

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 28, 2004

ALL-COUNTY INFORMATION NOTICE NO. I-07-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CAPI PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order or Settlement Agreement
 Clarification Requested by One or More Counties
 Initiated by CDSS

**SUBJECT: CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)
ELIGIBILITY FOR REFUGEES DISCONTINUED FROM THE
SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTARY
PAYMENT PROGRAM**

This All-County Information Notice (ACIN) provides clarifying guidelines for processing new Cash Assistance Program for Immigrants (CAPI) applications for refugees discontinued from the Supplemental Security Income/State Supplementary Payment (SSI/SSP) program.

BACKGROUND

Federal law allows SSI/SSP eligibility for 7 years for any otherwise qualified non-citizen who is a:

1. Refugee under Section 207 of the Immigration and Nationality Act (INA),
2. Asylee under Section 208 of the INA,
3. Alien whose deportation is being withheld under Section 243(h) of the INA or whose removal has been withheld under Section 241(b)(3) of the INA,
4. Cuban/Haitian entrant under one of four categories in Section 501(e) of the Refugee Education and Assistance Act of 1980, or
5. "Amerasian immigrant" under Section 584 of the Foreign Operations, Export Financing, and Related Programs Act of 1988.

The 7-year period of eligibility begins with the date the non-citizen obtains his or her particular status. It ends effective with the month following the 7-year anniversary of that date. Many of these individuals who obtained their status in one of the five categories on or *after* August 22, 1996 are now losing their SSI/SSP and applying for CAPI. A non-citizen from any of these five categories who was either receiving SSI/SSP in August 1996, or lawfully residing in the United States on August 21, 1996 and is now disabled, remains or can become eligible for SSI/SSP.

CAPI ELIGIBILITY

A non-citizen from one of these five categories who loses SSI/SSP eligibility due to expiration of the 7-year period is ineligible for SSI/SSP solely due to his or her immigration status and is potentially eligible for CAPI. It should be noted, however, that in accordance with Manual of Policies and Procedures Manual Section 49-020.21, a non-citizen from one of these five categories who was lawfully residing in the United States on August 21, 1996 would still have to be 65 or older to be potentially eligible for CAPI.

COUNTY PROCEDURES

The county must first determine by an SSI/SSP notice, contact with Social Security, or by querying the MEDS system that the individual has been discontinued from SSI/SSP due to his or her immigration status (payment status code N13).

If the applicant is age 65 or older, process like any other CAPI case.

If the applicant is under 65 and has been discontinued from SSI/SSP due to immigration status, adopt the SSI/SSP disability decision for purposes of awarding or denying the CAPI application, and determine if a medical re-exam is needed. If the person's medical re-exam date is currently or past due, counties will then have to complete a full disability packet and send it to the State Programs Branch of the Disability and Adult Programs Division. However, CAPI benefits can be awarded through the normal application process while that medical review is pending.

If the applicant is under 65 and has been discontinued from SSI/SSP due to cessation of disability (payment status codes N07 or N08), counties cannot adopt the previous SSI/SSP disability decision and should process like any other case.

The medical re-exam date can be determined in one of two ways:

1. Obtain a printout showing the medical re-exam date from a local Social Security office.
2. Prepare and send a limited packet to the State Programs Branch of the Disability and Adult Programs Division. The limited packet consists of just the MC 221 with a remark in Item # 10 indicating that the referral is a "Refugee CAPI case and SSI was discontinued as of (date) . Please check for SSI disability status." State Programs will return the packet indicating whether or not there is an adoptable federal allowance and request a full disability packet if a medical re-exam date has come due. Counties can follow up with the State Programs Branch if they do not receive a response to the limited packet request within 30 days.

Any questions regarding these adjustments should be directed to Marshall Browne, Analyst at (916) 229-4000.

Sincerely,

Original Signed By
Donna L. Mandelstam on 1/28/04
DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division