

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter #10

April 4, 2008

Subject CAPI CONDITIONAL BENEFITS AFTER NATURALIZATION

Effective Date Upon receipt

References All-County Letter 08-03

Purpose The purpose of this letter is to:

- Inform staff of the changes due to Senate Bill (SB) 84, which was signed into law on August 24, 2007. SB 84 continues CAPI payments for individuals who naturalize while receiving CAPI benefits.
- Instruct staff on the effect of the new provision on affected immigrants.
- Explain the conditions that must be met by the naturalized individual to continue receiving the benefit.

Background The California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Section 49-010.11 requires that to be eligible for CAPI benefits, an individual must be a non-citizen. MPP Section 49-060.32 mandates that CAPI eligibility is terminated for a recipient when the recipient becomes a citizen. Once an individual is determined ineligible for CAPI benefits, the individual may apply for Supplemental Security Income (SSI) benefits. If approved for SSI, the individual will receive an initial lump sum payment retroactive to his/her initial date of SSI eligibility; however, the approval process may take several months, creating a hardship for the recipient. Prior to the implementation of SB 84, a naturalized citizen transitioning from CAPI to SSI would not receive any CAPI benefits during this time.

General Policy SB 84 provides a conditional continuation of CAPI benefits for recipients who naturalize while in the program. Individuals who naturalize while receiving CAPI benefits will continue to receive those benefits as long as he/she:

Continued on next page

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter #10, Continued

General Policy
(continued)

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

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

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

If the newly naturalized citizen ...	Then the conditional CAPI will be ...
Loses his/her CAPI eligibility for any reason other than naturalization, regardless of the status of his/her SSI application,	Terminated. A naturalized citizen receiving conditional CAPI cannot be reinstated into CAPI once CAPI benefits have been terminated.
Receiving conditional CAPI benefits does not successfully complete the SSI application and/or appeal process,	Terminated.
Successfully completes the SSI application approval and/or appeal process and becomes eligible for an SSI payment,	Terminated.

Worker Responsibilities

Workers shall continue to administer CAPI according to regulations, but shall not immediately terminate CAPI upon notification of naturalization. The table below shows the steps the worker must take upon notification of naturalization.

Continued on next page

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter #10, Continued

**Worker Re-
responsibilities**
(continued)

Step	Action
1	Have the newly naturalized citizen complete form SOC 830.
2	Continue CAPI benefits for the recipient.
3	Refer the recipient to SSA to apply for SSI benefits.
4	Obtain a new SOC 451 in conjunction with the new referral to SSA so that any retroactive payments made by SSA will be subject to Interim Assistance Reimbursement (IAR).
5	Continue to monitor the newly naturalized citizen for eligibility until the SSI application process is completed.

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

- Would like to receive conditional CAPI;
- Understands the terms and conditions for receiving the conditional CAPI benefits; and
- Is obligated to repay any overpayments should he/she fail to comply with the eligibility conditions set forth in General Policy, above.

**Overpay-
ments**

Current overpayment rules will still apply to any regular CAPI benefits received by the recipient after his/her date of naturalization, up to the date that naturalization is reported. Any conditional CAPI benefits received for a month for which SSI/SSP is also received, and not recovered through the IAR process, is an overpayment subject to normal recovery procedures.

If the individual ...	Then ...
Remains otherwise eligible for CAPI and fully cooperates in the SSI/SSP application and/or appeal process,	Any conditional benefits received after the individual has signed form SOC 830, for which the person does not receive SSI/SSP benefits is not an overpayment.
Fails to fully cooperate in the SSI/SSP application and appeal process,	The individual has been overpaid for all conditional CAPI benefits received as defined above.

Continued on next page

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter #10, Continued

Examples The table below provides some examples.

No.	Scenario	Outcome
1	Mr. Tran, who is currently receiving CAPI, naturalizes on September 30, 2007. He reports his naturalization sometime in the month of October and is referred to SSI. Mr. Tran turns in all paperwork on time, and responds to all SSI requests in a timely manner. While waiting for his SSI application to be approved, Mr. Tran leaves the United States to visit relatives for the holidays. He leaves the Wednesday before Thanksgiving, and returns after the New Year's Day festivities.	By being outside of the United States for over 30 days, Mr. Tran has become ineligible for CAPI and therefore must be terminated from conditional CAPI benefits, regardless of his SSI application status. Mr. Tran cannot be reinstated to CAPI upon his return.
2	Mr. Nabong, who is currently receiving CAPI, naturalizes on December 15, 2007. He waits two months and does not report his naturalization until February 2008. Mr. Nabong is then referred to SSI and requests and receives conditional CAPI. The SSA requests additional paperwork from Mr. Nabong in March, and sends subsequent reminders in April. Mr. Nabong does not respond, and his SSI/SSP application is denied in May for failure to cooperate.	Since Mr. Nabong's application is denied for failure to respond to SSI requests, he must be terminated from conditional CAPI, and is subject to overpayment rules for any conditional CAPI benefits received. Regular overpayment rules apply for benefits received in January and February because Mr. Nabong received regular CAPI for those two months.

