



## Ohio Administrative Code

### Rule 5160:1-2-12.1 Medicaid: sponsored non-citizens.

Effective: February 15, 2026

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(A) This rule describes the requirement to deem income and resources from a sponsor to a non-citizen, exemptions from the sponsor deeming requirement, and the process for calculating the amount of income and resources to deem.

(1) In accordance with 8 U.S.C. 1182 (as in effect October 1, 2024), certain non-citizens seeking lawful permanent resident (LPR) status are required to provide an affidavit of support from a sponsor(s). A sponsor must agree to assume financial support for the non-citizen.

(2) When determining the non-citizen's eligibility for medical assistance, the income and resources of the sponsor and the sponsor's spouse, when the spouse also signed an affidavit of support, must be counted.

(3) Divorce does not end the sponsorship obligation.

(4) Deeming of income and resources applies regardless of whether the sponsor and the sponsored non-citizen live in the same household or whether the sponsor actually provides support to the sponsored non-citizen.

(B) Definitions. For the purposes of this rule:

(1) "Allocation" means an amount deducted from income subject to deeming, which is considered to be set aside for the support another individual.

(2) "Child" means an individual under age eighteen who lives in a household with one or both parents and who is neither married nor the head of household. The deeming of parental income applies through the month in which the child attains eighteen years of age. A child's income and resources are never deemed to parent(s) or sibling(s).



- (3) "Deemed income" means income attributed to another person whether or not the income is actually available to the person to whom it is deemed.
- (4) "Deemed resources" means resources attributed to another person whether or not the resource is actually available to the person to whom they are deemed.
- (5) "Eligible child" means a child in the household who has applied for non-modified adjusted gross income (MAGI) medical assistance and meets all the applicable non-financial and income eligibility criteria.
- (6) "Ineligible parent," for the purpose of non-MAGI determinations, means an eligible child's parent who has not applied for non-MAGI medical assistance.
- (7) "Ineligible spouse," for the purpose of non-MAGI determinations, means the member of the married couple who has not applied for non-MAGI medical assistance.
- (8) "Parent" means a natural, adoptive, or stepparent living in the same household as the eligible child. For the purpose of non-MAGI determinations, the income of a stepparent who lives with the eligible child is deemed to the child only when the natural or adoptive parent also lives in the household with the stepparent and the child. When the natural or adoptive parent divorces a stepparent and the child is living with the stepparent, the stepparent is not considered a parent or spouse for deeming purposes.
- (9) "Sponsor" means an individual who signs an affidavit of support agreeing to assume financial support of a sponsored non-citizen as a condition of the non-citizen's admission for permanent residence in the United States. A sponsored non-citizen may have more than one sponsor. For deeming purposes, a sponsor does not include an organization such as the congregation of a church, a service club, or an employer who only guarantees employment for a non-citizen upon entry but does not sign an affidavit of support.
- (10) "Sponsored non-citizen" means an individual lawfully admitted for permanent residence in the United States who is supported by a sponsor(s). Such an individual has applied for medical assistance and meets all the applicable non-financial eligibility criteria.



(11) "Spouse" means a person who is legally married to another under Ohio law.

(C) The following non-citizens, even when they have sponsors who signed an affidavit of support, are not subject to the sponsor deeming requirements:

(1) A non-citizen being determined for non-citizen emergency medical assistance (NCEMA) as described in rule 5160:1-5-06 of the Administrative Code.

(2) A lawfully residing pregnant woman or lawfully residing woman within the postpartum period as defined in rule 5160:1-1-01 of the Administrative Code.

(3) A lawfully residing child.

(4) A non-citizen who has forty qualifying work quarters or who can be credited with such quarters, as described in rule 5160:1-2-12 of the Administrative Code.

(D) The administrative agency has the responsibility to make determinations for the following two exemptions to the sponsor deeming requirements, in accordance with 8 U.S.C. 1631(e) and 1631(f) (as in effect October 1, 2024):

(1) A victim who has been battered or subjected to extreme cruelty.

(a) None of the sponsor's income or resources are counted when determining the non-citizen's eligibility when this exemption applies.

(b) The initial exemption is in effect for twelve months from the date the administrative agency makes the determination of abuse or cruelty. The exemption can be extended only when the battery or extreme cruelty is recognized by the department of justice, an administrative law judge, or the United States department of homeland security (DHS).

(2) An indigent non-citizen.



(a) A non-citizen is considered indigent when all of the following conditions are met:

(i) The non-citizen is not living with a sponsor;

(ii) The non-citizen's total income received is less than the current supplemental security income (SSI) federal benefit rate (FBR); and

(iii) The resources available to the non-citizen are under the applicable resource limit for an individual as described in rule 5160:1-3-05.1 of the Administrative Code.

