

AFFIDAVIT OF SUPPORT

Questions and Answers

WHO SPONSORS AND IS SPONSORED?

1. What are Affidavits of Support and sponsors?

Every immigrant admitted to the United States must demonstrate to a Consular or Immigration Officer that he or she is not inadmissible on public charge grounds. One way to help demonstrate that an immigrant is not inadmissible is to have a person in the United States, a sponsor, sign an Affidavit of Support promising to provide support and assistance to the immigrant if necessary. Immigrants who have someone sign an Affidavit of Support for them are called sponsored immigrants.

2. Which immigrants must have sponsors?

All family-based immigrants, including immediate relatives, family preference immigrants, and orphans, will be required to have new legally enforceable Affidavits of Support (Form I-864) if they file adjustment of status or immigrant visa applications on or after December 19, 1997. In addition, employment-based immigrants who are coming to work for relatives or for companies where relatives of the immigrant own 5 percent or more of the company must have sponsors.

3. How have immigrant' sponsors' responsibilities changed under the new law? Affidavits of Support (Form I-864) filed on or after December 19, 1997, are legally enforceable. Sponsors who fail to support the immigrants they sponsor can be sued by any Federal, State, or local agency or private entity that provides means-tested benefits, as well as by the Immigrants they sponsored. Most sponsors must now demonstrate income of at least 125 percent of the Federal poverty level.

4. Who can be a sponsor?

The family members who filed the visa petition for the immigrant must be a sponsor. In certain circumstances, additional persons can accept joint legal responsibility with the petitioner as joint sponsors. Sponsors must also be U.S. citizens, nationals, or lawful permanent residents; age 18 or over; and live in one of the 50 States, Washington, Dc, or a US territory or possession.

5. What is a join sponsor?

A joint sponsor is a person who is not the petitioner for the sponsored immigrant but who meets the citizenship, residence, and age requirements and who meets the 125 percent minimum income requirement for his or her household size. Joint sponsors are permitted when the petitioner cannot meet the income requirements or has died before all family members have immigrated. Join sponsors must accept joint legal responsibility for supporting sponsored

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