



**NC Department of Health and Human Services**

# **Sponsor Income**

**April 2025 – Regional Meeting**

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## **ACCORDING TO FNS POLICY SECTION 227.09**

### **A. DEFINITIONS**

1. **SPONSORED NON-CITIZEN:** A NON-CITIZEN ADMITTED LAWFULLY FOR PERMANENT RESIDENCE THAT IS SPONSORED BY AN INDIVIDUAL WHO HAS SIGNED AN AFFIDAVIT OF SUPPORT. IF A CHURCH OR INSTITUTION SPONSORS THE NON-CITIZEN, SPECIAL PROVISIONS DESCRIBED BELOW DO NOT APPLY.

2. **SPONSOR:** A PERSON WHO EXECUTED AN AFFIDAVIT OF SUPPORT ON OR AFTER DECEMBER 19, 1997, ON BEHALF OF A NON-CITIZEN AS A CONDITION OF THE NONCITIZEN'S ENTRY OR ADMISSION TO THE U.S. ONLY INDIVIDUALS ARE CONSIDERED SPONSORS. ORGANIZATIONS AND INSTITUTIONS, SUCH AS CHURCHES, ARE NOT CONSIDERED SPONSORS.

3. **DEEMED INCOME/RESOURCES:** THE PROCESS OF CONSIDERING A SPONSOR'S INCOME AND RESOURCES FOR THE NON-CITIZEN.



## **B. EXEMPTIONS FROM SPONSORED NON-CITIZEN REQUIREMENTS**

1. A NON-CITIZEN WHO IS PARTICIPATING IN THE FOOD AND NUTRITION SERVICES PROGRAM AS A MEMBER OF HIS SPONSOR'S UNIT.

2. A NON-CITIZEN WHO IS NOT REQUIRED TO HAVE A SPONSOR UNDER THE IMMIGRATION AND NATIONALITY ACT SUCH AS, BUT NOT LIMITED TO, A REFUGEE ADMITTED AFTER MARCH 31, 1980; A PAROLEE ADMITTED UNDER SECTION 212(D)(5); ONE GRANTED POLITICAL ASYLUM; A CUBAN OR HAITIAN ENTRANT; OR GRANTED STATUS AS A CONDITIONAL ENTRANT BEFORE APRIL 1, 1980.

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3. A non-citizen from Vietnam who enters the U.S. under the Foreign Operations Act. These non-citizens should be considered as though they are refugees under Section 207 of the Immigration and Nationality Act.

4. An indigent non-citizen that the county agency has determined is unable to obtain food and shelter, taking into account the non-citizen's own income, plus any cash, food, housing and other assistance provided by other individuals, including the sponsor(s). "Unable to obtain food and shelter" means that the sum of the eligible sponsored non-citizen's household's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide does not exceed 130% of the poverty income guideline for the non-citizen's household size.

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## DEEMING OF SPONSOR INCOME AND RESOURCES

LISTSERV MESSAGE #2025-51 SENT ON TUESDAY, APRIL 2, 2025

CLARIFICATION REGARDING INCOME ASSESSMENT OF SPONSORED IMMIGRANTS INCLUDING SPONSOR INCOME. IMMIGRATION LAW REQUIRES THAT THE SPONSOR INCOME AND RESOURCES ARE DEEMED PART OF THE ALIEN'S (IMMIGRANT'S) INCOME AND RESOURCES WHEN DETERMINING FNS ELIGIBILITY. THE AFFIDAVIT OF SUPPORT (FORM I-864) INDICATES THE SPONSOR ACCEPTS FINANCIAL RESPONSIBILITY FOR THE IMMIGRANT AND HELPS ENSURE THAT NEW IMMIGRANTS WILL NOT NEED TO RELY ON PUBLIC BENEFITS. THE SPONSORS' OBLIGATIONS WILL END BASED ON THE FOLLOWING:

- A. BECOME A U.S. CITIZEN;**
- B. HAS WORKED, OR CAN RECEIVE CREDIT FOR 40 QUARTERS OF COVERAGE UNDER THE SOCIAL SECURITY ACT;**
- C. NO LONGER HAS LAWFUL PERMANENT RESIDENT STATUS AND HAS DEPARTED THE UNITED STATES;**
- D. IS SUBJECT TO REMOVAL, BUT APPLIES FOR AND OBTAINS, IN REMOVAL PROCEEDINGS, A NEW GRANT OF ADJUSTMENT OF STATUS, BASED ON A NEW AFFIDAVIT OF SUPPORT, IF ONE IS REQUIRED; OR**
- E. DIES.**

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**NOTE: DIVORCE DOES NOT TERMINATE THE SPONSORS' OBLIGATIONS UNDER FORM I-864.**

THE SPONSORS' OBLIGATIONS UNDER A FORM I-864 THAT WAS SIGNED ALSO END IF THE SPONSOR DIES. THEREFORE, IF THE SPONSOR DIES, THEIR ESTATE IS NOT REQUIRED TO TAKE RESPONSIBILITY FOR THE PERSON'S SUPPORT AFTER THE SPONSORS DEATH. HOWEVER, THE SPONSORS ESTATE MAY OWE ANY SUPPORT THAT THE SPONSOR ACCUMULATED BEFORE DEATH.

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## FNS Policy Section 315.02

B. If the sponsor has signed an affidavit for more than one alien, prorate the sponsor's income among the sponsored aliens.

C. If the affidavit of support was signed or re-signed on or after December 19, 1997, deem the income of the sponsor and spouse for three years from the date signed or re-signed as follows. **Please note – This policy section refers to deeming income for three years, however the sponsors' obligation does not end until the requirements have been met according to LISTSERV MESSAGE #2025-51 sent on Tuesday, April 1, 2025. This policy section update is forthcoming from DCFW. We appreciate your patience.**

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1. Determine the total monthly countable earned income of the sponsor and spouse. Allow the earned income deduction of 20%. Add the calculated earned income to the total countable unearned income of the sponsor and spouse.
  2. Subtract the actual payment of alimony and child support paid to individuals not living with the sponsor and spouse. Subtract the FNS income limit for the household size of the sponsor's family. Include in the sponsor's household size any dependent that he or his spouse claim or could claim for federal income tax purposes.

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3. The remaining income amount is deemed as unearned income to the sponsored alien's FNS unit.

4. If the sponsor has signed an affidavit for more than one alien, prorate the income from 3. above among the sponsored aliens.

5. Review the income of the sponsor and spouse at each application, recertification, and reported change in situation.

**D. Battered Aliens** If it is determined that the sponsored alien has been battered by a spouse, parent, or member of the spouse or parent's household, and the battering is the reason the alien is seeking assistance, do not count the sponsor's (or spouse's) income for 12 months. After the initial 12 months, deeming from the sponsor will be permanently eliminated provided the battery was recognized by a judge or administrative law judge in a court order or by a prior determination of Immigration and Naturalization Service (INS).

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Also, it is required that the battered individual no longer live in the same household as the batterer and the battered individual's FNS unit must continue to need assistance as a substantial result of the battery. The battered individual must provide verification of being battered and of having petitioned INS for permanent resident status. These provisions do not apply if the battered individual lives with the batterer.

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# When in Doubt, Reach Out

**When you have questions about sponsor income. A Continuous Quality Improvement Specialist (CQIS) will provide the appropriate guidance for the case situation.**

**Please send one question per DSS-9000 to [DSS.Policy.Questions@dhhs.nc.gov](mailto:DSS.Policy.Questions@dhhs.nc.gov), include the policy section(s) researched, case number, and upload supportive document to NC FAST. Please no encrypted emails.**