



State of California—Health and Human Services Agency  
**Department of Health Services**



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TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS  
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS  
ALL COUNTY HEALTH EXECUTIVES  
ALL COUNTY MENTAL HEALTH DIRECTORS  
ALL COUNTY MEDS LIAISONS

Letter No.:

SUBJECT: Implementation of the Federal Deficit Reduction Act (DRA) of 2005  
Requirement to Provide Evidence of Citizenship/U.S. National Status as a  
Condition of Medi-Cal Eligibility.

**Introduction**

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with instructions for implementing the new requirement for documentation of United States (U.S.) citizenship or U.S. national status as a condition of Medi-Cal eligibility pursuant to the federal Deficit Reduction Act of 2005 (DRA).

NOTE: U.S. nationals are individuals born in American Samoa (including Swains Island). For purposes of this ACWDL, any reference to “citizens” should be interpreted as including U.S. nationals. In addition, the citizenship documentation requirements are also applicable to naturalized U.S. citizens.

To comply with the new federal law, counties must ensure that the Medi-Cal record includes satisfactory evidence of U.S. citizenship or U.S. national status and identity for all Medi-Cal applicants and beneficiaries who have declared that they are citizens or nationals of the U.S. Specifically, the new federal law requires that:

Pursuant to federal law, effective July 1, 2006, satisfactory evidence of citizenship/national status and identity must be obtained for:

- All U.S. citizen/U.S. national applicants at the time of application; and
- All U.S. citizen/U.S. national beneficiaries at the time of their next annual redetermination on or after July 1, 2006.

The new DRA requirements do not change the documentation or eligibility determination process for individuals declaring as immigrants.

The new evidence of citizenship/identity requirement is being adopted in accordance with guidance issued on June 9, 2006 and interim final regulations published on July 12, 2006 by the Centers for Medicare and Medicaid Services (CMS), explained in detail below.

### **Overview of U.S. Citizenship/National Status and Identity**

Prior to the enactment of the DRA, documentary evidence to establish U.S. citizenship or U.S. national status was not required unless an applicant declared a birthplace outside the U.S., or if evidence suggested an applicant falsely claimed to be a citizen or national of the U.S. Under the DRA, documentation of U.S. citizenship/U.S. national status and identity must be obtained for all Medi-Cal applicants who declare that they are citizens or nationals of the U.S. for whom eligibility determinations are made on or after July 1, 2006. For current beneficiaries who declared that they are U.S. citizens or nationals, the documentation of citizenship/identity must be provided at their next annual redetermination on or after July 1, 2006, unless acceptable documentation is already in the case file.

Under the federal guidance, new applicants are treated differently than ongoing beneficiaries. New applicants who meet the other eligibility requirements are not eligible for Medi-Cal until acceptable documentation of citizenship and identity is provided. Current beneficiaries who are required to provide evidence of citizenship/identity will remain eligible if they are making a good faith effort to provide documents.

Documentation of citizenship and identity is a **one-time activity**. Once documentation is provided, it will not be collected again even if the beneficiary moves from one county to another, has a break in aid, etc.

Pursuant to federal guidelines, all documents provided as evidence of citizenship and identity must either be originals or copies certified by the issuing agency. Uncertified copies or notarized copies may not be accepted, except as noted in this letter.

The California Department of Health Services (CDHS) implemented a system for checking State birth records electronically to identify Medi-Cal applicants and beneficiaries who have a California birth record on file. Applicants or beneficiaries who have a birth record on file will have met the citizenship verification portion of this requirement and shall not be required to provide evidence of citizenship when the Department is able to obtain this information electronically. CDHS also implemented Medi-Cal Eligibility Data System (MEDS) changes that will enable counties to obtain evidence of citizenship for applicants and beneficiaries born in California, by accessing birth records through an online MEDS transaction. Electronic birth records are considered primary evidence of citizenship of the highest reliability. Note, this system will not provide documentation of identity, which must be still be obtained as required by the DRA.

The new federal requirement to document U.S. citizenship/national status does not apply when establishing presumptive eligibility or accelerated enrollment. However, the evidence of citizenship/identity requirement is applicable when determining ongoing Medi-Cal eligibility. **Individuals who are recipients of Supplemental Security Income (SSI) and/or who receive Medicare benefits are not subject to the new federal citizenship/identity requirements.**

Assembly Bill 1807 (Chapter 74, Statutes of 2006) amended Welfare and Institutions Code section 14011.2 to provide authority to implement the new documentation of citizenship/identity requirements of the DRA. The new law requires CDHS to implement the federal evidence of citizenship/identity requirement with as much flexibility as is allowed under federal law and

policy. CDHS is to provide for exceptions or alternatives in its implementation of the federal requirement to the extent federal financial participation (FFP) is available. These exceptions or alternatives may include, but are not limited to, using an expanded list of acceptable documentation, relying on electronic data matches for birth certificates, and accepting sworn affidavits when there is good cause for not providing other evidence. The State is also required to give applicants and beneficiaries who are making a good faith effort as much time as federal law and policy will allow to provide the required evidence of citizenship and identity.

State law requires counties to assist applicants and beneficiaries who are required to provide evidence of citizenship/identity (as explained in detail below). State law further specifies that individuals who have been determined otherwise eligible, but are determined ineligible for full scope Medi-Cal for failing to meet the citizenship/identity requirements within the reasonable time period described below, will receive restricted Medi-Cal (including emergency services, prenatal care and long-term care), as appropriate.

As required by federal law, counties are directed to implement the evidence of citizenship and identity requirements immediately. The State will work with counties to resolve implementation issues. Counties must provide to all applicants and beneficiaries the “Instruction to Medi-Cal applicants and beneficiaries about providing documents of citizenship/identity” (Enclosure 3). This form should be included in all Medi-Cal application (MC 210) and redetermination (MC 210RV) packets. This form explains the evidence of citizenship/identity requirements and includes a list of the hierarchy of documents that applicants and beneficiaries must provide as evidence of citizenship/identity for Medi-Cal eligibility purposes.

### **Acceptable documents for evidence of citizenship/national status and identity**

#### **A. Establishing U.S. citizenship and identity**

To establish U.S. citizenship the document must show:

- A U.S. place of birth, or
- That the person is a U.S. citizen or national

Note: Children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens

To establish identity a document must show:

- Evidence that provides identifying information that relates to the person named on the document.

#### **B. Documents establishing U.S. citizenship and identity**

The federal guidelines defining acceptable evidence of citizenship and identity include a five-tier “hierarchy” of evidence. Tier 1 (or level 1) evidence is the most reliable and establishes both citizenship and identity. Tiers 2 through 4 include successively less reliable documentation of citizenship. Tier 5 includes acceptable documentation of identity. Anyone who provides evidence of citizenship from tiers 2 through 4 must also provide an identity document from Tier 5 to meet

the documentation of citizenship/identity requirement. Higher tier documentation of citizenship is considered to be more reliable. All of the acceptable citizenship documents in Tiers 1 through 4 are listed in Table 1 below. All of the acceptable identity documents are listed in Table 2 below.

Applicants and beneficiaries are required to provide the most reliable documents they have from the Table 1 below. For example, Tier 2 citizenship documents are only acceptable if Tier 1 documents are not available. Tier 3 documents are only acceptable if Tier 1 or Tier 2 documents are not available. Based on the hierarchy of documents, counties must accept the most reliable documents that the applicant or beneficiary can provide. The following instructions provide more detail on when a document of lesser reliability may be accepted by the county. More detailed information on each of the acceptable citizenship and identity documents is included in Enclosure 1.

