



George E. Pataki
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Brian J. Wing
Commissioner

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 99 ADM-2

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: February 4, 1999

SUBJECT: Alien Sponsorship - Deeming of Sponsor's Income and
Resources

**SUGGESTED
DISTRIBUTION:**

Income Maintenance Directors
Food Stamp Directors
Medical Assistance Directors
CAP Coordinators
Employment Coordinators
Staff Development Coordinators

**CONTACT
PERSON:**

Region I (518) 473-0332; Region II (518) 474-9344;
Region III (518) 474-9307; Region IV (518) 474-
9300; Region V (518) 473-1469; Region VI (212) 383-
1658
Medicaid: (518) 473-5501

ATTACHMENTS:

- A. Report of Sponsored Aliens Granted Assistance -
- B. INS Form I-864 Affidavit of Support (Revised
10/6/97) - not available on line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-25 97 ADM-23 93 ADM-13		352.33	Welfare Reform Act of 1997		
98 INF-5					

I. PURPOSE

This directive advises social services districts (SSDs) of the provisions and requirements of the Welfare Reform Act of 1997 as they relate to alien sponsorship and deeming of a sponsor's income and resources when determining eligibility for public assistance. Additionally, it provides instructions for pursuing reimbursement from the sponsor of any means-tested public benefits granted to the sponsored immigrant(s) as required under the Federal sponsorship agreement.

II. BACKGROUND

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandates that the income and resources of the sponsor(s) of an immigrant must be deemed to the sponsored immigrant(s) when:

- a) the sponsored immigrant is applying for Federal means-tested public benefits; and,
- b) the sponsor has executed the new Immigration and Naturalization Services (INS) form I-864 Affidavit of Support on behalf of the immigrant.

Additionally, PRWORA requires that the sponsor reimburse any agency for federally funded means-tested benefits granted to immigrants covered by the new Affidavit of Support. This requirement also applies to any State programs which are determined by the State as means-tested public benefits. Additionally, under PRWORA such designated State programs may apply sponsor deeming to the eligibility determination. (Note: New York State Social Services law prohibits deeming in state/locally funded public assistance programs; see Section IV-A 2.)

The federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) amended section 213A of the Immigration and Nationality Act (INA) to establish a legally enforceable I-864 Affidavit of Support. In signing the new affidavit, the sponsor agrees to provide financial support to the sponsored alien and to reimburse any agency which provides means-tested public benefits to a sponsored alien. Interim federal regulations were published implementing the use of the revised, legally enforceable, I-864 Affidavit of Support effective as of December 19, 1997. The Federal, State and local governments can enforce these agreements in the same way that they enforce contracts.

The State Welfare Reform Act of 1997 (WRA) provides that the income and resources of a sponsor of an alien who has signed an affidavit of support pursuant to section 213A of the INA as amended shall be deemed

available to such alien for determining eligibility for family assistance, other public assistance funded under the Federal Temporary Assistance for Needy Families (TANF) block grant and Medicaid.

III. PROGRAM IMPLICATIONS

A. Definitions.

1. Sponsored Immigrant. Any alien who is seeking an immigrant visa or adjustment of status as:
 - a) an immediate relative, including orphans and family-based immigrants; or,
 - b) an employment based immigrant where a relative is the petitioning employer or has a significant ownership interest in the business that is filing the petition on behalf of the immigrant.

Immigrants in the above groups are those identified on LDSS-4579, ALIEN STATUS DESK GUIDE under "Qualified" Aliens. (These are Lawful Permanent Residents (LPR); Persons Paroled into the U.S.; and Conditional Entrants as described in 98 INF-5.) Generally, it is immigrants in these groups who will have a sponsorship agreement.

NOTE: Immigrants in these groups who entered the United States on or after August 22, 1996 are not eligible for federally funded public assistance benefits except Food Stamps for the first five years they are in the United States. Determination of eligibility for public assistance, if any, must be made under the non-federally funded Safety Net Assistance programs.

"Specially" Qualified Aliens as described on the Desk Guide are exempt from having a sponsor. (These are Refugees; Cuban/Haitian Entrants; Amerasians; Asylees; immigrants with Deportation Withheld; LPRs with 40 qualifying quarters of work with Social Security coverage as described in 98 INF-5.)

2. Sponsor. The sponsor must be:
 - a) a citizen or national of the United States or an alien Lawfully Admitted to the United States for Permanent Residence;
 - b) at least 18 years of age; and,
 - c) domiciled in the United States or its possessions.

The sponsor must demonstrate to INS the means to maintain an income of at least 125% of the Federal poverty guidelines based on a household size including family members residing with the sponsor plus all sponsored immigrants. The

sponsor, by signing the I-864 Affidavit of Support agrees to reimburse any agency which provides means-tested public benefits to the sponsored alien(s).

3. INS Form I-864 Affidavit of Support (under Section 213A of the Act). This revised form (dated 10/6/97) is mandated by federal law for use by a petitioning relative when submitting an affidavit on their relative's behalf on or after December 19, 1997. The executed form creates a legally enforceable contract between the sponsor and any Federal, state or local governmental agency, or by any other entity that provides means-tested public benefits to the sponsored immigrant.

NOTE: The 213A affidavit is different from the old 213 affidavit which is not enforceable except in the Food Stamp program. Section 213 affidavits, which includes all I-864 Affidavit of Support issued prior to December 19, 1997, may not be used for PA deeming. (NOTE: See section. IV B.1 for required FS deeming actions under the "old" 213 affidavit of support.)

4. Means-tested public benefits. The federal Department of Health and Human Services has designated Temporary Assistance to Needy Families (TANF) and Medicaid as Federal means-tested programs. The United States Department of Agriculture has designated the Food Stamp Program as a Federal means-tested program. The Social Security Program has designated Supplemental Security Income (SSI) as their only means-tested program.

In addition, each state must determine which state and/or local programs are considered means-tested public benefits. New York State has designated non-TANF funded Safety Net Assistance (SNA) as a means-tested public benefit program.

B. Termination of INS I-864 Affidavit of Support.

The I-864 remains valid until the sponsored immigrant(s) achieve naturalization or until the sponsored immigrant has worked or can be credited with 40 qualifying quarters of work as defined by Title II of the Social Security Act.

C. Federal Alien Sponsorship Requirements.

INS requires that a sponsor (including any joint sponsor), when executing an Affidavit of Support, must demonstrate the means to maintain an annual income equal to at least 125% of the Federal poverty level. (It is reduced to 100% of the Federal poverty level for sponsors who are on active duty in the U.S. Armed Forces who are filing on behalf of their spouse or child).

