

**I-864EZ, Affidavit of Support
Under Section 213A of the Act**

Department of Homeland Security
U.S. Citizenship and Immigration Services

Instructions**How Should I Complete This Form?**

- Print clearly or type your answers using CAPITAL letters.
- Use black ink.
- If you need extra space to answer any item:
 - Attach a separate sheet of paper (or more sheets if necessary);
 - Write your name, Social Security number and the words "Form I-864EZ" on the top right corner of the sheet; and
 - Write the number and subject of each question for which you are providing additional information.

What Is the Purpose of This Form?

Form I-864EZ is a shorter version of Form I-864 designed for cases that meet certain criteria. Form I-864 or Form I-864EZ is legally required for many family-based immigrants to show that the intending immigrant has adequate means of financial support and is unlikely to become a public charge. For more information about Form I-864EZ, or to obtain related forms please contact:

- The USCIS website (www.uscis.gov);
- The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 TTY: (1-800-767-1833); or
- Your local USCIS office by using Infopass.

Who May Use Form I-864EZ?

You may use Form I-864EZ **IF ALL** the following conditions apply:

1. You are the person who filed or is filing the Form I-130, Petition for Alien Relative, for a relative being sponsored;
2. The relative you are sponsoring is the only person listed on the Form I-130 petition;
3. The income you are using to qualify is based entirely on your salary or pension and is shown on one or more Forms W-2 provided by your employer(s) or former employer(s).

Who May Not Use Form I-864EZ?

You must complete Form I-864 (and **not** Form I-864EZ) if any of the following conditions apply:

1. The relative you are sponsoring is not the only person immigrating based upon the underlying visa petition;

2. You filed or are filing a Form I-140, Immigrant Petition for Alien Worker, for the immigrant you are sponsoring;
3. You are a joint sponsor;
4. You are a "substitute sponsor" filing because the original I-130 petitioner is deceased.

How Is This Form Used?

This form is a contract between a sponsor and the U.S. Government. The person completing and signing this form is the sponsor. By signing Form I-864EZ, you are agreeing to use your income and resources to support the intending immigrant named in this form, if it becomes necessary. You must show on this form that you have enough income to ensure that the sponsored immigrant will not have to rely on means-tested public benefits for support in the United States.

In most cases, the submission of this form will make the sponsored immigrant ineligible for Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider your income and resources as available to the sponsored immigrant in determining eligibility for the program.

If the immigrant sponsored in this affidavit does receive a Federal, State, or local means-tested public benefit, the agency providing the benefit may require you to repay the cost of those benefits. That agency can sue you if you do not repay the cost of the benefits provided.

Who Is Required to File a Form I-864W Instead of a Form I-864 or I-864EZ?

The following types of intending immigrants must properly complete and submit Form I-864W, Intending Immigrant's Affidavit of Support Exemption, instead of a Form I-864 or Form I-864EZ:

- An intending immigrant who has or can be credited with 40 quarters of work. The Social Security Administration (SSA) can provide information on how to count and provide evidence of quarters of work.
- An intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA); and
- A self-petitioning widow(er) or qualifying battered spouse or child.

Who Completes This Form?

Only the U.S. citizen or lawful permanent resident who filed a Form I-130 relative visa petition for a family member, may complete this form. A sponsor is required to be 18 years old and domiciled in the United States, its territories or possessions (see Step-by-Step Instructions for more information on domicile).

What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that you have an income of at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines.

If you are on active duty in the U.S. Armed Forces, including the Army, Navy, Air Force, Marines, or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size.

How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, the person being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864EZ affidavit of support whom you are still obligated to support.

How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States. Although 40 qualifying quarters of work (credits) generally equates to 10 years of work, in certain cases the work of a spouse or parent adds qualifying quarters toward eligibility. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work. The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

Do I Have to Report My Change of Address If I Move?

Federal law requires that a sponsor report every change of address to the USCIS within 30 days of the change. To do this, send a completed Form I-865, Sponsor's Change of Address, to the Service Center having jurisdiction over your new address.

Do not complete Form I-865 at the same time that you complete the I-864EZ. You should complete and submit Form I-865 to USCIS only when the address you indicated on the original Form I-864EZ has changed. A sponsor who fails to submit a Form I-865 within 30 days of a change of address may be fined.

Please see Form I-865 for further directions on filing the Sponsor's Change of Address. This requirement does not relieve a sponsor who is a lawful permanent resident from submitting Form AR-11 within ten days of a change of address.

When Do I Complete Form I-864EZ and Where Do I Send It?

If the intending immigrant will apply for an immigrant visa at a U.S. Embassy or Consulate overseas:

Complete Form I-864EZ when it is mailed to you from the National Visa Center (NVC). Different instructions apply to some cases so follow the instructions provided by the National Visa Center for your particular case. The instructions on when and where to submit Form I-864EZ are included in the information packet that is mailed to you with Form I-864EZ. The form must be submitted to the government within 1 year of your signature date on the form.

