

CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)

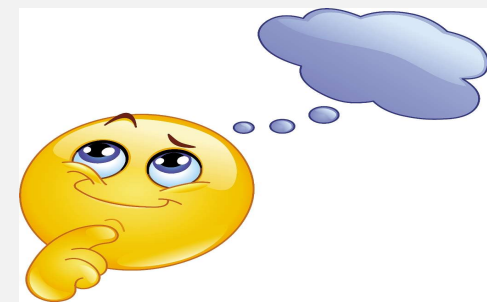


WHAT IS CAPI?

CAPI is a 100% state-funded program designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP **solely due to their immigrant status.**

AM I ELIGIBLE FOR CAPI?

- Meet all other SSI/SSP eligibility criteria **except for immigration status**,
- Be aged (65 or older), blind, or disabled,
- Be a resident of California,
- Have resources below the allowable limits of \$2,000 for an individual or \$3,000 for a couple,
- Have income less than the CAPI standards, and
- Have a qualified immigration status.



AM I ELIGIBLE FOR CAPI? RESOURCES AND INCOME

- To be eligible for CAPI, an individual's or couple's countable income must be lower than the appropriate CAPI payment standard.
- Countable income means the amount that is left after subtracting any exclusions or disregarded amounts from an individual's gross income.
- If client has a sponsor, sponsor's income and resources may be deemed.
- Individual \$2,000 or \$3,000 for a couple in countable resources.

*Same rules as for the SSI program.

SSI resources: & income: <https://www.ssa.gov/ssi/text-understanding-ssi.htm>

AM I ELIGIBLE FOR CAPI: CALIFORNIA RESIDENCY

- There is no minimum residency requirement.
- For CAPI purposes, a person who is present in California and intends to remain in California meets the residency requirement immediately.
- A person who leaves the state and presently intends to abandon California as his or her home is considered to no longer reside in California and is therefore not eligible to receive CAPI.
- A person who is absent from California for more than 90 calendar days is considered to have abandoned California residency, absent evidence to the contrary

AM I ELIGIBLE FOR CAPI? QUALIFIED IMMIGRATION STATUS

- Have qualified immigration status for CAPI:
 - Qualified immigration status means that:
 - Have a status the on the list, and
 - NOT be eligible for SSI based on immigration status.

AM I ELIGIBLE FOR CAPI? QUALIFIED IMMIGRATION STATUS

- Qualified immigrations status: 3 main categories of immigrants:
 - Qualified Alien
 - PRUCOL
 - U & T visa applicant and recipient

WHO IS A QUALIFIED ALIEN?

Who is a qualified alien?

MPP §49-005(q)(1) lists 8 categories of immigrants who are “qualified aliens” and therefore meet CAPI immigration standards:

- Lawfully Admitted for Permanent Residence (LAPR)
- Granted Cuban/Haitian entrant status
- Refugees
- Asylees
- Non-citizens whose deportations or removals are being withheld under federal law
- Non-citizens paroled into the U.S. for a period of at least one year
- Conditional entrants admitted to the U.S. under federal law prior to 4/1/80
- Battered non-citizens, children of battered spouses or parents of battered children, if a petition is pending under the federal Immigration Reform and Control Act Immigration Status &

WHO IS A QUALIFIED ALIEN? (CONT.)

- If a CAPI applicant is a qualified alien (e.g., LAPR, refugee, asylee), he or she may be eligible for SSI/SSP. The county must require the applicant to contact SSA to apply for SSI/SSP. Welfare and Institutions Code §18939
- The CAPI applicant must provide the county with a written statement from SSA either indicating that SSI is denied solely based on immigration status or indicating that an SSI application has been opened.
- If CAPI is approved and SSI is later granted, the state can use the interim assistance reimbursement process to recover CAPI funds paid out to the claimant while awaiting SSI approval.

WHAT IS PRUCOL?

