

## .01 Sponsored and Non-sponsored LPRs



This subject includes information about sponsored and non-sponsored lawful permanent residents (LPR) and when it is required to deem the sponsor's income and resources available to an LPR.

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### Policy

A lawful permanent resident (LPR) is either sponsored or non-sponsored. Sponsored LPR policy is used to determine whether a portion of the income and resources of the sponsor are included when determining the income and resource limit of the sponsored LPR. (See [LPR Additional Requirements](#) for additional LPR eligibility requirements.)

A non-sponsored LPR is a noncitizen given permission to permanently live and work in the United States (U.S.) and has not been sponsored through the United States Citizenship and Immigration Services (USCIS) by a person or an organization. Non-sponsored LPRs usually enter the U.S. in a temporary status.

A sponsored LPR can be sponsored by a person, an organization, or group. Whether an LPR is sponsored is identified by the Class of Admission (COA) Code.

Sponsored LPR policy does not apply to **any** of the following:

- Non-sponsored LPR participants
- LPR participants sponsored by an organization or group
- For NA, when the budgetary unit meets expanded categorical eligibility criteria because their income is below 185% of the federal poverty level (FPL)

As a condition of the noncitizen's admission for permanent residence in the United States, the sponsor is required to complete an Affidavit of Support (I-864 or I-864A) USCIS form. The affidavit is accepted by USCIS as the sponsor's agreement to support the noncitizen. Affidavits of Support signed on or after 12/19/1997, are legal binding contracts.

Sponsored LPR policy applies when the sponsored LPR meets **all** of the following:

- Meets Qualified Noncitizen requirements.
- Has applied or became an LPR on or after 12/19/1997.
- Is sponsored by a person and is not sponsored by an organization or group.
- The sponsor has signed **one or more** of the following USCIS Forms on or after 12/19/1997:
  - I-864 Affidavit of Support Under Section 213A of the INA (Immigration and Nationality Act)
  - I-864A Contract Between Sponsor and Household Member
- Does not have 40 quarters of coverage.

- Is otherwise eligible for benefits.

When determining the income and resources available to the LPR budgetary unit, FAA determines whether the income and resources of the sponsor are deemed available to the LPR.

When an LPR is sponsored by a person, the income and resources of the sponsor are deemed available to the sponsored LPR unless **any** of the following applies:

- The sponsored LPR is exempt from the sponsor deeming policy (See [Exemptions from Sponsor Deeming](#) for exemptions.)
- The sponsored LPR is considered indigent (See [Sponsored Indigent Test](#) for the indigent determination.)

To determine how much of the sponsor's income and resources are deemed available to the sponsored LPR, see [Determining the Amount Deemed Available to the LPR](#).

In addition to meeting the standard reporting requirements, a sponsored LPR is responsible for reporting **any** of the following information:

- Information about a new sponsor and the sponsor's spouse when there is a change in sponsor
- When the sponsor or sponsor's spouse changes or loses employment
- When a sponsor dies

### **Appeals and Overpayments of Sponsored Lawful Permanent Residents**

The sponsor is entitled to an appeal for **any** of the following:

- To contest a determination that the sponsor was at fault for providing incorrect information.
- To contest the amount of the claim.

The sponsor and sponsored LPR are jointly responsible for repayment of any overpayment resulting from incorrect information provided by the sponsor. However, when it is determined that the sponsor is without fault when supplying incorrect information, the sponsored LPR's budgetary unit is solely responsible for the overpayment.

### **Exemptions from Sponsor Deeming Policy**

No information is needed regarding the sponsor when the sponsored LPR is exempt from the sponsor deeming policy. The sponsored LPR is exempt from sponsor deeming policy 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 purposes

- The sponsored LPR becomes a naturalized U.S. citizen
- The sponsored LPR is under 18 (See [Example 2](#))
- The sponsored LPR does not meet qualified noncitizen requirements
- The sponsor dies
- The sponsor did not sign an I-864 or I-864A USCIS form
- The sponsor signed an I-864 or I-864A USCIS form before 12/19/1997, or signed an affidavit of support other than the I-864 or I-864A USCIS form
- The sponsored LPR applied for or became an LPR before 12/19/1997
- The 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 I-864 or I-864A USCIS form
- The sponsored LPR and the sponsor are participants in the same budgetary unit

NOTE The income and resources are considered as normal countable income and resources when the sponsor is part of the budgetary unit.

When the sponsored LPR is not exempt from sponsor policy and the sponsored LPR is not indigent, the income and resources of the sponsor are deemed available. (See [Sponsored Indigent Test](#) for the indigent determination.)

