

Programs, Benefits and Services Available to Citizens and/or Other Persons Legally Residing in the U.S and Colorado

Updated Oct 2006

On February 8, 2006, the Federal Budget Reduction Act of 2005 (FBDRA) was signed into law. This new federal law requires that in order for individuals to be eligible for Medicaid they must verify their citizenship and identity.

On July 31, 2006, Colorado House Bill (HB) 1023 was signed into law requiring individuals (18 years and older) applying for certain public financial assistance programs to also provide proof of their lawful presence in the U.S. in order to be eligible to receive assistance.

What does all this mean? Simply, people who are applying or recertifying for government assistance must provide proof in various forms that they are:

- 1) Who they say they are (that's the identity part); and
- 2) Living legally in the U.S. (that covers the lawful presence or citizenship in the U.S.)

The second piece of the new laws was to identify which documents would be acceptable forms of proof. As an individual applies or recertifies for government assistance, they now need to present specific information. The table below provides examples of the documents required by the laws.

Shortly after HB 1023 was signed into law, officials realized that many of the people in need of financial support would not have the identified documents on hand when applying and would therefore be unable to receive their benefits. To temporarily alleviate this problem and allow people time to comply with the new requirements, the Colorado Department of Revenue created "Emergency Rules for the Evidence of Lawful Presence". These alternatives will only be allowed until March 1, 2007. At that point, all individuals must meet HB 1023 requirements.

Programs Not Affected:

Neither the FBDRA nor HB1023 affects:

Adult Protective Services

Child Care

Food Assistance (Food Stamps)

Low-Income Energy Assistance - Crisis Intervention Program only

Medicare

Needy Newborns (Child under the age of one year)

Social Security Income

Federal Budget Deficit Reduction Act (FBDRA) Documentation Requirements for Applicants and Recipients

<u>Program</u>	<u>Changes with FBDRA Eligibility and Documentation</u>
Medicaid	Specific documentation required for anyone any age unless the child qualifies as a needy newborn; one from List A; or one from List B, C, D, or F; and one from List E
Child Welfare	Specific documentation is required for non-IVE eligible children in out of home placement.

House Bill (HB) 1023 Documentation Requirements for Applicants and Recipients

<u>Program</u>	<u>Changes with HB 1023 Eligibility and Documentation</u>
Aid to the Needy Disabled & Aid to the Blind, State	Specific documentation required: Age 18 years and above must provide: one from List G; or H (until 3/1/07); and a signed Affidavit
Foster Parents & Adoptive Parents	
General Assistance	
Low Energy Assistance Program (LEAP)	
Old Age Pension State Financial and Health Plan	
Temporary Assistance to Needy Families (TANF)	
Child Healthcare Plan Plus (CHP+)	Specific documentation required: Age 18 years old until they turn 19 and off CHP+ must provide: one from List G; or H (until 3/1/07); and a signed affidavit

Federal Budget Deficit Reduction Act

Documents Establishing U.S. Citizenship and Identity

List A

Primary Documents to Establish Both U.S. Citizenship and Identity

The following documents establish **both** U.S. citizenship and identity. An individual needs to provide only **ONE** of the following documents to meet the documentation requirement:

PRIMARY DOCUMENTATION (If an applicant presents a document from this list, no other materials are required.)

- The following forms of documentation qualify for both proof of **identification** and **citizenship**:
 - ✓ A U.S. Passport
 - ✓ A Certificate of Naturalization (DHS Forms N-550 or N-570)
 - ✓ A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)

Note: Applicants or recipients born outside the United States who were not citizens at birth must submit a document listed in List B to satisfy the citizenship documentation requirement.

List B

Secondary Documents to Establish U.S. Citizenship

The following documents establish an individual's U.S. citizenship. An individual must provide one document from List B **and** one document from List E to satisfy the documentation requirement. This List should only be used if the individual does not have a document listed in List A.

