

2215 – CITIZENSHIP/IMMIGRATION/IDENTITY

POLICY STATEMENT	<p>An individual must be a U.S. citizen or establish Department of Homeland Security (DHS) status as a lawfully admitted qualified immigrant in order to be eligible for Medicaid.</p> <p>EXCEPTION: An individual determined ineligible for Medicaid solely because s/he does not meet the citizenship/immigration requirement is potentially eligible for Emergency Medical Assistance. Refer to Section 2054, Emergency Medical Assistance (EMA).</p>
BASIC CONSIDERATIONS	Citizenship/immigration status determines the benefits to which a person may be entitled.
Definition of Citizenship	<p>A U.S. citizen is an individual who is one of the following:</p> <ul style="list-style-type: none"> • 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. • a child adopted by a U.S. citizen (Refer to Child Citizenship Act) • minor child born in another country to a non-U.S. citizen becomes 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. • has fulfilled the requirements and completed the process of naturalization. <p>The Child Citizenship Act, which became effective February 27, 2001, amended the Immigration and Nationality Act (INA) to provide U.S. citizenship automatically to adopted or biological children born out of the United States when all required criteria are satisfied:</p> <ul style="list-style-type: none"> • At least one parent is a U.S. citizen by either birth or naturalization, • The child is under 18 years of age, • The child is residing in the United States in the legal and physical custody of the U.S. citizen parent. • The child is admitted to the United States as an immigrant, and • If the child is adopted, a full and final adoption of the child
Verification of U.S. Citizenship	<p>Verification of citizenship/immigration is not a requirement for an individual who is not a recipient in the Medicaid AU, but who is included in the Medicaid budget group (BG) only.</p> <p>Verification may be submitted in person, by mail, by guardian, authorized representative, or by an authorized agency. Authorized agencies include the Division of Family and Children Services (DFCS); Right from the Start Medicaid (RSM); Department of Public Health (DPH)/Qualified Provider (QP); Policy Studies, Inc. (PSI); Georgia Cares; and CHIPRA Grantees.</p>

**BASIC
CONSIDERATIONS****Verification of U.S.
Citizenship (cont.)**

NOTE: Citizenship status doesn't have to be verified for a deemed Newborn to receive Medicaid, or for an individual to receive EMA. A child who is deemed Newborn is considered to have provided satisfactory proof of citizenship and is not required to provide any additional verification at CMD or future application for another Medicaid class of assistance. If a child is determined to meet "deemed newborn status", code DEM2 citizenship/identity for the child per Appendix J-12, "Coding of citizenship/identity for Newborns". Document REMA behind Dem2, "child deemed newborn" and include AU ID of the Medicaid case in which the child's mother was enrolled at the time of birth.

Copies of citizenship documents must be maintained in the case record or SUCCESS, and must be made available for compliance audits (CHH, MEQC, PERM). Documentation on SUCCESS should clearly state what documentary evidence was used, including, but not limited to, the documents assigned number and information on the document.

A hierarchical approach should be used in verifying citizenship. At application provide each head of household or authorized representative with a copy of "Providing Verification of Citizenship for Medicaid". Use [Form 218](#), "Citizenship/Identity Verification Checklist" to give to the applicant/member or representative when actual verifications are requested. Both forms are found in Appendix F, Forms. If an applicant or member presents evidence from the listing of primary documentation, no other information will be required. When such evidence cannot be obtained, the next tier of acceptable forms of verification should be used. An attempt to obtain primary documentation should be made before continuing to secondary or tertiary lists. Secondary, third, and fourth level documentation also require verification of identity.

Primary Documents

- Current or expired U.S. passport (not limited passports)
- Certificate of Naturalization (N-550 or N-570)
- Certificate of Citizenship (N-560 or N-561)

Secondary Documents (also requires verification of identity)

- U.S. public birth record showing birth in one of the U.S. states, District of Columbia, American Samoa, Swain's Island, Puerto Rico if born on or after January 13, 1941, Virgin Islands of the U.S. 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 U.S. birth certificate or data match with a State Vital Statistics Agency (refer to 2215-15 for instructions for accessing GA Vital Records)
- Certification of Report of Birth (DS-1350) issued by the Dept. of State.
- Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240) Certification of Birth Abroad (FS-545)
- United States Citizen Identification Card (I-197 or I-179)
- American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC". (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).

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Verification of U.S.
Citizenship (cont.)**

- Northern Mariana Identification Card (I-873) or Collective Naturalization for those who lived in the Northern Mariana Islands
- Final Adoption Decree
- Evidence of civil service employment by the U.S. government before June 1, 1976.
- Official military record showing a U.S. place of birth
- SAVE- Systematic Alien Verification Entitlements Program for Naturalized Citizens (WEB1)
- The Child Citizenship Act must obtain documentary evidence that verifies on or after February 27, 2001 the conditions were met.