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

When the sponsored LPR is indigent, the sponsor's income or resources are not deemed available to the sponsored LPR. When determining the indigent sponsored LPR's income, only the actual cash contributions provided by the sponsor and the sponsor's spouse are counted.

### **Sponsored Indigent Test**

A sponsored LPR is considered indigent when the total income for the budgetary unit is under **any** of the following:

- For CA, 36% of the 1992 federal poverty level (FPL)
- For NA, 130% of the current FPL

NOTE When the Sponsored LPR is provided free room and board, the sponsored LPR is not indigent, and the sponsor's income is deemed available when not exempt.

This total income includes, and is not limited to, **any** of the following:

- Earned income
- Unearned income
- In-kind income

- Self-employment income
- Cash contributions from the sponsor
- Cash value of food, clothing, shelter, and utilities provided by the sponsor
- Vendor payments by the sponsor

When the sponsored LPR is not indigent, the sponsor's income is deemed available to the LPR unless exempt. When the sponsored LPR is indigent, do not deem the sponsor's income or resources available to the LPR.

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

### Determining the Deemed Available Amount

When an LPR is sponsored, the sponsor's income is deemed available to the sponsored LPR, unless exempt or indigent.

NOTE When the sponsor lives with their spouse, the sponsor's spouse's income is also deemed available to the sponsored LPR.

For CA, the countable resources of the sponsor and their spouse, minus \$1500, is deemed available to the sponsored LPR, unless exempt or indigent.

To determine the amount of deemed income countable to the sponsored LPR, FAA completes **all** of the following:

- Determines the sponsor's (earned and unearned) gross monthly income.
- When the sponsor lives with their spouse, determines the sponsor's spouse's (earned and unearned) gross monthly income. Adds all incomes together.
- Subtracts 20% of the earned gross monthly income. For CA, this amount does not exceed \$175.
- Determines the size of the sponsor's tax unit for **each** of the following programs:

For NA, the size of the sponsor's tax unit is equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.

For CA, the size of the sponsor's tax unit is equal to the sponsor and anyone living in the same household who is **both** of the following:

- Claimed or could be claimed by the sponsor as a dependent for federal income tax purposes.
- Not part of the CA budgetary unit.
- Subtracts from the previous total for **each** of the following programs:

For NA, the monthly gross income limit amount associated with the NA budgetary unit size equal to the sponsor's tax unit. (See [NA monthly gross income](#) for current amounts)

For CA, the amount associated with the CA family size equal to the sponsor's tax unit for **one** of the following:

- 130% of the federal poverty level (FPL) when the adult caretaker is a non-parent caretaker relative of the dependent child and they are applying for the child only. (See [130%](#) for the current amounts.)
- 100% of the FPL when the caretaker relative is a parent of the dependent child, or the non-parent caretaker relative is applying for themselves and the child. (See [100%](#) for the current amounts.)
- For CA, subtracts from the previous total any amount paid by the sponsor or sponsor's spouse to people not living in the household who are or could be claimed by them as dependents to determine their federal personal income tax liability.
- When the sponsor has signed more than one I-864 or I-864A USCIS form sponsoring more than one person, divides the resulting amount by the number of sponsored LPRs.  
NOTE When the result is \$0 or a negative amount, the amount deemed is \$0.
- The result is the portion of the sponsor's income that is deemed available to each sponsored LPR. (See [Example 1](#) and [Example 2](#))

## Procedures

Determine whether each lawful permanent resident (LPR) is sponsored and whether they are sponsored by a person, an organization, or group.

NOTE See Class of Admission (COA) Codes in AZTECS LISTCODES, for a list of COA Codes which indicate the LPR is sponsored.

When the LPR is not sponsored, or is sponsored by an organization or group, the following procedures are not required. (See [LPR Additional Requirements](#) for more requirements.)

When the LPR is sponsored by a person, **all** of the following apply:

- Assist the sponsored LPR in obtaining verification regarding the sponsor, when needed.
- When the LPR is a victim of a severe form of trafficking, elevate the facts of the case via email to [FAAPolicyMgmt@azdes.gov](mailto:FAAPolicyMgmt@azdes.gov) with the phrase "LPR Victim of Trafficking" in the subject line

## Checking Whether Indigent

When the sponsored LPR is provided free room and board, the sponsored LPR is not indigent.

When the sponsored LPR is not considered indigent, the income and resources of the sponsor and the sponsor's spouse must be deemed available to the sponsored LPR, unless the LPR is exempt from the sponsor deeming policy.

Enter all income in AZTECS. (See [Sponsored Indigent Test Policy](#) for a list of income that must be entered.)

