



September 25, 2025

Important Reminder to Sponsors and Household Members Regarding Their Obligations Under Affidavits of Support Under Section 213A of the INA

SUBJECT: USCIS Notice to Remind Sponsors, Joint Sponsors, and Substitute Sponsors who Execute an Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) and Household Members who Complete and Sign a Contract Between Sponsor and Household Member ([Form I-864A](#)) of Support Obligations and Consequences

Reminder for Sponsors and Household Members

The Affidavit of Support Under Section 213A of the INA is a legally enforceable contract between a sponsor¹ and the U.S. government in which the sponsor agrees to provide support to maintain the sponsored alien at the required level for the duration of the obligation.² Relatedly, the Contract Between Sponsor and Household Member is a contract between the sponsor and the household member who signs the contract in which 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.³ Failure by sponsors and household members to meet their support obligations could result in serious financial consequences, including being required to reimburse benefit granting agencies for the amount that is equal to the cost of any means-tested public benefits received by the sponsored alien, payment of legal fees and other costs associated with requesting reimbursement, and fines.⁴

If a sponsor or household member knowingly and willfully falsifies or conceals a material fact or submits a false document with the Affidavit of Support Under Section 213A of the INA or Contract Between Sponsor and Household Member, he or she may face severe penalties provided by law and may be subject to a civil penalty under the [Immigration and Nationality Act \(INA\) 274C](#), to criminal prosecution, or to both, to the extent permitted by law.⁵

Background

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

² See [INA 213A\(a\)\(1\)](#).

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

⁴ See [INA 213A](#). See [8 CFR 213a.2\(d\)](#).

⁵ See [8 CFR 213a.2\(c\)\(2\)\(vi\)](#).

The [Illegal Immigration Reform and Immigrant Responsibility Act of 1996 \(IIRIRA\)](#) created the requirement for certain immigrants to submit an Affidavit of Support Under Section 213A of the INA to reduce the potential for an intending immigrant to become a public charge.⁶ Most family-based immigrants and some employment-based immigrants are required to submit a sufficient Affidavit of Support Under Section 213A of the INA.⁷ When required, the intending immigrant must submit a sufficient Affidavit of Support Under Section 213A of the INA executed by a sponsor in order to avoid being found inadmissible under INA 212(a)(4).⁸ For an Affidavit of Support Under Section 213A of the INA to be sufficient, the sponsor who executes it generally must demonstrate that he or she has the means to maintain the sponsored alien at an annual income of not less than 125 percent of the Federal Poverty Guidelines (FPG).⁹

An Affidavit of Support Under Section 213A of the INA is a **legally enforceable contract** that a U.S. citizen, U.S. national, or lawful permanent resident (LPR) signs to accept financial responsibility for an alien, usually a relative, who is coming to the United States to live permanently. The U.S. citizen, U.S. national, or LPR who executes the Affidavit of Support Under Section 213A of the INA becomes the alien's sponsor once the alien becomes an LPR.¹⁰

Obligations of Sponsors and Household Members

By executing an Affidavit of Support Under Section 213A of the INA, a sponsor accepts legal responsibility for financially supporting the sponsored alien **and for reimbursing the government upon request** for any means-tested benefits the sponsored alien receives while the support obligation is in effect.¹¹ In addition, the sponsor is responsible for notifying USCIS if their address changes.¹²

In certain circumstances, a sponsor's household members may agree to use their income to help the sponsor financially support the sponsored alien. In order to meet the income threshold, a sponsor may rely on the income or assets of the sponsor's spouse and of any other person included in determining the sponsor's household size.¹³ The household member does not need to independently meet the applicable income threshold, but their income and assets combined with

⁶ See Title V, Subtitle C of [Pub. L. 104-208](#), 110 Stat. 3009, 3009-675 (Sept. 30, 1996).

