
**DEPARTMENT
POLICY**

In this item:

- INA refers to the Immigration and Nationality Act.
- USCIS refers to the U.S. Citizenship and Immigration Services, formerly the Bureau of Citizenship and Immigration or Immigration and Naturalization Service.
- SSA refers to the Social Security Administration.

All Programs

Determine the alien status of each non-citizen requesting benefits at application, member addition, redetermination and when a change is reported.

Note: For Child Development & Care (CDC), only determine the alien status of each child for whom care is requested, not other family members.

Exception: RSDI and SSI recipients, Medicare recipients, newborns (BEM 145), safe delivery babies, and children receiving Title IV-B services or Title IV-E adoption assistance or foster care payments are not required to verify U.S. citizenship.

FIP, SDA, CDC and FAP

If a group member is identified on the application as a U.S. citizen, do **not** require verification unless the statement about citizenship is inconsistent, in conflict with known facts or is questionable. The following are not sufficient reasons to question citizenship:

- General appearance of the applicant.
- Foreign accent.
- Inability to speak English.
- Employment as a migrant farmworker.
- Foreign-sounding name.

A person must be a U.S. citizen or have an acceptable alien status for the designated programs. See the CITIZENSHIP/ALIEN STATUS in this item. Persons who do not meet this requirement, **or who refuse to indicate their status**, are disqualified.

Others living with a person disqualified by this requirement can qualify for program benefits. However, the disqualified person's assets and income might have to be considered based on the program(s) requested; see BEM 210, 212 and 550.

Example: Fred and Sadie complete a DHS-1171, Assistance Application, to request FIP and FAP for **only** their two children born in the United States. Fred and Sadie are **not** applying for benefits for themselves and refuse to indicate their status, so they are disqualified. Do **not** require the parents to provide proof of their status or Social Security numbers. Fred and Sadie have no assets; however, since they are both working, they must provide proof of their income to determine eligibility for the children.

Non-immigrants (for example, students, tourists, etc.) and undocumented non-citizens are **not** eligible. A non-immigrant temporarily enters the U.S. for a specific purpose such as business, study, temporary employment, or pleasure. When a person is admitted to the United States, a USCIS official will assign a non-immigrant category according to the purpose of the visit.

CDC

Each child receiving day care paid through CDC must be a U.S. citizen or have an acceptable alien status; see the CITIZENSHIP/ALIEN STATUS in this item. Exclude a child's day care need if that child fails the requirement. Deny the application or close the case if all children needing care on the case fail the requirement.

MA

Citizenship/alien status is not an eligibility factor for emergency services only (ESO) MA. However, the person must meet all other eligibility factors, including residency; see BEM 220.

To be eligible for full MA coverage a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status.

U.S. citizenship must be verified with an acceptable document to continue to receive Medicaid; see BAM 130.

A person claiming U.S. citizenship is not eligible for ESO coverage.

The alien status of each non-citizen must be verified to be eligible for full MA coverage; see CITIZENSHIP/ALIEN STATUS in this item.

A child born to a woman receiving Medicaid is considered a U.S. citizen. No further documentation of the child's citizenship is required.

Exception: RSDI and SSI recipients, Medicare recipients, newborns (BEM 145), safe delivery babies, and children receiving Title IV-B services or Title IV-E adoption assistance or foster care payments are not required to verify U.S. citizenship.

MA coverage is limited to emergency services for any:

- Persons with certain alien statuses or U.S. entry dates as specified in policy; see CITIZENSHIP/ALIEN STATUS in this item.
- Persons refusing to provide citizenship/alien status information on the application.
- Persons unable or refusing to provide satisfactory verification of alien information.

Note: All other eligibility requirements including residency **must** be met even when MA coverage is limited to emergency services; see BEM 220.

CITIZENSHIP/ALIEN STATUS

All Programs

Persons listed under the program designations in Acceptable Status meet the requirement of citizenship/alien status. Eligibility may depend on whether or not the person meets the definition of Qualified Alien.

QUALIFIED ALIEN

All Programs

The definition of qualified alien includes specific alien statuses, but **not** all alien statuses. This definition is used in several of the acceptable alien statuses, in conjunction with other criteria. Not all acceptable alien statuses require that the person be a qualified alien.

Qualified alien means an alien who is:

- Lawfully admitted for permanent residence under the INA.

- Granted asylum under Section 208 of the INA.
- A refugee who is admitted to the U.S. under Section 207 of the INA; this includes Iraqi and Afghan special immigrants.
- Paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year.
- An alien whose deportation is being withheld under Section 241(b)(3) or 243(h) of the INA.
- Granted conditional entry pursuant to Section 203(a)(7) of the INA.
- A Cuban/Haitian entrant.
- An alien who has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or legal permanent resident spouse or parent, or by a member of the spouse's or parent's family living in the same household, or is the parent or child of a battered person.

ACCEPTABLE STATUS

FIP and FAP

- U.S. citizen (including persons born in Puerto Rico).
 - Children of U.S. citizens born abroad must meet the following criteria:
 - Two U.S. citizen parents in wedlock: One of the parents **MUST** have resided in the U.S. prior to the child's birth.
 - Child of one U.S. citizen and one alien parent in wedlock: the U.S. citizen was physically present in the U.S. for time period required by law at the time of the child's birth:
 - Birth on or after 11/14/1986: U.S. citizen's required time period is five years; two of the years must be after the age of 14.
 - Birth between 12/24/1952 and 11/13/1986: U.S. citizen's required time period is 10 years; five of the years must be after the age of 14.

- Child of only U.S. citizen father out of wedlock must meet each of the following criteria:
 - A blood relationship between the applicant and the father is established by clear and convincing evidence.
 - The father had the nationality of the U.S. at the time of the applicant's birth.
 - The father (unless deceased) had agreed in writing to provide financial support for the person until the applicant reached the age of 18.
 - While the person is under the age of 18:
 - Applicants are legitimated under the law of their residence or domicile.
 - Father acknowledges paternity of the person in writing under oath.
 - The paternity of the applicant is established by adjudication court.
- Child of U.S. citizen mother out of wedlock: the mother was a U.S. citizen at the time of the child's birth and the mother had previously been physically present in the U.S. or one of its outlying possessions for a continuous period of one year.

