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**U.S. CITIZENSHIP REQUIREMENTS**

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**REVISED 5/31/2024 – CHANGE NO. 06-24**

**CURRENT CHANGE NOTICE: 06-24**

- Section IV.B. - The 90-day reasonable opportunity period must be allowed each time an applicant applies for Medicaid. There is no limit.
- This policy has been updated with the current NC FAST process procedures.

**I. INTRODUCTION**

Each applicant/**beneficiary** (a/b) must provide or cooperate in obtaining proof of **United States** (U.S.) citizenship. Once documented in the case record, no further requests are made unless the documents become questionable. The purpose of this section is to provide instructions for determining U.S. citizenship and identity.

The Deficit Reduction Act of 2005 (P.L. 109-171) mandated requirements that affect all Medicaid applicants and **beneficiaries** claiming to be citizens of the United States. The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA or P.L. 111-3) requires that Tribal enrollment or membership documents issued from a federally recognized Indian Tribe must be accepted as verification of citizenship. No further citizenship/identity documents are required. Additionally, newborn babies who are born in the United States and whose mother is covered by Medicaid for the delivery are exempt from having to provide further verification of citizenship and identity.

**II. PRINCIPLE**

To be eligible for Medicaid, an individual must be a U.S. citizen, or a **non-U.S. citizen** admitted to the United States by **United States Citizenship Immigration Services** (USCIS) under a specific immigration status. Refer to [MA-2504/3330](#), Alien Requirements **policy**. **Non-U.S. citizens** who do not meet this requirement or citizens for whom citizenship and identity are questionable are eligible for Medicaid for emergency medical services only.

**III. UNITED STATES CITIZEN**

**A. U.S. citizens may receive Medicaid benefits provided all other eligibility requirements are met. All applicants and beneficiaries claiming U.S. citizenship, must provide or cooperate in obtaining proof of citizenship and identity. Below is a list of individuals who are U.S. citizens, but it is not an all-inclusive list. Refer to IV.D. and V.C. for exceptions to proving citizenship and identity.**

**B. A U.S. citizen is:**

1. Any person born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, American Samoa, Swain's Island, or
2. Any person born outside the U.S. to a U.S. citizen, or
3. A person born outside the U.S. who has been approved by USCIS as a naturalized citizen, or
4. A person born outside of the U.S. who was under the age of 18 on February 27, 2001, and who meets all of the following criteria:
  - a. Had at least one U.S. citizen parent (by birth or naturalization), and
  - b. While under the age of 18 he resided permanently in the U.S. in the legal and physical custody of the U.S. citizen parent, and
  - c. Was a lawful permanent resident before **the age of 18**.

Citizenship begins no earlier than February 27, 2001.

This applies to an adopted child who meets the requirements applicable to adopted children under immigration law.

Individuals who meet these criteria are not automatically issued proof of citizenship by USCIS. The parent may apply for a certificate of citizenship for their child with the USCIS and/or for a passport for their child with the Department of State.

5. A National of the U.S.

**IV. CITIZENSHIP AND IDENTITY REQUIREMENTS AT APPLICATION**

Each applicant or **beneficiary** claiming U.S. citizenship must provide or cooperate in obtaining acceptable proof of both citizenship and identity.

**A. Procedures to Document Citizenship and Identity at Application**

1. **To verify** citizenship/identity verification for applicants stating they are a US Citizen is a SSA Citizenship/Identity data match **in the NC FAST system**. Refer to MA-[2505/3332](#), Citizenship/Identity SSA Data Match **policy** for procedures.

Refer to NC FAST Job Aid: [Citizenship Verification for Medicaid](#).

2. **If the evidence is not available in NC FAST**, discuss with the applicant what documents may be available and who can obtain those documents. If the applicant cannot obtain the necessary documents, requests help, or has special needs demonstrating a need for assistance and lacks someone who can act on his behalf, **the local agency** must assist the applicant in acquiring the documents, including cost involved. Send or give the applicant the [DHB-5097](#), Request for Information form advising what items can be used to verify citizenship and identity. **See charts in section VIII below.**
3. To verify social security number (SSN), conduct an SOLQ **in NC FAST/OVS**. The SSN given by the a/b when applying must match the information on the SOLQ.  
  
