

**County of San Diego, Health and Human Services Agency (HHSA)
Cash Assistance Program for Immigrants (CAPI) Program Guide**

Alien/Citizen Status

Number

99-101.2

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Revision Date:

December 29, 2016

Background:

This section provides the citizenship/alien status requirements for CAPI.

Purpose:

To provide the citizenship/alien status requirements for CAPI.

Policy:

Verification of United States (U.S.) citizenship or immigration status is required for staff to determine CAPI eligibility. A noncitizen must be one of the following to be eligible for CAPI:

- A legal immigrant who meets the immigration status requirements for Supplemental Security Income/State Supplemental Program (SSI/SSP) on August 21, 1996, which are either:
 - A qualified alien
 - An alien permanently residing in the U.S. under color of law (PRUCOL)
- A victim of human trafficking, domestic violence, or other serious crime.

PRUCOL Definition:

PRUCOL individuals are those noncitizens residing in the U.S. with the knowledge of U.S. Citizenship and Immigration Services (USCIS) and where USCIS does not contemplate enforcing their departure from the U.S.

Applicants often declare they are PRUCOL to obtain eligibility. Do not rely on an applicant's self-declaration or another program's determination that an applicant is PRUCOL. Analyze each case to determine if the applicant qualifies as PRUCOL for CAPI.

Determining PRUCOL Status:

PRUCOL refers to categories 15-26 on Desk Aid 99-101.2A, Alien/Citizen Status Chart and Desk Aid 99-101.2C, Alien/Citizen Verification Desk Aid. Immigrants who do not meet the requirements of categories 15-25 often attempt to qualify under category 26, which is a noncitizen who can show that USCIS:

- Knows he/she is in the U.S.
- Does not intend to deport him/her, either because of the person's status category or individual circumstances.

See Desk Aid 99-101.2C, Alien/Citizen Verification Desk Aid, for the verification requirements for this category.

Systematic Alien Verification for Entitlements (SAVE):

SAVE is an electronic federal/state information sharing database that USCIS makes available to state and county governments. SAVE will verify an applicant's immigration or citizenship status and will indicate if the applicant is authorized to work in the U.S. As USCIS does not recognize PRUCOL as a valid immigration status, SAVE will not identify individuals as PRUCOL. Make the PRUCOL determination using the actions in Desk Aid 99-101.2C, Alien/Citizen Verification Desk Aid.

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Sponsorship:

If an immigrant who is Lawfully Admitted for Permanent Residence (LAPR) alleges no sponsor, verification of that lack of sponsorship must be obtained from USCIS, using Form 07-22 HHSA, Non-Citizen Sponsor Status Information Form.

Extended CAPI:

Extended CAPI eligibility is for new entrants (who entered the U.S. on or after August 22, 1996) who:

- Do not have a sponsor; or
- Have a sponsor who is not deceased, disabled, or abusive; and
- Meets all other CAPI eligibility requirements.

Originally, this category of eligibility was time-limited. Later changes removed the time limitation and changed sponsor deeming for these recipients from five years to ten years. The ten-year deeming period applies to all extended CAPI recipients who are sponsored immigrants, regardless of which Affidavit (I-134 or I-864) the sponsor signed, unless the sponsor is otherwise exempt.

Alien/Citizen Status:

Desk Aid 99-101.2A shows the CAPI eligibility, SSI/SSP eligibility, and required actions for each alien/citizen category.

Immigrant status will be reviewed at least at redetermination of non-medical eligibility. If, at any time, the worker becomes aware of any change in the immigrant's status that could affect the individual's eligibility, notify the recipient to take the appropriate action. Appropriate action may be to file for SSI/SSP since the status would now make the individual eligible to federal benefits.

Alien Status Verification:

Desk Aid 99-101.2C shows the verification requirements for each alien/citizenship status.

Conditional Benefits after Naturalization

Senate Bill (SB) 84 provides a conditional continuation of CAPI benefits for recipients who are naturalized while in the program. Individuals who naturalize while receiving CAPI benefits will continue to receive those benefits as long as he/she:

- Remains eligible for CAPI
- Requests conditional benefits by completing the mandatory Request for Conditional CAPI, SOC 830
- Applies for SSI in a timely manner (A timely application filing shall be considered a filing within 30 calendar days of signing for SOC 830.)
- Fully cooperates in the application and appeal process of the SSA.

Conditional benefits begin the month after the month the recipient reports his/her naturalization, provided the recipient signs form SOC 830 within 30 days.

Processing Guide 99-101.2A shows the actions for Conditional Benefits after Naturalization.

Desk Aid 99-101.2D shows some examples of Conditional Benefits after Naturalization.

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Form SOC 830:

By completing and signing form SOC 830, the recipient acknowledges that he/she:

- Wants to receive Conditional CAPI
- Understands the terms and conditions for receiving the Conditional CAPI benefits
- Is obligated to repay any overpayments should he/she fail to comply with the eligibility conditions.

Termination of Conditional CAPI Benefits:

The table below shows the conditions in which conditional CAPI benefits will be terminated.

| If the ... | Then ... |
|---|--|
| newly naturalized citizen loses his/her CAPI eligibility for any reason other than naturalization, regardless of the status of his/her SSI application, | the Conditional CAPI must be terminated. |
| Conditional CAPI recipient does not successfully complete the SSI application and/or appeal process, | |
| Conditional CAPI recipient becomes eligible for an SSI payment, | |

A naturalized citizen receiving Conditional CAPI benefits cannot be reinstated into CAPI once CAPI benefits have been terminated.

Overpayments:

Current overpayment rules will apply to any regular CAPI benefits received by the recipient after his/her date of naturalization, up to the date that naturalization is reported. The table below shows when an overpayment occurs for Conditional CAPI benefits.

| If ... | Then ... |
|---|---|
| Conditional CAPI benefits are received for a month in which SS/SSP is also received, and not recovered through the IAR process, | an overpayment subject to normal recovery procedures has occurred. |
| the individual fails to fully cooperate in the SS/SSP application process, | the individual has been overpaid for all Conditional CAPI benefits received. |
| the individual remains otherwise eligible for CAPI and fully cooperates in the SS/SSP application and/or appeal process, | any Conditional CAPI benefits received after the individual signed form SOC 830, for which the individual does not receive SS/SSP benefits is not an overpayment. |

Procedure:

See Processing Guide 99-101.2A for procedures for Conditional Benefits after Naturalization.

Other Program Impacts:

None.

References:

- MPP 49-020
- ACLs 98-82 and 08-03
- ACIN 36-05 and I-79-16

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Sunset Date:

This policy will be reviewed for continuance on or by 12/31/2019

Approval for Release:



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