If the intending immigrant will adjust status in the United States:

Complete Form I-864EZ when the intending immigrant is ready to submit his or her Application to Register Permanent Residence or Adjust Status, Form I-485. Then, give the completed Form I-864EZ and all supporting documentation to the intending immigrant to submit with his or her application for adjustment of status. This form and all accompanying documents must be submitted within one year of the time you complete and sign this form.

For privacy, you may enclose these documents in a sealed envelope marked "Form I-864EZ: To be opened only by a U.S. government official." You may be requested to submit updated information if there is a significant delay in processing.

Step-By-Step Instructions

Form I-864EZ is divided into seven parts. The information below will help you fill out the form.

Part 1. Qualifying to Use Form I-864EZ.

You may use Form I-864EZ if the statements in 1(a), 1(b) and 1(c) are all true. If you cannot check "Yes" to all three boxes, you do NOT qualify to use Form I-864EZ and therefore must use Form I-864. Submission of the incorrect form will delay processing.

- a. Check "Yes" if you are the petitioner who is filing or who has already filed Form I-130, Petition for Alien Relative; Form I-129F, Petition for Alien Fiance(e); Form I-600, Petition to Classify Orphan as an Immediate Relative; or Form I-600A, Application for Advance Processing of Orphan Petition.
- b. Check "Yes" if you are using only your own earned or retirement income that can be documented with an IRS Form W-2. If you are self-employed, you must check "No" to the question and you cannot use Form I-864EZ.
- c. The term "immigrating with" in this statement means "on the same visa petition". Thus, if the person you are sponsoring is an immediate relative (spouse, child, or certain parents of U.S. citizens), you can automatically check "Yes" for this box because every immediate relative has his or her own visa petition. If the person you are sponsoring is a family-based preference immigrant, and the family members listed on the same visa petition are immigrating with or within 6 months of the sponsored immigrant, you must check "No" for this box and you cannot use Form I-864EZ.

Part 2. Information on Immigrants You Are Sponsoring.

6. Alien Registration Number. An "A-number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-numbers. Persons with A-numbers can locate the number on their INS or USCIS-issued documentation.

Part 3. Information on the Sponsor.

10. Country of Domicile. This question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable

future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

A. You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

- The U.S. government;
- An American institution of research recognized by the Secretary of Homeland Security (The list of qualifying institutions may be found at 8 CFR 316.20);
- A U.S. firm or corporation engaged in whole or in part in the development of foreign trade and commerce with the United States, or a subsidiary of such a firm or corporation;
- A public international organization in which the United States participates by treaty or statute;
- A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or
- A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

B. You are living abroad temporarily. If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

C. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status. You must submit proof that you have taken concrete steps to establish you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as previously described.

15. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Navy, Air Force, Marines, or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P for information on the poverty levels.) Check "no" if you are not on active duty in the U.S. military.

Part 4. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories.

16(a) - This line is already completed for you.

16(b) - If you are married, and your spouse was not included in line (a), enter "1" here.

16(c) - Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

16(d) - Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 or Form I-864EZ as a petitioning, substitute, or joint sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or

credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

16(e) - Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not *legally obligated* to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

Part 5. Sponsor's Income and Employment.

18. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

19. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the 3 most recent years.

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. Telefile tax records are not acceptable proof of filing.

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 claim that you were not required to file a Federal 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 is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every Form W-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you were required to file a Federal income tax return during any of the previous 3 tax years but did not do so, you must file any and all late returns with the IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864EZ Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to 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 affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (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.

Part 6. Sponsor's Contract.

Read the contract carefully, print your name, and then sign and date the form. **If you do not print your name and sign and date the form in lines 20 and 21, the immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

Other Information.

Penalties

The Government may pursue verification of any information provided on or in support of this form, including employment, income, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d) (2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the sponsored immigrant received Federal, State, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 411(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part(6) such failure may result in a fine of not less than \$2,000 or more than \$5,000. Otherwise, the failure to report your change of address may result in a fine not less than \$250 or more than \$2,000.

Privacy Act Notice.

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

The information will be used principally by an immigration judge, USCIS, or a Consular Officer to whom it is furnished, to determine an alien's eligibility for benefits under the Immigration and Nationality Act, specifically whether he or she has adequate means of financial support and will not become a public charge.

Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.

The information may also as a matter of routine use be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistent with the consent signed as part of the contract in Part 6 of the Form I-864EZ. They may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.

USCIS Forms and Information.

To order USCIS forms, call our toll-free forms line at **1-800-870-3676**. You can also obtain 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 website at **www.uscis.gov**.

Use InfoPass for Appointments.

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 website at **www.uscis.gov**. 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. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

Reporting Burden

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this form is as follows: (1) 30 minutes to learn about the law and form; (2) 40 minutes to complete the form; and (3) 80 minutes to assemble and file the form; for a total estimated average of 2 hours and 30 minutes per form.

If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Ave., N.W., Washington, DC 20259-2210 OMB No. 1615-0075. This form expires September 30, 2012. **Do not mail your completed Affidavit of Support to this address.**

Check List

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

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 stub(s) 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 you are on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using the 100 percent of poverty level, **proof of your active military status.**