

# Instructions for Form I-134, Affidavit of Support

## Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

### What Is the Purpose of This Form?

Section 212(a)(4) of the Immigration and Nationality Act (the Act) bars the admission into the United States any alien who, in the opinion of the U.S. Department of State officer adjudicating a visa application, a Department of Homeland Security officer, or an immigration judge adjudicating an application for admission, is likely at any time to become a public charge.

For aliens seeking admission or adjustment as permanent residents as immediate relatives, family-based immigrants, and certain employment based immigrants, as specified in sections 212(a)(4)(C) and 213A of the Act and 8 CFR Part 213a, the petitioning relative must file Form I-864.

Form I-134 may be used in any case in which you are inadmissible on public charge grounds, but in which you are not required to have Form I-864 filed on his or her behalf. Section 213 of the Act (*not* section 213A) permits the admission of an alien who is inadmissible on public charge grounds, in the discretion of the Secretary of Homeland Security (or, for immigration judge cases, the discretion of the Attorney General) upon the posting of a bond or other undertaking (method). Form I-134, is the “undertaking” prescribed in section 213 of the Act.

***Do not use Form I-134 if the alien whom you are sponsoring is required to have Form I-864 instead.***

### Execution of Affidavit

If you are sponsoring more than one alien, you must submit a separate Form I-134 for each alien. Form I-134 must be signed in your full name. (Note: Signing Form I-134 is *under penalty of perjury under U.S. law*). For this reason, it is not necessary to sign Form I-134 before a notary, nor to have your signature notarized after you sign it.

### General Instructions

#### Fill Out Form I-134

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

#### Supporting Evidence

As the sponsor, you must show you have sufficient income or financial resources to assure that the alien you are sponsoring will not become a public charge while in the United States.

Evidence should consist of copies of any of the documents listed below that applies to your situation.

Failure to provide evidence of sufficient income or financial resources may result in the denial of the alien's application for a visa or his or her removal from the United States.

Submit in duplicate evidence of income and resources, as appropriate:

- A. Statement from an officer of the bank or other financial institutions with deposits, identifying the following details regarding the account:
  1. Date account opened;
  2. Total amount deposited for the past year; and
  3. Present balance.
- B. Statement(s) of your employer on business stationery showing:
  1. Date and nature of employment;
  2. Salary paid; and
  3. Whether the position is temporary or permanent.
- C. If self-employed:
  1. Copy of last income tax return filed; or
  2. Report of commercial rating concern.

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**D.** List containing serial numbers and denominations of bonds and name of record owner(s).

### **Sponsor and Alien Liability**

Under section 213 of the Act, if the person you are sponsoring becomes a public charge, the agency that provides assistance may be able to sue you to recover the cost of the assistance.

In addition to that provision, your income and assets may be combined with the income and assets of the person you are sponsoring in determining whether that person is eligible for Food Stamps, 7 U.S.C. 2014(i)(1), Supplemental Security Income (SSI), 42 U.S.C. 1382j, and Temporary Assistance for Needy Families (TANF), 42 U.S.C. 608.

### **Documentation of Income and Resources**

An alien applying for SSI must make available to the Social Security Administration documentation concerning his or her income and resources and those of the sponsor, including information that was provided in the corresponding application.

An alien applying for TANF or Food Stamps must make similar information available to the State public assistance agency.

The U.S. Secretary of Health and Human Services and the U.S. Secretary of Agriculture are authorized to obtain copies of any such documentation submitted to U.S. Citizenship and Immigration Services, (USCIS) or the U.S. Department of State and to release such documentation to a State public assistance agency.

### **Joint and Several Liability Issues**

Sections 1621(e) of the Social Security Act and subsection 5(i) of the Food Stamp Act also provide that an alien and his or her sponsor shall be "jointly and severally liable" to repay any SSI, TANF, or Food Stamp benefits that are incorrectly paid because of misinformation provided by a sponsor or because of a sponsor's failure to provide information, except where the sponsor was without fault or where good cause existed. "Jointly and severally liable" means the alien and sponsors are each liable up to the full amount of any repayment due.

Incorrect payments that are not repaid will be withheld from any subsequent payments you or your sponsor are otherwise eligible under the Social Security Act or Food Stamp Act.

These provisions do not apply to SSI, TANF, or Food Stamp eligibility of aliens admitted as refugees, granted asylum or Cuban/Haitian entrants as defined in section 501(e) of P.L. 96-422, and to dependent children of the sponsor or sponsor's spouse.

### **Translations**

Any document containing a foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

### **Copies**

Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy (standard 8 1/2 x 11 letter size) may be submitted. Original documents submitted when not required will remain a part of the record.

## **Where To File?**

Where you submit the form depends on whether the alien you are sponsoring is in or outside the United States and what type of application is being submitted. See the instructions provided with the corresponding application for detailed information on where to submit this affidavit of support.

## **What Is the Filing Fee?**

There is no filing fee for Form I-134.

## **Address Changes**

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the National Customer Service Center at 1-800-375-5283.

**NOTE:** Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.

## Processing Information

**Any Form I-134 that is not signed will be rejected with a notice that your Form I-134 is deficient.** You may correct the deficiency and resubmit Form I-134. Form I-134 is not considered properly filed until accepted by USCIS.

### Initial processing

Upon your Form I-134 has been accepted, it will be checked for completeness, including submission of the required initial evidence. Failure to completely fill out Form I-134 or file it without required initial evidence, may result in the denial of your application.

### Requests for more information or interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

## USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet Web site at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.

## Penalties

If you knowingly and willfully make any false statement on Form I-134, or conceal any material fact, or submit a false document with Form I-134, we will deny the application for immigration benefits that the alien for whom you are submitting Form I-134 has filed, and may deny any other immigration benefits.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

## Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are seeking. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182(a)(4), 1183, 1184(a), and 1258.

The information will be used principally by USCIS, or by any consular officer to whom it may be furnished, to support an alien's application for benefits under the Act and specifically the assertion that you have adequate means of financial support and will not become a public charge. Submission of the information is voluntary.

The information may also be disclosed to other Federal, State, local, and foreign law enforcement and regulatory agencies, including the U.S. Departments of Health and Human Services, Agriculture, State, Defense and any component (if the applicant has served or is serving in the U.S. Armed Forces), Central Intelligence Agency, and individuals and organizations during the course of any investigation to obtain further information required to carry out USCIS functions.

## Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Ave., N.W., Washington, DC 20529-2020. OMB No. 1516-0014. This form expires May 31, 2012. **Do not mail your completed Form I-134 to this address.**