### **1. Primary documents to establish both U.S. citizenship and identity**

Primary evidence of citizenship and identity is documentary evidence of the highest reliability and conclusively establishes that the individual is a U.S. citizen. The county should use available primary documentation of citizenship and identity before using secondary (Tier 2) documents. Applicants or beneficiaries born outside the U.S. who were not citizens at birth must submit one of the primary documents listed in Table 1.

### **2. Secondary documents to establish U.S. citizenship**

Secondary evidence of citizenship is documentary evidence that is used when primary evidence of citizenship is not available from the applicant or beneficiary. When an applicant or beneficiary provides one of the secondary (Tier 2) evidence of citizenship documents from Table 1, an identity document from Table 2 below must also be provided.

CDHS' electronic verification of birth record information meets the requirement of citizenship documentation. No further citizenship documentation is necessary, however identity will still need to be verified.

### **3. Third level documents to establish U.S. citizenship**

Third-level evidence of U.S. citizenship is documentary evidence that is used when the applicant or beneficiary alleges birth in the U.S. and neither primary nor secondary evidence of citizenship is available. Third-level evidence may be used only when primary evidence cannot be obtained in a reasonable amount of time and secondary evidence does not exist or cannot be obtained. Also, a second document establishing identity (from Table 2 below) must be provided.

### **4. Fourth level documents to establish U.S. citizenship**

Fourth-level evidence of U.S. citizenship is documentary evidence of the lowest reliability. Fourth-level evidence should only be used when it is absolutely necessary to meet the evidence of citizenship requirement. This level of evidence is used only when the applicant or beneficiary alleges birth in the U.S., primary evidence is not available, and both secondary and third-level documentary evidence does not exist or cannot be obtained. Also, a second document establishing identity (from Table 2 below) must be provided.

## **5. Evidence of identity (See Table 2)**

When primary evidence of citizenship from Tier 1 (See Table 1) is not available and a document from Tiers 2 through 4 is presented, it must be accompanied by an identity document from Table 2 below.

### **Obtaining acceptable evidence of citizenship and identity**

Counties must accept document(s) provided by applicants and beneficiaries as long as they are the best documents the applicant or beneficiary has available and the documents are listed in Table 1 and 2. Counties must assume that applicants and beneficiaries provided the most reliable available evidence based on the instruction they were provided in a notice explaining the new requirement. Counties must accept citizenship/identity documents without requiring the applicant or beneficiary to appear in person. Counties must accept acceptable documents submitted in person, by mail, or by a guardian or authorized representative.

### **A reasonable opportunity to provide documents**

Counties are required to give citizen applicants and beneficiaries a “reasonable opportunity” to provide the required documentation of citizenship/identity. Applicants are not eligible for Medi-Cal until they have provided acceptable evidence of citizenship and identity. Beneficiaries who are required to provide citizenship/identity documentation at redetermination will continue to receive Medi-Cal as long as they are otherwise eligible and are making a good faith effort to provide documents.

For applicants, counties must obtain evidence of citizenship/identity within the prescribed time limit for counties to process Medi-Cal applications (45 days for applicants who do not need a disability evaluation and 90 days for applicants alleging disability). However, those time limits must be extended to provide applicants with a reasonable opportunity to provide evidence of citizenship/identity if the applicant is making a “good faith effort” to obtain or provide documents.

If an applicant who is making a good faith effort to obtain or provide documentation of citizenship/identity needs additional time, counties must follow up to ensure that acceptable documentation is in the case file. Applicants must provide the required evidence before Medi-Cal eligibility can be established.

Beneficiaries must also be given a reasonable opportunity to provide evidence of citizenship/identity if it is required at redetermination because it had not been provided previously. Current beneficiaries are required to provide evidence of citizenship/identity at their next annual redetermination only if they have not provided acceptable evidence at any time in the past. (As explained below, evidence of citizenship/identity is only required once.) For beneficiaries who are required to provide evidence of citizenship/identity as part of their annual redetermination, the time allowed to provide it must be extended as long as they are making a good faith effort to provide it. **Unlike applicants, otherwise-eligible beneficiaries remain eligible for Medi-Cal during the reasonable opportunity period and shall not have their eligibility terminated due to failure to provide citizenship or identity documentation if they are making a “good faith effort” to get the documentation.**

**Definition of “good faith effort”**

An applicant or beneficiary is making a good faith effort if he or she demonstrates effort to obtain and present satisfactory documents to meet the evidence of citizenship requirements including evidence of identity if applicable.

**Note to Stakeholders: Please make suggestions for the definition of “good faith effort”.**

**Assist applicants and beneficiaries with evidence of citizenship requirements**

Counties are required to provide reasonable assistance to applicants and beneficiaries in obtaining evidence of citizenship/identity. Counties are not required to pay for documents and the State will not reimburse counties for documents purchased on behalf of individuals. Counties are encouraged to assist applicants by directing them to the appropriate agency to obtain the required documents and by allowing them the time they need to obtain it. In addition, counties are required to take the steps identified below, as needed, to assist beneficiaries in providing the required evidence of citizenship and identity when it is required at redetermination.

**Specific requirements for assisting applicants**

If an applicant returns the application form, but has not provided the required evidence of citizenship and identity documents, the county shall do the following:

1. Submit information from the application to MEDS for a state birth records match. If this does not result in a match and the applicant asserts birth within the State of California, attempt to telephone the applicant to obtain additional information outlined in “Information for Medi-Cal Applicants and Beneficiaries Born in California”, Enclosure 2. Any additional information obtained shall be submitted to MEDS for a State birth records match.
2. Review county eligibility files and records, and MEDS, to identify any evidence of citizenship or identity documents that have already been provided. This review shall include a review of any CalWORKs, Foster Care or Food Stamp files that may exist for the applicant. If copies of evidence of citizenship/identity are included in the CalWORKs, Foster Care or Food Stamp file, it may be acceptable for meeting the Medi-Cal requirements. Counties must accept this evidence for Medi-Cal if it is a document listed in Table 1 (and Table 2 if applicable), and was included in the CalWORKs, Foster Care or Food Stamp file. Copies of documents may be accepted by the county if the county believes that the procedure used by the agency initially accepting the documents ensures the documents are originals or certified copies. If documents are determined to contain inconsistent pre-existing information, are counterfeit, or altered, the matter should be referred to CDHS’ Audits and Investigations.
3. Attempt to reach the applicant by telephone to advise the applicant as to the need to obtain and present the required documentation.
4. If the applicant fails to respond to the telephone contact or present the required documents, send a second form to the applicant that highlights the documentation being requested and informs the applicant to contact the county. The form shall be written in a simple, clear, consumer-friendly manner, and shall explain why the documentation is necessary.

5. If the applicant fails to contact the county, the county shall make another attempt to reach the beneficiary by telephone to advise the applicant of the need to obtain and present the required documentation.
6. Document in the case file any efforts made to contact and advise the applicant as to the need to obtain and present the required documentation.
7. If an applicant fails to present the required documentation, and is not making a good faith effort to obtain it, the county shall send a ten-day Notice of Action (NOA) to indicate that the applicant will only be eligible for restricted benefits, (emergency, pregnancy and long-term care services).

