



Question & Answer

13762 Sponsor Reimbursement Webinar

This Q&A document is designed to provide information regarding the Oct 2020 CBMS Build 13762 Sponsor Reimbursement Webinar. On May 23, 2019, the White House released a Presidential Memorandum titled *Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens*. It directs certain agencies administering means-tested public benefit programs to update, as appropriate, specified procedures and guidance on sponsor reimbursement of means-tested public benefits. Currently, CBMS does not create a claim (Reimbursement) for benefits issued to non-citizens. This project will create the ability in CBMS to establish a sponsor liable claim for all cash benefits issued to Sponsored Non-citizen. This Project will also create all applicable notice to notify the client of this Policy change.

Question	Answer
<i>When we are talking about hardship, does it refer to the sponsor's hardship (i.e. if the sponsor is indigent)?</i>	Hardship exemptions are granted to the non-citizen who has applied for benefits if criteria is met. The indigence exception takes the sponsor's income into account, but the hardship is still attributed to the non-citizen.
<i>If a non-citizen is abused and they are approved, the sponsor will still be sent the claim correct?</i>	No, if the hardship applied is abuse/mistreatment, an SR claim will not be created, nor will a speed letter be sent to the sponsor to avoid putting the non-citizen in danger. Not all of the hardships have the same effect: Abuse/mistreatment = no speed letter, no SR claim Indigence = yes speed letter, no SR claim Abandonment = yes speed letter, yes SR claim
<i>What happens if the client said they don't have any sponsor information. How would we send the claim?</i>	A non-citizen who does not know the whereabouts or information about their sponsor may qualify for an abandonment hardship depending on the situation, but abandonment does not release the sponsor of their obligation. Sponsor information can be gathered from SAVE and county worker should exhaust their efforts at each point of case processing to obtain a sponsor address if it is not in SAVE and document these efforts in case comments.



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<i>Do the two claims have different calculations? So is the NC getting claim a percentage?</i>	<p>Yes. SR claims are created for all benefits issued to the non-citizen. The non-citizen is not responsible for any portion of the SR claim (no percentage), only the sponsor is responsible.</p> <p>An eligibility claim (in existence now) is created when over issuance occurred. The non-citizen is responsible for this over issuance, jointly with their sponsor. Since the sponsor is already a liable individual on any eligibility claims, CBMS will subtract the amount of any eligibility claims in the time period from the amount of benefits issued when creating an SR claim to make sure the sponsor is not asked to reimburse the same dollar twice.</p> <p>Example: An eligibility claim exists for \$50 for February 2020. The Non-citizen was issued \$3000 from January to June 2020. When CBMS makes the SR claim in July 2020, the claim amount will be for \$2950 (\$3000 - \$50) so that the sponsor is not double billed.</p>
<i>Are SR claims created in set months every year?</i>	<p>Yes, the SR claims will be created every January and July. If an SR claim needs to be created earlier (for example, if a sponsor received the speed letter and wants to start paying immediately even though no claim yet exists), email policy at CDHS_EmplBenDiv@state.co.us.</p>
<i>What about existing claims?</i>	<p>There are no changes to existing claims with this project.</p>
<i>Currently CBMS deems a portion of the sponsor's income and reduces OAP. Will the deeming stop?</i>	<p>No. Sponsor deeming will continue.</p>



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<i>Payments made will be shown or is that part of the manual adjustments?</i>	Payments that a sponsor makes towards an SR claim will be applied to the claim and display just as payments do for an eligibility claim.
<i>If a sponsor refuses to provide information, that will close the case</i>	<p>If a sponsor's income / resources etc. are requested and not provided, the process has not changed, the case would close if this information is not provided.</p> <p>If we do not have the sponsor's address, an informational VCL will be sent (the case will not fail after the due date passes), and eligibility staff must continue to document attempts to obtain this information.</p>
<i>These claims can be for Food Assistance, Adult Financial, and COWorks correct?</i>	The claims created with the project are only for Adult Financial and Colorado Works.
<i>Earlier in the presentation I thought you stated that there would be no SR claims prior to 11/2020? Did I hear that correctly?</i>	Yes. There is an implementation date of 11/1/2020 for this project. When SR claims are created, they will not include any benefits issued for the pay month of October 2020 or prior (even if the benefit was issued after the project was implemented).
<i>Will CBMS generate an alert every 6 months?</i>	There will be no alert generated in CBMS when an SR claim is created. The sponsor will receive written notice that the SR claim has been created.
<i>So if a sponsor does not wish to participate and the noncitizen is approved, they are still held responsible?</i>	Yes, the sponsor is held responsible for any benefits received by the sponsored non-citizen unless there is an abuse/mistreatment or indigence hardship. Reimbursement is a stipulation of the Affidavit of Support that the sponsor already agreed to. They are held responsible as long as USCIS considers them the non-citizen's sponsor.