In determining whether they meet the 125% test, the sponsor's household size is considered to include the sponsor, all related persons residing with the sponsor, plus all aliens included in the

current Affidavit of Support and any immigrants previously sponsored by the sponsor.

The sponsor is required to submit Federal income tax returns for each of the three most recent tax years. For purposes of demonstrating means to maintain income, the total income before deductions for the most recent tax year will generally be matched against the Federal poverty level for the household as described above to determine if it is greater than 125%. The law does allow INS to use other sources, such as a W-2 wage report, when necessary to verify most recent income.

The law also allows an assets test to be considered in addition to or in lieu of the income test in situations where significant assets exist. Under this test, the assets of the sponsor and/or the sponsored immigrant(s), if such assets are available for support of the sponsored immigrant, are evaluated. INS has determined that the assets must be sufficient to support the immigrant(s) for at least five years, if necessary, as sufficient for demonstrating the ability to support the sponsored alien. They consider the assets to be sufficient if they are at least five times the difference between the sponsor's income and 125% of the Federal poverty level for the sponsor's household size.

D. Federal Alien Sponsorship Deeming Requirements.

PRWORA mandates that all of the income and resources of the sponsor(s) must be deemed to be available to the sponsored immigrant when determining eligibility for Federal means-tested public benefits. In most cases this would make the sponsored immigrant ineligible for the federally funded benefit sought.

The Federal law does allow for exception to deeming in hardship situations. The exception applies only if the social services district makes a determination of indigence. Indigence is defined as existing when the unavailability of the sponsor's income results in the sponsored immigrant being unable to obtain food and shelter without public assistance. In determining whether the alien and his/her family are indigent, only the amount of income and support actually received from the sponsor(s) is budgeted when determining eligibility for Federal means-tested public benefits. Such local district's determinations of indigence are valid for no longer than 12 months.

In signing the I-864 Affidavit of Support, the sponsor attests in Part 7:

"I agree to provide the sponsored immigrant(s) whatever support is necessary to maintain the sponsored immigrant(s) at an income that is at least 125% of the Federal poverty guidelines"; and,

"This contract is designed to protect the United States Government and State and local government agencies or private entities that provide means-tested public benefits, from

having to pay benefits to or on behalf of the sponsored immigrant(s), for as long as I am obligated to support under this affidavit of support. I understand that the sponsored immigrants, or any Federal, State, local, or private entity that pays means-tested benefits to or on behalf of the sponsored immigrant(s), are entitled to sue me if I fail to meet my obligations under this affidavit of support, as defined by section 213A and INS regulations."

In signing the I-864 Affidavit of Support, the sponsor also authorizes INS, as a matter of routine use, to disclose I-864 information to Federal, State, and local agencies or private entities providing means-tested benefits for use in civil action against the sponsor for breach of contract.

Note: INS anticipates little impact due to deeming of income and resources until after the fifth anniversary (December 19, 2002) of implementation of the new (section 213A) I-864 Affidavit of Support. They anticipate very few new immigrants subject to sponsorship would be exempt from the five year bar on receipt of federally supported means-tested benefits and that only a small fraction of that group will be applying for federal benefits. Accordingly, there should be few applications processed for federally means-tested benefits and/or any federally funded benefits granted until after 12/19/02.

IV. REQUIRED ACTION

A. Public Assistance

1. Family Assistance, CAP and All Public Assistance Programs Funded Under the Temporary Assistance to Needy Families (TANF) Block Grant.

When an alien who is required to have a sponsor applies for public assistance, the local district must establish whether the affidavit of support was established on or after December 19, 1997 using the new I-864 form. If so, under PRWORA, the sponsor's income and resources must be deemed available to the alien(s) for the purpose of determining eligibility for Family Assistance, CAP, and TANF funded Safety Net Assistance.

NOTE: Most aliens subject to having an Affidavit of Support will be Qualified Aliens who are NOT ELIGIBLE for Federally funded benefits for the first five years they are in the United States.

- a. Verification of Affidavit of Support. When an alien applying for Public Assistance is potentially eligible for Federally funded benefits (i.e., has been in the country for five years or has an INS status which entitles them to federally funded benefits), the local district must ask the immigrant to provide the agency with a copy of the

Affidavit of Support. If the client does not have a copy or cannot otherwise adequately identify the sponsor and his/her ability to support the applicant, information about the sponsor will have to be obtained from INS. This is done by submitting INS form G-845 Documentation Verification Request to your regional INS office.

The standard report from INS will indicate only if an I-864 exists. However, when submitting the G-845 form you can request and are entitled to receive a copy of the I-864 Affidavit of Support if one is on file. Having a copy of the I-864 should provide you with all the information used by INS in establishing the sponsor's ability to support the sponsored immigrant, as well as the current address of the sponsor. It is recommended that you always request a copy of the INS I-864 when submitting the G-845.

- b. Availability of Sponsor's Income and Resources. In accordance with Federal requirements, the sponsor is considered able to support the sponsored immigrant(s) at 125% of the Federal poverty level. Under the State's poverty level test for public assistance, gross earned and unearned income usually cannot exceed the poverty level. As the sponsor's income necessary to support the sponsored immigrant(s) must be considered as an available resource and is greater than the poverty level, the sponsored immigrant(s) must be determined ineligible to receive Federally funded public assistance. The SSD must advise the applicant to request the necessary support from the sponsor.
- c. Determination of Indigence. When the sponsored immigrant reports that the sponsor is not providing and will not provide adequate support, the SSD must determine if without public assistance the immigrant would be unable to obtain food and shelter. In such event, the SSD must take into account only the amount of income actually received from the sponsor; any food, housing or assistance provided by the sponsor or other individuals; and the income and resources of the applicant and other members of the filing unit when determining eligibility for federally funded means-tested assistance. When the agency makes a determination that the sponsored immigrant would, in the absence of assistance provided by the agency, be unable to obtain food and shelter, the application must be considered under the indigence exception. When processing indigence situation cases for federally funded means-tested public assistance, the agency must:
- include the amount of income the sponsor(s) actually contribute to the alien; and,

- each time a new determination of indigence is established notify the Office of Temporary and Disability Assistance of such determination including the names and other known information about the sponsor and the sponsored alien using the Report on Sponsored Aliens Granted Assistance (Attachment A). This form should be copied locally and sent monthly to:

Office of Temporary and Disability Assistance
Division of Temporary Assistance - Team II
40 North Pearl Street
Albany, NY 12243

The information the district provides to the Office of Temporary and Disability Assistance will be sent to the Federal government as required by the Illegal Immigration Reform and Immigrant Responsibility Act.

NOTE: A Determination of Indigence under Federal regulations is considered to last only 12 months. A new Determination of Indigence may be made after 12 months if the agency determines that the sponsor still is not providing adequate support.

