



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
 600 Washington Street
 Boston, MA 02111
www.mass.gov/masshealth

MassHealth
 Eligibility Letter 175
 March 15, 2008

TO: MassHealth Staff

FROM: Tom Dehner, Medicaid Director TD

RE: Revisions to Regulations about Citizenship and Identity

Due to guidance from the Centers for Medicare & Medicaid Services (CMS) about the federal law, MassHealth is revising the regulations about citizenship and identity to expand and clarify what is acceptable proof.

Individuals receiving Social Security Disability Insurance (SSDI) or Title IV adoption assistance or foster care do not need to provide proof of citizenship. Acceptable proofs now include, among others, evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000 at Level 2, certain religious records at Level 3, and certain admission papers from a nursing facility at Level 4.

Acceptable proofs of identity now include cross-matches with certain government databases and some corroborating documents.

These regulations are being issued as emergency regulations, effective retroactive to July 1, 2007.

MANUAL UPKEEP

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CITIZENSHIP AND IMMIGRATION****Chapter 504
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Rev. 07/01/07504.001: Introduction

Persons applying for or receiving MassHealth must verify their citizenship and identity or immigration status. Citizens and nationals who receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI) based upon disability, or Medicare (including those who are entitled to Medicare), and children in receipt of either Title IV-B services or Title IV-E adoption assistance or foster care payments do not need to submit verification.

504.002: Requirements(A) Citizen.(1) Definition of Citizen. A citizen of the United States is

- (a) an individual who was born in the United States or its territories, including Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands, except those born to a foreign diplomat, and who otherwise qualifies for U.S. citizenship under §301 et seq. of the Immigration and Nationality Act;
- (b) an individual born of a parent who is a U.S. citizen or who otherwise qualifies for U.S. citizenship under §301 et seq. of the Immigration and Nationality Act;
- (c) a naturalized citizen; or
- (d) a national (both citizen and non-citizen national) as defined in 130 CMR 504.002(A)(1)(d)(i) or (ii).
 - (i) Citizen National. A citizen national is an individual who otherwise qualifies as a U.S. citizen under §301 et seq. of the Immigration and Nationality Act (INA).
 - (ii) Non-Citizen National. A non-citizen national is an individual who was born in one of the outlying possessions of the United States, including American Samoa and Swain's Island, to a parent who is a non-citizen national.

(2) Acceptable Proof of Citizenship and Identity (Level 1-Primary Verifications). Primary verifications satisfy both citizenship and identity requirements. Verification from 130 CMR 504.002(A)(2) must be submitted if available during the eligibility-determination process. Applicants and MassHealth members who were not U.S. citizens at birth must submit verification from 130 CMR 504.002(A)(2). Children born outside the United States and adopted by U.S. citizens may establish citizenship using the process established by the Child Citizenship Act of 2000. The following documents may be accepted as proof of both citizenship and identity because each contains a photograph of the individual named in the document, and the citizenship and identity of the individual have been established by either the U.S. or a state government:

- (a) U.S. passport;
- (b) Certificate of Naturalization (DHS form N-550 or N-570); or
- (c) Certificate of U.S. Citizenship (DHS form N-560 or N-561).

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(3) Acceptable Proof of Citizenship (Levels 2 through 4). The following documents are acceptable as proof of citizenship, but not identity. These verifications of citizenship are listed in descending order. Identity must also be verified with one of the verifications listed in 130 CMR 504.002(A)(4). Verification from 130 CMR 504.002(A)(3)(a) can only be submitted if verification from 130 CMR 504.002(A)(2) cannot be obtained during the eligibility-determination period. Verification from 130 CMR 504.002(A)(3)(b) can only be submitted if verification from 130 CMR 504.002(A)(2) cannot be obtained during the eligibility-determination period and verification from 130 CMR 504.002(A)(3)(a) does not exist or cannot be obtained. Verification from 130 CMR 504.002(A)(3)(c) can only be submitted if verification from 130 CMR 504.002(A)(2) cannot be obtained during the eligibility-determination period and verification from 130 CMR 504.002(A)(3)(a) and (b) does not exist or cannot be obtained.