Third Level Documents (also requires verification of identity)

- Extract of hospital record on hospital letterhead indicating a U.S. place of birth established at the time of the person's birth and was created at least 5 years before the initial application date (for children under 16, the document must have been created near the time of birth or 5 years before the date of application) Do not accept a souvenir birth certificate issued by the hospital.
- Life or health or other insurance record showing a U.S. place of birth and was created at least 5 years before the initial application date
- 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. (Entries in a family Bible are not considered religious records.)
- Early school record showing a U.S. place of birth. The school record must show the name of the child, the date of admission to the school, the date of birth, and name(s) and Place(s) of birth of the applicant's parents.

Fourth Level Documents (also requires verification of identity)

- Federal or State census record showing U.S. citizenship or U.S. place of birth (generally for persons born 1900 to 1950). The census record must also show the applicant's age. To secure this information, the applicant, member, or worker 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". Also add that the purpose is for Medicaid eligibility. This form requires a fee. The BC-600 is also available online at : <http://www.census.gov/genealogy/www/data/agesearch/bc-600.pdf>.
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution indicating a U.S. place of birth and was created at least 5 years before the initial application date
- Medical (clinic, doctor, or hospital) record indicating a U.S. place of birth and was created at least 5 years before the initial application date. An immunization record alone, such as form 3231, is not considered a medical record for establishing citizenship.
- Other document that shows a U.S. place of birth and that was created at least five years before the application for Medicaid (or for children under 16 near the time of birth). These documents are a Seneca

**BASIC
CONSIDERATIONS****Verification of U.S.
Citizenship (cont.)**

Indian tribal census record, Bureau of Indian Affairs tribal census records of the Navajo Indians, a U.S. State Vital Statistics official notification of birth registration, a delayed U.S. public birth record that was recorded more than 5 years after the person's birth, a statement signed by the physician or midwife who was in attendance at the time of birth, and the Bureau of Indian Affairs Roll of Alaska Natives.

- [Form 219 Citizenship or Identity Affidavit](#) (only used in rare circumstances as a last resort) by two individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the applicants or recipient's claim of citizenship. The person(s) making the affidavit must be able to provide verification of his/her own citizenship and identity for the affidavit to be accepted. (A copy of the verification should be maintained in the case record.) A third affidavit from the applicant/recipient or other knowledgeable individual must also be obtained explaining why documentary evidence does not exist or cannot be obtained.

NOTE: An affidavit may be used to verify citizenship of anyone or identity of a child, but not both.

**Verification
of Identity**

Evidence of Identity (Any form of identity verification listed below is acceptable. The hierarchical approach is not required.)

NOTE: Proof of identity is not required for non qualified immigrants.

- A state driver's license, Georgia Identification card or the Georgia Identification Card for Voting Purposes issued by the Department of Driver's Services
- Certificate of Indian Blood or other U.S. American Indian/Alaska Native tribal document
- U.S. military card or draft record (must contain photo or other identifying information)
- Identification card issued by federal, state, or local government agencies or entities either containing a picture or identifying information such as name, date of birth, sex, height, color of eyes, and address (includes the Georgia Identification card issued by the County Voter Registrar's office).
- Military dependent's identification card, if it contains a photograph or other identifying information
- United States Coast Guard Merchant Mariner Card
- School identification card with a photograph
- U.S. passport issued with limitations
- Data matches or documents from law enforcement or corrections agencies, such as police departments, sheriff's departments, parole office, DJJ and Youth Detention Centers. Information such as height, race, date of birth, weight, eye color and/or other identifying information should be included. A print-out from their data system with identifying information would verify identity. Identifying information for former inmates can be accessed through the Georgia Department of Corrections at <http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp>.

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CONSIDERATIONS**
**Verification
of Identity
(cont.)**

- 3 or more corroborating documents that 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 worker must ensure that no other evidence of identity is available to the individual prior to accepting such documents. These documents at a minimum must contain the individual's name, plus any additional information establishing the individual's identity. All documents used must contain consistent identifying information, i.e. if a document is accepted that contains the name, DOB and address of the applicant/member, the other documents should contain the name, DOB and address of the applicant/member or contain either the name and DOB or the name and address. Identifying information includes full name, height, weight, eye color, date of birth, street address (must be current), driver's license number, photo, social security number, fingerprints, etc. Documents that may be used include employer identification cards, high school and college diplomas from accredited institutions (including general education and high school equivalency diplomas from accredited institutions), marriage certificates, divorce decrees or other court records, and property deeds/titles. Data matches with the marriage, divorce, or death records of the state vital records index are also acceptable.

