



CDSS

WILL LIGHTBOURNE
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

November 30, 2016

ALL COUNTY INFORMATION NOTICE NO.: I-79-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CASH ASSISTANCE
PROGRAM FOR IMMIGRANTS
MANAGERS

SUBJECT: **CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)
PRUCOL CLARIFICATION**

REFERENCES: [20 CODE OF FEDERAL REGULATIONS \(CFR\) §416.1618;](#)
[WELFARE AND INSTITUTIONS CODE §18945;](#)
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) §49-001.1,](#)
[§49-005\(p\)\(3\)\(L\), §49-005\(q\), §49-020.1](#)

REASON FOR THIS TRANSMITTAL

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

The purpose of this All County Information Notice (ACIN) is to clarify the circumstances under which a Cash Assistance Program for Immigrants (CAPI) applicant qualifies as a Permanent Resident Under Color Of Law (PRUCOL).

BACKGROUND AND GENERAL POLICY REGARDING CAPI IMMIGRATION REQUIREMENTS

The CAPI program provides cash assistance to aged, blind or disabled legal immigrants who meet immigration, income and other program requirements. [Manual of Policies and Procedures \(MPP\) §49-001.1.](#)

To be eligible for CAPI, a noncitizen must be one of the following:

- A legal immigrant who meets the immigration status requirements in effect for Supplemental Security Income/State Supplementary Payment (SSI/SSP) on August 21, 1996, or
- A victim of human trafficking, domestic violence or other serious crimes as defined in [Welfare and Institutions Code §18945.](#)

The immigration requirements referenced above in the first bullet are met if the non-citizen is either:

- a “qualified alien” as defined in MPP §49-005(q), or
- an alien permanently residing in the United States (U.S.) under color of law as defined in MPP §49-005(p)(3).

Reference: MPP §49-020.1

PRUCOL DEFINITION

“PRUCOL” is an eligibility standard found in federal and state statute and regulations implementing various public benefits programs. It is used to describe certain non-citizens who may meet the immigration requirements for those programs. The definition of PRUCOL varies depending on the public benefit program at issue. The United States Citizenship and Immigration Services (USCIS) does not recognize PRUCOL as a valid immigration classification.

Applicants often self-identify as PRUCOL in order to obtain eligibility for CAPI and other benefits. County staff must not rely upon an applicant’s self-declaration or another program’s determination that an applicant is PRUCOL. It is the responsibility of county eligibility workers to analyze each case to determine whether the applicant qualifies as PRUCOL for CAPI purposes.

DETERMINING PRUCOL STATUS

For CAPI purposes, PRUCOL refers to the 12 non-citizen categories listed in MPP §49-005(p)(3). Immigrants who do not meet the requirements of any of the first 11 specific PRUCOL categories often attempt to qualify under the twelfth, more general classification:

A non-citizen not in one of the above categories, who can show that:

- USCIS (formerly Immigration and Naturalization Service or INS) knows he/she is in the U.S., and
- USCIS does not intend to deport him/her, either because of the person’s status category or individual circumstances.

Reference: MPP §49-005(p)(3)(L)

1. USCIS knows he/she is in the U.S.

- a. It is the individual's responsibility to show that USCIS is aware of his or her presence in the U.S. Please note that an individual who is subject to an order of removal is assumed to have complied with that order by leaving the country and therefore does not satisfy this requirement.
- b. There is a general presumption that an individual who is granted time-limited admission to the U.S. (*e.g.*, a holder of a non-immigrant visa such as a visitor, student or business visa) will leave the country prior to the expiration date of that admission. When an individual overstays his or her visa, it cannot be assumed, without proof to the contrary, that USCIS remains aware of the individual's presence in the U.S. Therefore, such individuals have the burden of proving that USCIS is aware that they remain present in the United States.
- c. A non-citizen may demonstrate that USCIS is aware of his/her presence in the U.S. by providing proof that some type of correspondence (*e.g.*, immigration forms, inquiries, letters) was filed with USCIS after the date of the visa's expiration. The non-citizen must provide the county with proof that correspondence with USCIS has actually been filed (*e.g.*, U.S. Post Office proof of mailing or a notice of action or receipt from USCIS).
- d. Mere *intent* to file documentation with USCIS does not satisfy the requirement of USCIS's knowledge of the individual's continued presence.

2. USCIS does not intend to deport him/her, either because of the person's status category or individual circumstances.

The USCIS does not contemplate enforcing an individual's departure if it is the policy or practice of that agency not to enforce departures of aliens in the same category. [20 CFR §416.1618\(a\)](#) As USCIS does not have a practice of deporting the aged, blind or disabled, most CAPI applicants can successfully claim that USCIS does not intend to deport them.

Please note that if an applicant is subject to an order of deportation/removal, he or she will not meet the requirement listed above and will not qualify as PRUCOL. Some immigrants may not be aware that they are subject to old orders of deportation that remain active.

SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

The Systematic Alien Verification for Entitlements (SAVE) program is an electronic federal/state information sharing database that USCIS makes available to state and county governments. The SAVE program will verify an applicant's immigration or citizenship status and will indicate whether the applicant is authorized to work in the United States. As USCIS does not recognize PRUCOL as a valid immigration status, SAVE will not identify individuals as PRUCOL. The counties must make this determination using the criteria described above.

Should you have questions regarding the information contained in this notice, please contact Steve Koehler or Aron Smith at California Department of Social Services Adult Programs Division, Cash Assistance and Special Projects Unit at (916) 651-5350, or email to: steven.koehler@dss.ca.gov or aron.smith@dss.ca.gov.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division

c: CWDA