



United States Department of State  
Bureau of Consular Affairs

## General Information & Frequently Asked Questions – Affidavit of Support Forms (I-864 series forms)

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### **Overview – Who Needs an Affidavit of Support**

The Affidavit of Support is legally required for the petitioning sponsor for many family-based and some employment based immigrants to show the intending immigrant will have adequate means of support, when planning to immigrate to the U.S. The purpose of the process is to prove that the intending immigrant has adequate means of financial support and is unlikely to become a *public charge*.

As “petitioning sponsor” this means you have filed an immigrant petition, which has been approved by USCIS. You have paid your Affidavit of Support processing fee and you have been contacted by the Department of State, National Visa Center (NVC) with instructions. You are ready for the next step in the immigration process, which is to download the necessary forms, complete them, and then submit them for the purpose of sponsoring the intending immigrant.

The I-864 Affidavit of Support is a contract between a sponsor and the U.S. Government. The legal basis for the I-864 Affidavit of Support is Section 213A of the Immigration and Nationality Act (INA).

### **Recent Changes to Affidavit of Support Procedures**

Some Affidavit of Support procedures have changed, as highlighted in the Department of Homeland Security, [Fact Sheet: Affidavits of Support](#). This website information has been updated to include these changes.

## General Instructions for Completing Affidavit of Support Forms

**Detailed Step-by-Step Instructions are Included on Each Form** - Each of the Affidavit of Support forms I-864W, I-864EZ, I-864 and I-864A have detailed step-by-step instructions for completion by the sponsor, or joint sponsor, if applicable. **It is very important to carefully follow the detailed instructions included with each form you download. The instructions explain which form you will need and how to properly complete each form. Important Note:** The information in the Checklist-Guidelines, and Frequently Asked Questions below, and other information on this website is to be used with and not instead of the detailed instructions on the applicable form(s).

**Completing the Forms** - Each of the above forms are able to be completed (are "fillable") on the computer. It is preferred that you type the form using CAPITAL letters, completing the forms online and then printing them. After the form is completed on the computer, it must be printed and mailed as instructed. The form cannot be submitted on your computer.

**Checklist-Guidelines** - Use the Checklist-Guidelines for Preparing the I-864, when completing and assembling Affidavit of Support forms and documents. See the section "How to Get Started - Step-by-Step".

General Information and Frequently Asked Questions (FAQs) - **Also review the Affidavit of Support General Information and FAQs. This section answers questions, explaining the affidavit of support process and aspects of some instructions on the forms.**

## Affidavit of Support Forms - National Visa Center (NVC) Role

### How is the I-864 processing fee paid?

The National Visa Center (NVC) processes immigrant visa petitions after the U.S. Citizenship and Immigration Services in the Department of Homeland Security (USCIS) approves them. When the immigrant visa case is current or about to become current, the NVC will send a bill to the petitioner asking him/her to pay an I-864 processing fee. The NVC will send the bill with an envelope with a bank address and instructions on where and how to pay the bill.

### When does the NVC send instructions about the I-864, I-864W, I-864EZ and I-864A?

After the bill has been paid, the NVC will send a letter with instructions to the petitioner.

### How Does the Sponsor Get the Forms and Get Started?

**You will need to download the appropriate Affidavit of Support forms for completion. NVC does not mail the forms. The forms you download are fillable on your computer, and it is preferred that you type the form using CAPITAL letters. Then you will need to print the completed form to submit it to NVC. Your form cannot be submitted online on the computer.**

Detailed instructions are provided with each of the forms, when downloaded. It is important that the sponsor(s) carefully follow the instructions to determine which form you need to complete, and how to complete the forms. Some procedures have changed, as highlighted in the Department of Homeland Security, Fact Sheet: Affidavits of Support. Carefully review and follow the Checklist-Guidelines for the Preparing the Affidavit of Support Forms. To get started in reviewing the Affidavit of Support forms, we suggest that you start this way-

1 - Review the I-864W instructions and learn whether the exemption form should be used; if no,

- 2 - Review the I-864EZ instructions to find out if the Affidavit of Support short form applies; if no,
- 3 - If the above don't apply, you probably will need to prepare the I-864, and possibly I-864A.

### **Signing and Submitting the Forms**

The petitioner/sponsor will complete and sign the I-864, I-864W, I-864EZ or I-864A, as appropriate. Make sure you carefully review and follow the Checklist-Guidelines for the Preparing the Affidavit of Support Forms to make sure you have completed everything. Affidavit of Support forms that are incomplete or have not been assembled correctly will not be accepted. After the appropriate form with documentation is complete, the petitioner should send it to the National Visa Center.