NOTE: Driver's license cross match and criminal offenders or sexual predators match with the GA DataBroker system are valid verifications as long as they were completed prior to 6/30/10.

- Disabled individuals in residential care facilities may have their identity attested to by the facility director or administrator when the individual does not have or cannot get any document on the preceding lists. Again, the affidavit is signed under penalty, but need not be notarized.

For individuals under age 16 who are unable to produce a document listed above, the following documents are acceptable to establish identity:

- School record including report card, daycare or nursery school record. (Must verify record with issuing school).
- Clinic, doctor or hospital record showing date of birth, including the Form 3231 if an immunization date on the form was documented before the child's 16th birthday. Refer to Appendix J for procedures for accessing the Georgia Registry of Immunization Transactions and Services (GRITS) system.
- Form DMA-550 (Newborn certification) if it was created within 3 months of the child's birth and is signed by a provider.
- Form 219 Citizenship or Identity Affidavit (used only as a last resort) signed under penalty of perjury by a parent or guardian, stating the date and place of birth of the child and attesting to the identity of the child.

NOTE: A signed [Declaration of Citizenship](#) form that includes the above information can be accepted to verify the child's identity if he/she is under the age of 16. Identity remains verified after the age of 16 as long as the Form 216 remains in the current case record. There is no need to request verification again.

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CONSIDERATIONS**

An individual cannot use an affidavit for identity if he or she also submitted an affidavit for proof of birth or nationality.

NOTE: Verification of identity is not required for eligibility in the Newborn Medicaid Class of Assistance (COA), and is not required for EMA. A child who has received Newborn Medicaid is considered to have provided satisfactory proof of identity and is not required to provide any additional verification at CMD or future application for another Medicaid class of assistance. PeachCare for Kids® will run a monthly match against the DCH MMIS system to determine if a child has ever received Newborn Medicaid. If a match is returned, the code “Newborns file” will show on the VIDA “Citizenship and Identity” screen, and no additional verification will be required. Refer to Appendix J for SUCCESS coding instructions.

**PeachCare for Kids®
Verification of
Citizenship and
Identity**

For PeachCare for Kids® kickbacks, Policy Studies Inc. (PSI) will utilize an interface with the State Verification Exchange System (SVES) to verify citizenship and identity. If the system returns a match, the A/R’s citizenship/identity have been verified through the interface and no additional verification is required. RSM Project staff will review the “Citizenship and Identity” screen from VIDA. If the status on the screen is “YES” and the verification field is coded as “SVES used”, no further verification is required. For applications received by RSM Project staff with a related active non-Medicaid case, the “Citizenship and Identity” screen will be printed and included as part of the PeachCare for Kids® rebound packet, forwarded to DFCS field operations.

An applicant/member is not required to provide documentation of citizenship/identity again unless documentation previously submitted is questionable.

**Reasonable
Opportunity to
Provide Verification**

Individuals who declare they are U.S. citizens, under penalty of perjury, must be given a reasonable opportunity to provide required proof of citizenship/identity without Medicaid benefits being denied, delayed or terminated. If an applicant/member provides all other verification necessary to determine eligibility, but does not provide proof of citizenship/ID, the case should be approved. The applicant/member will be given until the end of the third month following the month of approval to provide verification.

NOTE: Prior months are not considered part of the reasonable opportunity period. Prior month coverage should be approved with the application month and any intervening months.

Each applicant will be allowed one reasonable opportunity period (ROP) per year. This year will run twelve (12) consecutive calendar months beginning the first day of the month following the end of the ROP and will continue regardless of whether the Medicaid case remains active or not.

Reasonable opportunity applies to each individual AU member rather than the entire AU. If an applicant/member does not return verification of citizenship/identity by the beginning of the third month following the month of approval, the individual for whom citizenship/identity has not been verified should be penalized (an adult) or excluded (a child) from the Medicaid AU at the end of the ROP. Refer to [Section 2657](#), Penalized Individuals, and [Appendix J](#)-Family Medicaid SUCCESS Functions

**BASIC
CONSIDERATIONS****Reasonable
Opportunity to
Provide Verification
(cont.)**

for proper coding procedures. The change must be completed in time for timely notice to expire no later than the end of the third month. If the applicant/member returns the verification after the closure but before the end of the third month, the individual should be reinstated. Citizenship/identity verification for a penalized or excluded AU member who received an ROP can be provided at any time during the 12 month period following the expiration of the ROP. No new application is required when removing the penalty or adding the child back to the original Medicaid AU. The previously penalized or excluded member should be added back to the Medicaid AU effective the first day of the month that verification provided.

