

May 12, 2006

SUBJECT: Medicaid's Required Documentation of Citizenship; Its Effect on
the Food Stamp Program

TO: All Regional Directors
The Food Stamp Program

Background

As a result of the recently enacted Deficit Reduction Act of 2005 there is a requirement that a Medicaid client present documentary evidence of citizenship. This requirement will go into effect on July 1, 2006. The provision does not expand or restrict eligibility for Medicaid, but simply imposes the requirement that a Medicaid client present documentary evidence of citizenship. The provision affects only American citizenship; it does not affect the verification of alienage.

There is one possible effect on the Food Stamp Program that we have identified and that we would like to clarify. The Centers for Medicare and Medicaid Services have provided valuable technical assistance in our development of this policy and we appreciate their cooperation.

Under Food Stamp regulations, a client who claims to be an American citizen is not required to verify that citizenship unless either of the following is true:

- The food stamp client's statement of American citizenship is questionable (7 CFR 273.2(f)(2)(ii)) or
- The State agency has chosen to mandate the verification of American citizenship.

The question below concerns a State agency that does not mandate the verification of American citizenship for food stamp purposes.

Question One

Suppose a person is a client of both the Medicaid and Food Stamp Programs and claims to be an American citizen and that the client does not present documentary evidence of citizenship for the Medicaid Program. Does that make the client's claim questionable for the Food Stamp Program?

Answer One

No. By itself, the client's failure to present documentary evidence of citizenship for Medicaid does not make the client's American citizenship questionable for Food Stamps.

There are many examples of American citizens whose citizenship is not questionable but who cannot readily provide verification. Examples include:

- Elderly people who do not have birth certificates available.

- Members of minority groups for whom state and local governments would not issue birth certificates
- Members of some Indian tribes whose births were not registered with state or local authorities because they were born in Indian Country
- Some members of Indian tribes have birth certificates that show names in the individual's own language, which is not English.
- Many older applicants were born at home, which reduces the likelihood that there actually was a birth certificate.

Question Two

Suppose the Medicaid Program, in obtaining documentary evidence of citizenship, learns that the client is actually a non-citizen. What should the Food Stamp Program do about that situation?

Answer Two

The Food Stamp Program would follow the ordinary verification procedures for alienage, which appear at 7 CFR 273.2(f)(1)(ii).

Please contact the appropriate regional representative in the Certification Policy Branch if you have questions.

/s

Arthur T. Foley
Director
Program Development Division