

GUIDANCE FOR PREPARING AND SUBMITTING USCIS FORM I-864A & SUPPORTING DOCUMENTS

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Form I-864A: <https://www.uscis.gov/sites/default/files/document/forms/i-864a.pdf>

Official USCIS Instructions: <https://www.uscis.gov/sites/default/files/document/forms/i-864ainstr.pdf>

Why Does a Household Member Complete Form I-864A?

A household member completes this contract if the household member's income and/or assets will be used to demonstrate the sponsor's ability to meet the income requirements and to maintain the sponsored immigrant at an annual income at the level specified in INA section 213A(f)(l)(E) or section 213A(f)(3).

If the Intending Immigrant Is a Household Member, Must He or She Complete This Contract?

If you are the intending immigrant and the sponsor is including your income on Form I-864 to meet the eligibility requirements, you need to complete this contract only if you have accompanying dependents. If you are the intending immigrant and the sponsor is including only your assets on Form I-864, you do not need to complete this contract, even if you have accompanying dependents.

Filing Fee: There is no filing fee to file Form I-864A with USCIS.

Where do I file? This contract MUST be filed with Form I-864.

Who completes this form?

The sponsor and a household member complete and sign this form. If either the sponsor or the household member is under guardianship, the guardian of that individual's estate (financial affairs) may sign the form.

- In most cases, the **sponsor must** be the individual who filed the visa petition for the intending immigrant. By signing this form, the sponsor agrees to financially support the intending immigrant who is applying for either an immigrant visa or adjustment of status to become a lawful permanent resident.
- If the individual who filed the visa petition has died, a **substitute sponsor** may sign this form along with a household member.
- If there is a **joint sponsor**, the joint sponsor may sign this form along with a household member.
- By signing this form, a **household member** agrees to help the sponsor, substitute sponsor or joint sponsor financially support the intending immigrant because the sponsor, substitute sponsor or joint sponsor does not meet the income requirements to financially support the intending immigrant on his or her own.
- If the sponsor alone is unable to provide full financial support to the principal immigrant and his or her family members, the sponsor may include income from a household member by filing Form I-

864A. The sponsor needs to submit taxes and W2's if he or she is not using an IRS printout, or provide a reason for not filing taxes.

Principal Immigrant

The principal immigrant must submit one original Form I-864 and Form I-864A for his or her file along with supporting financial evidence of the sponsor's and household member's income. A Form I-864 or Form I-864A is considered original if it is signed in black ink.

The principal immigrant should submit photocopies of the completed Form I-864 and Form I-864A for each of the family members traveling with him or her. Copies of supporting financial documents are not required for the principal immigrant's family members.

Tips on completing Form I-864A

SECTION	WHAT TO DO
Part 1	The household member completes this section.
Part 1, Questions 6.a-7	The household member provides his or her Place of Birth and Social Security Number, if you have one.
Part 2, Questions 1.a.-1.c.	The household member indicates the relationship to the sponsor (or, if appropriate, the joint sponsor or substitute sponsor).
Part 3, Questions 1.a.-2. And Part 4, Questions 1-3d	The household member provides this employment information and current individual annual income.
In the beginning of Part 5	The sponsor (or, if appropriate, a joint sponsor or substitute sponsor) must print their name and the number of intending immigrants being sponsored. This number should include all intending immigrants that were listed in Part 5, Questions 1.a-25 and those listed in Part 9, Additional Information (if any).
Part 5	List only the intending immigrants that are being sponsored on Form I-864.
Part 5, Questions 31.a.-31.b.	The sponsor (or, as appropriate, a joint sponsor or substitute sponsor) must sign and date the form. The signature needs to be original (not a photocopy).
Part 6, Questions 6.a-6.c	The household member must print, sign and provide the date of signature in black ink. The signature needs to be original (not a photocopy).

Supporting Documents Checklist

The following items must be submitted with Form I-864A:

For ALL sponsors:

- A copy of your individual Federal income tax return, including W-2s for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent three tax years, pay stubs from the most recent six months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

- If your legal guardian is signing this Form I-864A for you, the legal guardian must present:
- Proof of the appointment as legal guardian of your estate; and
- A copy of an order from the appointing court or agency specifically permitting the legal guardian to make your income and assets available for the support of the sponsored immigrant

SUPPORTING DOCUMENTS

Do not send original documents unless specifically requested in the form instructions or by someone at USCIS.

Any documents in a foreign language must be accompanied by a full English translation & certification of translation (copies or original documents, if requested).

PROVIDING TAX RETURNS WITH THE FORM I-864A

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a government official; a plain transcript or photocopy is acceptable.

Do not submit copies of your state income tax returns. Do not submit any tax returns that you filed with any foreign government unless you are claiming that you were not required to file a Federal income tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that was not subject to tax in the United States.

