

In some circumstances program policies require deeming the income and assets of a sponsor, sponsor's spouse, and any joint sponsor and joint sponsor's spouse when determining a non-citizen's eligibility for benefits. See [0002.15 \(Glossary: DEED...\)](#) for the definition of Deem.

A **sponsor** is a person who has entered into a formal agreement with the U.S. government to financially support a non-citizen. A joint sponsor is required when the principal sponsor does not have enough income to support the non-citizen. The joint sponsor must also sign an affidavit of support.

The following non-citizens do NOT have sponsors:

- Refugees.
- Asylees.
- People paroled (granted special entry into the United States) for more than one year.
- Cuban/Haitian Entrants
- Certified Victims of Trafficking (T-visa holders), see [0031.01.12 \(Trafficking Victims\)](#).
- Certain Amerasians, see [0002.03 \(Glossary: Agent Orange...\)](#).
- Iraqi and Afghan Special Immigrants.
- Afghan Humanitarian Parolees.
- Ukrainian Humanitarian Parolees.
- Lawful Permanent Residents who adjusted their immigration status through one of the statuses in the bulleted list above.

If the non-citizen has a status in the bulleted list above, the person does not have a sponsor and the process for determining sponsor deeming ends here.

Steps to Sponsor deeming:

1. Identify which programs the non-citizen is applying for.
2. Determine if each non-citizen is sponsored and, if so, identify the sponsor(s).
3. Determine if each non-citizen meets an exemption from sponsor deeming.
4. Determine which Affidavit of Support the non-citizen is sponsored by.
5. Verify sponsor income and assets.
6. Calculate sponsor income and assets to determine eligibility.

The details for these 6 steps follow.

1. Identify which programs the non-citizen is applying for.

The programs that deem sponsor income:

- MFIP
- DWP
- GA
- GRH

- SNAP
- MSA only deems sponsor income when the person is **not** receiving Supplemental Security Income (SSI).
- Do not deem sponsor's income for an MSA recipient who is receiving Supplemental Security Income (SSI).

Sponsor deeming only applies to applicants. Do not request sponsor information from any unit members who are not eligible for the program.

2. Determine if each non-citizen is sponsored, and if so, identify the sponsor(s).

People do not always know if they have a sponsor.

The initial process of admitting someone to the United States takes a long time and is complicated, and the family member in the United States – not the non-citizen – typically files all the immigration paperwork if someone is sponsored.

Rely on SAVE to determine if a person has a sponsor. See [0031.30 \(Verifications – Acceptable Immigration Documents\)](#), [0031.30.01 \(Verifications – When to Run SAVE\)](#), and [0031.30.03 \(Verifications – How to Run SAVE\)](#).

SAVE does not always return sponsor information on the first request. If SAVE does not do so:

1. Click "Institute Additional Verifications",
2. Write a note in the comments box asking SAVE for the sponsor's information, and
3. Attach the person's current immigration document to the SAVE request.

How to know if a person is required by law to have a sponsor:

Non-citizens who enter the United States on a relative petition will have a sponsor. This can include:

- Spouses
- Children
- Parents
- Siblings
- Widows or widowers
- Fiancées

Institute Additional Verifications in SAVE if a unit member is required by law to have a sponsor based on the following information:

1. Look at the category code on the person's immigration document to determine if a person received their status through a relative petition.
2. Go to this Department of Homeland Security link: <https://www.dhs.gov/immigration-statistics/lawful-permanent-residents/ImmigrantCOA>.
 - a. Open the "Immediate Relatives of U.S. Citizens" and "Family-Sponsored Preferences" sections to see if the code on the Lawful Permanent Resident card matches a code that means a person was sponsored through a relative petition.
 - b. A code beginning with IR will be the most common, but there are many other codes. The link is the place to get the most current and complete information.

If no one in the assistance unit is required to have a sponsor, sponsor deeming does not apply and the process for determining sponsor deeming ends here.

3. Determine if each sponsored non-citizen meets an exemption from sponsor deeming.

Do not apply sponsor deeming for people who meet any of the following descriptions:

- United States Citizens, including people who arrived as non-citizens but have gained citizenship through naturalization.
- People who can be credited with 40 work quarters under the Social Security Act [0031.39 \(Verifying Social Security Credits for Noncitizen Eligibility for Cash and Food Programs\)](#).
- Children under the age of 18.
- Non-citizens whose sponsors have died.
- Non-citizens who have died.
- Units where the sponsor is a member of the unit (their income is already deemed to the unit).
- Ineligible non-citizens. See [0016.33 \(Income of Ineligible Non-Citizens\)](#).

There are two exemptions to sponsor deeming. If a non-citizen meets either of these exemptions, do not request sponsor income/assets and do not deem sponsor income/assets.

