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Cash Assistance Program for Immigrants (CAPI)

Some immigrants who are not eligible for Supplemental Security Income (SSI) may be able to receive cash assistance under the “CAPI” program.¹ The program is available to many low-income immigrant seniors and immigrants with disabilities in California.

What is the CAPI program?

The Cash Assistance Program for Immigrants (CAPI) is a California program that provides cash assistance to low-income seniors and persons with disabilities who are not eligible for federal SSI due to their immigration status. Immigrants who are receiving SSI benefits are not eligible for CAPI.

Who is eligible for the program?

The following immigrants may be eligible for CAPI if their status makes them ineligible for SSI:

- 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).

To be eligible for CAPI, immigrants must also meet the federal SSI income and resource rules. For example, if their income is less than \$840.00 per month or \$1407.20 for a couple, and they have less than \$2,000 in property (\$3,000 for a couple), not including their home, car and household goods, they meet the federal SSI eligibility rules. If they are at least 65 years old and work, they may be eligible even if their income is twice as high.

Who is a “qualified” immigrant?

Qualified immigrants include: lawful permanent residents (LPRs); refugees; persons granted asylum, withholding of deportation or withholding of removal, or conditional entry; persons paroled into the U.S. for at least one year; Cuban and Haitian entrants; certain battered spouses and children; and certain victims of trafficking.

¹ The following abbreviations are used in this article: **CAPI** (Cash Assistance Program for Immigrants); **DHS** (U.S. Dept. of Homeland Security); **GA/GR** (General Assistance/General Relief); **LPR** (lawful permanent resident); **ORR** (Office of Refugee Resettlement); **PRUCOL** (permanently residing in the U.S. under color of law); **SSA** (Social Security Administration); **SSI** (Supplemental Security Income); **VAWA** (Violence Against Women Act).

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Which battered spouses and children are considered “qualified”?

Spouses and children who are domestic violence survivors may be “qualified” immigrants if they have (a) a self-petition for an immigrant visa under the Violence Against Women Act (VAWA) that has been approved or sets forth a *prima facie* case; (b) an approved immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) an approved application for cancellation of removal/suspension of deportation. A parent or child of a battered child/spouse is also considered qualified. (Abused parents of a U.S. citizen can file VAWA self-petitions but are not considered “qualified” immigrants under the battered spouse/children category. They may, however, be eligible for CAPI as “PRUCOL”). Domestic violence survivors may also be eligible for CAPI if they fall within one of the other eligible categories discussed in this article.

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 U.S. Department of Homeland Security (DHS) knows are in the United States, but whom DHS is not taking steps to deport or remove from the country. Several categories of immigrants may be considered PRUCOL.

What about survivors of trafficking, domestic violence, or other serious crimes?

Low-income immigrant seniors and immigrants with disabilities who are victims of trafficking, domestic violence, or other serious crimes may be able to get CAPI if they are not eligible for SSI. Trafficking victims can get CAPI for at least one year before they file an application for a T visa or are certified for federal benefit eligibility by the Office of Refugee Resettlement (ORR). ORR-certified trafficking survivors who reach the end of their SSI eligibility period may also be able to get CAPI. Immigrant survivors of domestic violence and other serious crimes who have filed an application for a U visa or have been granted interim relief or a U visa can get CAPI until and unless their U visa is denied. For more information, see [Benefits for Immigrant Victims of Trafficking, Domestic Violence and Other Serious Crimes in California](#).²

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

Immigrants may be able to receive CAPI regardless of the date they entered the U.S. However, if you have a sponsor who signed an affidavit of support form, you may have more difficulty qualifying for this program, because of the sponsor “deeming” rules.

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

If you have a sponsor who signed an “affidavit of support” form, 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 below). Deeming does not apply to refugees, asylees, individuals paroled into the U.S., 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.

² www.nilc.org/ce/nonnilc/TraffickingReportFinal_2008-04.pdf.

I recently became a lawful permanent resident (LPR). For how long will the “deeming” rules apply to me?

