

## Chapter Three

# California Cash Assistance Program for Immigrants (CAPI)

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# Chapter Three: CAPI

**Note** - In order to understand CAPI, the reader must first read the chapter on SSI.

## Introduction

California established the Cash Assistance Program for Immigrants (CAPI) in 1998 to provide benefits for certain immigrants who previously would have been able to receive Supplemental Security Income (SSI), but who are no longer eligible for SSI because of the restrictions placed on non-citizen eligibility in the 1996 federal welfare legislation. The program is fully funded by the state and is administered by the California Department of Social Services through contracts with the counties. The primary beneficiaries have been elderly immigrants who entered the United States before August 22, 1996 and do not have 40 quarters of earnings. However, an increasing number of people who entered the United States on or after August 22, 1996 have also become eligible. Unfortunately, awareness of the program in many immigrant communities is quite low.

## Benefits

CAPI provides a monthly benefit that is the same as the comparable SSI benefit for an individual and an eligible couple. Thus, the monthly CAPI benefit rate for 2020 for an aged and/or disabled individual is \$943.72 and \$1,582.14 for an aged and/or disabled couple. As in SSI, rates are slightly higher for recipients who are blind and for those who lack access to adequate cooking or food storage facilities. Unlike SSI, CAPI does not confer automatic Medi-Cal eligibility, although individuals can file separately for Medi-Cal. CAPI recipients may be eligible for Food Stamp (Supplemental Nutrition Assistance Program) benefits.

## Eligibility

The eligibility requirements for CAPI are the same as for SSI, except for the immigrant status requirements. Income and resources are calculated according to the SSI rules.

Also, if an individual qualifies for SSI, that individual is not eligible for CAPI. It is only those who are ineligible for SSI solely because of immigration status who are potentially eligible for CAPI. Indeed, the county Department of Public Social Services (DPSS) will probably require someone applying for CAPI to apply for SSI in order to establish SSI ineligibility.

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## Immigration Status

As with SSI, there is a big difference between non-citizens who entered the United States before 8/22/96, and those who entered on or after that date. Anyone who entered before 8/22/96 who would have been eligible for SSI on the immigrant status rules in effect before that date, automatically meets the immigrant status rules for CAPI if they no longer qualify for SSI solely because of immigration status.

Non-citizens who entered the United States before 8/22/96 are no longer able to file new claims for SSI on the basis of age unless they qualify for the veteran exception or 40 quarters exception. They can receive CAPI on the basis of age without the need to prove disability. However, they will be required to pursue an SSI claim based on disability, and will be required to sign an interim assistance reimbursement agreement with the county. Under the terms of this agreement, if the individual does eventually receive SSI, the county will be reimbursed out of the SSI payment for past due benefits that otherwise would have gone to the individual. Once SSI is approved, this must be reported to DPSS and the CAPI benefits will cease. If the SSI claim is denied, the individual will continue to receive CAPI.

Prior to 8/22/96, there was an immigrant eligibility category for SSI known as PRUCOL or Permanently Residing Under Color of Law. These individuals no longer qualify for SSI on any basis, unless they are grandfathered in. However, they may be eligible for CAPI on the basis of age, blindness or disability regardless of date of entry.

Lawful permanent residents who entered the United States on or after 8/22/96 no longer qualify for SSI unless they meet either the veteran or 40 quarters exception. They are eligible for CAPI, but with a significant limitation. Their eligibility is subject to deeming of their sponsor's income and resources for a period of 10 years from the date they were granted lawful permanent residence status. It should be noted that some people who may have previously been denied CAPI benefits because of the deeming requirement may now be eligible if the ten-year deeming period has since expired.

Generally, deeming of the sponsor's income makes an individual financially ineligible for benefits. However, there are exceptions to the deeming requirement for (1) victims of abuse, which includes the non-citizen, non-citizen's minor child, or non-citizen's parent; and (2) someone who would go "hungry or homeless" without assistance. Someone is considered likely to go "hungry or homeless" without assistance if their total income is less than the SSI Federal Benefit Rate (FBR), which is \$783 for an individual and \$1,175 for a couple in 2020. However, awareness of the "hungry or homeless" exception appears to be limited in immigrant communities and in the county agencies that are required to apply the exception.