SECONDARY DOCUMENTATION

- ✓ A U.S. Birth Certificate
- ✓ A certification of birth issued by the Department of State (Form DS-1350)
- ✓ A Report of Birth Abroad of a U.S. Citizen (Form FS-240)
- ✓ A Certification of Birth Abroad (FS-545)
- ✓ A U.S. Citizen I.D. Card (DHS Form I-197 or prior version I-179)
- ✓ An 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)
- ✓ Final adoption decree
- ✓ Evidence of civil service employment by the U.S. government before June 1976.
- ✓ An official military record of service showing a U.S. place of birth.
- ✓ A Northern Mariana Identification Card, I-873 (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986)

Federal Budget Deficit Reduction Act Documents Establishing U.S. Citizenship

List C

Third Level Documents to Establish U.S. Citizenship

The following documents establish an individual's U.S. citizenship. An individual must provide one document from List C **and** one document from List E to satisfy the documentation requirement. This List should only be used if the individual does not have a document listed in Lists A or B.

THIRD LEVEL DOCUMENTATION

(This must only be used when primary evidence cannot be obtained within the State's reasonable opportunity period; secondary evidence does not exist or cannot be obtained. A second document proving identity must also be presented.)

- The following forms of documentation qualify for proof of **citizenship ONLY**:
 - ✓ Extract of a hospital record on hospital letterhead established at the time of the person's birth and was created at least 5 years before the initial application date and that indicates a U.S. place of birth. (for children under 16 the document must have been created at or near the time of birth or 5 years before the date of application)
 - ✓ Life or health or other insurance record showing a U.S. place of birth and was created at least 5 years before the initial application day.

List D

Fourth Level Documents to Establish U.S. Citizenship

The following documents establish an individual's U.S. citizenship. An individual must provide one document from List D **and** one document from List E to satisfy the documentation requirement. This List should only be used if the individual does not have a document listed in Lists A, B, and C.

FOURTH LEVEL DOCUMENTATION

(This must only be used when primary evidence cannot be obtained within the State's reasonable opportunity period, secondary and third level evidence do not exist or cannot be obtained within the State's reasonable opportunity period. A second document proving identity must also be presented.)

- The following forms of documentation qualify for proof of **citizenship ONLY**:
 - ✓ Federal or state census record showing U.S. citizenship or a U.S. place of birth.
 - ✓ Institutional admission papers from a nursing home, skilled nursing care facility or other institution and was created at least 5 years before the initial application date and indicates a U.S. place of birth.

(List D continues on next page)

Federal Budget Deficit Reduction Act

Documents Establishing U.S. Citizenship

List D Continued

Fourth Level Documents to Establish U.S. Citizenship

FOURTH LEVEL DOCUMENTATION

(This must only be used when primary evidence cannot be obtained within the State's reasonable opportunity period, secondary and third level evidence do not exist or cannot be obtained within the State's reasonable opportunity period. A second document proving identity must also be presented.)

○ The following forms of documentation qualify for proof of **citizenship ONLY**:

- ✓ Medical (clinic, doctor, or hospital) record created at least 5 years before the initial application date that indicates a U.S. place of birth. (For children under 16 the document must have been created near the time of birth or 5 years before the date of application). Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.
- ✓ Other documents that were created at least 5 years before the application for Medicaid. These documents include: Seneca Indian tribal census report, Bureau of Indian Affairs tribal census records of the Navajo Indians, U.S. State Vital Statistics Official nomination of birth registration, an amended U.S. public birth record that is amended more than 5 years after the person's birth or a statement signed by the physician or midwife who was in attendance at the time of birth.
- ✓ Written affidavit – which may be used only in rare circumstances when the state cannot prove evidence of citizenship in any other way. Affidavits must be given by at least two individuals – one must be of no relation to the applicant. Each person must attest to having personal knowledge of the events establishing the applicant is a citizen, and must also prove their own citizenship and identity. If the person knows why documentary evidence establishing the applicant's claim of citizenship is not available, the affidavit should contain that information as well. The State must obtain a separate affidavit from the applicant/recipient or other knowledgeable individual explaining why the evidence does not exist or cannot be obtained. It must be signed under penalty of perjury by the person making the affidavit.