(a) Level 2. The following documents may be accepted as proof of citizenship, but not identity:

- (i) U.S. public record of birth showing birth in one of the fifty states (including the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam (if born on or after April 10, 1899), the U.S. Virgin Islands (if born on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (if born after November 4, 1986, NMI local time)). However, if the document shows the individual was born in Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen under 42 CFR §435.407(b)(1). The birth record must have been recorded before the individual's fifth birthday;
- (ii) Report of Birth Abroad of a U.S. Citizen (Form FS-545, Form FS-240, or DS-1350);
- (iii) U.S. Citizen I.D. card (INS Form I-197 or INS Form I-179);
- (iv) American Indian Card I-872 issued by the Department of Homeland Security with the classification code KIC (issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S/Mexican border);
- (v) final adoption decree showing child's name and U.S. place of birth (if adoption is not finalized statement from state-approved adoption agency);
- (vi) evidence of U.S. civil service employment prior to June 1976;
- (vii) official military record showing a U.S. place of birth;
- (viii) Northern Mariana Identification Card I-873 (issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986, NMI local time);
- (ix) verification with the Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) database; or
- (x) evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000.

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(b) Level 3. The following documents may be accepted as proof of citizenship, but not identity:

(i) extract of a U.S. hospital record of birth issued on hospital letterhead that was created at least five years before the initial application date (except that for children under age 16, the document can be issued near the time of birth or five years before the application date) and indicates a U.S. place of birth. A souvenir birth certificate is not acceptable;

(ii) life, health, or other insurance record showing a U.S. place of birth that was created at least five years before the initial application date. For children under age 16, the document must have been created near the time of birth;

(iii) religious record that was recorded in the U.S. within three months of birth showing the birth occurred in the U.S. and showing either the date of birth or the individual's age at the time the record was made. The record must be an official record of the religious organization. Entries in a family Bible are not considered religious records; or

(iv) early school records showing a U.S. place of birth. The school record must show the name of the child, the date of admission into the school, the date of birth, a U.S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.

(c) Level 4. The following documents may be accepted as proof of citizenship, but not identity:

(i) federal or state census record showing U.S. citizenship or U.S. place of birth and the applicant's age;

(ii) admission papers indicating a U.S. place of birth from a nursing facility, skilled nursing facility, or other institution that were created at least five years before the initial date of application for MassHealth;

(iii) medical (clinic, doctor, or hospital) records indicating a U.S. place of birth that was created at least five years before the initial date of application for MassHealth (except that for children under age 16, the document can be issued near the time of birth or five years before the application date);

(iv) one of the following documents created at least five years before the initial date of application for MassHealth and that shows a U.S. place of birth: Seneca or Navajo Indian tribal census records, U.S. vital statistics official notification of birth registration, a delayed U.S. public record of birth that was recorded more than five years after the person's birth, a statement of a physician or midwife who was in attendance at the birth, or the Bureau of Indian Affairs Roll of Alaska Natives; or

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(v) written affidavit when there is no other verification. An affidavit should be used only in rare circumstances. Two affidavits must be submitted, which can be combined on a joint affidavit. One of the two affidavits must be from an individual who is not related to the applicant or member. Each individual providing an affidavit must have personal knowledge of the event or events establishing the applicant's or member's claim of U.S citizenship or national status (for example, the date and place of the applicant's or member's birth in the United States, if applicable). The individuals providing the affidavits must also provide proof of both their own U.S. citizenship or national status and identity for the affidavit to be accepted. If the individuals making the affidavit also know why the documentary evidence of the applicant's or member's claim of U.S. citizenship or national status cannot be provided, this should be included in the affidavit. The applicant or member or other knowledgeable individual (guardian or representative) must provide a separate affidavit explaining why the evidence cannot be provided.

