

## 18.7 DEEMING OF INELIGIBLE/ILLEGAL ALIENS INCOME AND/OR ASSETS

### A. Method Used in Deeming

The income and assets of ineligible or illegal aliens are considered when determining eligibility for those individuals for whom the aliens are financially responsible (spouses and children). The method to be used in deeming is based on the particular category of assistance being evaluated:

1. Food stamps - The incomes of all ineligible aliens and of illegal aliens are prorated to the Food Stamp Assistance Group using the method described in section 10.4, D, 8, a, (1)-Deeming From Disqualified Individuals, Enumeration Penalty. (RAPIDS participation status will be RD-Prorated Deemer) Assets of ineligible aliens and illegal aliens are counted in their entirety. (Refer to RAPIDS Work-Around 99-11)

**NOTE:** Ineligible aliens include:

- (1) Aliens that were ineligible prior to PRWORA due to alien status
  - (2) Aliens made ineligible due to PRWORA and
  - (3) Aliens made ineligible because the household was unable or unwilling to provide documentation of alien status
2. AFDC Medicaid - The ineligible/illegal alien is excluded from the Assistance Group and the Needs Group. They are included in the Income Group. (RAPIDS participation status will be SD-Sanctioned Deemer)
  3. AFDC-Related Medicaid and other MA coverage groups for families and/or children. See Chapter 16 for the specific coverage groups. Ineligible/illegal aliens are excluded from the Assistance Group. They are included in the Needs Group and Income Group. (RAPIDS participation status will be CA-Counted Adult)
  4. SSI-Related Medicaid and other MA coverage groups based on age, blindness, and disability - See Chapter 16 for the specific coverage groups. Ineligible/illegal aliens are excluded from the Assistance Group. The income and assets of the ineligible/illegal alien who is the spouse or parent of an eligible individual are considered in the same manner as the income and assets of any other ineligible spouse or parent of an eligible individual. Follow the instructions in 10.22, D,4. When deeming is appropriate according to that

section, the ineligible/illegal alien is included in the Needs Groups and Income Group. (RAPIDS participation status will be DS-Deemed Spouse or PD-Parent Deemer)

5. WV WORKS-Ineligible/illegal aliens are excluded from the Assistance Group and the Needs Group. They are included in the Income Group. (RAPIDS participation status will be WD-WORKS Deemer)

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