

Health Care Finance and Administration	Section: Non-Financial Eligibility Requirements
Policy Manual Number: 100.010	Chapter: ABD Citizenship and Immigration

ABD CITIZENSHIP AND IMMIGRATION

Legal Authority: 42 CFR 435.406; 42 CFR 435.407; 42 CFR 435.956

1. Policy Statement

In order to be eligible for TennCare Medicaid, an individual must be:

- a. A U.S. citizen or a U.S. national, or
- b. A qualified non-citizen who meets the eligibility conditions associated with specific immigration statuses. See the *ABD Qualified Non-Citizens* policy.

Individuals declaring U.S. citizenship or immigration status must have such declarations verified by HCFA in order to receive TennCare Medicaid. Individuals that are not U.S. citizens, but have been granted the right to reside in the U.S. will have an immigration status. If HCFA is unable to verify a declaration of U.S. citizenship or immigration status using an electronic data source, then the individual must promptly satisfactory documentary evidence of citizenship or immigration.

Declarations of citizenship or immigration status must be made by either the individual, an adult member of the individual's family or household, an authorized representative, or if the individual is a minor or incapacitated, someone actively responsible for the applicant provided that such individual attests to having a reasonable basis to make such a declaration of such status.

2. Definitions

U.S. Citizen: An individual who was born in either the:

- United States;
- Puerto Rico;
- Guam;
- Virgin Islands of the United States; or
- The Commonwealth of the Northern Mariana Islands.

U.S. National: An individual who was born in either the:

- American Samoa; or
- Swains Island.

Naturalized Citizen: An individual who becomes a U.S. citizen after birth. Aliens do not become citizens simply by marrying a U.S. citizen. Spouses, however, can apply for naturalization and, if eligible, become citizens through the court.

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Derived Citizen: An individual who was adopted or born abroad to at least one U.S. citizen parent. Citizenship may be conveyed to children through the naturalization of parents, to foreign-born children adopted by U.S. parents, or through birth abroad to at least one U.S. citizen parent.

Child Citizenship Act of 2000: According to the Child Citizenship Act of 2000 a child born outside of the U.S. to citizen parents or adopted from abroad by U.S. citizen parents automatically becomes a citizen of the U.S. when all of the following have been met on or after February 27, 2001:

- At least one parent of the child is a U.S. citizen, whether by birth or naturalization;
- The child is under 18 years of age;
- The child is lawfully admitted for permanent residence to the U.S. and is residing in the legal and physical custody of the citizen parent. The child will have either a permanent resident (i.e., green card) or an I-551 stamp on his or her passport. The child may or may not have a certificate of citizenship; and
- If adopted, the adoption is final.

Qualified Non-Citizen: An individual whose immigration status is included in one of the following groups:

- Qualified aliens, as defined by Section 431 of the Personal Responsibility and Work Opportunity Act of 1996 (8 U.S.C. § 1641);
- Certain American Indians born outside of the U.S.; or
- Aliens who have been granted a certain humanitarian immigration status.

3. Exempt Groups

HCFA accepts declarations of U.S. citizenship from the following individuals without verification:

- Individuals receiving Supplemental Social Security benefits;
- Individuals entitled to or enrolled in any part of Medicare;
- Individuals receiving Social Security Disability insurance benefits based on the individual's disability;
- Individuals to whom child welfare services are made available based on the child being in foster care, or receiving adoption assistance or foster care assistance; and
- Newborns who are eligible for Medicaid on the basis of being born to a mother who was eligible and receiving TennCare Medicaid at the time of birth. A newborn who is deemed eligible and enrolled in Medicaid is exempt from citizenship verification requirements for the rest of his or her life. This exemption applies to individuals enrolled as deemed newborns in other states.

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4. Verification of U.S. Citizenship and Immigration Status

a. Overview

Declarations of U.S. citizenship and immigration status must be accepted, and then verified using an electronic data match with the Social Security Administration (SSA) or U.S. Department of Homeland Security. Federal law requires that the state first attempt to electronically verify citizenship and immigration status using the Federal Data Services hub (the Hub). When unable to electronically verify citizenship or immigration status of an individual, the individual must provide satisfactory documentary evidence to HCFA.

Verification of citizenship is a one-time requirement. Once citizenship has been verified, it will be recorded in the individual's case and the state cannot request verification again, even if there is a break in coverage. Verification of immigration is also a one-time requirement, unless the individual attests to a change in status.

b. Electronic Verification of U.S. Citizenship and Immigration Status

i. Federal Data Services Hub

A. Applicant Attesting to U.S. Citizenship (Citizenship by Birth)

Confirmation of citizenship status by the SSA via the Hub is considered primary evidence of citizenship. Applicants whose citizenship is confirmed via the Hub are not required to submit additional documentation of citizenship status.

