

IMMIGRANT SPONSORS & PUBLIC BENEFITS

Updated January 2020

Even if a person sponsored you to come to the US, you may qualify to receive public benefits like Medicaid or SNAP (“food stamps”). Here are a few frequently asked questions on access to public benefits for immigrants with sponsors

What is a sponsor? A sponsor is a person who helped an immigrant become a lawful permanent resident (LPR or “green card holder”) by signing a document called an “affidavit of support.” Most sponsors are family members.

What is an affidavit of support?

An affidavit of support is a contract signed by sponsors to show that the immigrant they are sponsoring is not likely to become a “public charge.” The contract explains that a sponsor’s income can be counted as income available to the immigrant if the immigrant seeks certain government services. Through the affidavit of support, a sponsor also agrees to repay the government if the sponsored immigrant uses certain benefits, although in practice the government rarely has pursued reimbursement.

Are sponsors responsible for benefits used by the immigrant’s U.S. citizen children?

No. Sponsors are not responsible for benefits used by the sponsored immigrant’s citizen children or by any other “non-sponsored” family members.

How long is a sponsor obligated to provide support to an immigrant?

A sponsor’s responsibility begins when the sponsored immigrant becomes a lawful permanent resident (gets a green card) and ends when the immigrant: becomes a U.S. citizen, leaves the U.S. permanently, dies, or has credit for 40 quarters (10 years) of work in the U.S. Immigrants can get credit for their parents’ or spouse’s quarters of work, in addition to their own.

Does a sponsor’s income count when the immigrant applies for public benefits?

Sometimes. Some portion of a sponsor’s income and resources may be considered, or “deemed” to be available to the sponsored immigrant when he or she applies for certain public benefits, such as SNAP/food stamps, TANF, SSI and sometimes Medicaid/CHIP. Recent guidance told states that they will need to deem sponsors’ income in Medicaid and CHIP (with some exceptions), but it will take time for most states to create a process to do this.

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There are exceptions to the deeming rules. Exceptions to the deeming rules may apply, depending on the benefit program and the state you live in. Children are not subject to deeming when applying for SNAP (food stamps). Sponsored immigrants who would become hungry or homeless without assistance can be exempt from deeming for at least 12 months. SNAP and SSI have specific rules for making this determination. Sponsored immigrants or their children who are survivors of abuse or cruelty by a spouse, parent, or member of the spouse's or parent's family can also be exempt from deeming for at least 12 months. In [states](#) that choose to provide Medicaid and CHIP to lawfully residing children and/or pregnant women without a five-year waiting period, a sponsor's income is not deemed to be available to them when they apply for those programs. Immigrants can also get emergency Medicaid without consideration of their sponsor's income.

Which government programs might require a sponsor to repay the government?

A sponsor may be held responsible for paying back the use of certain "federal means-tested public benefits." Those benefits are:

- Non-emergency Medicaid,
- Children's Health Insurance Program (CHIP),
- Supplemental Nutrition Assistance Program (SNAP or "food stamps"),
- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF).

Sponsored immigrants rarely participate in those programs because most are not eligible to receive these federally-funded benefits for at least five years after becoming a lawful permanent resident (LPR). In addition, the government has not made enforcing sponsor liability a priority because it is a burdensome process and applies to only a small percentage of their cases.

There are some important exceptions to the requirement for repayment. Some states offer Medicaid and CHIP to lawfully residing children and pregnant women without the 5-year waiting period. In those states, sponsors cannot be required to repay the cost of those health services. Sponsors who are receiving SNAP benefits themselves do not need to repay the cost of food stamps received by the sponsored immigrant.