



State Cash Assistance Program for Immigrants (CAPI)*

(Thanks to Legal Assistance for Seniors for first developing this flyer and to the National Senior Citizens Law Center for assisting with its revision.)

Some immigrants who are not eligible for Supplemental Security Income (SSI) may be able to receive cash assistance under the "CAPI" program. The program is available to many immigrants regardless of when they entered the United States.

What is the CAPI program?

CAPI is a state program that provides cash assistance to some immigrant seniors and immigrants with disabilities who may not be eligible for federal SSI because of changes in the law. If you are already receiving SSI benefits, you are not eligible for the CAPI program.

Who is eligible for the program?

Immigrants who are not eligible for federal SSI benefits because of their immigration status are eligible for CAPI. Specifically, the following immigrants are eligible for CAPI:

- Seniors (65 years or older), and persons with disabilities who are "qualified" immigrants
- Seniors (65 years or older), and persons with disabilities who are "permanently residing in the U.S. under color of law" ("PRUCOL")

In addition to these immigrant qualifications, you must also meet the federal SSI income and resource rules. For example, if your income is less than \$822.00 per month or \$1437 for a couple, and have less than \$2,000 in property (\$3,000 for a couple), not including your home, your car and your household goods, you meet the federal SSI eligibility rules. If you work, then you may be eligible even if your income is twice as high.

Who is a "Qualified" immigrant?

Qualified immigrants include: lawful permanent residents, refugees, asylees, persons granted withholding of deportation or withholding of removal, conditional entry, paroled into the U.S. for at least a year, Cuban/Haitian entrants, and certain battered spouses and children.

Who is a PRUCOL immigrant?

PRUCOL stands for "permanently residing in the United States under color of law." PRUCOL is a term that generally describes immigrants whom the Department of Homeland Security (DHS) knows are in the United States, but whom the DHS is not taking steps to deport or remove from the country.

I entered the U.S. after August 22, 1996. Can I receive CAPI?

Immigrants can receive CAPI regardless of the date that they entered the U.S. However, if a sponsor signed an affidavit of support form when you entered the U.S., you may have more difficulty qualifying for this program, because of the "deeming" rules.

I am a lawful permanent resident. Will my sponsor's income be added to mine ("deemed") when I apply for CAPI?

If a sponsor signed an "affidavit of support" form when you entered the U.S., a portion of your sponsor's income and resources may be added to yours in determining your eligibility for benefits. This "deeming" rule makes the income of many immigrants too high to qualify for CAPI. You may be able to receive CAPI if your sponsor's income is very low, or if you meet one of the exceptions from deeming (described on the next page). Deeming does not apply to refugees, asylees, parolees, battered spouses who have filed a "self-petition" for an immigrant visa, or to certain other immigrants who are not required to have a sponsor.

I recently became a lawful permanent resident. For how long will the "deeming" rules apply to me?

If you entered the U.S. *on or after August 22, 1996*, your sponsor's income will be added to yours for 10 years after you became a lawful permanent resident. The 10-year period applies regardless of which affidavit of support your sponsor signed. However, if your sponsor has a disability and signed a traditional affidavit of support (INS/DHS form I-134), the deeming period is 3 years.

I entered the U.S. before August 22, 1996. Do the deeming rules apply to me?

In most cases, the deeming period will have expired. If your sponsor signed a traditional affidavit of support (INS/DHS form I-134), then the sponsor's income is added to yours for 3 years after you become a lawful permanent resident. However, if your sponsor signed a "new" affidavit of support (INS/DHS form I-864), the deeming period is 10 years.

What are the exceptions from deeming?

The exceptions from the sponsor deeming rules in CAPI depend on which affidavit of support form your sponsor signed. If your sponsor signed a "traditional" affidavit of support (INS/DHS form I-134), then the deeming rules do not apply if you became disabled after entering the U.S., or if you are a victim of domestic violence. If your sponsor signed a "new" affidavit of support (INS/DHS form I-864), then deeming does not apply if you would go hungry or homeless without assistance, or if you are a victim of domestic violence. The "hungry or homeless" exception from deeming is granted for 12 months at a time.

How will the CAPI agency decide whether I would go hungry or homeless without assistance?

The Social Security Administration has provided guidance on this question. It says that immigrants meet the "hungry or homeless" exception from deeming if the income they actually receive is less than about \$579 per month, or \$869 for a couple (the federal SSI benefit rate). This exception does not apply if the immigrant receives free room and board. California agencies should be following this guidance, but may not be aware of it. If you believe that you are in this situation, but are having trouble getting CAPI benefits, call a legal aid office or one of the agencies listed at the end of this flier.

If I apply for CAPI, will I be eligible for Medi-Cal or food stamps?

Immigrants who are eligible for CAPI may be eligible for Medi-Cal and/or food stamps. Make sure to ask your eligibility worker for help in applying for Medi-Cal and food stamps at the same time that you apply for CAPI.

I get General Assistance / General Relief now. Will I qualify for CAPI?

If you receive GA/GR, you may qualify for CAPI instead. This means you will receive more in cash assistance each month. If your eligibility worker has not contacted you already, you should call your county welfare department right away and ask how to apply for the CAPI program.

How much cash will I get?

