



CDSS

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EDMUND G. BROWN JR.
GOVERNOR

May 3, 2016

ALL-COUNTY LETTER (ACL) NO. 16-34

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

SUBJECT: CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI) REDETERMINATIONS – CLARIFICATION REGARDING SUPPLEMENTAL SECURITY INCOME (SSI) REFERRALS

REFERENCES: [WELFARE AND INSTITUTIONS CODE \(WIC\) §18938\(a\)\(1\)](#) AND [§18939\(A\)](#);
[8 UNITED STATES CODE \(USC\) §1613](#) AND [§1641](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#) §49-005(q), §49-0101.13, §49-030.1, §49-030.11, §49-045.12, §49-045.15, §49-070.1;
[SOCIAL SECURITY ADMINISTRATION \(SSA\) PROGRAM OPERATIONS MANUAL SYSTEM \(POMS\) §SI 00502.100\(A\)\(2\)](#);
[ALL-COUNTY LETTER \(ACL\) No. 99-106](#), DATED DECEMBER 16, 1999;
[ALL-COUNTY INFORMATION NOTICE No. I-71-98](#), DATED DECEMBER 9, 1998;
[STATEMENT OF FACTS FOR DETERMINING CONTINUED ELIGIBILITY FOR THE CASH ASSISTANCE PROGRAM FOR IMMIGRANTS](#) (SOC 804)

<u>REASON FOR THIS TRANSMITTAL</u>	
<input type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order
<input checked="" type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS

The purpose of this All-County Letter (ACL) is to clarify the circumstances under which recipients of benefits under the Cash Assistance Program for Immigrants (CAPI) must reapply for Supplemental Security Income (SSI) as part of the process of the county's annual redetermination of CAPI eligibility. For information on the circumstances under which an *initial* applicant for CAPI must apply for SSI, please consult [All-County Information Notice \(ACIN\) No. I-71-98](#).

State regulations provide that each CAPI recipient's eligibility must be redetermined at 12-month intervals. ([Manual of Policies and Procedures \(MPP\) §49-070.1.](#))

[ACL No. 99-106](#) sets forth redetermination procedures and establishes form [SOC 804](#) (Statement of Facts for Determining Continued Eligibility for the Cash Assistance Program for Immigrants) as the required redetermination worksheet.

To be eligible for CAPI, an individual must be ineligible for SSI solely due to his or her immigration status. ([WIC §18938\(a\)\(1\)](#); MPP §§49-010.13 and 49-030.1) Any applicant for or recipient of CAPI benefits whom the county believes is eligible for SSI must apply for SSI pursuant to [WIC §18939\(a\)](#). Counties must direct any CAPI recipient whom they believe to be eligible for SSI to apply for SSI *regardless of any previous determinations by the Social Security Administration (SSA)*. (MPP §49-045.12) Ineligibility for SSI may be established by formal or informal communication from the SSA dated within six months of the CAPI application, or by a county determination that the applicant is not a qualified alien. (MPP §49-030.11; ACIN No. I-71-98)

Accordingly, at annual CAPI redetermination, the county must examine whether the CAPI recipient is a qualified alien who should be referred to apply for SSI.

→ ***What is a qualified alien?*** *Qualified aliens include specific categories of immigrants, among them refugees, asylees and those lawfully admitted for permanent residence (LAPRs). The complete list is found in the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) at [8 United States Code \(USC\) §1641](#), in SSA's [Program and Operations Manual System \(POMS\) §SI 00502.100\(A\)\(2\)](#) and in MPP §49-005(q).*

If CAPI recipient is not a qualified alien...

If the county finds that a CAPI recipient is *not* a qualified alien (for example, if recipient has permanent residence under color of law (PRUCOL)), the recipient should not be required to reapply for SSI at the CAPI redetermination. To investigate qualified alien status, the county must review the entire documentation provided and compare it to any prior determination made as to whether the recipient was a qualified alien. A CAPI recipient's response to Question #1 on SOC 804 indicating that his or her immigration status has changed is one indicator that would put the county on notice that the recipient may now be a qualified alien.

If CAPI recipient is a qualified alien...

If it is determined that a CAPI recipient appears to be a qualified alien (for example, an individual who is lawfully admitted for permanent residence (LAPR)), or has become a naturalized American citizen, the county has reasonable grounds to believe that the CAPI recipient may be eligible for SSI *and the county must therefore refer the recipient to reapply for SSI*. This is important because many new immigrants who are qualified aliens are denied SSI due to the five-year waiting period under federal welfare reform (the waiting period does not apply to refugees, asylees and certain other categories of immigrants). ([8 USC §1613](#)) Requiring all CAPI recipients who appear to be qualified aliens to reapply for SSI as part of the annual CAPI redetermination process relieves counties of the responsibility for determining when the five-year period of ineligibility for SSI has expired. SSA will make this determination in the course of its review of the claimant's SSI application. There will be cases in which qualified aliens to whom the county had granted CAPI benefits following denial of SSI will have completed the five-year period of ineligibility and will become eligible for SSI, allowing the county to terminate CAPI benefits.

A CAPI recipient who has been referred by the county to reapply for SSI, and who fails to do so within 30 days of receipt of the county referral, will not remain eligible to receive CAPI benefits unless the county finds that there was good cause for the CAPI recipient's failure to reapply for SSI. (MPP §49-045.15)

Should you have questions regarding the information contained in this letter, please contact Aron Smith, Cash Programs Manager, Adult Programs Division, Policy and Quality Assurance Branch at (916) 651-5350 or by email to aron.smith@dss.ca.gov.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division