CITIZENSHIP AND IMMIGRATION


1. Policy Statement

In order to be eligible for TennCare Medicaid or CoverKids, an individual must be a:

   a. United States (U.S.) citizen;
   b. U.S. national; or
   c. Qualified non-citizen who meets the eligibility conditions associated with specific immigration statuses. See the Qualified Non-Citizens policy.

Individuals declaring U.S. citizenship or immigration status must have such declarations verified by TennCare in order to receive TennCare Medicaid or CoverKids. Individuals who are not U.S. citizens, but have been granted the right to reside in the U.S. will have an immigration status. If TennCare is unable to verify a declaration of U.S. citizenship or immigration status using an electronic data source, the individual must provide satisfactory documentary evidence of citizenship or immigration.

Declarations of citizenship or immigration status must be made by either the individual, an adult member of the individual’s household, an authorized representative, or if the individual is a minor or incapacitated, someone acting responsibly for the applicant provided that such individual attests to having knowledge of the individual’s status.

2. Definitions

   a. U.S. Citizen: An individual who was born in:

      i. The U.S.;
      ii. Puerto Rico;
      iii. Guam;
      iv. The U.S. Virgin Islands; or
      v. The Commonwealth of the Northern Mariana Islands.

   b. U.S. National: An individual who was born in the:

      i. American Samoa; or
      ii. Swains Island.

naturalization and, if eligible, become citizens through the court.

d. **Derived Citizen:** An individual who was adopted by or born abroad to at least one U.S. citizen parent. Citizenship may be conveyed to children through the naturalization of parents, to foreign-born children adopted by U.S. parents, or through birth abroad to at least one U.S. citizen parent.

e. **Child Citizenship Act of 2000:** According to the Child Citizenship Act of 2000, a child born outside of the U.S. to a citizen parent or adopted from abroad by a U.S. citizen parent automatically becomes a citizen of the U.S. when all of the following have been met on or after February 27, 2001:

   i. At least one parent of the child is a U.S. citizen, whether by birth or naturalization;
   ii. The child is under 18 years of age;
   iii. The child is lawfully admitted for permanent residence to the U.S. and is residing in the legal and physical custody of the citizen parent. The child will have either a permanent resident card (i.e., green card) or an I-551 stamp on her passport. The child may or may not have a certificate of citizenship; and
   iv. If adopted, the adoption is final.

f. **Qualified Non-Citizen:** An individual whose immigration status is included in one of the following groups (see Qualified Non-Citizens policy):

   i. Qualified non-citizens, as defined by the Personal Responsibility and Work Opportunity Act of 1996 (8 USC 1641);
   ii. Certain American Indians born outside of the U.S.; or
   iii. Non-citizens granted a certain humanitarian immigration status.

3. **Exempt Groups**

   TennCare accepts declarations of U.S. citizenship from the following individuals without verification:

   a. Individuals receiving Supplemental Security Income (SSI) benefits;
   b. Individuals entitled to or enrolled in any part of Medicare;
   c. Individuals receiving Social Security benefits based on their disability;
   d. Individuals to whom child welfare services are made available based on the child being in foster care, or receiving adoption assistance or foster care assistance; and
   e. Newborns who are eligible for Medicaid on the basis of being born to a mother who was eligible for and receiving TennCare Medicaid at the time of birth. A newborn who is deemed eligible and enrolled in Medicaid is exempt from citizenship verification requirements for the rest of her life. This exemption applies to individuals enrolled as deemed newborns in other states.

   Note: Pregnant women eligible for the CoverKids maternity benefits and pregnancy related services are not required to attest to citizenship or immigration status.
4. Verification of U.S. Citizenship and Immigration Status

a. Overview

Declarations of U.S. citizenship and immigration status must be accepted and then verified using an electronic data match with the Social Security Administration (SSA) or U.S. Department of Homeland Security. Federal law requires that the state first attempt to electronically verify citizenship and immigration status using the Federal Data Services Hub (the Hub). When unable to electronically verify citizenship or immigration status of an individual, the individual must provide satisfactory documentary evidence to TennCare.