To notify applicants who fail to respond to the telephone contact, counties may use the following text:

“The purpose of this notice is to let you know that you must provide evidence of your United States (U.S.) citizenship/U.S. national status and identity if you want to become eligible for full Medi-Cal benefits. Because of a new federal law, anyone who claims they are a U.S. citizen or national and wants Medi-Cal must provide proof of citizenship/nationality and identity. Because you have told us you are a U.S. citizen or national, but we don’t have evidence of your citizenship/identity in our file, you have to show it to us if you want to receive full Medi-Cal benefits.

If you have a U.S. passport, a Certificate of Naturalization (N-550 or N-570) or a Certificate of Citizenship (N-560 or N-561), that is all you need to show us. If you don’t have one of those documents, there are many other documents you can provide (along with proof of identity) to prove you are a U.S. citizen or national. Your county social services office can give you more information about all of the documents that can prove citizenship and identity. If you don’t already have one of the documents, you will be given a reasonable amount of time to get one and the county will assist you if you need help. Please contact the county right away so they know you are trying to give them proof of citizenship/identity. Your application for full Medi-Cal will continue to remain open if the county knows you are trying to get proof of citizenship/identity and if you still meet the other eligibility requirements. However, you will not receive full Medi-Cal until you provide the requested documents.”

As soon as the required evidence is provided, complete the eligibility determination.

If an applicant is making a good faith effort to provide documents, the period of time for completing the necessary contacts and follow up to assist them must be extended.

**Specific requirements for assisting beneficiaries at redetermination**

If a current beneficiary returns the annual redetermination form (and is otherwise eligible) but has not provided the required evidence of citizenship and identity documents, the county shall do the following:

1. Submit information from the annual redetermination form to MEDS for a State birth records match. If this does not result in a match and the beneficiary asserts birth within the State of California, attempt to telephone the beneficiary to obtain additional information outlined in

“Information for Medi-Cal Applicants and Beneficiaries Born in California”, Enclosure 2. Any additional information obtained shall be submitted to MEDS for a State birth records match.

2. Review county eligibility files and records, and the MEDS, to identify any evidence of citizenship or identity documents that have already been provided. This review shall include a review of any CalWORKs, Foster Care or Food Stamp files that may exist for the beneficiary. If copies of evidence of citizenship/identity are included in the CalWORKs, Foster Care or Food Stamp file, it may be acceptable for meeting the Medi-Cal requirements. Counties must accept this evidence for Medi-Cal if it is a document listed in Table 1 (and Table 2 if applicable), and was included in the CalWORKs, Foster Care or Food Stamp file. Copies of documents may be accepted by the county if the county believes that the procedure used by the agency initially accepting the documents ensures the documents are originals or certified copies. If documents are determined to contain inconsistent pre-existing information, are counterfeit, or altered, the matter should be referred to CDHS’ Audits and Investigations.
3. Attempt to reach the beneficiary by telephone to advise the beneficiary as to the need to obtain and present the required documentation.
4. If the beneficiary fails to respond to the telephone contact or present the required documents, send a second form to the beneficiary that highlights the documentation being requested and informs the beneficiary to contact the county. The form shall be written in a simple, clear, consumer-friendly manner, and shall explain why the documentation is necessary.
5. If the beneficiary fails to contact the county, the county shall make another attempt to reach the beneficiary by telephone to advise the beneficiary of the need to obtain and present the required documentation.
6. Document in the case file any efforts made to contact and advise the beneficiary as to the need to obtain and present the required documentation.
7. If a beneficiary fails to present the required documentation, and is not making a good faith effort to obtain it, the county shall send a 10-day NOA to indicate that the beneficiary’s benefits are reduced to emergency, pregnancy and long-term care services.

To notify beneficiaries who fail to respond to the telephone contact, counties may use the following text:

“The purpose of this notice is to let you know that you must provide evidence of your United States (U.S.) citizenship/U.S. national status and identity if you want to continue to be eligible for full Medi-Cal benefits. Because of a new federal law, anyone who claims they are a U.S. citizen or national and wants Medi-Cal must provide proof of citizenship/nationality and identity. Because you have told us you are a U.S. citizen or national, but we don’t have evidence of your citizenship/identity in our file, you have to show it to us if you want to keep getting full Medi-Cal benefits.

If you have a U.S. passport, a Certificate of Naturalization (N-550 or N-570) or a Certificate of Citizenship (N-560 or N-561), that is all you need to show us. If you don’t have one of those

documents, there are many other documents you can provide (along with proof of identity) to prove you are a U.S. citizen or national. Your county social services office can give you more information about all of the documents that can prove citizenship and identity. If you don't already have one of the documents, you will be given time to get one and the county will assist you if you need help. Please contact the county right away so they know you are trying to give them proof of citizenship/identity. You will continue to be eligible for full Medi-Cal if the county knows you are trying to get proof of citizenship/identity and if you still meet the other eligibility requirements."

As soon as the required evidence is provided, complete the redetermination.

If a beneficiary is not making a good faith effort to provide documentation of citizenship/identity, a ten-day NOA must be sent. When a NOA is required to reduce eligibility from full Medi-Cal to limited benefits, all NOA and State hearing requirements apply. If a beneficiary is making a good faith effort to provide documents, the period of time for completing the necessary contacts and follow up to assist them must be extended if the beneficiary needs more than 30 days to provide documents.

**Limited benefits for failure to meet evidence of citizenship/national status**

The benefits for applicants who are otherwise eligible, but who fail to present evidence of citizenship/national status and identity after the reasonable opportunity period ends, must be granted eligibility that is limited to restricted Medi-Cal benefits (emergency, pregnancy and long term care benefits). The benefits for beneficiaries who are otherwise eligible, but who fail to present evidence of citizenship/national status and identity after the reasonable opportunity period ends, must be reduced to restricted Medi-Cal benefits (emergency, pregnancy and long term care benefits). In these situations, all NOA and State hearing requirements apply.

If the requested evidence of citizenship or identity is received after benefits are reduced, the county shall grant full-scope Medi-Cal (if otherwise eligible) and provide the required NOA.

**Evidence of citizenship documents submitted by individuals must be original**

All documents provided by individuals to meet the evidence of citizenship requirement (including identity documents) must be either originals or copies certified by the issuing agency. Uncertified copies or notarized copies may not be accepted, except as otherwise provided in this letter. After viewing the original documents counties must note what documents are provided and maintain copies in the case record or keep an image of the original document in their data base. As explained below, counties must also submit information about the citizenship and identity evidence provided to MEDS via the updated AP 18 transaction described below. Counties must make a notation in the case file as to: (1) the date the original document was viewed, (2) the specific document viewed, and (3) the name of the individual who viewed the document. Copies of the evidence of citizenship/identity documents, or other acceptable proof that the requirement has been met, must be made available when requested by State or federal agencies.

### **Handling original documents**

Counties must permit applicants and beneficiaries to submit original documentary evidence without appearing in person at a county office or on-site eligibility worker. Documents may also be submitted by a guardian or authorized representative of the individual. If counties receive original citizenship or identity documents by mail, it will be important to exercise extreme care when handling them. Because most applicants and beneficiaries will not want to give up original documents, it is likely that counties will experience additional walk-in traffic from persons bringing in their original citizenship and identity documents. In order to handle original documents with the care that is required, we encourage counties to implement special procedures or set up a special documents processing unit, if necessary, to ensure that original documents are reviewed, copied and returned in a timely manner.

### **Evidence of citizenship obtained by mail**

The federal law requires that an individual submit original or certified documents when demonstrating their citizenship/identity status. When an applicant or beneficiary provides photocopies of original citizenship or identity documents by mail, the county must contact the applicant or beneficiary and request original documents.