- d. **Battered Aliens.** The SSD may not apply alien deeming for a 12 month period with respect to battered aliens and their children as described in Section 421 (b)(1)(A) of PRWORA and if need for assistance continues may not thereafter apply such alien deeming, if:

- the alien demonstrates that the battery or cruelty has been recognized by a court order or order of an Administrative Law Judge of INS;
- the battery or cruelty bears substantial connection to the need for benefits; and,
- the person responsible for such battery or cruelty does not reside in the same household as the individual who was subject to the battery or cruelty.

2. State/locally funded Safety Net Assistance.

Under State law alien sponsor deeming provisions cannot be applied to applicants or recipients of state/locally funded cash assistance programs. Thus, the income and resources of the sponsor cannot be deemed as available to an applicant for or recipient of non-TANF funded Safety Net Assistance.

- a. **Budgeting of Sponsor's Income and Resources.** For non-federally funded SNA, the SSD must consider and pursue sponsor's support and income as an available resource for the A/R. However, eligibility for SNA must be determined

and benefits granted based on the income and resources of the sponsored immigrant, which must include any income and support actually received from the sponsor.

- b. Sponsor's Reimbursement for Safety Net Assistance Granted. The SSD must seek reimbursement from the sponsor for any assistance granted subsequent to the date the new (section 213A) I-864 Affidavit Support was signed. Additionally, the SSD must include this case on the next monthly Report on Sponsored Aliens Granted Assistance. (Attachment A).

NOTE: Under the State Welfare Reform Act of 1997 (WRA) aliens Lawfully Admitted for Permanent Residence (LPR) who enter the U.S. on or after August 22, 1996 and who have resided in the U.S. for at least five years in LPR status are eligible to receive Family Assistance if they meet financial and other program requirements. Additionally, the WRA states any person who resides in a family eligible for TANF funded benefits is NOT eligible for Safety Net Assistance except under limited specified conditions. Qualified Aliens, including LPRs who have a sponsorship agreement, who have resided in the United States for five or more years and have a child in the household would most likely not be included under any of the specified exceptions. Hence, the determination of eligibility shall be processed as a request for TANF funded benefits, including the deeming of the sponsor(s) income and resources.

3. Seeking Reimbursement From the Sponsor.

The SSD must seek reimbursement from the sponsor for any means-tested public benefits provided subsequent to December 19, 1997 to a sponsored immigrant who was sponsored under the new I-864 Affidavit of Support. This applies to federally and non-federally funded means-tested public benefits. Section 213(A) of the INA specifies the following procedures be followed.

- a. Request for reimbursement. The request for reimbursement must be served by personal service. It shall specify the:
- date of the I-864 Affidavit of Support;
 - sponsored immigrant's name, alien registration number, address and date of birth;
 - type(s) of means-tested public benefits;
 - dates the sponsored immigrant received the benefits; and,
 - total amount of benefits received.

The SSD may aggregate all benefits granted as of the date of the request into a single request.

The request for reimbursement shall also notify the sponsor that the sponsor must, within 45 days of the date of service of the request, respond to the request for reimbursement either by paying the reimbursement or by arranging to commence payments pursuant to a payment schedule that is agreeable to the SSD.

Personal service under the Immigration and Nationality Act includes:

- Delivery of a copy personally;
- Delivery of a copy at a person's dwelling by leaving it with some person of suitable age and discretion;
- Delivery of a copy at the office of an attorney or other person, including a corporation, by leaving it with a person in charge;
- Mailing a copy by certified or registered mail, return receipt requested to a person at his/her last known address.

- b. **Failure to respond.** If the sponsor fails to respond to a formal request for reimbursement issued by the SSD within 45 days by indicating a willingness to commence payment, the SSD may sue the sponsor in State or Federal court.

Remedies available to enforce the **I-864 Affidavit of Support** include all the remedies described in sections 3201, 3202, 3204, 3205 of Title 28 of the United States Code, as well as an order for specific performance and payment of legal fees and other costs of collection. Corresponding remedies are also available under State law. However, no action shall be brought more than ten years after assistance is last given.

4. Claiming

Whatever repayments are received from a sponsor should be reported as refunds on the claim forms in which the original expenditures were reported for reimbursement.

B. FOOD STAMP IMPLICATIONS

As noted above, INS began using a new Affidavit of Support on December 19, 1997. This new Affidavit of Support is legally binding, that is, enforceable in state or federal court. The food stamp alien deeming process will vary depending on whether the alien's sponsor signed the old or new Affidavit of Support.

Aliens whose sponsor signed the older Affidavit of Support (the one that is not legally binding) must have their sponsor's income deemed according to the rules found in section XII-D of the Food Stamp Source Book (FSSB).

Aliens whose sponsor signed the new legally binding Affidavit of Support must use the new rules established by PRWORA to determine whether deeming applies and how to deem the sponsor's income.

1. Deeming Rules for Non-binding Affidavits of Support

Section XII-D of the Food Stamp Source Book provides districts with instructions regarding the deeming of income of a sponsor to an alien under the "old" I-864.

Specifically, this section of the FSSB outlines the provisions that apply to sponsored aliens whose entry into the US was conditioned on their sponsors signing an Affidavit of Support. These provisions provide that a portion of the sponsor's gross income (and the income of the sponsor's living-with spouse) be deemed to the alien as unearned income for the 3 years following admission into the US as a permanent resident.

This section of the FSSB includes instructions on the process for determining the amount of income to be deemed, the responsibilities of the sponsor and the alien, verification guidelines, and how to deal with overissuances due to incorrect sponsor information.

This section specifies that these deeming provisions do not apply to:

- a. An Alien participating in the food stamp program as a member of his/her sponsor's household;
- b. An alien sponsored by a group;
- c. Aliens not required to have sponsors such as refugees, parolees, asylees, and Cuban/Haitian entrants;
- d. Aliens whose sponsor is participating in a FS household which does not include the alien;
- e. Vietnam Immigrants covered by the Foreign Operations Act of 1989 and admitted under Section 207 of the INA.

2. PRWORA Deeming Rules

PRWORA deeming does not apply to refugees, asylees, persons whose deportation has been withheld, or aliens sponsored by groups. For permanent residents (aliens with a "green card"), deeming ends when that person is nationalized or can be credited with 40 qualifying quarters of work. In addition, aliens who are granted "qualified" alien status by INS due to being battered are exempt from deeming for a 12 month period. As a result, in the food stamp program, PRWORA alien deeming only applies to a small number of aliens. These are:

- Aliens qualifying for FS under the provision which applies to persons in the military, veterans, or their family. (See section IV. E. of 97 ADM-25, pp12-14, for information on this provision.)

