

AFFIDAVITS OF SUPPORT & SPONSOR DEEMING

FACT SHEET

This fact sheet only applies to immigrants who need sponsors to stay in the United States.

WHAT IS AN AFFIDAVIT OF SUPPORT?

An **affidavit of support** (AOS) is a piece of paper signed by a person called a **sponsor**. A **sponsor** helps an immigrant get a green card by signing the affidavit. In the affidavit, the sponsor promises that the immigrant who is applying for the green card will not become a **public charge**. A **public charge** is someone who cannot provide for himself and is on public benefits that give him cash, like TANF.

ARE AFFIDAVITS OF SUPPORT ENFORCEABLE?

It depends on what kind of affidavit the sponsor signed. INS Form I-134 is **not** enforceable, but can be used to help an immigrant get a green card. The I-134 Form was used before December 19, 1997. The only type of enforceable AOS is the **INS Form I-864**. The **I-864 Form** started being used on December 19, 1997.

DO I HAVE TO HAVE A SPONSOR?

Only some immigrants have to get a sponsor. The following two groups of immigrants must have sponsors:

1. Immigrants who apply for a green card through a family member **after** December 19, 1997;
2. Immigrants who apply for a green card through an employer **after** December 19, 1997, if the employer is a family member, or a family member is a part-owner of the business.

Some immigrants do not have to get sponsors, like refugees and asylees who are applying for a green card and immigrants with 40 quarters of work (about 10 years of working).

HOW LONG DO I HAVE TO HAVE A SPONSOR?

You have to have a sponsor until you become a U.S. citizen, earn credit for 40 quarters of work (about 10 years of working), or leave the U.S. forever.

WHO CAN BE A SPONSOR?

To be a sponsor, a person must be *all* of these:

- A U.S. citizen or national, or a Lawful Permanent Resident;
- At least 18 years old;
- Living in the U.S. and planning to live in the U.S. in the future; *and*
- Earning at least 125% of the federal poverty level for the sponsor's household. The sponsor's household includes the sponsor's family and the immigrant's family.

WHAT DOES SPONSOR DEEMING MEAN?

Sponsor deeming means that your sponsor's income is counted as your income too. This means that when you try to get public benefits, your sponsor's income will usually be added in as part of your income. Sometimes, this will mean you will get turned down for public benefits because your income is too high with your sponsor's income added in.

If you would go hungry or homeless without public benefits, then sponsor deeming will not apply, and your sponsor's income will not be counted in.

CAN I STILL GET PUBLIC BENEFITS LIKE TANF, FOOD STAMPS, AND MEDICAID IF I HAVE A SPONSOR?

Yes. You can still get these benefits if you qualify and are not over-income. However, your sponsor may have to pay back any SSI, food stamps, TANF, Medicaid, or SCHIP benefits that you get. Sponsors do not have to pay back the cost of Emergency Medicaid. Also, sponsors do not have to pay back the cost of food stamps received by an immigrant, if the sponsor is getting food stamps too.