal energy assistance, subsidized utilities, SSI or Medicaid (other than EMA). This list is not all-inclusive.

Public assistance does not include EMA, public health assistance, foster care, adoption assistance, soup kitchen meals, crisis counseling, short term shelter, educational assistance, WIA, disaster relief or Head Start. This list is not all-inclusive.

Step 5

Determine the number of credited quarters, as follows:

- Prior to 1978 –

If earnings totaled at least \$50 per calendar quarter (January through March, April through June, July through September or October through December), a quarter was credited to the wage earner.

- Effective January 1, 1978 –

Credited quarters are based on the total yearly earnings. To determine the number of credited quarters, divide the total yearly earnings by the figures listed below for that year. The result (up to 4), minus the number of quarters public assistance was received, is the number of credit quarters.

1978	\$250	1990	\$520
1979	\$260	1991	\$540
1980	\$290	1992	\$570
1981	\$310	1993	\$590
1982	\$340	1994	\$620
1983	\$370	1995	\$630
1984	\$390	1996	\$640
1985	\$410	1997	\$670
1986	\$440	1998	\$700
1987	\$460	1999	\$740
1988	\$470	2000	\$780
1989	\$500	2001	\$830

Step 6

Document calculations in the case record.

EVIDENCE OF CITIZENSHIP CHART

Highest Group numbers in each Social Security Number area issued prior to June 30, 1948:

Area	Group	Area	Group	Area	Group	Area	Group
001	22	221	18	393	26	494-500	30
002-003	20	222	16	394	24	501	24
004-005	28	223-224	36	395-396	26	502	22
006-007	26	225-231	34	397-398	24	503	26
008-009	18	232	46	399	26	504	24
010-015	24	233-236	44	400-404	36	505	32
016	22	237-238	42	405	34	506-508	30
017-018	24	239-246	40	406	36	509-514	26
019-034	22	247-248	44	407	34	515	24
035-037	20	249-252	42	408-409	46	516-518	30
038-039	18	253-254	44	410-414	44	519-520	28
040-042	24	261-266	40	415	42	521	36
043-049	22	267	38	416-420	36	522-524	34
050-056	24	268-287	26	421-424	34	525	36
057-058	22	288	24	425-431	50	526-529	34
059-071	24	289-296	26	432	46	530	16
072	22	297	24	433	42	531-532	28
073-081	24	298-299	26	434-439	40	533-539	26
082	22	300-302	24	440-444	28	540-541	32
083-086	24	303-307	30	445	26	542-544	30
087-088	22	308	28	446-448	28	545-559	38
089	24	309	30	449-459	44	560-561	36
090-098	22	310-317	28	460	42	562-567	38
099	24	318-356	24	461	44	568	36
100-134	22	357-358	22	462-463	42	569-571	38
135-136	24	359	24	464	44	572	36
137-158	22	360-361	22	465-467	42	573	38
159-185	24	362-363	30	468-472	30	574	07
186-211	22	364-377	28	473-477	28	575-576	26
212-213	28	378	26	478-485	30	577-578	40
214	26	379-386	28	486-489	32	579	38
215	28	387-391	26	490	30		
216-220	26	392	24	491-493	32		

SSN's are issued in the following order:

1. Odd numbered groups 01-09;
2. Even numbered groups 10-98;
3. Even number groups 02-08;
4. Odd numbered groups 11-99.

Each group is exhausted before the following group is issued. Thus, in area 237 groups 01-09 and 10-42 had been issued by 06-30-48.

The chart below provides each INS status, which is routinely applicable to eligibility determinations. This chart is not all-inclusive. The INS has the discretion to change documents or codes to allow any alien or group of aliens to stay in the U.S. for an indefinite period. Service agencies may not be aware of these changes prior to implementation.

Additionally, documents issued by the INS vary by local INS office. For example, two aliens with the same immigration status may not have the same document to verify the same status. Letters of decision from immigration judges may identify INS status, also. Direct questions regarding documents to the appropriate policy help desk.

chart 2215.1 – determination of alien status		
IF the A/R's Alien INS status is:	THEN the A/R meets the Citizenship/Alien eligibility criteria for the following COAs:	Verify with one of the following INS documents:
Lawful Permanent Resident with 40 qualifying quarters of coverage who enters the U.S. <ul style="list-style-type: none"> prior to 8/22/96 	SSI, Any Family Medicaid or ABD Medicaid COA.	Resident Alien Card Passport, Visa, I-94, I-181, INS AR-3a or other INS documentation stating the "Processed for I-551, Temporary Evidence of Lawful Residence"
<ul style="list-style-type: none"> on or after 8/22/96 	EMA for 5 years beginning with date of entry. Any Family Medicaid or ABD Medicaid COA beginning 5 years from the date of entry.	
Lawful Permanent Resident without 40 qualifying quarters of coverage who entered the U.S. <ul style="list-style-type: none"> Prior to 8/22/96 	Any Family Medicaid or ABD Medicaid COA.	
<ul style="list-style-type: none"> On or after 8/22/96 	Any Family Medicaid or ABD Medicaid COA beginning 5 years after the date of entry. Exception: EMA eligible beginning from the date of entry. No waiting period applies.	

CHART 2215.1 – DETERMINATION OF ALIEN STATUS (cont.)

