



October 23, 2025

Important Reminder for Means-Tested Public Benefit Granting Agencies

SUBJECT: USCIS Notice to Agencies that provide Means-Tested Public Benefits of the Statutory and Regulatory Requirements Regarding Requesting Reimbursement from Sponsors and Household Members

Reminder for Benefit Granting Agencies

USCIS is reminding agencies that provide means-tested public benefits that they are required under section 213A(b)(1)(A) of the Immigration and Nationality Act (INA) to request reimbursement from a sponsor, joint sponsor, or substitute sponsor who executed an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ), or sponsor's household member who completed and signed a Contract Between Sponsor and Household Member (Form I-864A) for any means-tested public benefits provided to a sponsored alien.

Discussion

Certain intending immigrants are required to submit an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) executed by a sponsor¹ who agrees to provide financial support to the sponsored alien and accepts liability for reimbursing the costs of any means-tested public benefits² a sponsored immigrant receives while the Affidavit of Support Under Section 213A of the INA is in effect pursuant to section 213A(a)(2) of the INA. In certain circumstances, a sponsor's household members may agree to use their income to help the sponsor financially support the sponsored alien.³ These household members complete and sign a Contract Between Sponsor and Household Member ([Form I-864A](#)), which is a contract in which

¹ Sponsor refers to the petitioning sponsor, joint sponsor, and substitute sponsor.

² Under [8 CFR 213a.1](#), "means-tested public benefit means either a Federal means-tested public benefit, which is any public benefit funded in whole or in part by funds provided by the Federal Government that the Federal agency administering the Federal funds has determined to be a Federal means-tested public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, [Public Law 104-193](#), or a State means-tested public benefit, which is any public benefit for which no Federal funds are provided that a State, State agency, or political subdivision of a State has determined to be a means-tested public benefit."

³ See [8 CFR 213a.2\(c\)\(2\)\(i\)\(C\)\(I\)](#) and [\(2\)](#).

the household member agrees to provide the sponsor with as much financial assistance as is necessary for the sponsor to maintain the sponsored alien at the required level.⁴

Sponsors and household members are responsible for reimbursing the cost of means-tested public benefits received by sponsored aliens.⁵ The INA states “[u]pon notification that a sponsored alien has received any means-tested public benefit, the appropriate nongovernmental entity which provided such benefit or the appropriate entity of the Federal Government, a State, or any political subdivision of a State shall request reimbursement by the sponsor in an amount which is equal to the unreimbursed costs of such benefit.”⁶ The regulations further state that “[if] an agency that provides a means-tested public benefit to a sponsored [alien] wants to seek reimbursement from a sponsor, household member, or joint sponsor, the program official must arrange for service of a written request for reimbursement upon the sponsor, household member, or joint sponsor”⁷

Reimbursement Process

Agencies that provided a means-tested public benefit to a sponsored alien must issue a written request for reimbursement.⁸ The agency must arrange for personal service of a written request for reimbursement upon the sponsor and any household member who completed and signed a Contract Between Sponsor and Household Member.⁹ The request for reimbursement must specify the date the support obligation commenced, the sponsored alien’s name, alien registration number, address, and date of birth, as well as the types of means-tested public benefit(s) that the sponsored alien received, the dates the sponsored alien received the benefits, and the total amount of the benefits received.¹⁰

Agencies do not need to make a separate request for each type of benefit or for each separate payment; agencies may aggregate in a single request all benefit payments made as of the date of the request.¹¹ The reimbursement request must include an itemized statement supporting the claim for reimbursement.¹² The reimbursement request must also include a notification to the sponsor (and any household members) that, within 45 days of the date of service, the sponsor (and any household members) must respond to the request for reimbursement either by paying the reimbursement or by arranging to begin payments pursuant to a schedule that is agreeable to the program official.¹³

A federal, state, or local government entity or a private entity must wait 45 days from the date it serves the written request for reimbursement before filing a lawsuit against the sponsor or

⁴ See [8 CFR 213a.2\(c\)\(2\)\(i\)\(C\)\(2\)](#).

⁵ See [INA 213A\(b\)\(1\)\(A\)](#). See [8 CFR 213a.2\(e\)\(3\)](#).

⁶ See [INA 213A\(b\)\(1\)](#).

