

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2415 (Juan Carrillo) – As Amended March 18, 2024

SUBJECT: Cash assistance for aged, blind, and disabled immigrants

SUMMARY: Upon appropriation, expands eligibility of the Cash Assistance Program for Immigrants (CAPI) to all immigrants and removes the eligibility requirement that an applicant must apply and be denied the Social Security Income/State Supplementary Payment (SSI/SSP) program before being eligible for CAPI. Specifically, **this bill:**

- 1) Repeals the existing CAPI program requirements on the January 1st after the following provisions become operative upon appropriation.
- 2) Requires the California Department of Social Services (CDSS) to establish and supervise a county- or county consortia-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are not citizens and who successfully complete an application process.
- 3) Prohibits an application from being required of individuals who are eligible for CAPI aid and are discontinued from the SSI/SSP program effective with their September 1998 benefits as a result of their immigration status under Title IV of Public Law 104-193 and any subsequent amendments thereto.
- 4) Requires CDSS to conduct the disability evaluations for CAPI.
- 5) Requires, if the federal government agrees to administer the program, CDSS to contract with the federal government for this purpose, and requires the county responsibilities to be reduced by the duties and responsibilities the federal government undertakes.
- 6) Provides that the CAPI program be intended to satisfy existing federal law regarding authorizing states to provide state or local benefits to an immigrant who is not lawfully present in the United States (U.S) and who would otherwise be ineligible only through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility.
- 7) Establishes the following eligibility requirements:
 - a) An individual, upon application, is eligible for the CAPI program if the individual meets the eligibility criteria of the SSI/SSP but is not eligible for SSI/SSP benefits solely due to the individual's immigration status.
 - b) An applicant who is otherwise eligible for the CAPI program, but who entered the United States on or after August 22, 1996, to be eligible for CAPI aid only if the applicant is sponsored and one of the following conditions is met and verification must be provided:
 - i) The sponsor has died;
 - ii) The sponsor is disabled, as defined; or,

- iii) The applicant, after entry into the U.S., is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor;
 - c) An applicant who is otherwise eligible for the CAPI program, but who entered the U.S. on or after August 22, 1996, and who does not meet one of the following conditions of b) above, is eligible for CAPI aid beginning on October 1, 1999.
- 8) Defines “abuse” to mean the same manner as Welfare and Institutions Code (WIC) §§ 11495.1 and 11495.12 as described in existing law below.
 - 9) Provides that a sworn statement by a victim, or the representative of the victim if the victim is not able to competently swear, is sufficient to establish abuse if one or more additional items of evidence of abuse is also provided.
 - 10) Permits additional evidence to include, but not be limited to the following:
 - a) Police, government agency, or court records or files;
 - b) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse;
 - c) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; and,
 - d) Physical evidence of abuse.
 - 11) Provides, if the victim cannot provide additional evidence of abuse, the sworn statement is sufficient if the county makes a determination documented in the case file that the applicant is credible.
 - 12) Requires CDSS to periodically redetermine the eligibility of each individual.
 - 13) Requires CDSS to take all steps necessary to qualify any benefits paid to be eligible for reimbursement as federal Interim Assistance, including requiring a repayment agreement.
 - 14) Requires any person who is found to be eligible for federally funded SSI by CDSS to be required to apply for SSI benefits. Permits an individual to continue to receive benefits if the individual fully cooperates in the application and administrative appeal process of the Social Security Administration (SSA). Requires an individual to continue to be eligible to receive benefits if the individual receives an unfavorable decision from the SSA.
 - 15) Establishes, notwithstanding 14) above, that an individual who is not a qualified immigrant pursuant to federal law is not required to apply for SSI in order to receive benefits.

EXISTING LAW:

State law:

- 1) Requires CDSS to establish and supervise a county- or county consortia-administered program to provide cash assistance to aged, blind, and disabled legal immigrants who are not citizens and who successfully complete an application process. Exempts an application from being required of individuals, as described in 3) below. Further requires CDSS to conduct the evaluations of disability for the program. (WIC § 18937)
- 2) Requires benefits provided under the CAPI program to be equivalent to the benefits provided under the SSI/SSP program. (WIC § 18941)
- 3) Requires the CAPI program to become operative on:
 - a) October 1, 1998, for those individuals who are eligible for aid under CAPI and are discontinued from the SSI/SSP program effective with their September 1998 benefits as a result of their immigration status under Title IV of Public Law 104-193 and any subsequent amendments thereto. Requires, until the counties begin full operation, CDSS to cause a payment to each individual or couple to be issued through the California State Controller so that there is no interruption in these individual's receipt of aid to which they are eligible under CAPI.
 - b) November 1, 1998, for applicants for this program to have their applications accepted by county welfare departments, and establish a beginning date of aid. Requires counties to have the ability to make eligibility determinations and cause the issuance of payments no later than December 1, 1998, unless the federal government has agreed to provide the services under this chapter at an earlier date. (WIC § 18944)
- 4) Establishes eligibility requirements a noncitizen must meet for CAPI, including one of the following:
 - a) A legal immigrant who meets the immigration status requirements in effect for SSI/SSP on August 21, 1995; or,
 - b) A victim of human trafficking, domestic violence or other serious crimes, as defined in b) of 5) below. Applicants qualified under these provisions will be eligible for benefits and services to the same extent as individuals who are admitted to the U.S. as refugees. (CDSS Manual of Policies and Procedures 49-020)
- 5) Defines the following terms:
 - a) "Abuse" to mean battering or subjecting a victim to extreme cruelty by physical acts that resulted in or threatened to result in physical injury, sexual abuse, sexual activity involving a child in the home, being forced to participate in nonconsensual sexual acts or activities, threats of, or attempts at, physical or sexual abuse, mental abuse, neglect or deprivation of medical care, or stalking. (WIC § 11495.12)
 - b) "Victims of trafficking, domestic violence, and other serious crimes" to include both of the following:

- i) Noncitizen victims of a severe form of trafficking in persons, who have been subjected to an act or practice, as specified, and who have filed an I-914 application for T-nonimmigrant status (T-visa) with the appropriate federal agency, are preparing to file an application for status, as specified, or otherwise are taking steps to meet the conditions for federal benefits eligibility, as specified; and,
 - ii) Individuals who have filed a formal application with the appropriate federal agency for status, as specified. (WIC § 18945(b))
- 6) Establishes documentation required for CAPI eligibility by requiring the following:
- a) Formal denial letter from SSA issued after August 1, 1998, and within 6 months of the CAPI application that states the person is ineligible for SSI/SSP due to immigration status;
 - b) Informal denial letter or other communication from SSA issued after August 1, 1998, and within 6 months of the CAPI application that indicates the person is ineligible for SSI/SSP due to immigration status; and,
 - c) A county determination that the applicant is not a qualified immigrant (or considered as such) as defined in 9) below.

Federal law: *Note: For the purposes of referring to federal law accurately, this section uses the term “alien” which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.*

- 7) Establishes the Immigration and Nationality Act (INA), covering aspects related to immigration, naturalization, deportation, and citizenship. (8 United States Code [U.S.C.] 1101 *et seq.*)
- 8) Establishes the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, restricting eligibility of aliens for many federal benefit programs, including the Temporary Assistance for Needy Families (TANF), SSI, Medicaid, and the Supplemental Nutrition Assistance Program (SNAP), except for “qualified aliens.” (Title IV of Public Law 104-193)
- 9) Defines “qualified alien” to mean an alien who, at the time the alien applies for, receives, or attempts to receive a federal public benefit, is:
- a) An alien who is lawfully admitted for permanent residence under the INA;
 - b) An alien who is granted asylum, as defined;
 - c) A refugee who is admitted to the U.S., as defined;
 - d) An alien who is paroled into the U.S., as defined, for a period of at least one year;
 - e) An alien whose deportation is being withheld;
 - f) An alien who is granted conditional entry;
 - g) An alien who is a Cuban and Haitian entrant; and,

- h) An individual who lawfully resides in the U.S. in accordance with a Compact of Free Association. (8 U.S.C. § 1641(b))
- 10) Authorizes a state to provide that an alien who is not lawfully present in the U.S. is eligible for any state or local public benefit for which such alien would otherwise be ineligible only through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility. (8 U.S.C § 1621(d))
- 11) Establishes the Interim Assistance Program, allowing counties to recover general relief and other types of cash assistance paid out to indigent individuals for the purpose of purchasing essential items while they await decisions on their applications for SSI and/or CAPI. (42 U.S.C. § 1383; 20 Code of Federal Regulations § 1901 *et seq.*)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Immigrants.* Immigrants with legal standing in the U.S., both temporary and permanent, are those who have been granted to live and work in the country by obtaining a visa or other legal status, such as legal permanent residency, being granted asylum, admitted as a refugee, a parolee, and conditional entrants, among others. Once in the country, these immigrants are entitled to certain rights and protections under the law, including access to government benefits and services, such as healthcare, education, and public social services. According to a 2024 report by the Public Policy Institute of California (PPIC) using 2022 data from the American Community Survey, California is home to 23% of immigrants in the U.S. In 2021, about 27% of the state's residents were immigrants, and one-third made up the labor force.