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<i>What date should be used as the signature date for the affidavit of support field?</i>	The grant date / LPR status date shown in SAVE may be used for the date the affidavit of support is signed (essentially the date the non-citizen became an LPR is the date the agreement went into effect).
<i>Do sponsors have to report change of address to USCIS? We have found these addresses to be outdated?</i>	Yes, sponsors are required to report a change of address to USCIS. If you obtain a more current address from the non-citizen / sponsor please document this and provide great customer service by reminding the sponsor to update their address with USCIS.
<i>What happens when SAVE responses sponsor social as all 00's?</i>	Please send examples of this to CDHS_EmplBenDiv@state.co.us.
<i>Is the RRR asking for sponsor update information?</i>	There are no updates to the RRR packet at this time - you'll continue to check SAVE at RRR for updates and verbally confirm sponsor details during interviews.
<i>What is the rule reference in regards to defining a hardship?</i>	For AF: 3.520.68 B, 1-3 For CW, rule 3.604.1.N.9 explains a presumption that the sponsor income is available to the non-citizen unless that presumption is rebutted by the non-citizen. CW rule is not as explicit as AF rule regarding hardships, however all of the same hardships are used for AF and CW as the guidance for what is and is not acceptable comes from the USCIS.
<i>Does the hardship need to be reviewed at every AF RRR?</i>	Yes, hardship determination processes are not changing with this project. If the client has a hardship, the AF certification period will be set to 12 months and that hardship must be reassessed every 12 months.



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<i>Where will we enter Sponsor Addresses? Is this a new window or a change to an existing window?</i>	The Sponsor Address section will be added to the existing Sponsor Information window.
<i>Is an offset only applied to an SR claim when the sponsor has an offset generating from their own case? Or can this happen when the non-citizen has an offset?</i>	Yes, offsets can apply to a claim when the person entitled to the offset is the liable individual on the claim. Since only the sponsor is a liable individual on the SR claim, the only way an offset or recoupment could happen is if it generates from a case where the sponsor receives benefits. The non-citizen's offsets would never be applied to an SR claim because the non-citizen is not liable for this claim.
<i>If correction is made will it offset that SR claim?</i>	<p>If an update is made to eligibility on the sponsor's own case, which results in an offset, the offset can be applied to an SR claim.</p> <p>Nothing automatic will happen to <i>correct</i> an SR claim that has already been created. If incorrect information on the case led to the SR claim being created for the wrong sponsor or amount, the SR claim will have to be manually corrected.</p>
<i>What if the Sponsor dies?</i>	If the sponsor dies that does terminate the tie between the non-citizen and the sponsor. CBMS should be updated to reflect that the individual is no longer a sponsor, and no future SR claims would be created for that individual.
<i>Are they required to get a new sponsor?</i>	Whether a new sponsor must be obtained when an existing sponsor dies would be determined by USCIS.
<i>In the event of death of a sponsor with no one else sponsoring the non-citizen what happens to the active SR claim?</i>	An existing SR claim could be recovered from the sponsor's estate.
<i>Will we need to reimburse the sponsor then for anything collected that is later reimbursed to us via the IAR process?</i>	Yes, if the funds collected via IAR are included in the SR claim the SR claim will need to be adjusted so we are not collecting double the amount from the sponsor.



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<i>If we've received those repayments from the sponsor and then an IAR comes through, is it suggested to request it from SSA to begin with? or would we put \$0 for those months since the sponsor already paid it?</i>	If funds collected through repayment of the SR claim are included in the IAR months, the IAR amount will need to be adjusted so we are not collecting double the amount. As payments made to a claim are not necessarily attributed to specific months, this is not always black and white. You may need to request less from SSA in some scenarios - in others, you may reverse a repayment the sponsor has previously made. The overarching principal is just to ensure that both the sponsor and SSA do not repay the same dollars (i.e. if I issued the non-citizen \$2000 in AND-SO, I cannot receive \$2000 from the sponsor, and another \$2000 from SSA).
<i>If the IAR does not go back to the date that the non-citizens started getting benefits, then we do not have to adjust those claims. Is that correct?</i>	Correct, whether you need to adjust an SR claim due to an IAR will depend on the span of the SR claim and of the IAR reimbursement.
<i>Does the county absorb the costs for service, filing etc?</i>	Guidance / information about pursuing a court order will come at a later time.
<i>Pursuing recovery is the responsibility of the Recovery Department and not on a tech level. Correct?</i>	Correct. If your county separates duties between eligibility and recovery workers, we would expect the recovery workers to be responsible for pursuing recovery. The eligibility worker should ensure correct data entry and eligibility determination so that the recovery worker does not need to manually correct SR claims due to mistakes.
<i>If we have a collections policy and procedure like sending out monthly billing notices, etc. Is there anything that precludes our recovery staff from doing so?</i>	The only notices required to be sent to the client are those generated by CBMS. For SR claims, the sponsor will already receive a speed letter, a notice every six months when a new claim is created, and a quarterly billing statement. Enhancements coming in a future project will enhance the quarterly statement so that it displays all activity (such as payments the sponsor has made) in the last quarter. Supplementary notices are not generally recommended. Please send any supplementary notices to the state for approval.
<i>Have you decided at what amounts or time frames judgments need to be entered?</i>	The judgement process is not changing with the project. Guidance regarding obtaining court orders for sponsor reimbursement will come at a later time.