If you provide a photocopy of your tax returns, you must include a copy of each and every Form W-2 and Form 1099 that relates to your returns. Do not include copies of these forms if you provide an IRS transcript of your returns rather than a photocopy unless you filed a joint Federal income tax return with your spouse.

If you selected Item Number 1.b. in Part 3., that you are self-employed, you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss), or Schedule F (Profit or Loss from Farming).

You must include each and every Form 1040 Schedule, if any, that you filed with your Federal income tax return. As stated previously, you must submit an IRS transcript or copy of your Federal individual income tax return for the most recent tax year.

If you choose to rely on income from the three most recent tax years, you must submit an IRS transcript or copy of your Federal individual income tax return. If you were required to file a Federal income tax return for that tax year but did not do so, you must file any and all late returns with the IRS and attach an IRS transcript or copy of your late return and submit it with Form I-864A.

If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a typed or printed explanation.

If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a typed or printed explanation including evidence of the exemption and how you qualified for it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See Filing Requirements in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this contract, the line for Total Income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for Adjusted Gross Income will be considered.

Obtaining Tax Transcripts. You may use IRS Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

Every contract MUST contain the signature of the household member (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

FREQUENTLY ASKED QUESTIONS

How do I calculate my household size?

The Form I-864 asks for the financial sponsor's household size. When calculating their household size, sponsors must include:

- Their spouse,
- Any children by birth, marriage, or adoption living in the sponsor's residence,
- Anyone else claimed as a dependent on the sponsor's tax return for the most recent year, regardless of whether they are related to the sponsor or have the same principal address as the sponsor,
- The principal visa applicant,
- Any derivative applicants who plan to immigrate within six months,
- Any other people in the United States whom the sponsor is supporting on a different Form I-864, if the obligation has not terminated, and
- Any nondependent siblings, parents, or adult children who reside in the sponsor's household who are not dependents, if they complete a Form I-864A.

A sponsor does not have to include people on other I-864s who have not yet immigrated to the United States.

Who can be a Financial Sponsor?

A financial sponsor, including a petitioner, must be at least 18 years old and either a U.S. citizen or a lawful permanent resident (LPR). The sponsor must also have a domicile (residence) in the United States.

What are Poverty Guidelines?

Petitioners must meet a minimum income level, called the Federal Poverty Guidelines, in order to financially sponsor a visa applicant. The Poverty Guidelines in effect on the filing date of an Affidavit of Support are used to determine whether the income requirement is met. You can find these guidelines on [USCIS's website](#).

What happens if the petitioner doesn't have enough income?

Petitioners who cannot meet this level have two choices: 1) find a "joint sponsor" who will agree to also financially support the visa applicant, or 2) use the income of a household member to meet the Poverty Guidelines. These additional financial sponsors also have to submit an Affidavit of Support, proof of their income, and proof of their legal status in the United States. Remember: Even if a petitioner finds a joint sponsor or uses the income of a household member to financially sponsor a visa applicant, that petitioner must still submit an Affidavit of Support.

Is a sufficient Form I-864 the only consideration for meeting any public charge issues at the time of the visa interview?

No, consular officers also look at other public charge factors affecting the financial situation of both the financial sponsor(s) and the applicant. Age, health, education, skills, financial resources and family status of the applicant and the sponsor are factors.

If the poverty guidelines change between the time the petitioner signed the Affidavit of Support and the issuance of an immigrant visa, must the petitioner/sponsor and joint sponsor, if required, submit a new Form I-864?

No, the Form I-864 remains valid indefinitely unless evidence of failure to meet the poverty guidelines in effect on the date of I-864 filing arises.

Can a credible offer of employment for the visa applicant replace or supplement an insufficient Affidavit of Support?

No, the law does not recognize offers of employment in place of the Form I-864. A job offer may show ability of the applicant to overcome ineligibility as a public charge, but does not meet any I-864 requirement.

How can a sponsor use assets to meet the minimum Federal Poverty Guidelines?

If a sponsor's income does not meet the minimum Federal Poverty Guidelines, he or she can submit the value of assets to make up the difference unless the sponsor is submitting a Form I-864EZ. When looking at income levels, the consular officer will look at the sponsor's employment income first. Personal assets and/or the income and assets of household members who have signed an I-864A are totaled next. If the sponsor is using assets to meet the minimum Federal Poverty Guidelines, they must upload a scanned copy of documentation of those assets into CEAC.

I recommend against using assets if possible as it is complicated and may delay the processing of your case.

What cash value of assets is needed?

The total net value of assets, less liens and liabilities against them, must equal five times the difference between the sponsor's income and 125% of the poverty level for the household size.

Sponsors of spouses and children of U.S. citizens must only prove assets valued at three times the difference between the poverty guidelines and actual household income.

