



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number: 02-02

Effective Date: June 1, 2001

Issuance Date: July 23, 2001

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR

**RE: CITIZENSHIP AND IMMIGRANT STATUS AND SPONSORED
IMMIGRANTS**

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY

This Action Transmittal is one of several that we will issue about the recently published Food Stamp regulation changes. The required implementation date for many of the regulation changes was June 1, 2001. The changes clarify the definition of a child, describe how to determine countable quarters, define an indigent immigrant and change how we calculate the countable amount of a sponsor's income. This action transmittal provides the new policy and clarifications.

OLD POLICY - SPONSORED IMMIGRANTS

All income and resources of a sponsor and the sponsor's spouse, who signed an affidavit of support (I-864 or I-864A) were counted in determining the eligibility of the sponsored immigrant with a few exceptions.

An indigent immigrant is exempt from the deeming requirements for a year. There was no clear policy about how to make the determination that an immigrant was indigent.

The sponsored immigrant and sponsor were both jointly and separately liable for repayment of any overissuance of food stamps as a result of incorrect information provided by the sponsor.

NEW POLICY - SPONSORED IMMIGRANT

- A. A sponsored immigrant is an immigrant for whom a person (sponsor) has executed an affidavit of support (I-864 or I-864A) on behalf of the immigrant.
- B. Only a portion of the income and resources of a sponsor and sponsor's spouse (if the spouse has executed an INS I-864 or I-864A) will be counted in the calculation of the immigrant's food stamp eligibility and benefit level.
- C. Calculate the portion of monthly income of a sponsor to be considered available to the immigrant in the following manner:
 - 1. Look at the total gross monthly earned and unearned income of the sponsor at the time the household containing the sponsored immigrant member applies or is re-certified for food stamp participation.
 - 2. Subtract 20 percent from any earned income of the sponsor.
 - 3. Subtract the maximum gross monthly income limit (from the food stamp tables in section 600 of the manual) for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed by the sponsor or sponsor's spouse as a dependent for federal income tax purposes.
 - 4. The result is considered unearned income to the sponsored immigrant household.
 - 5. Any money given to the immigrant by the sponsor is not counted unless it exceeds the amount considered unearned income from the calculations above.
- D. Resources of a sponsor to be considered available to the immigrant are the total amount of any resources (as defined in the Food Stamp Manual section 200) reduced by \$1,500.
- E. If a sponsored immigrant can demonstrate that the sponsor also sponsors other immigrants, divide the deemed income and resources by the number of sponsored immigrants.

Example: Mr. and Mrs. A both signed an affidavit of support (I-864) on behalf of Mrs. B and her 2 children. Mr. A has earnings of \$2,000 per month. He has a bank account that totals \$3,000. Mr. and Mrs. A have no other dependents and do not sponsor any other immigrants.

Countable Resource: The local department will count \$1,500 (\$3,000-\$1,500) of the

bank account as a resource to Mrs. B's household.

Countable Income:	Total income	\$2,000
	20% earned income deduction	<u>- 400</u>
		\$1,600
	Gross income limit for household of 2	<u>\$1,219</u>
	Countable unearned income for Mrs. B	\$ 381

F. Sponsored immigrant rules do not apply to the following:

1. An immigrant who is part of the sponsor's food stamp household;
2. An immigrant who is not required to have a sponsor. (This could include a refugee, a parolee, an asylee, or a Cuban or Haitian entrant)
3. An indigent immigrant that the local department has determined is unable to obtain food or shelter after taking into account the immigrant's own income, plus any cash, food, housing or other assistance provided by others, including the sponsor.

"Is unable to obtain food and shelter" means that the total amount of the eligible sponsored immigrant's household's own income, and the cash contributions and value of in-kind assistance provided by the sponsor and others does not exceed the gross income test for the household's size.

4. A battered immigrant spouse, parent of a battered child or child of a battered immigrant.

G. Overissuances Due to Incorrect Sponsor Information.

Effective June 1, 2001, any recipient claim arising from overissuances to a household that includes a sponsored immigrant is the sole responsibility of that household.

Claims established prior to June 1, 2001 under the old policy are still valid.

