

Cash Assistance Program for Immigrants (CAPI) Program Guide (PG) Letter No. 21

June 22, 2009

Subject FINAL REGULATIONS ON STATE-FUNDED BENEFITS FOR VICTIMS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE, OR OTHER SERIOUS CRIMES

Effective date Upon receipt

Reference

- All County Information Notice I-27-09
- Eligibility and Assistance Standards (EAS) Manual Letter 09-01
- All-County Letters 06-60 and 08-15
- CAPI PG Letters 8 and 12

Purpose The purpose of this CAPI PG Letter is to provide the final regulations for the treatment of non-citizen victims of criminal activity.

Background CAPI PG Letter No. 8 introduced a new program that provides eligible, non-citizen victims of human trafficking and victims of domestic violence or other serious crimes benefits equivalent to those available to refugees.

The Trafficking Victims Protection Act (TVPA) of 2000 created U Nonimmigrant Status for certain victims of criminal activity who have:

- suffered substantial mental or physical abuse;
- information regarding the criminal activity; and
- been helpful, are being helpful, or who are likely to be helpful in assisting law enforcement in the investigation and prosecution of the crime(s).

As regulations governing U Visas were not available at TVPA implementation, an administrative remedy called U Visa Interim Relief was created to enable victims a stay of deportation and work authorization.

CAPI PG Letter No. 12 introduced the Interim Final Rules for non-citizen victims of certain crimes.

Changes As a result of the final rule, a victim of domestic violence or other

serious crime the acceptable verification has been changed.

U Visa

Acceptable documentation verifying that an application for a U Visa has been filed or that U Visa Interim Relief was requested (U Visa Interim Relief is acceptable only if a request for U Visa Interim Relief was filed before October 17, 2007) includes, but is not limited to:

- A Notice of Action, Form I-797, approving a U Visa or U Visa Interim Relief based on a request filed prior to October 17, 2007;
 - A confirmation receipt or letter from CIS verifying that a request was filed prior to October 17, 2007;
 - A Form I-797 which serves as a fee receipt for an employment authorization request based upon a request for U Visa application;
 - A copy of the petition for U Visa Nonimmigrant Status, Form I-918; or
 - An Employment Authorization Document (EAD) issued under Category "A19" or "A20" for an approved U Visa petitioner.
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Forms impact None.

Automation Impact

BENDS CR4317 is on the CalWIN Intranet for the proper entries until CalWIN can be revised to include the requirements of this letter. CAPI workers must follow Steps 1-4 and 14 on the BENDS.

Quality Assurance impact

The California Department of Social Services has not specified a Quality Assurance requirement for CAPI and appeals are handled through the usual State hearing process.

Changes

The table below shows the changes to the CAPI PG.

Section	Changes
99-101.2.G	Updated U Visa information.

Manager approval

ORIGINAL SIGNED BY:

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