STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

September 1, 1989

TO: All County Welfare Directors
All County Administrative Officers

Letter No.: 89-62

SUBJECT: DOCUMENTATION OF NATURALIZATION AND DERIVED OR ACQUIRED CITIZENSHIP

This letter transmits Medi-Cal Eligibility Manual Procedures Section 7F which outlines what to do when a Medi-Cal applicant or beneficiary claims to be a citizen but indicates he or she was born outside of the United States or its outlying possessions.

Under the heading "Native-born and Naturalized Citizens", All County Welfare Directors Letter 88-66 instructed counties to require documentary proof of naturalization or acquired or derived U.S. citizenship from all such applicants and beneficiaries. New Procedures Section 7F outlines the essential facts about INS and State Department policies relating to granting U.S. citizenship to foreign-born persons. It should clear up uncertainties you may have had when processing the applications or redeterminations of persons, requesting full Medi-Cal benefits, who were born outside of the U.S.

Please note that, contrary to what we said in ACWDL 88-66, the Systematic Alien Verification for Entitlements (SAVE) system can sometimes be used to verify a person's status as a citizen as well as his or her status as an alien. Most INS-issued documents which serve as evidence of citizenship contain citizen numbers (C/N #s) which can be used like alien registration or alien admission numbers to do a "primary" check of the SAVE system's Alien Status Verification Index (ASVI). INS documents with citizen numbers that are not included in the ASVI and those INS documents that lack citizen numbers can be copied, accompanied by INS Form G-845 (Document Verification Request) and sent to INS for a "secondary" SAVE verification of their authenticity.

You can expect to receive this material as part of the next Procedures Manual Letter no later than November 1, 1989. If you need additional information about naturalization or derived or acquired citizenship as they

relate to eligibility for full Medi-Cal benefits, please call Tom Dickson of my staff. He can be reached at (916) 324-4961/ATSS 454-4961.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: September 1, 1990

ENCLOSURE

7F - DOCUMENTATION OF NATURALIZATION OR DERIVED OR ACQUIRED UNITED STATES CITIZENSHIP

WHEN VERIFICATION IS NECESSARY

Medi-Cal Form MC13 (Statement of Citizenship, Alienage, and Immigration Status) directs county departments to ask citizens as well as aliens to indicate their place of birth. The Instructions say that persons claiming U.S. citizenship who list a birthplace outside of the United States or its outlying possessions are required to present original documents which establish that they have been naturalized, have acquired or derived U.S. citizenship, are American Indians born in Canada, or are "permanent nonimmigrants" from Micronesia or the Marshall Islands. (The last two of these categories are discussed in Procedures Section 7D).

Persons, applying for full Medi-Cal benefits, who do not list a birthplace outside of the U.S. on the MC13 must also present documentary evidence which establishes U.S. citizenship if there is good reason to believe they are falsely claiming to be citizens. Ask such persons for an original or certified copy of their birth certificate. If the certificate shows a birthplace outside of the U.S., also ask for original documents which establish that they have been naturalized or have derived or acquired citizenship.

FOUR WAYS TO BECOME A U.S. CITIZEN

1. NATIVE-BORN CITIZENSHIP

A person born within the borders of the United States or its outlying possessions (and subject to the jurisdiction thereof) automatically becomes a U.S. citizen at birth by virtue of that fact. For further details, see Section 301 of the Immigration and Nationality Act (INA), (8 USC 1401). See also Procedures Section 7D for a list of areas, not in the 50 states or the District of Columbia, which are considered part of the U.S.

2. NATURALIZATION

Other persons, who were born abroad, have had citizenship conferred upon them through the naturalization process. Aliens wishing to be naturalized must:

- Have been lawfully admitted for permanent residence for at least five years or have been married to a U.S. citizen and been lawfully admitted for permanent residence for at least three years.
- Be at least 18 years of age to apply on their own behalf.
- Be of "good moral character".

- Be able to use simple English and have a basic knowledge of U.S. history and government.

Persons who claim to have been naturalized, but who cannot present documents which establish that fact, should be referred to the Immigration and Naturalization Service (INS). When applying for replacements of lost, stolen or unreadable documents, they should inform INS of any change of name and, if possible, their A file number; the date, place and number of their naturalization certificate; and the names of persons which appeared on their petition for naturalization. They will then be issued a fee receipt, INS Form N-565, Application for a New Naturalization or Citizenship Certificate. A photocopy of this form, accompanied by an INS G-845, Document Verification Request, may be used to initiate a SAVE secondary verification when they apply for Medi-Cal.

