

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

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**A. Background:**

Sponsored aliens may be eligible for CAPI.

**B. Policy:**

A copy of the sponsor's Affidavit of Support is required along with current income verification and statement of resources. Form 07-22 HHSA, Non-Citizen Sponsor Status Information Form, may be sent to USCIS to obtain sponsorship verification. Form SOC 860 must be used as documentation of income and resources. If the sponsor refuses or fails to provide the SOC 860, then deny/discontinue the CAPI case. Eligibility cannot be determined until the sponsor's information is provided. Sponsored aliens who entered the U.S. on or after August 22, 1996 may be eligible as shown below.

<b>If the ...</b>	<b>Then the individual is eligible for ...</b>
sponsor is now deceased or disabled,	Basic CAPI.
sponsor or the sponsor's spouse is abusive,	Basic CAPI.
individual is not sponsored or no sponsor restrictions apply,	Extended CAPI, which is subject to 10-year deeming, if sponsored.

1. Sponsor Verification Requirements for pre 8/22/1996 Sponsored Immigrants:

The table below shows the verification requirements for sponsored aliens.

<b>If the sponsor is ...</b>	<b>Then verification is ...</b>
deceased,	Death certificate or newspaper obituary notice.
disabled,	Doctor's verification that disability is expected to last at least 30 days and that it significantly impairs the sponsor's ability to be regularly employed provided the individual is actively seeking medical treatment. Form 11-45C HHSA, Verification of Sponsor's Disability may be used to obtain this information.
abusive or sponsor's spouse is abusive,	<p>Sworn statement of abuse from victim or victim's representative, when the victim is not competent, plus at least one of the following:</p> <ul style="list-style-type: none"> <li>• Police, governmental agency, or court records or files</li> <li>• Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom assistance was sought</li> <li>• Statement from any other individual with knowledge of circumstances providing the basis of the claim</li> <li>• Physical evidence of abuse</li> </ul> <p>Note: if additional evidence of abuse cannot be provided, a sworn statement will be sufficient if it is determined and documented in the case file that the worker finds the person is credible.</p> <p>Refer the individual for domestic violence counseling and the individual must show evidence that counseling is continuing. Proof will consist of the victim's name and address, dates of attendance, provider's name and any licensing or certification (MD, LCSW, etc.), address where sessions held, dated signature of provider/counselor, and telephone number.</p>

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**2. Definition of Abusive:**

Abusive means assaultive or coercive behavior that includes, but is not limited to:

- Physical abuse
- Sexual abuse
- Psychological abuse
- Economic control
- Isolation
- Stalking
- Threats
- Other types of coercive behavior.

**3. Sponsor's Deeming Requirements:**

Deeming rules differ depending on which Affidavit of Support was signed by the sponsor, and if the applicant is part of the Extended group (if the individual is sponsored, eligibility does not depend on sponsor's being deceased, disabled, or abusive). For those situations when deeming is required, form SOC 454 may be used to calculate income and resources to the immigrant.

Although a new Affidavit was implemented on December 19, 1997, some sponsors may have signed the old Affidavit (I-134) after that date. It is necessary to obtain a copy of the Affidavit of Support to determine proper deeming requirements.

Unless the sponsor is exempt from deeming, the sponsor-deeming period for Extended CAPI is 10 years. This applies regardless of which Affidavit the sponsor signed. The 10-year sponsor-deeming period starts with the date the sponsor signed the Affidavit or the date of the immigrant's arrival in the U.S., whichever is later. See 99-103.6 for more information on sponsor-deeming rules and exemptions.

The table below shows the appropriate sponsor-deeming period based on CAPI granting date and the type of Affidavit.

<b>If the immigrant's CAPI case is granted ...</b>	<b>And the Affidavit of Support is ...</b>	<b>Then the sponsor-deeming period stops ...</b>
On or before 8/31/1999,	Old (I-134),	After three years.
On or before 8/31/1999,	New (I-864),	When the: <ul style="list-style-type: none"> <li>• Immigrant becomes a citizen</li> <li>• Immigrant can be credited with 40 qualifying quarters of work</li> <li>• Sponsor is deceased, unless there is a spouse who also signed the Affidavit, in which case deeming will continue from the spouse's income/resources.</li> </ul>
After 7/22/1999	Either Old or New,	When the sponsor (or sponsor's spouse is abusive, regardless of where the immigrant resides.

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After 9/1/1999, and the individual is in the Extended CAPI category,

Either Old or New,

After 10 years.

Note: having an abusive sponsor (or sponsor's spouse) would make an Extended CAPI recipient eligible for Basic CAPI.

Note: References throughout this section to "sponsor" also include the sponsor's spouse who lives in the same household as the sponsor.

**4. Indigence Exception:**

Generally, if a non-citizen's sponsor signed the new Affidavit (I-864), the income and resources of the sponsor are deemed available to the non-citizen for purposes of determining CAPI eligibility. This general rule is suspended under the Indigence Exception. When deeming is suspended under the Indigence Exception, the only income from the sponsor that is counted against the non-citizen is the amount of cash or in-kind income that the non-citizen actually receives from the sponsor. A sponsor's resources are considered to be the non-citizen's resources only if the non-citizen has:

- An ownership interest in them
- Can convert them to cash
- Is not legally restricted from using them.