All Programs

- U.S. citizens (including persons born in Puerto Rico).
- See Exhibit IV, HOW TO BECOME A UNITED STATES CITIZEN, in this item.
- Persons born in Canada who are at least 50 percent American Indian.
- Member of a federally acknowledged American Indian tribe.
- **Qualified military alien**--a qualified alien on active duty in, or veteran honorably discharged from, the U.S. armed forces.

Active duty must **not** be for training, such as two weeks of active duty training for National Guard. Discharge must **not** have been due to alien status.

Veteran means a person who either:

- Served in the active military, naval or air service for the shorter of 24 months of continuous active duty or the full period for which he or she was called to active duty.
- Died while in the active military, naval or air service.
- Served in the military forces of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the U.S. during the period from July 26, 1941, through June 30, 1946.
- Served in the Philippine Scouts under Section 14 of the Armed Forces Voluntary Recruitment Act of 1945.
- A qualified alien spouse and unmarried qualified alien dependent child of a qualified military alien.

Note: Dependent child is a child claimed as a dependent on the qualified military alien's federal tax return and under 18, or under age 22 and a student regularly attending school.

Spouse includes the unremarried surviving spouse of a deceased qualified military alien. The marriage must fulfill one of the following:

- The spouse was married to the veteran for one year or more.
- A child was born to the spouse and veteran during or before the marriage.
- The spouse was married to the veteran within the 15-year period following the end of the period of service in which an injury or disease causing the death of the veteran was incurred or aggravated.
- Holder of one of the following immigration statuses:
 - Permanent resident alien with class code RE, AS, SI or SQ on the I-551 (former refugee or asylee).

Note: For FAP, clients who enter the U.S. with one of the following categories are eligible for the first seven years. If they adjust to another category which requires them to meet the five-year requirement, they are still eligible for the first seven years.

- Refugee admitted under INA Section 207.
- Granted asylum under INA Section 208.
- Cuban/Haitian entrant.
- Amerasian under P.L. 100-202 (class code AM on the I-551).
- Victim of trafficking under P.L. 106-386 of 2000; see VICTIMS OF TRAFFICKING in this item.
- Alien whose deportation (removal) is being withheld under INA Sections 241(b)(3) or 243(h).
- **For FIP**, eligibility is limited to five years following the date of the withholding order unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien.

FIP, SDA and MA

- Alien admitted into the U.S. with one of the following immigration statuses:
 - Permanent resident alien with a class code on the I-551 other than RE, AM or AS.
 - Alien paroled into the U.S. for at least one year under INA Section 212(d)(5).

Exception (both statuses above): The eligibility of an alien admitted into the U.S. on or after August 22, 1996, with one of these statuses is restricted as follows unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien:

- **For FIP**, an individual is disqualified for the first five years in the U.S.
- **For SDA**, an individual is disqualified.

- **For MA** an individual is limited to emergency services for the first five years in the U.S.
- Alien granted conditional entry under INA section 203(a)(7).
- Permanent resident alien with an I-151, Alien Registration Receipt Card. (not acceptable for MA verification)

FIP, MA and FAP

- An alien who has been battered or subjected to extreme cruelty in the United States or whose child or parent has been battered or subjected to extreme cruelty in the United States.

Exception: The eligibility of a battered alien admitted into the U.S. on or after August 22, 1996, is restricted as follows:

- **For FIP**, clients are disqualified for the first five years in the U.S.
- **For MA**, clients are limited to emergency services for the first five years in the U.S.
- **For FAP**, clients are disqualified unless they meet one of the applicable footnotes listed in Exhibit II- CITIZENSHIP/ALIEN STATUS TABLE at the end of this item.

An alien is considered a battered alien if all of the following conditions are met:

- The USCIS or the Executive Office of Immigration Review (EOIR) has granted a petition or found that a pending petition sets forth a prima facie case that the alien is eligible for legal permanent residents status (LPR) by way of being one of the following:
 - A spouse or child of a U.S. citizen or LPR.
 - The widow or widower or a U.S. citizen to whom the alien had been married for at least two years before the citizen's death.
 - A battered alien, or the alien parent of a battered child, or the alien child of a battered parent.
- The abuse was committed by the alien's spouse or parent, or by a member of the spouse or parent's family residing

in the same household as the alien, and the spouse or parent consented to such battery or cruelty (and if the victim was the alien's child, the alien did not participate in or condone the abuse).

- There is a substantial connection between the battery or extreme cruelty and the need for assistance.
- The battered alien, child or parent no longer lives in the same household as the abuser.

CDC

- Permanent resident alien (regardless of class code).
- Alien paroled into the U.S. under INA Section 212(d)(5)8USC for at least one year.
- Alien granted conditional entry under INA Section 203(a)(7).

MA

- Alien paroled into the U.S. for less than one year under INA Section 212(d)(5). Coverage is limited to emergency services only.
- Non-immigrant--an alien temporarily in the U.S. for a specific purpose (for example, student, tourist). The alien must not have exceeded the time period authorized by USCIS. For MA, coverage is limited to emergency services only.
- Person who does not meet any of the MA citizenship/alien statuses above--limited to coverage of emergency services only. This includes, for example, undocumented aliens and non-immigrants who have stayed beyond the period authorized by USCIS.

SDA and FAP

- Permanent resident alien (regardless of class code) meeting the Social Security Credits (SSC) requirement; see SOCIAL SECURITY CREDITS in this item.

Note: A qualified military alien, spouse or dependent child, regardless of date of entry or class code, need not meet the SSC requirement.

Note: For FAP, a qualified alien who has been in the U.S. for five years need not meet the SSC requirement.

SDA

- A qualified alien who was receiving SSI on August 22, 1996.
- A qualified alien who was lawfully residing in the U.S. (see below) on August 22, 1996, and is now blind or disabled according to SSI standards.