(b) A non-citizen will not be granted an indigent exemption when living with a sponsor, as it is assumed the sponsor is providing food and shelter.

(c) When a non-citizen is determined to be indigent, beginning on the date the determination is made, only the actual amount of income and resources provided by the sponsor to the non-citizen is counted for twelve months.

(d) The administrative agency may extend this exemption for additional twelve-month periods but must make a new indigency determination for each period.

(e) When the administrative agency has determined a sponsored non-citizen to be indigent, the agency must provide written notice to DHS, including the name of the non-citizen and the sponsor.

(f) The administrative agency must notify the sponsored non-citizen that a finding of indigence will be reported to DHS so the non-citizen can decide whether or not to request consideration for the indigence exemption.

(E) Deeming of income.

(1) MAGI-based eligibility.

(a) When the non-citizen is not claimed as a tax dependent of the sponsor or when the sponsor claims the non-citizen as a tax dependent but is not the spouse or parent of the non-citizen, any cash



contributions given to the non-citizen are considered countable unearned income.

(b) When the sponsor is the spouse or parent of the non-citizen, the household composition and income calculations as described in rule 5160:1-4-01 of the Administrative Code must be followed.

(2) Non-MAGI-based eligibility.

(a) When a non-citizen is sponsored by an ineligible spouse or ineligible parent(s), apply spouse-to-spouse or parent-to-child income deeming calculations as described in rule 5160:1-3-03.3 of the Administrative Code.

(b) When a non-citizen has a sponsor and has an ineligible spouse or ineligible parent(s) who is not the individual's sponsor, apply both sponsor-to-non-citizen income deeming as described in this rule and spouse-to-spouse or parent-to-child income deeming calculations as described in rule 5160:1-3-03.3 of the Administrative Code.

(c) When a non-citizen is sponsored by an individual who is not a spouse or parent, follow the sponsor-to-non-citizen income deeming process as follows:

(i) Items described in 20 C.F.R. 416.1161 (as in effect October 1, 2024) are not considered countable income for the deeming process.

(ii) Total all countable earned and unearned income of the sponsor.

(iii) Deduct the appropriate allocation as follows from the total countable income for each sponsor, each sponsor's spouse, and each child of each sponsor.

(a) The allocation amount for each sponsor is the current SSI FBR for an individual.

(b) The allocation amount for each sponsor's spouse and each child of each sponsor is one-half of the current SSI FBR for an individual.

(iv) The remaining amount of income is deemed to the sponsored non-citizen as unearned income.



(v) When there are multiple non-citizens who are sponsored by the same individual, the deemed amount is applied in full to each sponsored non-citizen.

(vi) Combine the sponsored non-citizen's unearned (including the deemed income) and earned income, applying all appropriate exclusions, such as the twenty dollar general income exclusion, listed in rule 5160:1-3-03.2 of the Administrative Code.

(vii) When the resulting countable income of the sponsored non-citizen is less than or equal to the current income standard for an individual for the specific non-MAGI category, the sponsored non-citizen is financially eligible for medical assistance.

(F) Deeming of resources.

(1) Resources will only be deemed from a sponsor when the non-citizen is seeking eligibility for a category of medical assistance where individuals are subject to a resource limit.

(2) When a non-citizen is sponsored by an ineligible spouse or ineligible parent(s), apply spouse-to-spouse or parent-to-child resource deeming calculations as described in rule 5160:1-3-05.20 of the Administrative Code.

(3) When a non-citizen has a sponsor and also has an ineligible spouse or ineligible parent(s) who is not the individual's sponsor, apply both sponsor-to-non-citizen resource deeming as described in this rule and spouse-to-spouse or parent-to-child resource deeming calculations as described in rule 5160:1-3-05.20 of the Administrative Code.

(4) When a non-citizen is sponsored by an individual who is not a spouse or parent, follow the sponsor-to-non-citizen resource deeming process as follows:

(a) Combine the resources of the sponsor (and sponsor's spouse, when applicable) and apply all appropriate exclusions described in rule 5160:1-3-05.14 of the Administrative Code.

(b) After the exclusions are applied, only the amount of the sponsor's countable resources that exceed



the applicable resource limit are deemed to the non-citizen.

(i) When the sponsor does not live with a spouse, the resource limit is two thousand dollars.

(ii) When the sponsor lives with a spouse, the resource limit is three thousand dollars.

(iii) When the sponsor lives with a spouse and the spouse is also a sponsor of the non-citizen, the resource limit is four thousand dollars.

(c) A non-citizen is not eligible for non-MAGI medical assistance when his or her countable resources plus the value of the sponsor's resources deemed to the non-citizen exceed the resource limit for an individual described in rule 5160:1-3-05.1 of the Administrative Code.