

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Definition of Entry Date for the Cash Assistance Program for Immigrants

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held April 16, 2003, as follows:

April 16, 2003  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on April 16, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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California Department of Social Services  
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## CHAPTERS

Manual of Policies and Procedures Chapter 49-000 (Cash Assistance Program for Immigrants),  
Section 49-020 (Immigration Status)

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations adopt new language in Manual of Policies and Procedures Section 49-020, which sets eligibility criteria for the Cash Assistance Program for Immigrants (CAPI) based, in part, on the date the non-citizen “entered the United States.” Under the provisions of Welfare and Institutions Code Sections 18938 and 18940, there are two components to CAPI which are often referred to as basic CAPI and extended CAPI. A person who entered the United States on or after August 22, 1996 is only eligible for basic CAPI if he or she is sponsored and that sponsor is deceased or disabled, or the non-citizen is a victim of abuse by the sponsor or the sponsor’s spouse. A person who entered the United States on or after August 22, 1996 who does not meet the sponsor restrictions for basic CAPI can be eligible for extended CAPI, but is subject to a 10-year sponsor-deeming period. Sponsor deeming may reduce a person’s CAPI benefit or make him or her ineligible for CAPI. A person with an entry date prior to August 22, 1996 does not have to meet the sponsor restrictions of basic CAPI and may be subject to only a three-year sponsor-deeming period.

There are currently no regulations that define the terms “entry date” or “entered the United States” for purposes of establishing eligibility for CAPI. The term is not defined in the statutes (Welfare and Institutions Code Sections 18938 and 18940) that are the basis for these regulations. The specific eligibility criteria cited above are unique to CAPI and are not specifically found in federal regulations. In fact, federal regulations reflect different definitions of “entry date” for different purposes.

Determining a non-citizen’s entry date into the United States is a critical factor in determining CAPI eligibility and/or the amount of the CAPI benefit. The proposed regulations will clarify the meaning of entry date for the purpose of CAPI eligibility, which is needed by the counties to administer the program properly and accurately. The proposed regulations will also end confusion over this issue for potential applicants. The proposed regulations reflect current departmental policy on this issue. That policy has been in effect for over two years, and has recently been incorporated in a precedential decision approved by the Director of CDSS on September 5, 2002.

### COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon county welfare departments because they simply clarify existing regulations and reflect existing departmental policy.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18943. Subject regulations implement and make specific Welfare and Institutions Code Sections 18938, 18940 and 18944 and CDSS' Director's Designation as Precedential Decision dated September 5, 2002.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586  
Backup: Robin Garvey (916) 657-2586

#### CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Marshall Browne (916) 229-4043  
Backup: Vickey Walker (916) 229-4596

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - April 16, 2003

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