



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GOVERNOR

May 18, 2017

ALL-COUNTY LETTER (ACL) NO. 17-31

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL INTERIM ASSISTANCE REIMBURSEMENT (IAR) PROGRAM MANAGERS
ALL CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) MANAGERS

SUBJECT: **APPLICATION PROCEDURES FOR THE CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)**

REFERENCES: [CALIFORNIA DEPARTMENT OF SOCIAL SERVICES MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#) §§10-111, 30-009, 49-005(q), 49-010.13, 49-013.2, 49-015, 49-025, 49-030, 49-037, 49-045, 49-065
[CALIFORNIA GOVERNMENT CODE §7290 et seq.](#)
[ALL-COUNTY LETTER \(ACL\) NO. 17-33](#)
[ALL-COUNTY INFORMATION NOTICE \(ACIN\) NO. I-01-10](#)
[ALL-COUNTY INFORMATION NOTICE \(ACIN\) NO. I-79-16](#)
[CALIFORNIA WELFARE AND INSTITUTIONS CODE §§ 18938\(a\)\(1\), 18939\(a\), 18945, PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT \(PRWORA\), PL 104-193](#)

The purpose of this All County Letter (ACL) is to clarify procedures that counties and Cash Aid Program for Immigrants (CAPI) consortia must follow in accepting and processing applications for CAPI benefits.

The California Department of Social Services (CDSS) [Manual of Policies and Procedures \(MPP\)](#) §49-013.2 provides that the CAPI program shall be administered under the administrative standards set forth in Division 10 of the regulations. MPP §10-111 states that determinations and redeterminations shall be conducted in accordance with MPP §30-009. Accordingly, the CAPI program is subject to the application procedures described in MPP §30-009.

Methods of Applying for CAPI (in person, by telephone or by mail)

MPP §30-009.222 provides that any person desiring to apply for services must be afforded the opportunity to do so immediately. Accordingly, any person may apply for CAPI by telephoning or writing to the county social services agency or by visiting a county social services agency office in person. State social services regulations specifically require that the county DSS engage in a face-to-face contact with the applicant as part of the application process. (MPP §30-009.224.) Therefore, when an individual calls or writes the county DSS to apply for CAPI, the county should commence the application process and follow up by making an appointment for an in-person visit with the applicant.

For individuals applying for CAPI by telephone, the county must complete the CAPI application form (SOC 814) with the applicant over the phone. With the express permission of the applicant, a county employee may sign the application for the applicant. However, in either the case of an application by telephone or by mail, the applicant must sign the application during the in-person interview, at which time any remaining missing SOC 814 information must be filled in. (MPP §§30-009.223, 30-009.224)

If a county finds that an applicant is prevented from traveling to the local social services agency office for face-to-face contact due to disability or other good reason, the county must make alternate arrangements (such as a videoconference call or an appointment for a home visit) that permit the applicant to complete the application process.

Required Forms

The CAPI application form is the [CAPI Statement of Facts \(SOC 814\)](#). While counties may use the [SAWS 1](#) or [SAWS 2 Plus](#) as screening tools, all CAPI applicants must complete and sign the SOC 814. (MPP §§49-015.11, 49-015.3)

In addition to the SOC 814 CAPI application form, other documents must be completed and submitted as part of the CAPI application and redetermination processes:

- [SOC 453 \(CAPI Statement of Household Expenses and Contributions\)](#) – Required of all CAPI applicants.
- [SOC 804 \(Statement of Facts for Determining Continuing Eligibility for CAPI\)](#) – Required of CAPI recipients during the redetermination process.
- [SSP 14 \(Federal Interim Assistance Reimbursement\)](#) – Required of any CAPI applicant determined by the county to be a qualified alien. (MPP §49-065.21). Does not apply to applicants who are PRUCOL.
- [SOC 455 \(State Interim Assistance Reimbursement\)](#) – Required of all CAPI applicants. (MPP §49-065.3)
- [SOC 860 \(Sponsor's Statement of Income and Resources\)](#) – Sponsored immigrants are responsible for ensuring completion by each of their sponsors (whether indigence exception applies or not). (MPP §49-037.51). Does not apply

to non-sponsored applicants.

- [SOC 809 \(Indigence Exception Statement\)](#) – Must be completed by the applicant/recipient only if applying for an indigence exception to the sponsor deeming rule. (MPP §49-037.461). Accordingly, SOC 809 does not apply to non-sponsored applicants.
- [SOC 813 \(Indigence Exception Determination\)](#) – Required only when a sponsored CAPI applicant or recipient applies for an indigence exception to the sponsor deeming rule. Completed by the county or consortium to evaluate whether the applicant/recipient qualifies for an indigence exception.
- Applicant Verifications – The county will require all CAPI applicants to provide documentation verifying statements made on SOC 814 (pay stubs, bank statements, tax records, rent receipts, proof of property ownership, etc.).
- Sponsor Verifications – The county will require sponsors to provide documentation verifying statements made on SOC 860 (pay stubs, bank statements, tax records, rent receipts, proof of property ownership, etc.).
- Immigration Documents – All CAPI applicants must provide the county with evidence of current immigration status.
- Identity Documents – Each CAPI applicant must provide the county with photographic documentation (e.g., a driver's license or state ID card) that identifies the individual to the satisfaction of the county.
- Proof of Age – Applicants claiming eligibility for CAPI based on having attained the age of 65 must provide the county with evidence of date of birth (e.g., birth certificate) in accordance with MPP §49-025.1.