For those aliens subject to PRWORA deeming, the procedures for FS are similar to those noted above for alien deeming for PA purposes. All the income and resources of the sponsor and live-with spouse must be counted as available to the alien applicant. Usually, this will render the alien ineligible for FS based on excess income and/or resources.

If the alien can demonstrate that:

- the sponsor is not in fact providing the level of support called for in the Affidavit of Support; and,
- the local district determines that without food stamp benefits, the alien would be unable to obtain food and shelter,

then the amount of income deemed from the sponsor shall be the actual amount received by the alien.

In determining whether the alien would be unable to obtain food and shelter without food stamp benefits, the district must take into account the alien's own income plus any cash, food or other assistance provided by other individuals (including the sponsor) for the period beginning on the date of this determination and ending 12 months later. This process is comparable to the "Determination of Indigence" described in section IV.A.1(c) of this ADM.

If a sponsor who signed the new legally binding Affidavit of Support fails to provide the promised support to the alien, and this failure results in the alien's need for food stamp benefits, the local district must pursue reimbursement from the sponsor.

We are awaiting guidance from USDA as to how reimbursement for FS should be pursued. In the meantime, districts should use the procedures noted above in section IV.A.3 of this ADM to pursue reimbursement.

3. MEDICAL ASSISTANCE IMPLICATIONS

The provisions of PRWORA prohibit the deeming of sponsors' income and resources to alien A/Rs eligible for Medicaid coverage for the treatment of emergency medical conditions only. In addition, pregnant women are not required to document citizenship or alien status, and as such, are not subject to the deeming requirements.

Additional implications of the sponsor deeming requirements on the Medicaid program are under review and will be forthcoming from the Department of Health.

D. NOTICE REQUIREMENTS

The reason language below must be used when an applicant or recipient is affected by this provision. Districts that produce PA closing and denial notices through CNS must use manual notices with the paragraphs below until a new reason code specific to deeming of sponsor's income and resources for TANF funded assistance is issued.

Social services districts that use manual notices must use the appropriate State mandated (or approved local equivalent) notice:

DSS-4013: "Action Taken on Your Application: Public Assistance, Food Stamps, Medical Assistance and Services";

DSS-4014: "Action Taken on Your Recertification: PA, FS, MA Coverage and Services";

DSS-4015: "Notice of Intent to Change Benefits: PA, FS, MA Coverage and Services" (Timely and Adequate).

When a full explanation of the action will not fit on the notice, an attachment will be needed. Include enough information on the notice to identify the reason for the action and refer the client to the attachment for a full explanation. When an attachment is needed, the Regulatory citation must appear on the notice.

Excess Resources - Deemed Income and Resources of Alien Sponsor.

Your (Date) _____ request for public assistance is NOT APPROVED.

This is because there is a limit on the amount of income and resources a public assistance case can have. Under conditions of the Federal Immigration and Naturalization Services form I-864, Affidavit of Support signed on or after December 18, 1997, the sponsor's income and resources must be counted as an available resource to you.

But this is not always so. Lawful permanent residents not affected by the deeming requirement are those who:

1. Become United States citizens;
2. Have worked 40 qualifying quarters of coverage as defined by Title II of the Social Security Act, or can be credited with such qualifying quarters; or,
3. Have been determined as being indigent solely as a result of your sponsor not providing enough income or resources for you to provide food and shelter for you and your family.

You entered the United States as a lawful permanent resident and your income and resources, including those of the sponsor that must be counted against the public assistance allowance for 12 months from the effective date of this notice are over the limit. We believe you are affected by the deeming requirements.

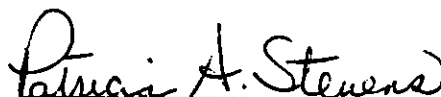
This decision is based on Department Regulation 352.33.

V. SYSTEMS IMPLICATIONS

Immigrants subject to having a sponsor under the revised, legally enforceable I-864, Affidavit of Support are "Qualified" Aliens LPRs who entered the United States as of, or subsequent to December 19, 1997. Under PRWORA, such LPRs are not eligible for TANF funded benefits for their first five years in the U.S. A new denial code based solely on the "Availability of Sponsor's Income and Resources" (IV A-2) will be developed prior to the earliest potential I-864 denial (TANF funded benefits granted subsequent to December 19, 2002).

VI. EFFECTIVE DATE

The eligibility provisions of this directive are effective immediately. The requirement to seek reimbursement from a sponsor apply to any assistance granted subsequent to the date of the signed new I-864 Affidavit of Support, but in no event can apply to assistance provided prior to December 19, 1997.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

REPORT OF SPONSORED ALIENS GRANTED ASSISTANCE

Local District of Social Services: _____

Report for Month of: _____

Submitted by: _____ *Date:* _____

Alien	Sponsor
<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Alien's Registration Number: _____</p>	<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Date of Public Assistance Eligibility: _____</p> <p>Category of Assistance: _____</p>
<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Alien's Registration Number: _____</p>	<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Date of Public Assistance Eligibility: _____</p> <p>Category of Assistance: _____</p>
<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Alien's Registration Number: _____</p>	<p>Name: _____</p> <p>Address: _____ _____ _____</p> <p>Date of Public Assistance Eligibility: _____</p> <p>Category of Assistance: _____</p>

Affidavit of Support Under Section 213A of the Act

START HERE - Please Type or Print

Part 1. Information on Sponsor (You)

Last Name		First Name		Middle Name	
Mailing Address (Street Number and Name)				Apt/Suite Number	
City				State or Province	
Country			ZIP/Postal Code	Telephone Number ()	
Place of Residence if different from above (Street Number and Name)			Apt/Suite Number		FOR AGENCY USE ONLY This Affidavit <input type="checkbox"/> Meets <input type="checkbox"/> Does not meet Requirements of Section 213A Officer's Signature Location Date
City			State or Province		
Country	ZIP/Postal Code		Telephone Number ()		
Date of Birth (Month, Day, Year)	Place of Birth(City, State, Country)		Are you a U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Social Security Number		A-Number (If any)			

Part 2. Basis for Filing Affidavit of Support

- I am filing this affidavit of support because (check one):
- a. I filed/am filing the alien relative petition.
 - b. I filed/am filing an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship).
 - c. I have ownership interest of at least 5% of _____ (name of entity which filed visa petition) which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my _____ (relationship).
 - d. I am a joint sponsor willing to accept the legal obligations with any other sponsor(s).

Part 3. Information on the Immigrant(s) You Are Sponsoring

Last Name		First Name		Middle Name	
Date of Birth (Month,Day,Year)		Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Social Security Number (If any)	
Country of Citizenship			A-Number (If any)		
Current Address (Street Number and Name)			Apt/Suite Number		City
State/Province	Country	ZIP/Postal Code		Telephone Number ()	

List any spouse and/or children immigrating with the immigrant named above in this Part: (Use additional sheets of paper if necessary.)