FAP

- A qualified alien who was lawfully residing in the U.S. on August 22, 1996, and was 65 years of age or older on August 22, 1996.
- A person who is lawfully residing in the U.S. and was a member of a Hmong or Highland Laotian tribe at the time that the tribe assisted U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975, or is either:
 - The unmarried dependent child of such Hmong or Highland Laotian who is under the age of 18 or if a full-time student under the age of 22; an unmarried child under the age of 18 or if a full-time student under the age of 22 of such a deceased Hmong or Highland Laotian provided the child was dependent upon them at the time of their death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday.
 - The spouse, or surviving spouse of such a person who is deceased.
- A person lawfully residing in the U.S. and disabled now. Disabled means:
 - Receives SSI, RSDI, MA, or Railroad Retirement benefits based on disability or blindness.
 - Is a veteran with a disability rated or paid as total by the Veterans Administration (VA).
 - Is a veteran or the surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound.

- Is a surviving child of a veteran and considered by the VA to be permanently incapable of self-support.
- Is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service-connected death and has a permanent disability.
- Persons who have lived in the U.S. as a qualified alien for at least five years since their date of entry.

Note: An alien who is eligible for FAP under a status that doesn't require five years U.S. residence who later adjusts to a status that is subject to the five-year limit continues to be eligible.

- A qualified alien who is under 18 years of age.

LAWFULLY RESIDING IN THE U.S.

A person is (or was) lawfully residing in the U.S. if he or she meets (or met) one of the following criteria:

- Is a **qualified alien**.
- Has been inspected and admitted to the U.S. and has not violated the terms of the status under which the individual was admitted or to which he or she has changed after admission.
- Has been paroled into the U.S. pursuant to Section 212(d)(5) of the INA for at least one year or was either:
 - Paroled for deferred inspection or pending exclusion proceedings under 236(a) of the INA.
 - Paroled into the U.S. for prosecution under 8 CFR 212.5(a)(3).
- Is in temporary resident status under Section 210 or 245A of the INA.
- Is under temporary protected status under Section 244A of the INA.

- Is a family unity beneficiary under Section 301 of P.L. 101-649, as amended.
- Is under deferred enforced departure pursuant to a decision made by the president of the United States.
- Is in deferred action status pursuant to service operations instructions at OI 242.1(a)(22).
- Is the spouse or child of a U.S. citizen whose visa petition has been approved and who has a pending application for adjustment of status.
- Is an applicant for asylum under Section 208(a) of the INA.
- Is an applicant for withholding of deportation under Section 243(h) of the INA who has been granted employment authorization.
- Is an applicant for asylum or withholding of deportation who is under the age of 14 and has had an application pending for at least 180 days.

NOTIFICATION TO USCIS

FIP and FAP

The local office must complete a USCIS referral after determining that a member of the applicant or recipient group is ineligible because his presence in the U.S. is unlawful.

A person is in the U.S. unlawfully **only** if either:

- A final order of deportation is presented during the eligibility or redetermination process.
- A determination of ineligibility based on immigration status was made **and** the action by DHS was upheld in an administrative hearing, **and** the hearing determination of unlawful presence is supported by a determination by the USCIS or the executive office of immigration review, such as a formal order of deportation.

Note: The absence of proof of legal residence, a determination of a person's ineligibility, or a group member's statement regarding

illegal residence does not meet the conditions of unlawful residence in the U.S. and does not require notification to USCIS.

The USCIS referral must contain:

- The information which led to the referral, **and**
- The person's:
 - Full name.
 - Date of birth.
 - Place of birth.
 - Current residence.
 - Place of employment (if any).
 - USCIS file number (if known).
 - Place of entry into the U.S. (if known).

Do not release any other information to USCIS.

Send referrals to:

US Citizenship and Immigration Services (USCIS)
Detroit District
333 Mt. Elliott Street
Detroit, MI 48207

Document the basis for the USCIS referral in the case record.

VICTIMS OF TRAFFICKING

All Programs

The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services issues letters of certification to persons it determines are victims of trafficking. Children under age 18 are issued eligibility letters instead of certification letters. **Persons with the original certification and/or eligibility letters are not required to provide any other immigration documents to receive benefits.**

When a victim of trafficking applies for assistance:

- Accept the original certification and/or eligibility letter. Copy the letter for the case record and return the original to the client.
- Telephone the ORR trafficking verification line at 1-866-401-5510 to confirm the validity of the certification and/or eligibility letter and inform ORR of the benefits for which the person has applied. Document the phone call in the case record.

See sample ORR letters in BEM 630, Exhibits II and III.

Note: Victims of trafficking are sometimes issued T visas and eligible relatives of the trafficking victims are entitled to visas designated as T-2, T-3, T-4 or T-5 (collectively referred to as Derivative T Visas). The eligible relative(s) with a Derivative T Visa is eligible for the same program(s) as the victim of trafficking, providing they meet other eligibility criteria (for example, asset or income limits).

SOCIAL SECURITY CREDITS (SSC)

SDA and FAP

Social Security credits (SSC) are earned by working at a job covered by Social Security and/or Medicare. The Social Security Administration (SSA) decides how many SSCs a person has earned. A person can earn up to four SSCs per year, depending on the amount of his/her gross earned income.

SSCs do not represent earnings in a particular calendar quarter. However, SSA attributes SSCs to calendar quarters to assist in determining alien program eligibility.

SSCs are posted to the earner's Social Security earnings file by September of the taxable year following the year in which they were earned. For example, SSCs earned in 1996 are posted by September 1997. SSCs which have been earned but not yet posted are lag SSCs; see Lag SSCs in this section.

SSC Requirement

Some permanent resident aliens must meet the SSC requirement to be eligible; see CITIZENSHIP/ALIEN STATUS and EXHIBIT II in this item.

To meet the SSC requirement, a permanent resident alien must have at least 40 countable SSCs; see Determining Countable SSCs in this section. An alien must meet this requirement only once.

Each permanent resident alien whose eligibility depends upon SSCs must complete and sign a DHS-4784, Permanent Resident Alien Declaration, at application (including member addition) unless there is proof that the SSC requirement has already been met.

Review at redetermination the eligibility of any group members disqualified for failing the SSC requirement.