⁷ The Affidavit of Support is executed on [Form I-864](#) or [Form I-864EZ](#). A sponsor may use Form I-864EZ if the sponsor is the Petition for Alien Relative ([Form I-130](#)) petitioner, there is only one beneficiary on the Form I-130, and the income the sponsor is using to qualify is based entirely on the sponsor's salary or pension and is shown on one or more Form W-2 provided by the sponsor's employer(s) or former employer(s). In this chapter, any references to the Form I-864 also include the Form I-864EZ.

⁸ See [INA 213A\(a\)\(1\)](#), [INA 212\(a\)\(4\)\(C\)](#), and [INA 212\(a\)\(4\)\(D\)](#). Note that this is a separate (but related) determination from the determination under [INA 212\(a\)\(4\)\(B\)](#).

⁹ See [INA 213A](#). A sponsor who is on active duty (other than active duty for training) in the U.S. armed forces and who is petitioning for a spouse or child only has to demonstrate the means to maintain an annual income equal to at least 100 percent of the FPG. See [INA 213A\(f\)\(3\)](#). See [8 CFR 213a.2\(c\)\(2\)](#).

¹⁰ See [INA 213A\(a\)\(1\)](#). See [8 CFR 213a.2\(e\)\(1\)](#).

¹¹ See [INA 213A\(a\)\(1\)](#) and [\(b\)](#).

¹² See [INA 213A\(d\)\(1\)](#). See [8 CFR 213a.2\(e\)\(1\)](#).

¹³ See [8 CFR 213a.2\(c\)\(2\)\(i\)\(C\)\(I\)](#).

the sponsor's income and assets must meet the applicable income threshold.¹⁴ Household members who sign a Contract Between Sponsor and Household Member must be at least 18 years old and must agree to provide the sponsor as much financial assistance as the sponsor needs to maintain the sponsored alien at the required level, and agree to be liable for any request for reimbursement sent to the sponsor by a benefit granting agency.¹⁵

In general, the obligations imposed on a sponsor under an Affidavit of Support Under Section 213A of the INA and any household member's obligations under a Contract Between Sponsor and Household Member begin when the intending immigrant's application for admission as an immigrant or adjustment of status application is granted.¹⁶ These obligations are in effect as long as the Affidavit of Support Under Section 213A of the INA remains enforceable.¹⁷

Note that in executing an Affidavit of Support Under Section 213A of the INA, a sponsor must include as part of their household size the total number of aliens they have an existing obligation to support. If a sponsor executes an Affidavit of Support Under Section 213A of the INA that fails to include such sponsored aliens as part of the household size, that Affidavit of Support Under Section 213A of the INA is insufficient and the intending immigrant will be found inadmissible under INA 212(a)(4)(A) and their application for adjustment of status will be denied. To the extent that USCIS learns after granting adjustment of status that the sponsor failed to include all members of his or her household on the Affidavit of Support Under Section 213A of the INA that was executed, the sponsored alien is not lawfully admitted for permanent residence, may be subject to rescission of their LPR status under [INA 246](#), will be ineligible for naturalization under INA 318,¹⁸ and/or could be subject to removal from the United States. Additionally, sponsors who fail to include sponsored aliens as part of their household size on any Affidavit of Support Under Section 213A of the INA that they execute may face criminal prosecution.

Notifying USCIS of Change of Address

A sponsor who executed an Affidavit of Support Under Section 213A of the INA and a household member who completed and signed a Contract Between Sponsor and Household Member must notify USCIS within 30 calendar days of any change of address after becoming a sponsor.¹⁹ The sponsor meets this obligation by completing and filing Sponsor's Notice of Change of Address ([Form I-865](#)).

¹⁴ See [8 CFR 213a.2\(c\)\(2\)\(i\)\(C\)](#).

¹⁵ See [8 CFR 213a.2\(c\)\(2\)\(i\)\(C\)\(2\)](#).

