Sponsor Deeming & Sponsor Liability: What You Need to Know

Jessica Looker
Northwest Health Law Advocates
August 2, 2019
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 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
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

For more information see:

- http://www.i-864.net/blog/what-is-sponsorship-deeming

The Memorandum:

Thank You!
Jessica Looker
Summer Intern, 2019
Northwest Health Law Advocates
206-325-6464
www.nohla.org

Questions? Email: huma@nohla.org