

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE
California Update

Volume 5

Issue 5

August 31, 2001

GOVERNOR DAVIS SIGNS STATE BUDGET

Food Stamp and Cash Assistance Programs Are Permanent!

Culminating five years of advocacy in California, the state has replaced all of the major benefit programs that were denied to immigrants by the 1996 federal welfare law. Marking a significant victory for immigrant communities and allies, Governor Davis signed a bill that makes two safety net programs, the California Food

Assistance program (CFAP) and Cash Assistance Program for Immigrants (CAPI), permanently available to immigrants, regardless of their date of entry to the United States. Under the new law, immigrants can continue to enroll in both programs without any time limits. In addition, if a federal waiver is approved, the Healthy Families program will cover "qualified" immigrant parents of children in families earning up to 250 percent of the federal poverty income level, regardless of their date of entry.

Governor Davis signed the 2001-02 State Budget (SB 739), which includes funding for CAPI and CFAP, on July 26, 2001. He signed the social services trailer bill (AB 429) and the health care trailer bill (AB 430) to implement those budget provisions on July 28 and August 9, respectively. The governor also used his power to delete or reduce spending on ("blue pencil") a number of specific items approved by the legislature. The following provides an overview of funding for programs that affect immigrant communities:

California Food Assistance Program (CFAP) and Cash Assistance Program for Immigrants (CAPI). The budget allocates \$107.7 million for CAPI and \$72.5 million for CFAP. The social services bill repeals the Sept. 30, 2001, sunset dates for post-Aug. 22, 1996, entrants and makes both programs permanently available to immigrants regardless of their date of entry to the U.S. Advocates were extremely disappointed, however, that the CAPI "deeming" period for immigrants who entered the U.S. on or after Aug. 22, 1996, was extended from five to ten years. These deeming rules effectively prevent many seniors and persons with disabilities from enrolling in the program. Under deeming, the income and resources of an immigrant's sponsor are added to the immigrant's in determining eligibility for benefits. Deeming requirements often render an immigrant ineligible for benefits as "over income" unless the immigrant meets an exemption. The CFAP program retains its current three-year deeming period, which applies only to immigrants whose sponsors signed new affidavits of support (Immigration and Naturalization Service Form I-864).

Advocates for low-income immigrants will need to ensure that county welfare offices properly implement the exemptions from deeming. The California Immigrant Welfare Collaborative's updated tables on immigrant eligibility for California benefits and the state's deeming rules are attached to this newsletter. In addition, two "question and answer" pieces on the CAPI and CFAP programs, with details on the deeming rules and exemptions will soon be available at www.nilc.org/ciwc/ciwcindex.htm.

Healthy Families. The budget includes funding for "qualified" immigrant children and parents to enroll in Healthy Families, regardless of their date of entry into the U.S. It expands Healthy Families coverage to parents in families earning up to 250 percent of the federal poverty level, contingent upon a pending waiver request submitted to the federal government. Implementation of the parental coverage expansion is planned for October 2001 but is likely to be delayed. Parents of children who are enrolled in Medi-Cal or Healthy Families would be eligible if they are either U.S. citizens or qualified immigrants.

Breast and Cervical Cancer Programs. The health care trailer bill (AB 430) takes advantage of a federal law that allows states to provide full-scope Medicaid services to women diagnosed with breast or cervical cancer, if their household income is under 200 percent of the federal poverty level. California's program will provide access to Medi-Cal for single women afflicted by either disease. Citizens and "qualified" immigrants are eligible for full-scope Medi-Cal under this program.

The bill also expands a state-funded breast and cervical cancer treatment program for low-income women, *regardless of their immigration status*. Women with breast cancer can receive treatment (but not full-scope Medi-Cal) for 18 months; those with cervical cancer can receive 24 months of treatment.

Language Access. Governor Davis deleted \$1.1 million that the legislature had designated for four key agencies (Dept. of Indus-
Please see "State Budget," page 2, column 1

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- Asian Pacific American Legal Center of Southern California
- Coalition for Humane Immigrant Rights of Los Angeles
- National Immigration Law Center
- Services, Immigrant Rights, and Education Network

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State Budget (continued from page 1)

trial Relations, Employment Development Dept., Dept. of Social Services, and Unemployment Insurance Appeals Board) to increase compliance with the Dymally-Alatorre Bilingual Services Act. The budget continues to allocate \$585,000 to the State Personnel Board to monitor compliance with the act.

SB 987 (Escutia), which would ensure proper implementation and enforcement of the Dymally-Alatorre Bilingual Services Act, passed the Senate Floor by a vote of 23 to 8. It will now become a two-year bill, with the next hearing scheduled for an Assembly policy committee early next year.

Statewide Fingerprint Imaging System. The budget allocates \$11.7 million to complete implementation and begin ongoing maintenance and operation of the Statewide Fingerprint Imaging System (SFIS). SFIS regulations currently require CalWORKs and food stamps applicants, and their household members, to be fingerprinted and photographed. The social services trailer bill directs the Bureau of State Audits to examine the cost-effectiveness of the system. The audit, which must be submitted to the legislature by Jan. 1, 2003, will address the level of fraud detected through the system, the degree of fraud deterrence, and whether the system deters eligible applicants, including immigrant families, from applying for public benefits. A survey conducted by the Asian Pacific American Legal Center last year suggests that the SFIS requirements, including the fingerprinting of non-applicant household members, deter immigrant families and their eligible children from seeking vital assistance.

A separate bill which would have prohibited fingerprinting of food stamps and CalWORKS applicants who are not seeking benefits for themselves (including ineligible immigrants and non-needy caretaker relatives) was not included in the final package of budget bills.

Office of Immigrant Assistance. Governor Davis deleted a \$500,000 augmentation for the Department of Justice to establish the Office of Immigrant Assistance. Similar legislation (AB 698 – Wesson) is pending in the Senate Appropriations Committee.

Naturalization Assistance. The Governor reduced the amount allocated for naturalization assistance from \$6.65 million to \$6.15 million.

A copy of the *Governor's State Budget Highlights*, including the list of blue-penciled items, is available on the Dept. of Finance's website at www.dof.ca.gov/HTML/BUD_DOCS/Bud_link.htm.

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