



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Care Financing Administration

**Center for Medicaid and State Operations
7500 Security Boulevard
Baltimore, MD 21244-1850**

May 2, 1997

Dear State Medicaid Director

NATURALIZATION PROCESS AND MEDICAID

We are writing to provide you information about the impact of the INS naturalization regulations that will provide a method for certain disabled noncitizens, who may be at risk of losing their Medicaid eligibility, to become citizens.

Most applicants for naturalization must pass examinations demonstrating proficiency in ordinary English and knowledge of U.S. history and government. However, in the past certain noncitizens with disabilities have had difficulty meeting these requirements of the naturalization process. To address this problem, Congress amended the Immigration and Nationality Act to permit INS to grant disabled individuals a waiver of the English language proficiency and knowledge of U.S. history and government examinations. Such individuals must still be able to assent to the oath of allegiance. On March 19, 1997, the Immigration and Naturalization Service published a final rule with request for comments to implement the waiver provisions.

To obtain an exemption, the applicant for naturalization must request and file an application for a disability exemption (Form N-648), with their applications for naturalization (Form N-400), accompanied by the appropriate fees for both forms. The Form N-648, Medical Certification for Disability Exceptions, must be completed by a licensed physician or psychologist, as specified under the regulation, who has examined the applicant and determined that, based on the individual's medically determinable physical or mental impairment or combination of impairments, the applicant is incapable of meeting the English language and U.S. government and history requirements under the INA. States are permitted to pay for the costs associated with the physician's or psychologist's examination or completion by the provider of the waiver application form for a Medicaid beneficiary.

We encourage you to assist Medicaid beneficiaries who may be eligible for this exemption by authorizing reimbursement under Medicaid to providers who perform the certification specified in 8 CFR part 312. We have attached a copy of the regulation, an INS Fact Sheet, and the required medical certification form for ease of reference.

A copy of this letter is also being sent to the Mental Retardation and Developmental Disability Directors in your State.

Thank you for your continued cooperation in the implementation of the many new immigrant-related changes in the Medicaid program.

Sincerely,

/s/

Judith D. Moore

Acting Director Medicaid Bureau

Attachments

cc: All Regional Administrators

All Associate Regional Administrators Division of Medicaid

Eligibility TAG Members

Jennifer Baxendall National Governors Association

Lee Partridge American Public Welfare Association

Joy Wilson National Conference of State Legislators

State Mental Retardation and Developmental Disability Directors

Lloyd Bishop Office of Legislative and Inter-Governmental Affairs, HCFA