

Affidavits of Support and Income Verification for Immigrant Visa Cases

For family reunification immigrant visa case processing, U.S. law requires certain financial documents from petitioners in order to prove that they have the resources necessary to sponsor an immigrant and to ensure that the case overcomes certain ineligibilities as specified in the Immigration and Nationality Act. Most petitioners must show that they have an income that exceeds 125% of the U.S. Department of Health and Human Services Poverty Guidelines, or find a joint sponsor who meets those guidelines.

Frequently Asked Questions

What forms must petitioners submit?

All petitioners for immediate relative and family-preference immigrant case must submit Form I-864 and either (1) an IRS-generated transcript of your most recent tax return (preferred) or (2) a copy of your tax return (Form 1040) for that year. You must submit these forms even if your income does not meet the HHS guidelines and you plan to use a joint sponsor. If you did not file federal income taxes in the previous year, you must submit a letter describing why you qualify for an exemption from filing. If you file your income tax returns jointly with your spouse you must submit your W2 forms if you plan to use only your income, or a Form I-864A signed by your spouse if you plan to use your household income. All joint and co-sponsors must also submit the appropriate affidavit of support form and their most recent tax return transcript. **Please do not submit bank statements or other personal financial documents.**

How do you obtain an IRS Tax Return Transcript?

Tax Return Transcripts must be obtained directly from the U.S. Internal Revenue Service. You can request them online or via mail. Visit the following web address for more information:

<https://www.irs.gov/individuals/get-transcript>

What is a joint sponsor?

A joint sponsor is a third-party individual who *does not reside with the petitioner* who has agreed to sponsor an immigrant. They must individually meet the HHS poverty guidelines for their family size and the sponsored immigrant. For large families, it is possible to use more than one joint sponsor to sponsor all members of the family, but you cannot use more than two sponsors per case. For example, if two people are willing to sponsor a family of six, but neither of them has sufficient income to sponsor the entire family, one can sponsor three and the other the other three, covering all members of the family.

What documents must a joint sponsor submit?

Joint sponsors must submit the following three documents:

- 1) USCIS Form I-864
- 2) Most recent federal income tax return: IRS-generated transcript (preferred) or Form 1040
- 3) Proof of legal status in the United States (i.e. a copy of their U.S. passport, permanent resident card, or naturalization certificate).

What is a co-sponsor?

A co-sponsor is *a member of the petitioner's household*, who also agrees to sponsor an immigrant. Unlike a joint sponsor, co-sponsors must reside with the petitioner and can combine their income with the petitioner's in order to meet the HHS poverty guidelines.

What documents must a co-sponsor submit?

Co-sponsors must submit three documents:

- 1) USCIS Form I-864A
- 2) Most recent federal income tax return: IRS-generated transcript (preferred) or Form 1040
- 3) Proof of legal status in the United States (i.e. a copy of their U.S. passport, permanent resident card, or naturalization certificate).

Who can use USCIS Form I-864EZ?

Petitioners who do not plan to use joint or co-sponsors may use Form I-864EZ. It must be accompanied by their previous year's federal income tax return.

Who can use USCIS Form I-864W?

Form I-864W is an application for exemption from the need to submit an affidavit of support or financial documents. This generally only applies to the biological or adopted children of U.S. citizens.

Who can use USCIS Form I-134?

Form I-134 is used only for non-immigrant visa applications and to support certain Diversity Visa applicants. The most common visa category which qualifies for the use of Form I-134 is the K-type visa for the fiancés of U.S. citizens. All applicants for immediate relative or family preference visas must submit affidavits from the I-864 series.

How do you obtain IRS Form W2s to prove income?

Form W2s are available from your employer and the Internal Revenue Service.

What if I am self-employed or work as an independent contractor and do not have Form W2?

You can use a Tax Return Transcript to prove income. For independent contractors, IRS Form 1099 is also acceptable as proof of income.

Where can I find the HHS Poverty Guidelines?

We use the U.S. Department of Health and Human Services Poverty Guidelines to determine if sponsors have sufficient financial means to sponsor immigrants, based on their income and family size. Most sponsors must have income that exceeds 125% of the poverty level for their family size. The guidelines are available at the following link: <https://aspe.hhs.gov/poverty-guidelines>