

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION		TEMPORARY CASH ASSISTANCE MANUAL
DEEMING SPONSOR INCOME 905	COMAR 07.03.03.11	FINANCIAL ELIGIBILITY 900

905.1 Sponsors of immigrants

- A. A “sponsored immigrant” is an immigrant for whom a person (sponsor) has executed an affidavit of support (I-864) on behalf of the immigrant.
1. The affidavit of support (I-864) is a legally enforceable contract between the sponsor and the federal government for the benefit of the sponsored immigrant and of any federal, state, or local government agency or private entity that provides **federal** means-tested public benefits with some exceptions. The most notable exceptions are emergency medical care, disaster relief, school lunches, foster care, student loans, and Head Start.
 2. The affidavit of support is required for certain immigrant applications for visas or adjustment of status filed on or after December 19, 1997.
 3. By executing Form I-864, the sponsor agrees to provide the financial support necessary to maintain the sponsored immigrant at an income that is at least 125% of the federal poverty line, unless the obligation has terminated.
 4. All immigrants who have an I-864 Affidavit of Support are lawful permanent residents (LPR).
- B. A “sponsor” is a person who executed an affidavit of support (I-864) on behalf of the immigrant as a condition of the immigrant’s entry or admission into the United States as a permanent resident. A sponsor must be:
1. A citizen or national of the United States or an LPR
 2. At least 18 years of age
 3. Live in the United States or one of its territories or possessions
 4. Maintain a gross annual income of 125% of the Federal poverty level
5. “Date of entry” or “Date of admission” means the date established by the Bureau of Citizenship and Immigration Services (BCIS) as the date the sponsored immigrant was admitted for permanent residence.
6. A sponsor can be an individual, a public or private agency, or organization
7. Sponsored immigrant rules do not apply to:
1. An immigrant who is part of the sponsor's household,
 2. Qualified immigrant children under 18 years of age, when
 - One parent is a US citizen

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- The child was an orphan whose adoption was finalized prior to entry into the US.
3. An immigrant who is sponsored by an organization or group and not an individual,
 4. An immigrant who is not required to have a sponsor, such as a refugee, a parolee, an asylee, or a Cuban or Haitian entrant,
 5. Abandoned by the sponsor.
 - a. This exception is for immigrants who are abandoned by their sponsor or when the sponsor's contribution is so inadequate that the immigrant is unable to obtain food and shelter.
 - b. "Is unable to obtain food and shelter" means that the total amount of the eligible sponsored immigrant's household's own income, and the cash contributions and value of in-kind assistance provided by the sponsor and others does not exceed the Food Supplement Program gross income test for the household's size. This exemption lasts for one year after the agency makes the indigence determination.
 - c. To make this determination, take into account the non-citizen's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.
 - d. If it is determines that the sponsored LPR is indigent, then only the amount actually provided, if any, by the sponsor to the LPR should be considered for the 12-month period beginning on the date such determination is made.
 6. A battered immigrant spouse, parent of a battered immigrant child or child of a battered immigrant.
 - a. This exception is for immigrant spouses and children who have been battered or subjected to extreme cruelty in the United States by their spouses or parents, or by another family member residing in the household who was allowed to commit the acts.
 - b. The spouse or child subjected to cruelty must not be living with the person who committed the abusive acts.
 - c. An exception from sponsor deeming for certain battered spouses and children is allowed for a one-year period.

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- d. The battered spouse exception may extend beyond the initial one-year period, if the BCIS, a judge, or an administrative law judge formally recognizes that the battery or extreme cruelty occurred.

905.2 Deeming a Sponsor's Income and Resources

- A. Only a portion of the income and resources of a sponsor and sponsor's spouse (if the spouse has executed INS I-864) will be counted in the calculation of the immigrant's TCA eligibility and benefit level.
- B. All assets in excess of \$2,000 of the sponsor and sponsor's wife are counted as available to the sponsored immigrant.
- C. All earned and unearned income of the sponsor and the sponsor's spouse (if they reside together) is countable until:
1. The sponsored immigrant becomes a United States citizen, or
 2. Earns 40 qualifying quarters of verifiable earnings or
 - Can be credited with 40 qualifying quarters of earnings in the case of a sponsored immigrant under age 18.
 - Can be credited with 40 qualifying quarters of earnings worked by a spouse as long as the sponsored immigrant is still married to the person who worked the qualifying hours or the person who worked is deceased.
 3. Leaves the United States and gives up their Lawful Permanent Resident (LPR) status, or
 4. The sponsor or the legal immigrant dies
- D. Follow these procedures to determine the amount of income available to the sponsored immigrant:
1. Earned income:
 - Multiply the weekly gross earnings by 4
 - Multiply the biweekly gross earnings by 2
 - Multiply the semi-monthly earnings by 2
 - a. Divide the result by 4.3
 - b. Then multiply by 4
 - Divide the monthly gross earnings by 4.3 and then multiply by 4, or

