**Section 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96**

a) This Section, except as specified in Subsection (b) of this Section, applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date but whose sponsor did not sign 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 paroled under Section 212(d)(5) of the Immigration and Nationality Act (8 USCA 1182(d)(5)) (INA) for at least one year and who entered the United States before August 22, 1996;

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

3) persons admitted as Cuban or Haitian entrants;

4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA (8 USCA 1153(a)(7));

5) persons admitted as refugees by application after March 31, 1980, under Section 207(c) of the INA (8 USCA 1157(c)(1));

6) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States;

7) persons whose deportation is being withheld under Section 243(h) of the INA (8 USCA 1253(h)); and

8) MANG applicants and recipients.

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 or a similar agreement assuring that the non-citizen would not become a public charge;

2) the non-citizen has been a resident of the United States for less than three years;

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

4) 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 Department shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support 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 Department shall determine the sponsor's liability to support the non-citizen as follows:

1) Determination of Sponsor's Available Income.

A) The Department shall disregard 20%, 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) If the sponsor's children are living with the sponsor, the Department shall deduct the income of the sponsor and the sponsor's spouse and family from 3 times the applicable TANF cash payment level. The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included.

D) 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).

E) The Department shall deduct from income:

i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and

ii) any alimony or child support paid to individuals not living with the sponsor.

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

2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.

A) The asset disregard for a sponsor of a non-citizen is $2,000; for a sponsor and spouse residing together, $3,000; and 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.

B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Amended at 23 Ill. Reg. 13852, effective November 19, 1999)