EXCEPTION: In the following situations, a new application is required if verification of citizenship/identity is provided during the 12 month period following the ROP.

- A Medicaid case in which there is only one AU member
- A LIM case that contains only one eligible child and the child's verification of citizenship/identity is not provided. In this situation, the case would have closed as there would be no qualifying child in the AU under 18.

**Definition of
Immigrant**

An immigrant is an individual who is not a U.S. citizen, but resides in the U.S. or its territories. Visitors, tourists, foreign students and diplomats are not eligible for benefits.

Immigrant status determines the benefits to which an immigrant may be entitled.

Date of Entry

The recognized date of entry into the U.S. is the date recognized by DHS as opposed to the actual, physical date of entry.

An immigrant who entered the U.S. on or after August 22, 1996, is not eligible for Medicaid, except under EMA procedures, for a period of five years from the date of entry into the U.S., unless s/he is a Qualified immigrant and meets one of the criteria in Chart 2215.1.

An immigrant who entered the U.S. for permanent lawful residence prior to August 22, 1996, meets the citizenship/immigration criteria for any Family or ABD Medicaid COA.

An immigrant who entered the U.S. for permanent lawful residence prior to August 22, 1996, and who is not potentially eligible for SSI based on the criteria in Chart 2215.1, meets the citizenship/immigration criteria for any ABD Medicaid COA.

An immigrant who entered the U.S. for permanent lawful residence after August 22, 1996, and who has lived in the U.S. for at least 5 years meets the citizenship/immigration criteria for any Family or ABD Medicaid COA.

EXCEPTION: All qualified immigrant children who are eligible for title IV-E retain their categorical eligibility for Medicaid under title XIX, regardless of how long they have been in the United States.

**Definition of
Qualified Immigrant**

According to the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 and subsequent legislation, a Qualified Immigrant is an immigrant who, at the time of Medicaid application or approval, is one of the following:

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**Definition of
Qualified
Immigrant (cont'd)**

- Immigrants lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), 8 USC 1101 et seq.; This includes Special Immigrant Juvenile Status (SIJS) granted to an undocumented foster child that has petitioned U.S. Citizenship and Immigration Services and been granted SIJ status and is classified as a lawful permanent resident.
- Refugees admitted under Section 207 of the INA
- Immigrants granted asylum under Section 208 of the INA
- Cuban and Haitian entrants (as defined in section 501(e) of the Refugee Education Assistance Act of 1980),
- Immigrants granted parole for at least one year under Section 212(d)(5) of the INA
- Immigrants whose deportation is being withheld under (1) Section 243(h) of the INA as in effect prior to April 1, 1997: or (2) Section 241(b)(3) of the INA as amended
- Immigrants granted conditional entry under Section 203(a)(7) of the INA in effect before April 1, 1980
- Battered immigrants, who meet the conditions set forth in Section 431(c) of PRWORA, as added by Section 501 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208 (IIRIRA), and amended by Section 5571 of the Balanced Budget Act of 1997, P.L. 105-33 (BBA), and Section 1508 of the Violence Against Women Act of 2000, P.L. 106-386. Section 431 (c) of PRWORA, as amended, is codified at 8 USC 1641 (c)
- Victims of a severe form of trafficking, in accordance with Section 107(b)(1) of the Trafficking Victims Protection Act of 2000, P.L. 106-386. The Office of Refugee Resettlement (ORR) provides victims of trafficking with a "Certification Letter" of 18 or over or an "Eligibility Letter" if under 18. If one of these is received, complete the following steps:
 1. Accept the ORR letter
 2. Call the ORR trafficking verification line (1-866-401-5510) to confirm the validity of the letter and to notify ORR that the individual has applied for benefits.
 3. Make a copy of the letter and place in case in record. Document SUCCESS accordingly.
 4. Instruct the individual to apply for a SSN if not already obtained. Assist the applicant, if necessary in obtaining a number. Do not delay, discontinue or deny benefits for not having a SSN.
 5. At each renewal, call the ORR trafficking verification line to verify that the member continues to be certified as a victim of trafficking to remain eligible for Medicaid.

**Non-Immigrants
(temporary residents)**

Non immigrants may be legally admitted to the U.S., but only for a temporary or specified period of time. These immigrants are **INELIGIBLE** for full Medicaid or emergency medical services because they do not meet the Georgia residency requirement unless they are admitted for employment purposes.