**Refugees, Asylees Cut Off SSI After 7 Years Can Receive CAPI** - There is also a group of humanitarian immigrants (refugees, asylees, persons for whom deportation is withheld, Cuban- Haitian entrants, Amerasian immigrants) with a seven-year time limit on SSI eligibility. Upon expiration of the seven-year period, these individuals are eligible for CAPI. They should apply for CAPI at the start of their last month of SSI eligibility.

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## Appeals

Appeals from adverse determinations in the CAPI program are heard by Administrative Law Judges (ALJs) employed by the California Department of Social Services. A request for a hearing must be filed within 90 days after the date of the adverse determination. As with SSI, in the case of suspensions, terminations or reductions of benefits, there is a right to continued assistance pending decision on the first level of appeal.

## Supplemental Materials

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## CAPI Payment Standards

Effective January 1, 2020

### RATES FOR INDEPENDENT LIVING OR IN HOUSEHOLDS WITH IN-KIND ROOM AND BOARD (REDUCED NEEDS)<sup>1</sup>

#### INDIVIDUAL

<b>Independent Living</b>	<b>Total CAPI</b>
Aged or Disabled	\$943.72
Aged or Disabled – without cooking facilities	\$1,030.04
Blind	\$1,000.23
Disabled Minor	\$848.15

  

<b>Reduced Needs</b>	<b>Total CAPI</b>
Aged or Disabled	\$686.24
Blind	\$742.76
Disabled Minor – household of another	\$590.67

#### COUPLE

<b>Independent Living</b>	<b>Total CAPI</b>
Aged or Disabled	\$1,582.14
Aged or Disabled – without cooking facilities	\$1,754.77
Blind	\$1,733.19
Blind, Aged, or Disabled	\$1,675.65

  

<b>Reduced Needs</b>	<b>Total CAPI</b>
Aged or Disabled	\$1,195.75
Blind	\$1,346.80
Blind, Aged, or Disabled	\$1,289.26

  

<b>Title XIX Medical Facility</b>	<b>Total CAPI</b>
Per Individual	\$51.00
Per Couple	102.00

**Note:** As authorized by AB 1811 (Chapter 35, Statutes of 2018), W&IC section 18941 has been amended so that, beginning June 1, 2019, CAPI benefits will be equivalent to SSI/SSP payment standards due to the CalFresh SSI Eligibility Expansion.

<sup>1</sup>These rates reflect an SSI COLA of 1.6%.

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California Department of Social Services  
Auxiliary Tables

Local Assistance  
2020-21 Governor's Budget

## CAPI Payment Standards

Effective January 1, 2020

### Rates for Non-Medical Out-of-Home care<sup>2</sup>

#### INDIVIDUAL

<b>Non-Medical Out-of-Home Care With In-Kind Room &amp; Board</b>		<b>Total CAPI</b>
Aged or Disabled		\$940.23
Blind		\$940.23
Disabled Minor – living with non-parent		\$940.23

  

<b>Non-Medical Out-of-Home Care Licensed Facility or Without In-Kind Room &amp; Board</b>		<b>Total CAPI</b>
Aged or Disabled		\$1,206.37
Blind		\$1,206.37
Disabled Minor – living with non-parent		\$1,206.37

#### COUPLE

<b>Non-Medical Out-of-Home Care With In-Kind Room &amp; Board</b>		<b>Total CAPI</b>
Aged or Disabled		\$1,857.86

  

<b>Non-Medical Out-of-Home Care Licensed Facility or Without In-Kind Room &amp; Board</b>		<b>Total CAPI</b>
Aged or Disabled		\$2,412.74
Blind		\$2,412.74
Blind, Aged, or Disabled		\$2,412.74

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<sup>2</sup>These rates reflect an SSI COLA of 1.6%.