### **Evidence of citizenship is only required once**

Providing evidence of citizenship/identity is only required one time. Specifically, once the citizenship/identity requirements is documented and recorded in the case file for a Medi-Cal beneficiary, counties must not request evidence of citizenship/identity status again, even when a new application or redetermination is submitted due to subsequent changes in eligibility or breaks in aid or if transferring to or applying in a new county. When a paper copy of evidence of citizenship and identity is provided, the county must keep copies of these documents in the case file. The Department has updated the MEDS to store information about evidence of citizenship and identity information that is provided by beneficiaries. If MEDS shows that the required evidence of citizenship and identity was provided at any time in the past, counties must not request it again. However, if the documentation was provided prior to July 1, 2006, it must still meet all of the requirements described in this letter to be acceptable.

### **Using affidavits as evidence of citizenship**

Affidavits may be used in circumstances where no other acceptable documentary evidence of citizenship is available. In order for an affidavit to be acceptable to establish citizenship, the following requirements must be met:

- No other evidence of citizenship can be obtained by the applicant or beneficiary.
- The affidavit(s) must be signed under penalty of perjury by at least two individuals who have personal knowledge of the event(s) establishing the applicant's or beneficiary's claim of citizenship.
- At least one of the individuals providing an affidavit must not be related to the applicant or beneficiary who is the subject of the affidavit.

- The individuals making the affidavit must provide proof of their own citizenship and identity.
- If the affidavits do not explain why other evidence is unavailable, an additional affidavit signed by the applicant or beneficiary or other knowledgeable individual which includes the information must be obtained.
- The applicant or beneficiary and the affiants must provide acceptable evidence of identity (see Table 2)

### **Assist persons who are incapable of providing evidence of citizenship**

The counties must assist applicants or beneficiaries incapable of acting on their own behalf to provide evidence of citizenship/identity. If the applicant or beneficiary is homeless, an amnesia victim, mentally impaired, or physically incapacitated and lacks someone who can act for the individual and cannot provide evidence of U.S. citizenship or identity, the county must assist the individual in documenting U.S. citizenship and identity.

### **Using an affidavit as evidence of identity for children**

As described in Table 2, an affidavit signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child may be used to establish the identity of children who are under 16 years of age if no other acceptable evidence of identity is available. A non-citizen parent may provide an affidavit for a child under 16. Please note that an affidavit may not be used to establish the identity of a child if an affidavit was used to establish the child's citizenship. Also, children born in the U.S. to foreign sovereigns or diplomatic officers are not U.S. citizens. Application forms will be amended to provide for a parental affidavit for children's identity.

### **Presumptive Eligibility, Accelerated Enrollment for Children, and Minor Consent**

The new federal requirement to document U.S. citizenship/national status does not apply to individuals who are establishing presumptive eligibility or accelerated enrollment. However, the evidence of citizenship/identity requirement is applicable when their ongoing Medi-Cal eligibility is determined. The evidence of citizenship requirements apply to prenatal services within the Minor Consent Program. Please note that Medi-Cal also offers a presumptive eligibility program for prenatal care that does not require documentation of citizenship/identity.

### **Title IV-E foster children**

Title IV-E children receiving Medi-Cal must have in their Medi-Cal file a declaration of citizenship or satisfactory immigration status and documentary evidence of the citizenship or satisfactory immigration status claimed on the declaration. Title IV-E children, for the purposes of the citizenship/identity requirements, are considered eligible for Medi-Cal upon entry into the foster care program (i.e., they are treated as Medi-Cal beneficiaries upon entry into the foster care program for the purposes of this ACWDL). These Medi-Cal eligible children must be given a reasonable opportunity to comply with the citizenship/identity requirements. During this opportunity period, all foster children remain eligible for Medi-Cal services.

**Documentation of citizenship for CalWORKS cases**

While CalWORKS applicants declare that they are U.S. citizens or nationals to establish CalWORKS eligibility, the CalWORKS program does not always obtain the citizenship/identity documentation required by Medi-Cal. Consequently, some CalWORKS recipients must present citizenship/identity documentation prior to Medi-Cal eligibility being established. In these cases, CalWORKS eligibility will be established before Medi-Cal benefits are granted.

The counties must check existing county CalWORKS case files for documentation of citizenship/identity to alleviate hardship to individuals who are required to provide documentation of citizenship/identity at the time of application and redetermination. If the county already has evidence of citizenship and identity, as described in Table 1, in the CalWORKS file, then further documentary evidence is not required.

To the extent that CalWORKS establishes CalWORKS eligibility for new applicants without the required documentation, the county cannot grant Medi-Cal eligibility. CalWORKS redeterminations must ensure that required Medi-Cal documentation is in place.

For CalWORKS applicants who provide acceptable documentation of citizenship/identity (for the Medi-Cal program) after CalWORKS is granted, counties must establish Medi-Cal eligibility back to the date of the CalWORKS application as soon as acceptable documentation of citizenship and identity (for Medi-Cal) is provided.

**Personal Care Services Program (PCSP) and In-Home Support Services Independence Plus (IHSS+) Waiver Recipients**

PCSP and IHSS+ Waiver services are Medi-Cal benefits and recipients of these services will also be subject to the citizenship/identity documentation requirements. Before discontinuing Medi-Cal eligibility of PCSP or IHSS+ Waiver recipients, Medi-Cal eligibility workers must check the PCSP/IHSS+ program case record to determine what, if any, documentation of citizenship and identity has already been provided.

If adequate documentation has not been provided and the individual is discontinued from Medi-Cal, the CDHS' computer system will place the recipient into the State- and county-funded In-Home Support Services - Residual (IHSS-R) program. The individual remains in the IHSS-R program until an IHSS-R redetermination of eligibility is completed by the IHSS county staff. If IHSS county staff are provided with documents of citizenship or identity, those documents must be provided to the Medi-Cal eligibility worker. Only the Medi-Cal eligibility worker may document the case record and only county Medi-Cal staff may enter the appropriate codes into MEDS.

Please note: If a PCSP or an IHSS+ Waiver beneficiary is receiving SSI and/or Medicare, the citizenship/identity requirements are not applicable, as described below.

**Supplemental Security Income and Medicare beneficiaries**

Persons receiving Medi-Cal based on eligibility for SSI and those who receive Medicare are exempt from the requirement to provide evidence of U.S. citizenship and identity. When a person loses SSI and eligibility is reviewed for Medi-Cal-only eligibility, evidence of citizenship/identity is not required for ongoing Medi-Cal only eligibility.

**Using evidence of citizenship/national status from existing case files**

Counties must check existing county case files for documentation of citizenship/identity to alleviate hardship to individuals who are required to provide documentation of citizenship/identity at the time of application and redetermination. If the county already has acceptable evidence of citizenship and identity on file, then further documentary evidence is not required.

Counties may use the citizenship and identity information provided to other programs to meet the new Medi-Cal requirement as long as the documents are among those listed in Table 1.

**Using a State birth records match as evidence of citizenship**

Effective August 2006 Month of Eligibility, CDHS implemented a system at the State level for checking State birth records electronically to identify Medi-Cal applicants and beneficiaries who have a California birth record on file. Applicants or beneficiaries who have a birth record on file will not be required to provide evidence of citizenship when CDHS has confirmed this information electronically. In August 2006, CDHS will check State birth record data for all applicants and beneficiaries known to MEDS to identify persons who have a birth record on file. The State will use this information to assist counties in obtaining electronic evidence of U.S. citizenship whenever possible.