On the other hand, undocumented immigrants (i.e. unauthorized immigrants) are individuals who enter or reside in a country without legal authorization. These individuals often fear deportation and lack access to basic rights and protections afforded to legal residents. They typically face significant barriers to accessing government services and may be vulnerable to exploitation and abuse in the workplace and elsewhere. According to 2019 data analyzed by the Migration Policy Institute, California was home to over 2.7 million undocumented immigrants, with 293,000 being 55 years of age or older. The top countries of birth were Mexico (61%), El Salvador (7%), Guatemala (6%), Philippines (6%), and India (4%). Of these undocumented immigrants, the Center for Migration Studies estimates that over 716,000 lived in California for over 20 years; over 375,000 indicated they were at or below the poverty level; and, 645,444 were between 45 and 64 years of age, and 16,754 were 65 years of age or older. Data from the expansion of Medi-Cal to undocumented seniors indicate there are 235,000 people who are aging into retirement age and will be in need of retirement benefits.

Cash Assistance Program for Immigrants. The federal government disqualified most noncitizens from SSI/SSP eligibility. Consequently, the majority of immigrants who were not receiving SSI/SSP benefits in August 1996 are no longer eligible for SSI/SSP benefits. In response, California established CAPI, a state-funded program aimed at providing monthly financial assistance to aged, blind, or disabled noncitizens who are ineligible for SSI/SSP solely due to their immigration status.

To qualify for CAPI, individuals must:

- Have immigration status as the sole reason for their ineligibility for SSI/SSP benefits;
- Be 65 years of age or older, blind, or disabled;
- Reside in California;
- Fulfill specific income and asset prerequisites, and,
- Be noncitizens meeting the immigration status criteria defined in 9) above and b) of 5) above.

In October 2023, CDSS submitted a report to the Legislature noting the updated 2024 rates to reflect new CAPI rates. The 2023-24 Budget included \$146 million for a 9.2% SSP grant increase, which increased the total grants of CAPI recipients commencing January 1, 2024, from \$1,133.73 to \$1,153.94 for an individual and \$1,927.62 to \$1,978.83 for a couple. The 2024-25 Budget shows an additional increase in grant levels due to estimated federal SSI cost-of-living adjustments (COLA). The federal government is required to provide an annual COLA each January to the SSI portion of the grant, while the state has full discretion over whether and how to provide an increase to the SSP portion of the grant. A May 2023 report by the Public Policy Institute of California highlights that CAPI served 14,000 legal residents.

Currently, individuals seeking to apply for CAPI must go to their local county office to seek and submit the application, as prescribed by their county social services agency. While CAPI applicants may qualify for benefits such as CalFresh, Medi-Cal, or In-Home Supportive Services (IHSS), there is currently no automated system to directly connect CAPI eligibility with these other safety net programs. However, efforts are underway to integrate CAPI into the California Statewide Automated Welfare System (CalSAWS), with full automation anticipated by June 2025. Once this integration is completed, the system will streamline the application process by assessing eligibility for various programs like CAPI when applicants apply for CalFresh, Medi-Cal or IHSS, facilitating faster and more efficient service delivery.

As outlined in current law, applicants are required to demonstrate their inability to qualify for or receive benefits from SSI/SSP because of their immigration status. This entails providing evidence of ineligibility through either applying for SSI/SSP and receiving a denial notice solely based on their immigration status, or obtaining proof of ineligibility from the SSA. However, undocumented immigrants may be reluctant to disclose all their personal identifying information on a federal government application, fearing potential repercussions on their immigration status. This requirement runs contrary to the objectives of the program.

Despite often working and contributing to the California economy through their years of work, undocumented seniors are currently ineligible to receive Social Security benefits. Without immigration reform at the federal level, undocumented seniors are aging into uncertainty, without the resources to meet their basic needs. This bill aims to extend CAPI aid to undocumented seniors and eliminate the requirement for applicants to undergo the SSI/SSP application process and be denied benefits due to immigration status before qualifying for CAPI assistance.

