DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DR.
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:
COMNAVREGSWINST 1752.1 CH-1
N05HD
31 JAN 2006

COMNAVREGSW INSTRUCTION 1752.1 CHANGE TRANSMITTAL 1

Subj: MARRIAGE OF ACTIVE DUTY MILITARY PERSONNEL TO MEXICAN NATIONALS

Encl: (1) Revised enclosure (1), Sample Request for Background Investigation on Prospective Alien Spouse
(2) Revised enclosure (2), Sample Affidavit of Support

1. Purpose. To transmit change to basic instruction.

2. Action

a. Change "Immigration and Naturalization Services (INS)" to "U.S. Citizenship and Immigration Services (USCIS)."

b. Change "U.S. Immigration and Naturalization Act" to Immigration and Nationality Act."

c. Change SJA office code from "N00J" to "N05HD."

d. Remove enclosure (1) of the basic instruction and insert enclosure (1).

e. Remove enclosure (2) of the basic instruction and insert enclosure (2).

L. R. HERING

Distribution:
Electronic only, via CNRSW Directive Web site
http://www.cnrsw.navy.mil/Admin/index.htm

SAMPLE

REQUEST FOR BACKGROUND INVESTIGATION ON
PROSPECTIVE ALIEN SPOUSE

Date

From: Applicant's Rank, Name, SSN, Branch of Service
To: U.S. Department of Homeland Security
American Embassy
Paseo dela Reforma #305 Room 118
Col. Cuauhtemoc, Mexico DF 06500
or
District Director U.S. Citizenship and Immigration Service,
P.O. Box 9000, Brownsville, Texas 78520
Via: Applicant's Commanding Officer/Officer in Charge

Subj: REQUEST FOR PREMARITAL BACKGROUND INVESTIGATION, INCLUDING A CRIMINAL AND SUBVERSIVE RECORD CHECK AND FINGERPRINT CHECK ICO PROSPECTIVE ALIEN SPOUSE'S NAME

Ref: (a) MILPERSMAN 5352-030

Encl: (1) Sample Biographic Information for Background Check of Prospective Alien Spouse

1. Per reference (a), request a background investigation, including a criminal and subversive record check and fingerprint check, be initiated to determine the eligibility of (prospective alien spouse's name) entry into the United States. Enclosure (1) is provided to assist with the investigation.

_____
Signature of Applicant

SAMPLE

BIOGRAPHIC INFORMATION FOR BACKGROUND CHECK
OF PROSPECTIVE ALIEN SPOUSE

Name: (Last, First, Middle) (Male/Female) Birth: (Month/Day/Year)

(Nationality), (Other Names Used), (City and Country of Birth)

Father: (Last, First, Middle) (Birth Date) (Current Residence)

Mother: (Maiden, First, Middle) (Birth Date) (Current Residence)

Former husbands or wives (if none, so state):

(Last, First, Middle)	(Birth Date)	(Date/Place of Marriage)	(Date/Place of Termination)

Residence (last five years, list present address first):

Street	City	Province or State	Country	From Mo/Yr	To Mo/Yr

Employment (last five years, list present employment first):

Full Name & Address of Employer	Occupation	From Mo/Yr	To Mo/Yr

List last employment abroad if not shown above:

Full Name & Address of Employer	Occupation	From Mo/Yr	To Mo/Yr

Signature of Prospective Alien Spouse/Date

OMB No. 1115-0214

U.S. Department of Justice
Immigration and Naturalization Service

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
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? ☐ Yes ☐ No
Social Security Number	A-Number *(If any)*	

FOR AGENCY USE ONLY

This Affidavit	Receipt
[ ] Meets	
[ ] Does not meet	
Requirements of Section 213A	
Officer or I.J. Signature	
Location	
Date	

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% _____. *(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 ☐ Male ☐ 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 sheet of paper if necessary.)*

Name	Relationship to Sponsored Immigrant			Date of Birth			A-Number *(If any)*	Social Security *(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 Permanent Resident 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. 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 obligated to support under a previously signed 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)*

C. 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	$ _____
or	
Sponsor and spouse's combined income *(If spouse's income is to be considered. spouse must submit Form I-864A.)*	$ _____
Income of other qualifying persons. *(List names; include spouse if applicable. Each person must complete Form I-864A.)*	
_____	$ _____
_____	$ _____
_____	$ _____
Total Household Income	$ _____

Explain on separate sheet of paper if you or any of the above listed individuals were not required to file Federal income tax returns for the most recent 3 years, or if other explanation of income, employment, or evidence is necessary.

D. 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.B., line 5 _____.
3. Minimum income requirement from the Poverty Guidelines chart for the year of _____ *(year)* is $ _____ for this household size.

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 D.3.), you do not need to list assets (Parts 4.E. 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.E.**

Part 4. Eligibility to Sponsor *(Continued)*

31 JAN 2006

E. 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 the 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 and 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 *(specify)*	$
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.E. 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 poverty line requirement based on his or her household income and/or assets, including any assets of the sponsored immigrant. By submitting a separate Affidavit of Support under Section 213A of the Act (Form I-864), a joint sponsor 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 a 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.

Part 7. Use of the Affidavit of Support to Overcome Public Charge Grounds 31 JAN 2006 *(Continued)*

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

Firm Name and Address

OMB No. 1115-0214

U.S. Department of Justice
Immigration and Naturalization Service

Affidavit of Support Under Section 213A of the Act

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 signing 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 for any spouse or children immigrating with an immigrant you are sponsoring. 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 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/ers and battered spouses and children are exempt from this requirement); and
- Employment-based immigrants where a relative filed 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.B. and 4.C. 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 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 one 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 responsibilites.

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, 63 minutes; 2) completing the form, 105 minutes; and 3) assembling and filing the form, 65 minutes, for an estimated average of 3 hours and 48 minutes minutes per response. The reporting burden for collection of information on Form I-864A is computed as: 1) learning about the form, 20 minutes; 2) completing the form, 55 minutes; 3) assembling and filing the form, 30 minutes, for an estimated average of 1 hour and 45 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, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 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** for each spouse and/or child immigrating with the immigrant you are sponsoring.
- ☐ *If you are on active duty in the U.S. 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. A sponsored immigrant/household member who is not immigrating with a spouse and/or child **does not need to complete Form I-864A.**
  - ☐ 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.

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- ☐ 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 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, Permanent Resident Card.