Chapter 3 Policies and Procedures to Verify Citizenship/Legal Resident Status for Colorado House Bill 06S-1023

Overview

The Colorado Colorectal Screening Program provides payments for endoscopic colorectal screening to lawfully present residents of Colorado ages 50 and older who are uninsured or have an insurance plan that does not cover any costs for endoscopic colorectal screening and are at or below 250% of the FPL. The Program, funded by monies collected from Amendment 35, is subject to HB 06S-1023 (effective August 1, 2006). This bill provides a state scheme for the verification of citizenship/legal alien status of persons eighteen years of age and older before they receive certain public benefits including the services provided under the Program. The policy and procedures to carry out this verification for the Colorado Colorectal Screening Program are outlined below.

I. Verification and Certification Policy

The Colorado Colorectal Screening Program will provide endoscopic screening to lawfully present Colorado residents who meet eligibility criteria. Clinics must verify citizenship/legal resident status prior to referring patients for screening and provide the Program certification of that verification. Clinics must certify patients’ citizenship/legal resident status prior to the Program paying for provided services.

II. Procedures to Verify Citizenship/Legal Resident Status

A. As required by HB 06S-1023, clinic personnel must verify the citizenship/legal resident status of individuals to be screened by the Program. The clinic must:

1. Review identification in the form of:
   • A valid Colorado driver’s license or a Colorado identification card (which includes only a current Driver’s License, Minor Driver’s License, Probationary Driver’s License, Commercial Driver’s License, Restricted Driver’s License, an Instruction Permit, or an Identification Card),
   • A U.S. Military card or a Military dependent’s identification card,
   • A U.S. Coast Guard Merchant Mariner card, or
   • A Native American tribal document; and
   • In the case of a resident of another state, the driver’s license or a state-issued identification card from the state of residence, if that state requires that the applicant prove lawful presence prior to issuance of a document. Currently, states that do not require lawful presence checks and whose driver’s licenses are not acceptable are: Alaska, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Nebraska, New Mexico, North Carolina, Oregon, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin.
   • Benefit Agencies may also accept the listed forms of identification published by the Office of the Federal Register, National Archives and Records Administration, in the
full Code of Federal Regulations (CFR) governing the specific services provided. In the absence of specific governing CFR regulations, Benefit Agencies shall accept the listed forms of identification published in Attorney General’s Order Number 2129-97 Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as issued by the Department of Justice, Federal Register, November 17, 1997, Vol.62, No. 221 and which are incorporated by reference. Attachments A and B provide lists of documents acceptable per this federal publication.

- Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Director, Motor Vehicle Division, of the Department of Revenue, 1881 Pierce Street, Room 100, Lakewood, Colorado, telephone: 303-205-5935 during regular business hours. Copies of materials may also be examined at any state publication depository library. Certified copies shall be provided at cost, upon request.

2. Have the patient execute an affidavit (Figure 3-1) that states that he or she is a U.S. citizen or a lawful permanent resident or that he or she is otherwise lawfully present in the U.S. pursuant to federal law. The affidavit does not need to be notarized.

If a patient does not have one of the appropriate forms of identification listed above or in Attachment A or B, the patient should be instructed to contact the Department of Revenue (DOR) to complete a waiver application, which is also available at the following website: http://www.colorado.gov/cs/Satellite/Revenue-Main/XRM/1216289012112. The individual will be required to provide as much proof of identity and lawful presence as she/he can.

It is not necessary to make or maintain a copy of the identification document provided. However, the clinic must note which form of identification was provided, which note can be made in the space provided on the affidavit form.

Any applicant who indicates on his or her affidavit that he or she is an alien lawfully present in the U.S., but is not a U.S. citizen or Permanent resident must be verified through the federal Systematic Alien Verification of Entitlement Program (SAVE program). Each clinic must register and set up an account.

For additional information go to SAVE Program Website:

http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=1721c2ec0c7c8110VgnVCM1000004718190aRCRD&vgnextchannel=1721c2ec0c7c8110V gnVCM1000004718190aRCRD. There is a charge for accessing SAVE, please refer to the website.