(4) Acceptable Proof of Identity. Acceptable documentation includes the following, as well as any other verification allowed under federal law as determined by the MassHealth agency:

- (a) state driver's license bearing the individual's picture or other identifying information;
- (b) government-issued identity card bearing the individual's picture or other identifying information;
- (c) Certificate of Degree of Indian Blood or other U.S. tribal document bearing individual's picture or other identifying information;
- (d) U.S. military card or draft record;
- (e) school identity card with picture;
- (f) military dependent identity card;
- (g) U.S. Coast Guard Merchant Mariner card;
- (h) cross-match with a federal or state government, public assistance, law enforcement, or correction agency data system;
- (i) three or more corroborating documents, such as marriage licenses, divorce decrees, high school diplomas, employer identification cards, or property deeds or titles. These corroborating documents can be used only if the individual submitted different Level 2 or Level 3 documentation for citizenship. These corroborating documents are not acceptable if a Level 4 document has been submitted;

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(j) for children under age 16, the following are also acceptable documentation of identity:

(i) school records, including report cards, or nursery-school or day-care records;

(ii) clinic, doctor, or hospital records; or

(iii) an affidavit, signed by a parent, guardian, or caretaker relative, attesting to the child's date and place of birth signed under penalty of perjury (cannot be used if affidavit was provided for citizenship); or

(k) for a disabled individual in a residential-care facility, an attestation of identity by the facility director or administrator when the individual does not have or cannot get any document listed in 130 CMR 504.002(A)(4)(a) through (j).

(5) Reasonable Opportunity Extension. Applicants or members who need additional time to obtain verification of citizenship and identity may receive a 60-day extension. Requests for a reasonable opportunity extension must be made before the expiration of the verification time period.

(6) Child Born to a MassHealth-Eligible Woman. Regardless of the mother's immigration status, a child born to a woman who is eligible for MassHealth on the date of the child's birth will be exempt from providing citizenship and identity verification for up to one year, as long as the mother remains eligible for MassHealth and the child remains a member of the mother's household. Documentation of the child's citizenship and identity will be required at the first eligibility redetermination.

(B) Qualified Alien. Aliens described in 130 CMR 504.002(B)(1), (2), and (3) are considered qualified aliens if they either entered the United States on or after August 22, 1996, and five years have passed from the date they attained an immigration status described in 130 CMR 504.002(B)(1), (2), or (3); or they attained such status before August 22, 1996; or they have been continually present since before August 22, 1996. Date of entry into the United States is not considered for aliens qualified under 130 CMR 504.002(B)(4) through (12), even if they are also described in 130 CMR 504.002(B)(1), (2), or (3). The following persons are considered qualified aliens for the purposes of MassHealth eligibility:

(1) persons admitted for legal permanent residence (LPR) under the Immigration and Nationality Act (INA);

(2) persons granted parole for at least one year under section 212(d)(5) of the INA;

(3) conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980;

(4) persons granted asylum under section 208 of the INA;

(5) refugees admitted under section 207 of the INA;

(6) persons whose deportation has been withheld under section 243(h) or 241(b)(3) of the INA, as provided by section 5562 of the federal Balanced Budget Act of 1997;

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- (7) (a) veterans of the United States Armed Forces with an honorable discharge not related to their alien status;
- (b) Filipino war veterans who fought under U.S. command during WWII;
- (c) Hmong and Highland Lao veterans who are admitted for legal permanent residence (LPR) and who fought under U.S. command during the Vietnam War;
- (d) persons with alien status on active duty in the U.S. Armed Forces, other than active duty for training; or
- (e) the spouse, unremarried surviving spouse, or unmarried dependent children of the alien described in 130 CMR 504.002(B)(7)(a) through (d);

(8) aliens or their unmarried dependent children, as defined in federal law, who have been subjected to battery or extreme cruelty by their spouse, parent, sponsor, or a member of their family group, and who no longer live in the same family group as the batterer;

(9) persons who entered as Cuban/Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980;

(10) native Americans with at least 50 percent American Indian blood who were born in Canada pursuant to section 289 of the INA or other tribal members born in territories outside of the U.S. pursuant to 25 U.S.C. 450b(e);

(11) Amerasians admitted pursuant to section 584 of Public Law 100-202; or

(12) victims of severe forms of trafficking.

