**Section 121.55 Sponsors of Aliens**

a) A sponsor is a person who signed an affidavit or other statement accepted by the U.S. Citizenship and Immigration Service (USCIS) agreeing to support an alien as a condition of the alien's admission for permanent residence. A sponsor is an individual, not an organization. Portions of sponsor's income and assets are deemed available to the alien for three years after the alien's date of entry into the United States (see subsection(i)). The alien's date of entry is the date established by USCIS as the date the alien was admitted for permanent residence in the United States. The following individuals are excluded from the provisions of this Section:

1) an alien who is participating in SNAP as a member of his or her sponsor's household;

2) an alien whose sponsor is participating in SNAP separate and apart from the alien;

3) an alien who is sponsored by an organization or group, as opposed to an individual; or

4) an alien who is not required to have a sponsor under the Immigration and Nationality Act (8 USC 1101(a)(15) and 1101(a)(20)). This includes but is not limited to a refugee, a parolee, one granted asylum and a Cuban or Haitian entrant.

b) Certain amounts of the gross income and assets of the sponsor or sponsor's spouse, if they live together, are deemed available (see subsection (j)) as unearned income and assets of the individual alien applying for or receiving SNAP benefits if:

1) the sponsor signed an affidavit of support or a similar agreement on or after February 1, 1983, assuring the alien will not become a public charge; and

2) the alien has been a resident of the United States for less than three years.

c) The gross income and assets of the sponsor's spouse, if living with the sponsor, will be counted even if the sponsor and spouse married after the agreement was signed (see subsection (i)).

d) The gross income of the sponsor and the sponsor's spouse will be counted even if the sponsor claims to have given up sponsorship responsibility.

e) Sponsorship Duration

1) The sponsorship responsibility continues until:

A) the three-year sponsorship period expires; or

B) the alien obtains a new sponsor; or

C) the sponsor dies.

2) When the alien obtains another sponsor, the Department will recalculate deemed income/assets using the new sponsor's income and assets.

f) If two or more aliens are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the aliens applying for or receiving SNAP benefits.

g) Alien Responsibility

1) It is the responsibility of the alien to:

A) provide the Department with any information or documentation necessary to determine the income and assets of the sponsor (e.g., pay stubs of earned income, checking and saving account statements);

B) obtain the necessary cooperation (in accordance with Section 121.5) of the sponsor in determining the amount of the sponsor's available income;

C) provide the Department with the names of other aliens that the sponsor has signed an agreement to support, for the purpose of prorating the sponsor's deemed income;

D) report any changes in the sponsor's income, source of income, assets and number of dependents that directly affect the eligibility and benefit level of the alien;

E) report a change in sponsors and all required information regarding the new sponsor's income, spouse, assets and dependents;

F) report the death of the sponsor.

2) The alien is not eligible until income/asset information is received. However, if the alien or the alien's sponsor receives TANF, the information concerning the sponsor's income and assets is taken from the TANF case record.

h) Department's Responsibility

Obtain from the alien, the alien's spouse, the sponsor or the sponsor's spouse, or from the TANF record, and document:

1) The gross income and assets of the alien's sponsor and the sponsor's spouse (if living with the sponsor) for the fiscal month of the alien's application for SNAP benefits.

2) The names of other aliens for whom the sponsor has signed an affidavit of support or similar agreement, for the purpose of prorating the sponsor's deemed income.

3) The provision of the Immigration and Nationality Act under which the alien was admitted.

4) The date of the alien's entry or admission as a lawful permanent resident, as established by USCIS.

5) The alien's date of birth, place of birth and alien registration number.

6) The number of dependents claimed or that could be claimed for federal income tax purposes by the sponsor and the sponsor's spouse (if living with sponsor).

7) The name, address and phone number of the alien's sponsor.

i) Determination of a Sponsor's Available Income

The income of the sponsor and the sponsor's spouse (if they live together) includes all gross income except for exempt income listed in Sections 121.31 and 121.50. Income deemed available from the sponsor and the sponsor's spouse is budgeted monthly. If the sponsor and/or the sponsor's spouse receive income on a yearly basis, the income is divided by 12 to arrive at the monthly amount of income to deem available to the alien.

1) Determine the gross earned income of the sponsor and the sponsor's spouse for the fiscal month of application.

2) Determine net earned income by multiplying the total gross earned income by 80%.

3) Add the unearned income of the sponsor and sponsor's spouse to the net earned income.

4) Deduct the Gross Monthly Income Eligibility Standard for a household equal in size to the sponsor, the sponsor's spouse and any other person claimed or that could be claimed by the sponsor or the sponsor's spouse for income tax purposes.

5) Income remaining is deemed available to the alien.

6) Divide the sponsor's deemed income by the number of named aliens who apply for or participate in SNAP.

7) Determine the sponsor's and the sponsor's spouse's income using prospective budgeting in accordance with Section 121.92.

j) Determination of Sponsor's Assets

The total amount of assets available to the alien is the total of non-exempt assets of the sponsor and the sponsor's spouse minus $1,500. If the individual is sponsoring more than one alien, divide the deemed assets (see Section 121.57) by the number of named aliens who apply for or participate in SNAP.

k) Overissuance Due to Incorrect Sponsor Information

1) The sponsor and/or the alien is responsible for repayment of overissuance of benefits as a result of incorrect information provided by the sponsor. If the alien's sponsor had good cause or was without fault (see Section 121.200(b)) for supplying incorrect information, the alien's household is responsible for repayment.

2) If the sponsor did not have good cause, the Department will decide whether to establish a claim for overissuance against the sponsor or alien, or both (see Sections 121.200(a) and 121.150 through 121.154).

(Source: Amended at 34 Ill. Reg. 7265, effective May 10, 2010)