In the event that an individual presents a clearly fraudulent piece of identification, that individual is not eligible and should not be referred for screening under the Program. If the identification provided reasonably appears on its face to be genuine and to relate to the individual presenting it, and the individual provides a signed affidavit, the individual may be referred for screening under the Program. If you have any questions regarding the acceptability of any identification document provided to you, please contact the Program.

B. The clinic must maintain a list of all patients participating in the Program who have been verified as legal Colorado residents and their patient encounter ID numbers.

C. The clinic must retain copies of the signed affidavits in the event it is necessary to demonstrate compliance with provisions of HB 06S-1023. Records may be maintained at a
central location at the clinic designated for this purpose or by the clinic personnel associated
with the screening program, dependent on the nature of the clinic operations and systems.

D. Clinics agree to review of those records if necessary.

**III. Procedures for Certification of Verification.**

A. Clinics will provide a signed “Certification of Verification under CRS 24-76.5-103” form
(Figure 3-2) for patients enrolled and screened through the Colorado Colorectal Screening
Program to their screening service providers on a monthly basis, or less frequently if only an
occasional screen is carried out.

**Figure 3-2**

*Certification of Verification* is used when your clinic also provides the screening services
(endoscopy / bowel preparation) and requests payment from the Program. This same form is
also used when a community clinic refers patients for screening to a service provider
(Endoscopist / Facility / Anesthesia) that is different than the community clinic. The patient
encounter ID # should be provided for each patient who is screened.

In the event pathology is needed, the community clinic provides the form to the pathology
service provider (Professional and Technical) for patients who have a biopsy during the
screening procedure. You will fill in the patient encounter ID # along with the number of
pathology containers that were processed for each patient. Please fill in the patient encounter ID
# for each patient screened during a specific month.

A signed “Certification of Verification” must be submitted with each request for payment for
screening services (see policies and procedures for screening payment). The patient encounter
ID numbers must be included on each certification, but no other patient identifiers should be
included.
Figure 3-1: Affidavit for HB 06S-1023 Certification

HB1023 AFFIDAVIT

I,____________________, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

___ I am a United States citizen, or
___ I am a Permanent Resident of the United States, or
___ I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

_________________________  ______________________
Signature                  Date
The following forms of identification are acceptable for compliance with proof of lawful presence within the United States, effective August 1, 2007. Any document that is presented must have, or be accompanied with, an unexpired state or federal form of photo identification.

For U.S. Citizens and Permanent Residents (check document provided):

___Unexpired Colorado Driver's License. A valid Colorado driver's license includes only a current driver's license, minor driver's license, probationary driver's license, commercial driver's license, restricted driver's license, or instruction permit.

___In the case of a resident of another state, the driver's license or a state-issued identification card from the state of residence, if that state requires that the applicant prove lawful presence prior to issuance of a document. Currently, states that do not require lawful presence checks and are not acceptable: AK, HI, IL, MD, MA, MI, NE, NM, NC, OR, TN, TX, UT, VT, WA, WI.

___Unexpired Colorado Identification Card issued by Dept. of Motor Vehicles.

___Unexpired United States Military Card

___Unexpired United States Military Dependent Identification Card

___Unexpired United States Coast Guard Merchant Mariner Card

___Native American Tribal Document

___Copy of applicant’s birth certificate from any state, the District of Columbia and all United States territories. U.S. Territories include American Samoa, Federated States of Micronesia, Guam, Midway Islands, Puerto Rico and US Virgin Islands.

___United States Passport, except for “limited” passports issued for less than five years


___Certificate of Birth issued by a foreign service post (FS-545) or Certification of Report of Birth (DS-1350). These are available from the Department of State.

___Certificate of Citizenship (N-560 or N-561). This document is issued to those persons who derive U.S. Citizenship through a parent. The N-561 is issued upon loss or damage of the original document or following an individual’s name change.

___U.S. Citizen Identification Card (I-97). These were last issued in 1974.

___Northern Mariana Identification Card. Those born in the Northern Mariana Islands prior to November 3, 1986 were collectively naturalized.