(C) Protected Alien. Aliens who are not qualified aliens, but who are aliens with special status or nonqualified aliens, as described at 130 CMR 504.002(D) and (E), and who were receiving medical assistance or CommonHealth on June 30, 1997, are considered protected aliens and may continue to receive MassHealth regardless of immigration status, if they are otherwise eligible. This status continues until a determination of ineligibility due to failure to meet categorical or financial eligibility requirements has been made.

(D) Alien with Special Status. Certain aliens who are not qualified aliens are afforded eligibility for MassHealth based on provisions of state law as described in 130 CMR 504.002(D). Aliens with special status, who qualify for MassHealth under 130 CMR 504.002(F)(2)(a), (b), or (c), must be under age 19. Certain long-term unemployed, disabled aliens with special status aged 19 through 64 are afforded eligibility for MassHealth under 130 CMR 505.007(E). The following are aliens with special status:

(1) persons permanently living in the United States under color of law (PRUCOLs) as described in 42 CFR 435.408(b)(3) through (7), (b)(10) through (14), and (b)(16), which includes the following:

- (a) aliens living in the United States in accordance with an indefinite stay of deportation;
- (b) aliens living in the United States in accordance with an indefinite voluntary departure;

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(c) aliens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the United States Department of Homeland Security (DHS) does not contemplate enforcing;

(d) aliens who have filed applications for adjustment of status that the DHS has accepted as "properly filed," and whose departure the DHS does not contemplate enforcing;

(e) aliens granted stays of deportation by court order, statute, or regulation, by individual determination of the DHS, or relevant DHS instructions, and whose departure the DHS does not contemplate enforcing;

(f) aliens granted voluntary departure by the DHS or an Immigration Judge, and whose deportation the DHS does not contemplate enforcing;

(g) aliens granted deferred action status;

(h) aliens living under orders of supervision;

(i) aliens who have entered and continuously lived in the United States since before January 1, 1972;

(j) aliens granted suspension of deportation, and whose departure the DHS does not contemplate enforcing; and

(k) any other aliens living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include permanent nonimmigrants as established by Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based on a determination by the Secretary of State.);

(2) persons who are not otherwise defined as qualified aliens under 130 CMR 504.002(B), as follows:

(a) persons admitted for legal permanent residence (LPR) under the INA;

(b) persons granted parole for at least one year under section 212(d)(5) of the INA; and

(c) conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980.

(E) Nonqualified Alien. Aliens whose status is not described in 130 CMR 504.002(B), (C), or (D) are considered nonqualified aliens.

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(F) Applicable Coverage Types.

- (1) Citizens, qualified aliens, and protected aliens may receive MassHealth under any coverage type if they meet the eligibility requirements described in 130 CMR 505.000 et seq.
- (2) Aliens with special status may not receive coverage under MassHealth Standard. However, they may be eligible for the following:
 - (a) MassHealth CommonHealth, if they are under age 19, disabled, and meet the categorical requirements and financial standards of MassHealth Standard as described at 130 CMR 505.002(F) or MassHealth CommonHealth if they are under age 19 and meet the categorical requirements and financial standards as described at 130 CMR 505.004;
 - (b) MassHealth Family Assistance, if they are children under age 19, parents under age 19, or pregnant women under age 19 who meet the categorical requirements and financial standards of MassHealth Standard as described at 130 CMR 505.002(C), (D), or (E). If they meet these requirements and have health insurance, they are also eligible for MassHealth Limited;
 - (c) MassHealth Family Assistance, if they are children under age 19 or persons under age 19 who are HIV positive, who meet the categorical requirements and financial standards of Family Assistance, as described at 130 CMR 505.005. The MassHealth agency does not pay the copayments, coinsurance, and deductibles described in 130 CMR 505.005(B)(6) for children who receive premium assistance;
 - (d) MassHealth Limited, if they are adults who are parents, pregnant, or disabled and meet the categorical requirements and financial standards of MassHealth Standard, as described in 130 CMR 505.002(D), (E), and (F); or
 - (e) MassHealth Essential with MassHealth Limited, if they are long-term unemployed, disabled adults aged 19 through 64, and meet the eligibility requirements of 130 CMR 505.007(E).
- (3) Nonqualified aliens may receive only MassHealth Limited if otherwise eligible for MassHealth Standard.
- (4) Aliens with special status are not eligible for MassHealth Basic.