Whose SSCs to Count

Count towards the alien's SSC requirement all SSCs earned by:

- The permanent resident alien.
- The alien's spouse and one or more deceased spouses, while married to the alien.

Note: Do not count any SSCs of an alien's ex-spouse. Determine the alien's eligibility without the ex-spouse's quarters at the next redetermination following the report of a divorce.

- The alien's parent(s) while the alien was under age 18 (including SSCs earned prior to the alien's birth).
- The alien's stepparent(s) while the alien was under age 18 (including SSCs earned prior to the alien's birth), provided the step relationship has not terminated by divorce.

Exception: SSCs earned after December 31, 1996, might not be countable; see Uncountable SSCs in this section.

SSCs of Nongroup Members

Obtain a completed and signed DHS-4757, Social Security Credits Release, from each living nongroup member whose SSCs are used in the eligibility determination. The completed form must be on file before inquiring with SSA about the person's SSCs.

Note: No release is required to inquire about a deceased person's SSCs.

If a nongroup member cannot be located or refuses to provide the completed and signed release, document the circumstances in the case record. Determine that person's countable SSCs using available information; see Determining Countable SSCs.

Determining Countable SSCs

Determine countable SSCs using the numbered steps below. Some SSCs might be uncountable; see Uncountable SSCs in this section.

Before the determination, examine the alien's DHS-4784. If at least seven years of U.S. employment are declared on line 4, complete the Wire Third Party 40 quarters process in Bridges for each person whose work contributed to that total; see SSCs of Nongroup Members about restrictions.

Refer to the Wire Third Party 40 quarters report, if applicable, and the DHS-4784 in the following steps.

Note: Each person can earn a maximum of only four SSCs per year. However, more than four SSCs per year might be countable towards the alien's SSC requirement (for example, four from each parent).

1. Determine the number of countable SSCs, including lag SSCs earned by the alien; see Lag SSCs in this item. If 40 or more, the SSC requirement is met. If fewer than 40, go to step 2.
2. Determine the number of countable SSCs, including **Lag SSCs**, earned by the alien's spouse since their marriage. Include in your calculation the SSC attributed to the calendar quarter containing the date of marriage.

Add these SSCs to those from step 1. If the total is 40 or more, the SSC requirement is met. If the total is less than 40, go to step 3.

3. Determine the number of countable SSCs, including **Lag SSCs**, earned by the (step)parent(s) while the alien was under age 18. Include in your calculation the SSC attributed to the calendar quarter containing the 18th birthday.

Add these SSCs to the total from step 2. If the total is 40 or more, the SSC requirement is met. If the total is less than 40, the alien fails the requirement.

Lag SSCs

Due to the lag in SSA's posting process, SSCs earned this year and last year might not be posted to a person's earnings file until September of the year after they were earned. These lag SSCs are

counted toward an alien's eligibility if they meet all other requirements in this item.

Lag SSCs might exist when the alien enters current year or last year gross earnings for the alien, spouse and/or (step)parent(s) on the DHS-4784. Determine the number of lag SSCs earned by an individual using the following steps:

- Determine that current year and last year wages are covered by Social Security or Medicare. Wages are covered if FICA or Medicare was withheld.
- Total the gross covered wages earned by **each** person in **each** calendar year.
- Divide each person's yearly total by the minimum amount needed to earn an SSC in that year. Those minimums are:
 - \$1,260 for 2016.
 - \$1,220 for 2015.
 - \$1,200 for 2014.
 - \$1,160 for 2013.
 - \$1,130 for 2012.
 - \$1,120 for 2010 and 2011.
 - \$1,090 for 2009.
 - \$1,050 for 2008.
 - \$1,000 for 2007.
 - \$970 for 2006.
 - \$920 for 2005.
 - \$900 for 2004.
 - \$890 for 2003.
 - \$870 for 2002.
 - \$830 for 2001.
 - \$780 for 2000.
 - \$744 for 1999.
 - \$700 for 1998.
 - \$670 for 1997.
 - \$640 for 1996.

Round the answer down to the nearest whole number. That number, up to a maximum of four, is the number of lag SSCs earned by the person in that calendar year.

Uncountable SSCs

Special restrictions apply to SSCs earned starting January 1, 1997. An SSC attributed by SSA to a particular calendar quarter is uncountable if any time during that quarter either the alien or the person earning the SSC (if other than the alien) received any of the following benefits anywhere in the U.S.:

- Aid to Families with Dependent Children, or its equivalent (called Family Independence Program, or FIP, in Michigan).
- Food Assistance benefits.
- Medical Assistance (but not MA for emergency services only).
- Supplemental Security Income (SSI).

Exception: Because lag SSCs have not been attributed by SSA to a particular calendar quarter, a different determination is used. One lag SSC earned during a calendar year becomes uncountable for each calendar quarter (January 1 - March 31, April 1 - June 30, etc.) during that year in which either the alien or the person earning the SSC (if other than the alien) received the above benefits anywhere in the U.S; see Lag SSCs in this section.

Eligibility While Disputing Earnings File

Your inquiry to SSA on aliens' earnings files might verify fewer SSCs than they claimed on Line 1 of the DHS-4784 (for example, they believe their SSA earnings files are in error); see VERIFICATION SOURCES in this item.

Aliens who believe they have earned at least 40 countable SSCs (including lag SSCs) are eligible while disputing their earnings file with SSA if all of the following conditions exist:

- The aliens' signed DHS-4784 claims that they have worked at least 10 years in the U.S. (estimated 40 SSCs).
- It is determined that at least 40 of the aliens estimated SSCs claimed on the DHS-4784 are countable; see Uncountable SSCs in this section.
- The aliens' request SSA to review their earnings file and provides proof of this request; see SSA Referral in this section.

Note: SSA will not accept a request to review lag credits.

Eligibility based on disputed earnings ends six months after the date of the Wire Third Party 40 quarters process, which verified fewer SSCs than the alien claimed. File a follow-up to review the alien's SSC requirement at that time.

Redetermine the alien's countable SSCs using clarified earnings file information from SSA, if available. If the SSC requirement is not met, disqualify the alien and recoup any benefits issued while the earnings file was being disputed.