**Refer to NC FAST Job Aid: [Citizenship Verification for Medicaid](#)**
4. **Requested documents must be** provided within 45/90 days **to process** the application. **Refer to MA-[2300/3200](#), Application policy.**

**B. 90-Day Reasonable Opportunity Period to Provide Documentation of Citizenship/Identity at Application**

If all other eligibility factors are met except for citizenship/identity documentation, an **applicant** may receive Medicaid while securing the documentation, known as the **90-day** reasonable opportunity period. The **90-day** reasonable opportunity **period must be allowed each time an applicant applies for Medicaid. There is no limit.**

1. Applicants who state they are a US Citizen are allowed a 90-day reasonable opportunity period to provide documentation of citizenship if all other eligibility factors are met. The 90-day reasonable opportunity **period** starts the date the first [DHB-5097](#), Request for Information is sent to the **applicant**.
2. Applications can include a request for retroactive and/or ongoing Medicaid and are treated as separate applications. The 90-day reasonable opportunity period to provide documentation of citizenship applies whether the application is retroactive and/or ongoing. **Refer to MA-[2300/3200](#), Application and [MA-2504/3330](#), Alien Requirements policies** for procedures.
3. The preferred method of citizenship/identity verification for applicants stating they are a US Citizen is a SSA Citizenship/Identity data match. **Refer to MA-[2505/3332](#), Citizenship/Identity SSA Data Match policy** for procedures.
4. Instances in which SSA cannot document citizenship/identity due to a hyphen or embedded spaces in the spelling of the name, individuals with no SSN, and newborns not entitled to auto newborn coverage, who state they are a US Citizen, are provided a 90-day reasonable opportunity period to provide documentation of citizenship if all other eligibility factors are met.
5. Send the individual the [DHB-5097](#), Request for Information form advising what items can be used to verify citizenship and identity.

6. Allow the individual 12 days and, if the requested information is not received, a second DHB-5097 is required.

Refer to [MA-2504/3330](#), **Alien Requirements policy procedures**.

**NOTE:** The 90 days remain the same. Do not give an additional 90 days from the date the second DMA-5097 is sent.

### C. Exceptions to Providing Proof at Application

Do not require further citizen/identity documentation of the following individuals:

1. Title IV-E (**Foster Care**) and Title IV-B (**Child Welfare**) children are excluded from citizenship/identity documentation requirements. They are exempt as the social worker must verify citizenship/identity.
2. Children born in the United States whose mother was covered by Medicaid for the birth of the child.
3. A current or former SSI **beneficiary**. Use **OVS** to access the SDX to prove current or former SSI status.
4. A current or former Social Security Disability Insurance (SSDI) **beneficiary**, or Medicare **beneficiary**. Use **OVS** to access SOLQ to prove current or former Medicare and SSDI status.

Refer to NC FAST Job Aid: [Citizenship Verification for Medicaid](#)

### V. CITIZENSHIP AND IDENTITY REQUIREMENTS AT **RECERTIFICATION**

Citizenship and identity documentation is required at application and does not need to be re-established at **recertification**. Refer to [MA-2320/3421](#), **Recertification** or [MA-2321/3420](#) **Medically Needy Recertification policy**. Conduct an SOLQ social security number inquiry for each **beneficiary** at re-enrollment.

There are a few exceptions when the case record may not contain citizenship documentation at **recertification**.

- **During the SSI ex-parte process**, use **OVS** to document citizenship and identity for current or former SSI and Medicare recipients. Use **OVS** to access the SDX to document citizenship and identity for former SSI recipients. Use **OVS** to access the SOLQ to document citizenship and identity for current or former SSDI and Medicare recipients.
- If the individual is changing programs, a SSA data match is completed.

## VI. CITIZENSHIP AND IDENTITY DOCUMENTATION

### A. Citizenship/Identity Documentation Criteria

1. To establish U.S. citizenship the caseworker must complete a data match using Online Verification (OLV/OVS) and SOLQ-C to interface and verify citizenship through SSA. Refer to NC FAST Job Aid: [Citizenship Verification for Medicaid](#).

Puerto Rico born citizens must provide birth certificates issued or reissued on or after July 1, 2010 by the Puerto Rican Vital Statistics Record office. All birth certificates issued before July 1, 2010 are invalid. Citizens born in Puerto Rico may obtain a new birth certificate via [VitalChek](#) if needed.

2. Document:

SEE HIERARCHY CHART (Refer to VII below): Acceptable Documentation of Citizenship and Identity.