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(G) Verification of Immigration Status.

- (1) A determination of eligibility is made as of the date the MBR and all required information, except verification of immigration status, is received by the MassHealth agency.
- (2) The MassHealth agency submits the names of qualified aliens to the DHS for confirmation of immigration status.
- (3) The MassHealth agency requests verification of immigration status subsequent to the eligibility determination from the following:
 - (a) qualified aliens who did not submit verification of their immigration status with the MBR, and for whom the DHS has been unable to confirm their status, as described at 130 CMR 504.002(G)(2); and
 - (b) aliens with special status who did not submit verification of their immigration status with the MBR.
- (4) Aliens who fail to submit verification of their immigration status, as described in 130 CMR 504.002(A), (B), and (G), within 60 days of the MassHealth agency's Request for Information will subsequently be
 - (a) eligible only for MassHealth Limited if they meet the categorical requirements and financial standards of MassHealth Standard; or
 - (b) ineligible for any MassHealth coverage type if not otherwise eligible for MassHealth Standard.

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Rev. 07/01/07518.001: Introduction

Persons applying for or receiving MassHealth must verify their citizenship and identity or immigration status. Citizens and nationals who receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI) based upon disability, or Medicare (including those who are entitled to Medicare), and children in receipt of either Title IV-B services or Title IV-E adoption assistance or foster care payments do not need to submit verification.

518.002: Requirements(A) Citizen.(1) Definition of Citizen. A citizen of the United States is

(a) an individual who was born in the United States or its territories, including Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands, except those born to a foreign diplomat, and who otherwise qualifies for U.S. citizenship under §301 et seq. of the Immigration and Nationality Act (INA);

(b) an individual born of a parent who is a U.S. citizen or who otherwise qualifies for U.S. citizenship under §301 et seq. of the Immigration and Nationality Act;

(c) a naturalized citizen; or

(d) a national (both citizen and non-citizen national) as defined in 130 CMR 518.002(A)(1)(d)(i) or (ii).

(i) Citizen National. A citizen national is an individual who otherwise qualifies as a U.S. citizen under §301 et seq. of the Immigration and Nationality Act.

(ii) Non-Citizen National. A non-citizen national is an individual who was born in one of the outlying possessions of the United States, including American Samoa and Swain's Island, to a parent who is a non-citizen national.

(2) Acceptable Proof of Citizenship and Identity (Level 1-Primary Verifications). Primary verifications satisfy both citizenship and identity requirements. Verification from 130 CMR 518.002(A)(2) must be submitted if available during the eligibility-determination process. Applicants and MassHealth members who were not U.S. citizens at birth must submit verification from 130 CMR 518.002(A)(2). Children born outside the United States and adopted by U.S. citizens may establish citizenship using the process established by the Child Citizenship Act of 2000. The following documents may be accepted as proof of both citizenship and identity because each contains a photograph of the individual named in the document, and the citizenship and identity of the individual have been established by either the U.S. or a state government:

(a) U.S. passport;

(b) Certificate of Naturalization (DHS form N-550 or N-570); or

(c) Certificate of U.S. Citizenship (DHS form N-560 or N-561).

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(3) Acceptable Proof of Citizenship (Levels 2 through 4). The following documents are acceptable as proof of citizenship, but not identity. These verifications of citizenship are listed in descending order. Identity must also be verified with one of the verifications listed in 130 CMR 518.002(A)(4). Verification from 130 CMR 518.002(A)(3)(a) can only be submitted if verification from 130 CMR 518.002(A)(2) cannot be obtained during the eligibility-determination period. Verification from 130 CMR 518.002(A)(3)(b) can only be submitted if verification from 130 CMR 518.002(A)(2) cannot be obtained during the eligibility-determination period and verification from 130 CMR 518.002(A)(3)(a) does not exist or cannot be obtained. Verification from 130 CMR 518.002(A)(3)(c) can only be submitted if verification from 130 CMR 518.002(A)(2) cannot be obtained during the eligibility-determination period and verification from 130 CMR 518.002(A)(3)(a) and (b) does not exist or cannot be obtained.

