	Division/Section	Family Support
	Chapter No./Name	4-Economic Support (ES)
	Part No./Name	E-Special Households (SNAP)
	Section No./Name	E-100-SNAP Joint Special Households (FITAP and Supplemental Nutrition Assistance Program SNAP)
	Document No./Name	E-110-SNAP Sponsored Aliens
	Effective Date	February 1, 2013

I. STATEMENT OF POLICY

*** NOT ALL ALIENS MUST OBTAIN A SPONSOR BEFORE BEING ADMITTED INTO THE UNITED STATES. ****

E-111-SNAP - *** PO DEFINITIONS ****

A sponsor is a person who signed *** a legally binding affidavit of support or similar agreement** on or after **December 19, 1997 ****, agreeing to support an alien as a condition of his entry into the U.S. This includes the sponsor's spouse who lives with him even if they were not married when the affidavit was signed.

*** Deeming is a process in which the Analyst or other assigned worker, in determining a non-citizen's eligibility for SNAP and benefit allotment, counts a portion of the income and resources of a non-citizen's sponsor as income and resources available to the non-citizen. ****


E-112-SNAP - *** PO ** ELIGIBILITY REQUIREMENT**

When an alien is sponsored by an individual, *** a portion of **** the income and resources of the alien's sponsor and sponsor's spouse *** are deemed available to the aliens eligible for SNAP when **** determining the eligibility and level of benefits of the alien's household *******.

- *** Deeming **** applies until the alien:
 - becomes a citizen through naturalization, *******
 - has worked 40 qualifying quarters of Social Security coverage,

Note: Beginning January 1, 1997, a quarter in which the alien received federal means-tested benefits is not counted as a qualifying quarter of coverage.

- *** loses Lawfully Admitted for Permanent Residence status and leaves the U. S.,**
- **obtains in removal proceedings a new grant of adjustment of status as relief from removal, or**
- **the sponsor dies. ****
- *** Deeming **** does not apply to:
 - **Aliens who are not required to have a sponsor such as refugees, and asylum grantees, * persons granted withholding of deportation, Amerasians, trafficking victims, SIVs, and Cuban or Haitian entrants. ****

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- Aliens who are members of their sponsor's Supplemental Nutrition Assistance *** Program **** household.
- Aliens who are sponsored by organizations.


- The battered alien, the alien child of a battered alien and the alien parent of a battered child are not subject to alien deeming provisions for up to 12 months. *** The 12-month exemption can be extended for an additional 12 months if the alien verifies that the battery is recognized:**
 - by a court,
 - administrative order, or
 - by the United States Citizenship and Immigration Services (USCIS), and
 - the agency determines that the battery has substantial connection to the need for benefits. ******
- Any alien under 18 years of age.
- *** Aliens whose sponsor has not signed a legally binding affidavit of support or signed an affidavit of support prior to December 19, 1997.**
- **Ineligible members who are ineligible due to Immigration Status. ****
- Aliens who are entitled to an indigence exemption.

The immigrant is entitled to an indigence exemption from deeming if the immigrant's household income, including cash or in-kind assistance provided by the sponsor or others, does not exceed 130 percent of the poverty income limit for the household's size.

The *** USCIS **** must be notified any time a sponsored alien has been determined indigent, *** unless the alien opts out of the indigence determination. **** The notification must include the names of the sponsor and sponsored aliens.

Prior to determining whether an alien is indigent, explain the purpose of the determination to the alien and provide the alien the opportunity to refuse the determination. If the household refuses the determination, do not complete the indigence determination.

Inform the sponsored alien of the consequences of refusing this determination and the consequences of failure to provide such consent. If the sponsored alien fails to provide

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consent, he or she shall be ineligible for inclusion and the eligibility and benefit level of the remaining household members must be determined in accordance with deeming procedures.

An immigrant who satisfies the indigence exemption criteria is exempt from deeming for 12 months and may be renewed for additional 12-month periods.

E-113-SNAP - * PO ** RESPONSIBILITY TO PROVIDE INFORMATION

THE ALIEN IS RESPONSIBLE FOR OBTAINING ALL INFORMATION FROM THE SPONSOR AND FOR REPORTING ALL CHANGES IN THE SPONSOR'S SITUATION ACCORDING TO THE RULES FOR REPORTING CHANGES.

The alien is responsible for providing the names (or other identifying factors) of other aliens for whom the alien's sponsor has signed an agreement to support.

Determine how many of such other aliens are Supplemental Nutrition Assistance Program applicants or participants.

If such information about other aliens for whom the sponsor is responsible is not provided, count all the deemed income and resource amounts until the information is provided.

DENY THE ALIEN'S APPLICATION IF HE REFUSES TO COOPERATE.

E-113-1-SNAP - * PO ** Awaiting Verification of Sponsor Information


The alien will be ineligible to participate until all information/verification needed to determine that portion of the alien sponsor's income and resources which is countable to the alien is provided.

Determine the eligibility of any remaining household members. Consider as available the income and resources of the ineligible alien excluding the income and resources of the alien's sponsor (and sponsor's spouse) in determining the eligibility and benefit level of the remaining household members.

If the sponsored alien refuses to cooperate in providing and/or verifying needed information, other adult members of the alien's household must provide and/or verify the information required.

If the same sponsor is responsible for the entire household, the entire household is ineligible until the needed sponsor information is provided and/or verified.

