

# Adult Financial Sponsor Desk Aid

Sponsor:

•Someone who signs an affidavit of support promising to provide enough financial support to maintain the sponsored non-citizen at an annual income that is at least 125% of the Federal Poverty Level (FPL) or 100% FPL for active duty military sponsoring their spouse and/or children. A maximum of two joint sponsors who are equally responsible for the non-citizen.

Deeming:

•A process in which the agency, in determining a non-citizen's eligibility for Adult Financial Assistance, counts a portion of the income and resources of a non-citizen's sponsor as income and resources available to the non-citizen

**Background:** "Sponsors who bring family-based or certain employment-based non-citizens to the U.S. must demonstrate that they can provide enough financial support to the sponsored non-citizens so that they do not have to rely on public benefits."<sup>1</sup> Based on this requirement, certain Lawfully Permanent Residents (LPRs) must have their sponsor's income and resources deemed to them when eligibility is determined.

## LPRs Not Subject to Sponsor Deeming

Refugees	OAP recipients with a hardship exemption
Asylees	Non-citizen with an entry date prior to August 22, 1996
SSI recipients	LPR's with 40 qualifying work quarters

## LPRs Subject to Sponsor Deeming

All qualified aliens with legally enforceable affidavits of support (those signed when a non-citizen filed for a visa application or applied for an adjustment to LPR status on or after 12/19/1997) are subject to sponsor deeming. This typically includes:

- Family-sponsored LPRs (including immediate relatives)
  - An exception exists for non-spousal relatives from 12/19/1997-12/31/2013 for Adult Financial
  - Effective 1/1/2014 all sponsors, including relative sponsors, are subject to sponsor deeming if the affidavits of support was signed on or after 12/19/1997
- Some employment-based LPRs (came to the U.S. to work for relatives or in companies partially owned (more than 5%) by relatives)

### Affidavit of Support Documents

- I-864
- I-864A
- Any form established by the Department of Human Services that they deem legally binding
- Note:** Secondary SAVE should also be used to verify sponsor information

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## How Long Does Sponsor Deeming Last?

- Until the sponsored non-citizen
  - becomes a naturalized citizen
  - can be credited with 40 qualifying quarters of work in the U.S. under the SSA
  - loses LPR status and leaves the U.S. (the non-citizen submits a form I-407 or there is an administratively final removal order)
  - obtains in removal proceedings a new grant of adjustment status as relief from removal (a new sponsor may be required in this case, and deeming would apply)
- or the sponsor dies

## Counting Sponsor Income and Resources

-Includes sponsor(s)' resources and income over the allowable amounts. The sponsor(s)' spouse income and resources are only counted if the spouse is also a sponsor

-Rules regarding exempt resources apply to sponsors

-If more than one non-citizen has the same sponsor, all of the sponsor's income and resources less allowable deductions are subject to deeming in entirety to each sponsored non-citizen. Do not divide the sponsor's income and resources among the non-citizens

-To determine the amount of resources a sponsor owns when the sponsor is married and the spouse is not a sponsor, add all countable resources together and divide the result by 2

-Sponsored non-citizen is responsible for obtaining cooperation from the sponsor and providing the necessary information and documentation for the sponsor(s)' income and resources. The agency must assist in the process if help is requested

## Sponsor Responsibility:

- Sponsors who are legally responsible and fail to cooperate with the county department in determining income and resources that are required to be deemed to the client, the county department shall recover such funds from the sponsor(s) and/or the client via the following:
  - Income assignments
  - State income tax refund offset
  - State lottery winnings offset, and
  - Administrative lien and attachment
- If the sponsor dies, the sponsor's estate may be liable to repay public benefits received

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## Deeming of Sponsor Income

Sponsor's total monthly earned and unearned income  
– \$735.00 (SSI income limit for an individual)

If the sponsor is married and the spouse is NOT a sponsor,  
–\$367.50 (1/2 of the SSI income limit for an individual)

If the sponsor is married and the spouse is ALSO a sponsor,  
–\$735.00 (SSI income limit for an individual)

If the sponsor has dependent children, subtract 1/2 of the SSI limit for each  
dependent child of the sponsor  
–\$367.50

The Remainder is countable deemed income to the Non-Citizen

## Deeming of Sponsor Resources

Total resources minus:

\$2,000 if the sponsor is single

\$3000 if the sponsor is married and the sponsor's spouse is not a sponsor

-When the spouse is not a sponsor, add all resources of the couple  
together, and divide by 2 to get the sponsor's countable resources

\$4,000 if the sponsor is married and the sponsor's spouse is also a sponsor