⁷ See [8 CFR 213a.4\(a\)\(1\)](#).

⁸ See [INA 213A\(b\)\(1\)](#). See [8 CFR 213a.4](#).

⁹ See [8 CFR 213a.4\(a\)\(1\)\(i\)](#).

¹⁰ See [8 CFR 213a.4\(a\)\(1\)\(ii\)](#).

¹¹ See [8 CFR 213a.4\(a\)\(1\)\(iii\)](#).

¹² See [8 CFR 213a.4\(a\)\(1\)\(iv\)](#).

¹³ See [8 CFR 213a.4\(a\)\(1\)\(iv\)](#).

household member.¹⁴ An entity may also bring an action against a sponsor for failure to abide by repayment terms.¹⁵ No cause of action may be brought later than 10 years after the date on which the sponsored alien last received any means-tested public benefit to which an Affidavit of Support Under Section 213A of the INA applied.¹⁶

USCIS will provide certified copies of any executed Affidavit of Support Under Section 213A of the INA for use as evidence in a civil action to enforce an Affidavit of Support Under Section 213A of the INA, and may also disclose the last known address and social security number of the sponsor, substitute sponsor, or joint sponsor after USCIS receives a duly issued subpoena. Agencies do not need a subpoena to request information through the Systematic Alien Verification for Entitlement (SAVE) Program to obtain the sponsored alien's current immigration or citizenship status or the name, social security number, and last known address of a sponsor, substitute sponsor, or joint sponsor.¹⁷

Income Deeming¹⁸

Once the sponsored alien becomes a lawful permanent resident (LPR), the U.S. government is required by law to consider the sponsor's income and resources, and the income and resources of the sponsor's spouse, if any, as available to the sponsored alien in determining whether the sponsored alien is eligible for any Federal means-tested public benefits.¹⁹ If the alien is eligible for a Federal means-tested public benefit, the applicable agency considers the combined income and resources in determining the amount of any benefit provided to the alien.²⁰ This statutory deeming requirement also applies to any reapplication by the alien for a Federal means-tested public benefit.²¹ The sponsor and sponsor's spouse's income will be deemed as available to the sponsored alien until such time the support obligation of the Affidavit of Support Under Section 213A of the INA has been terminated.²²

Indigency Notification

For sponsored aliens, section 421(e)(2) of Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), requires agencies to notify DHS when an agency has made an indigency determination. An indigency determination is a determination by an agency that the sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor. If an

¹⁴ See [INA 213A\(b\)\(2\)\(A\)](#). See also [8 CFR 213a.4\(a\)\(1\)\(v\)](#).

¹⁵ See [INA 213A\(b\)\(2\)\(B\)](#).

¹⁶ See [INA 213A\(b\)\(2\)\(C\)](#).

¹⁷ See [8 CFR 213a.4\(a\)\(3\)](#).

¹⁸ While this reminder is focused on agencies administering Federal means-tested public benefits, Congress gave authority for States or political subdivisions of a State to similarly consider the income and resources of an alien's sponsor, and of the sponsor's spouse (if any), when considering eligibility for and the amount of State means-tested public benefits provided to an alien. See [8 U.S.C. 1632](#).

¹⁹ See [8 U.S.C. 1631\(a\)](#).

²⁰ See [8 U.S.C. 1631\(a\)](#).

²¹ See [8 U.S.C. 1631\(c\)](#).

²² See [8 CFR 213a.2\(e\)\(2\)\(i\)](#).

agency makes an indigency determination, during the 12-month period following the determination only the amount of income and resources actually provided to the alien by the sponsor and the sponsor's spouse (if any) will be considered as available to the alien when determining the eligibility and amount of benefits of an alien for a Federal means-tested public benefit.²³ The indigency notification must include the names of the sponsor and the sponsored alien involved.²⁴ This statutory requirement was implemented at [8 CFR 213a.4\(c\)\(2\)](#), providing a mechanism for reporting this information to USCIS.

²³ See [8 U.S.C. 1631\(e\)\(1\)](#). In effect, when an agency makes an indigency determination, an alien is more likely to be eligible for Federal means-tested public benefits, and eligible for a higher amount of such benefits, for a 12-month period.

²⁴ See [8 U.S.C. 1631\(e\)\(2\)](#).