



June 21, 2006

Fact Sheet

FINAL RULE REGARDING AFFIDAVITS OF SUPPORT

Washington, D.C. – U.S. Citizenship and Immigration Services (USCIS) published today in the Federal Register (71 FR 35732) a final rule regarding Affidavits of Support (Form I-864). Affidavits of Support are submitted by sponsors on behalf of most family-based and some employment-based immigrants. The final rule responds to public comments to an interim rule published by the former Immigration and Naturalization Service on October 20, 1997 in the *Federal Register* at 62 FR 54346. The final rule makes the Affidavit of Support process less burdensome for sponsors while continuing to ensure that each intending immigrant has a sponsor who has sufficient income and/or assets to support the immigrant(s). The Affidavit of Support also allows the sponsored intending immigrant to establish that he or she is not likely to become a public charge (e.g., receive certain federal or state means-tested benefits).

This final rule takes effect July 21, 2006. It will apply to any application for an immigrant visa or adjustment of status that is decided on or after July 21, 2006 even if the case was filed before July 21, 2006.

Highlights From the Final Rule

- ✓ **Reduces required initial documentation:** Each sponsor is now required to submit as initial evidence only his or her single most recent tax return rather than tax returns from the three most recent federal tax returns, pay stub(s) covering the most recent six months, and an employer letter.
- ✓ **Introduces new EZ Affidavit of Support ([Form I-864EZ](#)):** The EZ Affidavit of Support is a short form Affidavit of Support to be used by certain petitioning sponsors who rely only upon their own employment to meet the affidavit of support requirements.
- ✓ **Establishes new Intending Immigrant's I-864 Exemption ([Form I-864W](#)):** This new form is specifically designed to standardize and make more efficient the process certain immigrants must follow to establish that they are not required to have an affidavit of support filed on their behalf.

- ✓ **Eliminates the affidavit of support requirement in certain cases—for example:**
 - Sponsored immigrants who have, or can be credited with, 40 quarters of covered employment; and
 - Adopted children who will qualify for citizenship immediately upon entry under the Child Citizenship Act of 2000.

NOTE: The new Form I-864W should be filed in these situations and two other situations noted on the form.

- ✓ **Allows two joint sponsors 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 that joint sponsor's [Form I-864](#), Affidavit of Support.
- ✓ **Provides more flexible definition of “household size.”**
 - Allows, but does not require, sponsors to include as part of household size any relatives in the household who are not dependents if they complete a Contract Between Sponsor and Household Member ([Form I-864A](#)) promising to make their income and/or assets available to the sponsor and intending immigrants.
 - Eliminates the requirement that household members must have lived in the sponsor's household for at least six months in order to sign a Form I-864A.
- ✓ **Reduces the amount of assets that certain sponsors must show in order to cover any shortfall in their household income.**
 - Sponsors of immediate relative spouses and children of U.S. citizens: Amount of required assets is reduced from five times to three times the difference between the governing poverty guideline and actual household income.
 - Sponsors of alien orphan intending immigrants where the orphan will acquire citizenship after admission because of adoption in the U.S. or formal recognition of the foreign adoption: Amount of required assets is reduced to the difference between the governing poverty guideline and actual household income.

As noted above, USCIS is releasing two new public use forms with the final rule: the EZ Affidavit of Support ([Form I-864EZ](#)) and the Intending Immigrant's I-864 Exemption ([Form I-864W](#)). These forms will be available on the USCIS website at www.uscis.gov, at local USCIS offices, and via the USCIS Forms line, 1-800-870-3676.

For further information, please see the USCIS website, www.uscis.gov, or contact the USCIS National Customer Service Center at 1-800-375-5283.

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