CDHS also implemented MEDS changes that will enable the counties to obtain evidence of citizenship for applicants and beneficiaries born in California, by accessing this birth records match through an online MEDS transaction. Using the updated AP 18 transaction screens, counties can provide required data elements to MEDS which CDHS will use to determine if the State vital records database includes evidence of birth in California for that individual. Counties will be notified via a MEDS alert whether an acceptable match is found, or whether other evidence of citizenship is required. Documentation of an acceptable birth records match meets the evidence of citizenship requirement. Applicants or beneficiaries for whom a birth record is found are still required to provide an identity document to meet the evidence of citizenship requirement.

Enclosure 2 (Information for Medi-Cal applicants and beneficiaries born in California) is a camera-ready form that the counties must use at application or redetermination to obtain the data that is necessary for a valid birth record match when the current MEDS record does not show that the applicant or beneficiary has met the citizenship or identity requirement. This form must be included in application and redetermination packets when evidence of citizenship is required so that applicants and beneficiaries will have the opportunity to provide the necessary information. If an applicant or beneficiary does not provide all of the requested information, counties should still submit the request. The State will determine if there is sufficient information to obtain a valid match and notify the county of the results.

### **Mandatory data fields**

Because it is essential that the four automated welfare systems obtain the data that is necessary to get a valid birth records match, those data elements are mandatory. At a minimum, counties should include state of birth and city or county of birth in the information that is entered into the automated welfare systems at application and/or redetermination. This information will increase the number of valid birth record matches CDHS is able to obtain.

### **MEDS coding for citizens/nationals**

Aid Codes and citizenship codes must be assigned to represent an individual's Medi-Cal benefits coverage and citizenship/national verification status. For otherwise-eligible U.S. citizens/nationals who fail to provide evidence of citizenship and/or identity by the end of the reasonable opportunity period, use the appropriate restricted-scope Aid Code for coverage of emergency and pregnancy-related or long-term care services:

- Aid Code 58 for emergency and pregnancy-related services, or aid code 55 for long-term care services (otherwise eligible citizens who fail to provide evidence of citizenship/identity should be placed directly in Aid Code 55 when they need long-term care).
- Status Code "B" in the Refugee/Alien Indicator field on MEDS (alleged U.S. citizen)

For eligible citizens/nationals who provide evidence of citizenship and identity:

- Use the appropriate full-scope Aid Code
- Use status Code "A" in the Refugee/Alien Indicator field on MEDS (verified U.S. citizen)

NOTE: Because U.S. nationals are treated the same as citizens for Medi-Cal eligibility purposes, they may be coded as an "A" or a "B" as appropriate in the Refugee/Alien indicator field on MEDS.

### **MEDS coding for evidence of citizenship**

CDHS has implemented changes to the AP 18 transaction in MEDS which enable counties to add evidence of U.S. citizenship and identity information to the MEDS record. Counties received detailed information on this update in the MEDS Change Cycle letter for the August 2006 Month of Eligibility. Among other things, this update enables MEDS to show what information was provided as evidence of citizenship and identity and to whom it was provided (such as the county or federal government). When this update is available, counties are required to update MEDS at the time of application or redetermination with the appropriate information. The use of MEDS for this purpose is required to ensure that an applicant or beneficiary who provides evidence of citizenship and identity will not be required to provide it again in the future.

In addition, the federal government has advised the states that it will develop a process for verifying the citizenship of persons using Tier 3 or Tier 4 documentation of citizenship. The MEDS coding CDHS will implement in August will enable CDHS to identify cases that may be subject to verification when this new federal system is in place.

**U.S. citizenship for collectively naturalized individuals and persons born in Guam**

See Enclosure 5

**Outreach to Medi-Cal applicants and stakeholders**

Counties must take steps to alert Medi-Cal applicants and beneficiaries as soon as possible about the requirement to provide acceptable documentary evidence of U.S. citizenship/identity upon application or redetermination and how to meet the requirements. In order to inform Medi-Cal applicants and beneficiaries about acceptable documentary evidence of citizenship/identity under the new federal requirement, CDHS has developed an information notice for the counties use, “Important information about documents to show U.S. citizenship/identity for Medi-Cal” (Enclosure 4). This notice provides general information about the new requirement and is intended for anyone who wants information about the new requirement.

CDHS has also prepared the “Important information about evidence of citizenship/identity for Medi-Cal applicants and beneficiaries” notice (Enclosure 3) that counties must provide to all applicants and beneficiaries to inform them of the new evidence of citizenship/identity requirements pending implementation of the necessary form revisions. This supplemental form provides detailed information about the new requirements and informs applicants and beneficiaries about the reasonable opportunity to provide documents and about their potential eligibility for restricted Medi-Cal services if they fail to provide evidence of citizenship/identity information.

Applicants and beneficiaries should also be provided with a copy of the “Information for Medi-Cal applicants and beneficiaries born in California” form (Enclosure 2) so they are informed that a vital records match is available as a potential means of providing evidence of citizenship. Applicants and beneficiaries are not required to complete this form, but the requested information, if available, will increase the chances of obtaining a valid match.

CDHS is also preparing to implement a multifaceted outreach plan to notify current beneficiaries, new applicants, providers, health plans, stakeholders, and the public. CDHS’ outreach will include a variety of materials and outreach efforts including, but not limited to:

- Mailing information about the evidence of citizenship/identity requirement to all current Medi-Cal Beneficiaries, excluding non-citizens and SSI and/or Medicare recipients.
- Implementing a supplemental notice to be included in annual redetermination and application packets (Enclosure 3).
- Revising materials included in the application package, including the current publication “Medi-Cal - What It Means To You”.
- Including a supplemental notice in the Medi-Cal/Healthy Families Joint Application and the Medi-Cal Mail-in Application.

- Modifying the Joint and Mail-in applications to include an option for the applicant (parent) to attest that the child listed in the application meets the identification requirement. This will serve as an affidavit of identity for children.
- Providing a general information notice (Enclosure 4) for social service agencies to provide to potential applicants and other interested parties.
- Making a poster available for social services offices to post in their waiting areas on the new citizenship/identity requirement.
- Revising CDHS' website to include information on the new evidence of citizenship/identity requirement.
- Providing information to providers about the new requirement.
- Coordinating with Managed Care plans for the disbursement of informing notices, fact sheets, and other information about the new requirement.

If you have any questions, please feel free to contact Steve Watson of my staff at (916) 552-9457

