STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, *Governor*

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July 6, 1990
Letter No.: 90-68

TO: All County Welfare Directors
All County Administrative Officers

SUBJECT: ADVANCE COPY OF MEDI-CAL ELIGIBILITY MANUAL (MEM) PROCEDURES SECTION 7B

This letter transmits a completely rewritten version of MEM Procedures 7B. The previous Section (dated 7/03/86) dealt with verification of immigration status through the CA 6 procedure. The update correlates the various citizen/alien status categories with eligibility for full or restricted Medi-Cal benefits.

Questions relating to operational details of the "primary" Systematic Alien Verification for Entitlements (SAVE) system should be directed to your county's MEDS Liaison. Policy questions related to full or restricted Medi-Cal benefits, "secondary" SAVE verification of immigration status, or proof of citizenship should be directed to one of the Policy Section analysts assigned to alienage, citizenship and state residency.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

7B--STATUS AS A CITIZEN OR AN ALIEN, ELIGIBILITY FOR FULL OR RESTRICTED MEDI-CAL BENEFITS, AND VERIFICATION OF STATUS

1. FULL MEDI-CAL BENEFITS

Persons in any of the following categories who meet all other program requirements are eligible for full Medi-Cal benefits:

- NATIVE-BORN U. S. CITIZENS

  Persons born within the borders of the 50 United States (or the District of Columbia) and who are subject to its jurisdiction.

- FOREIGN-BORN PERSONS WHO ARE NOW U. S. CITIZENS

  Persons who: (1) had U. S. citizenship conferred upon them after birth through the naturalization process, (2) derived it as a child from the naturalization of a parent, or (3) acquired it at birth from a U. S. citizen parent. (See Procedures Section 7F.)

- RESIDENTS OF A U. S. COMMONWEALTH OR TERRITORY

  Persons who reside in Puerto Rico, the Northern Mariana Islands, Guam, or the Virgin Islands of the U. S. (See Procedures Section 7D.)

- RESIDENTS OF AN "OUTLYING POSSESSION" OF THE U. S.

  Persons who are "nationals of the U. S." because they are residents of American Samoa or Swain's Island and, as such, owe permanent allegiance to the U. S. (See Procedures Section 7D.)

- CITIZENS OF NATIONS "FREELY ASSOCIATED" WITH THE U. S.

  Persons who are "permanent nonimmigrants" because they are citizens of the Federated States of Micronesia or the Republic of the Marshall Islands. (See Procedures Section 7D.)

- NATIVE AMERICANS BORN IN CANADA

  Persons may freely enter and reside in the U. S. if they are of at least one-half American Indian ancestry and were born in Canada. (See Procedures Section 7D.)

- LAPR ALIENS

  Aliens "lawfully admitted for permanent residence" (LAPR) who have been accorded the privilege of residing permanently in the U. S. as "immigrants". (See Procedures Section 7A.)

- PRUCOL ALIENS

  Aliens "permanently residing in the U. S. under color of law" (PRUCOL) in accordance with the Berger v. Heckler categories adopted for use in the Medicaid/Medi-Cal program. (See Procedures Section 7A.)

- AMNESTY ALIENS WHO ARE AGED, BLIND/DISABLED, OR UNDER 18

  Aliens proceeding through the legalization process established by the Immigration Reform and Control Act of 1986 (IRCA). At the first stage of the process they are "lawful temporary residents", at the second stage "lawful permanent residents".

  Amnesty aliens who are aged, blind/disabled, or under 18 are entitled to full Medi-Cal benefits, if otherwise eligible. Amnesty aliens who are not aged, blind/disabled, or under 18 qualify for restricted Medi-Cal benefits only for five years from the date they became lawful temporary residents. BE SURE TO RECORD THAT DATE IN THE CASE FILE SO THAT YOU WILL KNOW WHEN THE RESTRICTED BENEFITS PERIOD ENDS.

2. DECLARATION OF STATUS AS A CITIZEN, NATIONAL OF THE U. S., OR AN ALIEN

   Under penalty of perjury, all persons applying for full Medi-Cal benefits must declare on form MC 13 whether they are: (1) a citizen or national of the U. S. or (2) an alien. (Aliens must also declare their immigration status category.) Court injunctions now in effect preclude the Medi-Cal program from requiring applicants for restricted Medi-Cal benefits to disclose their status as citizens, nationals of the U. S., or aliens.

3. PROOF OF U. S. CITIZENSHIP

   Persons who claim to be U. S. citizens on the MC 13 are classed either as native-born or foreign-born on the basis of whether or not they claim, under penalty of perjury, to have been born in a place within the jurisdiction of the U. S. Native-born applicants may be asked to furnish documents which establish their birthplace. Applicants born outside of the U. S must document the fact that they have been naturalized or have derived or acquired citizenship. (See Procedures Section 7F.)

4. VERIFICATION OF STATUS AS AN ALIEN

All alien applicants for full Medi-Cal benefits must present one or more of the following:

- An INS-issued alien registration or alien admission document;
- An Individual Fee Register Receipt (INS Form G-711) showing that a replacement of a lost, stolen, or unreadable INS document has been requested;
- A letter from INS, or an order issued by a District Director of INS or INS' Executive Office of Immigration Review as appropriate.

These documents serve as reasonable evidence that an alien has satisfactory immigration status (SIS) for Medi-Cal purposes. (SIS is defined as verified status as an LAPR, PRUCOL, or amnesty alien.) All such documents must be verified through the Systematic Alien Verification for Entitlements (SAVE) system. Presentation of a recently expired INS document, though not evidence of SIS, does not preclude the possibility that the person might be shown to actually have SIS by a check of the SAVE system.

5. RESTRICTED MEDI-CAL BENEFITS

Restricted Medi-Cal benefits are defined as program-covered services needed to treat a medical emergency or pregnancy-related condition. By court order in the Crespin v. Kizer case, currently on appeal, persons applying for restricted Medi-Cal benefits are not required to disclose their SSN, birthplace, or status as a citizen or an alien.

Eligible for restricted benefits are those aliens who meet all other program requirements, including state residency, and who are one of the following:

- AMNESTY ALIENS WHO ARE NOT AGED, BLIND/DISABLED, OR NOT UNDER 18 (for five years from the date they were legalized).
- UNDOCUMENTED ALIENS, that is, persons who cannot present INS-issued documents or a letter or order from INS to show they are legally present in the U. S.
- FOREIGN STUDENTS OR VISITORS ADMITTED TO THE U. S AS NONIMMIGRANTS