

Date of Hearing: March 28, 2023

**ASSEMBLY COMMITTEE ON HUMAN SERVICES**

Corey A. Jackson, Chair

AB 1536 (Juan Carrillo) – As Introduced February 17, 2023

**SUBJECT:** Cash Assistance Program for Aged, Blind, and Disabled Immigrants

**SUMMARY:** Expands eligibility for the Cash Assistance for Aged, Blind, and Disabled Legal Immigrants (CAPI) to all individuals regardless of immigration status; deletes obsolete language; deletes requirements to apply for Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled (SSI/SSP) in order to qualify for CAPI. Specifically, **this bill:**

- 1) Renames the Cash Assistance for Aged, Blind, and Disabled Legal Immigrants Program to the Cash Assistance for Aged, Blind, and Disabled Immigrants Program.
- 2) Deletes provision referring to potential applicants as “legal immigrants who are not citizens”, and instead updates language to permit individuals to qualify for CAPI regardless of immigration status.
- 3) Prohibits the California Department of Social Services (CDSS) from requiring an individual who is not a qualified immigrant as defined by Section 1641 of Title 8 of the United States Code from being required to apply for SSI in order to receive benefits.
- 4) Clarifies these provisions are intended to satisfy requirements of federal law authorizing a state to provide that an undocumented immigrant is eligible for any state or local public benefits through the enactment of a state law.
- 5) Makes various gender neutral conforming changes.
- 6) Deletes an obsolete statute that became in operative in 2011.

**EXISTING LAW:**

- 1) Establishes the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 creating the welfare to work program; prohibits immigrants from receiving SSI/SSP benefits. (Title IV of Public Law 104-193)
- 2) Provides that an immigrant who is not lawfully present in the United States is eligible for any state or local public benefit through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility. (8 United States Code 1621(d))
- 3) Requires CDSS to establish and supervise a county- or county consortia-administered program to provide cash assistance to the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants that are not eligible for SSI/SSP. (Welfare and Institutions Code Section [WIC] 18937-18944)
- 4) Provides CAPI payments are equivalent to SSI/SSP payments. (WIC 18941)

- 5) Establishes documentation required for CAPI eligibility by requiring the following:
- a) Formal denial letter, informal denial letter, or other communication from the Social Security Administration issued after August 1, 1998, and within six months of the CAPI application that states the person is ineligible for SSI/SSP due to immigration status.
  - b) A county determination that the applicant is not a qualified immigrant. (CDSS Manual of Policies and Procedures, Division 49)

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

**COMMENTS:**

**Background:** *Cash Assistance Program for Aged, Blind, and Disabled Immigrants* is a state-funded program that provides monthly cash aid to aging, blind, and immigrants that are not eligible for SSI/SSP based on immigration status. In 1996, the Personal Responsibility and Work Opportunity Act excluded noncitizen immigrants from SSI/SSP eligibility. The following are CAPI requirements:

- 65 or over, blind or disabled.
- A non-citizen and meet the immigration status criteria in effect for SSI/SSP as of August 21, 1996.
- Ineligible for SSI/SSP solely due to their immigration status.
- California resident.
- Their income must be less than the CAPI standards.
- Resources must be below \$2,000 for an individual or \$3,000 for a couple.

In November 2022, CDSS posted an All County Letter notifying the updated 2023 rates to reflect new SSI/SSP rates. The 2023 CAPI rates are as follows:

<b>Payment Standards for Individuals Payment Standard Category</b>	<b>January 2023 CAPI Grant</b>
Aged or Disabled	\$1,133.73
Blind	\$1,211.00
Non-Medical Out-of-Home Care	\$1,492.82
Aged or Disabled without cooking facilities	\$1,251.74
Disabled Minor	\$1,003.07
Disabled Minor (Household of Another)	\$703.23
Aged or Disabled (Reduced Needs)	\$833.89
Blind (Household of Another)	\$911.16
Non-Medical Out-of-Home Care (Reduced Needs)	\$1,181.14
Title XIX Medical Facility Standard	\$59.00

In 2021, the “Golden State Grant Program” provided a one-time payment of \$600 to SSI/SSP and CAPI recipients to assist and provide relief from hardship due to the COVID-19 pandemic.

