

18.6 SPONSORED ALIENS

A. INTRODUCTION

The requirements for deeming income and assets do not apply to sponsors of immigrants who entered the United States before December 19, 1997.

Deeming of income and assets applies to immigrants with equally enforceable Affidavit of Support for sponsorship affidavits filed on or after December 19, 1997. All federal means-tested programs must count the income and resources of an alien's sponsor and that of the sponsor's spouse in determining the alien's eligibility for WV WORKS, **SNAP** benefits, and Medicaid. The sponsor's/sponsor spouses income and resources are considered to be available to the sponsored alien in determining the sponsored alien's eligibility for these benefits.

NOTE: The sponsor is an individual, not an organization, institution, or group.

B. DEEMING SPONSORS' INCOME AND ASSETS

The sponsor and the sponsor's spouse's income and assets are counted in their entirety and are considered available to the sponsored alien in determining the sponsored alien's eligibility for benefits. See item C,3 for countable assets and income requirements of an ineligible sponsored alien. No allowances are made for the needs of the sponsor, his spouse, or the sponsor's family, or other sponsored alien families. The sponsor's income and assets are counted in their entirety for all aliens sponsored by the specific sponsor. Deeming applies to all non citizens sponsored by individuals.

Most aliens who are sponsored by an Affidavit of Support are not eligible for **SNAP** benefits, Medicaid, and WV WORKS. Deeming ends when an alien has 40 quarters of work. See Section 18.5.

- Deeming will apply for **SNAP** benefits purposes only to those who qualify under the military service provision.
- Medicaid and WV WORKS have no 40 Qualifying Quarters requirement and deeming applies.

Aliens, Refugees and Citizenship

- The Worker must provide the SAVE Coordinator 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

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 WV WORKS, do not have 40 Qualifying Quarters of work, and meet the requirement for qualified alien status.

In this instance, the Worker must provide the SAVE Coordinator 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.

3. Ineligible Sponsored Alien

The assets and income of the sponsor and the sponsor's spouse must not be included in determining the assets and income of an ineligible sponsored alien.