Note: When the Indigence Exception is applied and the CAPI benefits are paid or increased, the non-citizen's sponsor is potentially liable for repayment of any CAPI benefits paid.

**5. Application of the Indigence Exception:**

The Indigence Exception applies when:

- Sponsor deeming rules result in denial, suspension, or reduction of CAPI benefits
- The non-citizen is unable to obtain both food and shelter
- The non-citizen completes and signs the Indigence Exception Statement (SOC 809)
- The worker determines that the indigence exception applies.

The worker may presume that sponsor deeming would affect CAPI eligibility and/or grant amounts in all Indigence Exception cases, thereby meeting the last requirement. A determination must still be made as to whether the applicant/recipient can obtain food and shelter by confirming how much support the applicant/recipient is actually receiving from the sponsor.

**6. Indigence Exception Does Not Apply**

The Indigence Exception does not apply when the non-citizen lives with:

- His/her sponsor
- Someone other than the sponsor and receives free room and board, even if the non-citizen's income is less than the SSI rate.

**7. Determining Ability to Obtain Food and Shelter:**

In determining if the non-citizen is able to obtain food and shelter, consider:

- All of the non-citizen's own income and resources (including SSI and other income that was excluded when determining CAPI, such as General Relief (GR) and CalFresh)

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- The income and resources of the non-citizen's spouse (if living together) or parent(s) (if living with the minor non-citizen)
- Any cash, food, housing, or other assistance provided by other individuals or agencies (including the sponsor).

While income otherwise excludable for CAPI is counted for the Indigence test, do not count items that are not income. Also, for the Indigence test, in-kind support and maintenance (ISM) should be counted in its actual value, not the presumed maximum value (PMV). In determining the non-citizen's resources for the Indigence test, include all liquid resources, even excluded liquid resources such as burial funds.

If the non-citizen is living apart from his/her sponsor and not receiving free food and shelter in another person's household, determine that the non-citizen is unable to obtain food and shelter if the:

- Total income that the non-citizen receives from all sources is less than the federal SSI rate
- Resources available to the non-citizen are less than the applicable CAPI resource limit.

**8. Sponsor's Whereabouts Unknown:**

Follow the instructions in Processing Guide 99-101.3A if an Indigence Exception applicant claims the sponsor's whereabouts are unknown.

**9. Period when the Indigence Exception Applies:**

When the criteria for this exception are met, deeming is suspended for 12 consecutive months. The 12-month period can begin at any time when all of the conditions are met. It can be effective with the first month of eligibility or in a subsequent month. During the 12 consecutive months of suspension (including any non-payment months within that period), sponsor deeming does not apply, even if the non-citizen ceases to meet the Indigence test. However, any changes in the non-citizen's income or in-kind support provided by the sponsor are counted as income and would affect the CAPI payment amount.

**10. How Income and Resources Are Counted During the Exception Period**

When deeming is suspended under this exception, the usual income policies are applied to any contributions that the non-citizen receives from the sponsor or any other source. So, only the income that the non-citizen actually receives from the sponsor is counted for CAPI purposes. Under the Indigence Exception, if the sponsor provides no income or support, no income from the sponsor is counted.

Under the Indigence Exception, the resources policy will apply in determining countable resources for CAPI applicants/recipients; the sponsor's resources will not be deemed to the non-citizen. This means that resources owned by the sponsor are considered to be the non-citizen's resources only if the non-citizen:

- Has an ownership interest in them
- Has the right, authority, or power to convert the resource to cash
- Is not legally restricted from using the resources for his/her support.

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**11. Referral of Cases to USCIS:**

USCIS is tracking the failure of sponsors to adequately support those sponsored. Federal law requires that USCIS be notified in every case where the Indigence Exception applies. When the worker approves the Indigence Exception that allows CAPI eligibility, notify USCIS of that fact and send a copy of the notification to the California Department of Social Services (CDSS). Form SOC 813 has the addresses to which to send these notifications.

**12. Worker Actions in Applying the Indigence Exception:**

See Processing Guide 99-101.3A for actions for applying the Indigence Exception.

**13. Multiple Deeming Situations**

For non-citizens whose sponsor signed the New Affidavit, if the sponsor is also the non-citizen's ineligible spouse or parent, sponsor deeming, not spousal or parental deeming, applies in the CAPI case. This is reverse of the policy that applies for Old Affidavit cases.

**C. Procedure:**

See Processing Guide 99-101.3A for procedures for the Indigence Exception.

**Other Program Impacts:**

None.

**References:**

MPP 49-037.4

ACL 02-63

ACINs 33-09, 01-10, and 47-12

**Sunset Date:**

This policy will be reviewed for continuance on or by 03/31/2019

**Release Date:**

3/23/2016