B. Applicant Attesting to U.S. Citizenship (Naturalized and Derived Citizens)

Naturalized or derived citizens will have their citizenship status verified by the U.S. Department of Homeland Security via the Hub, if available. Applicants must provide their Alien Registration Number and information from their Naturalization Certificate or Certificate of Citizenship. Verification of citizenship status by the U.S. Department of Homeland Security via the Hub is considered primary evidence of citizenship, and applicants whose citizenship is confirmed via the Hub are not required to submit additional documentation of citizenship status.

C. Applicant Attesting to Eligible Immigration Status

Applicants who are able to provide a U.S. Department of Homeland Security Alien Registration Number and/or other immigrant documentation numbers may have their immigration status verified by U.S. Department of Homeland Security via the Hub. Electronic verification of immigration status by U.S. Department of Homeland Security is considered primary evidence, and applicants whose immigration status is verified via the Hub are not required to submit additional information.

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c. Documentary Evidence of Citizenship

When unable to verify citizenship or immigration status using electronic data sources, the individual must promptly provide satisfactory documentary evidence of citizenship status. Section 1903(x) of the Social Security Act requires that specific documentation be used to verify citizenship status, according to the reliability of the document. Stand-alone evidence of citizenship is documentary evidence that may be accepted without any additional evidence of identity. Similar to the electronic verification, this documentary evidence is considered primary evidence of citizenship. The second level of citizenship evidence may be accepted if primary evidence is not available but the applicant must also provide acceptable evidence of identity.

A photocopy, facsimile, scanned or other copy of a document must be accepted to the same extent as an original document under this section, unless information on the submitted document is inconsistent with other information available or there is reason to question the validity of the document or information on the document.

i. Stand-alone Evidence of Citizenship

The following must be accepted as satisfactory evidence of citizenship:

- A. A U.S. passport, including a U.S. Passport Card issued by the U.S. Department of State, without regard to any expiration date as long as such passport or Card was issued without limitation;
- B. A Certificate of Naturalization;
- C. A Certificate of U.S. Citizenship;
- D. A valid Tennessee-issued driver's license; and
- E. Documentary evidence issued by a federally recognized Indian Tribe, as published by the Bureau of Indian Affairs within the U.S. Department of the Interior, and including Tribes located in a state that has an international border, which –
 - a. Identifies the federally recognized Indian Tribe issued in the document;
 - b. Identifies the individual by name; and
 - c. Confirms the individual's membership, enrollment, or affiliation with the Tribe.

Documents described in subsection E, a-c of this section include, but are not limited to: a tribal enrollment card; a Certificate of Degree of Indian Blood; a Tribal Census Document; and documents on tribal letterhead, issued under the signature of the appropriate tribal official, that provide the required information.

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ii. Evidence of Citizenship

If an applicant does not provide stand-alone documentary evidence, the following must be accepted as satisfactory evidence to establish citizenship if also accompanied by acceptable documentation of identity:

- A. A U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S. (on or after January 17, 1917), American Samoa, Swains Island, or the Commonwealth of the Northern Mariana Islands (CNMI) (after November 4, 1986). The birth record document may be issued by the state, commonwealth, territory or local jurisdiction. If the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S. or the CNMI before these areas became part of the U.S., the individual may be a collectively naturalized citizen;
- B. A cross match with State Vital Statistics documenting a record of birth;
- C. A Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.;
- D. A Report of Birth Abroad of a U.S. Citizen;
- E. A Certification of Birth;
- F. A U.S. Citizen I.D. card;
- G. A Northern Marianas Identification Card, issued to a collectively naturalized citizen, who was born in the CNMI before November 4, 1986;
- H. A final adoption decree showing the child's name and U.S. place of birth, or if an adoption is not final, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth;
- I. Evidence of U.S. Civil Service employment before June 1, 1976;
- J. U.S. Military Record showing a U.S. place of birth;
- K. A data match with the SAVE program or any other process established by the U.S. Department of Homeland Security to verify that an individual is a citizen;
- L. Documentation that a child meets the requirements of section 101 of the Child Citizenship Act of 2000;
- M. Medical records, including, but not limited to, hospital, clinic or doctor records, or admission papers from a nursing facility, skilled care facility or other institution that indicate a U.S. place of birth;
- N. Life, health or other insurance record that indicates a U.S. place of birth;
- O. Official religious record recorded in the U.S. showing that birth occurred in the U.S.;
- P. School records, including pre-school, Head Start and daycare, showing the child's name and U.S. place of birth;
- Q. Federal or state census record showing U.S. citizenship or a U.S. place of birth; and
- R. If the applicant does not have one of the documents listed in A-Q of this section, he or she may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, and that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