For the convenience of the counties, an optional income eligibility worksheet, [SOC 452](#), is available for calculating the amount of monthly CAPI payments to which an applicant is entitled. In reviewing applications and conducting redeterminations for sponsored immigrants, the county may use [SOC 454](#), the sponsor-to-alien deeming worksheet.

When and How to Refer CAPI Applicants to the Social Security Administration

Important: Please ensure that your county does not refer CAPI applicants to the federal Social Security Administration (SSA) to apply for Supplemental Security Income/State Supplementary Payment (SSI/SSP) prior to evaluating their immigration status. A county or consortium *must not* refer a CAPI applicant or recipient to SSA if either of the following is true:

- The county or consortium determines that the applicant/recipient is not a qualified alien (as defined in MPP §49-005(q)).
- The applicant/recipient presents the county or consortium with a formal or informal SSA denial of SSI/SSP benefits, based solely on immigration status of the applicant/recipient and dated within the past 6 months.

(See MPP §49-030.1.)

The California legislature enacted the CAPI program to provide basic income maintenance to aged, blind and disabled residents of California who are non-citizens and therefore ineligible for federal SSI/SSP benefits due to the passage of the federal [Personal Responsibility and Work Opportunity Reconciliation Act \(PRWORA\) \(Public Law 104-93 and its amendments\)](#). Accordingly, to be eligible for CAPI, an applicant must be ineligible for SSI/SSP solely based on his or her immigration status. ([Welfare and Institutions Code \(WIC\) §18938\(a\)\(1\)](#); MPP §§ 49-010.13, 49-030.1.)

It is the responsibility of the county or consortium to determine whether CAPI applicants are qualified aliens who may be eligible for SSI/SSP benefits. (WIC §18938(a)). Only if the applicant is determined to be a qualified alien should the county refer the individual to the local SSA field office to apply for SSI/SSP. However, even a qualified alien should not be required to apply to SSA if he or she supplies the county with a formal or informal communication from SSA, dated within the past six months, indicating that either:

- the CAPI applicant has applied for SSI/SSP, or
- the CAPI applicant is ineligible for SSI/SSP solely based on his or her immigration status.

When a county or consortium requires a CAPI applicant or recipient to apply for SSI/SSP, the applicant or recipient must do so within 30 days, regardless of any previous SSA determinations. (MPP §§49-045.1, 49-045.12, 49-045.15)

The vast majority of CAPI applicants are either permanent residents under color of law (PRUCOL) or qualified aliens (LPR, refugees, asylees, etc.). MPP §49-020.12.

- The county or consortium must examine a CAPI applicant's immigration documents and determine his or her immigration status prior to requiring that the applicant apply for SSI.
- If this document examination results in a determination that the CAPI applicant is PRUCOL (*i.e.*, not a qualified alien), the county or consortium should proceed with the CAPI determination (applicant should not be referred to SSA). For a detailed explanation of how to determine whether a CAPI applicant is PRUCOL, please see [ACIN No. I-79-16](#).
- CAPI applicants who are qualified aliens may potentially be eligible for SSI/SSP and should be referred to SSA to apply.
- Applicants claiming to satisfy CAPI immigration status requirements by virtue of being a victim of human trafficking, domestic violence or other serious crime are accorded the same eligibility as refugees (a category of qualified alien) and should therefore be referred to SSA to apply for SSI. See MPP §§49-020.112, 49-005(q)(1); [WIC §18945](#).

Interim Assistance Reimbursement (IAR) Requirements

CAPI regulations provide that counties must take all steps necessary to qualify any CAPI benefits paid for federal or state interim assistance reimbursement (IAR). (MPP §§49-065.2, 49-065.3). Accordingly, it is CDSS policy that all CAPI applicants must be provided with the IAR state authorization form, [SOC 455](#). Qualified aliens must also complete the Federal IAR authorization form, [SSP 14](#). When the SSP 14 is required, it must be signed by both the applicant and a county staff member; the SOC 455 need only be signed by the applicant. Counties must provide CAPI applicants with any assistance that the applicant needs to complete these forms. Please note that, per SSA rules and requirements, SSP 14 may not be signed by an authorized representative.