### **What does the NVC do with the I-864?**

The NVC will review the I-864, I-864EZ, I-864W or I-864A for technical completeness and correctness. If the form(s) is not technically correct or complete, the NVC will ask the petitioner/sponsor to correct and complete the applicable form a second time. It will explain what is lacking in the previously submitted form. When a corrected I-864, I-864EZ, I-864W or I-864A is returned to the NVC, it will be sent to the embassy or consulate where the applicant will apply for a visa. The NVC will send it with the immigrant visa petition.

### **Does the NVC review Affidavits of Support forms for petitions filed at a post (embassy or consulate) abroad?**

No. The NVC only reviews I-864, I-864EZ, I-864W or I-864A for immigrant visa petitions filed at United States Citizenship and Immigration Services (USCIS) office in the United States. If the petition was filed at a post abroad or the petition was already at post when the NVC began to review Affidavits of Support forms, it will not review the form. Unless the NVC communicates with you about the I-864, it is not a part of the I-864 review process.

### **If the consular officer says the applicant needs a joint sponsor, does the joint sponsor send the I-864 to the NVC for review?**

No. If the post asks for a joint sponsor, the joint sponsor should send the completed I-864 directly to the applicant. The applicant will submit the I-864 to the consular officer for review.

### **Can a petitioner (sponsor) with limited financial resources sponsor only the principal applicant and not his/her spouse and eligible children?**

Yes. The petitioner (sponsor) can limit the number of sponsored immigrants listed on the Affidavit of Support to the number of people who actually intend to immigrate at that time. The principal applicant must be one of the sponsored immigrants. The petitioner can reduce his/her household size by limiting the number of applicants that he/she will sponsor. This gives him/her a lower minimum income requirement. The petitioner would be able to file another Affidavit of Support for the principal applicant's dependents at a later time when the petitioner and the principal applicant make more money. When the petitioner files a new Affidavit of Support for the remaining eligible family members, the principal applicant and any of his/her family members who may have already immigrated would be included in the household size for that I-864.

### **When Can There Be a Joint Sponsor?**

When the primary sponsor cannot meet the income requirements, a joint sponsor who can meet the income requirements may submit an I-864 form to sponsor all or some of the family members. A maximum of two joint sponsors can be used per family unit intending to immigrate based upon the same petition. If two joint sponsors are used, each joint sponsor is responsible only for the intending

immigrant(s) listed on the joint sponsor's Form I-864. **Important note:** If a joint sponsor is used, the petitioning sponsor must use Form I-864; he/she cannot use Form I-864EZ.

### **How do you count children of a divorced couple who reside with one parent part of the time and with the other parent the other part?**

A divorced parent's dependent children are members of his or her household, even if they live part of the time with the former spouse. A parent almost always has a legal obligation to support his or her children. Although only one of the parents may be legally entitled to claim the child as a dependent on tax returns (1040), the child must be considered as part of both parents' households for purposes of the Affidavit of Support, unless a parent can show that he or she no longer has a legal obligation to support the child.

## **Requirements for the Sponsor**

### **What are the requirements for being a sponsor?**

A sponsor must be at least 18 years old and either an American citizen or a lawful permanent resident (LPR). The sponsor must also have a domicile (residence) in the United States.

### **Domicile**

#### **Can a U.S. citizen or lawful permanent resident (LPR) petitioner who is not domiciled (living) in the United States be a sponsor?**

No. The law requires that sponsors be domiciled (live) in any of the States of the United States, the District of Columbia, or any territory or possession of the United States.

#### **If the petitioner does not have a domicile in the United States, can a joint sponsor file an I-864?**

No. Under the law, a joint sponsor cannot sponsor an immigrant when the petitioner does not have a domicile in the United States. The petitioner must first meet all the requirements for being a sponsor (age, domicile and citizenship) except those related to income before there can be a joint sponsor.

### **How is domicile determined?**

Domicile is a complex issue and must be determined on a case by case basis. To qualify as a sponsor, a petitioner who is residing abroad must have a principal residence in the U.S. and intend to maintain that residence for the foreseeable future. Lawful permanent resident (LPR) sponsors must show they are maintaining their LPR status.

Many U.S. citizens and lawful permanent residents reside outside the United States on a temporary basis, usually for work or family considerations. "Temporary" may cover an extended period of residence abroad. The sponsor living abroad must establish the following in order to be considered domiciled in the United States:

- He/she left the United States for a limited and not indefinite period of time,
- He/she intended to maintain a domicile in the United States, and
- He/she has evidence of continued ties to the United States.

