



# **Sponsor Deeming & Sponsor Liability: What You Need to Know**

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# What is Sponsor Deeming?

- Sponsor: Someone who agrees to sponsor an immigrant, by signing an “affidavit of support,” Form I-864
- Sponsor Deeming: When a public agency considers the sponsor’s income and resources toward the sponsored immigrant applying for public benefits
  - Impact: Sponsored immigrants may be found ineligible for benefits based on the counting of the sponsor’s income and resources

# What is the “Affidavit of Support?”

An affidavit of support is a contract a sponsor signs agreeing to use their resources to support the the sponsored immigrant

- The sponsor is committing to:
  - provide financial support to maintain the sponsored immigrant at an income of at least 125% of FPL
  - repay the government for the cost of certain public benefits used by the sponsored immigrant when the affidavit of support is in effect, known as “sponsor liability”

# Who Does Sponsor Deeming Apply to?

- Primarily applies to people immigrating on family visas, some employment visas as well
- Does not apply to humanitarian entrants (e.g., refugees)
- Applies to “means-tested” public benefits including TANF, SNAP, SSI, and low-income Medicaid

# How Long Do These Responsibilities Last?

- The affidavit of support goes into effect when the sponsored immigrant becomes a lawful permanent resident (“green card holder”)
- For Federal benefits, the responsibility for financial support lasts until the sponsored immigrant:
  - becomes a U.S. citizen
  - is credited with 40 quarters of work (typically 10 years)
  - passes away
  - leaves the U.S. permanently
- For Washington state benefits, sponsor deeming ends 5 years after the sponsored immigrant obtains a green card
- Divorce of a sponsored immigrant from a sponsor does not end the sponsorship obligation

# Exceptions to Sponsor Deeming

- Immigrants who are survivors of domestic violence or “extreme cruelty”
- Immigrants who would go homeless or hungry without benefits (at or below 130% FPL)
- For the SNAP program:
  - Deeming does not apply to children
  - There is no sponsor liability if the sponsor is receiving SNAP
- Deeming does not apply when calculating a sponsored immigrant’s tax credits and subsidies under the ACA
- Deeming does not apply if the sponsored immigrant is in the same assistance unit as sponsor

# Memo on Sponsor-Deeming

- On May 23, 2019 President Trump released a memorandum on sponsor-deeming requesting federal agencies to report on their enforcement practices and potential expansion of sponsor deeming
- Nothing has changed yet!
- More information will be available later in August or early September
- Concerns include:
  - Chilling effect on immigrants accessing benefits and on individuals willing to become sponsors
  - Potential expansion of benefits considered in sponsor liability
  - Change in enforcement practices

# Resources

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## For more information see:

- <https://www.nilc.org/wp-content/uploads/2019/05/sponsor-liability-FAQ.pdf>
- <http://www.i-864.net/blog/what-is-sponsorship-deeming>
- <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

## The Memorandum:

- <https://www.whitehouse.gov/presidential-actions/memorandum-enforcing-legal-responsibilities-sponsors-aliens/>



# Thank You!

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