Indigence Exception

In indigence exception cases, additional forms are required as part of the application process. The following requirements apply when a sponsored immigrant seeks to suspend sponsor deeming due to an inability to obtain shelter and food resulting from the sponsor's failure to provide support:

- *Applicant* must complete an indigence exception statement ([SOC 809](#)). (MPP §49-037.413).
- *Sponsor* must complete the Sponsor's Statement of Facts - Income and Resources ([SOC 860](#)). (MPP §§49-037.462, 49-037.51, [ACIN I-01-10](#)). For details, refer to [ACL No. 17-33](#).
- *County* must complete the indigence exception determination worksheet, form [SOC 813](#).

Language Assistance

It is the county's responsibility to provide application assistance to each CAPI applicant in his or her primary language. [California Government Code §7290 et seq.](#) CAPI forms translated into statewide threshold languages may be found on California Department of Social Services' (CDSS) website at <http://www.cdss.ca.gov/inforesources/Translated-Forms-and-Publications>. Counties must make all CAPI forms available in each of *the county's* threshold languages. A particular county may have more or different threshold languages than the statewide threshold languages.

When a CAPI applicant's primary language is other than one of the state's or county's threshold languages, the county must provide the applicant with assistance (including forms interpretation) by means of an in-person interpreter or via Language Line or a similar telephone interpreting service.

Processing Time and Application Date

As a general rule, counties must make a decision to approve or deny an application for CAPI as soon as possible, but no later than 30 days following the date of application. MPP §30-009.227. The county need not wait until 30 days have elapsed to send a

Notice of Action to the applicant if the decision has been rendered sooner. Generally, the date of application (also known as the “protected application date”) is the date that an individual expresses the wish to apply for CAPI by telephone or in person, or in the case of a mail contact, the date that the county receives the written request to apply for CAPI. If CAPI is approved, the applicant is entitled to obtain benefits retroactive to the first day of the month following approval. For example, if an individual calls the county to apply for CAPI on September 10 (the protected application date), the earliest date for which he or she could receive CAPI benefits would be October 1.

Please see below for information on the processing time exception pertaining to cases in which a disability determination is involved.

The county may not delay making a decision on a CAPI application beyond the 30-day window in order to obtain a decision from SSA on the CAPI applicant’s application for SSI/SSP. For CAPI application purposes, the requirement that the applicant be denied SSI/SSP solely based on his or her immigration status, MPP §49-030.1, is satisfied if the county verifies that an SSI/SSP application has been filed with SSA and is pending a final determination. (MPP §49-030.2). A county may deny a CAPI application if, without good cause, an applicant fails to cooperate with a county referral to apply for SSI within 30 days. (MPP §49-045.15).

It is CDSS policy to make an exception to the general rule in cases where an applicant under age 65 claims disability, a Medi-Cal disability determination has not been made, and it is therefore necessary to obtain a disability determination from the CDSS Disability Determination Service Division (DDSD). In such cases, the 30-day CAPI decision period begins on the day that the county obtains a disability determination from DDSD. However, if the applicant is ultimately found to be disabled, the county must provide the applicant with retroactive CAPI benefits extending back to the first day of the month following the protected application date.

Please note that a mere inquiry, such as an individual contacting the county to ask about CAPI income or immigration requirements or the amount of monthly benefits, does not constitute an application for services. Such inquiries may or may not result in a decision to apply for CAPI. If an individual making a general inquiry later asks to apply for CAPI, the county’s 30-day decision window would open at that time.

Authorized Representative

State law provides that “any person shall have the right to apply for services or to make application through another person on his behalf” and that “the application may be signed by the applicant or his authorized representative.” (MPP §30-009.221.) Accordingly, an individual may apply for CAPI and may sign the CAPI application (SOC 814) either personally or through another person whom the applicant has authorized to represent her/him.

As a fraud prevention measure, authorized representative (AR) agreements may not be pre-signed by applicants. The applicant must sign the AR agreement in the presence of a county employee. Furthermore, as indicated above, an AR may not sign an applicant's IAR authorization form (SSP 14).

County Responsibilities

County or CAPI consortium responsibilities in connection with CAPI applications include the following:

- Inform the applicant of her/his rights and responsibilities in relation to eligibility for CAPI. A county may satisfy this requirement by providing the applicant with a copy of forms SAWS 1 or SAWS 2 Plus or the CDSS brochure "Your Rights
- Under California Welfare Programs" (PUB 13). This information must be provided in the applicant's primary language. PUB 13 may be accessed in multiple languages (standard size print and large print) on the CDSS website at [California Welfare Programs PUB 13](#).
- Conduct a face-to-face interview with the applicant.
- Assist applicants as needed to establish their eligibility.
- Correctly determine eligibility and payment amount.
- Issue timely and accurate notices in the applicant's primary language.
- Issue or request issuance of CAPI payments.

MPP §49-015.2

Should you have questions regarding the information contained in this letter, please contact Aron Smith, Cash Programs Manager, Adult Programs Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-1174.

Sincerely,

Original Document Signed By:

DEBBI THOMSON
Deputy Director
Adult Programs Division

c: CWDA