SSA Referral

Refer an alien to SSA with a copy of each person's Wire Third Party 40 quarters report from Bridges when one of the following occurs:

- The alien believes there is an error in the SSA earnings file of:
 - The alien.
 - The alien's deceased spouse or (step)parent(s).
- Questionable SSCs needed to meet the alien's requirement appear on the Wire Third Party 40 quarters report from Bridges for both:
 - The alien.
 - The alien's deceased spouse or (step)parent(s).

Inform the alien that the earnings file or questionable SSCs of a living spouse or (step)parent must be clarified with SSA by the spouse or (step)parent. Give the alien a copy of each person's Wire Third Party 40 quarters report from Bridges to assist in the SSA clarification process.

VERIFICATION REQUIREMENTS

U.S. Citizenship

FIP, SDA, FAP and CDC

Do not request verification from a person claiming U.S. citizenship **unless** the client's statements are questionable.

MA

U.S. citizenship must be verified.

Alien Status

All Programs

The alien status of each non-citizen requesting benefits **MUST** be verified.

Exception: See MA Emergency Services Only in this item.

For victims of trafficking, verify the validity of the ORR certification and/or eligibility letter; see VERIFICATION SOURCES in this item.

Verify each of the following dates **if** they affect an alien's eligibility:

- Date of entry into the U.S.
- Date asylum was granted under INA Section 208.
- Date deportation (removal) was withheld under INA Section 241(b)(3) or 243(h).
- ORR certification/eligibility date for victims of trafficking.

Note: The client's statement about a date is verification in certain circumstances; see Dates Affecting Alien Eligibility in this item.

FIP, SDA, and FAP

Disqualify a person who is unable to obtain verification or refuses to cooperate in obtaining it.

MA Emergency Services Only

The coverage of a person who is unable to obtain verification of alien status or refuses to cooperate in obtaining it is limited to emergency services until verification is obtained.

A person claiming to be a U.S. citizen is not eligible for ESO coverage.

Verify all other eligibility requirements, including residency, before authorizing emergency services coverage; see BEM 220.

Social Security Credits

SDA and FAP

Verify Social Security credits when the alien does one of the following:

- Requests verification.
- Disputes your SSC determination.
- Declares a total of seven or more years of U.S. employment on line 4 of the DHS-4784.

Verify the following elements of the SSC requirement:

- The aliens relationship to the spouse or (step)parent(s), but **only** when it is questionable.
- Covered wages used to calculate lag SSCs.
- The aliens' statement that SSA is reviewing their disputed earnings file.
- Clarified SSA earnings file information used to redetermine the alien's countable SSCs when eligibility based on disputed earnings ends.

Accept the alien's written statement on DHS-4784, regarding receipt of benefits unless it conflicts with other information (such as SSI receipt on SOLQ).

File copies of all SSC-related verification documents in the case record.

VERIFICATION SOURCES

Citizenship

All Programs

Primary evidence of citizenship is documentary evidence of the highest reliability that conclusively establishes that the person is a U.S. citizen. In general, obtain primary evidence of citizenship before using secondary evidence.

The data match with the SSA is sufficient to verify citizenship and should be completed prior to requesting verification from a recipient; see BAM 130.

See EXHIBIT III in this item for document titles and descriptions.

- Birth certificate or other birth record.
- U.S. passport.
- Voter registration card.
- Naturalization papers or USCIS identification card.

FAP

A client might offer good reasons why none of the verifications above can be obtained. In that situation, accept a U.S. citizen's signed statement under penalty of perjury that the person in question is a U.S. citizen. See EXHIBIT I in this item for information required on the statement.

Primary Evidence

Primary evidence of citizenship is:

- A U.S. passport.
- A U.S. passport card.
- A Certificate of Naturalization (N-550 or N-570).
- A Certificate of Citizenship (N-560 or N-561).

Secondary Evidence

Secondary evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence is not available. Secondary evidence is:

- A U.S. public birth record showing birth in one of the 50 States, District of Columbia, American Samoa, Swain's Island Puerto Rico (if born on or after January 13, 1941), Virgin Island of the U.S. (if born on or after January 17, 1917), Northern Mariana Islands (if born on or after November 4, 1986) or Guam (if born on or after April 10, 1899).
- A Michigan enhanced driver's license or enhanced state ID.
- Certification of Report of Birth (DS-1350). The Department of State issues a DS-1350 to U.S. citizens in the U.S. who were born outside the U.S. and acquired U.S. citizenship at birth based on the information shown on the FS-240.

- Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240). Children born outside the U.S. to U.S. military personnel usually have one of these.
- Certification of Birth Abroad (FS-545). Before November 1, 1990 Department of State consulates also issued Form FS-545 along with prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form FS-545. Treat an FS-545 the same as the DS-1350.
- United States Citizen Identification Card (I-197 or I-179). INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican borders who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
- American Indian Card (I-872). The Department of Homeland Security, issues this card to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code KIC and a statement on the back denote U.S. citizenship.
- Northern Mariana Card (I-873). INS issued this form to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
- Final adoption decree. The decree must show the child's name and U.S. place of birth. In situations in which an adoption is not finalized and the state in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate.
- Evidence of civil service employment by the U.S. government. The document must show employment by the U.S. government prior to June 1, 1976.
- Official military record of service. The document must show a U.S. place of birth, (a DD-214 or similar official document showing a U.S. place of birth)

- A verification with the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database.
- Evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000.

The Child Citizenship Act of 2000 allows certain foreign-born, biological and adopted children of American citizens to acquire American citizenship at birth, but they are granted citizenship when they enter the United States as lawful permanent residents.

The child must meet **all** of the following requirements:

- Have at least one American citizen parent by birth or naturalization.
- Be under 18 years of age.
- Live in the legal and physical custody of the American citizen parent.
- Be admitted as an immigrant for lawful permanent residence.

If the child is adopted, the adoption must be full and final.

