

**MANUAL MATERIAL TRANSMITTED**

<b>MANUAL: INCOME MAINTENANCE</b>			<b>CHANGE NUMBER:151</b>		
<b>DELETE</b>			<b>INSERT OR CHANGE</b>		
<b>PAGES</b>	<b>CHAPTER</b>	<b>DATED</b>	<b>PAGES</b>	<b>CHAPTER</b>	<b>DATED</b>
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<b>DATE: July 1999</b>			<b>TO: All Income Maintenance Manual Holders</b>		

This change reflects revisions to the policy related to aliens and Food Stamps as requested by a USDA review which include:

Chapter 18.4 A.1 (I) - the phrase "eligible indefinitely" has been deleted and replaced with "participation permitted until child turns 18".

Chapter 18.7 - Deeming of Ineligible/Illegal Aliens Income and/or Assets - removing "after December 19, 1997".

Chapter 18.7 A.1 - Changing statement "both income and assets of illegal aliens are to be prorated" to the income of illegal aliens is to be prorated. Assets of illegal aliens are to be counted in their entirety. (RAPIDS has provided a work-around for this which is included)

RAPIDS Work-Around 99-11

Deeming of Illegal Alien Income and assets (IM Manual Section 18.7,A,1) is included on the page so it can be separated from the manual change for worker's use.

**Work-Around 99-11 Deeming of Illegal Alien Income and Assets (IM Manual Section 18.7,A,1)**

**RAPIDS will:** For both ineligible and illegal aliens, a prorated share of income and assets is deemed to the Food Stamp Assistance Group.

**Work-Around:** When the household includes an individual who would normally be required to be included the Food Stamp AG, except that he is an illegal alien, calculate offline this individual's countable assets. Using this individual's countable assets added to the countable assets of the members of the AG, determine if the AG is eligible for Food Stamps. When the AG is asset eligible, process the benefit in the normal manner. When the AG is ineligible due to excessive assets, but incorrectly passes, use AGOE to override pass to a fail using Reason Code 024. System-generated notices will be correct.

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- veteran or on active duty in the United States Armed Forces or spouse or unmarried dependent child of veteran or person on active duty (no time limit on participation) (Eligible indefinitely);
  - Amerasian immigrant under 584 of FOEFRPAA 1988 entered the United States within last seven years (participation limited to seven years from entry into the United States);
- (b) \* Is an asylee under section 208 of INA and was granted asylum within the last seven years (participation is limited to seven years from status);
- (c) \* Is a refugee under section 207 of INA and entered the United States within the last seven years (participation limited for seven years from entry);
- (d) \* Is an alien whose deportation has been withheld under section 243(h) or 241 (b) (3)-INA and was granted status within last seven years (participation limited to seven years from status);
- (e) \* Is a Cuban or Haitian entrant under section 501(e) of REAA 1980 and entered the United States within last seven years (participation limited to seven years from entry);

**NOTE:** In addition to the 7 year limited participation period these aliens are also eligible aliens allowed unlimited participation if such alien (asylee, refugee, deportation withheld Cuban/Haitian) is a veteran or on active duty in the United States Armed Forces or the spouse or unmarried dependent child of a veteran or person

- (3) An affidavit from a staff member at a shelter for battered women or homeless persons, family members, friends or other third parties with personal knowledge, or from the battered applicant himself or herself;
  - (4) Or any other records establishing that the applicant or his or her child or parent no longer resides with the abusive spouse, parent, or family member.
- e. The applicant must meet the requirements for qualified alien status by appropriate immigration documentation for which they are applying and all other eligibility requirements for the specific benefits should be determined.
  - f. The worker must provide the SAVE Coordinator, Special Projects Unit, with the documented proof from the alien that battery or extreme cruelty exists regarding the abuse of the alien, the alien's child, or the alien child's parent. If further action is needed the SAVE Coordinator will notify the worker.

## 2. Indigent Aliens

- a. After taking into account the alien's own income plus any cash, food, housing or other assistance provided by other individuals (including the sponsor), if the worker determines that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter the amount of income and resources of the sponsor or the sponsor's spouse that shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period of one year after the date such determination is made.

**NOTE:** The Indigent Alien must meet all other eligibility program requirements for the specific benefits (Medicaid and/or TANF/WV WORKS), not have forty qualifying quarters of work, and meet the requirement for qualified alien status.

- b. In this instance, the worker must provide the SAVE Coordinator Special Projects Unit with the name of the sponsor and sponsored alien(s) receiving benefits and the type of benefits received. If further action is needed the SAVE Coordinator will notify the worker.

sponsor's estate or from the sponsor's surviving spouse. Should the alien change sponsors, the amount of income deemed must be recalculated to reflect the circumstances of the new sponsor and the income of the former sponsor will no longer be counted.

6. Responsibility for Obtaining Information/Verification from the Sponsor

The alien is responsible for the cooperation of the sponsor in providing information and verification necessary to determine the alien's eligibility and benefit level including the names (or other identifying factors) of other aliens for whom the sponsor has signed an agreement of support. Until needed information is received and verified, the sponsored alien will be ineligible for Food Stamps, but other members of the alien's benefit group may participate if otherwise eligible. When the sponsored alien is not included in the benefit group due to the lack of information/verification about the sponsor's circumstances, income will be treated in the same way as the income of an ineligible alien.

If the needed information or verification is later made available and the alien can, therefore, be included in the benefit group, the addition to the benefit group will be treated as a reported change.

7. Determining the Amount to be Deemed

The following steps will determine the amount to be deemed to the alien:

NOTE: The sponsor's spouses income will be counted when the spouse lives with the sponsor even if the sponsor and spouse were married after the sponsor signed the agreement.

- (1) Determine the total monthly earned income of the sponsor and his spouse (if the spouse is living with the sponsor). This includes gross income (not gross profit) from self-employment. Multiply the total monthly earned by .80 to provide the 20% earned income deduction.

6. The sponsor is not participating in the program separate and apart from the alien.
7. The amount actually paid to the alien by the sponsor and his spouse is less than the deemed amount.

When these conditions are met, income will be counted for the benefit group containing the alien whether or not the income is actually made available. This income will be deemed to the alien for a period of three years from the date established by INS as the date the alien was admitted for permanent residence and will continue for three years even if the sponsor claims to have given up his sponsorship responsibilities. In the event of the death of the sponsor, income will no longer be deemed to the alien either from the sponsor's estate or from the sponsor's surviving spouse. Should the alien change sponsors, the amount of income deemed must be recalculated to reflect the circumstances of the new sponsor and the income of the former sponsor will no longer be counted.

The responsibilities for obtaining information from the sponsor are the same for the deeming of assets as for the deeming of income.

b. Determining Amount to be Deemed

The following steps are to be used to determine the amount of the sponsor's assets and the assets of the sponsor's spouse (if living with the sponsor) which will be deemed to the alien:

1. Determine the total countable value of the assets of the sponsor and the sponsor's spouse as if they were applicant's for the Food Stamp Program. Count only assets not excluded by this Chapter and determine the value of the non-excluded assets as would be done for any Food Stamp client.
2. Subtract \$1,500 from the amount arrived at in Step 1.
3. The remainder of the value of the assets is to be deemed to the benefit group containing the alien and added to any other assets the benefit group has to