Name	Relationship to Sponsored Immigrant			Date of Birth			A-Number (If any)	Social Security Number (If any)
	Spouse	Son	Daughter	Mo.	Day	Yr.		

Part 4. Eligibility to Sponsor

To be a sponsor you must be a U.S. citizen or national or a lawful permanent resident. If you are not the petitioning relative, you must provide proof of status. To prove status, U.S. citizens or nationals must attach a copy of a document proving status, such as a U.S. passport, birth certificate, or certificate of naturalization, and lawful permanent residents must attach a copy of both sides of their Alien Registration Card (Form I-551).

The determination of your eligibility to sponsor an immigrant will be based on an evaluation of your demonstrated ability to maintain an annual income at or above 125 percent of the Federal poverty line (100 percent if you are a petitioner sponsoring your spouse or child and you are on active duty in the U.S. Armed Forces). The assessment of your ability to maintain an adequate income will include your current employment, household size, and household income as shown on the Federal income tax returns for the 3 most recent tax years. Assets that are readily converted to cash and that can be made available for the support of sponsored immigrants if necessary, including any such assets of the immigrant(s) you are sponsoring, may also be considered.

The greatest weight in determining eligibility will be placed on current employment and household income. If a petitioner is unable to demonstrate ability to meet the stated income and asset requirements, a joint sponsor who can meet the income and asset requirements is needed. Failure to provide adequate evidence of income and/or assets or an affidavit of support completed by a joint sponsor will result in denial of the immigrant's application for an immigrant visa or adjustment to permanent resident status.

A. Sponsor's Employment

- I am:
1. Employed by _____ (Provide evidence of employment)
Annual salary \$ _____ or hourly wage \$ _____ (for _____ hours per week)
 2. Self employed _____ (Name of business)
Nature of employment or business _____
 3. Unemployed or retired since _____

B. Use of Benefits

Have you or anyone related to you by birth, marriage, or adoption living in your household or listed as a dependent on your most recent income tax return received any type of means-tested public benefit in the past 3 years?

- Yes No (If yes, provide details, including programs and dates, on a separate sheet of paper)

C. Sponsor's Household Size

- | | Number |
|---|-------------|
| 1. Number of persons (related to you by birth, marriage, or adoption) living in your residence, including yourself. (Do NOT include persons being sponsored in this affidavit.) | _____ |
| 2. Number of immigrants being sponsored in this affidavit (Include all persons in Part 3.) | _____ |
| 3. Number of immigrants NOT living in your household whom you are still obligated to support under a previously signed affidavit of support using Form I-864. | _____ |
| 4. Number of persons who are otherwise dependent on you, as claimed in your tax return for the most recent tax year. | _____ |
| 5. Total household size. (Add lines 1 through 4.) | Total _____ |

List persons below who are included in lines 1 or 3 for whom you previously have submitted INS Form I-864, if your support obligation has not terminated.

(If additional space is needed, use additional paper)

Name	A-Number	Date Affidavit of Support Signed	Relationship

Part 4. Eligibility to Sponsor (Continued)

D. Sponsor's Annual Household Income

Enter total unadjusted income from your Federal income tax return for the most recent tax year below. If you last filed a joint income tax return but are using only your *own* income to qualify, list total earnings from your W-2 Forms, or, *if necessary* to reach the required income for your household size, include income from other sources listed on your tax return. If your *individual* income does not meet the income requirement for your household size, you may also list total income for anyone related to you by birth, marriage, or adoption currently living with you in your residence if they have lived in your residence for the previous 6 months, or any person shown as a dependent on your Federal income tax return for the most recent tax year, even if not living in the household. For their income to be considered, household members or dependents must be willing to make their income available for support of the sponsored immigrant(s) and to complete and sign Form I-864A, Contract Between Sponsor and Household Member. A sponsored immigrant/household member only need complete Form I-864A if his or her income will be used to determine your ability to support a spouse and/or children immigrating with him or her.

You must attach evidence of current employment and copies of income tax returns as filed with the IRS for the most recent 3 tax years for yourself and all persons whose income is listed below. See "Required Evidence" in Instructions. Income from all 3 years will be considered in determining your ability to support the immigrant(s) you are sponsoring.

- I filed a single/separate tax return for the most recent tax year.
- I filed a joint return for the most recent tax year which includes only my own income.
- I filed a joint return for the most recent tax year which includes income for my spouse and myself.
 - I am submitting documentation of my individual income (Forms W-2 and 1099).
 - I am qualifying using my spouse's income; my spouse is submitting a Form I-864A.

Indicate most recent tax year	_____
	(tax year)
Sponsor's individual income	\$ _____
<i>or</i>	
Sponsor and spouse's combined income <i>(If joint tax return filed; spouse must submit Form I-864A.)</i>	\$ _____
Income of other qualifying persons. <i>(List names; include spouse if applicable. Each person must complete Form I-864A.)</i>	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Household Income	\$ _____

Explain on separate sheet of paper if you or any of the above listed individuals are submitting Federal income tax returns for fewer than 3 years, or if other explanation of income, employment, or evidence is necessary.

E. Determination of Eligibility Based on Income

1. I am subject to the 125 percent of poverty line requirement for sponsors.
 - I am subject to the 100 percent of poverty line requirement for sponsors on active duty in the U.S. Armed Forces sponsoring their spouse or child.
2. Sponsor's total household size, from Part 4.C., line 5 _____.
3. Minimum income requirement from the Poverty Guidelines chart for the year of _____ is \$ _____ for this household size. (year)

If you are currently employed and your household income for your household size is equal to or greater than the applicable poverty line requirement (from line E.3.), you do not need to list assets (Parts 4.F. and 5) or have a joint sponsor (Part 6) unless you are requested to do so by a Consular or Immigration Officer. You may skip to Part 7, Use of the Affidavit of Support to Overcome Public Charge Ground of Admissibility. Otherwise, you should continue with Part 4.F.

Part 4. Eligibility to Sponsor (Continued)

F. Sponsor's Assets and Liabilities

Your assets and those of your qualifying household members and dependents may be used to demonstrate ability to maintain an income at or above 125 percent (or 100 percent, if applicable) of the poverty line *if* they are available for support of the sponsored immigrant(s) and can readily be converted into cash within 1 year. The household member other than the immigrant(s) you are sponsoring, must complete and sign Form I-864A, Contract Between Sponsor and Household Member. List the cash value of each asset *after* any debts or liens are subtracted. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of each asset listed, including any liens or liabilities related to each asset listed. See "Evidence of Assets" in Instructions.

