

Citizenship, Alien Status, & Identity

Citizenship/Immigration: Reasonable Opportunity to Provide Verification of Citizenship – 477 NAC 5-003 & 5-006

Individuals who attest to being U.S. citizens or **eligible non-citizens** and meet all other eligibility requirements for Medicaid must be given a reasonable opportunity to present **satisfactory documentation of citizenship or non-citizen status**. Benefits must not be denied, delayed, reduced, or terminated during the reasonable opportunity period.

The reasonable opportunity period encompasses all aspects of the process to verify citizenship or immigration status, including not only time for an individual to provide documentation but also time for the Department to resolve inconsistencies or conclude the electronic verification process.

If the Department has requested verification, such as an out-of-state birth certificate, benefits will not be denied or terminated while awaiting receipt. **A 90-day timeframe is given to verify an individual's attested citizenship or satisfactory non-citizen status.** The Department must provide notice of the reasonable opportunity period, and the 90-day clock begins on the date the individual receives the notice (generally 5 days after the date of notice).

Once an individual has declared s/he is a U.S. citizen or **eligible non-citizen** and has provided all other information to determine eligibility, benefits must be provided. **If a reasonable opportunity period is provided, the agency may begin to furnish benefits to otherwise eligible individuals, effective the first day of the month of application. Retroactive Medicaid cannot be authorized during the reasonable opportunity period (42 CFR 435.956(a)(5)(iii)),** this reference must be inserted into the comment section of an NOA. When the citizenship or immigration status is verified, the Retroactive Medicaid request must be processed.

If the individual fails to cooperate in providing documentation, **their Medicaid benefits must be terminated.** If the individual appeals, his/her case is not subject to reinstatement pending the outcome of a fair hearing.