IF the A/R's Alien INS status is:	THEN the A/R meets the Citizenship/Alien eligibility criteria for the following COAs:	Verify with one of the following INS documents:
Lawful Permanent Resident who was lawfully residing in U.S. on or prior to 8/22/96 and who is or becomes disabled or blind	SSI, Any Family Medicaid or ABD Medicaid COA.	Resident Alien Card Passport, Visa, I-94, I-181, INS AR-3a or other INS documentation bearing the endorsement "Processed for I-551, Temporary Evidence of Lawful Residence"
Lawful Permanent Resident who was lawfully residing in U.S. on or prior to 8/22/96 and was 65 years or older at that time	Ineligible for SSI unless they meet disability criteria or have 40 qualifying quarters. Refer to SSA to make application for SSI if appropriate. Eligible for any ABD Medicaid COA based on age.	
Any SSI recipient who applied for SSI before 1979	SSI , Any ABD Medicaid COA	Any INS status or documentation that establishes the alien as having applied for SSI prior to 1979
An alien granted asylum status under Section 208 of INA who entered the U.S. - Prior to 8/22/96	Any Family Medicaid or ABD Medicaid COA OR SSI for 7 years from date asylee status is granted, regardless of current INS status	I-94 annotated with Section 208 I-688B annotated with 274a.12 (a) (5) Other INS documents with asylum codes of AS1, AS2, AS3 AS6, AS7, AS8
- On or after 8/22/96	Any Family Medicaid or ABD Medicaid COA OR SSI for 7 years from date asylee status is granted, regardless of current INS status	

An American Indian born outside the US, but recognized as a Lawful Permanent Resident if living along the Canadian border	SSI OR Any Family Medicaid or ABD Medicaid COA	Same as above or 50% blood is that of an American Indian or is a member of a federally recognized tribe.
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CHART 2215.1 – DETERMINATION OF ALIEN STATUS (cont.)

IF the A/R's Alien INS status is:	THEN the A/R meets the Citizenship/Alien eligibility criteria for the following COAs:	Verify with one of the following INS documents:
An alien paroled for at least one year under Section 212(d)(5) who entered the U.S. - prior to 8/22/96	Any Family Medicaid or ABD Medicaid COA	I-688B annotated with 274a.12(a) (4) or c(11) I-94 annotated with 212(d)(5an) I-512 annotated with Section 212(d)(5)
- on or after 8/22/96	Any Family Medicaid or ABD Medicaid COA beginning 5 years from the entry date EXCEPTION: EMA for 5 years beginning from the date granted parolee status	
A Cuban and Haitian entrant admitted under Section 501(3) of Refugee Education Assistance Act of 1980 (as of 11/98)	SSI for 7 years from date of entering into U.S. OR Any Family Medicaid or ABD Medicaid COA	I-94 annotated with paroled as refugee, Section 207 or married Cuban I-551 or I-151 with CH6, CNP, CU6 or 7
An immigrant with Amerasian INS status who entered the U.S. either prior or on or after 8/22/96.	SSI for 7 years from date of entry into the U.S. regardless of current status OR Any Family Medicaid or ABD Medicaid COA	I-95 annotated with AM1, AM2, AM3 I-551 annotated with AM6, AM7, AM8 Vietnamese Exit Visa, Vietnamese Passport, or U.S. Passport stamped AM1, AM2, AM3
Any above listed alien and considered a battered spouse or child and who is no longer living with the batterer.	Any Family Medicaid or ABD Medicaid COA	Any INS document that established a spouse or child(ren) as lawfully residing in the U.S. and considers them as a battered spouse or child(ren).

CHART 2215.1 – DETERMINATION OF ALIEN STATUS (cont.)		
IF the A/R's Alien INS status is:	THEN the A/R meets the Citizenship/Alien eligibility criteria for the following COAs:	Verify with one of the following INS documents:
A qualified alien with any documented status if the alien is: <ul style="list-style-type: none"> • a veteran who has been honorably discharged for reasons other than alienage, OR • on active military duty (other than active duty for training) AND • the qualified alien spouse and unmarried children (natural, adoptive or step) under 18, of the veteran or military personnel on active duty 	SSI OR Any Family Medicaid or ABD Medicaid COA	Any INS document that establishes that the alien is lawfully residing in the U.S. (Spouse and any unmarried children [natural, adoptive, or step] under 18, must also be documented as lawfully residing in the U.S.
A refugee admitted under Section 207 of Immigration & Naturalization Act (INA)	SSI for 7 years from date of entry into U.S., regardless of current status OR Any Family Medicaid or ABD Medicaid COA	
Alien whose deportation is being withheld under Section 243(h) or 241(b) of the INA	SSI for 7 years from date of withholding deportation OR Any Family Medicaid or ABD Medicaid COA	I-94 annotated with Section 243(h) Other INS documentation from an immigration judge showing that deportation has been withheld
Conditional entrants under Section 203(a)(7) of the INA in effect prior to 4/1/80 who entered the U.S. - Prior to 8/22/96 - On or After 8/22/96	Any Family Medicaid or ABD Medicaid COA EMA for 5 years beginning from the date of entry THEN Any Family Medicaid or ABD Medicaid COA	I-94 annotated with Section 203(a)(7)
All other aliens	Any Medicaid COA using EMA procedures	N/A