3. DERIVATION OF CITIZENSHIP

Certain persons may have derived citizenship from the fact that one or both of their parents became citizens through naturalization some time before their eighteenth birthday. This would only be true, however, if they had been lawfully admitted for permanent residence at the time.

4. ACQUISITION OF CITIZENSHIP

Persons born in another country, one or both of whose parents were at that time U.S. citizens, may have acquired citizenship depending on whether their parents met the requirements for transmitting citizenship. INS must act favorably on an Application for Certificate of Citizenship, INS Form N-600, before such persons can obtain documentation of acquired citizenship.

Keep the following facts in mind when dealing with persons claiming to be U. S. citizens who were not born in the United States:

- Citizenship records for certain very old persons may no longer be available especially if they entered the U.S. before INS was created in 1924. Evidence must be presented, however, to show that INS did conduct a search of its records if there was no definite response as to whether or not the person is a citizen.

- If these persons are not found to be citizens but can prove they have lived in the U.S. continuously since before January 1, 1972, they may apply to INS for a "Registry alien" adjustment from undocumented status to lawful admission for permanent residence. After an application has been made for such an INA Section 249 (8 USC 1259) adjustment, but before INS decides to accept or reject it, the person has PRUCOL status. (See Procedures Section 7A).

- Foreign-born children of U.S. citizens must apply to INS or the Department of State for documents which establish derived or acquired citizenship. They do not have such status for Medi-Cal purposes if they lack the proper documents.

- The law that applies to the transmission of acquired citizenship from U. S. citizen parents to their children imposes special conditions on certain classes of persons and has changed considerably over the years. Refer persons to INS who claim to be U.S. citizens based on some special provision of the INA not discussed in this Procedures Section.

- Adopted children born outside of the U.S. do not acquire U.S. citizenship by virtue of being adopted by citizen parents. The adoptive parents must apply to INS for naturalization of the child.

- Children of U.S. citizens may not be entitled to derived or acquired citizenship; may not have applied for or been granted it; or may no longer have the documents INS or the Department of State issued to them if it was granted.

Persons who believe they qualify for either DERIVED or ACQUIRED citizenship should contact either INS or the Passport Office of the U.S. Department of State. The three District INS offices in California are located at: 630 Sansome Street in San Francisco (94111); 300 No. Los Angeles Street in Los Angeles (90012); and 880 Front Street in San Diego (92188). Passport Offices are located at 525 Market Street in San Francisco (94105) and 11000 Wilshire Blvd. in Los Angeles (90024). Be sure to emphasize to persons contacting INS or the Passport Office that they need to keep adequate records of their dealings with these federal agencies. If either INS or the Department of State cannot locate information about them, you may need to document the fact that they did attempt to obtain the requested proof of citizenship.

DOCUMENTATION OF CITIZENSHIP

NATURALIZED U.S. citizens should have originals of one of the following documents:

- Certificate of Naturalization (INS Form N-550 or INS Form N-570)

- Special Certificate of Naturalization (INS Form N-578)

Persons who DERIVED citizenship automatically through their parents, or whose parents applied for it on their behalf, or who ACQUIRED citizenship at birth abroad should present originals of one of the following documents:

- Certificate of United States Citizenship (INS Form N-560)

- United States Citizen Identification Card (INS Form I-197) Not issued since February 1981.

- Identification Card for the Use of Resident Citizen in the United States (INS Form I-179) Last issued in February 1974.

- Northern Mariana Identification Card issued by INS to persons born in the Northern Mariana Islands before November 3, 1986 who are now U.S. citizens.

- A letter, on INS stationery, written by an INS official, which states that a foreign-born woman who married a U.S. citizen before September 22, 1922 thereby automatically became a U.S. citizen herself.

- A currently valid U.S. Passport issued by the Department of State.

- Report of Birth: Child Born Abroad of American Parent or Parents (Dept. of State Form FS-240) issued by U.S. embassies and consulates to United States citizens born abroad.

- Certification of Birth Abroad (Dept. of State Form FS-545) issued by U.S. embassies and consulates to United States citizens born abroad.

- Certification of Birth Abroad (Dept. of State Form DS-1350) issued to United States citizens born abroad.

To guard against fraud, verify all INS-issued documents which contain citizen numbers through the Systematic Alien Verification For Entitlements (SAVE) system. For SAVE purposes, a citizen number on an INS document is equivalent to an alien registration or alien admission number. Use it to do a "primary" check of the SAVE system's Alien Status Verification Index (ASVI). INS documents with citizen numbers that are not included in the ASVI and those INS documents that lack citizen numbers must be copied, accompanied by INS Form G-845 (Document Verification Request), and sent to INS for a "secondary" SAVE verification of their authenticity.