An American citizen or LPR spouse or dependent who has maintained a residence in the U.S. and/or whose spouse/parent works in one of the categories listed below would also qualify as a sponsor.

### **What kinds of employment abroad can be counted as U.S. domicile?**

- Employment by the U.S. government
- Employment by an American institution of research recognized by the Attorney General
- Employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce with the United States, or a subsidiary of such a firm
- Employment with a public international organization in which the United States participates by treaty or statute
- Employment by a religious denomination/group having a genuine organization within the United States and is stationed abroad with that religious denomination
- Employment as a missionary by a religious denomination/group or by an interdenominational mission organization within the United States and is stationed abroad with that religious denomination

There may be other circumstances in which a sponsor can show that his or her presence abroad is of a temporary nature, and the sponsor has a domicile in the United States. The sponsor must satisfy to the consular officer that he/she has not given up his/her domicile in the United States and established his/her domicile abroad.

### **How can a petitioner establish a domicile?**

When a sponsor has clearly not maintained a domicile in the United States, he/she will need to re-establish a U.S. domicile in order for him/her to be a sponsor. The sponsor may make a number of steps to show that he/she considers the United States his/her principal place of residence. Examples of things he/she can do are given below:

- Find a job in the United States
- Locate a place to live in the United States
- Register children in U.S. schools
- Make arrangements to give up (relinquish) residence abroad
- Other evidence of a U.S. residence

If the sponsor establishes U.S. domicile, it is not necessary for the sponsor to go to the United States before the sponsored family members. However, the sponsored immigrant may not enter the United States before the sponsor returns to the United States to live. The sponsored immigrant must travel with the sponsor or after the sponsor has entered the United States.

## **Means Tested Public Benefits**

### **Can the applicant use government assistance or public benefits?**

If the sponsored immigrant uses federal means tested public benefits, the sponsor is responsible for repaying the cost of the benefits.

### **What are federal means tested public benefits?**

Federal means tested public benefits are the following:

- Food stamps
- Supplemental Security Income (SSI)
- Medicaid
- Temporary Assistance for Needy Families (TANF)
- State Child Health Insurance Program (CHIP)

## **What assistance programs are not considered means tested public benefit programs?**

The following types of assistance are not considered means tested public benefits and do not have to be repaid.

- Emergency Medicaid
- School lunches
- Immunizations and treatment for communicable diseases
- Student assistance to attend colleges and institutions of higher learning
- Some kinds of foster care or adoption assistance
- Job training programs
- Head start
- Short-term, non-cash emergency relief

## **Income Requirements and Poverty Guidelines**

### **Since the Poverty Guidelines Change Each Year, Which Ones Apply?**

The Poverty Guidelines in effect on the date when the sponsor files the Affidavit of Support with National Visa Center or with the U.S. Embassy or Consulate, will be used whether the income requirement is met. The 2006 Poverty Guidelines, I-864P footnote states the effective date was March 1, 2006. So, if the sponsor filed the I-864 with NVC on February 1, 2006, then the 2005 Poverty Guidelines would be used.

## **Assets**

### **Who generally does not need to count assets to meet the income requirement?**

When the sponsor's income alone meets the minimum Federal poverty guideline income requirement, the sponsor generally will not need to count assets. The consular officer may request evidence of assets and liabilities, as necessary to determine eligibility.

### **May the petitioner/sponsor count assets to meet the 125 percent minimum income requirement?**

Yes. If a sponsor uses assets to prove the ability to support the sponsored immigrant, he or she may not use the I-864EZ. The sponsor counts his/her income first. Next he/she counts the personal assets and/or the income and assets of household members who have signed an I-864A. In most cases, the sponsor must present evidence establishing location, ownership and value of each asset listed, including liens and liabilities for each asset listed. The consular officer will need to determine that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and readily converted to cash within one year, without undue harm to the sponsor or his or her family member.

### **What Cash Value of Assets is Needed?**

To be counted, the cash value of assets must equal **five times** the difference between the sponsor's income and 125 percent of the poverty line for the household size.

For example, a petitioner/sponsor with a household size of four and an income of \$18,000 would need assets equal to five times the difference between his/her income and the income required for a family of four at the current federal poverty guidelines level. He/she would also need to show evidence of mortgages, liens, and liabilities against the assets.

The cash value of assets required is different for these sponsors:

Sponsors of immediate relative spouses and children of U.S. citizens must only show assets in the amount of **three times** the difference between the poverty guideline and actual household income.

Sponsors of foreign orphans who will acquire citizenship after admission to the United States need only prove assets in the amount of the difference between the poverty guideline and actual household income.