¹⁶ See [8 CFR 213a.2\(e\)](#). However, a person executing an Affidavit of Support as a joint sponsor or [Form I-864A](#) as a household member is not bound to any obligation under [INA 213A](#) if, notwithstanding their executing an Affidavit of Support or Form I-864A, the Department of State officer (in deciding an application for immigrant visa) or the immigration officer or the immigration judge (in deciding an application for adjustment of status) includes in the decision a specific finding that the sponsor or substitute sponsor's own household income is sufficient to meet the income requirement under [INA 213A](#). See [8 CFR 213a.2\(e\)](#).

¹⁷ See [INA 213A\(a\)\(2\)](#). See [8 CFR 213a.2\(e\)\(2\)](#).

¹⁸ Naturalization under this section requires that the applicant has been lawfully admitted to the United States for permanent residence.

¹⁹ See [INA 213A\(d\)\(1\)](#). See [8 CFR 213a.3\(a\)](#).

Reimbursement of Means-Tested Public Benefits Received by Sponsored Aliens

If a sponsored alien receives any means-tested public benefits while the support obligation is in effect, the sponsor who executed the Affidavit of Support Under Section 213A of the INA and any household member that completed and signed the Contract Between Sponsor and Household Member **is responsible for repaying the cost of those benefits to the agency that provided them upon request.** If the benefit-granting agency chooses to request reimbursement and the cost of the benefits provided is not reimbursed, then the agency may sue the sponsor in court for repayment of the cost of the benefits.²⁰ Any household members who completed and signed the Contract Between Sponsor and Household Member are also legally responsible for financially supporting the sponsored alien. This repayment obligation applies to any means-tested public benefits the sponsored alien received during the period of support obligation. Termination of the support obligation, including death of any sponsor or household member, does not relieve the sponsor or household member of the obligation to repay, upon request, any amount owed the government that was accrued during the period of support obligation.²¹

The U.S. government is tasked with ensuring that only those aliens that are eligible for means-tested public benefits receive them. In furtherance of this, USCIS provides agencies seeking reimbursement with information about the sponsor including a copy of a sponsor's Affidavit of Support Under Section 213A of the INA²² and the sponsor's name, address, and Social Security number. These agencies may use the information to determine whether a sponsored alien who is applying for benefits is eligible for them and to request reimbursement from the sponsor or household member.

Termination of Support Obligation

The enforceability of the Affidavit of Support Under Section 213A of the INA, and therefore the sponsor's obligation to support the sponsored alien, can last for many years or even decades and only ends if one of the following conditions occurs:

- The sponsored alien becomes a U.S. citizen;²³
- The sponsored alien has earned or can be credited with 40 qualifying quarters of work under Title II of the Social Security Act²⁴ (provided that the sponsored alien is not credited with any quarter beginning after December 31, 1996, during which the sponsored alien receives or received any federal means-tested public benefit);²⁵

²⁰ See [INA 213A\(b\)\(2\)](#). See [8 CFR 213a.2\(d\)](#).

²¹ See [8 CFR 213a.2\(e\)\(3\)](#).

²² See [8 CFR 213a.4\(a\)\(3\)](#).

²³ See [8 CFR 213a.2\(e\)\(2\)\(i\)\(A\)](#).

²⁴ See [42 U.S.C. 401](#), et seq.

²⁵ See [8 CFR 213a.2\(e\)\(2\)\(i\)\(B\)](#).

- The sponsor dies (although the sponsor's estate is still responsible for reimbursement for any means-tested public benefits the sponsored alien received prior to the sponsor's death);²⁶
- The sponsored alien dies;²⁷
- The sponsored alien loses or abandons LPR status;²⁸ or
- The sponsored alien obtains LPR status on a new basis in removal proceedings based on a new Affidavit of Support Under Section 213A of the INA (if required).²⁹

Similarly, the household member's support obligations terminate by operation of law when any of the above-referenced conditions occur, except for in the event of the death of the sponsor. The death of one person who had a support obligation under an Affidavit of Support Under Section 213A of the INA or a Contract Between Sponsor and Household Member does not terminate the support obligation of any other individual with an obligation to support that sponsored alien. However, as in the case of the death of the sponsor, the household member's support obligations terminate upon the death of the household member.³⁰ This means that, in the event of the death of one sponsor or household member, any other sponsor or household member who completed and signed a Contract Between Sponsor and Household Member is responsible for the entire support obligation, even if he or she did not meet the income threshold to be a sole sponsor.

