



Ohio Administrative Code

Rule 5101:4-6-31 Food assistance: sponsored aliens.

Effective: June 1, 2021

This rule sets forth who is a sponsored alien, when a sponsor's income and resources are counted to determine eligibility and the county agency's responsibilities.

(A) Who is a sponsored alien?

A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (INS form I-864 or I-864A) (10/2019) with the United States citizenship and immigration services (USCIS) on behalf of the alien pursuant to section 213A of the Immigration and Nationality Act of 1952.

(B) When is the income and resources of the alien's sponsor and sponsor's spouse counted?

The county agency must attribute a portion of the sponsor and sponsor's spouse's income and resources until the alien gains U.S. citizenship, has worked or can receive credit for forty qualifying quarters of work as described in rule 5101:4-3-07 of the Administrative Code, or the sponsor dies.

(C) What portion of the sponsor and sponsor's spouse's income is attributed to the sponsored alien?

(1) A portion of the sponsor and sponsor's spouse's monthly income shall be counted as unearned income to the sponsored alien's assistance group. The monthly income of the sponsor and the sponsor's spouse shall be determined in accordance with rules 5101:4-4-19 and 5101:4-4-13 of the Administrative Code at the time the assistance group containing the sponsored alien applies or is recertified minus the deductions listed as follows:

The county agency shall:

(a) Apply the twenty per cent earned income deduction to the earned income of the sponsor and the sponsor's spouse; and



(b) Subtract an amount equal to the monthly gross income standard for an assistance group equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or who could be claimed by the sponsor or the sponsor's spouse as a dependent for federal income tax purposes.

(2) The county agency shall consider as income to the alien any money the sponsor or the sponsor's spouse pays to the eligible sponsored alien, but only to the extent the money exceeds the amount attributed to the sponsored alien in accordance with paragraph (C)(1) of this rule.

(3) When the alien has already reported gross income information for his or her sponsor in compliance with Ohio works first (OWF) sponsored alien rule 5101:1-2-35 of the Administrative Code, the county agency may use that income amount for the supplemental nutrition assistance program (SNAP).

(D) What portion of the sponsor and sponsor's spouse's resources are attributed to the sponsored alien?

The county agency must attribute the total amount of the resources of the sponsor and the sponsor's spouse as determined in rule 5101:4-4-01 of the Administrative Code reduced by fifteen hundred dollars.

(E) How are the income and resources of the sponsor and sponsor's spouse attributed when he or she sponsors multiple aliens?

When a sponsored alien can demonstrate to the county agency's satisfaction that his or her sponsor is the sponsor of other aliens, the county agency shall divide the income and resources attributed under paragraphs (C) and (D) of this rule by the number of such sponsored aliens.

(F) When are the sponsor and sponsor's spouse's income and resources not attributed to the sponsored alien?

The county agency shall not attribute a portion of a sponsor and sponsor's spouse's income or resources when the sponsored alien is:



- (1) An alien who is a member of his or her sponsor's assistance group.

- (2) An alien who is sponsored by an organization or group as opposed to an individual.

- (3) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as a refugee, a parolee, an asylee, or a Cuban or Haitian entrant.

- (4) An ineligible alien as described in rule 5101:4-3-07 of the Administrative Code.

- (5) An indigent alien that the county agency has determined is unable to obtain food and shelter taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor(s).
 - (a) For purposes of this paragraph, the phrase "is unable to obtain food and shelter" means that the sum of the eligible sponsored alien's assistance group's own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide, does not exceed one hundred thirty per cent of the federal poverty income guideline for the assistance group's size. In accordance with rule 5101:4-4-11 of the Administrative Code, the one hundred thirty per cent of the federal poverty income guideline amounts are issued through a food assistance change transmittal and adjusted annually.

 - (b) The county agency must determine the amount of income and other assistance provided in the month of application. When the alien is indigent, the only amount that the county agency shall attribute to such an alien will be the amount actually provided for a period beginning on the date of such determination and ending twelve months after such date. Each indigence determination is renewable for additional twelve-month periods.

- (6) A battered alien spouse, alien parent of a battered child, or child of a battered alien, for twelve months after the county agency determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer. After twelve months, the county agency shall not attribute the batterer's income and resources when the battery is recognized by a court or the USCIS and has a substantial connection to the need for benefits (for guidance, see



the department of justice interim guidance published on November 17, 1997 (62 C.F.R. 61344)), and the alien does not live with the batterer.

(7) A child who is under eighteen years of age.

(G) What are the responsibilities of the sponsored alien?

(1) Obtaining the cooperation of the sponsor and sponsor's spouse and for providing the county agency at the time of application and reapplication with the information and documentation necessary to calculate deemed income and resources.

(2) Providing the names and other identifying factors of other aliens for whom the alien's sponsor has signed an affidavit of support. The county agency shall attribute the entire amount of income and resources to the sponsored alien until he/she provides the information in this paragraph.

(3) Reporting the required information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period and for reporting a change in income should the sponsor or the sponsor's spouse change, lose employment or die during the certification period. Such changes shall be handled in accordance with timeliness standards and procedures described in rule 5101:4-7-01 of the Administrative Code.

(H) What are the responsibilities of the county agency?

(1) The county agency shall notify the state agency when it determines a sponsored alien is indigent, including the names of the sponsor and sponsored alien involved, so the information can be forwarded to the attorney general.

(2) The county agency shall exclude any sponsor who is participating in SNAP from any demand for restitution as set forth in 8 C.F.R. 213a.4(a) (8/2011) for the value of SNAP benefits issued to an eligible sponsored alien he or she sponsors.

(I) What happens when the sponsored alien does not cooperate with providing necessary information and verifications?



- (1) Until the sponsored alien provides information or verification necessary to carry out the provisions of this rule and meets the provisions described in rule 5101:4-2-01 of the Administrative Code, the sponsored alien is ineligible. The county agency shall determine the eligibility of any remaining assistance group members. The county agency shall consider the income and resources of the ineligible alien (excluding the income and resources of the alien's sponsor and the sponsor's spouse) in determining the eligibility and benefit level of the remaining assistance group members.
- (2) When the county agency subsequently receives the information or verification, it shall act on the information as a reported change to the assistance group members in accordance with the provisions of rule 5101:4-7-01 of the Administrative Code.
- (3) When the same sponsor is responsible for the entire assistance group, the entire assistance group is ineligible until such time as the assistance group provides the needed sponsor information or verification. The county agency shall assist aliens in obtaining verification in accordance with the provisions of rule 5101:4-2-09 of the Administrative Code.