Maria Enriquez, Chief  
Medi-Cal Eligibility Branch

Enclosures

**Table 1 – Documents Establishing U.S. Citizenship**

<b>Deficit Reduction Act of 2005</b>			
<b>Hierarchy of Reliability of Citizenship Documents</b>			
<i>Evidence of Highest Reliability</i> ← -----		-----→ <i>Evidence of Lowest Reliability</i>	
<b>Primary Documents (Tier 1)</b>	<b>Secondary Documents (Tier 2)</b>	<b>Third Level Documents (Tier 3)</b>	<b>Fourth Level Documents (Tier 4)</b>
<p>These documents prove Citizenship and Identity</p> <ul style="list-style-type: none"> <li>• United States passport</li> <li>• Certificate of Naturalization (Form N-550 or N-570)</li> <li>• Certificate of Citizenship (Form N-560 or N-561)</li> </ul>	<p>Must be Provided with Identity Document from Table 2</p> <ul style="list-style-type: none"> <li>• U.S. Public Birth Record issued before age 5* <sup>1</sup></li> <li>• Certification of Report of Birth (DS-1350)</li> <li>• Certification of Birth Abroad (Form FS-545)</li> <li>• Consular Report of Birth Abroad of a Citizen of the United States (FS-240)</li> <li>• U.S. Citizen I.D. Card (Form I-197 or I-179)</li> <li>• American Indian Card (I-872)</li> <li>• Northern Mariana Card (I-873)</li> <li>• Final Adoption Decree<sup>2*</sup></li> <li>• Evidence of civil service employment by U.S. Government showing employment before 6/1/76</li> <li>• Office of Military record of service<sup>2</sup></li> </ul>	<p>Must be Provided with Identity Document from Table 2</p> <ul style="list-style-type: none"> <li>• Extract of a hospital record on hospital letterhead established at the time of birth.<sup>2,3</sup></li> <li>• Life or health or other insurance record <sup>2,3</sup></li> </ul>	<p>Must be Provided with Identity Document from Table 2</p> <ul style="list-style-type: none"> <li>• Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900-1950)<sup>4</sup></li> <li>• Seneca Indian tribal census record <sup>2,3</sup></li> <li>• Bureau of Indian Affairs tribal census record of the Navaho Indians <sup>2,3</sup></li> <li>• U.S. State Vital Statistics official notification of birth registration <sup>2,3</sup></li> <li>• Amended U.S. public birth record, amended more than 5 years after the person's birth <sup>2,3</sup></li> <li>• Statement signed by the physician or midwife who was in attendance at the time of birth <sup>2,3</sup></li> <li>• Institutional admission papers from a nursing home, skilled nursing care facility or other institution and was created at least 5 years before the initial application date and indicates U.S. place of birth</li> <li>• Medical (clinic, doctor or hospital) record (excludes immunization records) <sup>2,3</sup></li> <li>• Written Affidavit<sup>5</sup></li> </ul>
<p><i>1 Must show birth in: one of the 50 U.S. States; District of Columbia; American Samoa; Swain's Island; Puerto Rico (DOB on or after 1/17/17), Northern Mariana Islands (DOB after 11/4/86, NMI local time); or, Guam (DOB on or after 4/10/1899).</i></p> <p><i>2 Must show U.S. place of birth.</i></p> <p><i>3 Must have been created at least 5 years before the Medicaid application, unless the applicant is a child under the age of 5.</i></p> <p><i>4 Must show applicant's age.</i></p> <p><i>5 Affidavits should ONLY be used in rare circumstances. An affidavit by at least two individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the applicant's/ recipient's claim of citizenship. The person(s) making the affidavit must be able to prove his/her own citizenship and identity for the affidavit to be accepted. A second affidavit from the applicant/recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be obtained.</i></p>			
<p><i>Source: Adapted from: <u>Citizenship Documentation Requirements in the Deficit Reduction Act of 2005: Lessons From New York</u>, Kaiser Commission on Medicaid and the uninsured (Page 7). **Revisions made by CDHS to original text.</i></p>			

**Table 2 – Documents Establishing Identity**

<b>Acceptable Evidence of Identity (Tier 5)</b>
<ul style="list-style-type: none"><li>• Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document (acceptable if the document carries a photograph of the applicant or beneficiary, or has other personal identifying information relating to the individual).</li><li>• Driver's license issued by a State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.</li><li>• School identification card with a photograph of the individual</li><li>• U.S. military card or draft record</li><li>• Identification card issued by the Federal, State, or local government with the same information included on driver's licenses</li><li>• Military dependent's identification card</li><li>• Native American Tribal document</li><li>• U.S. Coast Guard Merchant Mariner card</li><li>• For children under 16, a school record or report card, including nursery school or daycare</li><li>• For children under 16, a clinic, doctor or hospital record</li><li>• An affidavit to establish the identity of children under 16 is only acceptable if it is signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child, and cannot be used if an affidavit for citizenship was provided.</li></ul>

**Note:** References in the tables below to documents issued by the Department of Homeland Security (DHS) include documents issued by the former Immigration and Naturalization Services (INS), which is now known as the U.S. Citizenship and Immigration Services (USCIS) within DHS.

<b>Detailed description of Primary (Tier 1) evidence of citizenship documents</b>	
<b>Primary Documents</b>	<b>Explanation</b>
U.S. passport	<p>The Department of State issues this. A U.S. passport does not have to be currently valid to be accepted as evidence of U.S. citizenship, as long as it was originally issued without limitation.</p> <p>Note: Spouses and children were sometimes included on one passport through 1980. U.S. passports issued after 1980 show only one person. Consequently, the citizenship and identity of the included person can be established when one of these passports is presented.</p> <p>Exception: Do not accept any passport as evidence of U.S. citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.</p>
Certificate of Naturalization (N-550 or N-570)	Department of Homeland Security issues for naturalization.
Certificate of Citizenship (N-560 or N-561)	Department of Homeland Security issues certificate of citizenship to individuals who derive citizenship through a parent.

<b>Detailed description of Secondary (Tier 2) evidence of citizenship document</b>	
<p>The Department's electronic verification of birth record information meets the requirement of citizenship documentation. No further citizenship documentation is necessary, however identity will still need to be verified.</p>	
<b>Secondary Documents</b>	<b>Explanation</b>
<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</li> <li>• Swains Island</li> <li>• *Puerto Rico (if born on or after January 13, 1941);</li> <li>• *Virgin Islands of the U.S. (on or after January 17, 1917);</li> <li>• *Northern Mariana Islands (after November 4, 1986 (NMI local time));</li> <li>or</li> <li>• Guam (on or after April 10, 1899)</li> </ul>	<p>The birth record document may be issued by the State, Commonwealth, territory or local jurisdiction. It must have been issued before the person was 5 years of age.</p> <p>An amended birth record document that is amended after 5 years of age is considered fourth level evidence of citizenship.</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 collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each of the territories. *See additional requirements for Collective Naturalization.</p>
<p>Certification of Report of Birth (DS-1350)</p>	<p>The Department of State issues a DS-1350 to U.S. citizens in the U.S. who were born outside the U.S. and acquired U.S. citizenship at birth, based on the information shown on the FS-240. When the birth was recorded as a Consular Report of Birth (FS-240), certified copies of the Certification of Report of Birth Abroad (DS-1350) can be issued by the Department of State in Washington D.C. The DS-1350 contains the same information as that on the current version of Consular Report of Birth FS-240. The DS-1350 is not issued outside the U.S.</p>
<p>Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240)</p>	<p>The Department of State consular office prepares and issues this. A consular Report of Birth can be prepared only at an American consular office overseas while the child is under the age of 18. Children born outside the U.S. to U.S. military personnel usually have one of these.</p>
<p>Certification of Birth Abroad (FS-545)</p>	<p>Before November 1, 1990, Department of State consulates also issued Form FS-545 along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form Fs-545. Treat an FS-545 the same as the DS-1350.</p>

<b>Detailed description of Secondary (Tier 2) evidence of citizenship documents (Continued)</b>	
<b>Secondary Documents</b>	<b>Explanation</b>
United States Citizen Identification Card (I-197) or the prior version I-179 (Section 6036 referred to these documents in error as an I-97)	INS issued the I-179 from 1960 until 1973. It revised the form and renumbered it as Form I-197. INS issued the I-197 from 1973 until April 7, 1983. INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
American Indian Card (I-872)	DHS issues this card to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code "KIC" and a statement on the back denote U.S. citizenship.
Northern Mariana Card (I-873)	The former Immigration and Naturalization Service (INS) issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
Final adoption decree	The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized <b>and</b> the State in which the child was born will <b>not</b> 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	The document must show employment by the U.S. government before June 1, 1976
Official Military record of service	The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth)

<b>Detailed description of Third Level (Tier 3) evidence of citizenship documents</b>	
<b>Third Level Documents</b>	<b>Explanation</b>
Extract of hospital record on hospital letterhead established at the time of the person's birth and was 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.  Note: For children under 16 the document must have been created near the time of birth or 5 years before the date of application.
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 established U.S. citizenship when it shows a U.S. place of birth.

