10A NCAC 23E .0211   ALIEN SPONSOR DEEMING

(a) For purposes of this Rule, a "sponsored alien" means an alien who is lawfully admitted for permanent residence sponsored by an individual who has signed an Affidavit of Support required by U.S. Citizenship and Immigration Services.

(b) For purposes of this Rule, a "sponsor" means a person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the United States. The sponsor is financially responsible for the alien, and the sponsor's income shall be counted by the county department of social services in determining an alien's eligibility for medical assistance.

(c) An indigent alien shall be exempt from Paragraph (b) of this Rule if the sum of Subparagraphs (1), (2), and (3) of this Paragraph does not exceed 130 percent of the poverty income guidelines, which are incorporated by reference with subsequent amendments and editions, available free of charge at https://aspe.hhs.gov/poverty-guidelines.

      (1)   The sum of the sponsored alien's own income;

      (2)   The cash contributions of the sponsor and others; and

      (3)   The value of any in-kind assistance the sponsor and others provide the alien.

(d) The countable income of a sponsor shall be determined in accordance with Rules .0203 and .0208 of this Section and the Medicaid State Plan.

(e) The countable resources of a sponsor shall be determined in accordance with Rules .0202 and .0207 of this Section.

(f) Verification, as defined by 10A NCAC 23A .0102, by a third party shall be required for:

      (1)   sponsorship;

      (2)   a sponsor's income; and

      (3)   a sponsor's resources.

The application shall be denied if verification is not received by the processing deadline set out in 42 C.F.R. 435.912.

History Note: *Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108A-55; P.L. 104-208, Title II; P.L. 105-33, Title IV;*
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