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- Divide the annual gross earnings by 52 and then multiply by 4 to establish a monthly amount
2. Unearned income
 - Multiply the weekly unearned income by 4
 - Multiply the biweekly unearned income by 2
 - Multiply the semi-monthly unearned income by 2
 - Use the actual monthly unearned income as is, or
 - Divide the annual unearned income by 12 to establish a monthly amount
 3. Apply the following deductions to the earned income of the sponsor and the sponsor's spouse:
 - a. 20% of the gross earnings or 50%, if self-employed
 - b. Out of pocket child care expenses of \$200 for fulltime employment or \$100 for part-time employment
 - c. Verified child support payments made to persons outside of the sponsor's family
 - d. Verified alimony payments made to persons outside of the sponsor's family
 - e. Verified payments to persons outside of the sponsor's family who are claimed by the sponsor as dependents for federal income tax purposes
 - f. An amount equal to the payment standard for an assistance unit of the same size as the sponsor's family
 - g. The remaining amount of earned income is considered available to the immigrant's assistance unit.
 4. If the sponsor is sponsoring more than one immigrant, the sponsor's income must be divided equally among all of the legal immigrant assistance units.
- E. Both the sponsor and the legal immigrant are jointly liable for any TCA overpayment because of the sponsor's failure to provide correct information
- F. The sponsor agrees to reimburse any agencies providing any means-tested benefits to the immigrant

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905.3 Awaiting Verification

- A. Until a sponsored immigrant provides information or verification necessary to calculate income and resources, the sponsored immigrants are ineligible
- B. Determine the eligibility of any remaining household members.
- C. Consider as available to the remaining household members the income and the resources of the ineligible sponsored immigrant (excluding the deemed income and resources of the immigrant's sponsor) in determining the eligibility and benefit level of the remaining household members.
- D. If the information or verification is subsequently received, act on the information as a reported change in household membership.

Note: Note: Prior to December 19, 1997, sponsors signed an agreement (the **I-134 Affidavit of Support** form) consenting to support the legal immigrant for 3 years after the date the immigrant entered the United States (the sponsor's income was deemed) unless:

1. The sponsor could not be located
2. The sponsor could no longer provide financial assistance
3. The sponsoring organization no longer existed or was not able to support

905.4 Verifying Sponsor's Information

- A. The case manager does not have to verify that an immigrant is sponsored when the immigrant:
 1. Is not an LPR or the immigrant became an LPR before December 19, 1997.
 2. Was not admitted in a family based or employment based category
 3. Earned or can be credited with 40 qualifying hours of employment.
 4. Is not applying for a means tested program.
 5. Is ineligible for a means tested program for any reason.
- B. The I-864 Affidavit of Support is not current income or asset information for the sponsor
- C. Follow the same verification procedures as when verifying a customer's income and assets

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EXAMPLES:

Example 1. Dr. and Mrs. Somerset are sponsoring Mr. Lysetti and his son, legal immigrants who entered the United States on June 28, 2006. Dr. and Mrs. Somerset have a combined total gross annual income of \$127,000. They have 3 children. Mr. Lysetti applied for TCA for himself and his son.

- $\$127,000 / 52 = \2442 (weekly income)
- $\$2442 \times 4 = \9768 (monthly income)
- $9768 \times 20\% = 1953$
- $9768 - 1953 = 7815$
- $7815 - 805$ (TCA grant for 5) = 7010
- \$7010 is considered available to Mr. Lysetti and his son.
- Mr. Lysetti and his son are ineligible for TCA
- Since the Lysettis entered the United States after December 19, 1997, the Somersets are responsible for the support and maintenance of Mr. Lysetti and his son until; (See C of this section).

Example 2. Mr. and Mrs. Howard are sponsoring Ms. Frederick and her son, legal immigrants who entered the United States October 27, 1999. Mr. Howard is employed and has a gross annual income of \$75,000. Mrs. Howard does not work. The couple has no children.

- $\$75,000 / 52 = \1442 (weekly income)
- $\$1442 \times 4 = \5768 (monthly income)
- $5768 \times 20\% = 1153$
- $5768 - 1153 = 4615$
- $4615 - 453$ (TCA grant for 2) = 4162
- \$4162 is the amount that is considered available to Ms. Frederick and her son.
- Ms. Frederick is ineligible for TCA

Example 3. Mr. Harford, who died on March 30, 1999, was the sponsor of Mrs. Calvert and her 2 daughters who entered the United States on January 15, 1998. Mrs. Calvert may be eligible to TCA benefits because:

- She entered the United States after December 19, 1997, and

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- Her sponsor died

Note: Ineligible immigrants include: visitors, tourists, students, diplomats, and persons admitted under color of law.