#### **What can be used as assets?**

Assets can be savings, stocks, bonds and property. They must be easily converted to cash.

#### **Can the immigrant visa applicant count assets that he or she owns that are outside the United States, such as real estate or personal property?**

Yes, under these conditions:

- The assets must be readily convertible to cash within 12 months
- The applicant must show that he/she can take the money or assets out of the country where they are located. Many countries have strict regulations which limit the amount of cash or liquid assets that can be taken out of the country
- The assets equal at least five times the difference between the sponsor's income and 125 percent of the poverty line for the household size.

#### **Can free housing be counted as income?**

Yes. Sponsors who receive housing and other benefits in place of salary may count those benefits as income. The sponsor may count income that is not subject to taxation (such as housing allowance), as well as taxable income. The sponsor would have to prove the nature and amount of any income that is not included as wages or salary or other taxable income. Evidence of such income can be shown through notations on the W-2 Form (such as Box 13 for military allowances), Form 1099 or other documents that show the claimed income.

#### **Can a credible offer of employment for the visa applicant replace or supplement an insufficient Affidavit of Support?**

No. The law does not allow for consideration of offers of employment in place of the I-864. A job offer may not be counted in reaching the 125 percent minimum income.

A job offer can be taken into consideration in determining the ability of the applicant to overcome ineligibility on public charge grounds, but it does not meet any requirement for presenting an I-864.

#### **Is a "sufficient" I-864 the only consideration for meeting any public charge issues at the time of the visa interview?**

No. Even though the I-864 is a contract and the U.S. government prohibits giving immigrants most federal means-tested public benefits for at least the first five years after their arrival in the U.S., consular officers look at other public charge issues. They will look at the complete financial situation of the sponsor and the applicant. This means looking at the age, health, education, skills, financial resources and family status of the applicant and the sponsor. They will confirm to the extent possible that the applicant will have adequate financial support and is not likely to become a public charge.

#### **If the poverty guidelines change between the time the petitioner signed the I-864 and the issuance of an immigrant visa, must the petitioner/sponsor and joint sponsor, if required, submit a new I-864?**

No. The I-864 will remain valid indefinitely absent other evidence of failure to meet the public charge provisions and should be evaluated based on the poverty guidelines in effect on the date of filing of the I-

864 with the National Visa Center, (check on this cable says date of signature by sponsor.) the U.S. embassy or consulate in support of an immigrant visa application. The consular officer will determine whether the income stated by the sponsor and documented in the tax return and any other evidence meets the poverty guidelines in effect as of the time of the I-864 was filed. If the income stated by the sponsor does not meet the poverty guidelines then the consular officer may request the sponsor may submit current year income information.

## **Completing the Affidavit of Support forms**

### **Are the Affidavit of Support forms required to be notarized?**

No. The sponsor just has to sign the form. You should know however, when the sponsor signs an Affidavit of Support form, he/she certifies that the information provided, transcript and/or photocopy of tax documentation is true and correct, under penalty of perjury.

### **What income documentation is required?**

With their Form I-864, the sponsor is required to submit an IRS transcript or photocopy of only the most recent Federal income tax return. However, the sponsor may, at his or her option, submit Federal income tax returns for the three most recent years if the sponsor believes these additional tax returns may help establish the sponsor's ability to maintain his or her household income at the applicable threshold set forth in the poverty guidelines. The consular officer will determine whether the income stated by the sponsor and documented in the tax return and any other evidence meets the poverty guidelines in effect as of the time of the I-864 was filed with the National Visa Center, the U.S. embassy or consulate. If the income stated by the sponsor does not meet the poverty guidelines then the consular officer may request the sponsor may submit current year income information for additional evidence to reach a determination. If the sponsor is relying on income from any household member or dependents to reach the minimum income requirement, an IRS-issued transcript or a copy of each individual's most recent tax return is also required, and each person must complete a Form I-864A, Contract Between Sponsor and Household member. The consular officer may ask for additional income documentation, such as employment letter.

### **What does the sponsor do when he/she was not required by law to file an income tax return during a given year?**

If you did not have to file a tax return, attach a written explanation and a copy of the instructions from the IRS publication that shows you were not obligated to file. For general information on income tax obligations, visit the IRS website.

### **I failed to file required tax returns, what do I do, since I want to be a sponsor?**

Failure to file a required income tax return does not excuse the sponsor from the requirement for tax returns as supporting documents. If a tax return should have been filed, the Affidavit of Support will not be considered sufficient until the sponsor has done so and supplied the appropriate copies for with the Form I-864, Affidavit of Support. If the income requirement cannot be met, but the sponsor claims to have under-reported his or her income, an original or amended tax return will be necessary to process the immigrant visa application to conclusion.

