

## Sponsored Non-Citizens

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#### I. Summary

The information in this handbook covers processes that were previously detailed in the General Assistance (GA) regulations. Process information was moved from the regulations to handbooks. All sponsored non-citizens applying for GA, who have been in the US for less than three years, must provide information regarding their sponsors. The sponsor has a legal liability to assist with the sponsored non-citizen's support. The sponsor's income and resources may be deemed available to the sponsored non-citizen when determining eligibility for GA. Non-citizens who have been abandoned by their sponsor are not subject to income or resource deeming.

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#### II. General

Sponsors of non-citizens sign an affidavit of support to provide the sponsored individual financial support. The California Welfare and Institutions Code has limited the support liability period to three years from the sponsored non-citizen's date of entry when evaluating eligibility for General Assistance/General Relief programs. Within the three-year period, a sponsor's income and resources are considered available to meet the needs of the sponsored non-citizen. When the sponsor is married and resides with their spouse, the income and resources of the spouse are also considered available to the sponsored individual.

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### III. Specifics

The sponsored non-citizen must provide information on their sponsor's name, address, and other contact information. The ET must provide the non-citizen with the Sponsor's Statement of Facts, QR 22. The ET should inform the non-citizen that the sponsor will need to complete and return the Sponsor's Statement of Facts. The sponsor must verify their household income, resources, and status to determine the non-citizen's eligibility for GA.

**NOTE:**

The sponsor's household income may be partially deemed as income to the non-citizen; refer to Handbook 90-05-15, Treatment of Income and Grant Computations, for the deemed income computation.

#### A. Sponsored Non-Citizen's requirements

1. A sponsored non-citizen must document when they entered the US. If they have been in the US less than three years, they must provide the name and address of their sponsor.
2. A Sponsor's Statement of Facts, QR 22, must be given to the non-citizen to provide to the sponsor. This document needs to be returned before a determination of eligibility can be made.
3. If the non-citizen alleges that their sponsor has abandoned them, a determination of abandonment must be made prior to any denial or discontinuance action.

#### B. Sponsor's requirements

1. The QR 22 must be completed and returned by the sponsor. Documentation of income must be provided with the Statement.

**NOTE:** This form indicates that sponsors will not need to complete Questions 4 to 13 when the noncitizen is applying for cash aid only. **The Eligibility Technician (ET) will need to inform the noncitizen or sponsor that the entire form needs to be completed for a GA only application.**

2. The sponsor must provide a Sponsor's Quarterly Report, QR 72, to document all changes in the sponsor's income and household.
3. If any of the above documentation is not provided, a determination of possible abandonment must be made prior to any denial or discontinuance. See Sections D and E.

#### C. Sponsor's Resources

1. Any property of an SSI sponsor, or an SSI spouse, is exempt.
2. The first \$1500 of property or the first \$4500 of one car per adult in the sponsor's household, when used for work, is exempt.

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3. All remaining property will be evaluated per the GA property regulations, as if the sponsor's household was applying for GA.
4. Any property that is considered available to the sponsor is also available to the sponsored non-citizen. The non-citizen will be ineligible for GA when the available resources, including any deemed property, exceeds the property limit.
5. If the sponsor is sponsor to more than one non-citizen, the resources will be divided by the number of sponsored non-citizens. This is the resource amount to be deemed available to the applicant/ recipient non-citizen.

### **D. Abandonment**

A sponsor is considered to have abandoned a non-citizen when the sponsor has:

- Abused the non-citizen.
  - Battered the non-citizen.
  - Neglected the non-citizen.
  - Is refusing to provide support.
- or
- Other circumstances where the sponsor is failing to provide for the sponsored non-citizen (such instances will be determined on a case-by-case basis).  
Documenting abandonment will depend on the individual's situation and may include, but is not limited to:
    - Police reports.
    - Physician or Mental Health Clinician's reports.
    - Social Worker statements.
    - Other service agency reports.
- or
- Contacts with other individuals who are familiar with the individual's circumstances.

### **E. Sponsor's Failure to Provide**

In cases where the sponsor does not provide the required QR 22, the non-citizen's eligibility should not be denied or discontinued for the sponsor's lack of action. The non-citizen must be contacted to clarify their circumstances. A determination of possible abandonment should be made based on the non-citizen's response.