An immigrant admitted for a limited period of time who does not leave the U.S. when the period of time expires becomes an undocumented immigrant. If he/she

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then establishes Georgia residency, he/she may be eligible for Emergency Medical Assistance only

Examples of legal non-immigrants include:

1. Foreign government representatives on official business and their families and servants.
2. Visitors for business or pleasure, including exchange visitors.
3. Immigrants in travel status while traveling directly through the U.S.
4. Ship crewmen on shore leave
5. Treaty traders and investors and their families
6. Foreign students
7. International organization representatives and personnel and their families and servants,
8. Temporary workers including agricultural contract workers
9. Members of foreign press, radio, film, or other information media and their families.

**Declaration of
Citizenship/
Immigrant Status**

A declaration of citizenship/immigrant status **must** be obtained for **all** AU Medicaid recipients at the following times:

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

NOTE: A Declaration of Citizenship/Immigrant Status is required on each Medicaid applicant/member (except EMA applicant/members) if there is no previous Declaration for the person on file. If there are two adults in the AU, each must sign the Declaration of Citizenship. If the Form 94 (rev. 5/10 or later), Form 222 (rev. 7/10 or later) or the Form 700 is used as an application, a separate Declaration is not required as these forms contain the necessary language to meet the needs of a declaration.

EXCEPTION: Citizenship may be assumed deemed Newborns. If you are adding a child to an AU and that child is a deemed Newborn, a declaration of citizenship is **not** necessary until the next redetermination of eligibility or change in Class of Assistance (COA).

Do not require a written declaration of citizenship/immigrant status for any foster care or adoption assistance child.

Do not require a written declaration of citizenship/immigrant status for any applicant who indicates inability or unwillingness to do so. Failure to complete a declaration of citizenship will result in a citizen being ineligible for Medicaid. Classify a qualified immigrant as a non qualified immigrant and consider eligibility only for EMA. Refer to [Section 2054, Emergency Medical Assistance](#).

PROCEDURES**Verification of
Citizenship &
Identity**

Citizenship and identity must be verified at the following:

- at initial application
- when an individual is added to an AU
- when the agency becomes aware of a discrepancy
- at renewal if not previously verified

PROCEDURES**Verification of
Citizenship &
Identity
(cont.)**

All documents verifying citizenship/identity must be either originals or copies certified by the issuing agency. Uncertified copies or notarized copies cannot be accepted. Faxed copies of documents used to verify citizenship and/or identity are considered copies and cannot be accepted unless the FAX or copy is sent by an authorized agency which has documented the copy. These staff can make copies on the applicant/member's behalf. They are required to sign the copy and indicate that the original was seen. Copies must be maintained in the case record and should be marked "Original document viewed". The copy should also contain the name of the agency making the copy, the signature of the person viewing the document and the date the copy was made and signed.

The following agencies are authorized to make a copy of an original or certified document:

- Division of Family and Children Services (DFCS)
- Department of Community Health (DCH)
- Right from the Start Medicaid (RSM)
- Department of Public Health (DPH), including Women, Infants and Children (WIC)
- Qualified provider (QP). QPs include Federally Qualified Health Centers and Rural Health Centers
- Policy Studies Inc. (PSI)
- Georgia Cares
- CHIPRA Grantees

Authorized agencies are limited to the state of Georgia; other state and federal agencies outside of Georgia, which are equivalent to those noted above, are considered authorized.

Authorized agencies do not include cost recovery agencies, schools, nonprofit agencies such as March of Dimes, faith based organizations or Health Mothers/Healthy Babies.

Although some documents contain a "DO NOT COPY" statement, authorizing agencies may copy and file these documents in the case record for the official purpose of establishing Medicaid eligibility.

For PeachCare for Kids[®] rebounds, Policy Studies Inc. (PSI) is an acceptable agent to receive and document original documents to verify citizenship and identity. Original documents viewed by PSI will have a stamp on them indicating an original document. If there is no stamp, the document viewed was not an original.

Their phone number must be included along with the date the originals were viewed. If DFCS staff has any doubts about the copy, they should request that the individual send in or bring in the original documents for verification.

If an individual receives Medicaid, and it is determined that documents are inconsistent with pre-existing information, are counterfeit or altered, the Division of Family and Children Services should investigate for potential fraud and abuse, and refer to DCH's Program Integrity Unit; in Metro Atlanta (404)463-7590, and statewide at (1-800-533-0686). However, if the case is denied because the

PROCEDURES**Verification of
Citizenship &
Identity
(cont.)**

citizenship criteria was not met or income discrepancies could not be resolved, then no referral is required. If an applicant or recipient tries to present documentation but is unable to do so because the documents are not available, the Medicaid worker should assist the individual in securing evidence of citizenship.

EXCEPTIONS

The following groups are exempt from further citizenship/identity verification requirements.