### **If the sponsor owns a business, should he/she submit individual or business tax returns?**

Individual tax returns. Consular officers can only accept individual tax returns, since the individual is sponsoring the applicant, not the business.

### **If the sponsor does not have copies of his/her tax returns, can he/she submit a summary of the returns from the Internal Revenue Service (IRS)?**

Yes.

## **Accompanying Family Members**

### **Does each accompanying family member need separate documents if they are traveling with the principal applicant?**

Accompanying dependents who immigrate with the principal applicant must have a signed original or a photocopy of the principal applicant's signed (not required to be notarized) Form I-864 and I-864A (if needed). Copies may only be used for dependents whose names appear on the principal's original forms.

### **Do following-to-join family members need separate I-864 Affidavits of Support and supporting documents?**

Family members who travel later (follow-to-join) will require one complete set of the documents prepared in support of the principal applicant's I-864. Each individual applicant must present an I-864 Affidavit of Support with original signatures.

### **What do family members need if they have separate visa petitions?**

If family members have separate visa petitions, each family member must submit a signed I-864 from the petitioner/sponsor, the joint sponsor (if required) and I-864As as required. Each family member must also submit a complete set of any required supporting documents.

### **Can different joint sponsors submit Affidavits of Support for separate family members, listed on the same petition?**

Yes, under certain circumstances. Each joint sponsor must meet the minimum income requirement citizenship, residence and age requirements. If a petitioner or sponsor meets the minimum income requirements, a Form I-864 cannot be submitted for joint sponsorship, unless the consular officer or the DHS immigration officer specifically requires it. Two joint sponsors can be used per family unit intending to immigrate based upon the same petition. If two joint sponsors are used, each joint sponsor is responsible only for the intending immigrant(s) listed on the joint sponsor's Form I-864.

## **Death of the Sponsor**

### **If the sponsor dies after the principal applicant has immigrated to the United States but before all qualified family members who are traveling later (following to join) have immigrated, can they obtain another sponsor?**

In the event a sponsor has died before all family members have followed to join the principal, a joint sponsor is permitted to execute a Form I-864. In such a case, there is no requirement that you must request a joint sponsor. The new sponsor may submit a Form I-864, regardless of the status of the deceased petitioner's estate.

## **Expiration of the I-864**

### **Does the I-864, I-864EZ, or I-864A ever expire?**

No, the validity of the I-864, I-864 EZ, or I-864A is considered indefinite; beginning from the date the sponsor files it with either the National Visa Center, the U.S. embassy or consulate.

## **Other Immigrant Categories - When an I-134 May be Needed**

**Do applicants who are applying for an immigrant visa in a visa category that does not require the I-864 Affidavit of Support, such as the diversity immigrant visa, need to meet the public charge provisions of Section 213A of the INA?**

Consular officers will review immigrant visa applicants whose visa categories do not require the I-864 under the public charge guidelines in Section 212(a)(4) of the Immigration and Nationality Act. The applicants must show that they will not become a public charge. A consular officer may ask for an Affidavit of Support, Form I-134 and supporting documents. The sponsor will need to show income at 100 percent of the federal poverty guidelines for household size, not the 125 percent required under Section 213A of the INA.

**Should K-1 fiancé(e) visa applicants use the I-864 or the I-134?**

Since fiancé(e)s are nonimmigrant visa applicants, they should use the I-134. They will need to submit an I-864 to U.S. Citizenship and Immigration Services (USCIS) when they adjust status to conditional immigrant in the United States after they are married.

**Should diversity (DV) or returning resident (SB) applicants use the I-864 or the I-134?**

They should use the I-134. The I-864 can only be used in the specified categories (most family-based and certain employment-based cases). All other applicants must use the I-134 if an affidavit of support is needed.

**Do the same income requirements apply to all immigrant visa applicants even if they use the I-134?**

No. The 125 percent minimum income requirement, the most recent year's tax return and other requirements only apply when an I-864 is needed. Applicants using the I-134 will need to show that their sponsor's income is 100 percent of federal poverty guidelines as required under Section 212(a)(4) of the INA.

## **More Information on the I-864**

For more information on the I-864 Affidavit of Support see 9 FAM 42.63 Procedural Notes, 9 FAM 40.41 Procedural Notes and Sections 212(a)(4) and 213A of the Immigration and Nationality Act (INA). The complete FAM and INA are available by visiting FOIA on the Department of State website. Also see How Do I File an Affidavit of Support for a Relative? at <http://www.uscis.gov>.

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