



North Carolina Department of Health and Human Services
Division of Medical Assistance

Pat McCrory
Governor

Richard O. Brajer
Secretary

Dave Richard
Deputy Secretary for Medical Assistance

September 3, 2015

Dear County Director of Social Services:

Re: Verification of Alien Immigration Status

The purpose of this letter is to remind counties of existing Medicaid policy as well as provide additional information about policy that is forthcoming. Based on recent questions and information received at the state level, we want to assure policy is being applied correctly and consistently across the state.

The Children's Health Insurance Program Reauthorization Act 2009 (CHIPRA) permits states to extend Medicaid/CHIP coverage to pregnant women and children under age 19 who are lawfully residing in the United States. This includes individuals lawfully residing with certain immigration statuses, individuals with a visa or work authorization and qualified aliens who have not met the 5-year bar under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). North Carolina elected this option and policy was issued in July 2010. (Refer to [Family and Children's Change No: 06-10 Citizen/Alien Requirements.](#))

This means that pregnant women and children under the age of 19 may qualify for full Medicaid benefits if they are lawfully residing in the United States and meet other eligibility requirements, including state residency.

Policy is being revised to distinguish that lawfully residing (lawful presence) in the United States and state residency are two separate determinations. Lawful presence is established utilizing Systematic Alien Verification for Entitlements (SAVE) for immigration status. State residency is established using other verification methods. An individual who lives in North Carolina and intends to reside here is a state resident even if there is no fixed address. An individual is no longer required to express an intent to remain in North Carolina to establish residency. (Refer to [DMA Administrative Letter 01-14, Affordable Care Act \(ACA\) Overview of Medicaid Changes](#) for additional information on state residency.)

www.ncdhhs.gov

Tel 919-855-4100 • Fax 919-733-6608

Location: 1985 Umstead Drive • Kirby Building • Raleigh, NC 27603

Mailing Address: 2501 Mail Service Center • Raleigh, NC 27699-2501

An Equal Opportunity / Affirmative Action Employer



Counties are required to use the U.S. Department of Homeland SAVE system for verifying immigration/lawful presence status of an individual in order to determine eligibility for Medicaid. This web-based system is used to verify the authenticity of the individual's immigration documents, the date of admission, and current immigration status. In more than 90% of cases, SAVE responds electronically to your agency with the immigration status within 3 to 5 seconds and no additional information is needed. However, for those inquires returned requiring secondary verification, additional steps are to be taken by sending a complete [G-845](#) and [G-845 Supplement](#) to U.S. Citizenship and Immigration Services (USCIS) on each person requesting Medicaid. Attach a photocopy of all applicable printed pages of each piece of immigration documentation presented for that person only (front and back). Mail the document verification request to the USCIS office. (Refer to [MA-3330.XI.B Secondary Verification Procedures](#) for specific steps on how to obtain this verification.)

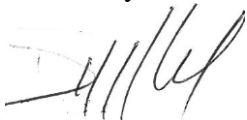
Medicaid eligibility for individuals who claim to be United States Citizens or lawfully residing may not be delayed or denied during a reasonable opportunity period if the individual meets all other eligibility factors. The Reasonable Opportunity Period is 95 calendar days from the day the first request for information is sent to the applicant. (90 days plus 5 mailing days). During the Reasonable Opportunity Period, the county must attempt to resolve any inconsistencies between the information provided by an electronic source and by the applicant, assist the individual in resolving inconsistencies, and allow the individual to provide additional documentation. (Refer to [DMA Administrative Letter 16-13, Affordable Care Act changes to citizenship and identity](#) for additional information.)

As always, individuals have the right to apply. All individuals should be encouraged to apply using the DMA-5200, Application for Health Coverage and Help Paying Costs. This is particularly important because federal law now requires a single streamlined application for health coverage, including Medicaid, CHIP and marketplace coverage. Applications for individuals who are determined ineligible for Medicaid/CHIP are forwarded to the health insurance marketplace for a determination of their eligibility for health insurance subsidies.

Lastly, DMA recognizes that it would be helpful to provide counties with additional training to assist them in reviewing immigration documents and otherwise properly determining immigration status. We are currently working with the Operational Support Team to develop trainings and webinars to meet your needs.

If you have questions regarding determining an individual's proper immigration status, please contact: ost.policy.questions@dhhs.nc.gov.

Sincerely,



Dave Richard