
Deem the income and assets of people who signed an affidavit of support (I-864) for immigrants who entered the U.S. or adjusted their status on or after 12-19-97. Deeming rules apply to immigrants with family- or employment-based codes on the I-551 card. See §0906.03.07.07 (Family/Employment Based Immigration Codes). Apply sponsor deeming to immigrants with employment-based codes only if the U.S. citizen or lawful permanent resident sponsor is a relative who employs the immigrant or has at least a 5% ownership interest in a business that employs the immigrant. Do not apply sponsor deeming to other businesses or corporations.

Do not apply sponsor deeming provisions to the following groups:

Refugees or asylees. See §0906.03.11.05 (Refugees) and §0906.03.11.07 (Asylees/Deportation Withheld).

EMA/EGAMC clients. See §0907.29 (Medical Emergency Programs).

Women who receive MA under the breast and cervical cancer basis (MA-BC). See §0907.19.13 (MA Basis: Breast/Cervical Cancer MA-BC).

Deem all of the income and assets of the sponsor and the sponsor's spouse to each immigrant covered by the affidavit who applies for federally funded MA, state-funded MA (program N), GAMC, or MinnesotaCare. Continue to deem income and assets until the sponsored immigrant naturalizes, earns 40 qualifying work quarters, leaves the U.S., or dies.

A qualifying work quarter is a calendar quarter during which the immigrant had covered employment under the Social Security Act. Also count spouse's quarters earned during the marriage toward the immigrant if the spouses are still married or the spouse has died. Count parents' quarters earned while the immigrant was under age 18. Do not allow credit for any quarter beginning after 12-31-96 in which the person earning the credit also received assistance from a federal means-tested program (MFIP or another state's TANF program, Food Stamps, MA, or SSI).

The Social Security Administration has developed an automated system to verify information on social security credits on an overnight basis. See TE02.12.15 (SVES Quarters of Coverage) and the Combined Manual.

Deem all of the income and assets of the sponsor and the sponsor's spouse to each immigrant covered by the affidavit regardless of whether the sponsor actually contributes income to the immigrant. Do not prorate income if there is more than 1 sponsored immigrant. Do not prorate or allow any deductions for the needs of the sponsor, spouse, or other household members. Do not count the sponsor or sponsor's family members in the immigrant's household size.

EXCEPTION:

If the immigrant or his/her children have been battered or subjected to extreme cruelty, deem only any income or assets the sponsor or sponsor's spouse actually contributes to the immigrant and his/her children. To qualify for a deferment of sponsor deeming rules, the immigrant or his/her children must meet ALL the following conditions:

They have Battered Status granted by the INS

OR

The county or MinnesotaCare operations determines the immigrant or children have been battered or subjected to extreme cruelty. For county and MinnesotaCare operations, require a statement of abuse from the client OR other documentation, such as:

- Police, government agency, or court records.
- Statement from a battered women's shelter staff or sexual assault or domestic violence advocate with knowledge of circumstances or credible evidence that supports a sworn statement.
- Statement from a professional from whom the applicant or enrollee has sought assistance about the abuse.
- A sworn (notarized) statement from any other person with knowledge of the circumstances or credible evidence that supports a sworn statement.

A client with an approved claim of good cause for non-cooperation with medical support may use the same documentation to verify domestic abuse. See §0906.13.07 (Good Cause Determination).

AND

They are not living with the batterer.

AND

There is a substantial connection between the need resulting from the battery and the need for coverage through the health care programs. See §0906.03.07.05 (Substantial Connection--Battery).

Allow the deferment of sponsor deeming for 12 months after you determine that the immigrant or his/her children have been battered or subjected to extreme cruelty. Extend the 12-month deferment if:

The immigrant or children continue to have a need related to the battery
AND
They have either an order for protection or an INS determination
AND
The sponsor is the batterer.

EXCEPTION:

Do not deem sponsor's income and assets if the immigrant needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support. This includes situations where the client cannot locate the sponsor. Count only any income the sponsor actually contributes to the immigrant. Require the client to explain why the sponsor is not providing support.

For applicants or enrollees who are subject to sponsor deeming rules, request a copy of the Affidavit of Support to verify the sponsor's identity and obtain a release of information to contact the sponsor. Deny or terminate health care coverage for immigrants who refuse to supply sponsor information or sign the release.

If the client and/or sponsor is unable to supply a copy of the affidavit, give the client INS Form G-639. Instruct the client to have the form notarized. Submit the form to the INS requesting a copy of the affidavit. Pay any required INS fees from MA administrative funds.

Send the Sponsor Letter (DHS 3453) to remind sponsors of their legal obligation to provide support and request verification of the sponsor's and sponsor's spouse's income and assets. Deny or terminate health care coverage for the immigrant if the sponsor fails to respond to the Sponsor Letter or fails to provide verifications.

If the sponsor provides verification, deem the income and assets of the sponsor and the sponsor's spouse to each immigrant covered by the affidavit. Count sponsor income as unearned income.