

.01 Determining Whether to Deem the Sponsor's Income and Resources

[REVISION 09](#)
(07/01/09 – 09/30/09)

When the Lawful Permanent Resident (LPR) is sponsored by an ORGANIZATION or GROUP, the sponsor's income and resources are not deemed to the LPR.

When an LPR is sponsored by an INDIVIDUAL, the following applies:

The sponsored LPR may be exempt from sponsor deeming policy. Do not request any information regarding the sponsor when any of the following occur:

- The sponsored LPR can be credited with 40 quarters of earnings
- The sponsored LPR is a [victim of domestic violence](#) or extreme cruelty, by a member of the family
- The sponsored LPR is a victim of a [severe form of trafficking](#), is not required to have a sponsor, and is to be treated as a refugee for eligibility purpose

NOTE When the LPR is a victim of a severe form of trafficking, elevate the facts of the case to the [Policy Support Team](#) via e-mail.

- The sponsored LPR becomes a Naturalized U.S. citizen
- The sponsored LPR is under 18 (See Example [Sponsored Lawful Permanent Resident 2](#))
- The sponsored LPR does not meet Qualified Noncitizen requirements
- The sponsor dies
- The sponsor did not sign an USCIS Form I-864 or I-864A affidavit
- The sponsor signed an affidavit of support prior to December 19, 1997, or signed an affidavit of support other than the I-864 or I-864A
- The sponsored LPR applied for or became an LPR before December 19, 1997

- The sponsored LPR was not required to have a sponsor, such as a refugee, asylee, Cuban or Haitian entrant
- The LPR entered in employment or other nonfamily categories, such as the diversity category, where the sponsor did not have to sign the Form I-864 or I-864A
- The sponsored LPR is indigent

NOTE When the sponsored LPR and the sponsor are participants in the same budgetary unit, the sponsor's income and resources are not deemed. The income and resources are considered as normal countable income and resources.

When the sponsored LPR is not exempt from sponsor policy, determine whether the sponsored LPR is indigent. (See [Sponsored Indigent Test](#))

When the sponsored LPR meets the indigent test, the sponsored LPR is potentially eligible for benefits.

When the sponsored LPR is indigent, do not deem the sponsor's income or resources. When determining the indigent sponsored LPR's income, count only the actual cash contributions provided by the sponsor and the sponsor's spouse. Key the contributions next to the sponsored LPR as AS, on UNIN.

When the sponsored LPR does not meet any exemptions or the indigent test, determine the portion of the sponsor's and the sponsor's spouse's income that is available to the sponsored LPR.

EXCEPTION

For CA, the resources of the sponsor are countable toward the sponsored LPR. Request the income AND resources of the sponsor. Count the sponsor's resources, minus \$1500 toward the sponsored LPR.

For MA MED, the resources of the sponsor are countable toward the sponsored LPR. Request the income AND resources of the sponsor. Count the sponsor's resources, minus \$1500 toward the sponsored LPR.

[Deem the income](#) of the sponsor and the sponsor's spouse to the sponsored LPR. Key the deemed income next to the sponsored LPR as AS, on UNIN.

NA EXCEPTION

When the budgetary unit meets expanded categorical eligibility criteria (their income is below 185% of the FPL), sponsored LPR policy does not apply. (See [LPR Requirements](#))