Verification of U.S. citizenship is a one-time requirement. Once U.S. citizenship has been verified, it will be recorded in the individual’s case and the state cannot request verification again, even if there is a break in coverage. Verification of immigration status is also a one-time requirement, unless the individual attests to, or TennCare receives information indicating, a change in status.

b. Electronic Verification of U.S. Citizenship and Immigration Status

i. Federal Data Services Hub

1. Applicant Attesting to U.S. Citizenship (Citizenship by Birth)

Confirmation of citizenship status by the SSA via the Hub is considered stand-alone evidence of citizenship. Applicants whose citizenship is confirmed via the Hub are not required to submit additional documentation of citizenship status.

2. Applicant Attesting to U.S. Citizenship (Naturalized and Derived Citizens)

Naturalized or derived citizens will have their citizenship status verified by the U.S. Department of Homeland Security via the Hub, if available. Applicants must provide their Alien Registration Number and information from their Naturalization Certificate or Certificate of Citizenship. Verification of citizenship status by the U.S. Department of Homeland Security via the Hub is considered stand-alone evidence of citizenship. Applicants whose citizenship is confirmed via the Hub are not required to submit additional documentation of citizenship status.

3. Applicant Attesting to Eligible Immigration Status

Applicants who are able to provide a U.S. Department of Homeland Security Alien Registration Number and/or other immigrant documentation numbers may have their immigration status verified by the U.S. Department of Homeland Security via the Hub. Electronic verification of immigration status by the U.S. Department of
Homeland Security is considered stand-alone evidence. Applicants whose immigration status is verified via the Hub are not required to submit additional information.

c. **Documentary Evidence of Citizenship**

When unable to verify citizenship or immigration status using electronic data sources, the individual must promptly provide satisfactory documentary evidence of citizenship status. Section 1903(x) of the Social Security Act requires that specific documentation be used to verify citizenship status, according to the reliability of the document (42 USC 1396b(x)).

Stand-alone evidence of citizenship is documentary evidence that must be accepted without any additional evidence of identity. If stand-alone evidence of citizenship cannot be provided, the second level of citizenship evidence must be accepted if the applicant also provides sufficient evidence of identity.

A photocopy, facsimile, scanned, or other copy of a document must be accepted to the same extent as an original document under this section, unless information on the submitted document is inconsistent with other information available or there is reason to question the validity of the document or information on the document.

i. **Stand-alone Evidence of Citizenship**

The following must be accepted as sufficient evidence of citizenship:

1. A U.S. passport, including a U.S. passport card issued by the U.S. Department of State, without regard to any expiration date as long as such passport or card was issued without limitation;
2. A Certificate of Naturalization;
3. A Certificate of U.S. Citizenship;
4. An enhanced driver’s license issued by Michigan, Minnesota, New York, Vermont, or Washington;
5. A data match with the SSA; and
6. Documentary evidence issued by a federally recognized Indian Tribe, as published by the Bureau of Indian Affairs within the U.S. Department of the Interior, and including Tribes located in a state that has an international border, which:

   a. Identifies the federally recognized Indian Tribe that issued the document;
   b. Identifies the individual by name; and
   c. Confirms the individual’s membership, enrollment, or affiliation with the Tribe.

Documents described in this subsection include, but are not limited to: a tribal enrollment card, Certificate of Degree of Indian Blood, Tribal Census Document, and documents on tribal letterhead, issued under the signature of the appropriate tribal
official that provide the required information.

ii. Evidence of Citizenship

If an applicant does not provide stand-alone documentary evidence, the following must be accepted as satisfactory evidence to establish citizenship if also accompanied by acceptable evidence of identity:

1. A U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S., American Samoa, Swains Island, or the Commonwealth of the Northern Mariana Islands (CNMI) (after November 4, 1986). The birth record document may be issued by a state, commonwealth, territory, or local jurisdiction. If the document shows the individual was born in Puerto Rico or the CNMI before these areas became part of the U.S., the individual may be a collectively naturalized citizen. The following will establish U.S. citizenship for collectively naturalized individuals:
   a. Puerto Rico:
      i. Evidence of birth in Puerto Rico and the applicant’s statement that he was residing in the U.S., a U.S. possession, or Puerto Rico on January 13, 1941.
   b. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):
      i. 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 applicant’s statement that he did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
      ii. Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration before January 1, 1975, and the applicant’s statement that he did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
      iii. Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant’s statement that he 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.
2. A cross match with a state Vital Statistics agency documenting a record of birth;
3. A Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.;
5. A Certification of Birth in the U.S.;
6. A U.S. Citizen I.D. card;
7. A Northern Marianas Identification Card issued by the U.S. Department of Homeland Security (or predecessor agency);
8. A final adoption decree showing the child’s name and U.S. place of birth, or if an adoption is not final, a statement from a state-approved adoption agency that
shows the child’s name and U.S. place of birth;
9. Evidence of U.S. Civil Service employment before June 1, 1976;
10. U.S. Military Record showing a U.S. place of birth;
11. A data match with the SAVE program or any other process established by the
U.S. Department of Homeland Security to verify that an individual is a citizen;
12. The following documentation demonstrating that a child meets the requirements of
Section 101 of the Child Citizenship Act of 2000 as amended (8 USC 1431):
a. The child’s birth certificate or record;
b. Marriage certificate of child’s parents (if applicable);
c. If the child’s parents were married before their marriage to each other, proof of
termination of any previous marriage of each parent (e.g., death certificate or
divorce decree);
d. Evidence of U.S. citizenship of parent, (i.e., birth certificate; naturalization
certificate; FS-240, Report of Birth Abroad; a valid unexpired U.S. passport; or
certificate of citizenship);
e. If the child was born out of wedlock, documents verifying legitimation according to
the laws of the child’s residence or domicile or father’s residence or domicile (if
applicable);
f. In case of divorce, legal separation, or adoption, documentation of legal custody;
g. Copy of Permanent Resident Card/Alien Registration Receipt Card or other evidence
of lawful permanent resident status (e.g. I-551 stamp in a valid foreign passport or
Service-issued travel document);
h. If adopted, a copy of the full, final adoption decree and, if the adoption was
outside of the U.S. and the child immigrated as an IR-3 (orphan adopted abroad by
U.S. citizen parent(s)), evidence that the foreign adoption is recognized by the state
where the child is permanently residing; and
i. Evidence of all legal name changes, if applicable, for the child and U.S. citizen
parent;
13. Medical records, including, but not limited to, hospital, clinic, or doctor records or
admission papers from a nursing facility, skilled care facility, or other institution
that indicate a U.S. place of birth;
14. Life, health, or other insurance record that indicates a U.S. place of birth;
15. Official religious record recorded in the U.S. showing that birth occurred in the U.S.;
16. School records, including pre-school, Head Start and daycare, showing the child’s
name and U.S. place of birth;
17. Federal or state census record showing U.S. citizenship or a U.S. place of birth; and
18. If the applicant does not have one of the documents listed in 1-17 of this section, she
may submit an affidavit signed by another individual under penalty of perjury who can
reasonably attest to the applicant’s citizenship, and that contains the applicant’s
name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

iii. Evidence of Identity

1. TennCare must accept the following as proof of identity, provided such document
has a photograph or other identifying information including, but not limited to, name, age, sex, race, height, weight, eye color, or address:
a. A driver’s license issued by a state or territory;
b. A school identification card;
c. A voter’s registration card;
d. A U.S. military card or draft record;
e. An identification card issued by the federal, state or local government;
f. A military dependent’s identification card;
g. A U.S. Coast Guard Merchant Mariner card;
h. For children under age 19, a clinic, doctor, hospital, or school record, including preschool or day care records; and
i. Two documents containing consistent information that corroborates an applicant’s identity. Such documents include, but are not limited to, employer identification cards, high school and college diplomas (including high school equivalency diplomas), marriage certificates, divorce decrees, and property deed or titles.

2. Finding of identity from a federal or state governmental agency. TennCare may accept as proof of identity a finding of identity from a federal agency or another state agency, including, but not limited to, a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.