- a. The type of document used;
- b. How it was obtained (e.g. applicant, located in data match, etc.);
- c. The date it was provided, and
- d. Any other information the worker feels pertinent.

If a screen print is used, document the source of the evidence. Once citizenship and identity documentation are obtained, do not request documentation again unless you learn the previous document is questionable. Upload the document into NC FAST.

3. Citizenship documents must be either originals or copies certified by the issuing agency. Do not accept notarized copies. However, once you have seen the original or certified copy, document the record and make a copy of that document. In some situations, such as a mail-in application or **recertification**, a copy of the original document is accepted. Do not ask the a/b to mail original documents such as **birth certificate**. Ask the a/b to mail you a copy of the original document or come to the agency, if possible, so a copy can be made. A mother's copy of a birth certificate is not acceptable.

**B. Procedures For Non-U.S. Citizen**

Individuals who are non-U.S. Citizen, the caseworker may verify immigration status by using the USCIS Systematic Alien Verification for Entitlement (SAVE) data system. Refer to NC FAST Job Aid: [SAVE Automation Verification](#)

Refer to [MA-2504, Alien Requirements policy.](#)

**VII. HIERARCHY CHARTS: ACCEPTABLE DOCUMENTATION OF CITIZENSHIP AND IDENTITY**

The following charts list acceptable evidence of U.S. citizenship and/or identity in a hierarchy of reliability. Always try to obtain documents from the highest tier of hierarchy available. However, pursue any document to establish citizenship within the time period available. If a lower level is used, process the application or reenrollment. Continue to pursue documentation from at least Chart 2, if possible. Pursue documents from Chart 1 first. If the a/b presents documents from Chart 1, Primary Documents, no other information is required.

If the a/b does not have documents from Chart 1, then pursue documents from Chart 2 and so forth until the highest verification documentation is obtained. If the a/b presents documents from Charts 2-4, Secondary, Third Level, and Fourth Level Documents, then an identity document from Chart Five, Documents to Establish Identity, must also be presented. If the county is waiting to receive documentation from a higher level but can easily obtain documentation from a lower level, pursue the lower level documentation so the application will not pend or not pend any longer than necessary.

Approve if all other information has been provided. Continue to pursue the higher level of documentation. For example, a birth certificate is requested from Vital Records and the a/b has a hospital record indicating citizenship per Chart 3. Approve the application if identity and all other information has been provided with C/I code of 35. Change the C/I code level when the higher documentation is received.

**A. Primary Documents**

Primary documents are of the highest reliability and conclusively establish both citizenship and identity of the a/b.

**Chart 1 (Code 10)**

U.S. Passport	Does not have to be currently valid.  Do not accept as evidence of U.S. citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.
Certificate of Naturalization (N-550 or N-570)	
Certificate of Citizenship (N-560 or N-561)	

Born in the United States to a mother who was covered by Medicaid for the delivery. Verify that mother was authorized for Medicaid for the birth of the child.	Screen print from Eligibility Information System (EIS), Individual Eligibility (IE) screen of the mother at time of birth or obtain verification from DSS agency verifying Medicaid covered the delivery of the child.
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**Chart 1 (Code 10) Continued**

<p>Documents issued by a Federally recognized Indian Tribe such as:</p> <ul style="list-style-type: none"> <li>• Tribal enrollment &amp; membership card</li> <li>• Certificate of degree of Indian blood issued by Bureau of Indian Affairs (BIA)</li> <li>• Tribal census documentation</li> <li>• Documentation issued by Tribe indicating individual affiliation</li> <li>• American Indian card I-872 with KIC classification</li> </ul>	<p>Document must identify the Federally recognized Indian Tribe which issued it, identify the individual by name, and confirm the individual’s membership, enrollment in, or affiliation with that Tribe. No further identity documentation is required.</p> <p>Verification of Federally recognized Indian Tribes can be found at the National Congress of American Indians website:  <a href="http://www.ncai.org/Tribal-Directory.3.0.html">http://www.ncai.org/Tribal-Directory.3.0.html</a></p>
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**Chart 1 (Code 11)**

A data match with SSA	No further verification of citizenship or identity is needed. Allegation of citizenship consistent with SSA data. Automatically entered by EIS.
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**Chart 1 (Code 12)**

A data match with SSA.	No further verification of citizenship or identity is needed. Allegation of citizenship consistent with SSA data. Use when manually entering C/I code.
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**B. Secondary Documents to Establish U.S. Citizenship**

Accept any of the documents listed in Chart 2 as secondary evidence of U.S. citizenship if the document meets the listed criteria and there is nothing indicating the person is not a U.S. citizen (e.g., lost U.S. citizenship). Require an additional document from Chart 5 to prove identity.

