

# Determining Citizenship or Immigration Status

This worksheet is designed to help Assistors determine which of the 5 Citizenship/Immigration categories listed in the NY State of Health application to select for an individual consumer.

Assistors may use this tool as a script and read through the entire script asking consumers specific questions so that the individual can be determined correctly in the Marketplace based on their appropriate citizenship or immigration status.

**1. Are you a United States (US) citizen by birth, or were you born abroad to parents of whom at least one was a US citizen at the time of your birth, or are you a US National?** If yes, check the box marked "US Citizen."

- Don't forget, this category includes citizens of Puerto Rico, Guam, US Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island or other US Territories.

US Citizen

If no, move to question #2.

**2. Are you a US citizen by Naturalization or were you under the age of 18 when your parent(s) in whose custody you reside(d) naturalized.** If yes, check the box marked "Naturalized Citizen."

Naturalized Citizen

If no, move to question #3.

**3. Are you living in the United States with permission from the United States Citizenship and Immigration Services (USCIS)?**

If yes, ask: **Are you here on a short-term visa?** If yes, move to question #4. If no, mark "Immigrant Non-Citizen."

Immigrant Non-Citizen

What does this question mean? Below is a list of questions to help Assistors understand what this means. Anyone who can answer yes, would be appropriately marked as an "Immigrant Non-Citizen." Please note, this additional list of example questions is not comprehensive.

- Are you a green card holder/lawful permanent resident?
- Do you have an employment authorization card which is not expired?
- Are you an asylee?
- Are you a refugee?
- Do you have PRUCOL status?
- Are you a Cross Border Native American?
- Have you been granted withholding of removal?
- Are you a Cuban/Haitian Entrant who was granted parole status after October 1980?
- Are you a certified victim of trafficking?
- Are you an Amerasian?
- Are you an Iraq or Afghan Special Immigrant Visa Holder?
- Are you currently Granted Parole for period of more than 1 year (not medical)?
- Are you a Battered spouse or child(ren) of US Citizen or Lawful Permanent Resident petitioning under Violence Against Women Act (VAWA)?
- Are you a non-citizen who can show continuous residence since on or before 1/1/1972?

Immigrant Non-Citizen

If no, move to question #4.

**4. Are you a Non-Immigrant Visa Holder?** Sometimes individuals in this category may be also called a Temporary Non-Immigrant or a Short-Term Visa Holder.

If Yes, check the box marked “Non-Immigrant Visa Holder.”

What does this mean? Below are a few examples of what this means. Anyone who can answer yes, would be appropriately marked as a “Non-Immigrant Visa Holder.” Please note, this additional list of example questions is not comprehensive.

- *Are you a worker here on an H visa?*
  - *Are you here on a student visa, such as an F or M visa?*
  - *Are you here on a tourist visa for business or pleasure such as a B visa?*
  - *Are you the spouse of a Lawful Permanent Resident here on a V visa?*
  - *Are you the spouse or child of a US Citizen here on a K3/K4 visa?*
  - *Are you a religious worker here on an R visa?*
  - *Are you a person here on with a special ability visa such as an artist, scientist, athlete on an O or P visa?*
  - *Are you a cultural exchange visitor here on a J visa?*
  - *Are you a victim of crime here on a U visa?*
- This question includes checking that the consumer has not overstayed the departure date listed on their I-94 Arrival/Departure. If the consumer has overstayed their departure date and no application pending with immigration, do not mark them as a “Non-Immigrant Visa Holder. Instead, move to question #5.
  - Please note, consumers who are on a medical visa are not eligible for coverage through the Marketplace.

Non-Immigrant Visa Holder

If no, move to question #5.

**5. If you cannot answer yes to any of the previous questions, check the box for “Other.”**

- Other includes the following five (5) categories of individuals:
  - An individual who entered this country on a valid visa who has now overstayed the departure date listed on their I-94 Arrival/Departure record and has no application pending with immigration.
  - An individual who entered this country without inspection and has no application pending with immigration.
  - An individual who is in (or scheduled for) removal/deportation proceedings and has not applied for or received any other updated immigration status.
  - An individual who has been ordered removed/deported and does not have a stay.
  - An individual who has been ordered removed/deported and is not under an order of supervision.

Other

*\*When Assistors are uploading documentation of an individual’s citizenship/immigration status, they should refer to the “Documentation Checklist for Assistors” to make sure that the documentation provided matches the citizenship/immigration category already selected in the application.*