

SNAP Sponsor Desk Aid

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| Sponsor: | } | <ul style="list-style-type: none"> 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: | | <ul style="list-style-type: none"> A process in which the agency, in determining an eligible non-citizen's eligibility for Food 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.”¹ Based on this requirement, certain Lawfully Permanent Residents (LPRs) must have their sponsor’s income and resources deemed to them when Food Assistance eligibility is determined.

Qualified Non-Citizens **Not Subject** to Sponsor Deeming {4.305.2.E}

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| Children | All children under 18 years regardless of entry date |
| Battered Spouses or Children | For any 12-month period if non-citizen is a battered child or parent, or child of a battered person (as long as the non-citizen does not live with the batterer). This can be extended if the battery is legally recognized and determined to substantially connect to the need for benefits |
| Non-Citizens Without Sponsors | All non-citizens that do not have a sponsor |
| Non-Citizens Whose Sponsor has not Signed a Legally Binding Affidavit of Support | This includes all non-citizens who became LPRs or whose sponsors signed affidavits of support before 12/19/1997. Non-Citizens with sponsor organizations are not subject to sponsor deeming because that sponsorship is not legally binding. |
| Sponsor in Same Food Assistance Household | The sponsor’s income will already count in the Food Assistance household, so deeming is not required. There is no deeming exemption if the sponsor receives FA in another household. |
| Indigent Non-Citizens | Sum of the non-citizen’s household’s income, cash or in-kind assistance is <130% FPL. Must be reported to USCIS. Effective for 12 months and can be renewed for 12-month periods. Non-citizens can opt-out. |
| Ineligible Members | If a non-citizen is ineligible for Food Assistance due to immigration status, his or her sponsor’s income is not deemed to the rest of the household. |

Qualified Non-Citizens **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)
- Some employment-based LPRs (came to the U.S. to work for relatives or in companies partially owned (more than 5%) by relatives)

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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 can also verify sponsor information

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 {4.305.2.D}

Includes sponsor's resources and sponsor's spouse's resources, even if they married after the affidavit was signed

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.

Income

- Total monthly earned and unearned income
- 20% deduction on earned income only
- If the sponsor sponsors more than 1 non-citizen, the income should be prorated among all sponsored non-citizens
- After deduction/proration, if not all household members are sponsored, divide income by number of individuals in home and multiply by number of sponsored individuals

Resources

- Total resources minus \$1,500. The resource test will only be subjected to households categorized under standard eligibility.

¹Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility (UDSA-FNS, 2011)

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Sponsor Responsibility for Food Assistance Benefits {4.305.2.A}

Sponsors are only legally responsible for Food Assistance benefits received by a non-citizen if:

- The affidavit of support was filed on or after 12/19/1997
 - This includes most I-864 forms
 - This does not include I-134 forms
- The sponsored non-citizen acquired permanent resident status on the basis of the application with the affidavit of support
- **And the benefits were received during the period of time an affidavit of support was in effect**

If there is a joint sponsorship, both sponsors are equally responsible. Counties may seek reimbursement from both sponsors. **Sponsors who fail to support non-citizens they sponsor may be sued by government agencies providing benefits to the non-citizen or by the non-citizen being sponsored.** Government agencies must first determine the sponsor's liability and make a written request at for reimbursement at least 45 days before suing.

If legally responsible, the sponsor and/or the sponsor's estate may be liable to repay the cost of these benefits for ten years after benefits were last received.

Exception

If a sponsor receives Food Assistance, that sponsor is not liable for benefits issued to the non-citizen during the period of time the sponsor is receiving Food Assistance benefits. Reimbursement cannot be sought from the sponsor for that time period, even after the sponsor stops receiving Food Assistance.