Federal Budget Deficit Reduction Act Documents Establishing U.S. Identity

List F

Evidence of Identity

The following documents establish an individual's identity. An individual must provide one document from List F **and** one document from List B, C, or D to satisfy the documentation requirement.

- The following forms of documentation qualify for proof of **identification** and must accompany a document establishing citizenship from the groups of documentary evidence of citizenship:
 - ✓ A Current State or Territory driver's license bearing the individual's picture or other identifying information such as name, age, sex, race, height, weight, or eye color.
 - ✓ Certificate of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.
 - ✓ Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.
 - ✓ School identification card with a photograph of the individual.
 - ✓ U.S. military card or draft record.
 - ✓ Identification card issued by the Federal, State, or local government with the same information included on the driver's license.
 - ✓ Military dependent's identification card.
 - ✓ Native American Tribal document
 - ✓ U.S. Coast Guard Merchant Mariner card.
 - ✓ At State option, a State may use a cross match with a Federal or State governmental, public assistance, law enforcement or corrections agency's data system to establish identity if the agency establishes and certifies true identity of individuals. Such agencies may include: food stamps, child support, corrections, including juvenile detention, motor vehicle, or child protective services. The State Medicaid Agency is still responsible for assuring the accuracy of the identity determination.

Federal Budget Deficit Reduction Act Documents Establishing U.S. Citizenship

List E

Documents to Establish Citizenship for Collectively Naturalized Individuals

If an individual was born in Puerto Rico, 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. The following documents establish an individual's U.S. citizenship. An individual must provide one document from List E **and** one document from List F to satisfy the documentation requirement.

Puerto Rico
Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the US, a U.S. possession, or Puerto Rico on January 13, 1941; OR
Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.
US Virgin Islands
Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927; OR
The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; OR
Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory, or the Canal Zone on June 28, 1932.
Northern Mariana Islands (NMI) – formerly part of the Trust Territory of the Pacific Islands (TTPI)
Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on Nov. 3, 1986 NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on Nov. 4, 1986 NMI local time; OR
Evidence of TTPI citizenship, continuous residence in the NMI since before Nov. 3, 1981 NMI local time, voter registration prior to Jan. 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on Nov. 4, 1986 NMI local time; OR
Evidence of continuous domicile in the NMI since before Jan. 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on Nov. 4, 1986 NMI local time.

Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, the individual is not considered a U.S. citizen.

Colorado HB06-1023 Restrictions on Public Benefits Documents Establishing Lawful Presence in the United States

List G

Documents to Establish Lawful Presence

A person 18 years of age or more applying for Federal Public or State or Local Public Benefits shall verify the Lawful Presence in the U.S is required to:

(a) Produce:

- (I) A valid Colorado Driver's License or a Colorado Identification Card, issued pursuant to Article 2 of Title 42, C.R.S.; **or**
- (II) A United States Military Card or a Military Dependents Identification Card: **or**
- (III) A United States Coast Guard Merchant Mariner Card; **or**
- (IV) A Native American Tribal Document;

and

(b) Execute an affidavit stating:

- (I) That he or she is a United States Citizen or Legal Permanent Resident; **or**
- (II) That he or she is otherwise Lawfully Present in the United States pursuant to Federal Law.

**Colorado Department of Revenue
Emergency Rules for Evidence of Lawful Presence
Implementing the Provisions of Colorado Legislation HB06S-1023**

List H

Documents to Establish Lawful Presence

Alternative identification allowed until March 1, 2007 only, as follows:

- Certificate verifying naturalized status Issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;
- Certificate verifying United States citizenship issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;
- Valid drivers license or identification Card bearing Applicant's photograph issued by one of the following: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, and Wyoming;
- Valid Immigration Documents demonstrating Lawful Presence and verified through SAVE.
- Electronic Identification Indicator – An entry, valid until March 1, 2007, located in the Department's Driver's License System database that indicates either Applicant's lawful presence or insufficient evidence of lawful presence.