



## THE BASICS

# Citizenship Documentation in Medicaid and CHIP

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The Deficit Reduction Act (DRA) of 2005 included a provision that requires individuals to provide proof of their U.S. citizenship and identity when applying for (or renewing) health coverage under the Medicaid program.<sup>1</sup> In 2009, the Children's Health Insurance Program Reauthorization Act (CHIPRA) extended the documentation requirement to children applying for the Children's Health Insurance Program (CHIP). This paper reviews the parameters of the citizenship documentation requirement for Medicaid and CHIP eligibility and describes the mechanisms that are available to states for purposes of confirming applicants' citizenship.

## BACKGROUND

Since 1986, all individuals applying for Medicaid (and since 1997, for CHIP) benefits have been required to declare, under penalty of perjury, that they are U.S. citizens or that they have "satisfactory immigration status."<sup>2</sup> Noncitizens have also been required to present documentation that verifies their immigration status. Prior to the enactment of the DRA, states were permitted to accept an applicant's written declaration of citizenship without providing specific documentation. According to a study conducted by the U.S. Department of Health and Human Services' Office of the Inspector General (OIG), 47 states were accepting self-declaration of citizenship status in 2005.<sup>3</sup>

In 2005, Congress enacted the DRA, which requires U.S. citizens applying for or seeking to renew eligibility for Medicaid to present documentation that (i) proves their citizenship and (ii) documents personal identity. The DRA specified documents that are acceptable for purposes of demonstrating citizenship and identity, and it included exemptions for certain groups of individuals. The

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Medicaid citizenship documentation requirement became effective on July 1, 2006.

CHIPRA of 2009 extended the citizenship documentation requirement to the CHIP program. It also added new mechanisms states can use to obtain confirmation of citizenship for individuals applying for health coverage through Medicaid or CHIP.

The addition of the documentation requirement was intended to address perceptions that undocumented immigrants may have been inappropriately accessing Medicaid benefits.

### AFFECTED POPULATIONS

The documentation requirement applies primarily to children, parents, and pregnant women who declare that they are U.S. citizens or nationals.<sup>4</sup> (Noncitizens applying for Medicaid or CHIP have always been required to document their immigration status.) The statute specifically exempts certain groups of individuals, such as those receiving Medicare and/or Social Security disability (SSDI) benefits, Supplemental Security Income (SSI) benefits, child welfare and foster care assistance under Title IV-B, or adoption or foster care assistance under Title IV-E of the Social Security Act.<sup>5</sup> As a result, nearly all elderly individuals and people with disabilities are exempt from the citizenship documentation requirements. Also exempt are newborn babies born in U.S. hospitals whose delivery was covered by Medicaid. Because these children are citizens by definition of being born in a U.S. hospital, they are not required to document citizenship at the point of eligibility renewal on their first birthday, or at subsequent renewals.

### MEETING THE DOCUMENTATION REQUIREMENTS

The final regulation establishing the parameters for meeting the Medicaid citizenship documentation requirement was published in the Federal Register on July 13, 2007. As noted above, CHIPRA of 2009 extended the documentation requirement to include applicants for CHIP but also clarified that states must give applicants a reasonable period of time—during which Medicaid or CHIP benefits must be made available<sup>6</sup>—to prove citizenship. CHIPRA

also authorized a new data matching mechanism for documenting U.S. citizenship, effective on January 1, 2010.

### Documentation Options

The final regulation specifically lays out the parameters under which states are to implement the Medicaid and CHIP citizenship documentation requirements. The documents are listed according to a “tier” system, with the first tier including the most reliable documents and the fourth tier having the least reliable. In order to establish proof of citizenship, individuals must provide original documents or a certified copy issued by the relevant agency. Naturalized citizens are permitted to use affidavits.

The acceptable documents for verifying citizenship include:<sup>7</sup>

- A U.S. passport
- A Certificate of Naturalization or of U.S. Citizenship
- A U.S. birth certificate
- A certified report of birth abroad, followed by U.S. citizenship
- A U.S. Citizen I.D. card
- An adoption decree showing a child’s name and place of birth
- A military record showing place of birth
- Evidence of citizenship of an adopted or biological child born outside the United States
- Evidence of civil service employment before 1976
- A hospital or health insurance record showing U.S. place of birth
- A religious record created in the United States within three months of birth identifying place of birth and age of the individual at the time of record
- Early school records showing a U.S. place of birth
- A valid state-issued driver’s license (in states that require proof of citizenship in order to obtain a license)
- A federal or state census record showing citizenship or place of birth
- Nursing home admission papers showing a U.S. place of birth

### Establishing Identity

If the applicant does not have a document (such as a passport) that simultaneously proves citizenship and identity, he or she may be required to present additional document(s) to confirm identity. For example, the state may require a birth certificate accompanied by a driver's license. States are permitted to use data from other programs and governmental or law enforcement agencies to certify an individual's identity.

The final regulation offers special identity rules for children under age 16 as long as their documents were created near the time of birth. However, "souvenir" birth certificates issued at the hospital are not acceptable. For children under age 16, medical and school records (including report cards) may be accepted. Affidavits are permitted for children and may be signed by either a parent or a caretaker relative.

There are also special rules for elderly individuals and other populations who may need additional assistance in obtaining documentation. States may accept an affidavit signed by the director of a nursing home or other care facility on behalf of the individual living in the facility.