Sponsors of orphans who will acquire citizenship after admission to the United States must only prove assets equal to the difference between the poverty guidelines and actual household income.

What can be used as assets?

Financial sponsors can only include assets that are convertible into cash within one year and without considerable hardship or financial loss to the sponsor and his/her family. Examples of assets easily convertible to cash are savings, stocks, bonds and property. Sponsors may include the value of their home. They may not include the value of their automobile, unless they can show they have more than one and the primary automobile is not included as an asset.

Can the immigrant visa applicant count assets that he or she owns that are outside the United States, such as real estate or personal property?

Yes, under the following conditions:

- The assets must be convertible to cash within 12 months.
- The applicant must show that the assets can be removed from the country where they are located. Many countries have limits on cash or liquid assets that can be removed from the country.
- The net value of assets must be at least five times the difference between the sponsor's income and 125 percent of the poverty guideline for the household size.

The visa applicant needs to file a Form I-864A to have his or her assets included in the minimum income level calculations.

Can a U.S. citizen or lawful permanent resident (LPR) petitioner who is not domiciled (living) in the United States be a financial sponsor?

No, if a petitioner cannot satisfy the domicile requirement, the petitioner fails to qualify as a sponsor for the purposes of submitting Form I-864.

If the petitioner does not have a domicile in the United States, can a joint sponsor file an I-864?

No, the petitioner must meet all the requirements to be a sponsor (age, domicile and citizenship), except those related to income, before there can be a joint sponsor.

What kinds of employment abroad can be counted as U.S. domicile?

A U.S. citizen who is living abroad temporarily is considered to be domiciled in the United States if the citizen is employed by certain organizations, including:

- Employment temporarily stationed abroad with the U.S. government.
- Employment temporarily stationed abroad with a U.S. institution of research recognized by the Secretary of Homeland Security.
- Employment temporarily stationed abroad with a U.S. firm or corporation or its subsidiary engaged in whole or in part in the development of foreign trade and commerce with the United States.
- Employment temporarily stationed abroad with a public international organization in which the United States participates by treaty or statute.
- Employment temporarily stationed abroad with a religious denomination/group having a genuine organization within the United States.
- Employment temporarily stationed abroad as a missionary by a religious denomination/group or by an interdenominational mission organization within the United States.

How can a financial petitioner establish a domicile?

A petitioner who is unable to demonstrate that he or she is domiciled in the United States who wishes to qualify as a sponsor must demonstrate that:

- He or she has either already taken up physical residence in the United States; or
- He or she has taken concrete steps to establish a domicile in the United States and will do so concurrently with the applicant no later than the date of the intending immigrant's admission.

Do family members following to join the principal applicant need separate Affidavits of Support and supporting documents?

Family members who immigrate later (follow-to-join) must resubmit a scanned copy of the principal applicant's I-864 and supporting documents.

What do family members need if they have separate visa petitions?

Each family member with a separate visa petition must submit a signed Form I-864 with supporting documents from the petitioner/sponsor and Form I-864As with supporting documents from the joint sponsor(s) if applicable.

Is one joint sponsor allowed to sponsor only some of the applicants while the other applicants are sponsored by another joint sponsor on the same petition?

Yes, but only under certain circumstances. Two joint sponsors can be used per family unit applying to immigrate under the same petition. If two joint sponsors are used, each joint sponsor is responsible only for the intending immigrant(s) listed on the joint sponsor's Form I-864. Every joint sponsor must meet the minimum income requirement, citizenship, residence and age requirements.

If the sponsor dies after the principal applicant has immigrated to the United States but before other qualified family members have immigrated, can another sponsor be named?

Yes, if the petitioner or primary sponsor dies before all qualified family members have immigrated, a new sponsor may submit a Form I-864 to become the primary sponsor regardless of the status of the deceased petitioner's estate.

Will the I-864 I submitted expire if my relative's interview is delayed for any reason?

No, the validity of the Form I-864, I-864 EZ, or I-864A is considered indefinite beginning from the date the sponsor signs it.

*Information to answer these questions came from the Department of State, National Visa Center's website.

For Additional Information

For additional information about the Form I-864A you can visit [USCIS.gov](https://uscis.gov) or contact USCIS by calling 1-800-375-5283.

You should check the USCIS website for accurate and up-to-date instructions and guidance for completing any forms.

Laws, policies, and instructions are subject to change and you should make sure the information contained in this document is accurate and current before relying on it.

This guide and the information contained therein are not intended to be used as a substitute for the official USCIS instructions or statutory and regulatory requirements. This guide is being provided for information purposes only and is *not legal advice*.

This guide is not a substitute for legal advice and you are strongly encouraged to consult a licensed attorney for assistance with this process.