

1 10A NCAC 23E .0211 is proposed for readoption without substantive changes as follows:

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3 **10A NCAC 23E .0211 ALIEN SPONSOR DEEMING**

4 (a) For purposes of this Rule, a “sponsored alien” ~~sponsored alien is~~ means an alien who is lawfully admitted for  
5 permanent residence sponsored by an individual who has signed an Affidavit of Support required by U.S. Citizenship  
6 and Immigration Services. ~~the Bureau of Citizenship and Immigration Services.~~

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

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

- 15 (1) The sum of the sponsored alien's own income;  
16 (2) The cash contributions of the sponsor and others; and  
17 (3) The value of any in-kind assistance the sponsor and others provide the alien.

18 (d) The countable income of a sponsor is determined in accordance with Rules .0203 and .0208 of this Section and  
19 the Medicaid State Plan. ~~Section. Rule .0206 of this Section applies for situations in which the sponsor is the spouse~~  
20 ~~or a parent.~~

21 (e) The countable resources of a sponsor ~~are~~ shall be determined in accordance with Rules .0202 ~~10A NCAC 21B~~  
22 ~~.0311 and Rule .0207 of this Section.~~

23 (f) Third party verification, as defined by 10A NCAC 23A .0102, ~~verification~~ of the following is required for:

- 24 (1) sponsorship;  
25 (2) a sponsor's income; and  
26 (3) a sponsor's resources.

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

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30 *History Note: Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; 108A-55; P.L. 104-208, Title II; ~~104-208~~; P.L.  
31 105-33, Title IV; ~~105-33~~;  
32 Temporary Adoption Eff. July 3, 2003;  
33 Eff. March 1, 2004;  
34 Transferred from 10A NCAC 21B .0410 Eff. May 1, 2012; ~~2012~~.  
35 Readopted Eff. May 1, 2019.*