Third Level Evidence

Third level evidence of U.S. citizenship is documentary evidence that is used when neither primary nor secondary evidence is available. Third level evidence may be used **only** when primary evidence cannot be obtained within a reasonable length of time, secondary evidence does not exist or cannot be obtained, **and** the applicant or recipient alleges being born in the U.S. Third level evidence is usually a non-government document established for a reason other than to establish U.S. citizenship and showing a U.S. place of birth. The place of birth on the non-government document and the application must agree.

Third level evidence is:

- An extract of a hospital record on hospital letterhead, established at the time of birth that was created at least five years before the initial application date (or near the time of birth for children) that indicates a U.S. place of birth. Do not accept a souvenir birth certificate.

- 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.
- Religious record recorded in the U.S. within three months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual's age at the time the record was made. The record must be an official record recorded with the religious organization. Entries in a family bible are **not** considered religious records.
- Early school record showing a U.S. place of birth. The school record must show the name of the child, the date of admission to 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.

Fourth Level Evidence

Fourth level evidence should **only** be used in the rarest of circumstances and includes:

- Federal or state census record showing U.S. citizenship or a U.S. place of birth, generally for persons born 1900 through 1950. The census record must show the person's age. To secure this information the applicant, recipient or state should complete a Form BC-600, Application for Search of Census Records for Proof of Age. Add in the remarks section "U.S. citizenship data requested". Also indicate that the purpose is for Medicaid eligibility. This form requires a fee.
- Seneca Indian tribal census record.
- Bureau of Indian Affairs tribal census records of the Navajo Indians.
- Bureau of Indian Affairs Roll of Alaskan Natives.
- U.S. State Vital Statistics official notification of birth that is amended more than five years after the person's birth.
- Statement signed by the physician or midwife who was in attendance at the time of birth.
- Institutional admission papers from a nursing facility or other institution or medical records from a hospital, doctor or clinic that was created at least five years before the initial application date and indicates a U.S. place of birth. Admission papers

generally show biographical information including a place of birth. An immunization record is **not** considered a medical record for purposes of establishing U.S. citizenship.

- A written affidavit should only be used in rare circumstances. It must be completed by the applicant or recipient and at least two additional individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the person's claim of citizenship. Individuals making the affidavit must be able to provide proof of their own citizenship and identity. The affidavit is signed under penalty of perjury by the person making the affidavit but need not be notarized. The affidavit should include information explaining why other documentary evidence establishing the applicant's claim of citizenship does not exist or cannot be obtained.

Alien Status

All Programs

See EXHIBIT III in this item for document titles and descriptions.

- Permanent resident alien status is indicated on one of the following:
 - I-151 issued before June 1978 or I-551.(I-151 is not acceptable for MA, must be replaced with I-551)
 - I-327 (unexpired).
 - I-94 stamped "Processed for I-551."
 - Passport stamped "Processed for I-551 Temporary Evidence of Lawful Admission for Permanent Residence."
- American Indian who enters the U.S. from Canada is indicated on one of the following:
 - I-151 issued before June 1978 or I-551.(I-151 is not acceptable for MA, must be replaced with I-551)
 - I-181.
 - Other USCIS documentation.
 - Birth record or affidavit from a tribal official indicating the person is at least 50 percent American Indian.

Note: Such persons are not required to register with USCIS.

- Refugee, asylee or parolee status is indicated on an I-94 annotated with INA section 203(a)(7) (prior to April 1, 1980), 207, 208 or 212(d)(5).
- Derivative Asylee
 - I-730 Asylee Relative Petition
- Parolee
 - I-94 annotated with INA section 212(d)(5) which has a parole end date (duration) at least one year later than the date of entry.
- Afghan aliens admitted under Section 101(a)(27) of the INA is indicated on either:
 - Passport with category SI or SQ.
 - An I-94 with date of entry.
 - I-551 with an IV code of SI or SQ.
- Iraqi aliens admitted under Section 101(a)(27) of the INA is indicated on either:
 - Passport with category SI or SQ.
 - An I-94 with date of entry.
 - I-551 with a IV code of SI or SQ.
- Amerasian status is indicated on one of the following documents annotated with class code AM:
 - I-94.
 - I-327 (unexpired).
 - I-551.
 - U.S. or Vietnamese passport.
 - Vietnamese Exit Visa (“Laissez Passer”).
- Cuban/Haitian entrant status is indicated on one of the following:
 - I-94 indicating admission into the U.S. from Cuba or Haiti, annotated with “Cuban/Haitian entrant (Status Pending),” “parole,” “212(d)(5)” or “Form I-589 Filed.”

- I-94 indicating admission into the U.S. from Cuba or Haiti and letter or notice from USCIS indicating ongoing (not final) deportation, exclusion or removal proceedings.
- I-551 with adjustment code CH6 or CU6.
- I-766 with A4 or C11
- I-688B annotated with 274a.12(a)(4), 274a.12(c)(11), or 274a.12(c)(8)
- Status as an alien whose deportation (removal) is withheld is indicated on a court order or letter from an immigration judge stating that deportation (removal) is withheld per INA section 241(b)(3) or 243(h)
- Victim of trafficking status is confirmed with both:
 - Original ORR certification and/or eligibility letter, or for victims under age 18, an original eligibility letter from ORR (See EXIBITS II and III)
 - Telephone contact with the ORR trafficking verification line (1-866-401-5510) to verify the validity of the letters

Note: Victims of trafficking may also be identified with adjustment code ST6 on the I-551.

- Any alien status:
 - G-641 annotated at the bottom by a USCIS representative.
 - Information from the USCIS Records Section, 333 Mt. Elliott, Detroit, Michigan 48207.

MA

- Nonimmigrant status:
 - I-94, visa, passport or other USCIS correspondence granting non-immigrant status.
 - Form I-20 ID (Student) Copy with a future D/S date verifies unexpired non-immigrant student status.

Dates Affecting Alien Eligibility

All Programs

Verify date of entry as required, using the sources listed below.

- Refugees under Section 207, date of entry is on an I-94 which has been endorsed with INA Section 207.
- Former refugees (class code RE on the I-551), accept the client's statement regarding date of entry if the stated date:
 - Is *at least one year earlier* than the Date of Adjustment/Admission on the I-551;
 - Does not conflict with other information.
- Permanent resident aliens with class codes other than RE, AM, AS, SI or SQ date of entry is the Date of Adjustment/Admission on the I-551.