___Statement provided by a US consular officer certifying that the individual is a US citizen. (This document is provided to an individual born outside the US who derived citizenship through a parent but does not have form FS-240, FS-545 or DS-1350.)

___American Indian Card with Classification code “KIC” and a statement on the back identifying US Citizen members of the Texas Band of Kickapoos.

___Certificate of Naturalization (N-550 or N-570).

___INS Form I-551 (Alien Registration Receipt Card), commonly called or known as a “green card” or

___INS Form I-551 (Alien Registration Receipt Card), commonly known as the “Green Card” with the code CU8, CU7, or CH8.

___Unexpired Temporary I-551 Stamp in foreign passport or on INS Form I-94 or

___Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with the code CU8, CU7, or CH8.

For those with Immigration Documents (check document provided):

___INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the Immigration and Nationality Act (INA) or

___INS Form I-94 annotated with stamp showing admission under Section 207 of the INA or

___INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement) or

___INS Form I-94 with stamp showing admission under Section 202(a)(7) of the INA or

___INS Form I-94 with stamp showing parole as “Cuba/Haitian Entrant” under Section 212(d)(5) of the INA.

___INS Form I-888B (Employment Authorization Card) annotated “274a 12(a)(5)” or

___INS Form I-888B (Employment Authorization Card) annotated “274a 12(a)(3)” or

___INS Form I-888B (Employment Authorization Card) annotated “274a 12(a)(10)” or

___INS Form I-888B (Employment Authorization Card) annotated “A3”

___INS Form I-776 (Employment Authorization Document) annotated “A5” or Grant Letter from the Asylum Office or INS or

___INS Form I-766 Employment Authorization Document) annotated “A10” or

___INS Form I-766 (Employment Authorization Document) annotated “A3”.

___INS Form I-571 (Refugee Travel Document).

___Order from an immigration Judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA

___Applicant has presented acceptable proof of lawful presence not listed above. Please describe the proof presented here:


FOR OFFICE USE ONLY:

1. Make certain type of ID is checked.

2. Provide date of expiration of document:

3. Date form accepted:

4. Accepted by (initials):
Figure 3-2: Verification of HB 06-1023 Certification for Payment Request

Certification of Verification under CRS 24-76.5-103

We, ______________________________, hereby certify that pursuant to CRS 24-76.5-103 we have verified that the patients eighteen years of age or older who we are referring for health services to be funded by state appropriated funds (a) have provided appropriate identification, (b) have executed the required affidavit, and (c) are lawfully present in the United States, and we are able to supply evidence of the above if so requested by you or any agency of the State of Colorado.

______________________________
Signature 

______________________________
Date

______________________________
Print Name

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Screening Service Provider: ________________________________

Month/Year: ________________________________

Number of Patients Certified: ________________________________

Colorado Colorectal Screening Program HB061023 Certification
042208
Appendix: A & B: Acceptable Proof of Lawful Presence

Appendix: A

The following documents are acceptable as proof of lawful presence pursuant to AG Order Number 2129-97 referenced in 2.1.3. of this rule.

A. Primary Evidence (One document is needed): Identity can be proven by these same documents if they bear a picture of the applicant.

1. Copy of applicants birth certificate from any state, the District of Columbia and all United States territories.
2. United States Passports, except for "limited" passports, issued for less than five years.
4. Certificate of Birth issued by a foreign service post (FS-545) or Certification of Report of Birth (DS-1350). These are available from the Department of State.
5. Certification of Naturalization (N-550 or N-570). The N-570 is issued upon loss or damage to the original document or following an individual's name change.
6. Certificate of Citizenship (N-560 or N-561). This document is issued to those persons who derive U. S. Citizenship through a parent. The N-561 is issued upon loss or damage of the original document or following an individual's name change.
7. U. S. Citizen Identification Card (I-97). These were last issued in 1974.
8. Northern Mariana Identification Card. Those born in the Northern Mariana Islands prior to November 3, 1986 were collectively naturalized.
9. Statement provided by a US consular officer certifying that the individual is a US citizen. (This document is provided to an individual born outside the US who derived citizenship through a parent but does not have form FS-240, FS-545 or DS-1350.)
10. American Indian Card with Classification code 'KIC' and a statement on the back identifying US Citizen members of the Texas Band of Kickapoos.