NOTE After completing the test, remove all non-cash contributions provided by the by the sponsor or the sponsor's spouse from AZTECS to determine the correct benefit amount.

The sponsored LPR is indigent when **any** of the following occur:

- For CA, when AFPD displays any CA benefit amount
- For NA, when FSAD displays any NA benefit amount

When determined indigent, print the UNIN, AFPD, and FSAD screens and [upload them to OnBase\(g\)](#). Do not request sponsor information. The sponsor's income and resources are not considered deemed available to the participant when the sponsored LPR is considered indigent.

NOTE Also complete the indigent test at each renewal. Document the [case file\(g\)](#) with the date the indigent test was completed.

When determining the indigent sponsored LPR's income, count only the actual cash contributions provided by the sponsor or the sponsor's spouse.

When a sponsored LPR is indigent, elevate **all** of the following information via email to [FAAPolicyMgmt@azdes.gov](mailto:FAAPolicyMgmt@azdes.gov) with the phrase "Indigent Sponsored LPR" in the subject line:

- AZTECS case number
- Name, Social Security number (SSN), and Alien Registration Number of each sponsored noncitizen in the budgetary unit
- Name, SSN, and Alien Registration Number (when appropriate) of the sponsor
- Date and results of the indigent test

NOTE Do not contact PST when a budgetary unit consists of one or two participants and the budgetary unit receives less than the minimum NA allotment in NA monthly benefits. (See [Minimum NA Allotment](#) for the current amount.)

Document the actions taken in the [case file\(g\)](#).

When the sponsored LPR does not provide information necessary to make an eligibility determination, **all** of the following apply:

- The sponsored LPR is ineligible for benefits.
- Key the DF Participation Code next to the sponsored LPR, on SEPA.
- Determine the eligibility of all other participants in the budgetary unit. Do not count any potentially deemed income or resources from the sponsor.
- When verification is provided after the determination, on an ongoing case, treat the information as a change and determine eligibility for the sponsored LPR. (See [Providing Verification](#))



## Determining the Deemed Resources for CA

For CA, countable resources of a sponsor and a sponsor's spouse, less \$1500, are countable toward the sponsored LPR.

Contact the sponsor to determine what resources the sponsor and spouse have and complete **all** of the following:

- Calculate and list resources owned by the sponsor and sponsor's spouse.
- Identify which of the resources are countable.
- Total countable resources.
- Subtract \$1500 from the total countable resources.

**NOTE** When the result is \$0 or a negative amount, the amount deemed is \$0.

- When the sponsor has signed more than one I-864 or I-864A USCIS form sponsoring more than one person, divide the resulting amount by the number of sponsored LPRs.
- The result is the portion of the sponsor's resources that are deemed available to each sponsored LPR.
- Document clearly in the case file how the deemed resource amount was calculated.

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## Verification

System interface and the [case file\(g\)](#) must be reviewed before verification is requested. No additional verification is needed when AZTECS interface or HEAplus hubs have verified the participant's noncitizen status.

System interface that FAA has with the United States Citizenship and Immigration Services (USCIS) and collateral contact to other agencies are primarily used to verify noncitizen status from the information provided on the application. However, system interface and collateral contact are not always available. The participant has the primary responsibility for providing verification. (See [Participant Responsibilities – Providing Verification](#) for additional policy.)

Noncitizen status is verified only with new applications or when FAA is notified that the status of a participant has changed.

## Verification Requirements for Sponsored Lawful Permanent Residents

Sponsored lawful permanent residents (LPRs) are required to provide **all** of the following verification:

- The name, address, and phone number of the sponsor.
- Value of the contributions provided by the sponsor, to the sponsored LPR.
- A list of who lives with the sponsor and how they are related to the sponsor.
- Income of the sponsor and, when applicable, the spouse of the sponsor.

- When applying for CA, resources of the sponsor and, when applicable, the spouse of the sponsor.

The sponsored LPR is not required to provide the income or resources of their sponsor when they meet **any** of the following:

- They are exempt from sponsor policy
- They are determined to be indigent
- They are sponsored by an organization or group

## AZTECS Keying Procedures

### Keying Sponsor Income

Key **any** of the following on UNIN next to the sponsored lawful permanent resident (LPR) using the AS Unearned Income Type Code in the TY field:

- The total value of all types of income provided by the sponsor and the sponsor's spouse

NOTE When the sponsored LPR is found to be indigent, key only the actual cash contributions provided by the sponsor and the sponsor's spouse. The sponsor's income is not deemed available to the LPR.

- The income amount determined deemed available to the sponsored LPR (See [Determining the Deemed Available Amount](#) for instructions on determining the amount.)