The support obligations of the Affidavit of Support Under Section 213A of the INA or a Contract Between Sponsor and Household Member continue regardless of:

- Divorce or annulment of a marriage;³¹ or
- A sponsored alien turning 21 years of age.³²

If you are a sponsor who executed an Affidavit of Support Under Section 213A of the INA or a household member who signed and completed a Contract Between Sponsor and Household Member, take note of the following:

²⁶ See [8 CFR 213a.2\(e\)\(2\)\(ii\)](#).

²⁷ See [8 CFR 213a.2\(e\)\(2\)\(i\)\(E\)](#).

²⁸ See [8 CFR 213a.2\(e\)\(2\)\(i\)\(C\)](#) (if the sponsored alien has not abandoned LPR status, executing the form designated by USCIS for recording such action, this provision will apply only if the sponsored alien is found in a removal proceeding to have abandoned that status while abroad).

²⁹ See [8 CFR 213a.2\(e\)\(2\)\(i\)\(D\)](#).

³⁰ See [8 CFR 213a.2\(e\)\(2\)\(ii\)](#).

³¹ See, e.g., *Matter of Sesay*, 25 I&N Dec. 431 (BIA 2011).

³² See Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)) and Contract Between Sponsor and Household Member ([Form I-864A](#)). The Form I-864, Form I-864EZ, and Form I-864A are enforceable contracts between the sponsor or household member and the U.S. government and the terms of the contract, including the period of enforceability and conditions under which a sponsor or household member's obligation is terminated, are included within these forms.

Consequences for Sponsors and Household Members

The sponsored alien may be ineligible for means-tested benefits because the government considers your income and assets as available to the alien.

Once the sponsored alien becomes an LPR, the U.S. government may consider the sponsor's income and assets as available to the sponsored alien in determining whether the sponsored alien is eligible for certain Federal, State, or local means-tested public benefits.³³

If you do not support the sponsored alien financially, then the alien can sue you to enforce the support obligation.

If you do not provide sufficient support to the sponsored alien, that alien may sue you for this support and aliens who have done so have successfully forced sponsors to support them.³⁴

If you have executed an Affidavit of Support Under Section 213A of the INA on behalf of multiple aliens, you are responsible for the support of each sponsored alien. If you are a joint sponsor, you agree to be jointly and severally liable with the sponsor for the support of the alien.³⁵ Therefore, you may be sued by the alien with the sponsor or separately for support.

Upon request, you must pay back the government for any means-tested benefits received by the alien you sponsored during the period your support obligation is in effect, and if you fail to do so may be sued and be required to pay the costs of collection and court fees.

If a Federal, State, local, or private agency provided any means-tested public benefits to the sponsored alien once they became an LPR, the agency may ask you to reimburse them for the amount of benefits they provided.³⁶ If you do not pay the cost of those benefits paid upon request, the agency may sue you for the amount you owe.³⁷

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment.³⁸ You may also be required to pay the costs of collection, including attorney fees.³⁹

If you have executed an Affidavit of Support Under Section 213A of the INA on behalf of multiple aliens, you are responsible to repay the amount of means-tested public benefits provided to each alien upon request.

³³ See [8 U.S.C. 1631\(a\)\(1\)](#).

³⁴ See [INA 213A\(a\)\(1\)\(B\)](#).

³⁵ See [INA 213A\(f\)\(2\)](#).

