§ 416.1204 Deeming of resources of the sponsor of an alien.

The resources of an alien who first applies for SSI benefits after September 30, 1980, are deemed to include the resources of the alien’s sponsor for 3 years after the alien’s date of admission into the United States. The date of admission is the date established by the U.S. Citizenship and Immigration Services as the date the alien is admitted for permanent residence. The resources of the sponsor’s spouse are included if the sponsor and spouse live in the same household. Deeming of these resources applies regardless of whether the alien and sponsor live in the same household and regardless of whether the resources are actually available to the alien. For rules that apply in specific situations, see §416.1166a(d).

(a) Exclusions from the sponsor’s resources. Before we deem a sponsor’s resources to an alien, we exclude the same kinds of resources that are excluded from the resources of an individual eligible for SSI benefits. The applicable exclusions from resources are explained in §416.1210 (paragraphs (a) through (i), (k), and (m) through (t)) through §416.1239 and §§416.1247 through 416.1249. For resources excluded by Federal statutes other than the Social Security Act, as applicable to the resources of sponsors deemed to aliens, see the appendix to subpart K of part 416. We next allocate for the sponsor or for the sponsor and spouse (if living together). The amount of the allocation is the applicable resource limit described in §416.1205 for an eligible individual and an individual and spouse.

(b) An alien sponsored by more than one sponsor. The resources of an alien who has been sponsored by more than one person are deemed to include the resources of each sponsor.

(c) More than one alien sponsored by one individual. If more than one alien is sponsored by one individual the deemed resources are deemed to each alien as if he or she were the only one sponsored by the individual.
§416.1204a Deeming of resources where Medicaid eligibility is affected.

Section 416.1161a of this part describes certain circumstances affecting Medicaid eligibility in which the Department will not deem family income to an individual. The Department will follow the same standards, procedures, and limitations set forth in that section with respect to deeming of resources.

[49 FR 5747, Feb. 15, 1984]

§416.1205 Limitation on resources.

(a) Individual with no eligible spouse. An aged, blind, or disabled individual with no spouse is eligible for benefits under title XVI of the Act if his or her nonexcludable resources do not exceed $2,500 prior to January 1, 1985, and all other eligibility requirements are met.

(b) Individual with an eligible spouse. An aged, blind, or disabled individual who has an eligible spouse is eligible for benefits under title XVI of the Act if their nonexcludable resources do not exceed $2,250 prior to January 1, 1985, and all other eligibility requirements are met.

(c) Effective January 1, 1985 and later. The resources limits and effective dates for January 1, 1985 and later are as follows:

<table>
<thead>
<tr>
<th>Effective date</th>
<th>Individual</th>
<th>Individual and spouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 1, 1985</td>
<td>$1,600</td>
<td>$2,400</td>
</tr>
<tr>
<td>Jan. 1, 1986</td>
<td>1,700</td>
<td>2,550</td>
</tr>
<tr>
<td>Jan. 1, 1987</td>
<td>1,800</td>
<td>2,700</td>
</tr>
<tr>
<td>Jan. 1, 1988</td>
<td>1,900</td>
<td>2,850</td>
</tr>
<tr>
<td>Jan. 1, 1989</td>
<td>2,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

[50 FR 38982, Sept. 26, 1985]

§416.1207 Resources determinations.

(a) General. Resources determinations are made as of the first month of the month. A resource determination is based on what assets an individual has, what their values are, and whether or not they are excluded as of the first moment of the month.

(b) Increase in value of resources. If, during a month, a resource increases in value or an individual acquires an additional resource or replaces an excluded resource with one that is not excluded, the increase in the value of the resources is counted as of the first moment of the next month.

(c) Decrease in value of resources. If, during a month, a resource decreases in value or an individual spends a resource or replaces a resource that is not excluded with one that is excluded, the decrease in the value of the resources is counted as of the first moment of the next month.

(d) Treatment of items under income and resource counting rules. Items received in cash or in kind during a month are evaluated first under the income counting rules and, if retained until the first moment of the following