- Persons entitled to or enrolled in Medicare
- Individuals on Social Security disability, including a disabled child, widow, or widower receiving disability benefits on the account of a worker
- Persons currently receiving, or have received SSI cash benefits as long as the citizenship indicator on SDX states they are a citizen or qualified immigrant.

NOTE: The exceptions listed above apply to U.S. citizens or naturalized citizens only. Lawfully admitted immigrants must still provide verification of their immigration status.

- Children receiving Title IV-B Foster Care benefits
- Children receiving Title IV-E Foster Care benefits
- Children receiving Title IV-E Subsidized Adoption benefits
- Children who are deemed Newborn

Any assistance unit (AU) member who fails or refuses to cooperate in determining his/her own citizenship/immigration/identity status is ineligible for any ABD or Family Medicaid COA.

**Verifying Immigrant
Status**

Verify immigrant status for **all** AU members who are not U.S. citizens. Use DHS documents and Chart 2215.1 to determine immigrant status and potential eligibility for Medicaid.

NOTE: Do not require verification of immigrant status for an immigrant that meets all of these criteria:

- Immigrant is unable or unwilling to provide verification
- Immigrant has a date of entry less than 5 years prior to application date
- Immigrant does not meet any of the exemptions from the 5 year rule.

An immigrant that meets all of the above criteria should be classified as an undocumented immigrant and would **only** be eligible for EMA.

A qualified immigrant who meets the 5 year requirement but does not provide proof of his/her immigrant status is not eligible for Medicaid. This includes EMA.

Additional documents may be requested from DHS only with the immigrant's written permission. Reconsider an immigrant for inclusion in the AU if DHS immigrant status verification is later received. Refer to Chapters 2500, ABD Responsibility Budgeting, 2600, Family Medicaid AUs/BGs and 2650, Family Medicaid Budgeting.

PROCEDURES**Verifying Immigrant Status (cont.)**

Document the following:

- AU's statement of immigrant status
- source of verification
- WEB-1 verification

WEB-1 VIS/CPS Immigrant Verification

The Verification Information System (VIS), Customer Processing System (CPS) is provided by DHS to verify the immigration status of non-citizens who are applying for benefits. The WEB-1 Access Method is designed to assist government agencies with eligibility determinations for federal, state and/or local public benefits.

WEB-1 establishes the legitimacy of immigrant documentation and provides verification of the status under which an immigrant has been admitted to the U.S.

WEB-1 access is available at:

<https://save.uscis.gov/Web/>

A tutorial for the system is available from the main screen once the login is completed.

Complete WEB-1 procedures in the following situations:

- To establish the immigration status of ALL non-citizens
EXCEPTION: Do **not** verify immigration status for EMA determinations. Refer to [Section 2054](#), EMA, for additional information.
- To verify the legitimacy of an immigrant's documentation
- To determine the status of an immigrant whose documentation has been lost or has expired
- To determine if DHS has assigned a new immigration status

If secondary verification is required, send a copy of the G-845 and copies of DHS documents to USCIS at: Russell Federal Annex, 77 Forsyth Street Room 85, Atlanta, Georgia 30303. Continue with the eligibility determination while awaiting secondary verification. Allow timely notice and deny Medicaid if secondary verification indicates the immigrant is unqualified. If WEB-1 does not show the applicant's documents as legitimate, or if the system does not give a response and does not require secondary verification for the documents in question, the immigrant should be considered unqualified. Consider EMA.

Determining 40 Qualifying Quarters

Lawful permanent residents who can be credited with 40 qualifying quarters of employment meet the citizenship/immigration requirement. No five (5) year waiting period is required.

To establish 40 qualifying quarters complete the following process:

Step 1

Obtain the name, SSN, date of birth and gender of each wage earner whose quarters are being used to establish eligibility.

The wage earner may be:

- the immigrant (self)
NOTE: Not an undocumented immigrant.
- a current spouse (consider only quarters worked during the marriage)

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

- a deceased spouse whose credited quarters were worked during the marriage
NOTE: The immigrant may not be currently married if considering a deceased spouse's qualifying quarters.

- A parent (deceased or divorced) whose children (biological or adopted) are/were under age 18 at the time the credited quarters are/were worked.

NOTE: Quarters earned prior to birth of the child may be used.

- A stepparent, if at the time the credited quarters were worked the child was under age 18, unmarried and there was a marital relationship with the child's parent.

NOTES:

- If the marital relationship ends for reasons other than death, credited quarters of a stepparent may not be used.
- A child's quarters of employment cannot be used by a parent to meet this requirement.