If you received LPR status *on or after August 22, 1996*, your sponsor’s income will be added to yours during the 10-year period after you became an LPR. 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 you entered the U.S. before August 22, 1996. If you received your green card before August 22, 1996, the sponsor’s income would have been added to yours during the 3-year period after you became a lawful permanent resident. However, if you received your green card after August 22, 1996, deeming applies during a 10-year period, regardless of which affidavit your sponsor signed.

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), the deeming rules do not apply if you became disabled after entering the U.S. or if you are a domestic violence survivor. If your sponsor signed an “enforceable” affidavit of support (INS/DHS Form I-864), deeming does not apply if you can show that you would go hungry or homeless without assistance, or if you are a victim of domestic violence. The “hungry or homeless” exception from deeming, explained below, is granted for 12 months at a time.

How will the CAPI agency decide whether I would go hungry or homeless if I don’t receive assistance?

The Social Security Administration (SSA) 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 \$674 per month, or \$1011 for a couple (the federal SSI benefit rate). This exception does not apply if the immigrant receives free room and board. 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 article.

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

Immigrants who are eligible for CAPI may be eligible for Medi-Cal and/or food stamps (CalFresh). 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 \$820.00 per month, and \$1387.20 for a couple. Payments to persons who are blind

and to persons who do not have cooking facilities 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 accept phone applications and will send an intake worker to your home if you are homebound. Other counties accept 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, 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 application for SSI;
- You have an informal denial letter from SSA 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 have been receiving CAPI, and recently became a U.S. citizen and applied for SSI. Can I keep getting CAPI while waiting for my SSI check?

Yes. If you were already receiving CAPI when you become a U.S. citizen, and applied for SSI immediately (during the month when you become eligible), you can continue receiving CAPI while waiting for your SSI check. You should notify the CAPI office once you become a citizen and ask them to help make sure you continue receiving benefits. The state will be paid back for any months that are covered by your SSI check, and you will be able to keep the \$10 difference for these months.

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

If the welfare office does not allow you to apply for CAPI or denies that the program exists, *be sure to get a written receipt showing the date that you tried to apply for CAPI.* There is a sample at the end of this article. 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 article and the receipt form that is attached at the end of the article. If they still won't let you apply, call your local legal aid office or one of the numbers listed at the end of this article.

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 limited time 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. Please note that the seven-year SSI time period recently was extended for some humanitarian immigrants. See the question immediately below.

I am a refugee who lost SSI after reaching the end of the 7-year period and have been getting CAPI. Can I go back onto SSI now?

Maybe. A recent law provides at least 2 more years of SSI to most refugees and other “humanitarian” immigrants who reach the end of the 7-year period or who already lost SSI due to this time limit. Humanitarian immigrants with a pending application for citizenship can get an additional third year of SSI under this law. The temporary SSI extension is scheduled to expire on September 30, 2011.

For more information about this new law, go to www.nilc.org/immspbs/ssi/ssi009.htm on the National Immigration Law Center’s website (www.nilc.org). If you do not qualify for SSI under this law or if you reach the end of your SSI eligibility period, you can apply for CAPI. (You may wish to apply during the month before your SSI is expected to end, to make sure that you do not lose a month of assistance).

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

If you are an immigrant age 65 or over who has already applied for federal SSI benefits and have been told you need to establish that you are disabled in order to receive SSI, and are waiting for a decision from 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 or because you are age 65 or over and are not disabled, 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 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 U.S. 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 received 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.

FOR HELP, CALL***OR CALL*****LOS ANGELES****Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)**

888/624-4752 Spanish/English

Asian Pacific American Legal Center (APALC)

800/867-3126 Khmer

800/867-3640 Korean

800/520-2356 Mandarin/Cantonese

800/267-7395 Vietnamese

NORTHERN CALIFORNIA**Services, Immigrant Rights, and Education Network (SIREN)**

408/453-3017 Spanish

408/453-3013 English/Vietnamese

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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.*

RECEIPT:

_____ came to the _____
(NAME) (NAME OF OFFICE)

I tried to apply for the Cash Assistance Program for Immigrants (CAPI) on _____
(DATE)

Please record me as having tried to file an application for CAPI.

(NAME OF COUNTY EMPLOYEE)

(PHONE NUMBER)