NOTE When the sponsor's deemed income amount differs for NA and CA, key the NA amount using the OF Unearned Income Type Code and the CA amount using the OA Unearned Income Type Code. Document clearly why the AS Unearned Income Code was not used. (See [Example 3](#))

### Keying Sponsor Resources for CA

Key the resource amount determined deemed available to the sponsored LPR on OTAS using the OT OA Resource Type Code (See [Example 3](#)) (See [Determining the Deemed Resources for CA](#) for instructions on determining the amount.)

### Keying Eligibility

Eligibility for specific programs is determined by keying in AZTECS the appropriate codes in the PT field on SEPA and the CI field on IDCI.

When the noncitizen is eligible for NA and CA, key **all** of the following:

- IN in the PT field on SEPA for NA and CA.
- EA in the CI field on IDCI.
- Key NOCS, when applicable. (See [Updating NOCS](#) for guidance.)

NOTE When sponsored, key Y in the SP field on NOCS next to the LPR

When the noncitizen is eligible for NA but not eligible for CA, key **all** of the following:



FAA3.D Nonfinancial Eligibility Factors : 06 Citizenship : C Lawful Permanent Resident (LPR) Qualified Noncitizens : .01 Sponsored and Non-sponsored LPRs

- IN in the PT field on SEPA for NA.
- DI in the PT field on SEPA for CA.
- EF in the CI field on IDCI.
- Key NOCS, when applicable. (See [Updating NOCS](#) for guidance.)

NOTE When sponsored, key Y in the SP field on NOCS next to the LPR

- For CA, when there are no other eligible participants in the case, key US in the DENIAL/CLOSURE REASON field on AFPD

When the noncitizen is not eligible for NA or CA, see [Nonqualified Noncitizen AZTECS Keying Procedures](#).

### Updating NOCS

PST Specialists: Any changes made to 'Updating NOCS' must also be made in the NOCS section of [Qualified Noncitizens](#), [LPR Additional Requirements](#), and [Nonqualified Noncitizens](#).

NOCS is accessed when any code other than US is keyed in the CI field on IDCI.

NOCS displays or allows keying **any** of the following information for each noncitizen:

- Type of United States Citizenship and Immigration Services (USCIS) document provided by the participant, when appropriate
- USCIS Class of Admission (COA) Code held by the participant
- Noncitizen status of the participant
- Date the status was granted by USCIS
- Date the status expires
- Date the Systematic Alien Verification for Entitlements (SAVE) was completed
- Secondary SAVE was requested
- Participant is sponsored
- Participant is under 18 years of age
- Participant has a permanent disability
- Participant has 40 quarters of earnings
- Participant has a military connection

NOTE When NOCS must be updated and current SAVE information is not in the [case file\(g\)](#), complete a SAVE verification before approval for all noncitizens who have valid USCIS documentation and are included in the budgetary unit.

When the noncitizen's USCIS status changes, key the new information on NOCS. AZTECS allows for more current USCIS status information to be keyed while permanently maintaining the previous information.

For a comprehensive list of COA Codes, see CLASS OF ADMISSION CODES under

DISPLAY TABLE VALUES in AZTECS.

NOTE When the noncitizen becomes a United States citizen key the US Citizenship Code in the CI field on IDCI.

**Examples**

- 1) John has sponsored his two adult brothers, Jim and Joe. Joe applied for NA benefits. He is not exempt from sponsor policy and is not indigent.

John earns \$2000 per month and lives alone. John's tax unit includes 1 person. The following is the amount deemed available to Joe from his brother John:

- \$2000 minus \$400 (20%), equals \$1600
- \$1600 minus \$1473 (NA gross income eligibility limit for a budgetary unit of one) equals \$127
- Since John sponsored two people, the countable deemed income is divided by two.

\$63.50 of John's income is deemed available to Joe.

Key \$63.50 next to Joe on UNIN using the AS Unearned Income Code.

- 2) Mark sponsored his adult sister Jill and her daughter Janet. Jill applied for CA benefits for herself and her daughter. Janet is 13 years old and is exempt from sponsor policy. Jill is not exempt from sponsor policy and is not indigent.

Mark earns \$2200 per month and lives with his wife, Mary, and his mother. Mark claims his wife and mother as dependents on his taxes, so his tax unit includes three people. Mary also earns \$2400 per year of unearned income from an annuity. Mark and Mary send their 22-year-old son in college \$100 monthly to help with his expenses. Mark and Mary have \$300 in their checking account and no other countable resources.