Step 2 Accept the applicant/member's or wage earner's statement of quarters worked if:

- Alone or in combination with parents and/or spouse the immigrant has sufficient time in the U.S. to have acquired 40 quarters;
- DHS documents verify that the dates of entry are consistent with 40 credited quarters or more;
- The immigrant, spouse, parent or a combination of both have sufficient quarters to meet the requirement. The same quarters may be used to meet the requirement for more than one immigrant.

Use the WEB-1 system interface with SSA to obtain verification needed to establish credit quarters.

Step 3 Have each wage earner whose quarters are being used to establish eligibility complete and sign Form SSA-3288, SSA Consent for Release Information, and to provide a statement of his/her work history as outlined in Step 2.

NOTE: The wage earner may be an immigrant or U.S. citizen by birth or naturalization. The wage earner does not have to have paid Social Security taxes or have earned quarters under the SSA.

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 result is the total qualifying quarters and must equal or exceed 40 for the lawful permanent resident to be eligible for Medicaid.

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 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 inclusive.

PROCEDURES

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

Step 5 Determine the number of credited quarters, as follows and document calculations in the case record.

- **Prior to 1978:** If earnings totaled at least \$50 per quarter (January through March, April through June, July through September or October through December), a quarter was credited to the wage earner.
- **On or after 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	1987	\$460	1996	\$640	2005	\$920
1979	\$260	1988	\$470	1997	\$670	2006	\$970
1980	\$290	1989	\$500	1998	\$700	2007	\$1000
1981	\$310	1990	\$520	1999	\$740	2008	\$1050
1982	\$340	1991	\$540	2000	\$780	2009	\$1090
1983	\$370	1992	\$570	2001	\$830	2010	\$1120
1984	\$390	1993	\$590	2002	\$870	2011	\$1120
1985	\$410	1994	\$620	2003	\$890	2012	\$1130
1986	\$440	1995	\$630	2004	\$900		

Step 6 Document calculations in the case record.

The chart below provides each DHS status, which is routinely applicable to eligibility determinations. This chart is not all-inclusive. The DHS has the discretion to change documents or codes to allow any immigrant or group of immigrants 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 DHS vary by local DHS office. For example, two immigrants with the same immigration status may not have the same document to verify the same status. Letters of decision from immigration judges may identify DHS status, also. Direct questions regarding documents to the appropriate policy help desk.

CHART 2215.1 – DETERMINATION OF IMMIGRANT STATUS		
IF the applicant/member's Immigration DHS status is:	THEN the applicant/member meets the Citizenship/Immigration eligibility criteria for the following COAs:	Verify with one of the following DHS 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, DHS AR-3a or other DHS documentation stating the "Processed for I-551, Temporary Evidence of Lawful Residence"
<ul style="list-style-type: none"> • on or after 8/22/96 	Any Family Medicaid or ABD Medicaid COA, beginning from the date of entry. No waiting period applies.	
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 	SSI, 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, beginning from the date of entry. No waiting period applies.	

CHART 2215.1 – DETERMINATION OF IMMIGRANT STATUS (cont.)

IF the applicant/member's Immigration DHS status is:	THEN the applicant/member meets the Citizenship/Immigration eligibility criteria for the following COAs:	Verify with one of the following DHS 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, DHS AR-3a or other DHS 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 disabled or having 40 qualifying quarters. Refer to SSA to make application for SSI if appropriate. Eligible for any Family Medicaid COA or ABD Medicaid COA based on age.	
Any SSI recipient who applied for SSI before 1979	SSI, Any ABD Medicaid COA	Any DHS status or any documentation establishing that the immigrant applied for SSI prior to 1979
An immigrant 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 DHS status	I-94 annotated with Section 208 I-688B annotated with 274a.12 (a) (5) Other DHS 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 DHS 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.

CHART 2215.1 – DETERMINATION OF IMMIGRANT STATUS (cont.)

