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FACT SHEET

Supplemental Security Income (SSI) and Cash Assistance Program for Immigrants (CAPI) Basics in California

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Supplemental Security Income (SSI) and Cash Assistance Program for Immigrants (CAPI) benefits are an essential component of the economic security of over one million Californians and are especially important for underserved populations with significant social and economic needs. This guide provides advocates with basic information on eligibility for SSI and CAPI in California, including some spotlights on recent updates to the SSI program.

SUPPLEMENTAL SECURITY INCOME BASICS IN CALIFORNIA

Supplemental Security Income (SSI) is a federally financed, needs-based program administered by the Social Security Administration (SSA). SSI guarantees a minimum income level for people who are aged (65 or older), blind, or meet the Social Security disability standard with low incomes and resources.

The federal government provides \$943 per month for an eligible individual and \$1,415 for an eligible couple in 2024. This amount is adjusted annually to keep pace with inflation and is known as the Federal Benefit Rate (FBR).

The state of California supplements these amounts to increase the total benefit. The current combined state and federal SSI benefit rate in California is \$1,182.94 per month for an individual and \$2,022.83 for an eligible couple. Persons who are blind or lack access to adequate cooking or food storage facilities are paid a somewhat higher amount.

Anyone receiving SSI in California is also automatically eligible for Medi-Cal.

SSI ELIGIBILITY CRITERIA

An applicant for SSI must meet several eligibility criteria on an ongoing basis: categorical eligibility, financial eligibility, immigrant eligibility, and residence.

Categorical Eligibility: Age, Blindness, and Disability

The categories are age (65 years old or older), blindness, and disability. The applicant must satisfy one category. Whether an individual is 65 or older is usually a straightforward determination.

How Disability is Determined

For an adult age 18 to 64, the Social Security Act defines disability as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. The **combined effect** of a person's impairments must be severe enough to prevent the individual from doing their previous work, or to engage in any other kind of substantial gainful work which exists in the national economy. Those under 18 years old follow a separate SSI disability determination process focused on impairments that cause severe functional limitations.

State agencies make all initial and reconsidered disability determinations, subject to appeal to SSA. That state agency in California is the California Department of Social Services Disability Determination Service Division (DDSD).

SSA has adopted a five-step sequential evaluation process that the state agencies must use to determine if someone meets the disability standard mandated by the Social Security Act.

Social Security Disability Evaluation Process

STEP 1

- Is the claimant currently working and, if so, are they engaging in “substantial gainful activity” (SGA)? If the answer is yes and the claimant is engaging in SGA, the evaluation process comes to an end and the claim is denied. If the answer is no, then the evaluation proceeds to Step Two.
- SSA uses an earnings test to determine if work activity constitutes SGA. For work done in 2024, earnings of \$1,550 per month (\$2,590 for blind people) indicate SGA. This amount is changed annually to reflect the change in average wages. SGA is determined by reference to gross wages unless there is a subsidy or special circumstance involved and the amount paid does not fully reflect the work performed by the claimant. In that case, the subsidy is subtracted from gross wages to determine whether the claimant is engaged in SGA. Also, if the individual has Impairment Related Work Expenses (IRWE), then those expenses are subtracted from gross wages to determine if there is SGA.

STEP 2

- Does the claimant have a “severe” medically determinable impairment or combination of medically determinable impairments? If the answer is no, the claim is denied. If the answer is yes, then the evaluation proceeds to Step Three.

STEP 3

- Does the impairment meet or equal a listing in SSA's Listing of Impairments? If the impairment meets or equals a listing, then the claimant is disabled. If not, the evaluation proceeds to Step Four.
- The Listing of Impairments is a list of impairments with specific detailed medical criteria for each disease or impairment. If these criteria are met or equaled, it is assumed that there will be functional limitations to such a degree that a person will not be able to work regardless of age, education, or work experience.

STEP 4

- Does the claimant retain the residual functional capacity to return to past relevant work? If the answer is yes, then the claim is denied, regardless of whether the work is available or even exists in the national economy.

Starting June 22, 2024, SSA reduced the period it considers to determine if the claimant has past relevant work from 15 years to 5 years. Claimants now only need to provide their work history going back 5 years from when they became disabled.