(a) Level 2. The following documents may be accepted as proof of citizenship, but not identity:

- (i) U.S. public record of birth showing birth in one of the fifty states (including the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam (if born on or after April 10, 1899), the U.S. Virgin Islands (if born on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (if born after November 4, 1986, NMI local time)). However, if the document shows the individual was born in Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen under 42 CFR §435.407(b)(1). The birth record must have been recorded before the individual's fifth birthday;
- (ii) Report of Birth Abroad of a U.S. Citizen (Form FS-545, Form FS-240, or DS-1350);
- (iii) U.S. Citizen I.D. card (INS Form I-197 or INS Form I-179);
- (iv) American Indian Card I-872 issued by the Department of Homeland Security with the classification code KIC (issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S/Mexican border);
- (v) final adoption decree showing child's name and U.S. place of birth (if adoption is not finalized, statement from a state-approved adoption agency);
- (vi) evidence of U.S. civil service employment prior to June 1976;
- (vii) official military record showing a U.S. place of birth;
- (viii) Northern Mariana Identification Card I-873 (issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986, NMI local time); or
- (ix) verification with the Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) database; or
- (x) evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000.

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(b) Level 3. The following documents may be accepted as proof of citizenship, but not identity:

(i) extract of a U.S. hospital record of birth issued on hospital letterhead that was created at least five years before the initial application date (except that for children under age 16, the document can be issued near the time of birth or five years before the application date) and indicates a U.S. place of birth. A souvenir birth certificate is not acceptable;

(ii) life, health, or other insurance record showing a U.S. place of birth that was created at least five years before the initial application date. For children under age 16, the document must have been created near the time of birth;

(iii) religious record that was recorded in the U.S. within three months of birth showing the birth occurred in the U.S. and showing either the date of birth or the individual's age at the time the record was made. The record must be an official record of the religious organization. Entries in a family Bible are not considered religious records; or

(iv) early school records showing a U.S. place of birth. The school record must show the name of the child, the date of admission into the school, the date of birth, a U.S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.

(c) Level 4. The following documents may be accepted as proof of citizenship, but not identity:

(i) federal or state census record showing U.S. citizenship or a U.S. place of birth and the applicant's age;

(ii) admission papers indicating a U.S. place of birth from a nursing facility, skilled nursing facility, or other institution that were created at least five years before the initial date of application for MassHealth and which shows a U.S. place of birth;

(iii) medical (clinic, doctor, or hospital) records indicating a U.S. place of birth that was created at least five years before the initial date of application for MassHealth (except that for children under age 16, the document can be issued near the time of birth or five years before the application date);

(iv) one of the following documents created at least five years before the initial date of application for MassHealth and that shows a U.S. place of birth: Seneca or Navajo Indian tribal census records, U.S. vital statistics official notification of birth registration, a delayed U.S. public record of birth that was recorded more than five years after the person's birth, a statement of a physician or midwife who was in attendance at the birth, or the Bureau of Indian Affairs Roll of Alaska Natives; or

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(v) written affidavit when there is no other verification. An affidavit should be used only in rare circumstances. Two affidavits must be submitted, which can be combined on a joint affidavit. One of the two affidavits must be from an individual who is not related to the applicant or member. Each individual providing an affidavit must have personal knowledge of the event or events establishing the applicant's or member's claim of U.S citizenship or national status (for example, the date and place of the applicant's or member's birth in the United States, if applicable). The individuals providing the affidavits must also provide proof of both their own U.S. citizenship or national status and identity for the affidavit to be accepted. If the individuals making the affidavit also know why the documentary evidence of the applicant's or member's claim of U.S. citizenship or national status cannot be provided, this should be included in the affidavit. The applicant or member or other knowledgeable individual (guardian or representative) must provide a separate affidavit explaining why the evidence cannot be provided.