B. Secondary Evidence

If the applicant cannot present one of the documents listed above, the following may be relied upon to establish US citizenship or nationality:

1. Religious records recorded in one of the 50 states, the District of Columbia and U.S. territories, within three months after birth showing that the birth occurred in such jurisdiction and the date of the birth or the individual's age at the time the record was made.
2. Evidence of Civil Service Employment by the US Government before June 1,1976;
3. Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth and the names' and places of birth of the parents;
4. Census record showing name, US citizenship or a US place of birth or age of applicant;
5. Adoption Finalization Papers showing the child's name and place of birth in one of the 50 states, DC, or US territories or where the adoption is not finalized and the State or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions (NOTE: the source of the information must be an original birth certificate and must be indicated in the statement); or
6. Any other documents that establish a US place of birth or in some way indicates US citizenship.
C. If an individual is unable to present any of the above documents the following options are available:

1. Accept a written declaration, made under penalty of perjury, and possibly subject to later verification of status, from one or more third parties, indicating a reasonable basis for personal knowledge that the applicant is a US citizen or non-citizen national.

2. Accept the applicant's written declaration, made under penalty of perjury and possibly subject to later verification of status that he or she is a US citizen or non-citizen national.

Note: These options (C 1 and C 2) should be used with caution in appropriate circumstances. For example, before using these options a provider might require the applicant to demonstrate why a document evidencing that he or she is a US citizen or non-citizen national does not exist or cannot be readily obtained.

D. Collective Naturalization

If the applicant cannot present one of the documents listed in A or B above, the following will establish US citizenship for collectively naturalized individuals:

1. Puerto Rico (PR):
   Evidence of birth in PR on or after April 11, 1899 and the applicants' statement that he or she was residing in the US, a US possession, or PR on January 13, 1941 or
   Evidence that the applicant was a PR citizen and the applicant's statement that he or she was residing in PR on March 1, 1917 and that he or she did not take an oath of allegiance to Spain;

2. US Virgin Islands:
   Evidence of birth in the US Virgin Islands (VI) and the applicant's statement of residence in the US, a US possession, or the US VI on February 25, 1927;
   The applicant's statement indicating residence in the US VI as a Danish citizen on January 17, 1917 and that he or she did not make a declaration to maintain Danish citizenship; or
   Evidence of birth in the US VI and the applicant's statement indicating residence in the US, US Possession or Territory or the Canal Zone on June 28, 1932.

3. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):
   Evidence of birth in NMI, TTPI citizenship and residence in the NMI, the US, or a US territory or possession on November 3, 1986 (NMI local time) and the applicants statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
   Evidence of TTPI citizenship in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did owe allegiance to a foreign state on November 4, 1986 (NMI local time) ; or
   Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a US citizen.

E. Derivative Citizenship

If the applicant cannot present one of the above documents you should make a determination of Derivative US citizenship in the following situations:
Applicant born abroad to two US citizen parents:

Evidence of US citizenship of the parents and the relationship of the applicant to the parents, and the evidence that at least one parent resided in the US or an outlying possession prior to the applicant's birth.

Applicant born abroad to a US citizen parent and a US non-citizen national parent:

Evidence that one parent is a US citizen and the other is a US non-citizen national, evidence of the relationship of the applicant to the US citizen parent and the evidence the US citizen parent resided in the US, a US possession, American Samoa or Swains Island for a period of at least one year prior to the applicants birth.

Applicant born out of wedlock abroad to a US citizen mother:

Evidence of US citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the US prior to the applicants birth or, for births after December 24, 1952, evidence that the mother has resided, prior to the childs birth, in the US or a US possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a US citizen at the time of the applicants birth;

or

A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a US citizen and employed by the US government or the Panama Railroad Company or its successor in title;

All other situations where an applicant claims to have a US citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:

If the applicant is in the US, refer him or her to the local INS office for determination of US citizenship;

If the applicant is outside the US, refer him or her to the State Department for a US citizenship determination.