Permanently Residing Under Color of Law

List of PRUCOL categories:

- A non-citizen subject to an Order of Supervision.
- A non-citizen on whose behalf an immediate relative petition has been approved and who is entitled to voluntary departure and whose departure USCIS does not contemplate enforcing.
- A non-citizen who has properly filed an application for adjustment to lawful permanent resident status that USCIS has accepted as “properly filed” and whose departure USCIS does not contemplate enforcing.
- A non-citizen granted a stay of deportation by a court order, statute or regulation or by individual determination by USCIS under Section 245 of the Immigration Reform and Control Act and whose departure USCIS does not contemplate enforcing.
- A non-citizen residing in the United States under an indefinite voluntary departure.
- A non-citizen granted voluntary departure under federal law whose departure USCIS does not contemplate enforcing.
- A non-citizen in deferred action status.

WHAT IS PRUCOL (CONT.)

- A non-citizen who entered and has continuously resided in the United States since before January 1, 1972 or any date established by Section 249 of the Immigration Reform and Control Act
- A non-citizen granted a suspension of deportation pursuant to Section 244 of the Immigration Reform and Control Act whose departure USCIS does not contemplate enforcing
- A non-citizen granted an indefinite stay of deportation
- A non-citizen granted lawful temporary resident status under Section 245A of the Immigration Reform and Control Act
- **A non-citizen not in one of the above categories who can show that: USCIS knows that he or she is in the United States, and that USCIS does not intend to deport him or her, either because of the person's status category or individual circumstances.**

PRUCOL (CONT.)

- If a CAPI applicant is PRUCOL, he or she is ineligible for SSI/SSP based on immigration status (because the federal government has not recognized PRUCOL since 1996 welfare reform). Not necessary to apply for SSI. County may proceed to evaluate the CAPI application.
- More on PRUCOL and CAPI: ACIN I-79-16:
https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2016/I-79_16.pdf

MORE TO KNOW

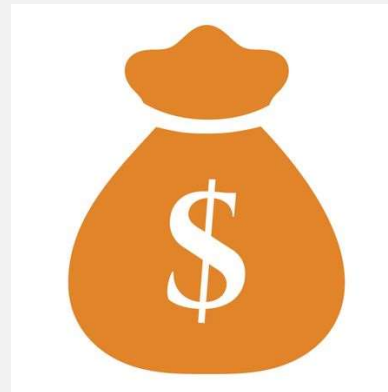
- Immigrants who are LPR may obtain CAPI benefits during the 5-year waiting period before they are eligible for SSI/SSP.
- Refugees and asylees do not have a waiting period and may be eligible for SSI/SSP for a maximum of 7 years. After those 7 years have elapsed, they may be eligible for CAPI

U & T VISA APPLICANTS AND RECIPIENTS

- SB 1569 (2006) extended benefits to victims of domestic violence, trafficking or other serious crimes.
- Applicants for U visas (serious crimes) (have received a receipt from USCIS)
- Applicants for T visas (trafficking)
- U & T visa recipients (have been approved)
- ACL 06-60:
<https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl06/pdf/06-60.pdf>

HOW MUCH WILL I GET?

- https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACINs/2020/I-78_20.pdf



HOW DO I APPLY?

Contact your local county social services agency. See <https://www.cdss.ca.gov/county-offices>

SOC 814 application:

<https://cdss.ca.gov/Portals/9/FMUForms/Q-T/SOC814.pdf>

SOC 453 statement of household expenses and contributions:

<https://www.cdss.ca.gov/Portals/9/FMUForms/Q-T/SOC453.pdf>

SOC 804 statement of facts for continuing eligibility:

<https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC804.pdf>

THINGS TO KNOW

Per All County Letter: <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-46.pdf?ver=2018-04-26-084014-983>

- Each person applying for CAPI or certifying continued eligibility for CAPI benefits must complete his or her own SOC 814 or SOC 804 and must document household expenses on his or her own SOC 453. The “CAPI couples” may no longer apply for CAPI or certify continued eligibility together on a single form.
- Disability Assistance

The revised SOC 814 and SOC 804 ask claimants to indicate whether they need help in reading these forms and whether, due to a disability, they require assistance in completing them. As many CAPI claimants experience significant challenges to completing CAPI initial application and redetermination forms, obtaining this information will help counties to fulfill their duty to assist applicants and recipients as needed to establish eligibility for benefits. (MPP §49-015.22).