(4) Acceptable Proof of Identity. Acceptable documentation includes the following, as well as any other verification allowed under federal law as determined by the MassHealth agency:

- (a) state driver's license bearing the individual's picture or other identifying information;
- (b) government-issued identity card bearing the individual's picture or other identifying information;
- (c) Certificate of Degree of Indian Blood or other U.S. tribal document bearing individual's picture or other identifying information;
- (d) U.S. military card or draft record;
- (e) school identity card with picture;
- (f) military dependent identity card;
- (g) U.S. Coast Guard Merchant Mariner card;
- (h) cross-match with a federal or state government, public assistance, law enforcement, or correction agency data system;
- (i) three or more corroborating documents, such as marriage licenses, divorce decrees, high school diplomas, employer identification cards, or property deeds or titles. These corroborating documents can be used only if the individual submitted different Level 2 or Level 3 documentation for citizenship. These corroborating documents are not acceptable if a Level 4 document has been submitted;

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(j) for children under age 16, the following are also acceptable documentation of identity:

(i) school records, including report cards, or nursery-school or day-care records;

(ii) clinic, doctor, or hospital records; or

(iii) an affidavit, signed by a parent, guardian, or caretaker relative, attesting to the child's date and place of birth signed under penalty of perjury (cannot be used if affidavit was provided for citizenship); or

(k) for a disabled individual in a residential-care facility, an attestation of identity by the facility director or administrator when the individual does not have or cannot get any document listed in 130 CMR 518.002(A)(4)(a) through (j).

(5) Reasonable Opportunity Extension. Applicants or members who need additional time to obtain verification of citizenship and identity may receive a 30-day extension. Requests for a reasonable opportunity extension must be made before the expiration of the verification time period.

(6) Child Born to a MassHealth-Eligible Woman. Regardless of the mother's immigration status, a child born to a woman who is eligible for MassHealth on the date of the child's birth will be exempt from providing citizenship and identity verification for up to one year, as long as the mother remains eligible for MassHealth and the child remains a member of the mother's household. Documentation of the child's citizenship and identity will be required at the first eligibility redetermination.

(B) Qualified Alien. Aliens described in 130 CMR 518.002(B)(1), (2), and (3) are considered qualified aliens if they either entered the United States on or after August 22, 1996, and five years have passed from the date they attained an immigration status described in 130 CMR 518.002(B)(1), (2), or (3); or they attained such status before August 22, 1996; or they have been continuously present since before August 22, 1996. Date of entry into the United States is not considered for aliens qualified under 130 CMR 518.002(B)(4) through (12), even if they are also described in 130 CMR 518.002(B)(1), (2), or (3). The following persons are considered qualified aliens for the purposes of MassHealth eligibility:

(1) persons admitted for legal permanent residence (LPR) under the Immigration and Nationality Act (INA);

(2) persons granted parole for at least one year under section 212(d)(5) of the INA;

(3) conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980;

(4) persons granted asylum under section 208 of the INA;

(5) refugees admitted under section 207 of the INA;

(6) persons whose deportation has been withheld under section 243(h) or 241(b)(3) of the INA, as provided by section 5562 of the federal Balanced Budget Act of 1997;

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- (7) (a) veterans of the United States Armed Forces with an honorable discharge not related to their alien status;
- (b) Filipino war veterans who fought under U.S. command during WWII;
- (c) Hmong and Highland Lao veterans who are admitted for legal permanent residence (LPR) and who fought under U.S. command during the Vietnam War;
- (d) persons with alien status on active duty in the U.S. Armed Forces, other than active duty for training; or
- (e) the spouse, unremarried surviving spouse, or unmarried dependent children of the alien described in 130 CMR 518.002(B)(7)(a) through (d);
- (8) aliens or their unmarried dependent children, as defined in federal law, who have been subjected to battery or extreme cruelty by their spouse, parent, sponsor, or a member of their household, and who no longer live in the same household as the batterer;
- (9) persons who entered as Cuban/Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980;
- (10) native Americans with at least 50 percent American Indian blood who were born in Canada pursuant to section 289 of the INA or other tribal members born in territories outside of the U.S. pursuant to 25 U.S.C. 450b(e);
- (11) Amerasians admitted pursuant to section 584 of Public Law 100-202; or
- (12) victims of severe forms of trafficking.