F. Adoption of Foreign-Born Child by US Citizen:

If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of US citizenship;

Since foreign born adopted children do not automatically acquire citizenship by virtue of adoption by US citizens, refer the applicant to the local INS district office for a determination of US citizenship if the applicant provides no evidence of US citizenship [the law changed several years ago to allow such children to obtain automatic citizenship].

G. US Citizenship By Marriage

A woman acquired US citizenship through marriage to a US citizen before September 22, 1922.

Note: If the husband was an alien at the time of the marriage and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her citizenship if she was residing in the US at the time and continued to reside in the US.

H. Applicants with Disabilities and Non-discrimination

If an applicant has a disability that limits the applicants ability to provide the required evidence of citizenship or nationality (e.g. mental retardation, amnesia, or other cognitive, mental or physical impairment), you should make every effort to assist the individual to obtain the required evidence. In addition, you should not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. See Non-discrimination Advisory, Attachment 2 to Interim Guidance.
Appendix: B

For specific detailed descriptions of the Immigration Documents referred to below see Exhibit A to Attachment 5 of US AG Order.

Instructions:

The documents listed below, will, when combined with satisfactory proof of identity (which will come from the document itself if it bears a photograph of the person to whom it relates), establish that an applicant falls within one of the categories of ‘qualified alien’ for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Each of the documents listed below will demonstrate lawful status and you should not require presentation of a registration document if the applicant presents one of the other legally acceptable documents that reasonably appears on its face to be genuine and to relate to the person presenting it. However, if the document presented is not a registration document and does not on its face reasonably appear to be genuine or to relate to the person presenting it, it is appropriate to ask the applicant to produce his or her registration document as additional evidence of immigration status so long as the request is not made for a discriminatory reason.

Presentation of a registration document listed below that reasonably appears on its face to be genuine and to relate to the person presenting it (or to satisfy higher applicable standards) will often obviate the need to verify the applicant’s immigration status with the INS; if the applicant presents a registration document that does not meet this standard, sending the INS a copy of the document will assist it in verifying the applicants’ status quickly and accurately.

**Alien Lawfully Admitted for Permanent Residence**

1. INS Form I-551 (Alien Registration Receipt Card, commonly called or known as a ‘green card’)
2. Unexpired Temporary I-551 Stamp in foreign passport or on INS Form I-94.

**Asylee**

3. INS form I-94 annotated with stamp showing grant of asylum under section 208 of the Immigration and Nationality Act (INA)
4. INS Form I-688B (Employment Authorization Card) annotated ‘274a.12(a)(5)’
5. INS From I-776 (Employment Authorization Document) annotated ‘A5’
6. Grant Letter from the Asylum Office or INS

**Refugee**

7. INS Form I-94 annotated with stamp showing admission under Section 207 of the INA
10. INS Form I-571 (Refugee Travel Document).

**Alien Paroled into the US for a Least One Year**

11. INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement).

**Alien whose Deportation or Removal Was Withheld**
12. INS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(10)
14. Order from an immigration Judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA

**Alien Granted Conditional Entry**

15. INS Form I-94 with stamp showing admission under Section 203(a)(7) of the INA
17. INS Form I-766 (Employment Authorization Document) annotated ‘A3’

**Cuban / Haitian Entrant**

18. INS Form I-551 (Alien Registration Receipt Card, commonly known as the ‘Green Card’ with the code CU6, CU7, CH6
19. Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with the code CU6, CU7, CH6
20. INS Form I-94 with stamp showing parole as ‘Cuba/Haitian Entrant’ under Section 212(d) (5) of the INA

**Alien Who has Been Battered or Subjected to Extreme Cruelty**

See Attachment 5, Exhibit B, at AG Order No. 2129-97.

The documentation for Violence Against Women Act self-petitioners is the INS issued ‘Notice of Prima Facie Determination’ or ‘Notice of Approval’.