THINGS TO KNOW (CONT.)

- The SOC 804 has been updated: CAPI applicants and recipients experiencing any of the changed circumstances listed must report those changes to the county within ten days. Failure to timely report such changes may result in overpayments that recipients will be required to repay.
- As an alternative to requesting documentation from an applicant or recipient, counties may obtain verifications by directly contacting employers for wage verifications, landlords for rental information, heads of household for living arrangement information and household expenses, etc.

THINGS TO KNOW (CONT.)

- Applicants who fail to cooperate with counties by providing all documentation and information requested are ineligible for CAPI benefits. (MPP §49-015.13).
 - However, when an applicant or recipient has been cooperative but, despite his or her best efforts, has been unable to obtain requested documentation, and the county's efforts to verify applicant or recipient statements are similarly unsuccessful, the county should not deny the applicant or suspend benefits. The county may process the application or redetermination based on the applicant or recipient's statement if the county has no reason to doubt its veracity.
 - Where contradictory evidence is an issue, the county must weigh the available evidence and make an eligibility decision on that basis. The county must document the basis for its decision in the case file. (See Program Operations Manual System (POMS) §SI 00830.005(A)).

THINGS TO KNOW (CONT.)

SOC 814 Social Security Number Requirement

- The CAPI application form (SOC 814) now includes an explanation that applicants must provide their Social Security numbers and the statutory basis for this requirement. It includes statements detailing the purposes for which the Social Security number (SSN) will be used.
- Applicants without SSNs may still apply for CAPI, but must also apply for an SSN and must, within 30 days, provide the county with proof that they have done so.

Gender Identity, Sexual Orientation and Ethnicity

- SOC 814 requires that CAPI applicants answer the question “What is your sex?” Applicants may choose from female, male or non-binary.
- Optional questions to the SOC 814 invite applicants to specify their race/ethnic origin, gender identity, sexual orientation and the sex that was listed on their original birth certificates.

THINGS TO KNOW (CONT.)

Homelessness

The SOC 814 asks CAPI applicants to indicate whether they are homeless.

A definition of homelessness is included to clarify that individuals who currently have some type of shelter are still considered homeless if they reside in a temporary situation or sleep in a place not meant for human habitation (such as a vehicle, train/bus station or abandoned building).

Counties should refer homeless applicants to appropriate services and must make arrangements to ensure that they have access to their benefit payments, notices of action and other CAPI-related correspondence from the county. For example, a homeless applicant or recipient may receive mail at an address of his or her choosing (post office box, home of a friend or family member, etc.) or may choose to pick up monthly CAPI payments and county correspondence at county welfare department offices.

WHAT OTHER BENEFITS CAN I APPLY FOR?

- CAPI recipients may be eligible for CalFresh benefits, Medi-Cal, IHSS... but still need to meet the eligibility criteria for these programs.

BARRIERS

- Language access – threshold languages in your county – interpretation service
 - Can also ask for translation services.
- Sponsor deeming/ indigence exception
- Social Worker not know CAPI exists or the rules
 - Verbal denial – “window denial”
 - Some SW think only LPRs can apply for CAPI
 - No written denial so that can understand appeal rights

SPONSOR DEEMING/INDIGENCE EXCEPTION

- Application and redetermination stage (every year “recertification”)
- Imputes income and resources of person who sponsored the immigrant to become a LPR.
- Most immigrants have sponsors and sponsors would have signed an affidavit of support I-864.
- Exception to sponsor deeming: sponsor dies, person sponsored dies, person sponsored becomes US citizen, person sponsored is credited with 40 quarters of work (10 years), person sponsored ceases to be LPR and leaves the US, CAPI applicant subject to domestic violence by sponsor or other. (Are you a victim of abuse?) §49-037.23).
- Sponsor must report income and resources annually.
 - MPP 49-070.1, ACL 17-33
 - SOC 860 form – can convey info without using this form.