IF the applicant/member's Immigration DHS status is:	THEN the applicant/member meets the Citizenship/Immigration eligibility criteria for the following COAs:	Verify with one of the following DHS documents:
An immigrant 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)
- 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	I-94 annotated with 212(d)(5an) I-512 annotated with Section 212(d)(5)
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 DHS 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 immigrant and considered a battered spouse or child and who is no longer living with the batterer.	Any Family Medicaid or ABD Medicaid COA	Any DHS 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 IMMIGRANT STATUS (cont.)		
IF the applicant/member's Immigration DHS status is:	THEN the applicant/member meets the Citizenship/Immigration eligibility criteria for the following COAs:	Verify with one of the following DHS documents:
<p>A qualified immigrant with any documented status if the immigrant is:</p> <ul style="list-style-type: none"> a veteran who has been honorably discharged for reasons other than immigration, <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> on active military duty (other than active duty for training) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> a qualified immigrant spouse and unmarried children (natural, adoptive or step) under 18, of the veteran or military personnel on active duty 	<p>SSI</p> <p style="text-align: center;">OR</p> <p>Any Family Medicaid or ABD Medicaid COA</p>	<p>Any DHS document that establishes that the immigrant 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.</p>
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, Any Family Medicaid or ABD Medicaid COA	
Immigrant whose deportation is being withheld under Section 243(h) or 241(b) of the INA	<p>SSI for 7 years from date of withholding deportation</p> <p style="text-align: center;">OR</p> <p>Any Family Medicaid or ABD Medicaid COA</p>	<p>I-94 annotated with Section 243(h)</p> <p>Other DHS documentation from an immigration judge showing that deportation has been withheld</p>
<p>Conditional entrants under Section 203(a)(7) of the INA in effect prior to 4/1/80 who entered the U.S.</p> <ul style="list-style-type: none"> Prior to 8/22/96 On or After 8/22/96 	<p>Any Family Medicaid or ABD Medicaid COA</p> <p>EMA for 5 years beginning from the date of entry</p> <p style="text-align: center;">THEN</p> <p>Any Family Medicaid or ABD Medicaid COA</p>	<p>I-94 annotated with Section 203(a)(7)</p>

CHART 2215.1 – DETERMINATION OF IMMIGRANT STATUS (cont.)		
IF the applicant/member's Immigration DHS status is:	THEN the applicant/member meets the Citizenship/Immigration eligibility criteria for the following COAs:	Verify with one of the following DHS documents:
Iraqi and Afghani Special Immigrants (Public Law 110-161)	<p>Any Family Medicaid or ABD Medicaid COA beginning the date the A/R is granted the Special Immigrant status. The date the status is granted must be 12/26/07 or later.</p> <p>For dates prior to 12/26/07, these groups would only be eligible for EMA.</p>	<p>Iraqi or Afghani passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI1, SI2, or SI3, and DHS stamp or notation on passport or I-94 showing date of entry.</p> <p>Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SQ1, SQ2, or SQ3, and DHS stamp or notation on passport or I-94 showing date of entry.</p> <p>DHS Form I-551 showing Iraqi or Afghan nationality (or Iraqi or Afghan passport) with an IV (Immigrant Visa) code of SI6, SI7, or SI9.</p> <p>DHS Form I-551 showing Iraqi nationality (or Iraqi passport) with an IV (Immigrant Visa) code of SQ6, SQ7, or SQ9.</p>

CHART 2215.1 – DETERMINATION OF IMMIGRANT STATUS (cont.)

Persons from the Compact of Free Association States, which include the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau.	Citizens of the Compact of Free Association States have a special status with the U.S. that allows them to enter the country, work here and acquire a Social Security number without obtaining an immigration status from the Department of Homeland Security. They are NOT eligible for Medicaid (except EMA) unless they have obtained a qualifying immigrant status.	Any documentation stating they are a citizen of one of the Compact of Free Association States.
All other immigrants	Any Medicaid COA using EMA procedures	N/A

Instructions for Vital Records Inquiry

	ACTIVITY	SCREEN DISPLAYS
1	From the GO screen, type DHR and press Enter. (This function is not available from DHR8).	The DFCS Integrated Systems Sign On menu appears. The cursor will appear in the selected field.
2	Type 2 (for \$TARS) In the selection field and press Tab. Type your RACF User ID in the RACF ID field and press Tab. Type your RACF password in the password field and press enter.	The following message appears: "DFHCE3549 Sign-on is complete".
3	Clear the screen.	A blank screen appears.
4	Type SIBI and press Enter for Birth Index Inquiry OR SIDT and press Enter for Death Index Search OR SIDV and press Enter for Divorce Index Search OR SIMI and press Enter for Marriage Index Search	The Birth Index Inquiry Screen appears. The Death Index Search Screen appears. The Divorce Index Search Screen appears. The Marriage Index Search Screen appears.
5	Type the year and last name. To narrow the search, type the month and day if known. Press Enter to complete the inquiry. If match appears on the Birth Index, tab down to the line with the match, type an "S" and press Enter. NOTE: To go from one Vital Record Inquiry to another, clear the screen after the inquiry is completed and type the next index screen desired.	Vital Record information on file (if any) will appear. A screen with the person's full name, birth date and parent's names will appear. This screen can be copied and pasted into SUCCESS. <u>DO NOT PRINT VITAL RECORD SCREENS.</u>
6	Clear the screen. Type CESF LOGOFF to exit	The GO screen will appear.

NOTE: Do not print Vital Record Screens. The information is confidential. Document case files but do not put screen print in case records.