

IMPORTANT:

-Please read the following 4 pages if you are planning on being a Sponsor (signing Form I-864 or I-864EZ), Joint Sponsor (signing Form I-864), or a Household Member of a Sponsor or Joint Sponsor (signing Form I-864A).

-Sponsors, Joint Sponsors and Household Members of a Sponsor or Joint Sponsor are advised that they may consult with an independent attorney of their own before signing Form I-864 or I-864A respectively.

-Sponsors, Joint Sponsor and Household Members are advised that any information, documents, forms and evidence they provide to Ramchand & Raval for the purpose of drafting and filing Forms I-864, I-864EZ or I-864A (as applicable), including but not limited to financial and employment information and documents, may be shared with the Petitioner (U.S. family member who filed form I-130) and the Beneficiary (the foreign person being sponsored) of the immigration case.

-Current Federal poverty line information is available on Form I-864P, which can be obtained online at www.uscis.gov, or by contacting USCIS. Federal poverty lines are updated from time-to-time, and are subject to increase in the future.



What Are the Sponsor's Obligations?

- INA §213A(a)(1)(A): "the sponsor agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable."
- 8 CFR §213a.2(d): **Legally binding contract** against the sponsor, as well as any joint sponsor or contributing household member.
 - The sponsor's obligations do not begin *until* the intending immigrant obtains lawful permanent resident status.
 - This means that a sponsor may withdraw the Affidavit of Support at any time before the intending immigrant is granted permanent residence.
- INA §213A(d): If a sponsor moves, he or she must notify both USCIS and the state in which the sponsored immigrant resides within 30 days.
 - The sponsor does this by filing Form I-865, Sponsor's Change of Address.
 - Form I-865 is available online at www.uscis.gov or by contacting USCIS.

THE ABOVE INFORMATION IS APPLICABLE TO ALL SPONSORS WHO SIGN FORM I-864 or I-864EZ, AND ALSO TO ALL JOINT SPONSORS WHO SIGN FORM I-864 AND ALL HOUSEHOLD MEMBERS WHO SIGN FORM I-864A

What Are the Consequences if the Sponsor Does Not Fulfill Their Obligations?



What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a lawful permanent resident based on a Form I-864 that you signed, that person may sue you for this support.

If a Federal, state, local, or private agency provided any covered means-tested public benefit to the person who becomes a lawful permanent resident based on a Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

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What Are the Consequences if the Sponsor Does Not Fulfill Their Obligations?

- INA §213A(d)(2): If a sponsor fails to update their address, they can be fined from \$250 to \$2,000, or up to \$5,000 if they know the immigrant has collected benefits.
- The affidavit is enforceable by the sponsored person, the local, state or federal government, or any agency providing a “means-tested public benefit.”
 - INA §213A(b), (e)(2): Any federal, state, or local government can sue the sponsor to recover the cost of federal or state “means-tested public benefits” that were received during the period of enforcement.
 - INA §213A(e)(1): The immigrant can sue the sponsor to be supported at a level equal to 125% of the federal poverty guidelines, if the immigrant’s income falls below that mark.
 - Congress “clearly intended to permit the sponsored immigrant to sue to enforce the support obligation, if necessary.” 71 FR 35732, 35743 (June 21, 2006).
 - *Stump v. Stump*, 2005 WL 2757329 (N.D. Ind. 2005): sponsored immigrant could recover from sponsor ex-husband; awarded \$19,000 in damages, attorneys’ fees; held that sponsor had a continuing obligation to support immigrant at 125% guideline level until the contract terminated.

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When Do the Obligations End?

When Will These Obligations End?

Your obligations under a Form I-864 that you signed will end if the person who becomes a lawful permanent resident based on that affidavit:

- A. Becomes a U.S. citizen;
- B. Has worked, or can receive credit for, 40 quarters of coverage under the Social Security Act;
- C. No longer has lawful permanent resident status and has departed the United States;
- D. Is subject to removal, but applies for and obtains, in removal proceedings, a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- E. Dies.

NOTE: Divorce **does not** terminate your obligations under Form I-864.

Your obligations under a Form I-864 that you signed also end if you die. Therefore, if you die, your estate is not required to take responsibility for the person's support after your death. However, your estate may owe any support that you accumulated before you died.

The obligations **do not** terminate:

- In the event of a Divorce between the Petitioner (U.S. family member who filed form I-130) and the Beneficiary (the foreign person being sponsored).
- In the event the Sponsor declares bankruptcy.
- In the event the Beneficiary becomes estranged from the Petitioner or the Sponsor (including Joint Sponsors and Household Members), or for other personal reasons.

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