<b>Detailed description of fourth level (Tier 4) evidence of citizenship documents</b>	
<b>Fourth Level Documents</b>	<b>Explanation</b>
Federal or state census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950)	<p>The census record must also show the applicant's age.</p> <p>Note: Census records from 1900 through 1950 contain certain citizenship information. To secure this information, the applicant, recipient, or State 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.</p>
Other document as listed in the explanation that was created at least 5 years before the application for Medicaid	<p>This document must be one of the following and show a U.S. place of birth:</p> <ul style="list-style-type: none"> <li>• Seneca Indian tribal census record</li> <li>• Bureau of Indian Affairs tribal census records of the Navaho Indians</li> <li>• U.S. State Vital Statistics official notification of birth registration</li> <li>• An amended 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 from a nursing home, skilled nursing care facility, or other institution and was created at least 5 years before the initial application date and indicates a U.S. place of birth	<p>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.</p>

<b>Detailed description of level 4 (Tier 4) evidence of citizenship documents (Continued)</b>	
<b>Fourth Level Documents</b>	<b>Explanation</b>
Medical (clinic, doctor, or hospital) record and was created at least 5 years before the initial application date and indicates a U.S. place of birth	<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.</p> <p>Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.</p> <p>Note: For children under 16, the document must have been created near the time of birth or 5 years before the date of application.</p>
Written Affidavit	<p>Affidavits may be used in circumstances where no other acceptable documentary evidence of citizenship is available. In order for an affidavit to be acceptable to establish citizenship the following requirements must be met:</p> <ul style="list-style-type: none"> <li>• No other evidence of citizenship can be easily obtained by the applicant or beneficiary.</li> <li>• The affidavit(s) must be signed under penalty of perjury by at least two individuals who have personal knowledge of the event(s) establishing the applicant's or beneficiary's claim of citizenship.</li> <li>• At least one of the individuals providing an affidavit must not be related to the applicant or beneficiary who is the subject of the affidavit.</li> <li>• The individuals making the affidavit must provide proof of their own citizenship and identity.</li> <li>• If the affidavits do not explain why other evidence is unavailable, an additional affidavit should be requested from the applicant or beneficiary which includes that information.</li> <li>• The applicant or beneficiary whose citizenship is addressed in the affidavit must provide acceptable evidence of identity.</li> </ul>

<b>Detailed description of identity documents (tier 5)</b>	
<b>Documents to Establish Identity</b>	<b>Explanation</b>
Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.	Acceptable if the document carries a photograph of the applicant or recipient, or has other personal identifying information relating to the individual.
Any identity document Described in section 274A(b)(1)D) of the Immigration and Nationality Act	<p>Use 8 CFR 274a.2(b)(1)(v)(B)(1). This section includes the following acceptable documents for Medicaid purposes:</p> <ul style="list-style-type: none"> <li>• driver's license issued by State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.</li> <li>• School identification card with a photograph of the individual</li> <li>• U.S. military cared or draft record</li> <li>• Identification card issued by the Federal, State, or local government with the same information included on driver's licenses</li> <li>• Military dependent's identification card</li> <li>• Native American Tribal document</li> <li>• U.S. Coast Guard Merchant Mariner card</li> </ul> <p>Note: For children under 16, school records may include nursery or daycare records.</p> <p>Exception: Do not accept a voter's registration card or Canadian driver's license as listed in 8 CFR 274a.2(b)(1)(v)(B)(1).</p>
An affidavit establishing identity for children	If none of the identity documents listed above are available for a child, an affidavit may be used to establish identity. An affidavit is only acceptable if it is signed under penalty of perjury by a parent or guardian stating the date and place of birth of the child and cannot be used if an affidavit for citizenship was provided.

**Information for Medi-Cal Applicants and Beneficiaries Born in California**

Federal law requires that anyone who claims to be a United States (U.S.) citizen or national on their Medi-Cal application must provide proof of U.S. citizenship or national status. If you (or someone else who wants Medi-Cal) need to provide proof of U.S. citizenship and you were born in California, it may be possible for us to get birth record information for you electronically. If we can find a record of a California birth certificate, you will not need to provide a citizenship document for that person. (You will still need to provide evidence of identity to prove citizenship if you have not already provided it to the county.) **If you would like us to see if we can find an electronic record of a California birth certificate, complete this form and give it to your county Medi-Cal office in person or by mail.** After checking the State birth certificate records, the county will tell you if you need to provide other evidence of citizenship. You must complete a separate form for each birth certificate record you would like us to search for.

**Name of person requesting birth certificate search:**

\_\_\_\_\_

Date \_\_\_\_\_

**Current name of person for whom the birth certificate search is requested:**

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

**BIRTH CERTIFICATE INFORMATION: (Please type or print clearly – the information below must match the birth certificate record)**

**Birth Name: (If adopted, check here  and enter adopted name instead of birth name)**

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Date of Birth (MM/DD/YYYY): \_\_\_\_\_ Sex (M or F): \_\_\_\_\_  
 Certificate Number (if known) \_\_\_\_\_

City of Birth: \_\_\_\_\_

County of Birth \_\_\_\_\_

**Mother's Maiden Name:**

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

**Father's Name:**

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

### **Instructions to Medi-Cal applicants and beneficiaries about providing documents of citizenship/identity**

**Evidence of Citizenship/Identity Requirement**--Under a new federal law effective July 1, 2006, a person applying for or receiving Medi-Cal who claims to be a United States citizen or national must provide documents that show citizenship or national status and identity in order to be eligible for Medi-Cal. If you have any questions about this requirement, or if you are not sure you have a citizenship document, please call your local social services office or eligibility worker. They can explain the requirement to you and will assist you in meeting the new requirement. You will only be required to provide the information once – either during the initial Medi-Cal application or during your next annual review of your Medi-Cal eligibility. You will not have to provide it again in the future.

**Providing citizenship information for children**--Children are subject to the same citizenship requirements as adults. Acceptable forms of identity for children include school records or report cards, day care or nursery school records, clinic, doctor or hospital records, or a written affidavit by a parent or guardian.

**You will have time to give us the documents**—If you do not have evidence of citizenship when it is requested, you will be given a reasonable amount of time to get it. If you are asked to provide a citizenship and/or identity document, you must make a good faith effort to give us acceptable documents.

**We may be able to find evidence of citizenship for you**--If you were born in California, the county can obtain a computer match of California birth certificate records for citizenship documentation. Please complete the enclosed form, Information for Medi-Cal applicants and beneficiaries born in California, and mail or walk the form to your local social services office. If we find the birth record, then a part of the citizenship requirement will have been satisfied. You will still be required to provide an identity document. The county will contact you to ask for other citizenship documents if we do not find the birth record.

**If you are currently enrolled in Medi-Cal**--Your Medi-Cal benefits will continue as long as you are eligible and make a good faith effort to obtain and provide citizenship and identity documents.