Type of Asset	Cash Value of Assets (Subtract any debts)
Savings deposits	\$
Stocks, bonds, certificates of deposit	\$
Life insurance cash value	\$
Real estate	\$
Other (<i>specify</i>)	\$
Total Cash Value of Assets	\$ _____

Part 5. Immigrant's Assets and Offsetting Liabilities

The sponsored immigrant's assets may also be used in support of your ability to maintain income at or above 125 percent of the poverty line *if* the assets are or will be available in the United States for the support of the sponsored immigrant(s) and can readily be converted into cash within 1 year.

The sponsored immigrant should provide information on his or her assets in a format similar to part 4.F. above. Supporting evidence must be attached to establish location, ownership, and value of each asset listed, including any liens and liabilities for each asset listed. See "Evidence of Assets" in Instructions.

Part 6. Joint Sponsors

If household income and assets do not meet the appropriate poverty line for your household size, a joint sponsor is required. There may be more than one joint sponsor, but each joint sponsor must individually meet the 125 percent of the poverty line requirement based on his or her household income and/or assets, including any assets of the sponsoring immigrant. By submitting a separate Affidavit of Support under Section 213A of the Act (Form I-864), a joint sponsor who accepts joint responsibility with the petitioner for the sponsored immigrant(s) until they become U.S. citizens, can be credited with 40 quarters of work, leave the United States permanently, or die.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Ground of Inadmissibility

Section 212(a)(4)(C) of the Immigration and Nationality Act provides that an alien seeking permanent residence as an immediate relative (including an orphan), as a family-sponsored immigrant, or as an alien who will accompany or follow to join another alien is considered to be likely to become a public charge and is inadmissible to the United States unless the sponsor submits a legally enforceable affidavit of support on behalf of the alien. Section 212(a)(4)(D) imposes the same requirement on an employment-based immigrant, and those aliens who accompany or follow to join the employment-based immigrant, if the employment-based immigrant will be employed by a relative, or by a firm in which a relative owns a significant interest. Separate affidavits of support are required for family members at the time they immigrate if they are not included on this affidavit of support or do not apply for an immigrant visa or adjustment of status within 6 months of the date this affidavit of support is originally signed. The sponsor must provide the sponsored immigrant(s) whatever support is necessary to maintain them at an income that is at least 125 percent of the Federal poverty guidelines.

I submit this affidavit of support in consideration of the sponsored immigrant(s) not being found inadmissible to the United States under section 212(a)(4)(C) (or 212(a)(4)(D) for an employment-based immigrant) and to enable the sponsored immigrant(s) to overcome this ground of inadmissibility. I agree to provide the sponsored immigrant(s) whatever support is necessary to maintain the sponsored immigrant(s) at an income that is at least 125 percent of the Federal poverty guidelines. I understand that my obligation will continue until my death or the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die.

Notice of Change of Address.

Sponsors are required to provide written notice of any change of address within 30 days of the change in address until the sponsored immigrant(s) have become U.S. citizens, can be credited with 40 quarters of work, depart the United States permanently, or die. To comply with this requirement, the sponsor must complete INS Form I-865. Failure to give this notice may subject the sponsor to the civil penalty established under section 213A(d)(2) which ranges from \$250 to \$2,000, unless the failure to report occurred with the knowledge that the sponsored immigrant(s) had received means-tested public benefits, in which case the penalty ranges from \$2,000 to \$5,000.

If my address changes for any reason before my obligations under this affidavit of support terminate, I will complete and file INS Form I-865, Sponsor's Notice of Change of Address, within 30 days of the change of address. I understand that failure to give this notice may subject me to civil penalties.

Means-tested Public Benefit Prohibitions and Exceptions.

Under section 403(a) of Public Law 104-193 (Welfare Reform Act), aliens lawfully admitted for permanent residence in the United States, with certain exceptions, are ineligible for most Federally-funded means-tested public benefits during their first 5 years in the United States. This provision does not apply to public benefits specified in section 403(c) of the Welfare Reform Act or to State public benefits, including emergency Medicaid; short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; student assistance under the Higher Education Act and the Public Health Service Act; certain forms of foster-care or adoption assistance under the Social Security Act; Head Start programs; means-tested programs under the Elementary and Secondary Education Act; and Job Training Partnership Act programs.

Consideration of Sponsor's Income in Determining Eligibility for Benefits.

If a permanent resident alien is no longer statutorily barred from a Federally-funded means-tested public benefit program and applies for such a benefit, the income and resources of the sponsor and the sponsor's spouse will be considered (or deemed) to be the income and resources of the sponsored immigrant in determining the immigrant's eligibility for Federal means-tested public benefits. Any State or local government may also choose to consider (or deem) the income and resources of the sponsor and the sponsor's spouse to be the income and resources of the immigrant for the purposes of determining eligibility for their means-tested public benefits. The attribution of the income and resources of the sponsor and the sponsor's spouse to the immigrant will continue until the immigrant becomes a U.S. citizen or has worked or can be credited with 40 qualifying quarters of work, provided that the immigrant or the worker crediting the quarters to the immigrant has not received any Federal means-tested public benefit during any creditable quarter for any period after December 31, 1996.

I understand that, under section 213A of the Immigration and Nationality Act (the Act), as amended, this affidavit of support constitutes a contract between me and the U.S. Government. This contract is designed to protect the United States Government, and State and local government agencies or private entities that provide means-tested public benefits, from having to pay benefits to or on behalf of the sponsored immigrant(s), for as long as I am obligated to support them under this affidavit of support. I understand that the sponsored immigrants, or any Federal, State, local, or private entity that pays any means-tested benefit to or on behalf of the sponsored immigrant(s), are entitled to sue me if I fail to meet my obligations under this affidavit of support, as defined by section 213A and INS regulations.

Civil Action to Enforce.

If the immigrant on whose behalf this affidavit of support is executed receives any Federal, State, or local means-tested public benefit before this obligation terminates, the Federal, State, or local agency or private entity may request reimbursement from the sponsor who signed this affidavit. If the sponsor fails to honor the request for reimbursement, the agency may sue the sponsor in any U.S. District Court or any State court with jurisdiction of civil actions for breach of contract. INS will provide names, addresses, and Social Security account numbers of sponsors to benefit-providing agencies for this purpose. Sponsors may also be liable for paying the costs of collection, including legal fees.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Grounds (Continued)

I acknowledge that section 213A(a)(1)(B) of the Act grants the sponsored immigrant(s) and any Federal, State, local, or private agency that pays any means-tested public benefit to or on behalf of the sponsored immigrant(s) standing to sue me for failing to meet my obligations under this affidavit of support. I agree to submit to the personal jurisdiction of any court of the United States or of any State, territory, or possession of the United States if the court has subject matter jurisdiction of a civil lawsuit to enforce this affidavit of support. I agree that no lawsuit to enforce this affidavit of support shall be barred by any statute of limitations that might otherwise apply, so long as the plaintiff initiates the civil lawsuit no later than ten (10) years after the date on which a sponsored immigrant last received any means-tested public benefits.

