

DETAILED TABLE OF CONTENTS

Summary Table of Contents	v
Acknowledgments	vii
About the Author	ix
Terms and Conditions for Use of eBooks	xviii
Chapter 1: Public Charge Ground of Inadmissibility	1
Introduction	1
Who Is Subject to the Public Charge Ground of Inadmissibility?	2
Who Is Not Subject to the Public Charge Ground?	3
History of the Public Charge Ground of Inadmissibility	5
1999 Definition of Public Charge	7
2018 <i>Foreign Affairs Manual</i> Change and Public Charge Rule	9
2019 DHS Public Charge Rule.....	10
2022 DHS Public Charge Rule.....	11
Public Charge Application by the Department of Justice	12
Public Charge Application by the Department of State	12
Public Charge Ground of Deportation	14
Chapter 2: USCIS Implementation of 2022 DHS Public Charge Rule	17
Introduction	17
Factor: Age.....	19
Factor: Health.....	19
Factor: Family Status	21
Factor: Assets, Resources, and Financial Status	22
Factor: Education and Skills	24
Factor: Receipt of Public Benefits	25
Fee Waivers.....	29
Factor: Affidavit of Support.....	30
Application of the Totality of the Circumstances Test	30
Waivers	31
Bond.....	31

Chapter 3: Public Charge Bonds	33
Introduction	33
Bond Basics.....	34
Factors Determining Eligibility for a Bond.....	35
Bond Breach.....	35
Bond Cancellation.....	36
Chapter 4: Overview of the Affidavit of Support: Who Is Affected?.....	39
Overview	39
Mandatory Filing Requirement.....	40
Who is Affected?.....	40
Who is Not Affected?.....	41
Diversity Visa Lottery Winners	43
Entrepreneurs	43
Widow(er)s	44
Children Deriving U.S. Citizenship	44
40 Qualifying Quarters Exemption.....	45
Where and When Must the Affidavit Be Filed?.....	46
Chapter 5: Eligibility to Be a Sponsor, Substitute Sponsor, Joint Sponsor, or Household Member	49
Definition of Sponsor	49
U.S. Citizen, National, or Lawful Permanent Resident	50
At Least 18 Years of Age.....	51
Domiciled in the United States.....	51
Definition of Joint Sponsor	55
Definition of Substitute Sponsor.....	56
Definition of Household Member or “Relative”	59
Definition of Intending Immigrant If Including Their Income	61
Chapter 6: Measuring Sponsor’s Household Size	65
Introduction.....	65
Measuring Household Size	65
Determining Federal Poverty Line.....	65
Rules in Determining Household Size	66

Chapter 7: Measuring Sponsor’s Income and Assets	73
Satisfying the Minimum Income Requirement	73
Determining Federal Poverty Line	73
Whose Income Can Be Counted	74
Current Individual Annual Income	76
Tax Filing Obligations and Reporting.....	79
Determining Sufficiency of Income	83
Using Assets to Satisfy Income Requirements	84
Use of Joint Sponsors.....	87
Chapter 8: Form I-864 Documentary Requirements.....	89
Introduction	89
Income, Assets, and Tax Documentation for Form I-864.....	90
Income.....	90
Significant Assets.....	92
Taxes	93
Other Evidence.....	97
Specific Documentation for Form I-864EZ	98
Income.....	99
Taxes	99
Income, Assets, and Tax Documentation for Form I-864A.....	99
Income.....	99
Assets	99
Taxes	99
Other Evidence.....	100
Chapter 9: Completing and Filing Forms I-864, I-864EZ, and I-864A.....	101
Introduction	101
Completing Form I-864.....	101
Part 1. Basis for Filing the Affidavit of Support	101
Part 2. Information About the Principal Immigrant	102
Part 3. Information About the Immigrants You Are Sponsoring.....	102
Part 4. Information About You (Sponsor).....	104
Part 5. Sponsor’s Household Size	104

Part 6. Sponsor’s Employment and Income 105

Part 7. Use of Assets to Supplement Income (Optional)..... 106

Completing Form I-864EZ..... 107

Completing Form I-864A..... 107

Part 1. Information About You (the Household Member)..... 108

Part 2. Your (the Household Member’s) Relationship to the Sponsor..... 108

Part 3. Your (the Household Member’s) Employment and Income..... 108

Part 4. Your (the Household Member’s) Federal Income Tax Information and Assets 109

Parts 5 and 6: Promise, Statement, Contact Information, Certification, and Signature 109

Filing the Forms 109

 With USCIS 109

 With the NVC 110

Withdrawing the Forms..... 111

Chapter 10: Agency Review and Adjudication of the Affidavit of Support..... 113

Introduction 113

Review and Adjudication by DOS 113

 Review by the NVC 113

 Adjudication by the Consulate 114

Review and Adjudication by USCIS..... 115

 Review by the USCIS 115

 Adjudication by USCIS..... 116

Chapter 11: Ethical Issues Surrounding the Affidavit of Support..... 119

Overview 119

Establishment of the Attorney-Client Relationship 120

 When Does the Relationship Form?..... 120

 Significance of Signing Form G-28 121

Conflicts of Interest..... 122

 Conflicts of Interest between Existing Clients..... 122

 Concurrent Conflicts of Interest Sometimes Allowed 123

 Informed Consent Requires Full Disclosure of Pros and Cons 124

 Duty to Withdraw If One Client’s Interests Become Adverse to an Existing Client’s 125

Conflict between Existing Client and Former Client	126
Duty of Continuing Loyalty to Former Clients	126
Unrepresented Third Party	127
Withdrawing from Representation in an Affidavit of Support Case	128
Maintaining Confidentiality	129
What is the Duty?	129
Duty of Confidentiality to Former Clients	130
Implied Authorization to Disclose	130
Client Fraud and Confidentiality	131
Chapter 12: Sponsorship Obligations and Termination of the Contract.....	133
Sponsorship Obligations	133
Legal Enforceability in General	134
Enforcement by the Sponsored Immigrant.....	135
Enforceable by a Federal, State, or Other Entity.....	138
Change of Address Requirements	141
Termination of the Contract	141
Chapter 13: Forms I-134 and I-134A	145
Who Files Form I-134	145
I-134 Sponsor Requirements	146
I-134 Not Legally Enforceable.....	148
Completing and Filing Form I-134	149
Part 2. Information About the Beneficiary.....	150
Part 3. Information About the Individual Agreeing to Financially Support the Beneficiary (the Sponsor).....	150
Who Files Form I-134A	151
I-134A Sponsor Requirements	151
Completing the I-134A	153
I-134A Not Legally Enforceable.....	153
Effective Date and Termination Date of I-134 and I-134A	154

Table of Appendices 155

Appendix 1: Earnings Needed to Earn One Quarter of SSA Coverage, 1978 to 2024 157

Appendix 2: Form I-864, Affidavit of Support, USCIS Processing Guides 159

Appendix 3: USCIS Request for Initial Evidence Letter 181

Appendix 4: NVC Assessment Letter Template 183

Appendix 5: USCIS Request for Additional Evidence Letter 185

Appendix 6: Sample Employer Letter 187

Appendix 7: Sample SSA Earning Statement 189

Appendix 8: Sample Consent and Disclosure Form 191

Appendix 9: Sample Declaration of Domicile 193