**If you are applying for Medi-Cal**—Unless you qualify for presumptive or accelerated eligibility, you will not receive Medi-Cal benefits, until you present your citizenship and identity documents and meet all other requirements. If you are not able to provide evidence of citizenship and identity but you meet the other eligibility requirements, you will receive restricted benefits (which are limited to emergency, pregnancy-related and long-term care services).

**Give us original citizenship documents**—You must give us original citizenship and identity documents or copies that are certified by the agency that gave them to you. The county will return your documents as soon as they have made copies for your case file. You may mail your original documents or the certified copies along with the Medi-Cal application or the Medi-Cal annual redetermination form. The county will handle your citizenship and identity documents with the utmost care. However, if you have concerns regarding the delivery of your original documents by the U.S. Postal Service, you have the option of bringing your documents to your local social services office.

**Acceptable documents**—Listed below are all of the documents that can be used as evidence of citizenship and identity. If you provide any documents in List A, then you have satisfied the new requirement. The documents in List B are acceptable if you do not have any of the documents in List A. If you provide a document from List B, then you must also provide a document from List C to prove your identity. The documents in List B are ranked in the order of reliability, with the document at the beginning of the list being the most reliable and the document at the end of the list being the least reliable. You must provide the most reliable citizenship or identity documents that you have from the lists. If you are unable to provide a particular document from List B, then you may use a written declaration in lieu of that specific document. If you need to use a declaration (known as an affidavit) please read page 2 carefully to understand what you need to do to meet the requirements.

**Documents showing citizenship and identity**—If you provide a document from List A, then you have satisfied the citizenship and identity requirement. If you provide a document from List B, then you must also provide an identity document from List C. Provide as soon as possible, the highest level document(s) from the lists below that you have or can get within 30 days. Contact your social services office if you need help.

List A

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

List B

- U.S. Birth Certificate
- Certificate of Report of Birth (DS-1350)
- Consular Report of Birth Abroad of a Citizen of the U.S. (FS-240)
- Certification of Birth Abroad (FS-545)
- U.S. Citizen Identification Card (I-179 or I-197)
- American Indian Card (I-872)
- Northern Marian Card (I-873)
- Final adoption decree
- Evidence of civil service employment by the U.S. Government prior to June 1, 1976
- Official Military record of service which shows a U.S. place of birth
- Hospital record establishing time and place of U.S. birth. This record must be created at least five years before the initial Medi-Cal application date.
- Life or health insurance records showing U.S. place of birth and created at least five years before the initial Medi-Cal application date
- Federal or State census record showing U.S. citizenship or U.S. place of birth. The census record must show the applicant's age.
- Seneca Indian tribal census record showing U.S. place of birth and created at least five years before the initial Medi-Cal application date
- Bureau of Indian Affairs tribal census records of Navajo Indians showing U.S. place of birth and created at least five years before the initial Medi-Cal application date
- U.S. State Vital Statistics official notification of birth registration and created at least five years before the initial Medi-Cal application date
- An amended U.S. public birth record that is amended more than five years after person birth and created at least five years before the initial Medi-Cal application date
- Statement signed by doctor or midwife who was in attendance at the time of birth and created at least five years before the initial Medi-Cal application date
- Nursing home or other institution admission papers indicating U.S. place of birth and created at least five years before the initial Medi-Cal application date
- Medical record showing U.S. place of birth and was created at least five years before the initial Medi-Cal application date
- Affidavits may be used only if the above listed documents are difficult to provide. Affidavit must be written by two people who have personal knowledge about your citizenship. Only one of them may be related to you. The two people making the affidavit must be able to provide proof of their own citizenship and identity. The affidavit must be signed under penalty of perjury.

List C

- Driver's license issued by a State or Territory with photograph or other identifying information
- School identification card with photograph
- U.S. Military card or draft record
- Federal, State, or local government card with same information as the driver's license
- Military dependant's identification card
- Certificate of Degree of Indian Blood or U.S. American Indian/Alaska Native tribal document
- Native American Tribal document
- U.S. Coast Guard Merchant Mariner card
- For children under 16, school record or report card including daycare or nursery school record
- For children under 16, clinic, doctor or hospital record
- For children under 16 years of age, a parent's or guardians written declaration of the child's identity can be used as long as a declaration was not also used as evidence of the child's citizenship.

**Important information about documents to show US citizenship or US national Status for Medi-Cal**

**Note: This is a summary of the documents we will accept as evidence of citizenship. Your county social services office has more information and will assist you if you are unable to provide a document or if you have questions about this requirement.**

Because of a new Federal law, beginning July 1, 2006, everyone on Medi-Cal who claims to be a US citizen or US national must prove it by providing documents.

The county will determine if the documents are already in your file. If not, they will ask you to provide them when you apply or at your redetermination. If you don't have a document, you will be given a reasonable amount of time to provide it. Listed below are the kinds of documents we may want you to provide.

If you have a document from list **A**, then that is all you need. If you have a document from list **B**, then you must also provide a document from list **C**.

**List A**

- US Passport
- Certificate of Naturalization (N-550 or N-570)
- Certificate of Citizenship (N-560 or N-561)

**List B**

- US public birth record
- Certification of Report of Birth (DS-1350)

- Consular Report of Birth Abroad of a Citizen of the US (FS-240)
- Certification of Birth Abroad (FS-545)
- US Citizen Identification Card (I-197) or (I-179)
- Northern Mariana Card (I-873)
- American Indian Card (I-872)
- Final adoption decree
- Evidence of civil service employment by the US government
- Official military record of service
- Hospital record establishing time & place of US birth
- Life or health or other insurance record showing US place of birth
- Federal or State census record showing US citizenship or US place of birth
- Seneca Indian tribal census record
- Bureau of Indian Affairs tribal census records of the Navajo Indians
- US State Vital Statistics official notification of birth registration
- US public birth record amended more than 5 years after the persons birth
- Statement by doctor or midwife who was in attendance at the time of birth
- Nursing or other institution admission papers indicating US place of birth
- Medical record indicating US place of birth

- Written affidavit by two people (one of them must not be related to you)

**List C**

- Driver's license issued by State or Territory with photo or other identifying info
- School ID card with photo
- Federal, State or local government ID card with same info as drivers license
- US Military card or draft record
- Military dependant's ID card
- US Coast Guard Merchant Mariner Card
- Native American Tribal document
- Certificate of Degree of Indian Blood or other US American Indian/Alaska Native tribal document.
- For children under 16, school record or report card, including daycare or nursery school
- For children under 16, clinic, doctor or hospital record
- For children under 16, an affidavit, so long as no affidavit is used for citizenship

## **U.S. citizenship for collectively naturalized individuals**

Some individuals are “collectively naturalized” based on when and where they were born. Persons who provide acceptable evidence of citizenship and identity that meets the criteria below for collective naturalization are U.S. citizens. The following will establish U.S. citizenship for collectively naturalized individuals:

### Puerto Rico

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicants statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or
- Evidence that the applicant was a Puerto Rico citizen and the applicant’s statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

### U.S. Virgin Islands

- Evidence of birth in the U.S. Virgin Islands and the applicants statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;
- The applicants 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 he or she did not make a declaration to maintain Danish citizenship; or
- 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.

### Northern Mariana Islands (NMI) [formerly part of the Trust Territory of the Pacific Islands (TTPI)]

- Evidence of birth 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 applicants statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
- Evidence of TTPI citizenship, continuous residence in the NMI since November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicants statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- Evidence of continuous domicile in the NMI since before 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 nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

## **Persons Born in Guam**

Persons born in Guam are United States citizens regardless of their date of birth.

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