**Chart 2 (Code 25)**

<p>A U.S. public birth record showing birth in:</p> <ul style="list-style-type: none"> <li>• One of the 50 U.S. States;</li> <li>• District of Columbia;</li> <li>• American Samoa (if born after November 4, 1986 (NMI local time));</li> </ul>	<p>A data match with the local register of deeds or State Vital Records or a copy of a certified birth certificate is acceptable. Do not accept a souvenir “birth certificate” issued by the hospital.</p>
<ul style="list-style-type: none"> <li>• Swain’s Island (if born after November 4, 1986 (NMI local time));</li> <li>• *Puerto Rico (if born on or after January 13, 1941);</li> <li>• *Virgin Islands of the U.S. (if born on or after January 17, 1917);</li> <li>• *Northern Mariana Islands (if born after November 4, 1986 (NMI local time)); or</li> <li>• Guam</li> </ul>	<p>The birth record document may be recorded by the State, Commonwealth, territory or local jurisdiction. It must have been recorded before the person was 5 years of age.</p> <p>A delayed birth record document that is recorded at or after 5 years of age is considered fourth level evidence of citizenship. If recorded before 5 years of age, it is considered second level evidence.</p> <p>Note: if the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. *Refer to VIII below, for additional requirements for Collective Naturalization.</p> <p><b>NOTE:</b> Only birth record documents that are issued or reissued on or after July 1, 2010 that show the individual was born in Puerto Rico are acceptable. See MA-2506/3332 VI.A.</p>

**Chart 2 (Code 25) Continued**

<p>Data Match with other state or federal agency’s database that is known to verify citizenship</p>	<p>Screen print the pertinent page and place in the file.</p>
<p>Certification of Report of Birth (DS-1350)</p>	
<p>Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240)</p>	
<p>Certification of Birth Abroad (FS-545)</p>	
<p>United States Citizen Identification Card (I-197 or I-179)</p>	
<p>Northern Mariana Card (I-873)</p>	



Child adopted outside the U.S. (IR-3)  Child coming to the U.S. to be adopted (IR-4)	Adopted or biological children born outside the U.S. may establish citizenship obtained automatically under the Child Citizenship Act.
Final 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	Must show employment by the U.S. government before June 1, 1976.
Official military record of service	Must show a U.S. place of birth.
DOHS Systematic Alien Verification for Entitlement (SAVE) program	May be used to verify citizenship of naturalized citizens.

### C. Third Level Documents to Establish U.S. Citizenship

If the county is waiting to receive primary or secondary evidence or it cannot be obtained **and** the a/b alleges being born in the U.S., use the third level of evidence. Also use third level evidence when documents from level one or two are unavailable or do not exist. The place of birth on the non-government document and the application must agree. Require an additional document from Chart 5 to prove identity.

**Chart 3 (Code 35)**

Extract of hospital record on hospital letterhead established at the time of the person's birth and created at least 5 years before the initial application date, and indicates a U.S. place of birth.	Do not accept a souvenir "birth certificate" issued by the hospital.
<b>Children under 16 only</b> Extract of hospital record on hospital letterhead created near the time of birth or 5 years before the initial date of application and indicates a U.S. place of birth.	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.	Life or health 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.

Early school records 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, a U.S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.
Religious records recorded in the U.S. within 3 months of birth.	The record must show that the birth occurred in the U.S. and 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 recorded religious records.

#### D. Fourth Level Documents to Establish U.S. Citizenship

Use fourth level evidence in the rarest of circumstances. If the county is waiting to receive primary, secondary or third level evidence or it cannot be obtained **and** the a/b alleges being born in the U.S., use the fourth level of evidence. Also use fourth level evidence when documents from levels one, two or three are unavailable or do not exist. The place of birth on the non-government document and the application must agree. Require an additional document from Chart 5 to prove identity.