Lastly, the regulations provide that a combination of three or more documents may be used to prove identity when a passport or other primary document is not available. Options include employer ID cards, high school and college diplomas, marriage certificates, divorce decrees, and property deeds/titles.

### Electronic and Data Matching Options

As suggested by the Office of the Inspector General and others, the final regulations and the CHIPRA legislation authorize the use of electronic data matching as a mechanism for verifying applicants' citizenship status. The OIG recommended that states confirm the accuracy of individuals' statements by cross-checking the information collected by related programs, such as SSI, Temporary Assistance for Needy Families, and Title IV-E foster care assistance. And the final regulations approve the use of the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database for purposes of verifying citizenship for naturalized citizens.

CHIPRA provides a new mechanism for states to work with the Social Security Administration (SSA) to verify applicants' social security numbers (SSNs). Effective January 1, 2010, states will be permitted to submit applicants' names and SSNs to SSA so that the agency may conduct a data match to confirm the individual's citizenship. If the name, the SSN, or other information is inconsistent with SSA's records, the state must make a reasonable effort to address the discrepancy while providing coverage to the applicant if he or she is otherwise eligible. If the state cannot resolve the issue, the applicant must then be given 90 days to document his or her citizenship through another means, or to resolve the problem with SSA, before being disenrolled from coverage.

States will be eligible to receive up to 90 percent federal matching funds for activities related to establishing electronic data matching systems with SSA. If a state elects NOT to implement an electronic system, the state will be subject to quality control standards requiring a corrective action plan if the error rate (the monthly average percentage of non-matching SSNs) under the paper system exceeds 3 percent.<sup>8</sup>

## STATE-LEVEL CHALLENGES

A number of states have reported significant delays in determining eligibility as well as declines in Medicaid enrollment since the documentation requirement became effective in 2006. Individuals have said that it can be difficult to obtain birth certificates and passports in a timely manner and that the requirement to send in an original or certified copy of a document can be cost-prohibitive. States have reported an increase in visits to the Medicaid agency and increased administrative costs due to the extra effort required to obtain and verify the documents and to the additional outreach activities needed to educate applicants.<sup>9</sup>

In a survey of state Medicaid agencies, the Government Accountability Office found that 22 of 44 states reported notable declines in Medicaid enrollment resulting from the citizenship documentation requirement. When asked to identify the primary reason for the decline, 12 of the 22 concluded that the requirement is preventing or delaying individuals who appear to be U.S. citizens—rather than the undocumented immigrants that were originally targeted by this provision—from accessing Medicaid coverage.<sup>10</sup>

The new options regarding electronic data matching with SSA are intended to facilitate a more efficient and accurate process for confirming citizenship, and to reduce the burden on the applicant.

## ENDNOTES

1. This provision applies only to individuals claiming to be U.S. citizens and does not apply to legal immigrants.
2. Individuals must meet all other categorical and income-related eligibility requirements in order to qualify.
3. U.S. Department of Health and Human Services, Office of the Inspector General, "Self-Declaration of U.S. Citizenship for Medicaid," OEI-02-03-00190, July 2005; available at <http://oig.hhs.gov/oei/reports/oei-02-03-00190.pdf>.
4. A national is a person born in or having ties with "an outlying possession of the United States" which currently include American Samoa and Swains Island. U.S. nationals are not considered citizens, and cannot vote or hold public office in the United States. They can, however, live and work in the United States.
5. Two of the exemptions were added through amendments included in the Tax Relief and Health Care Act of 2006 (P.L. 109-432).
6. Assuming the applicant is otherwise eligible for the program.
7. For a complete listing of the acceptable documents by tier, see the Centers for Medicare & Medicaid Services Web site at [www.cms.hhs.gov/apps/media/press/factsheet.asp?Counter=2243&intNumPerPage=10&checkDate=&checkKey=2&srchType=2&numDays=0&srchOpt=0&srchData=medicaid+citizenship+guideline&keywordType=All&chkNewsType=6&intPage=&showAll=1&pYear=&year=0&desc=&cboOrder=date](http://www.cms.hhs.gov/apps/media/press/factsheet.asp?Counter=2243&intNumPerPage=10&checkDate=&checkKey=2&srchType=2&numDays=0&srchOpt=0&srchData=medicaid+citizenship+guideline&keywordType=All&chkNewsType=6&intPage=&showAll=1&pYear=&year=0&desc=&cboOrder=date)
8. For more detailed information about the new citizenship documentation option under CHIPRA, see the Kaiser Commission on Medicaid and the Uninsured and the Georgetown Center for Children and Families, "CHIP Tips: Citizenship Documentation Changes," May 2009, available at [http://ccf.georgetown.edu/index/cms-file-system-action?file=ccf\\_publications/federal\\_schip\\_policy/cit\\_doc\\_chip\\_tip.pdf](http://ccf.georgetown.edu/index/cms-file-system-action?file=ccf_publications/federal_schip_policy/cit_doc_chip_tip.pdf).
9. Donna Cohen Ross, "Medicaid Documentation Requirement Disproportionately Harms Non-Hispanics, New State Data Show: Rule Mostly Hurts U.S. Citizen Children, Not Undocumented Immigrants," Center on Budget and Policy Priorities, July 10, 2007; available at [www.cbpp.org/7-10-07health.pdf](http://www.cbpp.org/7-10-07health.pdf).
10. Government Accountability Office, "Medicaid: States Reported that Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens," GAO-07-889, June 2007, available at [www.gao.gov/new.items/d07889.pdf](http://www.gao.gov/new.items/d07889.pdf).

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