(C) Protected Alien. Aliens who are not qualified aliens but who are aliens with special status or nonqualified aliens, as described at 130 CMR 518.002(D) and (E), are considered protected aliens and may receive MassHealth regardless of immigration status, if they meet one of the following conditions and are otherwise eligible. This status continues until a determination of ineligibility due to failure to meet categorical or financial eligibility requirements has been made.

- (1) They were receiving medical assistance on June 30, 1997.
- (2) They had a long-term-care application pending on July 1, 1997.
- (3) They lived in a long-term-care facility on June 30, 1997, but had not yet applied for MassHealth.

(D) Alien with Special Status. Certain aliens who are not qualified aliens are afforded eligibility for MassHealth based on provisions of state law as described in 130 CMR 518.002(D). The following are aliens with special status:

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(1) persons permanently living in the United States under color of law (PRUCOLs) as described in 42 CFR 435.408(b)(3) through (7), (b)(10) through (14), and (b)(16), which includes the following:

- (a) aliens living in the United States in accordance with an indefinite stay of deportation;
- (b) aliens living in the United States in accordance with an indefinite voluntary departure;
- (c) aliens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the United States Department of Homeland Security (DHS) does not contemplate enforcing;
- (d) aliens who have filed applications for adjustment of status that the DHS has accepted as "properly filed," and whose departure the DHS does not contemplate enforcing;
- (e) aliens granted stays of deportation by court order, statute, or regulation, by individual determination of the DHS, or relevant DHS instructions, and whose departure the DHS does not contemplate enforcing;
- (f) aliens granted voluntary departure by the DHS or an Immigration Judge, and whose deportation the DHS does not contemplate enforcing;
- (g) aliens granted deferred action status;
- (h) aliens living under orders of supervision;
- (i) aliens who have entered and continuously lived in the United States since before January 1, 1972;
- (j) aliens granted suspension of deportation, and whose departure the DHS does not contemplate enforcing; or
- (k) any other aliens living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include permanent nonimmigrants as established by Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based on a determination by the Secretary of State.);

(2) persons who are not otherwise defined as qualified aliens under 130 CMR 518.002(B), as follows:

- (a) persons admitted for legal permanent residence (LPR) under the INA;
- (b) persons granted parole for at least one year under section 212(d)(5) of the INA; and
- (c) conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980.

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(E) Nonqualified Alien. Aliens whose status is not described in 130 CMR 518.002(B), (C), or (D) are considered nonqualified aliens.

(F) Applicable Coverage Types.

(1) Citizens, qualified aliens, and protected aliens may receive MassHealth under any coverage type for which they are eligible.

(2) Aliens with special status may not receive coverage under MassHealth Standard, Buy-In, Senior Buy-In, or CommonHealth. However, they may be eligible for MassHealth Essential if they meet the eligibility requirements in 130 CMR 519.013 and MassHealth Limited if they meet the eligibility requirements of Essential at 130 CMR 519.013.

(3) Nonqualified aliens may receive only MassHealth Limited if they meet the eligibility requirements at 130 CMR 519.009.

(G) Verification of Immigration Status.

(1) A determination of eligibility is made as of the date the application and all required information, except verification of immigration status, is received by MassHealth.

(2) MassHealth submits the names of qualified aliens to the DHS for confirmation of immigration status.

(3) MassHealth requests verification of immigration status subsequent to the eligibility determination from the following:

(a) qualified aliens who did not submit verification of their immigration status with the application, and for whom the DHS has been unable to confirm their status as described at 130 CMR 518.002(G)(2); and

(b) aliens with special status who did not submit verification of their immigration status with the application.

(4) Aliens who fail to submit verification of their immigration status, as described in 130 CMR 518.002(A), (B), and (G), within 30 days of MassHealth's information request will subsequently be

(a) eligible only for MassHealth Limited if they meet the categorical requirements and financial standards of MassHealth Standard; or

(b) ineligible for any MassHealth coverage type if not otherwise eligible for MassHealth Standard.