



## SNAP 301-3 NON-FINANCIAL REQUIREMENTS Sponsored Aliens

**Supersedes:** SNAP 301-3 (10/01/04)

**Reference:** 7 CFR 273.4(c)

**Overview:** When determining eligibility for sponsored aliens, the income and resources of the sponsoring United States citizen(s) must be deemed to the alien(s).

### **ALIEN SPONSOR:**

An alien sponsor is an individual who:

1. Is a citizen or national of the U.S. or an alien who is lawfully admitted to the U.S. for permanent residence;
2. Is 18 years of age or older;
3. Is residing in any of the 50 states or the District of Columbia; and,
4. Is the person petitioning for the admission of the alien under section 204 of the INA (Affidavit of Support pursuant to Section 213A of the INA).

### **DEEMING NOT REQUIRED:**

Deeming of income and resources to a sponsored alien is not required if the alien is:

1. Participating as part of the sponsor's household;
2. Sponsored by a SNAP recipient in another household;
3. Sponsored by an organization or group;
4. Not required to be sponsored under the Immigration and Nationality Act (e.g., refugee, individuals granted asylum, a Cuban or Haitian entrant, etc.); or,
5. An immigrant child under 18 years old.

### **DEEMING OF SPONSOR'S INCOME AND RESOURCES:**

The income and resources of the alien's sponsor and the spouse of the sponsor (if the spouse also signed an Affidavit of Support) are deemed to be available to the alien until such time as the alien:

1. Achieves U.S. citizenship; or,

2. Has worked or can be credited with 40 qualifying quarters of work (SNAP 301-2).

Income deemed to the sponsored alien is counted as unearned income to the sponsored alien.

Resources deemed to the sponsored alien are counted as resources for the sponsored alien. **NOTE:** When determining the amount of income and resources to be deemed, the sponsor's spouse's income and resources are included even if they were not married at the time the agreement was signed. If the sponsor and spouse do not live together, only the income and resources of the sponsor are counted.

When a sponsor sponsors more than one alien household, the sponsor's income and resources are divided among the number of alien households sponsored. When an alien changes sponsors after being certified for SNAP benefits, the new sponsor's income and resources are used to determine continued eligibility.

#### **DEEMED INCOME:**

The countable deemed income is coded against the alien. Manually calculate the amount of income to be deemed as follows:

1. \_\_\_\_\_ Sponsor's (and spouse's) income.
2. - \_\_\_\_\_ Earned income disregard (20%).
3. - \_\_\_\_\_ Disregard an amount equal to the gross monthly income limit for the sponsor and dependents. The number of dependents that could be claimed on the federal income tax return is used.
4. = \_\_\_\_\_ Income to be deemed.
5. \_\_\_\_\_ Divide income to be deemed (line #4) by the number of alien households sponsored. This is the income deemed to each sponsored household.

**NOTE:** Money provided by the sponsor in excess of the deemed income amount is counted as unearned income (contribution).

#### **DEEMED RESOURCES:**

The countable amount of resources to be deemed is coded against the alien. Manually calculate the amount of resources to be deemed as follows:

1. \_\_\_\_\_ Sponsor's (and spouses) countable resources.
2. - \_\_\_\_\_ 1,500.00 General resource limitation (per regulation)
3. = \_\_\_\_\_ Resources to be deemed.
4. \_\_\_\_\_ Divide resources to be deemed (line #3) by the number of alien households sponsored. This is the amount of resources deemed to each sponsored household.

#### **ALIEN'S RESPONSIBILITY:**

The eligible sponsored alien is responsible to:

1. Obtain the cooperation of the sponsor and provide information or documentation necessary to calculate deemed income and resources;
2. Provide names and other identifying information of other aliens for whom the alien's sponsor has signed an affidavit of support, if known;
3. Report if the sponsor changes and provide required information; and,
4. Report a change in income if the sponsor changes, loses employment, or dies

**DISQUALIFIED SPONSORED ALIEN:**

The income and resources of sponsored aliens that are disqualified from participation are counted toward the household's needs. However, the portion of the sponsor's income and resources deemed to the disqualified member is not included when determining the remaining household's eligibility.

**OVER ISSUANCES:**

Both the sponsor and the alien are held liable for any over issuances. Claims may be established against both parties unless it is verified one of the parties was without fault in providing the information.

**Effective Date:** April 01, 2010