Reminder: Most sponsored immigrants are ineligible for food stamps because of the sponsor's income or resources or because they do not meet the food stamp requirements for immigrant status. If the sponsored immigrant is ineligible, do not count the sponsor's income in the calculation of benefits for the eligible food stamp household members.

ADDED CLARIFICATION OF CURRENT POLICY

- A. Definition of Dependent child. (See 120.32 and 120.34B in the Food Stamp Manual)
The new regulations define unmarried dependent child of a veteran, Hmong or

Highland Laotian as an unmarried biological or legally adopted dependent child who is:

1. 17 years old or younger
2. 21 years old or younger and a full time student, or
3. Disabled and 18 years old or older if the child was disabled and dependent on the individual described in A prior to the child's 18th birthday.

This definition also includes a child of a deceased veteran or Hmong or Highland Laotian parent if the child was dependent on the parent prior to the child's 18th birthday.

B. Work Quarters. (See 120.31 in the Food Stamp Manual)

Beginning January 1, 1997, we do not count any quarter in which an immigrant received a means-tested benefit when calculating the number of creditable work quarters. This also applies to crediting a parent's or spouse's quarters if the parent or spouse received a means-tested benefit.

The case manager must evaluate quarters of coverage and receipt of federal means-tested benefits on a calendar year basis as follows:

1. Determine the number of quarters creditable in a calendar year.
2. Identify those quarters in which the immigrant, or spouse or parent of the immigrant, received a means-tested benefit.
3. Remove the quarters in which a means-tested benefit was received from the number of quarters of coverage earned or credited to the immigrant in that calendar year.

Exception: If the immigrant earns the 40th quarter of coverage prior to applying for food stamps or any other means-tested benefit in that same quarter, allow that quarter toward the 40 qualifying quarters total.

C. Reporting Illegal Immigrants.

Federal regulations require a State to notify the Immigration and Naturalization Service when it "knows" that someone is not lawfully present in the United States. "Knowing" means that the person is subject to an order of deportation. Otherwise, case managers are not to notify the Immigration and Naturalization Service.

ACTION DUE

The new policy was effective June 1, 2001 with new applications and recertifications. We expect these changes to affect few, if any, households in Maryland. Be sure to restore any lost benefits to households adversely affected by the delay in

implementation of this policy.

PAYMENT ACCURACY

Since many policy decisions surrounding immigrant policy are off-line, it is extremely important to document the case with accurate and thorough narrative.

INQUIRIES

Please direct policy questions to Kay Finegan at (410) 767-7939. Direct system questions to Kelly Sconion at (410) 238-1294.

cc: DHR Executive Staff
FIA Management Staff
Constituent Services
OIM Help Desk
RESI

CARES ACTION REQUIRED

- ◆ Include the sponsor on the **STAT** screen. The **Finl Resp** code is **AS** (alien sponsor)

Income

- ◆ Calculate the sponsor's income off-line to determine the amount of countable income,
- ◆ On the sponsor's **DEEM** screen:
 - Enter **01** in the **IRS Dep in Home** field,
 - Enter the amount of the countable unearned income in the **Amt Actually Contributed/V** field,
 - Enter **AS** for the verification type,
- ◆ Process case as usual,
- ◆ On the **ELIG** screen enter **Y** in the **Confirm** field,
- ◆ Press **ENTER** to display the **FSFI** screen,
- ◆ Enter **Y** in the **Bnft Confirm** field,
- ◆ Press **ENTER** to display the **DONE** screen,
- ◆ Press **ENTER** to commit.

Note: DO NOT enter any earned income on the sponsor's **ERN1** or **ERN2** screens

Assets

- ◆ Enter the actual resource amount on the sponsor's **AST1** and **AST2** screens,
- ◆ Process case as usual,
- ◆ On **ELIG** screen enter **Y** in the **Confirm** field,
- ◆ Press **ENTER** to display the **FSFI** screen,
- ◆ Enter **Y** in the **Bnft Confirm** field,
- ◆ Press **ENTER** to display the **DONE** screen,
- ◆ Press **ENTER** to commit.

Note: CARES will automatically deduct \$1500 from the sponsor's actual resource amount.