

LIST OF DOCUMENTS REQUIRED BY THE CO-SPONSOR

Form I-864

- 1.) Tax Forms for the last three years
- 2.) The W-2's forms for the last three years
- 3.) Employment Verification letter from your employer
- 4.) The last two pay-stubs from your job
- 5.) Proof of Status (example: a copy of a green card, passport, or citizenship)
- 6.) A copy of a Birth Certificate (only if the person is a U.S. Citizen)

Additional Information from the Co-Sponsor:

Present Address: \_\_\_\_\_  
Address City Zip Code

Phone Number: \_\_\_\_\_

Place Of Birth: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_

If you own a business, please name what kind of business: \_\_\_\_\_

Annual Income \$ \_\_\_\_\_

If your spouse works/mention his/hers annual income please \$ \_\_\_\_\_

Have you sponsored before?  Yes  No If the answer in Yes, please write down  
how many persons have you sponsored in the past? \_\_\_\_\_

What is your occupation?

How many dependents do you declare in your Income Taxes?

## **DISCLOSURE AND INFORMED CONSENT FORM**

Section 213A of the Immigration and Nationality Act requires the Petitioner in certain cases to become a financial sponsor of an immigrant seeking to become a permanent resident of the United States. For the purpose of ensuring that the sponsored immigrant (“intending immigrant”) does not become a public charge, thereby burdening the United States, the petitioner (“petitioner/sponsor”) is required to execute an affidavit of support on Form I-864. Where the petitioner/sponsor does not have sufficient income or assets to ensure the required level of support for the immigrant, a joint sponsor may join the petitioner/sponsor in executing an affidavit of support.

This form summarizes the principal obligations and legal exposure of persons who become financial sponsors of the immigrant

### **1. Requirements for Sponsorship**

To be eligible as a petitioner/sponsor, you must be a citizen or a lawful permanent resident of the United States, at least 18 years old, and currently domiciled in the United States. You must also have an income level of at least 125 percent of the federal poverty guidelines for your “household size

### **2. Determination of Household Income Level**

If you are currently employed and have an income of or above 125 percent of the federal poverty guidelines (or 100 percent, if applicable) for your household size, you do not need to list the income of any other person related to you by birth, marriage, or adoption and living in your home for the last six months.

#### **1. Evidence of Income Level**

USCIS requires copies of your complete federal tax return, as filed with the IRS, for *each of the most recent three tax years* as evidence of sufficient income. If you filed a joint return but are only using your individual income, you must also submit copies of your Form W-2, or 1099, etc., to evidence the amount. Additionally, you must submit evidence of current employment or self-employment, such as a letter from your employer on official business letterhead, indicating the beginning date of employment, type of work performed, and salary or wages paid.

If you are relying on the income of any other member of the household, you must also submit the same items above for that individual (if that member is your spouse with whom you filed joint tax returns, you just need to obtain evidence of his or her current employment in addition to your joint tax returns).

#### **2. Using Assets to Qualify for Sponsorship**

You may also use your household assets in order to meet the minimum income requirement. These include your own individual assets as well as those of your household members, dependents, and/or the immigrant. To do so, 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. Only assets that can be readily converted into cash within one year may be considered.

All assets must be supported with evidence to verify location, ownership, and value. Any liens and liabilities relating to the assets must also be documented and subtracted from the case value.

### **1. Basic Obligations Assumed by the Person Who Executes Form I-864 (Affidavit of Support)**

The principal contractual obligation assumed by a petitioner/sponsor or a joint sponsor who executes Form I-864 Affidavit of Support is to maintain the intending immigrant at an annual income level of at least 125 percent of the federal poverty guideline during the period in which the Affidavit of Support applies.

Moreover, if the intending immigrant should receive any means-tested public benefit (such as Supplemental Security Income (SSI), Food Stamps, Medicaid, the State Child Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF) additionally, there are restrictions on Social Security, Medicare Benefits, and Federal Housing Programs, except certain emergency benefits. If the intending immigrant receives any such means-tested public benefits from a federal, state, local, or private agency during the Affidavit of Support period, the petitioner/sponsor agrees to reimburse the agency for such benefit.

### **2. Duration of the Affidavit of Support Obligation**

This obligation continues until the intending immigrant naturalizes, has worked, or is credited with, 40 qualifying quarters under the Social Security laws, permanently departs the United States, or dies. Thus, the obligation could continue even after the petitioner/sponsor dies (his or her estate would become responsible), and even if the intending immigrant becomes divorced from a petitioner/sponsor. This could conceivably create a conflict of interest between the intending immigrant and petitioner/sponsor.

#### **1. Form I-865 Change of Address Obligation With Possible Penalties**

Any change of address by the petitioner/sponsor must be reported to USCIS on Form I-865 within 30 days of the address change. Additionally, the petitioner/sponsor is required to notify the state in which the intending immigrant resides of *any changes in address within 30 days*. Failure to file Form I-865 may result in a fine ranging between \$250 and \$2,000. If the petitioner/sponsor fails to file the change of address form knowing the intending immigrant received means-tested benefits, the fine can range from \$2,000 to \$5,000. Form I-865A Contract Between Petitioner/Sponsor and Household Member

Where the petitioner/sponsor's income or assets are insufficient to support an Affidavit of Support, the income of a person related to the sponsor by birth, marriage, adoption (where the person has lived in the sponsor's household for six months), or the income of a dependent otherwise listed on the petitioner/sponsor's tax return, may be added to the petitioner/sponsor's income for purposes of the Affidavit of Support. In this circumstance, the household member or dependent must execute Form I-864A. Form I-864A then becomes a contractual obligation of the household member or dependent. If the household member or dependent does not carry out this obligation, either the petitioner/sponsor or the immigrant can enforce the contract.

**Potential Conflict of Interest Among Parties and Right to Consult a Separate Attorney**

**With the consent of both parties, Valencia & Associates is jointly representing the petitioner and the intending immigrant but not a joint sponsor and/or a household member.** Unrepresented sponsors are encouraged to seek independent counsel to advise them of their rights and obligations under the Affidavit of Support contract. Parties are free to retain a separate attorney at his or her own expense.

I understand that, in any representation of multiple parties by the same lawyer or law firm, conflicts of interest are possible. I agree that no dispute now exists between the intending immigrant and the petitioner/sponsor. In the event of an actual conflict of interest, the law firm of Valencia & Associates may be required to withdraw from representing some or all of the parties.

\* \* \*

The contractual obligations of the petitioner/sponsor, joint sponsor, and household member or dependent described above arise from the Immigration and Nationality Act and regulations issued by USCIS.

Petitioner/Sponsor: \_\_\_\_\_

Date: \_\_\_\_\_

Joint Sponsor (if applicable): \_\_\_\_\_

Date: \_\_\_\_\_