Collection of Judgment.

I acknowledge that a plaintiff may seek specific performance of my support obligation. Furthermore, any money judgment against me based on this affidavit of support may be collected through the use of a judgment lien under 28 U.S.C. 3201, a writ of execution under 28 U.S.C. 3203, a judicial installment payment order under 28 U.S.C. 3204, garnishment under 28 U.S.C. 3205, or through the use of any corresponding remedy under State law. I may also be held liable for costs of collection, including attorney fees.

Concluding Provisions.

I, _____, certify under penalty of perjury under the laws of the United States that:

- (a) I know the contents of this affidavit of support signed by me;
- (b) All the statements in this affidavit of support are true and correct;
- (c) I make this affidavit of support for the consideration stated in Part 7, freely, and without any mental reservation or purpose of evasion;
- (d) Income tax returns submitted in support of this affidavit are true copies of the returns filed with the Internal Revenue Service; and
- (e) Any other evidence submitted is true and correct.

(Sponsor's Signature)

(Date)

Subscribed and sworn to (or affirmed) before me this

_____ day of _____
(Month) (Year)

at _____

My commission expires on _____

(Signature of Notary Public or Officer Administering Oath)

(Title)

Part 8. If someone other than the sponsor prepared this affidavit of support, that person must complete the following:

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request, and that this affidavit of support is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Telephone Number ()
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Firm Name and Address

INSTRUCTIONS

Purpose of this Form

This form is required to show that an intending immigrant has adequate means of financial support and is not likely to become a public charge.

Sponsor's Obligation

The person completing this affidavit is the sponsor. A sponsor's obligation continues until the sponsored immigrant becomes a U.S. citizen, can be credited with 40 qualifying quarters of work, departs the United States permanently, or dies. Divorce does not terminate the obligation. By executing this form, you, the sponsor, agree to support the intending immigrant and any spouse and/or children immigrating with him or her and to reimburse any government agency or private entity that provides these sponsored immigrants with Federal, State, or local means-tested public benefits.

General Filing Instructions

Please answer all questions by typing or clearly printing in black ink only. Indicate that an item is not applicable with "N/A". If an answer is "none," please so state. If you need extra space to answer any item, attach a sheet of paper with your name and Social Security number, and indicate the number of the item to which the answer refers.

You must submit an affidavit of support for each applicant for immigrant status. You may submit photocopies of this affidavit and all supporting documentation for any spouse or children immigrating with an immigrant you are sponsoring, but the signature on each photocopied affidavit must be original. For purposes of this form, a spouse or child is immigrating with an immigrant you are sponsoring if he or she is:

- 1) listed in Part 3 of this affidavit of support; and
- 2) applies for an immigrant visa or adjustment of status within 6 months of the date this affidavit of support is originally completed and signed. The signature on the affidavit, including the signature on photocopies, must be notarized by a notary public or signed before an Immigration or a Consular Officer.

You should give the completed affidavit of support with all required documentation to the sponsored immigrant for submission to either a Consular Officer with Form OF-230, Application for Immigrant Visa and Alien Registration, or an Immigration Officer with Form I-485, Application to Register Permanent Residence or Adjust Status. You may enclose the affidavit of support and accompanying documents in a sealed envelope to be opened only by the designated Government official. The sponsored immigrant must submit the affidavit of support to the Government within 6 months of its signature.

Who Needs an Affidavit of Support under Section 213A?

This affidavit must be filed at the time an intending immigrant is applying for an immigrant visa or adjustment of status. It is required for:

- All immediate relatives, including orphans, and family-based immigrants. (Self-petitioning widow/er and battered spouses and children are exempt from this requirement); and
- Employment-based immigrants where a relative files the immigrant visa petition or has a significant ownership interest (5 percent or more) in the entity that filed the petition.

Who Completes an Affidavit of Support under Section 213A?

- For immediate relatives and family-based immigrants, the family member petitioning for the intending immigrant must be the sponsor.
- For employment-based immigrants, the petitioning relative or a relative with a significant ownership interest (5 percent or more) in the petitioning entity must be the sponsor. The term "relative," for these purposes, is defined as husband, wife, father, mother, child, adult son or daughter, brother, or sister.
- If the petitioner cannot meet the income requirements, a joint sponsor may submit an additional affidavit of support.

A sponsor, or joint sponsor, must also be:

- A citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;
- At least 18 years of age; and
- Domiciled in the United States or its territories and possessions.

Sponsor's Income Requirement

As a sponsor, your household income must equal or exceed 125 percent of the Federal poverty line for your household size. For the purpose of the affidavit of support, household size includes yourself, all persons related to you by birth, marriage, or adoption living in your residence, your dependents, any immigrants you have previously sponsored using INS Form I-864 if that obligation has not terminated, and the intending immigrant(s) in Part 3 of this affidavit of support. The poverty guidelines are calculated and published annually by the Department of Health and Human Services. Sponsors who are on active duty in the U.S. Armed Forces other than for training need only demonstrate income at 100 percent of the poverty line if they are submitting this affidavit for the purpose of sponsoring their spouse or child.

If you are currently employed and have an *individual* income which meets or exceeds 125 percent of the Federal poverty line or (100 percent, if applicable) for your household size, you do not need to list the income of any other person. When determining your income, you may include the income generated by individuals related to you by birth, marriage, or

adoption who are living in your residence, if they have lived in your residence for the previous 6 months, or who are listed as dependents on your most recent Federal income tax return whether or not they live in your residence. For their income to be considered, these household members or dependents must be willing to make their income available for the support of the sponsored immigrant(s) if necessary, and to complete and sign Form I-864A, Contract Between Sponsor and Household Member. However, a household member who is the immigrant you are sponsoring only need complete Form I-864A if his or her income will be used to determine your ability to support a spouse and/or children immigrating with him or her.

If in any of the most recent 3 tax years, you and your spouse each reported income on a joint income tax return, but you want to use only your own income to qualify (and your spouse is not submitting a Form I-864A), you may provide a separate breakout of your individual income for these years. Your individual income will be based on the earnings from your W-2 forms, Wage and Tax Statement, submitted to IRS for any such years. If necessary to meet the income requirement, you may also submit evidence of other income listed on your tax returns which can be attributed to you. You must provide documentation of such reported income, including Forms 1099 sent by the payer, which show your name and Social Security number.

