**Section 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96**

a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsor signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA) (8 USCA 1183A).

b) This Section applies to all non-citizens except the following:

1) persons granted asylum by the U.S. Attorney General under Section 208 of the INA (8 USCA 1158);

2) persons admitted as Cuban or Haitian entrants;

3) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA (8 USCA 1157); and

4) persons whose deportation is being withheld under Section 243(h) of the INA (8 USCA 1253(h)).

c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying for or receiving AABD MAG assistance if:

1) the sponsor signed an Affidavit of Support under Section 213A of the INA assuring that the non-citizen would not become a public charge;

2) the sponsor is not a recipient of TANF, SSI or SSP; and

3) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency, or public organization or agency.

e) The sponsor's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.

h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

1) Determination of Sponsor's Available Income

A) The Department shall disregard 20 percent, not to exceed $175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) The Department shall add the unearned income of the sponsor and spouse if they live together.

C) The Department shall deduct the appropriate federal poverty level, as defined in 89 Ill. Adm. Code 112.155(b), for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

D) The Department shall deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.

E) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department shall deduct the income from the appropriate AABD Assistance Standard (see Section 113.245).

F) The Department shall subtract any alimony or child support paid to individuals not living with the sponsor.

2) Any remaining income is applied to the needs of the non-citizen.

3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen is $2000. The same assets are exempt as for an AABD case as provided in Section 113.141.

i) If nonexempt assets of a sponsor of a non-citizen are more than the $2,000 disregard (for a sponsor and spouse residing together, $3,000; for a sponsor living with two or more dependent family members, $3,000 for the sponsor and one dependent plus $50 for each additional dependent), the amount over the disregard shall be considered as available to the non-citizen.

j) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (P.L. 104-193).

(Source: Added at 23 Ill. Reg. 6052, effective May 4, 1999)