The following is the amount deemed to Jill and Janet from Mark and Mary:

- \$2200, minus \$175 (20% of the earned income, not to exceed \$175), equals \$2025.
- \$2025 plus \$200 (\$2400/12 to determine the monthly amount) equals \$2225.
- \$2225 minus \$1920 (100% of the federal poverty level (FPL) for a CA family size of three), equals \$305.
- \$305 minus \$100 (amount provided to a person outside the household that would be part of the tax unit) equals \$205.

Since Mark sponsored two people, the countable deemed income is divided by two.

\$102.50 of Mark and Mary's income is deemed available to Jill. Janet is under the age of 18 and exempt. None of Mark and Mary's income is deemed available to Janet.

The sponsor's resources are less than \$1500. No resources are deemed available to Jill. Janet is under the age of 18 and exempt.

Key \$102.50 next to Jill on UNIN using the AS Unearned Income Code.

Since Janet is under the age of 18 and exempt, do not key any deemed income next to her.

- 3) Mark sponsored his adult sister Jill and her daughter Janet. Jill applied for NA and CA benefits for herself and her daughter. Janet is 13 years old and is exempt from sponsor policy. Jill is not exempt from sponsor policy and is not indigent.

Mark earns \$2200 per month and lives with his wife, Mary, and his mother. Mark claims his wife and mother as dependents on his taxes, so his tax unit includes three people. Mary also earns \$2400 per year of unearned income from an annuity. Mark and Mary send their 22-year old son in college \$100 monthly to help with his expenses.

Mark and Mary have the following resources:

- \$300 in their joint checking account
- \$2000 in their joint savings account

For NA, the following is the income amount deemed to Jill and Janet from Mark and Mary:

- \$2200, minus \$440 (20% of the earned income), equals \$1760.
- \$1760 plus \$200 (\$2400/12 to determine the monthly amount) equals \$1960.
- \$1960 minus \$2495 (NA Income Maximum for NA for the NA budgetary unit of three), equals a negative \$535.

The result is a negative amount, so the amount deemed countable to Jill is \$0. Janet is under the age of 18 and exempt. None of Mark and Mary's income is deemed available to Janet or Jill for NA.

For CA, the following is the income amount deemed to Jill and Janet from Mark and Mary for CA:

- \$2200, minus \$175 (20% of the earned income, not to exceed \$175 for CA), equals \$2025.
- \$2025 plus \$200 (\$2400/12 to determine the monthly amount) equals \$2225.
- \$2225 minus \$1920 (100% of the federal poverty level (FPL) for a CA family size of three), equals \$305.
- \$305 minus \$100 (amount provided to a person outside the household that would be part of the tax unit) equals \$205.

Since Mark sponsored two people, the countable deemed income is divided by two.

\$102.50 of Mark and Mary's income is deemed available to Jill for CA. Janet is under the age of 18 and exempt. None of Mark and Mary's income is deemed available to Janet for CA.

For CA, the resource amount deemed to Jill and Janet from Mark and Mary for CA is \$800 (\$2300 resource total less \$1500).

Since Mark sponsored two people, the countable resources deemed available are divided by two.

\$400 of Mark and Mary's resources are deemed available to Jill for CA. Janet is under the age of 18 and exempt. None of Mark and Mary's resources are deemed available to Janet for CA.

Key \$102.50 next to Jill on UNIN using the OA Unearned Income Code.

Key \$0 next to Jill on UNIN using the OF Unearned Income Code.

Document clearly why the AS Unearned Income Code was not used.

Key \$400 next to Jill on OTAS using the OT OA Resource Type Code.

Since Janet is under the age of 18 and exempt, do not key any deemed income or resources next to her.

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## DBME Job Aids in SharePoint

[Noncitizen Job Aid](#)

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### Legal Authorities

- 7 CFR 273.2(b)(1)(iii)
- 7 CFR 273.2(f)(1)(ii)(A)
- 7 CFR §273.4(a)
- 7 CFR 273.4(a)(1)-(3)
- 7 CFR 273.4(a)(5)
- 7 CFR 273.4 (a)(6)
- 7 CFR 273.4 (a)(6)(i-iii)
- 7 CFR 273.4(a)(6)(i)(H)
- 7 CFR 273.4(a)(7)
- 7 CFR 273.4(c)
- 8 CFR §204.2
- 45 CFR 233.50
- ARS 46-292A.1.(b)-(d)
- ARS 46-292.B.1(a)
- 62 FR 61344

FAA3.D Nonfinancial Eligibility Factors : 06 Citizenship : C Lawful Permanent Resident (LPR) Qualified  
Noncitizens : .01 Sponsored and Non-sponsored LPRs

Public Law 104-193

Public Law 104-208

PRWORA Section 401 & 402

TANF State Plan

[Prior Policy](#)

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