More on sponsorship: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-of-support>

https://www.ilrc.org/sites/default/files/resources/intro_guide_affidavit_support-20180410.pdf

INDIGENCE EXCEPTION TO SPONSOR DEEMING

- If sponsor deeming would cause a denial, suspension or reduction of CAPI benefits which results in: CAPI recipient is unable to buy food and shelter.
- Submit SOC 809 form to request the exception.
- County determines if exception applies.
- MPP 49-037.41
- In practice, when a sponsor refuses or cannot provide financial support.

INDIGENCE EXCEPTION PROBLEM

- SOC 860 – sponsor reporting income and resources still required even if indigence exception is accepted.

Problem: what if sponsor is unavailable?

- County will assume sponsor is available if mail sent to last known address and not returned.

Can CAPI statement in lieu be acceptable? Current policy: county will deny exception and terminate CAPI. ACL 17-33

Law suit Bay Area Legal Aid and LAFLA: challenged this policy – result:

Applicants or recipients who were applying for the indigence exception for CAPI but were denied because a sponsor did not provide income and resource information on the SOC 860 may now be eligible due to the reversal in policy in All County Letters 17-33E and 17-70EII.

NATURALIZATION AND TRANSITIONING TO SSI AND “CONDITIONAL CAPI”

- Becoming a U.S. Citizen “naturalization” disqualifies person from CAPI as they are now able to apply for SSI.
- Bridge to SSI: CA allows for “Conditional CAPI” during the process of applying for SSI and appeal process.
 - Forms: SOC 830 and *interim assistance reimbursement* form: if SSI is approved then backpay goes to CAPI for conditional CAPI benefits paid.
- SOC 830:
<https://www.cdss.ca.gov/cdssweb/entres/forms/English/soc830.pdf>

NATURALIZATION AND TRANSITIONING TO SSI/ CONDITIONAL CAPI

- How much time do you have to report naturalization to county?
 - Unclear but ACL 08-03 examples, 1-2 months (unclear if waiting longer will cause problems)
 - Once SOC 830 application is submitted: have 30 days to commence SSI application of the conditional CAPI application.
 - Duration of conditional CAPI: through SSI appeal.
 - Failure to comply with SSI application and appeal process will terminate conditional CAPI and lead to an overpayment.

Exception: no OP if beneficiary complies but ultimately does not get SSI.

ACL 08-03: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl08/08-03.pdf>

Welfare & Institutions Code section 18939.5

REASONS FOR DENIAL NOTICE

- See All County Letter 18-87 for reasons and sample Notice:
 - <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-87.pdf?ver=2018-07-20-081530-760>

APPEALS

- State Fair Hearings:
- **How to Request a Hearing On-Line:** [Request a Hearing Online](#)
- **How to Request a Hearing or an Expedited Hearing by Phone:**
Call the State Hearings Division toll free
(800) 743-8525 or (855) 795.0634
- **How to Request a Hearing in Writing:**
Submit your request to the county welfare department at the address shown on the Notice
of
action, by mail to:

California Department of Social Services
State Hearings Division
P.O. Box 944243, Mail Station 9-17-37
Sacramento, California 94244-2430
- **By Fax** to (833) 281-0905.
- <https://www.cdss.ca.gov/hearing-requests>

RESOURCES

State regulations governing CAPI can be found in:

<https://cdss.ca.gov/ord/entres/getinfo/pdf/16EAS.pdf>

CDSS website:

- <https://www.cdss.ca.gov/inforesources/cash-assistance-for-immigrants>

National Immigration Law Center:

- <https://www.nilc.org/wp-content/uploads/2015/11/cal-benefits-table.pdf>