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<i>Do we just document hardships in case comments or is there further documentation needed?</i>	Hardships are determined by CBMS and the hardship must be data entered in CBMS in order for SR claims to be created/not created based on their presence. Hardship determination and data entry is not changing with the SR project.
<i>In the event a sponsor is incarcerated, what process do we follow when entering Sponsor Information?</i>	If the sponsor is incarcerated, you should ensure that a new address where the sponsor can receive mail is entered in the Sponsor Information window, and the sponsor's current income should be reviewed / entered in CBMS to determine if the non-citizen may meet the criteria for an indigence hardship.
<i>If the client had been abandoned by the sponsor how would that affect the sponsor?</i>	Even if the sponsor has abandoned their sponsored non-citizen, that does not terminate the sponsor's responsibility (per their binding agreement with the USCIS) to provide support for the non-citizen and an SR claim will still be established.
<i>For non-citizen children that become adults, are their parents the sponsors?</i>	Who an individual's sponsor is must be verified in SAVE. We cannot assume that a sponsor will be any particular individual based on their relationship with the non-citizen.
<i>What happens with an SR claim in the case where the sponsor is the spouse? What if the spouse is receiving benefits?</i>	The project was not designed to consider a sponsor's relationship to the sponsor or benefit status. If the sponsor is a spouse who is also part of the CW assistance unit or in the case of AF, receives AF on another case, the non-citizen likely meets indigence hardship criteria. Please ensure that an indigence hardship is data entered if appropriate and that hardship would prevent an SR claim from being created.
<i>Will the Notices to Sponsors be available in languages other than English/Spanish?</i>	This project only created noticing in English and Spanish.
<i>When the non-citizen becomes a citizen do we proceed with benefit recovery for the past?</i>	Yes, SR claims are valid for all periods in which the individual was a sponsor, and recovery should continue for past time periods. Do ensure that when the non-citizen becomes a citizen, data entry reflects that they no longer have a sponsor so that no future SR claims are created.



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<i>So this makes it important that status changes to the noncitizen screen are completed, yes?</i>	Yes.
<i>All SR claims will generate with error type of Admin Error, correct?</i>	Yes, SR claims will always display as and function like admin error claims.
<i>Will the SR claim be visible in Claim Summary just like other eligibility claims?</i>	Yes, an SR claim will be visible in the Claim Summary window, and will have an indicator of SR in the far right column to distinguish it from other eligibility claims.
<i>Is this rule for new AF cases or for current cases too?</i>	This is not a new rule and will apply to all AF and CW cases. Ongoing cases will be notified at implementation and benefits issued from 11/2020 forward will be subject to recovery. All new approvals will be notified when approval is authorized.
<i>CBMS will look at the non-citizen screen and ID information? The question was more for when the non-citizen becomes a citizen. Most time I see ID information has been updated, but the non-citizen screen has not been closed out.</i>	CBMS reads multiple windows to determine who an individual's sponsor is. If a non-citizen has become a citizen, their non-citizen window should be end-dated.
Knowledge Check 1	
<i>On which form did the sponsor agree to support the non-citizen?</i>	I-864 Affidavit of Support
<i>Where on the form was the sponsor informed that they could be asked to reimburse agencies who provide benefits to the non-citizen they agreed to support?</i>	Top left corner, page 7
<i>The Sponsor Reimbursement Claim will NOT be generated if there is a/an _____ or _____ on the case.</i>	abuse/mistreatment or indigence



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<i>Is the amount of the eligibility claim INCLUDED in the Sponsor Reimbursement Claim?</i>	no
Knowledge Check 2	
<i>What can you do to prevent the SR Claim from being created for the wrong individual?</i>	Always check SAVE at Application / RRR, complete merge data entry before authorizing, and double-check data entry of sponsors.
<i>If there are two sponsors, it is enough to fill out the Sponsor Information Window for at least ONE of the sponsors.</i>	False
<i>Where can you obtain the sponsor's address?</i>	SAVE and Statement from the non-citizen
<i>Why are technicians required to check SAVE at each RRR?</i>	To verify if a client has a sponsor, get pertinent sponsor info (including sponsor address and SSN) and obtain the date Affidavit of Support was signed and ensure this info remains up to date in CBMS.
Knowledge Check 3	
<i>When creating a MANUAL claim, workers must ensure that any benefits for which there is an eligibility claim are NOT included in the Sponsor Reimbursement claim.</i>	True
<i>If the sponsor does not pay within a year, technicians will ask the non-citizen for reimbursement.</i>	False
<i>Even AFTER the SR Claim is created, CBMS will create AUTOMATIC adjustments when CBMS sponsor-related data entry changes.</i>	False
<i>Benefit Recovery Workers are required to create the SR Claims.</i>	False. CBMS will do this automatically. Manual BR interaction with an SR claim is only needed if information on the case was wrong and was not corrected until after the SR claim was created.

More Questions? Email us:

Employment and Benefits Divison (EBD): cdhs_emplbendiv@state.co.us

Staff Development Center (SDC): soc_staffdevelopment@state.co.us

Webinars conducted October 1, 2020 9am and 1pm.