

## Non Citizens, Sponsorship & CalFresh

Depending on an individual's legal permanent resident status, their income, and the involvement of their sponsor, they may or may not be required to deem their sponsor.

### Steps when working with legal permanent residents:

1. Determine if they meet any of the sponsor deeming exceptions: if so, assist them in submitting verifications.
2. If not, determine if they meet the indigency exception: if so, assist them in deciding whether they would like to participate and filling out the indigency declaration.
3. If they do not meet any of the exceptions, discuss sponsor deeming options and assist them in gathering sponsor information or choosing to opt out.

### STEP 1: Determine if the applicant meets an exception to sponsor deeming

#### Exceptions to Sponsor Deeming:

- Was sponsored prior to December 19, 1997; or
- Is a victim of human trafficking (T visa), domestic violence (VAWA), or other serious crimes (U visa). The exemption applies for twelve months as explained in Sections [63-157.4](#) and [63-155.1](#); or
- Is participating in the same CalFresh household as the sponsor; or
- Is sponsored by an organization or group (who are not required to sign an I-864 Affidavit of Support). Included in this group are refugees, asylees, people granted withholding of deportation, Amerasians, and Cuban or Haitian entrants; or
- Has 40 qualifying work quarters
- Is indigent as explained below; or
- Is under 18 years of age.

## STEP 2: Determine if the applicant would meet the indigency exemption

**A sponsored CalFresh applicant qualifies as “indigent” if their gross income, including any and all financial (or in kind) support from their sponsor or others is at or below 130% FPL**

If the adult applicant is sponsored, **but** does **not get help** from the sponsor or others **or** the help they get plus their own income is **less than** 130% FPL, the immigrant will be deemed to be “**indigent**” and there will be no further deeming other than counting the funds that are actually provide (cash or in kind) to the sponsor.

Indigent applicant’s rights:

1. To declare that he or she is not being supported by the sponsor. **The sponsored noncitizen is not required to provide verification of non-support from the sponsor.** In this case, all that can be estimated when determining indigence is the sponsored noncitizen’s household income and any other income received from non-household members.
2. Do not need to provide verification of the sponsor’s income and resources if actual income (including in-kind) is below 130% of FPL. If they receive cash contributions from the sponsor or others, the worker must count the actual amount of cash support provided by the sponsor.
3. **The worker will inform the sponsored noncitizen, either verbally or in writing at the time they are determined indigent, that their name and their sponsor’s name will be reported to USCIS. The client has the right to “opt out” of applying for benefits if they do not want this to be done.**

It is HHSA’s responsibility to:

- Screen applicants for indigency
- Assist noncitizens in obtaining verifications.
- Not require proof of sponsor non-support to determine indigence. The immigrant’s affidavit/statement is sufficient if there is no other proof.

Process if applicant is found to be indigent:

- Indigency must be reevaluated every 12 months, with no limit on extensions.
- If the sponsored noncitizen has been determined and verified as “indigent” for the CalWORKs program, because of categorical eligibility, the sponsored noncitizen is eligible for CalFresh without further sponsor verification.

\*\*It is only when the adult sponsored noncitizen is not indigent or does not want the worker to contact USCIS regarding their indigent status or their sponsor, wishes to apply for benefits for him/herself, and does not meet an exception to the deeming rules, that sponsor deeming applies.

**STEP 3: If applicants do not meet any of the exceptions, discuss sponsor deeming options and assist them in gathering sponsor information or choosing to opt out.**

If the applicant is 1) sponsored **and 2) gets assistance from their sponsor and 3) their gross income is above 130% FPL**, they will not be eligible unless there is a senior or disabled HH member.

If the immigrant is an adult **and** the sponsor is an individual (not an agency), the adult immigrant must provide the following verifications:

Immigrant's Verification (information found on LPR Card (I-551) or I-94

- The provisions of the Immigration and Nationality Act under which the noncitizen was admitted;
- The date of the sponsored noncitizen's entry or admission as a lawful permanent resident as established by USCIS;
- The noncitizen's date of birth, place of birth, and alien registration number.

Sponsor's Verification

- The name, address and phone number of the noncitizen's sponsor.
- Verifications of the income of the noncitizen's sponsor (QR 22, Sponsor's Statement of Facts);
- The names or other identifying factors (such as a noncitizen registration number) of other noncitizens for whom the sponsor has signed an Affidavit of Support (USCIS Form I-864 or QR22);
- The number of dependents who are claimed or could be claimed as dependents by the sponsor or the sponsor's spouse for federal income tax purposes

It is HHSA's responsibility to:

- Assist noncitizens in obtaining verification
- Use the QR 22, Sponsor's Statement of Facts form to obtain the sponsor's information.

Sponsorship provisions are in effect until the applicant:

- Achieves U. S. citizenship through naturalization
- Has 40 qualifying work quarters
- Leaves the U. S. permanently
- Dies (or the non-citizen's sponsor dies)
- Meets one of the exceptions listed above

An applicant may choose to opt-out at any point in this process. By opting-out, an applicant will choose not to receive benefits for themselves; however, other household members may still be eligible for assistance!!