You must calculate your household size and total household income as indicated in Parts 4.C. and 4.D. of this form. You must compare your total household income with the minimum income requirement for your household size using the poverty guidelines. For the purposes of the affidavit of support, determination of your ability to meet the income requirements will be based on the most recent income-poverty guidelines published in the Federal Register at the time the Consular or Immigration Officer makes a decision on the intending immigrant's application for an immigrant visa or adjustment of status. Immigration and Consular Officers will begin to use updated poverty guidelines on the first day of the second month after the date the guidelines are published in the Federal Register.

If your total household income is equal to or higher than the minimum income requirement for your household size, you do not need to provide information on your assets, and you may not have a joint sponsor unless you are requested to do so by a Consular or Immigration Officer. If your total household income does not meet the minimum income requirement, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless:

- You provide evidence of assets that meet the requirements outlined under "Evidence of Assets" below; and/or
- The immigrant you are sponsoring provides evidence of assets that meet the requirements under "Evidence of Assets" below; or
- A joint sponsor assumes the liability of the intending immigrant with you. A joint sponsor must execute a separate affidavit of support on behalf of the intending

immigrant and any accompanying family members. A joint sponsor must individually meet the minimum requirement of 125 percent of the poverty line based on his or her household size and income and/or assets, including any assets of the sponsored immigrant.

The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration.

Evidence of Income

In order to complete this form you must submit the following evidence of income:

- A copy of your complete Federal income tax return, as filed with the Internal Revenue Service, for each of the most recent 3 tax years. If you were not required to file a tax return in any of the most recent 3 tax years, you must provide an explanation. If you filed a joint income tax return and are using only your own income to qualify, you must also submit copies of your W-2s for each of the most recent 3 tax years, and if necessary to meet the income requirement, evidence of other income reported on your tax returns, such as Forms 1099.

- If you rely on income of any members of your household or dependents in order to reach the minimum income requirement, copies of their Federal income tax returns for the most recent 3 tax years. These persons must each complete and sign a Form I-864A, Contract Between Sponsor and Household Member.

- Evidence of current employment or self-employment, such as a recent pay statement, or a statement from your employer on business stationery, showing beginning date of employment, type of work performed, and salary or wages paid. You must also provide evidence of current employment for any person whose income is used to qualify.

Evidence of Assets

If you want to use your assets, the assets of your household members or dependents, and/or the assets of the immigrant you are sponsoring to meet the minimum income requirement, you must provide evidence of assets with a cash value that equals at least five times the difference between your total household income and the minimum income requirement. For the assets of a household member, other than the immigrant(s) you are sponsoring, to be considered, the household member must complete and sign Form I-864A, Contract Between Sponsor and Household Member.

All assets must be supported with evidence to verify location, ownership, and value of each asset. Any liens and liabilities relating to the assets must be documented. List only assets that can be readily converted into cash within 1 year. Evidence of assets includes, but is not limited to the following:

- Bank statements covering the last 12 months, or a statement from an officer of the bank or other financial institution in which you have deposits, including deposit/withdrawal history for the last 12 months, and current balance;
- Evidence of ownership and value of stocks, bonds, and certificates of deposit, and date(s) acquired;
- Evidence of ownership and value of other personal property, and date(s) acquired; and
- Evidence of ownership and value of any real estate, and date(s) acquired.

Change of Sponsor's Address

You are required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3 to report every change of address to the Immigration and Naturalization Service and the State(s) in which the sponsored immigrant(s) reside(s). You must report changes of address to INS on Form I-865, Sponsor's Notice of Change of Address, within 30 days of any change of address. You must also report any change in your address to the State(s) in which the sponsored immigrant(s) live.

Penalties

If you include in this affidavit of support any material information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.

Privacy Act Notice

Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182(a)(4), 1183a, 1184(a), and 1258. The information will be used principally by the INS or by any Consular Officer to whom it is furnished, to support an alien's application for benefits under the Immigration and Nationality Act and specifically the assertion that he or she has adequate means of financial support and will not become a public charge. Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.

The information may also, as a matter of routine use, be disclosed to other Federal, State, and local agencies or private entities providing means-tested public benefits for use in civil action against the sponsor for breach of contract. It may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.

Reporting Burden

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least

possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The reporting burden for this collection of information on Form I-864 is computed as follows: 1) learning about the form, 17 minutes; 2) completing the form, 22 minutes; and 3) assembling and filing the form, 30 minutes, for an estimated average of 69 minutes per response. The reporting burden for collection of information on Form I-864A is computed as: 1) learning about the form, 5 minutes; 2) completing the form, 8 minutes; 3) assembling and filing the form, 2 minutes, for an estimated average of 15 minutes per response. If you have comments regarding the accuracy of this estimates, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536. **DO NOT MAIL YOUR COMPLETED AFFIDAVIT OF SUPPORT TO THIS ADDRESS.**

CHECK LIST

The following items must be submitted with Form I-864, Affidavit of Support Under Section 213A:

For *ALL* sponsors:

- This form, the I-864, completed and signed before a notary public or a Consular or Immigration Officer.
- Proof of current employment or self employment.
- Your individual Federal income tax returns for the most recent 3 tax years, or an explanation if fewer are submitted. Your W-2s for any of the most recent 3 tax years for which you filed a joint tax return but are using only your own income to qualify. Forms 1099 or evidence of other reported income if necessary to qualify.

For *SOME* sponsors:

- If the immigrant you are sponsoring is bringing a spouse or children, photocopies of the immigrant's affidavit of support and all supporting documentation with original notarized signatures on each photocopy of the affidavit for each spouse and/or child immigrating with the immigrant you are sponsoring.
- If you are on active duty in the Armed Forces and are sponsoring a spouse or child using the 100 percent of poverty level exception, proof of your active military status.

If you are using the income of persons in your household or dependents to qualify,

- A separate Form I-864A for each person whose income you will use other than a sponsored immigrant/household member who is not immigrating with a spouse and/or child.
- Proof of their residency and relationship to you if they are not listed as dependents on your income tax return for the most recent tax year.
- Proof of their current employment or self-employment.

- Copies of their individual Federal income tax returns for the 3 most recent tax years, or an explanation if fewer are submitted.

If you use your assets or the assets of the sponsored immigrant to qualify,

- Documentation of assets establishing location, ownership, date of acquisition, and value. Evidence of any liens or liabilities against these assets.
- A separate Form I-864A for each household member other than the sponsored immigrant/household member.

If you or a household member or dependent has used any type of means-tested public benefits in the last 3 years,

- A list of the programs and dates.

If you are a joint sponsor or the relative of an employment-based immigrant requiring an affidavit of support, proof of your citizenship status.

- For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.
- For lawful permanent residents, a copy of both sides of your I-551, Alien Registration Receipt Card.