STEP 5

- If the claimant cannot return to past work, the next and final step is to determine, taking into account the claimant's age, education, and work experience, whether there are other jobs that exist in significant numbers in the economy that the claimant can perform. This is the step at which age is an advantage. SSA assumes that the older a person is, the more difficult it will be for them to adjust to a new job. Thus, it is far more likely that a claim will be allowed for a claimant of "advanced age" (55 or over) at this step than it is for a "younger individual" (under age 45).

How Financial Eligibility Is Determined

An individual must have limited income and resources in order to receive SSI.

Income

Income is defined in the SSI regulations as anything an individual receives in cash or in kind that can be used to meet their shelter needs. In other words, if it cannot be used to obtain shelter, it is not income for SSI purposes.

Even if something is income under the SSI definition, it still might not be "countable income" under the SSI rules. Only countable income affects SSI eligibility and the amount of the grant. Among the long list of **items that are excluded from income are:**

- Impairment related work expenses (IRWE);
- Gifts of domestic airline tickets if they are not cashed in;
- Assistance based on need from a state or local government;
- Food regardless of the source;
- Proceeds of a loan;
- Income tax refunds;
- Replacement of income previously received;
- The portion of a grant, scholarship or fellowship used for tuition, fees, or other necessary educational expenses;
- Bills paid directly to the supplier by someone else for goods or services other than shelter;
- Receipts from the sale, exchange, or replacement of a resource, even if the sale price is higher than the purchase price;
- Interest and dividend income on countable resources; and
- Infrequent or irregular income - up to \$60 per quarter of unearned income and \$30 per quarter of earned income.

Starting September 30, 2024, food is not considered income, regardless of the source. Previously, SSI had specific exclusions for food assistance from sources such as CalFresh/SNAP benefits and food banks, but did count as income food received from sources such as friends, family, or roommates.

Income is counted on a monthly basis in the calendar month in which it is received. Income for the current month determines eligibility for the month. Income from the month before the previous month (two months back) will determine the amount of the benefit for the current month.

The Social Security Act divides income into two categories for SSI purposes – earned and unearned income. The distinction is important because the two types of income are calculated separately and with very different rules.

Unearned income is defined in Social Security regulations by what it is not, i.e., it is not earned income. Of those SSI recipients who have income, the overwhelming majority have only unearned income, and for the majority of those with unearned income, the only income they have is a Social Security benefit.

For those who have only unearned income, the calculation of countable income to determine SSI eligibility and the benefit amount is very simple: take the individual's unearned income for the month, except excluded income, and subtract the general income disregard of \$20. The result is countable income for the month.

A very small percentage of all SSI recipients have earned income. The rules for counting earned income are more generous than those for counting unearned income. To calculate countable earned income: Add up all earnings for the month using gross wages, then subtract any Impairment Related Work Expenses (IRWE), but only if the beneficiary is receiving SSI on the basis of disability or was receiving it on the basis of disability the month before reaching retirement age. Then subtract the earned income disregard of \$65 per month, and also the \$20 general income disregard if it has not already been applied to unearned income. Divide the remaining amount by 2, and the result is countable earned income.

Resources

Resources of an SSI recipient may not exceed \$2,000 in “countable resources” for an individual or \$3,000 for a couple. SSA regulations define a resource as: “cash or other liquid assets or any real or personal property that an individual . . . owns and could convert to cash to be used for his or her support and maintenance.” Resources are generally counted on the basis of the equity an individual has in the resource, i.e., market value minus encumbrances. Resources are counted only once a month on the first moment of the first day of the month.

Certain resources are excluded and do not count toward the resource limit. A partial list of the principal exclusions follows.

- Home - The home in which the SSI recipient resides and all contiguous land is excluded, regardless of value. However, if the recipient lives elsewhere, the home is counted. If the recipient has the intent to return to the home—no matter how unrealistic the intent—the home still is excluded. This rule is important for a resident of a residential care facility or a nursing facility who is prevented from moving home by a medical condition.
- Automobile - One automobile is excluded regardless of value.
- Personal or Household Goods - No limit on value.
- Burial Funds - Up to \$1,500 combined value of all burial funds. These funds must be separately identified and set aside. Note that if the individual (or their spouse) has life insurance policies or other burial arrangements, their value may reduce the \$1,500 otherwise available for the burial funds exclusion.