Currently to apply for CAPI, an applicant must go to their local county office to seek an application and submit the application as prescribed by their county social services agency. While CAPI applicants may be eligible for CalFresh, Medi-Cal, or In-Home Supportive Services (IHSS), there is not currently an automated system to link CAPI eligibility with other safety net programs. CAPI is currently being integrated into CalSAWS and is estimated to be fully automated by June 2025. Once integrated, when applicants apply for CalFresh, Medi-Cal, or IHSS, the system will help determine eligibility for other programs such as CAPI and help applicants receive services more quickly and efficiently.

As currently described in statute, an applicant must prove they are unable to qualify or receive benefits from SSI/SSP due to their immigration status. This means applicants must show proof of their ineligibility by applying for SSI/SSP and receiving a notice of denial based on their immigration status alone, or proof of ineligibility from the Social Security Administration. Undocumented immigrants may not want to jeopardize their status by giving all of their personal identifying information on a federal government application. This requirement is counterintuitive to the goals of this program.

The Center for Migration Studies estimates that over 700,000 undocumented immigrants in California have lived and worked in California for over 20 years. 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. 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.

**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 what I believe is right, which means all immigrants’ rights. ¡Si Se Puede!”

**Need for this bill:** California’s aging population continues outpace services. According to the California Department of Finance, the population over age 60 will have an overall increase of 166 % between 2010 and 2060. This bill helps expand a necessary safety net to allow aging with dignity and access to basic needs through cash assistance regardless of immigration status. Due to the lack of federal immigration reform, undocumented immigrants continue to pay into

SSI/SSP, but are unable to draw down funds they contributed. This bill removes barriers to apply for this safety net program.

In an academic paper titled, “Elderly Undocumented Latinos and Their Retirement Strategies” the authors found that, “In 2014, the Latino population reached a high 55.4 million and its undocumented sector expanded to 11.3 million. Of the 11.3 million undocumented Latinos, approximately 850,000 were over the age of 55 and approximately 150,000 were over the age of 65.”

Considering the number of people that will need help as they age, it is not only morally prudent, but fiscally and societally prudent to consider proactive steps to help ensure this population is taken care of.

**Equity Implications:** Undocumented immigrants face discrimination and hardships on a regular basis. It is important to recognize all aging, blind, and disabled members of community deserve to live with dignity. Cash assistance is one tool in the safety net program to help the community.

In 2019, an analysis by the Center for Migration Studies of the American Communities Survey found there are about 16,800 undocumented seniors age 65 and over in California. Of these seniors, about 7,000 of these indicated they did not have a job or were not in the labor force and 2,200 indicated they were at or below poverty level.

Expansion of the CAPI program to include undocumented seniors would allow our most vulnerable seniors with a disability and who are immigrants to access a critical lifeline to sustain them in their elder years and when they need it the most. Based on the number of aging immigrants and resource scarcity, this population will likely need assistance in the near future, this bill provides a proactive approach by expanding an existing program.

## **RELATED AND PRIOR LEGISLATION:**

**AB 435 (Cervantes)** will require CalSAWS to add CAPI, along with the Refugee Cash Assistance Program, and the Trafficking and Crime Victims Assistance Program (TCVAP), into the automated application process. *AB 435 is pending before this committee and set for hearing on March 28, 2023.*

**SB 184 (Committee of Budget and Fiscal Review), Chapter 47, Statutes of 2021**, expands eligibility for full scope Medi-Cal benefits to individuals who are 26 to 49 years of age, inclusive, and who do not have satisfactory immigration status or are unable to establish satisfactory immigration status, if they are otherwise eligible for full-scope Medi-Cal benefits.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Coalition for Humane Immigrant Rights (CHIRLA) (Sponsor)  
API Equality-LA  
Buen Vecino  
California Association of Food Banks  
California Health Professional Student Alliance  
California Immigrant Policy Center

California Rural Legal Assistance Foundation, INC.  
California State Council of Service Employees International Union (SEIU California)  
Central Valley Immigrant Integration Collaborative  
Coalition of California Welfare Rights Organizations  
County Welfare Directors Association of California (CWDA)  
Friends Committee on Legislation of California  
Grace Institute - End Child Poverty in CA  
Immigrant Defense Advocates  
Inland Coalition for Immigrant Justice  
Jewish Family Service of Los Angeles (UNREG)  
Justice in Aging  
Latino Coalition for a Healthy California  
National Association of Social Workers, California Chapter  
Nourish California  
SALVA  
Union De Guatemaltecos Emigrantes  
Western Center on Law & Poverty

**Opposition**

None on file

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