

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 9, 1998

ALL COUNTY INFORMATION NOTICE NO: I-71-98

TO: ALL COUNTY WELFARE DIRECTORS

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

REFERENCE: ACL 98-82

The purpose of this notice is to provide clarification of when an applicant for CAPI must be referred to the Social Security Administration (SSA), quick reference guides to help counties process the Cash Assistance Program for Immigrants (CAPI) applications, and to advise counties of federal legislation that affects CAPI.

SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTARY PAYMENT (SSI/SSP) PROGRAM REFERRALS

In ACL 98-82 under the sub-heading "Eligibility for Other Benefits", we instructed counties that it was necessary to obtain verification from SSA that the applicant was ineligible for SSI/SSP due to his or her immigration status. There have been a number of questions and concerns raised about what type of verification is needed from SSA and when it is needed. Therefore, we are providing clarification and more specific directions on this issue.

FUTURE APPLICANTS

Except as provided below, counties shall assist applicants to complete an SSI/SSP application and an Interim Assistance Reimbursement (IAR) agreement concurrently with their CAPI application. Counties shall submit both the application and the IAR agreement to SSA. There must be evidence in the case file that these documents have been completed, signed by the applicant, and submitted to SSA before CAPI benefits may be issued.

CAPI applicants are not required to submit an SSI/SSP application if any of the following are documented in the case file:

1. Verification that an SSI/SSP application is currently pending; or
2. An informal denial letter (L-991), or other verification, from SSA issued after August 1, 1998 and within 6 months of the CAPI application, indicating the individual is ineligible for SSI/SSP due to his or her immigration status; or
3. A formal denial letter from SSA issued after August 1, 1998 and within 6 months of the CAPI application, indicating the individual is ineligible for SSI/SSP due to his or her immigration status; or
4. A county determination that the CAPI applicant is not a Qualified Alien, as defined in Public Law 104-193, and therefore not eligible for SSI/SSP.

EXISTING APPLICANTS

Counties shall notify any person who has already initiated the CAPI application process, but for whom an SSI/SSP application has not been submitted by the county as of the date of this ACIN, and who does not fall within one of the four above-stated exceptions, that they must by January 25, 1999, demonstrate to the county that they have applied for SSI/SSP.

Proof of application can include but is not limited to any of the following:

- A telephone verification with SSA; or
- Documentation that an SSI/SSP application was signed by the applicant and submitted to SSA by the county; or
- A receipt or other SSA document indicating that an application was filed.

For these applicants, if otherwise eligible, counties shall issue CAPI payments for December 1998 (if the application was filed in November 1998) and January 1999, even though an SSI/SSP application has not yet been filed. Counties must suspend CAPI benefits beginning March 1, 1999 for any applicant who does not submit this verification by January 25, 1999.

SSA's certification is only one component in the CAPI eligibility process. Counties are still responsible for ensuring that the applicant meets all other eligibility requirements such as immigration status, age, residence, income and resources. In fact, since CAPI benefits may be awarded while an SSI/SSP application is pending, it is increasingly critical for counties to accurately evaluate and document the applicant's immigration status for CAPI.

We will be issuing a revised All-County Letter to reflect this direction in the near future.

CAPI REFERENCE GUIDES

As discussed in ACL 98-82, individuals with a number of immigration statuses may be eligible for CAPI, and the amount of the CAPI payment is at least partially dependent on the person's living arrangement. Specifically, these charts provide information and guidance in determining the immigration status and proper living arrangement categories for CAPI applicants. These are reference guides only and are not intended to replace regulations or law.

The following reference Guides are attached:

- Check List for Determining Eligibility
- Alien/Immigrant Eligibility Chart
- Living Arrangement Guide

FEDERAL LEGISLATION (H.R. 4558)

Recently enacted federal legislation (H.R. 4558) extends indefinitely the Supplemental Security Income/State Supplementary Payment (SSI/SSP) eligibility of all non-citizens who were receiving SSI/SSP benefits on August 22, 1996. This means that there will be no transfer of SSI/SSP conversion cases from the Social Security Administration to the counties, aside from the few cases converted to CAPI on October 1, 1998.

Any questions regarding this information should be directed to Patty Russell, Chief of the Adult Programs Management Bureau, at (916) 229-4000.

Sincerely,

Original Document Signed By Leonard Tozier for Donna L. Mandelstam On December 9, 1998

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment:

- [Cash Assistance Program for Immigrants \(CAPI\) Key Reminders](#)
- [Alien/Immigrant Eligibility Chart](#)