

DEEMING RULES IN CALIFORNIA

Under deeming, the income and resources of an immigrant's sponsor (and the sponsor's spouse) are added to the immigrant's in determining eligibility for benefits. Deeming rules often render an immigrant "over income" for a benefit, but if the sponsor's income is very low, the immigrant may still qualify.

- Deeming rules may depend on whether the immigrant's sponsor signed the "traditional" affidavit of support (INS form I-134), or the "enforceable" affidavit of support (INS form I-864). The enforceable affidavits went into use on Dec. 19, 1997. However, some immigrants who entered the U.S. after that date have a traditional affidavit on file.
- Deeming generally does not apply to immigrants who are not required to have an affidavit of support on file, e.g., refugees, asylees, parolees, and battered spouses/children who file a "self-petition" for an immigrant visa.

PROGRAM	TRADITIONAL AFFIDAVITS (I-134)		ENFORCEABLE AFFIDAVITS (I-864)	
	Deeming Period	Exemptions	Deeming Period	Exemptions
Supplemental Security Income (SSI) In-Home Supportive Services (IHSS)(uses SSI deeming rules)	3 years	<ul style="list-style-type: none"> • Immigrant becomes blind or disabled after entry 	<ul style="list-style-type: none"> • Until citizenship, or • Credit for 40 quarters of work history 	<ul style="list-style-type: none"> • Would go hungry or homeless without benefits (12 months) • Domestic violence victim (12 months, or longer if abuse recognized by INS, ALJ, or a court)
State Cash Assistance Program for Immigrants (CAPI)	<ul style="list-style-type: none"> • 3 years if entered the U.S. before 8/22/96, or if sponsor is disabled • 10 years if entered the U.S. on or after 8/22/96 and sponsor is not disabled 	<ul style="list-style-type: none"> • Immigrant becomes blind or disabled after entry • Domestic violence victim 	• 10 years	<ul style="list-style-type: none"> • Would go hungry or homeless without benefits (12 months) • Domestic violence victim (no time limit)
Federal Food Stamps	No deeming	N/A	<ul style="list-style-type: none"> • Until citizenship, or • Credit for 40 quarters of work history 	<ul style="list-style-type: none"> • Children under 18 • Would go hungry or homeless without benefits (12 months) • Domestic violence victim (12 months, or longer if abuse recognized by INS, ALJ, or a court) • If immigrant's sponsor is participating in the same food stamp household
State Food Stamps (CFAP)	No deeming	N/A	3 years	<ul style="list-style-type: none"> • Would go hungry or homeless without benefits (12 months) • Domestic violence victim (no time limit) • If immigrant's sponsor is participating in the same food stamp household
CalWORKs	No deeming	N/A	<ul style="list-style-type: none"> • Until citizenship, or • Credit for 40 quarters of work history 	<ul style="list-style-type: none"> • Would go hungry or homeless without benefits (12 months) • Domestic violence victim (12 months, or longer if abuse recognized by INS, ALJ, or a court)