

Trans. by E.L. ~~404DR~~MASSHEALTH
CITIZENSHIP AND IMMIGRATIONChapter 504
Page 504.001Rev. ~~07/14/03DR~~504.001: Introduction

Persons applying for or receiving MassHealth must verify their citizenship and identity or immigration status.

504.002: Requirements(A) Citizen.

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

(1a) an individual born in the United States or its territories, including Puerto Rico, the Virgin Islands, ~~and~~ 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;

(2b) 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; ~~or~~

(3c) a naturalized citizen; or

(d) a national (both citizen and non-citizen national)

(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). 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. 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. Citizens and nationals who receive SSI or Medicare or are entitled to Medicare do not need to submit verification. Acceptable verifications are:

(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).

(3) Acceptable Proof of Citizenship (Levels 2 Through 4). The following documents may be accepted as proof of citizenship, but not identity. These verifications of citizenship are listed in descending level 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.

(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 issued before the individual was aged five;

(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; or

(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).

(b) Level 3.

(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; or

(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.

(c) Level 4.

(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 or

other institution;

(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 which shows a U.S. place of birth: Seneca or Navajo Indian tribal census records, U.S. vital statistics official notification of birth registration, an amended U.S. public birth record that is amended more than five years after the person's birth, or a physician or midwife statement who was in attendance at the birth; or

(v) written affidavit when there is no other verification. An affidavit should only be used 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(s) 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). 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. The following are acceptable proofs of identity:

(a) current 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) for children under age 16, the following may also be acceptable documentation of identity:

(i) nursery-school or day-care records with a picture; or

(ii) a parental or guardian affidavit attesting to the child's date and place of birth signed under penalty of perjury (cannot be used if affidavit was provided for citizenship).

(B) Qualified Alien. The following persons are considered qualified aliens for the purposes of MassHealth eligibility. 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), and (3).

- (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.
- (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.
 - (e) The spouse, unremarried surviving spouse, or unmarried dependent children of the alien described in 130 CMR 504.002(B)(7)(a) through (d).

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(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 only receive MassHealth Limited if otherwise eligible for MassHealth Standard.

(4) Aliens with special status are not eligible for MassHealth Basic.

(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:

(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, citizens, or nationals who fail to submit verification of their immigration status or citizenship and identity, as described in 130 CMR 504.002(~~G~~)(~~3~~)(A), (B), and (G), within 60 days of the MassHealth agency's Request for Information will subsequently be: ineligible for any MassHealth coverage type.

~~(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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CITIZENSHIP AND IMMIGRATIONChapter 518
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Persons applying for or receiving MassHealth must verify their citizenship and identity or immigration status.

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

(a) an individual 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)

(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). 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. 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. Citizens and nationals who receive SSI or Medicare or are entitled to Medicare do not need to submit verification. Acceptable verifications are:

(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).

(3) Acceptable Proof of Citizenship (Levels 2 Through 4). The following documents may be accepted as proof of citizenship, but not identity. These verifications of citizenship are listed in descending level 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.

(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 issued before the individual was aged five;

(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; or

(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).

(b) Level 3.

(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; or

(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.

(d) Level 4.

(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 or other institution;

(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 which shows a U.S. place of birth: Seneca or Navajo Indian tribal census records, U.S. vital statistics official notification of birth registration, an amended U.S. public birth record that is amended more than five years after the person's birth, or a physician or midwife statement who was in attendance at the birth; or

(v) written affidavit when there is no other verification. An affidavit should only be used 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(s) 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). 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. The following are acceptable proofs of identity:

(a) current 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;

(h) U.S. Coast Guard Merchant Mariner card;

(i) for children under age 16, the following may also be acceptable documentation of identity:

(i) nursery-school or day-care records with a picture; or

(ii) a parental or guardian affidavit attesting to the child's date and place of birth (cannot be used if affidavit was provided for citizenship).

~~(A) Citizen. A citizen of the United States is:~~

~~(1) an individual born in the United States or its territories including Puerto Rico, the Virgin Islands, and Guam;~~

~~(2) an individual born of a parent who is a U.S. citizen; or~~

~~(3) a naturalized citizen.~~

(B) Qualified Alien. The following persons are considered qualified aliens for the purposes of MassHealth eligibility. 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), and (3).

(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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(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 only receive 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:
 - (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, citizens, and nationals who fail to submit verification of their immigration status or citizenship and identity as described in 130 CMR 518.002(A), (B), and (G)(3) within ~~60~~30 days of MassHealth's information request are subsequently eligible only for MassHealth Limited if they meet the eligibility requirements of 130 CMR 519.009.