- Burial Plot - A burial plot is excluded regardless of value. This is in addition to the burial funds.
- Jointly Owned Property - Undue hardship - Jointly owned property is excluded where the sale would cause undue hardship to the co-owner because of loss of housing.
- Past-due Social Security and SSI payments - These payments are excluded from counting as a resource for a nine-month period.
- Earned Income Tax Credit and Child Tax Credit - These payments are excluded from counting as a resource for twelve months, beginning with the month after receipt.

Resource and Income Deeming

Deeming is when money or property of one person is considered available to another person. There are three circumstances in which a portion of the income and resources of another person will be considered available to the SSI applicant regardless of actual availability. The formula for determining the amount of the income and resources available to the individual is different in each of the three circumstances.

1. Spousal Deeming - The income and resources of an ineligible spouse living in the same household are deemed to the individual. Spousal deeming does not apply when the spouses are separated.
2. Parent to Child Deeming - The income and resources of a parent living in the household are deemed to the child.
3. Sponsor Deeming - Deeming applies primarily to sponsored immigrants whose sponsors signed affidavits of support on or after December 1997, which provide for sponsor deeming to continue until naturalization or until the immigrant has 40 quarters of covered employment, whichever comes first. Earlier affidavits of support provided for sponsor deeming for only a three-year period.

Transfer of Resources

The Foster Care Independence Act of 1999 added a transfer of resources penalty to SSI. The Act establishes a 36-month look-back period and a period of ineligibility of up to 36 months for the transfer of a resource for less than fair market value. It is important that anyone receiving SSI or considering the possibility of applying for SSI within the next three years, consider this provision.

Anything that fits within the SSI resource definition is a resource for purpose of the transfer penalty. The period of disqualification is calculated by dividing the uncompensated value of the resource by the monthly benefit rate applicable to the individual. The result, when rounded down, gives the number of months for which the individual is ineligible.

Fortunately, there are exceptions to the transfer penalty, including if all resources are returned; the transfer of a home to certain family members; non-home transfers to certain family members; transfers to certain trusts; transfers for a purpose other than to obtain SSI; transfer of a resource that would have been excludable in the month of the transfer; undue hardship; and the transfer of a small amount.

Limited Circumstances Under Which Immigrants Are Eligible for SSI

At one time immigrant eligibility was very simple. Before 1996, most immigrants who were lawfully residing in the U.S. were eligible for SSI on the same basis as citizens. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, followed by the Balanced Budget Act of 1997, established complex requirements that greatly restricted immigrant eligibility for SSI and other benefits.

First, non-citizens who were receiving SSI or had an application pending on August 22, 1996 were exempted from the restrictions and will continue to be eligible for SSI, assuming they continue to meet other eligibility requirements.

The 1996 restrictions created a distinction between “qualified” and “not qualified” immigration statuses. Note that the “qualified” and “not qualified” categories do not follow a commonsense understanding of those words. Being a “qualified” immigrant does not by itself establish eligibility, and many “qualified” immigrants cannot receive SSI.

“Qualified” immigrants include lawful permanent residents (LPRs); refugees; people granted asylum or withholding of deportation/removal, and conditional entrants; Cuban or Haitian entrants; people paroled into the U.S. for at least a year or more; certain survivors of domestic violence or trafficking, and individuals who entered the U.S. under a Compact of Free Association (COFA citizens) with Palau, Micronesia and the Marshall Islands. Individuals who do not fit into a “qualified” category are “not qualified.”

“Qualified” immigrants who can receive SSI include:

- Individuals who are blind or disabled and who were “lawfully residing” in the U.S. on 8/22/96.
- Certain veterans or active duty military personnel and their spouses and children.
- Lawful permanent residents who have 40 qualifying quarters of coverage under the Social Security Act.
 - » LPRs can use not only their own quarters, but also can use quarters earned by their spouse while the couple was married, and quarters earned by parents before the individual turned 18. However, no quarters earned after December 31, 1996, can be used if the individual received certain means-tested public benefits at the same time.
 - » LPRs who entered the U.S. on or after 8/22/96 may not be eligible for SSI during their first five years in a “qualified” status even if they have 40 qualifying quarters.

