AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Understanding Your Responsibilities Under USCIS's Affidavit of Support

If you are a U.S. citizen or permanent resident planning to sponsor a relative for a green card, you must sign an Affidavit of Support, also known as Form I-864.

What Is Form I-864?

By signing Form I-864, you are making a legal promise to support the person you're sponsoring financially. This is a way to guarantee that they won't have to rely on government help.

Who Must Sign

- **Primary Sponsor:** The main sponsor must be a U.S. citizen or permanent resident petitioning for the immigrant's green card.
- **Joint Sponsor:** If the primary sponsor's income does not meet the requirements, a co-sponsor is needed. This sponsor has the same responsibilities as the primary sponsor.

Sponsor Eligibility

- Must be at least 18 years old.
- Must be a U.S. citizen or permanent resident.
- Must have an income at least 125% above the Federal Poverty Guidelines. The guidelines are available on the USCIS website at: www.uscis.gov/i-864p.

Key Responsibilities

The sponsor must ensure the sponsored immigrant maintains an income of at least 125% of the Federal Poverty Guidelines and provide financial assistance if their income falls below this level.

Financial Risks and Considerations

- Legal Consequences: If you fail to provide financial support if the immigrant needs it, the sponsored person can sue you. You may also be liable for court and legal fees.
- Bankruptcy: Bankruptcy does not absolve you from your obligations under Form I-864.
- Government Benefits: You must repay any means- tested benefits the sponsored person receives, such as Medicaid, SNAP, TANF, or SSI. You are not responsible for reimbursing non-means-tested benefits like emergency medical services or unemployment benefits.

When Do Your Sponsorship Responsibilities End?

Your financial duties as a sponsor conclude when any of the following occurs:

- The individual gains U.S. citizenship.
- They complete 40 quarters of work (about ten years).
- They permanently leave the United States.
- They are deported but gain U.S. residency again through another sponsor.
- They pass away.

Continuing Obligations After Divorce

Divorce does not end your responsibilities under Form I-864. Additionally, courts generally do not recognize private agreements such as pre-marital, post-marital, or divorce contracts as valid reasons to avoid these obligations.

Withdrawing Sponsorship

You may withdraw your sponsorship before the green card application is approved. Once permanent residency is granted, your obligations are fixed unless they end under one of the specified conditions.

Address Change Notification

You must report any address changes within 30 days by submitting Form I-865 to USCIS to avoid fines of up to $5,000.

Understanding Your Commitment

Signing Form I-864 carries significant legal responsibilities. Make sure you understand these obligations before proceeding. Consider consulting a lawyer if necessary to ensure the person you sponsor can support themselves without public assistance.

This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without seeking the advice of a competent, licensed immigration attorney.

If you have questions, we encourage you to contact our office through the "contact us" tab at https://immigration-hawaii.com