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iii. Evidence of Identity

- A. HCFA must accept the following as proof of identity, provided such document has a photograph or other identifying information including, but not limited to, name, age, sex, race, height, weight, eye color, or address:
1. A driver's license issued by a state;
 2. A school identification card with a photograph;
 3. A voter's registration card;
 4. A U.S. military card or draft record;
 5. An identification card issued by the federal, state or local government;
 6. A military dependent's identification card;
 7. American Indian tribal documents; and
 8. A U.S. Coast Guard Merchant Mariner card.
- B. For children under age 19, a clinic, doctor, hospital or school record, including preschool or day care records.
- C. Two documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to, employer identification cards, high school and college diplomas (including high school equivalency diplomas), marriage certificates, divorce decrees, and property deed or titles.
- D. Finding of identity from a federal or state governmental agency. HCFA may accept as proof of identity – A finding of identity from a federal agency or another state agency, including, but not limited to, a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.
- E. If the applicant does not have any documents listed in this section and identity is not verified by another agency, the applicant may submit an affidavit, under penalty of perjury, by another person who can reasonably attest to the applicant's identity. Such affidavit must contain the applicant's name and other identifying information. The affidavit does not have to be notarized.

iv. Verification of citizenship by a federal agency or another state

HCFA may rely, without further documentation of citizenship or identity, on a verification of citizenship made by a federal agency or another state agency, if such verification was done on or after July 1, 2006.

v. Assistance with obtaining documentation

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The State must provide assistance to applicants who need assistance in securing satisfactory documentary evidence of citizenship in a timely manner.

d. Documentary Evidence of Immigration Status

When unable to verify immigration status using electronic data sources, the applicant must promptly provide satisfactory documentary evidence of immigration status. The United States Citizenship and Immigration Services (USCIS) has several types of documents that an alien might have to verify his or her status. These documents include, but are not limited to, the following:

- A Permanent Resident Alien Card (I-551) or “Green Cards”: issued to eligible immigrants who enter the U.S. to permanently live;
- A Permanent Resident Re-entry Permit (I-327): when valid, allows permanent residents to leave and re-enter the U.S. ;
- A Refugee Travel Document (I-571): issued to refugees and asylees for travel purposes;
- A Temporary I-551 Stamp (on passport or I-94, I-94A). A temporary I-551 stamp will have a handwritten or stamped issue date and a “valid until” date. Temporary I-551 stamps can be used to attest to permanent resident status;
- A Foreign passport stamped by the U.S. Government indicating that the holder has been "Processed for I-551";
- A Machine Readable Immigrant Visa (with temporary I-551 language): indicates permanent resident status;
- An Arrival/Departure Record (I-94, I-94A) Form I-94 stamped with one of the following statuses: Asylee, Parolee or Parole, Refugee, Asylum, HP-humanitarian parolee or PIP-public interest parolee;
- A court order stating that documentation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act (8 U.S.C. § 1253);
- A U.S. Passport Card issued by the U.S. Department of Homeland Security, which is an alternative to a traditional passport book. The Passport Card is acceptable documentation for citizenship and identity of the bearer; and
- A Notice of Action (I-797). This is a form of communication from USCIS about immigration benefits.

The alien may contact USCIS or otherwise obtain the necessary verification.

5. Reasonable Opportunity for Verification of Citizenship and Immigration

a. Overview

The reasonable opportunity period and procedures do not apply to individuals receiving TennCare Medicaid as a condition of receiving SSI benefits. Verification of citizenship and immigration status is handled by the SSA.

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When an applicant’s citizenship or immigration status cannot be promptly verified using an electronic data source or acceptable documentary evidence, HCFA must grant the applicant a reasonable opportunity period of 90 days from the date the individual is notified of the reasonable opportunity period to secure or confirm verification. During the period of reasonable opportunity, HCFA must accept a declaration of citizenship or immigration and must not delay, deny, reduce or terminate benefits for an applicant who is otherwise Medicaid eligible during this period.

If an applicant must provide information in addition to verification of citizenship, for example, verification of residence, then an applicant has 10 days to return the additional information. If verification of residence is provided within the 10 days, but verification of citizenship remains outstanding, the application will be approved and the period of reasonable opportunity for verification of citizenship will be invoked.

b. Reasonable Opportunity Period

During the reasonable opportunity period, the State must assist the applicant with securing acceptable verification. This may include, but is not limited to, the following activities:

- Assisting the individual in obtaining a Social Security Number;
- Attempting to resolve any inconsistencies, including typographical or other clerical errors, between information provided by the individual and data from an electronic data source, and resubmit corrected information to the electronic data source;
- Providing the individual with information on how to contact the source of the electronic data so that he or she can attempt to resolve such inconsistencies; and
- Permitting the individual to provide other documentation of citizenship or immigration status, as listed in subsection c of this section.

If satisfactory citizenship or immigration verification is received by the 90th day, the individual’s eligibility will continue based on the initial application date and no additional action will be taken.

If satisfactory citizenship or immigration verification is not received by the 90th day, eligibility will be terminated.

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