Sponsorship Issues and Public Benefits
Training Outline

- Quick refresher on the LIBRE Project
- Overview of immigrant eligibility for public benefits
- Sponsorship issues related to receiving public benefits
- Discussion and questions
By Linking Immigrants to Benefits, Resources and Education, we are building the better future we all believe is possible. Together, we are LIBRE.

- We train and support community-based organizations who serve immigrants about eligibility for safety net services and dispel myths about effects on immigration status.
- We develop outreach materials for community partners to distribute to their communities.
- We assist clients who face issues accessing safety net services.
Benefits Available to U.S. Citizens

- Uhm...all of them.
Benefits Available to Legal Permanent Residents

- Legal Permanent Residents can apply for any public benefits.
  - If the LPR has a sponsor, the agency might count the income and resources of the sponsor. If the sponsored LPR uses public benefits, the government agency could ask sponsor to re-pay the agency.
    - This does not apply to VAWA petitioners.
  - If receiving SSI/CAPI/GA/CW/LTC AND out of the U.S. for more than 6 months, could be deemed a “Public Charge” and denied re-entry.
Benefits Available to Undocumented Immigrants

- Undocumented immigrants can get some Safety Net benefits without fear of being considered a “Public Charge.” These include:
  - Health Care Benefits (Restricted Medi-Cal, ACE, Healthy Kids, and AIM)
  - Food Program Benefits (WIC, and School Meals)
  - Other Non-Cash Programs (Public Housing, Disaster Relief, Childcare Services, Job Training, and Transportation Vouchers)

- Undocumented immigrants are not eligible for CASH benefits such as CalWORKs, Social Security, and General Assistance.
Citizen or Legal Permanent Resident children of undocumented parents may receive ALL public benefits.

- **SNAP/CalFRESH**—the grant will be pro-rated based on the number of documented people in the home.

- **Public Housing**—if at least one member of the household is eligible based on immigration status, the family may qualify, but the subsidy will be pro-rated to give the benefit only to the documented members of the household.

- An undocumented parent can obtain **CalWORKs or SSI** for the documented children in their family.
  - This will not raise a “Public Charge” issue as long as this is not the only source of income for the family.
Immigration Documentation are Not Required for Many Benefit Programs

- Restricted Medi-Cal
- Full-Scope Medi-Cal for Children for 2 months through CHDP
- Healthy Kids for children
- Breast, Cervical, and Prostate Cancer Treatment Programs
- Family PACT (family planning services)
- Medical care at the County public hospital and clinics
- Access for Infants and Mothers (AIM) for pregnancy care or for a newborn
- California Children’s Services (CCS) if a child has a serious medical condition
- Child Nutrition Programs
- Other Non-cash Assistance Programs
Sponsorship Issues
Affidavit of Support

“Enforceable” Affidavit of Support (I-864)
- Affidavit of support (in effect since December 19, 1997)
- Promise of sponsor to support immigrant at 125% FPL (100% if active duty military)
- Enforceable by sponsored immigrant and by federal/state benefit agencies
- Triggers extended “deeming” of sponsor’s income in some programs

“Non-Enforceable” Affidavit of Support (I-134)
- “Traditional” affidavit of support – still used by some immigrants
- Anyone can sign (e.g., no income requirements)
- Not legally enforceable against sponsor but at government’s discretion whether to grant it weight
Who Doesn’t Need a Sponsor?

- Refugees
- Asylees
- Registry applicants
- Victims of Trafficking
- Applicants for cancellation of removal
- Applicants under Cuban Adjustment Act, Haitian Refugee Immigrant Fairness Act, and NACARA
- Religious workers
- Special Immigrant Juveniles
- Certain Indo-Chinese, Eastern European parolees
Who Must Submit the Enforceable Affidavit (Form I-864)?

- Family-based immigrants
- Employment-based immigrants if relative is employer or owns > 5% of business

*Exceptions*
- Battered spouses and children
- Widows/widowers
- Person with credit for 40 quarters of work history
- Children eligible under Child Citizenship Act
Sponsors

Who can be a sponsor?
- US Citizen or National or LPR
- 18 years old
- Domiciled in U.S.
- Able to meet income/asset requirements
- Family petitioner must be sponsor
  - Can have joint sponsor if unable to meet financial requirements

Sponsorship ends when the immigrant:
- Becomes a citizen
- Earns credit for 40 quarters of work
- Leaves U.S. permanently, or
- Dies (estate may be liable)
Sponsor Income Requirements (I-864)

- Household income of 125% of FPL (100% if active duty military)
- Household includes:
  - Sponsor
  - “Intending Immigrant”
  - Immigrant family members accompanying or following
  - Relatives residing with sponsor
  - Any others claimed as “dependents”
  - Any other immigrants sponsored
If Sponsor Cannot Meet Income Requirements

- Use income of other “household” members
  - Spouse, parent, adult son or daughter who reside with sponsor
  - Included as “dependents” on tax return
  - Contract with sponsor and agree to joint and separate support liability (I-864A)

- Recruit joint sponsor

- Add assets

- Can use immigrant’s income if spouse of sponsor or live with sponsor and income will continue from same source after become LPR
A Sponsor’s income may be “deemed” available to the immigrant when applying for means-tested public benefits.

- Some exceptions to sponsor deeming:
  - Domestic violence survivors
  - If immigrant would go hungry or homeless without the benefit

- NEW: Lawfully residing children and pregnant women covered under new CHIPRA state option are NOT subject to sponsor deeming or sponsor liability

California deeming rules:
- No deeming of sponsor’s income in health programs (e.g. Medi-Cal, Healthy Families)
- Deeming rules apply to: SSI, CAPI, CalWORKs, SNAP, CFAP, GA
Sponsor Liability

- I-864 Sponsor may have to repay government if sponsored immigrant uses certain means-tested benefits

- Means-tested benefits:
  - SSI, TANF, Medicaid (non-emergency), SNAP (Food Stamps) (Unless sponsor also gets SNAP), CHIP (Healthy Families), and other state programs as defined by the state.

- California has not yet pursued sponsors to repay any program
  - States are not required to pursue sponsors and cannot pursue sponsors for state benefits used before designating them formally as “means-tested”
Summary of Sponsorship Issues

- Sponsor(s) sign an Affidavit of Support with USCIS to financially support certain immigrants who become LPRs.
- Sponsor liability starts AFTER the sponsored immigrants becomes an LPR.
- Sponsor liability can end after immigrant becomes U.S. citizen or has sufficient work history.
- Some sponsors may be required to repay certain benefits used by the sponsored immigrant, BUT CA has not yet required repayment from sponsors.
- Sponsors are not liable for benefits received by citizen children of sponsored immigrants.
- Receipt of benefits does not automatically prevent a person from becoming a sponsor.