Certain immigrants can receive SSI benefits during the seven year period after they obtained one of the following statuses: refugees, asylees, persons granted withholding of deportation or removal, Cuban or Haitian entrants, Amerasian immigrants, Iraqi or Afghan special immigrants, and victims of trafficking.

American Indians born in Canada or other Native American tribal members born outside the U.S., certain Afghan or Ukrainian parolees, and Compacts of Free Association (COFA) citizens can also receive SSI.

Starting March 9, 2024, Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau living in the U.S. are eligible for federal public benefits including SSI.

Note that the non-citizen restrictions no longer apply once an individual becomes a U.S. citizen. Citizens are eligible for SSI with no restriction, as long as they meet the other program requirements.

Residence Is Always Required To Be Eligible For SSI

Residence in the United States is a requirement even for citizens, and residence in California is required to receive the California state supplement.

CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)

California established the Cash Assistance Program for Immigrants (CAPI) in 1998 to provide benefits for certain immigrants who previously would have been able to receive SSI, but who are no longer eligible for SSI because of the restrictions placed on non-citizen eligibility in the 1996 federal welfare legislation. The program is fully funded by the state and is administered by the California Department of Social Services through contracts with the counties.

CAPI provides a monthly benefit that is the same as the comparable SSI benefit. As in SSI, rates are slightly higher for recipients who are blind and for those who lack access to adequate cooking or food storage facilities. Unlike SSI, CAPI does not confer automatic Medi-Cal eligibility, although individuals can apply separately for Medi-Cal.

The eligibility requirements for CAPI are the same as for SSI, except for the immigrant status requirements. Income and resources are calculated according to the SSI rules.

Also, if an individual qualifies for SSI, that individual is not eligible for CAPI. It is only those who are ineligible for SSI solely because of immigration status who are potentially eligible for CAPI.

Immigrant Eligibility for CAPI

CAPI is available to seniors and people with disabilities who are either “qualified” immigrants or are “permanently residing in the U.S. under color of law” (PRUCOL), if their immigration status makes them ineligible for SSI. “Qualified” immigrants must apply for and be denied SSI. (Immigrants who are PRUCOL do not need to apply for SSI).

Qualified immigrants who entered the U.S. prior to 8/22/96 are required to pursue an SSI claim based on disability, and will be required to sign an interim assistance reimbursement agreement with the county. Under the terms of this agreement, if the individual does eventually receive SSI, the county will be reimbursed for any overlapping months of aid out of the SSI payment for past due benefits that otherwise would have gone to the individual. Once SSI is approved, this must be reported to the county and the CAPI benefits will cease. If the SSI claim is denied, the individual will continue to receive CAPI.

PRUCOL is a benefit eligibility category which is interpreted differently from program to program. It generally means that the immigration authorities are aware of a person’s presence and have no plans to remove them from the country. The prior SSI regulations included a list of statuses considered PRUCOL, along with a “catch-all” category of persons whom the immigration agencies don’t intend to remove from the country. The CAPI program has adopted this same “catch-all” category.

Lawful permanent residents who entered the U.S. on or after 8/22/96 through a sponsor who signed an affidavit of support may be subject to deeming of their sponsor’s income and resources for a period of 10 years from the date they were granted lawful permanent residence status. It should be noted that some people who may have previously been denied CAPI benefits because of the deeming requirement may now be eligible if the ten-year deeming period has since expired.

Generally, deeming of the sponsor's income makes an individual financially ineligible for benefits. However, there are exceptions to the deeming requirement for (1) victims of abuse, which includes the non-citizen, non-citizen's minor child, or non-citizen's parent; and (2) someone who would go "hungry or homeless" without assistance. Someone is considered likely to go "hungry or homeless" without assistance if their total income is less than the SSI Federal Benefit Rate (FBR).

Finally, as mentioned in the SSI section, there is a group of humanitarian immigrants with a seven-year time limit on SSI eligibility. Upon expiration of the seven-year period, these individuals are eligible for CAPI.