Exception: If the client disputes this date, accept the client's statement regarding date of entry if the stated date is *earlier than* the date of adjustment admission on the I-551, **and** does not conflict with other information.

Note: Date of entry is not an eligibility factor for permanent resident aliens presenting an I-151. (I-151 is not acceptable for MA, must be replaced with I-551)

- For parolees under Section 212(d)(5), date of entry is on an I-94 which has been endorsed with INA section number 212(d)(5). The end date (duration) of parole is also on the I-94.
- For Cuban/Haitian entrants, date of entry is on a properly endorsed I-94; see Alien Status in this section.
- For victims of trafficking, date of entry is the date of certification on the ORR certification/eligibility letter; see EXHIBITS II and III in BEM 630.

For asylees, the date of entry is the date asylum was granted. Verify date asylum was granted, as required, using the sources listed below.

- For asylees under Section 208, the date asylum was granted appears on an I-94 which has also been endorsed with INA Section 208.
- For former asylees (class code AS on the I-551), accept the client's statement regarding the date asylum was granted if the stated date:
 - Is *at least one year earlier* than the date of adjustment/admission on the I-551) **and** does not conflict with other information.

Verify date deportation (removal) was withheld under section 241(b)(3) or 243(h) using the court order or letter from an immigration judge granting the withholding of deportation (removal).

Social Security Credits

SDA and FAP

Use 40 Quarters functionality in Bridges Inquiry.

For lag SSCs, use the following documents showing FICA or Medicare withholding to verify covered earnings:

- Employer-prepared wage statements.
- Forms W-2 and/or W-2c.
- Copy of the earner's tax return.

Disputed Earnings File

SDA and FAP

An SSA document stating that the clients have requested a review of their earnings file is verification that they have requested this review.

Aliens Limited to Emergency MA Coverage During a Five-Year Bar

MA

An alien limited to emergency services only (ESO) coverage during the five-year bar means the following aliens who entered the U.S. on or after 8/22/96.

A permanent resident alien with class codes other than RE, AM or AS, and an alien paroled under INA section 212(d)(5) for at least one year.

The individual is limited to emergency services only (ESO) Medicaid coverage the first five years in the U.S.

EXHIBIT I - CITIZENSHIP STATEMENT

CITIZENSHIP STATEMENT

Case Name: _____

Case Number: _____

County/Workload No: _____

I certify that I am a United States citizen and that _____ is a United States citizen.

I understand that if I intentionally give false information to help _____ get Food Assistance benefits, I may be prosecuted and may be fined, imprisoned, or both.

Signature Date

EXHIBIT II - CITIZENSHIP/ALIEN STATUS TABLE

	FIP	SDA	CDC	FAP	MA
U.S. Citizen (include person born in Puerto Rico)	Yes	Yes	Yes	Yes	Yes
Person born in Canada, at least 50% American Indian	Yes	Yes	Yes	Yes	Yes
Member of American Indian tribe	Yes	Yes	Yes	Yes	Yes
Qualified Military Alien	Yes	Yes	Yes	Yes	Yes
Spouse or Dependent Child of Qualified Military Alien	Yes	Yes	Yes	Yes	Yes

	FIP	SDA	CDC	FAP	MA
Refugee under Section 207; including Iraqi and Afghan special immigrants.	Yes	Yes	Yes	Yes	Yes
Asylee under Section 208	Yes	Yes	Yes	Yes	Yes
Cuban/Haitian Entrant	Yes	Yes	Yes	Yes	Yes
Amerasian (I-551 has class code AM)	Yes	Yes	Yes	Yes	Yes
Victim of Trafficking	Yes	Yes	Yes	Yes	Yes
Permanent Resident Alien, I-551 has class code RE, AM, AS, SI or SQ	Yes	Yes	Yes	Yes	Yes
Permanent Resident Alien, I-551 class code is OTHER THAN RE, AM, AS, SI or SQ					
• U.S. entry before 8/22/96	Yes	Yes	Yes	Yes	Yes
• U.S. entry on or after 8/22/96					
•• First five years in U.S.	No a	No a,b,d	Yes	No a,b,c, f, g	E a
•• More than five years in U.S.	Yes	No a,b,d	Yes	Yes	Yes
Permanent Resident Alien, has I-151	Yes	Yes	Yes	Yes	No
Deportation (Removal) Withheld under Section 241(b)(3) or 243(h)					
• First five years after withholding order	Yes	Yes	Yes	Yes	Yes
• Sixth and seventh years after withholding order	No	Yes	Yes	Yes	Yes
• More than seven years after withholding order	No a	Yes	Yes	Yes	Yes
Granted Conditional Entry under Section 203(a)(7)	Yes	Yes	Yes	Yes	Yes
Paroled under Section 212(d)(5) for at least one year					
• U.S. entry before 8/22/96	Yes	Yes	Yes	Yes	Yes
• U.S. entry on or after 8/22/96					
•• First five years in U.S.	No a	No a,d	Yes	No a,c,f, g	E a

	FIP	SDA	CDC	FAP	MA
•• More than five years in U.S.	Yes	No a,d	Yes	Yes	Yes
Battered Aliens					
• U.S. entry before 8/22/96	Yes	No a,d	No	Yes	Yes
• U.S. entry on or after 8/22/96					
•• First five years in U.S.	No	No a,d	No	No a,b,c, f, g	E a
•• More than five years in U.S.	Yes	No a,d	No	Yes	Yes
Paroled under Section 212(d)(5) for less than one year	No	No	No	No	E
Non-immigrant (student, tourist)	No	No	No	No	E
Aliens not described above (undocumented aliens)	No	No	No	No	E
<p>^a Unless a qualified military alien, or the spouse or dependent child of a qualified military alien.</p> <p>^b Unless permanent resident has at least 40 countable Social Security Credits.</p> <p>^c Unless lawfully residing in U.S. on 8/22/96 and age 65 or older on 8/22/96; or Hmong/Laotian lawfully residing in U.S., his spouse, unmarried dependent child under age 18 now, or unremarried surviving spouse.</p> <p>^d Unless lawfully residing in the U.S. now and was receiving SSI on 8/22/96 or was lawfully residing in the U.S. on 8/22/96 and is blind or disabled now.</p> <p>^e Means medical coverage is limited to emergency services.</p> <p>^f Unless lawfully residing in the U.S. and blind or disabled now.</p> <p>^g Unless under age 18 now.</p>					

EXHIBIT III - DOCUMENTS**U.S. State
Department****U.S. State Department documents regarding citizenship
include:**

- United States passport. It is issued to U.S. citizens and nationals. The expiration date is on the document face. A U.S. passport does not have to be currently valid to be accepted as evidence of citizenship, as long as it was originally issued without limitation.