³⁶ See [INA 213A\(b\)\(1\)\(A\)](#). See [INA 213A\(c\)](#).

³⁷ See [INA 213A\(b\)\(2\)](#). See [INA 213A\(c\)](#).

³⁸ See [INA 213A\(c\)](#).

³⁹ See [INA 213A](#). See [8 CFR 213a.2\(d\)](#).

If you are a joint sponsor, you agree to be jointly and severally liable for the support of the alien.⁴⁰ Therefore, you may be sued with the sponsor or separately from the sponsor for reimbursement of any means-tested public benefits and the costs of collection.

If you do not update any change of your address with USCIS as required, you can be fined thousands of dollars.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.⁴¹ The amount of the civil penalty will depend on whether you failed to provide this notice because you were aware that the alien you sponsored had received Federal, State, or local means-tested public benefits. If the failure to report your change of address occurs with knowledge that the sponsored alien 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](#)), 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 \$2,000.⁴²

Penalties of Falsifying an Affidavit of Support or Contract Between Sponsor and Household Member

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Affidavit of Support Under Section 213A of the INA or Contract Between Sponsor and Household Member, USCIS will deem your Affidavit of Support Under Section 213A of the INA insufficient and deny the Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) with which it was submitted. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution. Any person who knowingly participated in the forgery, counterfeiting, or false production of an affidavit of support or an affidavit of support attachment, or in any concealment or misrepresentation of any material fact, may be subject to a civil penalty under section 274C of the INA, to criminal prosecution, or to both, to the extent permitted by law. If the person is an alien, the person may also be subject to removal from the United States.⁴³

The U.S. government may pursue verification of any information you provide relating to your sponsorship of the alien. USCIS has the authority to investigate your claimed employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration.

⁴⁰ See [INA 213A\(f\)\(2\)](#).

⁴¹ See [INA 213A\(d\)](#). See [8 CFR 213a.3\(b\)](#). The obligation to file a properly completed [Form I-865](#) only applies to sponsors, joint sponsors, and substitute sponsors. It does not apply to household members.

⁴² See Affidavit of Support Under Section 213A of the INA ([Form I-864](#) or [Form I-864EZ](#)). The Form I-864 and Form I-864EZ are enforceable contracts between the sponsor and the U.S. government and the terms of the contract, including the address reporting requirement, are included within these forms.

⁴³ See [8 CFR 213a.2\(c\)\(vi\)](#).

If you lie and knowingly provide false information in your Affidavit of Support Under Section 213A of the INA or Contract Between Sponsor and Household Member, you may be liable for criminal prosecution under the fullest extent of the laws of the United States.

USCIS examines the nature of the relationship between the alien and a joint sponsor and may refer any discrepancies to the local Fraud Detection and National Security office for further investigation, if necessary.⁴⁴ An alien is not required to have a relationship with the joint sponsor, but USCIS ensures that the joint sponsor understands the responsibilities and consequences of executing an Affidavit of Support Under Section 213A of the INA on behalf of the sponsored alien. If you lie and knowingly use the information of another person to execute an Affidavit of Support Under Section 213A of the INA without their knowledge, you have committed a violation of identity theft for each filed Affidavit of Support Under Section 213A of the INA, which results in a mandatory 2-year sentence for each violation.⁴⁵ The submission of a fraudulent Affidavit of Support Under Section 213A of the INA would also constitute visa fraud, resulting in a fine and prison sentence of up to 25 years,⁴⁶ and false statements, resulting in a fine and prison sentence of up to 5 years,⁴⁷ for each filed fraudulent form.

⁴⁴ A joint sponsor can be any U.S. citizen, lawful permanent resident, or U.S. national who is at least 18 years of age, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. See [INA 213A\(f\)\(5\)\(A\)](#).

⁴⁵ See [18 U.S.C. 1028A](#).

⁴⁶ See [18 U.S.C. 1546](#).

⁴⁷ See [18 U.S.C. 1001](#).