1. Battered Non-Citizen Exemption

Who meets this exemption?	The following people if their sponsors signed an I-864 affidavit: <ul style="list-style-type: none"> • Battered spouses. • Battered children. • Parents of battered children.
What verifications are required?	None. Only a verbal attestation is required. No other verification is necessary for the first 12 months.
How long does the exemption last?	12 months from the date the determination of exemption is made.
What conditions must be met during that time?	Both of the following: <ol style="list-style-type: none"> 1. The non-citizen spouse and/or children are not living with the batterer. 2. The battery or cruelty has a substantial connection to the need for public assistance.
Under what conditions could the exemption be extended past the initial 12 months?	When all three of the following conditions are met: <ol style="list-style-type: none"> 1. The sponsor is the batterer. 2. There continues to be a need for public assistance resulting from the battery and cruelty. 3. The battery or cruelty is recognized by a court order, or by the United States Citizenship and Immigration Service (USCIS). <ul style="list-style-type: none"> • This could include one of the following: <ul style="list-style-type: none"> - A "Prima Facie Determination": This is a letter from the United States Citizen and Immigration Service (USCIS) that says "Prima Facie Determination" at the top. This letter confirms that the people listed in the letter have applied for protection under the Violence Against Women Act (VAWA). - A Receipt notice confirming the person has an approved form I-360 form: This is a notice issued by United States Citizen and Immigration Service (USCIS) that confirms the person has been granted protection under United States immigration laws because they, their child, or their parent experienced domestic violence. - A document issued by a county or tribal court, such as a No Contact Order, an Order for Protection, a criminal charge or conviction record, or a divorce decree that identifies abuse in the relationship. - Other documents may be acceptable, please submit a PolicyQuest with any questions.

2. Indigence Exemption

Who meets this exemption?	A non-citizen whose total income including any cash or in-kind assistance actually provided by the sponsor and others, does not exceed 130% of the federal poverty income guidelines for the unit's size. See 0019.06 (Gross Income Limits) . This can include a situation of a sponsor failing to provide support.
What verifications are required?	See 0010.18 (Mandatory Verifications) and 0017 (Determining Gross Income) .
How long does the exemption last?	12 months beginning on the date the determination is made, and must be reviewed by the worker annually.
What conditions must be met during that time?	The non-citizen must be informed that the local agency is required to report that the sponsor is not supporting the non-citizen to the federal government. The non-citizen exempted from sponsor deeming must meet all other eligibility conditions.
Under what conditions could the exemption be extended past the initial 12 months?	The 12-month indigence determination must be reviewed before an additional 12-month determination may be approved. If the non-citizen's total income including any cash or in-kind assistance provided by the sponsor and others, does not exceed 130% of the federal poverty income guidelines for the unit's size then the indigence exemption should be extended another 12 months. See 0019.06 (Gross Income Limits) .

Before applying the indigence exemption, take the following steps:

1. Explain what the exemption means.
 - The applicant is telling the federal government that their sponsor is in violation of their contract by not financially supporting them.
 - Their income does not exceed 130% of federal poverty guidelines.
2. Give the person applying for assistance the right to refuse the indigence exemption.
3. Explain that by turning down the exemption, their sponsor's income and/or assets must be counted and may make them ineligible for assistance.
4. Make sure this information is presented in a way the person applying for assistance can understand.
5. Case note the discussion, and if the person turns down the indigence exemption, note that they turned down the indigence exemption.

The county or Tribal Nation must immediately report to the Minnesota Department of Human Services, if both of the following are true:

- The non-citizen is granted the indigence exemption.
- The non-citizen is approved for SNAP benefits, or for federally funded MFIP benefits, immediately report the name of the sponsor, sponsored Lawful Permanent Resident(s) involved and case number to:

Send the information to:

DHS

Economic Assistance and Employment Supports Division

P.O. Box 64951

St. Paul, Minnesota 55164-0951

DHS annually notifies the Office of Policy and Strategy, United States Citizenship and Immigration Services of all indigent determinations.

County and Tribal Nations may, under section 213A (b)(2) of the Immigration and Nationality Act, sue sponsors in federal or state court to recover the unreimbursed costs of means tested benefits, including the costs of collection and legal fees.

3. Determine which Affidavit of Support the non-citizen is sponsored by.

Sponsor deeming only applies to Lawful Permanent Residents.

If a Lawful Permanent Resident has a sponsor, these are the different types of Affidavits of Support that identify a sponsor.