- United States passport card. This card cannot be used for air travel; otherwise it carries the same rights and privileges of the U.S. passport book.
- DS-1350, Certification of Report of Birth or FS-545, Certification of Birth Abroad. Issued to U.S. citizens born in another country. The FS-545 was last issued in 1990.
- FS-240, Consular Report of Birth Abroad of a Citizen of the U.S. It is issued to U.S. citizens born in another country, often children of U.S. military personnel.

U.S. Citizenship and Immigration Services (USCIS)

USCIS documents regarding citizenship/alien status include, but are not limited to:

Note: Information about forms and fees is available on the USCIS website. Some forms may be filled out online and some are available for electronic filing. The website is <http://www.uscis.gov/portal/site/uscis>.

- G-641, Application for Verification of Information from U.S. Citizenship and Immigration Services Records.
- I-20 ID (Student) Copy is issued to non-immigrant students authorized to study in the U.S. The D/S date (duration of status) indicates expiration of student status.
- I-94, Arrival-Departure Record. It is usually attached to the unexpired foreign passport of non-immigrant aliens. The expiration date is on the document face. As of 5/1/13, the I-94 will begin to be automated at certain airports in the U.S. Some of the I-94 information will be stamped on the unexpired foreign passport. Refugees, derivative asylees and parolees will continue to receive a paper I-94.
- I-151, Alien Registration Receipt Card. It was issued prior to June 1978 to permanent resident aliens and is commonly referred to as a green card. The I-151 became obsolete on 3/20/96, and individuals should have requested the I-551 replacement. (Cannot use the I-151 card as verification for MA eligibility, must have replaced with the I-551)

- I-327, Permit to Reenter the United States. It is issued to permanent resident aliens before leaving the U.S. for one to two years. The expiration is on page 2.
- I-485, Application to Register Permanent Residence or to Adjust Status.
- I-539 Application to Extend/Change Non-immigrant Status.
- I-551, Alien Registration Receipt Card (Resident Alien Card). It is a revised edition of the I-151, issued for a renewable 10-year period to permanent resident aliens. The expiration date is on the document face.
- I-551, Alien Registration Receipt Card (Conditional Resident Alien Card). It is issued for a two-year period (expiration date on the back) to conditional permanent residents such as alien spouses of U.S. citizens/permanent residents.
- I-571, Refugee Travel Document. It is issued to aliens granted refugee status who intend to travel abroad. The expiration date is on page 4.
- I-698, Application to Adjust Status From Temporary to Permanent Resident.
- I-765, Application for Employment Authorization.
- I-766, Employment Authorization Document.
- I-797, Notice of Action. It is issued to applicants/petitioners to acknowledge receipt of applications, convey statuses, etc. It verifies permanent resident alien status when it acknowledges both receipt of application for a replacement I-551 and receipt of the old I-551.
- N-550 or N-570, Certificate of Naturalization. It is issued to naturalized U.S. citizens.
- N-560, Certificate of United States Citizenship. It is issued to persons with citizenship acquired through naturalization of a parent, birth by a U.S. citizen in another country, or application by adoptive parents.

USCIS Non-Immigrant Classifications

These classifications indicate temporary or time-limited status. They include but are not limited to the following:

- A. Foreign government representatives on official business and their families and servants (A1-3).
- B. Visitors for business or pleasure, including exchange visitors (B1, 2).
- C. Aliens in travel status while traveling directly through the U.S. (C1-4).
- D. Crewman on shore leave (D1,2).
- E. Treaty traders and investors and their families (E1,2).
- F. Foreign students (F1,2).
- G. International organization representation and personnel and their families and servants (G1-5).
- H. Temporary workers including agricultural contract workers (H1-4).
- I. Members of foreign press, radio, film or other information media and their families (I).

EXHIBIT IV - HOW TO BECOME A UNITED STATES CITIZEN

Most people become U.S. citizens in one of two ways: by birth, either within the territory of the United States or to U.S. citizen parents, or by naturalization.

For information about becoming a U.S. citizen go to the U.S. Citizenship and Immigration Services (USCIS) website at <http://www.uscis.gov/portal/site/uscis>. Click on the Learn about U.S. Citizenship button on the left navigation.

LEGAL BASE**All Programs**

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)

P.L. 104-193 of 1996, as amended
P.L. 106-386 of 2000, Victims of Trafficking and Violence Protection Act of 2000
65 FR 58301

CDC

45 CFR Parts 98 and 99
Social Security Act as amended

FIP

P.A. 280 of 1939, as amended, MCL 400.1 et seq.
INA: Act 301- Sec. 301(8 U.S.C. 1401)(g)

MA

42 CFR 435.403, 406, 407, Public Law 109-171
Deficit Reduction Act 2005, Social Security Act 1903(x), PL 109-171
Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3.

SDA

Annual Appropriations Act
Mich Admin Code, R 400.3151 – 400.3180

FAP

Federal Supplemental Nutrition Assistance Program
7 U.S.C. 2011-2036
7 CFR 273.2(b)(1)(iii)
7 CFR 273.2(f)(1)(ii)
7 CFR 273.4(a)(4),(5),(6) and (b)
38 U.S.C 5303(b)
38 U.S.C 107
INA: Act 301- Sec. 301(8 U.S.C. 1401)(g)