If the disqualified alien later provides the information, process the information as a reported change.

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E-114-SNAP - * PO ** RESOURCES

Review the resources of the sponsor and sponsor's spouse at application and each redetermination.

CONSIDER ALL OF A SPONSOR'S (AND SPOUSE'S) COUNTABLE RESOURCES OVER \$1500 AS AVAILABLE TO THE ALIEN EVEN IF THE SPONSOR INDICATES HE WILL NOT MAKE THE RESOURCES AVAILABLE TO THE ALIEN.

If the alien has reported resource information about his sponsor because of sponsored alien rules in *** FITAP ***, use that resource amount for Supplemental Nutrition Assistance * Program. **

If a person sponsors more than one alien, prorate the amount of counted resources evenly among all the aliens who apply for or receive benefits.

E-115-SNAP - * PO ** INCOME

Review the income of the sponsor and sponsor's spouse at application and each redetermination.

CONSIDER ALL OF THE SPONSOR'S AND SPONSOR'S SPOUSE'S ***, GROSS COUNTABLE INCOME * (EARNED AND UNEARNED) ** AS AVAILABLE TO THE ALIEN'S HOUSEHOLD MINUS ONLY THE FOLLOWING DEDUCTIONS:


- 20% of the total earned income, and
- An amount equal to the gross income limit for a household including the sponsor, his spouse * if living with the sponsor **, plus any other *** dependents (even if some of those others do not live with the sponsor and spouse). ***

If a person sponsors more than one alien, prorate the amount of counted income evenly among all the aliens who apply for or receive SNAP benefits.

* Only a portion of the sponsor's income is counted for adult household members subject to sponsor deeming.

Example 1: The alien household consists of a mother, father, and two children under age 18. The sponsor has a two-person household with \$5000 monthly countable gross income.

To determine the amount of income to deem to the alien household, calculate the income as follows:

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\$5000 (sponsor's income)
 - \$1000 (20% of sponsor's earnings)
 = \$4000
 - \$1640 (gross income limit for the sponsor's two-person household)
 = \$2360 (sponsor's income to deem to alien's household)

\$2360/4 (number of people in alien household)
 = \$590 x 2 (number of deemed aliens)
 = \$1180 (amount to budget on LAMI)

Example 2: The alien household consists of a mother, father, and two children under age 18. The father is an ineligible alien. The sponsor has a two-person household with \$5000 monthly countable gross income.

To determine the amount of income to deem to the alien household, calculate the income as follows:

\$5000 (sponsor's income)
 - \$1000 (20% of sponsor's earnings)
 = \$4000
 - \$1640 (gross income limit for the sponsor's two-person household)
 = \$2360 (sponsor's income to deem to alien's household)


\$2360/4 (number of people in alien household)
 = \$590 x 1 (number of deemed aliens)
 = \$590 (amount to budget on LAMI) **

Note: If the alien switches sponsors during the certification period, then income/resources would be recalculated based on the required information about the new sponsor as soon as possible after the information is supplied by the alien and verified by the local office.

E-116-SNAP - * PO ** SPONSOR'S LIABILITY IN OVERISSUANCES

SPONSORS AND ALIENS ARE JOINTLY LIABLE FOR OVERISSUANCES RESULTING FROM INCORRECT INFORMATION PROVIDED BY THE SPONSOR UNLESS THE SPONSOR CAN SHOW GOOD CAUSE OR THAT HE WAS NOT AT FAULT FOR THE ERROR. GOOD CAUSE EXISTS IF INFORMATION CHANGES WITHOUT THE KNOWLEDGE OF THE SPONSOR OR IF THE SPONSOR IS OR WAS UNABLE TO REPORT DUE TO ILLNESS, ABSENCE, ETC.

E-117-SNAP - * PO ** VERIFICATION

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THE ALIEN SHOULD HAVE A DOCUMENT INDICATING THE SECTION OF THE LAW UNDER WHICH HE WAS ADMITTED. IF THE ALIEN CANNOT OBTAIN THE NEEDED INFORMATION, THE WORKER MAY CONTACT UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AT:

U. S. CITIZENSHIP AND IMMIGRATION SERVICES
 2424 EDENBORN AVENUE
 SUITE 300
 METAIRIE, LA 70001-1845
 504-219-2554

II. PROCEDURES

*

E-111-SNAP - PR DEFINITIONS

There are no procedures associated with this policy.

E-112-SNAP - PR ELIGIBILITY REQUIREMENT

Determine if the sponsor's income is deemed for the alien's household and budget the income for all aliens required to have deemed income.

E-113-SNAP - PR RESPONSIBILITY TO PROVIDE INFORMATION

Deny the alien's application if the sponsor refuses to cooperate.

E-114-SNAP - PR RESOURCES

Determine the sponsored alien's countable resources when determining the alien household's eligibility.

E-115-SNAP - PR INCOME


Compute countable income for the sponsored alien based on policy in E-115-PO.

E-116-SNAP - PR SPONSOR'S LIABILITY IN OVERISSUANCES

There are no procedures associated with this policy.

E-117-SNAP - PR VERIFICATION

There are no procedures associated with this policy.

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III. FORMS AND INSTRUCTIONS

There are no forms and instructions associated with this policy.

IV. REFERENCES

Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility dated June 2011. **