

## LEGAL RIGHTS



By Atty. Johnson Lazaro

THE new affidavit of support form is supposed to be easier and less complex. But our office still receives several questions a week about the new rules. Since this is one of the most important immigration rules for people wishing to enter the U.S., many people want to know. So let's break it down.

First, what is the affidavit of support? Anyone entering the U.S. must show that he is admissible to the U.S. A person considered "likely to become a public charge" may be inadmissible in the U.S. To overcome this inadmissibility ground, the applicant is required to submit an affidavit of support from the family member sponsoring the person as a family-based immigrant. The sponsor must show that he or she has an income 125 percent above the federal poverty line.

The current affidavit of support is long and complicated. Thus, the Immigration Service just last year, created

# Affidavit of Support Made Easy

an easier form. They call it form I-864 EZ. This is available at the immigration website at [www.uscis.gov](http://www.uscis.gov). It's easy because it only requires that sponsor to submit his or her most recent income tax return rather than submitting the last three federal income tax returns. Less documentation is always better. In addition, it will no longer be required to be signed before a notary public. The rules are also more relaxed when it comes to joint sponsors.

Another important change is that Immigration is likely to scrutinize the sponsor's income in the year when the immigrant filed the visa application or adjustment of status rather than earnings last reported to the IRS. However, Immigration may request updated evidence and information on financial ability. No longer will the household member live with the sponsor's household for at least six months in order to sign the form.

The new form is easy because the amount of assets that the sponsor must show to sponsor someone has been decreased. It's easy

because it allows two joint sponsors per family unit to sign the support and each joint sponsor is only responsible for the intending immigrant listed on the Affidavit of support.

Finally, a little known law that took effect in 2002 allows the beneficiary of petition to use a "substitute sponsor" for the affidavit of support after the death of the original petitioner if the original petition had been approved prior to the petitioner's death and other conditions are met.

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