3. If the applicant does not have any documents listed in this section and identity is not verified by another agency, the applicant may submit an affidavit signed, under penalty of perjury, by another person who can reasonably attest to the applicant’s identity. Such affidavit must contain the applicant’s name and other identifying information. The affidavit does not have to be notarized.

iv. Verification of citizenship by a federal agency or another state

TennCare may rely, without further documentation of citizenship or identity, on a verification of citizenship made by a federal agency or another state agency, if such verification was done on or after July 1, 2006.

v. Assistance with obtaining documentation

The state must provide assistance to applicants who need assistance in securing satisfactory documentary evidence of citizenship in a timely manner.

d. Documentary Evidence of Immigration Status

When unable to verify immigration status using electronic data sources, the applicant must promptly provide satisfactory documentary evidence of immigration status. The United States
Citizenship and Immigration Services (USCIS) has several types of documents that a non-citizen might have to verify her status. These documents include, but are not limited to, the following:

i. A Permanent Resident Card (I-551) or “Green Card” - Issued to eligible immigrants who enter the U.S. to permanently live;

ii. A Permanent Resident Re-entry Permit (I-327) - Allows permanent residents to leave and re-enter the U.S.;

iii. A Refugee Travel Document (I-571) - Issued to refugees and asylees for travel purposes;

iv. A Temporary I-551 Stamp (on passport or I-94, I-94A) - A temporary I-551 stamp will have a handwritten or stamped issue date and a “valid until” date. Temporary I-551 stamps can be used to attest to permanent resident status;

v. A foreign passport stamped by the U.S. Government indicating that the holder has been “Processed for I-551”;

vi. A machine readable immigrant visa (with temporary I-551 language) - Indicates permanent resident status;

vii. An Arrival/Departure Record (I-94, I-94A) Form I-94 stamped with one of the following statuses: Asylee, Parolee or Parole, Refugee, Asylum, humanitarian parolee, or public interest parolee;

viii. A court order stating that deportation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act (8 USC 1253);

ix. A Notice of Action (I-797) - A form of communication from USCIS about immigration benefits;

x. Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada;

xi. Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR); and

xii. Office of Refugee Resettlement (ORR) eligibility letter (if under 18).

A non-citizen may contact USCIS or otherwise obtain the necessary verification.

5. Reasonable Opportunity for Verification of Citizenship and Immigration

a. Overview

When an applicant makes a declaration of U.S. citizenship or satisfactory immigration status and the applicant’s citizenship or immigration status cannot be promptly verified using an electronic data source or acceptable documentary evidence, TennCare will grant the applicant a period of reasonable opportunity to secure valid verification. The Reasonable Opportunity Period (ROP) begins on the date of application and extends 90 days from the date the applicant receives notice of the reasonable opportunity. The date on which the applicant receives notice is considered to be 5 days after the date on the notice, unless the individual shows that he did not receive the notice within the 5-day period.

Current enrollees may be granted an ROP to secure documentary evidence of citizenship or
satisfactory immigration status. An enrollee is not required to re-verify citizenship or immigration status unless he reports a change or TennCare becomes aware of a change in the individual’s status, and the enrollee’s citizenship or immigration status cannot be verified using an electronic data source or by acceptable documentary evidence. For current enrollees, the 90-day ROP will begin on the date that the enrollee receives notice of the ROP. The date on which the enrollee receives notice is considered to be 5 days after the date on the notice, unless the individual shows that he did not receive the notice within the 5-day period.

During the ROP, TennCare must accept a declaration of citizenship or immigration. TennCare must not delay, reduce, or terminate benefits for an applicant who is otherwise TennCare Medicaid- or CoverKids-eligible during this period.

If an applicant must provide information in addition to verification of citizenship, for example, verification of residence, she has 10 days from the day on which the notice is received to return the additional information. If verification of residence is provided within the 10 days, but verification of citizenship remains outstanding, a period of reasonable opportunity for verification of citizenship will be invoked.

b. Reasonable Opportunity Period

During the ROP, the state must assist the applicant with securing acceptable verification. This may include, but is not limited to:

i. Assisting the individual in obtaining a Social Security Number;

ii. Attempting to resolve any inconsistencies, including typographical or other clerical errors, between information provided by the individual and data from an electronic data source, and resubmit corrected information to the electronic data source;

iii. Providing the individual with information on how to contact the source of the electronic data so that he can attempt to resolve such inconsistencies; and

iv. Permitting the individual to provide other documentation of citizenship or immigration status, as listed in this section.

If satisfactory citizenship or immigration verification is received by the 90th day, the individual’s eligibility will continue based on the initial application date and no additional action will be taken.

If citizenship or immigration verification is received during the 90-day ROP that shows that the individual is not a U.S. citizen or an eligible immigrant, eligibility may be terminated. If satisfactory citizenship or immigration verification is not received by the 90th day, eligibility will be terminated.
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