It depends on your situation. Generally, if you live alone and have no other income, you will be eligible for \$802.00 per month, and \$1417.00 for a couple. Payments to persons who are blind are higher. CAPI recipients get \$10 less than individuals and \$20 less if an eligible couple, than what federal SSI benefits pay (including State Supplemental Payments or SSP).

How do I apply?

You can apply for the CAPI program at your county welfare department. Some counties are accepting phone applications and will send an intake worker to your home if you are homebound. Other counties are accepting applications by mail. You may have to show proof that you have applied for SSI in order to complete your CAPI application; however, you can apply for both programs on the same day. Check with your county. Your benefits will begin the month after you apply for, or try to apply for CAPI, so you should apply as soon as possible. Be sure to get a written receipt with a date showing that you applied or tried to apply for CAPI.

Do I have to apply for SSI before I can get CAPI?

Yes, unless you are in one of these situations:

- the county you are applying in has already determined you are a "Not Qualified" immigrant under the 1996 welfare law, and you are not eligible for SSI;
- you already have a pending SSI application;
- you have an informal denial letter from Social Security issued after August 1, 1998, and within six months of filing your CAPI application, saying you are not eligible for SSI because of your immigration status; or
- you have a formal letter from SSA issued after August 1, 1998, and within six months of filing your CAPI application, stating you are not eligible for SSI because of your immigration status.

Important note: If you were terminated from CAPI because you did not get notice to go to SSA, call your local legal aid office or one of the numbers listed below.

I went to my local welfare office and was told there was no such program. What should I do?

Because the CAPI program is relatively new, your welfare department may still be working out the details. Be sure to get a written receipt showing the date that you tried to apply for CAPI. There is one at the end of this flyer. Your benefits will begin the month after you apply, or try to apply. If your county welfare office still will not give you information about how to apply, show them this pamphlet

and the [attached receipt](#). If you still can't apply, call your local legal aid office or one of the numbers listed below.

I get SSI benefits now. What will happen to me?

If you get SSI benefits now, you are not eligible for CAPI.

I am a refugee, asylee or other “humanitarian” immigrant who can receive SSI only during a seven-year period. Can I apply for CAPI when this period is over?

Yes. If you are no longer eligible for SSI, you can apply for CAPI.

I have applied for SSI benefits already but have not gotten anything. Can I apply for CAPI?

If you are an elderly immigrant who has already applied for federal SSI benefits and are waiting for a decision from the Social Security Administration (SSA), you may be able to get CAPI benefits while you are waiting for a decision to be made. Some people have to wait a year before their SSI decision is made. Call your county welfare department to apply for CAPI benefits.

I applied for SSI and was denied. Can I get CAPI?

If you were denied SSI benefits because of your immigration status, you may be able to receive CAPI benefits. But, if you applied for SSI and were denied for another reason, for example, because your income is too high, you may not be eligible for CAPI. Call your county welfare department for details.

I have already applied for CAPI, but I am waiting for my check. When will I start receiving benefits?

If your application for CAPI has been approved, your benefits should begin the month after you applied or tried to apply. The amount on your first check should also be retroactive to the month after you first applied. If you are having problems receiving your check or the correct amount, please call one of the numbers below.

Will getting CAPI hurt my chances of becoming a lawful permanent resident?

When you apply to become a lawful permanent resident (get a green card) you generally must show the government that you are not likely to become dependent on government benefits in the future. In these cases, receiving CAPI benefits might be a problem, particularly if you are depending solely on CAPI for support. However, some CAPI recipients who are applying for permanent resident status will not have this problem. These include refugees, persons who were granted asylum and persons who are applying for their green card based on having lived in the United States since before 1972. If you already have a green card, using CAPI is not a problem unless you leave the U.S. for 180 days or more at a time.

Will getting CAPI hurt my chances of becoming a citizen?

If you already have your green card and are applying for U.S. citizenship, receiving CAPI benefits will not hurt your chances of becoming a U.S. citizen unless you got the benefits fraudulently. For example, you may have trouble becoming a citizen if you intentionally tell your county welfare department that you have less income than you really do when you applied for CAPI.

Cash Assistance Program for Immigrants (CAPI)

I am here to apply for the Cash Assistance Program for Immigrants (CAPI). This program was created to help immigrants who are no longer eligible for federal SSI. The county is supposed to accept my application. Please complete the receipt below to show that I have tried to apply for CAPI.

_____ came to the _____
(name) (name of office)

to apply for the Cash Assistance Program for Immigrants (CAPI) on _____
(date)

Please record me as trying to file an application for CAPI.

(name of county employee)

(phone number)

For Help, Call—

Or Call—

Los Angeles

Coalition for Humane Immigrant Rights of Los Angeles
(CHIRLA)

- ◆ 888 624-4752 Spanish

Asian Pacific American Legal Center (APALC)

- ◆ 800 520-2356 Mandarin
- ◆ 800 267-7395 Vietnamese
- ◆ 800 867-3640 Korean
- ◆ 800 867-3126 Cambodian

Northern California

Services, Immigrant Rights and Education Network
(SIREN)

- 408/286-1698 Spanish
- 408/286-1448 Vietnamese

HELPLINK:

800/273-6222 Northern CA only
415/772-HELP (Spanish, Cantonese, Mandarin)
Administered by the Northern CA Council for Community