Governor's Veto Message. This bill is substantially similar to AB 1536 (J. Carrillo) of 2023, which was vetoed by Governor Newsom. The Governor's veto message stated:

This bill would expand eligibility for the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (CAPI) program to include all eligible immigrants, regardless of their legal immigration status.

While I appreciate the author's goal to expand CAPI eligibility regardless of immigration status, enacting this policy without providing funding would not be prudent nor would it meet its intended purpose. My Administration has taken significant steps to support the undocumented community, including the recent expansion of eligibility for full-scope Medi-Cal, regardless of immigration status. This year, the 2023 Budget Act includes \$40 million to begin automation and outreach efforts to expand the California Food Assistance Program to income eligible individuals aged 55 years or older, regardless of their immigration status.

This bill would result in significant costs of over \$100 million General Fund annually, because CAPI is a state-only program. These costs must be considered alongside other budgetary priorities as part of the annual budget process. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

In order to address Governor Newsom's concerns stated above, the Author has submitted a one-time funding budget request to accompany this bill.

Author's Statement: According to the Author, "Across our state, the aging, undocumented population is increasing, especially our immigrant seniors, many of whom have no retirement despite years of working in this country. [This bill] will serve as a building block on the work we have accomplished to ensure our undocumented senior population can age with dignity. Although California has made historic investments in expanding food assistance benefits and unlocking Medi-Cal for undocumented seniors, it has fallen short in doing the same for the Cash Assistance Program for Immigrants (CAPI). This program leaves behind thousands of our undocumented seniors and disabled individuals struggling to afford their housing, prescription medicine, and necessities amid skyrocketing costs due to inflation rates, and much more.

"These undocumented seniors 65 and older are the same seniors who have contributed significant money to our economy through taxes, household expenses, and much more. It is a benefit they deserve. As a proud Mexican immigrant, I am committed to fighting for the rights of all immigrants. ¡Si Se Puede!"

Equity Implications: Undocumented immigrants face discrimination and hardships on a regular basis. It is important to recognize all aging, blind, and disabled members of the community deserve to live with dignity. Cash assistance serves as a vital component of the safety net

program aimed at supporting the community. Given the increasing number of aging immigrants, this population will likely need assistance in the near future. Expansion of the CAPI program to include undocumented seniors would allow our most vulnerable immigrant seniors and disabled individuals access to a critical lifeline to sustain them in their elder years and in times of need. This bill would also remove the requirement to submit an application for SSI/SSP and be denied due to their immigration status to ensure undocumented individuals do not have to unnecessarily enter into a federal database.

RELATED AND PRIOR LEGISLATION:

AB 435 (Cervantes) of 2023, would have required CalSAWS to accept and process applications for CAPI, the Trafficking and Crime Victim Assistance Program, and Refugee Cash Assistance, and would have required CDSS to submit a report to the Legislature on CDSS' plan to ensure this occurs. *AB 435 was held on the Assembly Appropriations suspense file.*

AB 1536 (J. Carrillo) of 2023, upon appropriation, would have expanded eligibility for CAPI to all individuals regardless of immigration status and would have deleted requirements to apply for SSI/SSP in order to qualify for CAPI. *AB 1536 was vetoed by Governor Newsom.*

AB 1096 (L. Rivas), Chapter 296, Statutes of 2021, struck the offensive and dehumanizing term "alien" used to describe a person who is not a citizen or national of the U.S. where it appears in multiple California code sections, and replaced it with other terms that do not include the word "alien," and makes other nonsubstantive changes.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition for Humane Immigrant Rights (CHIRLA) (Sponsor)
 ACLU California Action
 Asian Americans Advancing Justice-Southern California
 Buen Vecino
 California Association of Food Banks
 California Immigrant Policy Center
 California Pan - Ethnic Health Network
 California Rural Legal Assistance Foundation, INC.
 Coalition of California Welfare Rights Organizations
 Disability Rights California
 Friends Committee on Legislation of California
 GRACE Institute - End Child Poverty in CA
 Having Our Say Coalition
 Justice in Aging
 Korean Community Center of The East Bay
 Latino Coalition for a Healthy California
 Nourish California
 Personas Activos Sobresalientes Organizando Soluciones At Sacred Heart Community Service
 Puente de la Costa Sur
 South Asian Network
 Western Center on Law & Poverty

Opposition

None on file.

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