**Chart 4 (Code 45)**

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 1900-1950 contain certain citizenship information. To secure this information the a/b or DSS 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.
One of the following documents that shows a U.S. place of birth provided it was created at least 5 years before the application for Medicaid.	<ul style="list-style-type: none"> <li>• U.S. State Vital Statistics official notification of birth registration.</li> <li>• A delayed U.S. public birth record that is amended more than 5 years after the person's birth.</li> <li>• Statement signed by the physician or midwife who was in attendance at the time of birth.</li> </ul>
Institutional admission papers, created at least five years before the initial application date, from a nursing facility, skilled care facility or other institution	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.
Medical (clinic, doctor, or hospital) record created at least 5 years before the initial application date that indicates a U.S. place of birth.	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. Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.

<p><b>Children under 16 only:</b> Medical (clinic, doctor, or hospital) record created near the time of birth or 5 years prior to the Medicaid date of application.</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. Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.</p>
<p>Written Affidavit attesting to citizenship or naturalization:</p>	<p>Use <b>only</b> when the DSS is unable to secure evidence of citizenship listed in <b>any</b> other Chart. There must be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the a/b's claim of citizenship. At least one of the individuals making the affidavit cannot be related to the a/b. Neither of the two individuals can be the a/b. The person(s) making the affidavit must be able to provide proof of his/her own citizenship and identity for the affidavit. If the affiant has information which explains why documentary evidence establishing the a/b's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. A separate affidavit from the a/b or other knowledgeable individual (guardian or representative) explaining why the evidence does not exist or cannot be obtained must be provided. The affidavits must also be signed under penalty of perjury by the person making the affidavit.</p>

**E. Evidence of Identity**

When a document from charts 2-4 is presented, a document from chart 5 is also required.

**Chart 5 (Code 25, 35, 45)**

SOLQ Social Security number inquiry	Must have a "Social Security number verified" statement returned from the inquiry. Screen print the pertinent evidence for the file.
Data Match with other state agency's data systems	The data match must indicate that an identity has been verified. Screen print the pertinent evidence for the file.
Driver's license	Must have a photograph of the a/b or other identifying information of the individual such as name, age, sex, race, height, weight or eye color. Does not need to be current. A copy of a driver's license is acceptable with mail-in applications.
U.S. military card or draft record	
School identification card	Must have a photograph of the individual

**Chart 5 (Code 25, 35, 45) Continued**

<p><b>For disabled individuals in residential care facilities only:</b></p>	<p>If none of the above documents for identity are available, the disabled individual may have their identity attested to by the facility director or administrator. The affidavit must be signed under penalty of perjury.</p>
<p>Identification card issued by the Federal, State, or local government with the same information included on driver's licenses.</p>	
<p>Military dependent's identification card</p>	
<p>U.S. Coast Guard Merchant Mariner card</p>	
<p><b>For children under 16 only:</b> School, clinic, doctor, or hospital records.</p>	<p>School records include nursery or daycare records, and report cards. School records must be verified with the issuing school.</p>
<p><b>For children under 16 only:</b></p>	<p>If none of the above documents for identity are available, an affidavit may be used. An affidavit is only acceptable if it is signed under penalty of perjury by a parent, guardian, or caretaker relative and states the date and place of birth. It cannot be used if an affidavit for citizenship was used.</p>
<p>Three or more corroborating 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. <b>You must ensure that no other identity evidence is available.</b></p>	<p>Such documents must at a minimum contain the individual's name, plus any additional information establishing the individual's identity. All documents used must contain consistent identifying information. Such documents as high school and college diplomas from accredited institutions, marriage certificates, divorce decrees, property deeds/titles, and employee ID cards may be used if the individual submitted a second or third tier citizenship document, but not if they submitted a fourth tier citizenship document.</p>

## **VIII. COLLECTIVE NATURALIZATION**

The following will establish U.S. citizenship for collectively naturalized individuals:

### **A. Puerto Rico**

1. Evidence of birth in Puerto Rico on or after April 11, 1899, and the applicant's statement that they were residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941.
2. Only birth record documents issued or reissued on or after July 1, 2010 are acceptable evidence.

### **B. U.S. Virgin Islands**

1. Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;
2. The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917, and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that they did not make a declaration to maintain Danish citizenship; or
3. Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.

### **C. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):**

1. Evidence in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. 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);
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

3. Evidence of continuous domicile in the NMI since 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).

Note: If a person entered the NMI as a non-immigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.