Automation Impact BENDS CR4727 has been uploaded to the CalWIN Intranet. This BENDS provides instructions for the CalWIN actions to be completed until this change is incorporated into the CalWIN logic.

Forms Impact Form SOC 830 has been uploaded into iWay and is available to be ordered.

Continued on next page

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter #10, Continued

Summary of Change

The table below shows the changes made to the CAPI PG.

Section	Changes
99-101	Added information regarding CAPI Conditional Benefits After Naturalization.

Filing Instructions

The table below shows how to file the PG material.

Action	Pages
Remove	99-101-TOC-i
	99-101-9 through 99-101-17
Replace	99-101-TOC-i
	99-101-9 through 99-101-19

Quality Assurance Impact

No impact.

Manager Approval

ORIGINAL SIGNED BY:

Dann Crawford, Assistant Deputy Director
 Medi-Cal, General Relief and CAPI Program Administration
 Strategic Planning and Operational Support

REQUEST FOR CONDITIONAL CAPI AFTER NATURALIZATION PENDING SSI/SSP ELIGIBILITY DETERMINATION

NAME	SOCIAL SECURITY NO.
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I understand that on the date I naturalized, I became ineligible for CAPI benefits; however, I would like to accept conditional CAPI while my Supplementary Security Income/State Supplementary Payment (SSI/SSP) eligibility is being determined.

I also understand that in order to continue to receive these benefits, I or my authorized representative, must contact (by phone, mail or in person) the Social Security Administration (SSA) Office as soon as possible, but not more than 30 days after the date of this document, to apply for SSI/SSP, and fully comply with the SSI/SSP application and appeal process, which includes responding to any SSA requests for information and/or documents in a timely manner.

I understand that these benefits will be terminated if I become ineligible for CAPI for any reason before the SSI/SSP application and appeal process is completed, or, if at any time, I fail to fully comply with the SSI/SSP application and appeal process.

I acknowledge that I cannot receive duplicate payments and will have to repay any CAPI payments disbursed to me in any month for which I also receive any SSI/SSP payments. I also understand that if I become ineligible for CAPI before the completion of the SSI/SSP application and appeal process due to my own failure to comply with the SSI/SSP application and appeal process, I will have to repay all CAPI payments I receive after this date.

YOUR SIGNATURE	DATE
WITNESS, IF SIGNED WITH AN "X"	DATE

SIGNATURE OF AN INTERPRETER OR PERSON COMPLETING FORM ON YOUR BEHALF	DATE
RELATIONSHIP TO APPLICANT	TELEPHONE NUMBER ()

SOLICITUD PARA BENEFICIOS CONDICIONALES DEL PROGRAMA DE ASISTENCIA MONETARIA PARA INMIGRANTES (CAPI) DESPUÉS DE LA NATURALIZACIÓN QUIENES ESPERAN UNA DETERMINACIÓN DE ELEGIBILIDAD PARA INGRESOS SUPLEMENTALES DE SEGURIDAD/PAGOS SUPLEMENTARIOS DEL ESTADO (SSI/SSP)

NOMBRE	NÚMERO DE SEGURO SOCIAL
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Entiendo que en la fecha en que recibí mi naturalización, dejé de ser elegible para los beneficios de CAPI. Sin embargo, acepto recibir beneficios condicionales de CAPI mientras se determina mi elegibilidad para Ingresos Suplementales de Seguridad/Pagos Suplementarios del Estado (SSI/SSP).

También entiendo que para continuar recibiendo estos beneficios, yo o mi representante autorizado tenemos que comunicarnos (por teléfono, por correo, o en persona) con la oficina de la Administración del Seguro Social (SSA) lo más pronto posible, pero no más de 30 días después de la fecha de este documento, para solicitar el SSI/SSP y cumplir plenamente con el proceso de la solicitud para el SSI/SSP y el proceso de apelación, el cual incluye cumplir con cualquier petición de la SSA para información y/o documentos dentro del plazo apropiado.

Entiendo que estos beneficios se terminarán si, por cualquier otra razón, dejo de ser elegible para CAPI antes del proceso de la solicitud para el SSI/SSP y que se complete el proceso de apelación, o si en cualquier momento, no cumpla plenamente con el proceso de la solicitud para el SSI/SSP y el proceso de apelación.

Reconozco que no puede recibir pagos en duplicado y que tendré que reembolsar los pagos de CAPI para los meses en que yo también reciba pagos de SSI/SSP. También entiendo que si dejo de ser elegible para CAPI antes del proceso de la solicitud para el SSI/SSP y el proceso de apelación debido a que no cumplí con el proceso de la solicitud del SSI/SSP y el proceso de apelación, tendré que devolver todos los pagos provenientes de CAPI a partir de esta fecha.

SU FIRMA	FECHA
TESTIGO, SI ES QUE FIRMÓ CON UNA "X"	FECHA
FIRMA DEL INTÉRPRETE O PERSONA QUE HAYA COMPLETADO EL FORMULARIO A NOMBRE DE USTED	FECHA
RELACIÓN/PARENTESCO CON EL SOLICITANTE	NÚMERO DE TELÉFONO ()