1. If the non-citizen indicates they are in a situation listed in Section D, or that they have other circumstances that establish they have been abandoned, their eligibility will not be affected. Documentation of the individual's circumstances must be provided to verify the abandonment. If abandonment is found, document the determination in the case record. Do not apply deeming when determining eligibility.
2. If the non-citizen indicates that the sponsor is continuing to provide support, but that a financial need still exists, a referral to the Program Integrity Division or Social Worker

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may be required to determine the non-citizen's, and sponsor's, circumstances and/or needs.

### F. Applicant/ Recipient Notification

1. When an applicant or recipient is subject to deeming, whether for resources or income, notice must be mailed indicating the amount deemed from the sponsor.
2. Any income deemed must provide the calculation of the deeming. This information must be added to the notice, whether for approval or denial, as there is no specific notice regarding deemed income for GA.

**DO NOT USE STATE NOTICE NA 215;** this uses a different computation for deemed income. The Notice uses the CalWORKs Minimum Basic Standard of Care (MBSAC) for the sponsor's household and dependents total persons number. However, GA uses the CalWORKs Maximum Aid Payment (MAP) for the household and dependents total.

### EXAMPLES:

- Ms. Ji Hong is a sponsored non-citizen. She entered the US fourteen (14) months ago. She is sponsored by her brother, John Hong. Her brother lives with his wife, his two children, and his mother-in-law. Both the wife and mother-in-law are unemployed, though Mr. Hong works. He claims he can no longer support his sister. He owns a car and a Certificate of Deposit (CD). His CD has a value of \$14,000 and is available to cash in the current month. His wife also has a CD with a value of \$18,000; there is a penalty of \$1500 for early withdrawal. Ms. Hong is not eligible due to excess resources from the combined deemed property. The car is exempt, as Mr. Hong works, and one car is exempt per working adult. However, the funds in both CDs, less \$1500, will count to the property limit. The total deemed resources are \$30,500, and exceed the \$1000 GA property limit.
- Mr. Giorgi Kadagishvili entered the US two (2) years ago, as a sponsored non-citizen by his brother-in-law, Robert Smith. He was a carpenter for six years in Georgia before he came to the US, but due to limited English, is unable to work. Mr. Smith was helping Mr. Kadagishvili with training and English class expenses. Mr. Kadagishvili's sister, Nina Smith, passed away suddenly from an acute illness two months ago. Mr. Smith has left repeatedly on business trips since his wife's demise, frequently for a week or more. He allows Mr. Kadagishvili to stay in the house, but does not buy food for Mr. Kadagishvili and is no longer helping with training. Mr. Smith also turns off the gas to the stove while out of town. When Mr. Smith is at home, he avoids contact with Mr. Kadagishvili. Mr. Smith has not returned the Sponsor's Statement of Facts, and is not returning calls to the ET. Mr. Smith's mother provided a written statement reporting that Mr. Smith is failing to support Mr. Kadagishvili now. She added that Mr. Kadagishvili needs help with improving his English so that he can get a job; he has done excellent carpentry work for her. She is willing to let Mr. Kadagishvili stay with her, if he pays rent. Based on the weight of information, Mr. Kadagishvili has been

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abandoned by his sponsor; his application should be processed without considering any deeming.

- Hudad Al Ghargosh entered the US thirty-three (33) months ago, as a sponsored non-citizen. His cousin, Shahid Al Quyarshi, is his sponsor. Mr. Al Quyarshi is now retired. He is waiting for his pension to begin and has limited funds to assist Mr. Al Ghargosh. Mr. Al Ghargosh worked at a part-time job until four months ago. He received Unemployment, which has now stopped. Mr. Al Quyarshi owns one car with a value of \$3950 and has a bank account with less than \$1400. As Mr. Al Quryashi is not working, the car is not exempt. The bank account is under the \$1500 allowed if car values are not exempted, and the car is under the excluded value for GA. Mr. Al Ghargosh has no deemed property.
- See Handbook 90-05.15, Treatment of Income and Grant Computations, for non-citizen deemed income examples.

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## IV. References

9-1-2, 9-1-7.5, 9-1-9.4, 9-3-3.3, 9-3-7.7, 9-5-3.35

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