

**Subject: Revised Citizenship Documentation Requirement from the
Deficit Reduction Act of 2005**

List of Acceptable Documentation

The Deficit Reduction Act (DRA) 2005, *Section 6036, Improved Enforcement of Documentation Requirements*, prohibits states from receiving federal reimbursement for medical assistance provided under Medicaid to an individual who has not provided satisfactory documentary evidence of citizenship or nationality and identity. This provision applies to initial determinations and re-determinations for medical assistance made on or after July 1, 2006.

Active SSI and Medicare consumers are exempt from the requirement to provide evidence of citizenship and identity. The state must give current Medicaid consumers a “reasonable opportunity period” to provide documents establishing U.S. citizenship or nationality and identity consistent with its administrative requirements. If consumers are unable to provide it at the initial request made on or after July 1, 2006, the state may allow them to provide the required documentation of citizenship and identity at the time of their next complete re-determination. However, new applicants for Medicaid must provide proof of citizenship and identity before eligibility can be determined.

The Health and Human Services Commission (HHSC) has recently published a listing of additional sources for documenting both citizenship and identity. The following pages include all the sources that can be used to document both citizenship and identity.

Staff should be tactful when informing consumers of this requirement and can assist with obtaining proof of citizenship. In allowing current Medicaid consumers a “reasonable opportunity period” HHSC does not anticipate having a significant number of denials or disqualifications.

If a DADS applicant or consumer has a question regarding the citizenship documentation requirement, they should be referred to their HHSC eligibility worker or instructed to call 2-1-1, option 2, to request the location of the nearest HHSC benefits office for assistance.

Acceptable Documentation for Both Citizenship and Identity

Supplemental Security Income (SSI) Recipients

Active SSI recipients are exempt from the requirement to provide evidence of citizenship and identity. The Social Security Administration (SSA) documents citizenship and identity for SSI recipients.

Medicare Recipients

Active Medicare recipients are exempt from the requirement to provide evidence of citizenship and identity. SSA documents citizenship and identity for Medicare recipients.

Other Individuals

The following primary evidence documents may be accepted as proof of both identity and citizenship:

- A U.S. passport,
- A Certificate of Naturalization (N-550 or N-570), or
- A Certificate of U.S. Citizenship (N-560 or N-561)

If an individual does not provide one of these primary evidence documents that establish both U.S. citizenship and identity, the individual must provide two documents:

- One document that establishes U.S. citizenship, and
- One document that establishes identity

Documents that establish citizenship are divided into second, third and fourth levels based on the reliability of the evidence. The levels of evidence of citizenship are outlined in topic, [Levels of Evidence of Citizenship and Acceptable Evidence of Identity Reference Guide](#). The guide also includes acceptable documents for evidence of identity.

Levels of Evidence of Citizenship and Acceptable Evidence of Identity Reference Guide

Note: Current SSI recipients and individuals entitled to or enrolled in Medicare are exempt from the citizenship documentation requirement for Medicaid.

Primary Evidence of Citizenship and Identity
<ul style="list-style-type: none">• U.S. passport• Certificate of Naturalization• Certificate of U.S. citizenship• SDX for denied SSI recipients when the denial reason is for any reason other than citizenship (N13)• SOLQ/WTPY and documentation on reason for Medicare denial

If primary evidence of citizenship is not available, the individual must provide **two** documents, one to establish U.S. citizenship and one to establish identity. Acceptable evidence of identity documents is outlined last in this reference guide.

Begin with the second level of evidence of citizenship and continue through the levels to locate the best available documentation.

Second Level of Evidence of Citizenship
(Use only when primary evidence is not available)

- 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 (on or after April 10, 1899), the Virgin Islands of the U.S. (on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (after November 4, 1986) - Conduct Bureau of Vital Statistics (BVS) for an individual born in Texas. If an individual's date of birth is earlier than 1903 or if the birth was out of state, accept a legible/non-questionable copy. For a birth out of state, individuals may obtain a birth certificate through the following: BirthCertificate.com; vitalchek.com; usbirthcertificate.net or their toll-free number, 1-888-736-2692.
- Report of Birth Abroad of a U.S. Citizen (FS-240)
- Certification of Birth Abroad (FS 545 or DS-1350)
- U.S. Citizen Identification card (Form I-179 or I-197)
- Northern Mariana Identification card (I-873)
- American Indian card (I-872) issued by Department of Homeland Security with classification code "KIC"
- Final adoption decree showing the child's name and U.S. place of birth
- Evidence of U.S. Civil Service employment before June 1, 1976
- U.S. Military record showing a U.S. place of birth (Example: DD-214)

Third Level of Evidence of Citizenship
(Use only when primary and second level evidence is not available)

- Hospital record of birth showing a U.S. place of birth
- Life, health, or other insurance record showing a U.S. place of birth
- Religious record of birth recorded in the U.S. or its territories within 3 months of birth, which indicates a U.S. place of birth showing either the date of birth or the individual's age at the time the record was made

Fourth Level of Evidence of Citizenship
(Use only when primary, second level, and third level evidence is not available.)

Any listed documents used must include biographical information including U.S. place of birth.

- Federal or state census record showing U.S. citizenship or a U.S. place of birth and the individual's age (generally for individuals born 1900-1950)

- Seneca Indian Tribal census record showing a U.S. place of birth
- Bureau of Indian Affairs Tribal census records of the Navajo Indians showing a U.S. place of birth
- U.S. State Vital Statistics official notification of birth registration showing a U.S. place of birth
- Statement showing a U.S. place of birth signed by the physician or midwife who was in attendance at the time of birth
- Institutional admission papers from a nursing facility, skilled care facility or other institution showing a U.S. place of birth
- Medical (clinic, doctor or hospital) record, excluding an immunization record, showing a U.S. place of birth
- Affidavits from two adults regardless of blood relationship to the individual; **Use only as a last resort when no other evidence is available.**

Evidence of Identity

- Driver license issued by a state either with a photograph or other identifying information such as name, age, sex, race, height, weight or eye color
- School identification card with a photograph
- U.S. Military card or draft record
- Department of Public Safety identification card with a photograph or other identifying information such as name, age, sex, race, height, weight or eye color
- Birth certificate
- Hospital record of birth
- Military dependent's identification card
- Native American Tribal document
- U.S. Coast Guard Merchant Mariner card
- Certificate of Degree of Indian Blood or other U.S. American Indian/Alaskan Native and Tribal document with a photograph or other personal identifying information
- Data matches with other state or federal government agencies (Example: Employee Retirement System and Teacher Retirement System)
- Adoption papers or records
- Work identification card with photograph
- Signed application for Medicaid; Accept signature of an authorized representative or a responsible person acting on the individual's behalf.
- Health care admission statement
- For children under 16, school records may include nursery or day care records
- For children under 16, an affidavit signed by a parent or guardian stating the date and place of birth of the child. **Use as a last resort when no other evidence is available and if an affidavit is not used to establish citizenship.**