

# Cash Assistance Program for Immigrants (CAPI)



# Brief History of CAPI



In 1996, President Bill Clinton signed the Personal Responsibility and Work Opportunity Act (“welfare reform”) into law. Under the new federal law, most non-citizens became ineligible for SSI as of August 22, 1996.

In the same year, the California legislature enacted Chapter 10.3 of the Welfare and Institutions Code (starting at Section 18937), establishing an SSI-like program to provide basic income to Californians who are over age 65 or blind or disabled, and who have been denied SSI solely based on immigration status. This allowed those Californians who had previously been eligible for SSI to continue to provide themselves with shelter and food.

The new program, which took effect in 1997, was known as the Cash Assistance Program for Immigrants (CAPI). At first, it only applied to sponsored immigrants whose sponsors had died or had become disabled, and to sponsored immigrants who had been abused by the sponsor or the sponsor’s spouse. This is now known as “basic CAPI.”

Starting in October of 1999, the law was expanded to cover non-citizens who do not have a sponsor, and to sponsored non-citizens who were not covered under the initial legislation (*i.e.*, those who have not been victims of abuse and whose sponsors are living and are not disabled). This is known as “extended CAPI.”

Today, nearly 15,000 Californians receive a CAPI check each month.

# CAPI Eligibility



- Basic Criteria
  - Over age 65 or
  - Blind or
  - Disabled
- California Resident
- Income/resource limits
- Ineligible for SSI solely based on immigration status
- Immigration Status
  - PRUCOL
  - Qualified alien

***Failure to meet any of the above requirements disqualifies an applicant from receiving CAPI.***

# Other CAPI disqualifications

*MPP §49-010.2*



Residency for an entire calendar month in a public institution other than a publicly operated community residence serving 16 or fewer residents. (*Examples:* Jails, prisons, VA hospitals)

- Disqualification applies only if the institution is operated by a county, city, state or federal government.
- Residence in a private hospital or nursing facility generally does not disqualify an applicant from CAPI.

***A patient is admitted to a VA hospital on June 20. On July 5, she applies for CAPI. Is she disqualified?***

**No.** Applicant has not been a resident of a public institution for an entire calendar month (only part of June and part of July).

## Other CAPI disqualifications (continued)



Being outside the United States for an entire calendar month. The person does not regain eligibility until he or she has been back in the U.S. for 30 consecutive days.

*Mrs. Jones, a CAPI recipient, flies to France to spend time with her daughter. She flies out on March 1 and returns on April 1. When does her CAPI eligibility stop and when does it start again?*

**Eligible** for March CAPI payment because she was not out of the U.S. for the entire calendar month (was still here March 1).

**Ineligible** for April CAPI payment because she must be back in the U.S. for 30 consecutive days (April 1-30) before regaining eligibility.

**Eligible** for CAPI again in May.

# Other CAPI disqualifications (continued)



## *Crime-related disqualifications*

- Violation of a condition of probation or parole imposed under federal or state law
- Fleeing to avoid prosecution, custody or confinement after conviction for a felony under the laws of the place from which the person flees

# Basic Criteria for CAPI



Applicant must be over age 65 or blind or disabled.

*Eligibility based on age – MPP §49-025.1*

Preferred documentation: Birth certificate or baptismal certificate or other religious record of birth indicating that applicant is at least 65 years of age.

If none of the above is available, other evidence of date of birth is acceptable.

# Basic Criteria for CAPI

*Eligibility based on age*



***Is a driver's license or state-issued ID sufficient evidence of date of birth?***

- **Yes**, if applicant alleges to be at least age 68 and document was issued at least 3 years ago.
- Otherwise **No**, unless none of the forms of preferred documentation of age is available.



# Basic Criteria for CAPI

*Eligibility based on disability or blindness*



Generally, an applicant's allegations of disability or blindness must be confirmed by the CDSS Disability Determination Service Bureau (DDSD).

*Exceptions:* If applicant is currently receiving Title II Social Security or SSI/SSP or Medi-Cal, the county must accept any determination of disability or blindness made in the course of obtaining those benefits. A current determination is one that has not expired. MPP §49-025.221

# Basic Criteria for CAPI

*Eligibility based on disability or blindness*



In most cases, a county may not grant CAPI to an applicant pending a DDSD disability determination. Counties may grant General Assistance/General Relief in the interim if the county's policies and regulations allow this.

However, a county may presume disability and grant CAPI pending a DDSD disability determination (**6 months maximum**) if the applicant alleges one or more of 14 “presumptive disabilities” listed in regulations.

If a CAPI applicant with a presumptive disability is eventually found “not disabled” by DDSD, this is not an overpayment and interim CAPI payments may not be recovered.

# California Residency – MPP §49-010.141



- 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.

# Immigration Status



U.S. citizens are not eligible for CAPI (they may apply for SSI/SSP). There are two broad classifications of immigrants who may be eligible for CAPI: **PRUCOL and qualified alien**. To qualify for CAPI, an applicant must present immigration documentation that proves to the county's satisfaction that the applicant's immigration status falls into one of those two categories. There are currently more than 100 different types of visas, so the EW will need to carefully review the immigration documentation submitted by the applicant.

*What is PRUCOL?*

**Permanent Resident Under Color of Law**

**CAPI applicants who are PRUCOL are not eligible for SSI/SSP and must not be referred to the Social Security Administration.**

MPP §49-005(p)(3) lists 12 types of immigration status that are considered PRUCOL.

# Immigration Status (Continued)



## *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
- 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.**

# Immigration Status (Continued)



*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 & SSI



## Immigration Status (Continued)

The federal Social Security Administration has special rules that apply to the eligibility of qualified aliens for SSI/SSP. Because a qualified alien *might* be eligible for SSI/SSP, any CAPI applicant who is a qualified alien must be referred to SSA for the purpose of applying for SSI/SSP. A non-citizen who is eligible for SSI/SSP may not receive CAPI instead.

*Please note:*

- Immigrants who are Lawfully Admitted for Permanent Residence (LAPR) 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.

# Ineligibility for SSI/SSP solely based on immigration status



A person is ineligible for CAPI if:

- the applicant is eligible for SSI/SSP, or
- the applicant is ineligible for SSI/SSP for a reason other than immigration status alone (e.g., because applicant exceeds the income limit or because an applicant under age 65 is found not to be disabled).

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). Do not send the applicant to SSA. County may proceed to evaluate the CAPI application.

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 (but only if SOC 455 is completed and signed).



# CAPI Income and Resources Criteria



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, plus that of a spouse or ineligible parent living in the same household. If client has a sponsor, sponsor's income and property should be deemed. Disregarded amounts can include allocations for ineligible spouses, parents and children in the deeming process.

To be eligible for CAPI, an individual's or couple's non-excludable resources must not exceed \$2,000 for an individual or \$3,000 for a couple.

## How to Apply



To apply in person or to find out more about CAPI benefits in your county, please [contact your county social services agency](#).

CAPI recipients may be eligible for CalFresh benefits, Medi-Cal, Special Circumstances, and IHSS, but they must file for each benefit separately. There is no automatic eligibility link between CAPI and these other programs.

State regulations governing CAPI can be found in [Manual of Policies and Procedures, Division 49](#).