



CDSS

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May 2, 2016

ALL-COUNTY LETTER (ACL) NO. 16-33

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CASH ASSISTANCE PROGRAM
FOR IMMIGRANTS MANAGERS

SUBJECT: CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)
ELIGIBILITY – CITIZENS OF MARSHALL ISLANDS, FEDERATED
STATES OF MICRONESIA AND REPUBLIC OF PALAU

REFERENCES: [WELFARE AND INSTITUTIONS CODE \(WIC\) §18937 et seq.](#);
[PUBLIC LAW 104-193 OF 1996](#);
[COMPACTS OF FREE ASSOCIATION \(48 UNITED STATES CODE \(USC\) §1901 et seq.\)](#) ;
[MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#)
§49-005(p)(3)(L), §49-010.13, §49-020.111;
[SOCIAL SECURITY ADMINISTRATION \(SSA\)](#)
[PROGRAM OPERATIONS MANUAL SYSTEM \(POMS\)](#)
[§SI 00502.100\(A\)\(2\)\(a\)\(1\)](#) ;
[20 CODE OF FEDERAL REGULATIONS \(CFR\) §416.1618](#)

The purpose of this All-County Letter (ACL) is to clarify that certain citizens of the Marshall Islands (RMI), the Federated States of Micronesia (FSM) or the Republic of Palau (collectively known as the Freely Associated States) who reside in California meet the immigration requirements to receive Cash Aid Program for Immigrants (CAPI) benefits. Accordingly, no CAPI applicant or recipient should be denied CAPI or terminated from the CAPI rolls solely on the basis of being a citizen of one of the Freely Associated States (FAS).

Background

The RMI, FSM and the Republic of Palau were formerly parts of the Trust Territory of the Pacific Islands established by the United Nations following World War II. The RMI and FSM became independent nations in 1986, followed by the Republic of Palau in 1994.

The United States signed [Compacts of Free Association](#) with all three island nations, under which their citizens are permitted to permanently reside and work in the United States without visas (Palauans do not even require a passport). The compacts did not make these individuals United States citizens.

State and Federal Regulations

In establishing the CAPI program, it was the intent of the California Legislature to fill the gap in benefits for indigent aged, blind or disabled immigrants created when federal welfare reform legislation (Title IV of [Public Law 104-193](#)) terminated their eligibility for Supplementary Security Income (SSI) in 1996. ([Welfare and Institutions Code §18937 et seq.](#))

Thus, with narrow exceptions for cases of human trafficking or domestic violence, eligibility for CAPI is limited to those who are currently ineligible for SSI solely due to their immigration status but were or would have been eligible for SSI on August 21, 1996. ([Manual of Policies and Procedures \(MPP\)](#) §§49-010.13, 49-020.111)

FAS citizens are no longer eligible for SSI ([Program Operations Manual System \(POMS\) §SI 00502.100\(A\)\(2\)\(a\)\(1\)](#)) but do meet the immigration status required for SSI eligibility prior to federal welfare reform because they have “permanent residence under color of law” (PRUCOL). Under CAPI regulations, the PRUCOL category includes those immigrants whom the United States Citizenship and Immigration Service (USCIS) knows are present in the United States and does not intend to deport “either because of the person’s status category or individual circumstances.” (See MPP §49-005(p)(3)(L) incorporating the PRUCOL categories of [20 Code of Federal Regulations §416.1618\(b\)](#).) As FAS citizens are legally permitted to permanently reside and work in the United States, their status category is that of PRUCOL and they therefore meet the immigration requirements of the CAPI program.

Should you have questions regarding the policies described above, please contact Aron Smith, Cash Programs Manager, at the Adult Programs Division, Policy and Quality Assurance Branch at (916) 651-5350, or by email to aron.smith@dss.ca.gov.

Sincerely,

Original Document Signed by:

EILEEN CARROLL
Deputy Director
Adult Programs Division