- a. The I-864 Affidavit of Support is the far most common.
 - i. This is a legally-binding document that is used for immediate-relative and family-sponsored cases. When a family member asks the United States government to bring their relative to the United States, that family member in the United States promises to financially support their immigrant relative.
- b. The I-134 is the far less common Affidavit of Support.
 - i. This form is only used in rare instances today. People with a diversity visa, (category code beginning with "DV") or people who became a Lawful Permanent Resident before December 19, 1997, might be sponsored through an I-134.
 - To determine if this applies, look for one of the following:
 - A Green Card that has a category code that begins with "DV" or
 - A Green Card that was first issued prior to December 19, 1997
 - If a person with one of the above notations on their immigration document is ALSO sponsored per the SAVE report then they were sponsored through the I-134 Affidavit of Support and the I-134 rules below apply.
 - If SAVE reports that a person is sponsored, and they do NOT have one of the three above notations then the I-864 Affidavit of Support rules below apply.

4. Verify sponsor income and assets.

The sponsored non-citizen is responsible for obtaining cooperation from the sponsor, sponsor's spouse, and the joint sponsor and their spouse, providing all sponsor information, and the required verifications to calculate deemed income and assets.

- If a sponsored non-citizen would like help from the local agency to get sponsor information, they must sign a release of information for the local agency to reach out to the sponsor(s).
- Use form DHS-2919 to request sponsor information from a sponsor.

If the non-citizen does not or cannot provide verification of sponsor income, deny or terminate eligibility for the entire assistance unit – unless the non-citizen should be considered for an indigence exemption, or they are a non-applicant.

5. Calculate sponsor income and assets to determine eligibility.

The formula for calculating how much of the sponsor, sponsor's spouse, joint sponsor, and their spouse's income and assets to deem depends on the type of affidavit of support the sponsor signed. The most common Affidavit of Support is the I-864. There is no sponsor deeming for a SNAP case with an I-134. See TE19.163 (QTIP #163 – SPON Panel).

I-864 Affidavit of Support: income calculations

1. Determine the total gross income of the sponsor, sponsor's spouse, joint sponsor, and their spouse. See [0017 \(Determining Gross Income\)](#).
 - Divorce does not end a sponsor's obligations.
2. Deduct the following:
 - 20% of the gross earned income
 - The gross monthly income limit for the sponsor's unit size. Include the sponsor, sponsor's spouse, and people who are claimed as legal dependents on the sponsor's tax return. See [0019.06 \(Gross Income\)](#)

- [Limits](#)).

3. Divide the remaining income by the number of Lawful Permanent Residents they sponsor. Count this amount available as unearned income to each sponsored person for income eligibility tests and benefit calculations.

I-864 Affidavit of Support: Asset calculations

MFIP, DWP, MSA, GA, GRH:

- Determine the sponsor, sponsor's spouse, the joint sponsor, and their spouse's assets.
- Define assets as the program defines assets for applicants and participants.
- Any assets that total more than \$1,500 are deemed to be available to the sponsored non-citizen.

SNAP:

- Cases that are categorically eligible are not subject to an asset test.

I-134 Affidavit of Support: Income calculations

MFIP, DWP, MSA, GA, GRH:

On very rare occasions a person may be sponsored by a form I-134 Affidavit of Support.

Only deem the income of sponsors in the first three years a non-citizen is sponsored under an I-134 Affidavit of Support.

If the non-citizen has been in the United States longer than three years, do not deem the sponsor's income.

1. Determine the total gross income of the sponsor and the sponsor's spouse.
 - i. Divorce does not end the obligation of the sponsor or the sponsor's spouse.
2. Add together the following amounts:
 - a. A portion of the sponsor and sponsor's spouse's earned income. Use the lesser of:
 - i. 20% of the monthly wages, salary, or earnings from self-employment. If using self-employment income, add the full costs incurred to produce that income.
 - ii. \$175.
 - b. An amount based on the sponsor's unit size and the program's grant standards.
 - i. For MFIP, DWP, GA, GRH – the Family wage level for a unit of that size. [0020.09 \(MFIP/DWP Assistance Standards\)](#).
 - c. Any amount paid by the sponsor or the sponsor's spouse to individuals who are claimed as dependents but are not living in their unit(s).
 - d. Any payments of alimony or child support to people not living in the unit.
3. Subtract the total from step 2 from the gross income amount identified in step 1.
4. Any amount of the gross income that exceeds the total from step 3, should be deemed.
5. If the sponsor has sponsored 2 or more individuals living in the same home: divide the income available as calculated in step number 4 by the number of sponsored individuals in that home to identify how much should be deemed to each individual.

SNAP: No provisions.

I-134 Affidavit of Support: Asset calculations

MFIP, DWP, MSA, GA, GRH:

- Determine the sponsor, sponsor's spouse, the joint sponsor, and their spouse's assets.

- Define assets as the program defines assets for applicants and participants. See [0015.01 \(Counted Assets\)](#).
- Any assets that total more than \$1,500 are deemed to be available to the sponsored non-citizen.

SNAP: No provisions.