

2-018.04 Deeming of Income of Sponsors of Aliens: The worker shall consider 100 percent of the income and resources of a sponsor (and sponsor's spouse, if they are living together) when determining the eligibility of an alien who applies for ADC if the sponsor has signed an affidavit of support under Section 213A of the Immigration and Nationality Act. The sponsor's income and resources will be considered available to the alien until the alien:

1. Becomes a U.S. citizen;
2. Has worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with the qualifying quarters as provided under Section 435 and the alien did not receive any federal means tested public benefit during that time period.

~~This provision does not apply to restricted medical assistance in 468 NAC 4-001.01B2a ff.
{Effective 12/27/97}~~

Exception: This provision does not apply to Medicaid-eligible pregnant women and children in 468 NAC 4-001.01B1 or to restricted medical assistance in 468 NAC 4-001.01B2a(1).

2-018.04A Definition of a Sponsor: A sponsor is an individual who -

1. Is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;
2. Is 18 years of age or older;
3. Lives in any of the 50 states or the District of Columbia; and
4. Is the person petitioning for the admission of the alien under Section 204 of the Immigration and Nationality Act.

An organization is not considered a sponsor.

{Effective 12/27/97}

2-018.04B Alien Duties: As an eligibility requirement, the alien is responsible for -

1. Providing income and resource information from the sponsor; and
2. Obtaining the necessary cooperation from the sponsor.

If the alien does not provide the necessary information, s/he is not eligible for assistance.

2-018.04C Sponsor of More Than One Alien: When an individual is a sponsor for two or more aliens who are living in the same home, the amount of deemed income and resources of the sponsor (and the sponsor's spouse, if living with the sponsor) is divided equally among the aliens.

When an individual sponsors several aliens but not all apply for assistance, the sponsor's total deemable income and resources are applied to the needs of the aliens who apply for assistance.

2-018.04D Deeming Exception: If a sponsored immigrant demonstrates that s/he or his/her child(ren) have been battered or subjected to extreme cruelty by a spouse or a parent or by a member of the spouse or parent's family who is residing in the same household as the alien, deeming may be waived if a judge, an administrative law judge, or INS recognize the battery or cruelty.

CHAPTER 4-000 NEBRASKA MEDICAL ASSISTANCE PROGRAM ~~(NMAP)~~ (MEDICAID):
~~NMAP~~ Medicaid provides medical care and services to dependent children and responsible relatives living as a family unit, who do not have sufficient income to meet their medical needs, and who qualify according to the program definitions.

4-001 Eligibility Criteria

4-001.01 Eligibility Requirements: To be eligible for ADC/MA only, the individual must meet the following requirements:

1. Face to face interview (see 468 NAC 2-001);
2. U.S. citizenship or alien status (see 468 NAC 2-002 and 468 NAC 4-001.01B1);
3. Nebraska residence (see 468 NAC 2-003);
4. Social Security number (see 468 NAC 2-004);
5. Deprivation of parental support or care (see 468 NAC 4-001.01F);
6. Relative responsibility (see 468 NAC 2-006);
7. Age requirements for dependent children (see 468 NAC 4-003);
8. Resources (see 468 NAC 4-006);
9. Income (see 468 NAC 4-007);
10. Cooperation with requirements for third party medical payments (see 468 NAC 4-002);
11. Enrollment in an available health plan (see 468 NAC 4-001.01C); and
12. Cooperation with the Child Support Enforcement Unit (see 468 NAC 4-002.07).

4-001.01A Individuals Eligible for MA Without a Separate Application: The following individuals are automatically eligible for MA without a separate eligibility determination:

1. Clients who receive an assistance grant, including clients who do not receive a payment because of the \$10 minimum payment are eligible for MA.
2. ADC/MA clients who become ineligible for an assistance payment because of increased earnings or increased hours of employment are eligible for up to 12 months of MA (see 468 NAC 4-001.01A2).
3. ADC/MA clients who become ineligible wholly or partially because of the collection or increased collection of child/spousal support are eligible for four months of MA if the case received a grant in three of the six months preceding ineligibility.

4-001.01B Individuals Ineligible for Assistance Grant But Eligible for MA: Eligibility for the following individuals is determined using eligibility requirements listed in 468 NAC 4-001.01. The worker must assess eligibility for these individuals.

1. Individuals who have resources in excess of resource limits for an ADC grant;
2. Individuals who have income in excess of budgetary standards for an ADC grant;
3. Essential children, as defined by SSI, or medical assistance only recipients;
4. Children sanctioned for failure or refusal to cooperate with Employment First;
5. Pregnant women beginning with the date of the pregnancy verification (the date of request or the date that the pregnancy is known to the agency), through the end of the second trimester; and
6. An individual who is ineligible to be included in the grant unit because of a drug-related felony conviction for an offense after August 22, 1996.
{Effective 6/28/11}

4-001.01B1 (Reserved) Medical Assistance for Certain Pregnant Woman and Children: A child or pregnant woman may be Medicaid eligible if s/he is a Nebraska resident, and is "lawfully present" in the United States. A child or pregnant woman shall be considered "lawfully present" if s/he is:

1. A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641). Specific documentation requirements for this category are set forth at 468 NAC 2-002;
2. An alien in nonimmigrant status who has not violated the terms of the status under which s/he was admitted or to which he or she has changed after admission;
3. An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than one year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;
4. An alien who belongs to one of the following classes:
 - a. Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - b. Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;

- c. Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - d. Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;
 - e. Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - f. Aliens currently in deferred action status; or
 - g. Aliens whose visa petition has been approved and who have a pending application for adjustment of status;
- 5. An alien who has a pending application for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;
 - 6. An alien who has been granted withholding of removal under the Convention Against Torture;
 - 7. A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));
 - 8. An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or
 - 9. An alien who is lawfully present in American Samoa under the immigration laws of American Samoa.

Note: See the Exception for sponsor deeming at 468 NAC 2-018.04.