



## EVIDENCE WHICH MAY BE PRESENTED TO MEET THE PUBLIC CHARGE PROVISIONS OF THE LAW

Applicants for K-1 and K-3 visas and their derivatives (K-2 and K-4 respectively) are not required to file an affidavit of support, form I-864, at the time he or she applies for the visa. However, the Immigration and Nationality Act does require the applicant to establish to the satisfaction of the consular officer at the time of the application for a visa, and also to the satisfaction of an officer of the United States Citizenship and Immigration Services (USCIS) at the time of application for admission to the United States, that he or she is not likely at any time to become a public charge.

### **FIANCÉ(E) (K-1) VISA APPLICANTS AND THEIR DERIVATIVES (K-2)**

A petitioner must furnish sponsorship for K-1 category visa applicant in the form of an affidavit of support, form I-134. The form as well as instructions for completing it are available from the U.S. Citizenship and Immigration Service webpage: <http://www.uscis.gov/> (see section Forms). More information about form I-134 is available on page 2.

**K-3 VISA APPLICANTS AND THEIR DERIVATIVES (K-4)** may generally satisfy the requirement of the law by presenting documentary evidence establishing that:

- the applicant has or after immigrating will have personal funds sufficient to provide support for himself/herself and dependent family members (if any) or sufficient to provide support until suitable employment is located;
- the applicant has arranged employment in the U.S. that will provide an adequate income for the applicant and dependent family members;
- relatives or friends in the U.S. will assure the applicant's support;
- or a combination of the above circumstances.

### **Applicants own funds**

An applicant who expects to be able to meet the public charge provisions of the law through personal financial resources may submit to the consular officer evidence of funds or income from one or more of the following sources:

- bank statement showing present balance of applicant's account, date account was opened, the number and amount of deposits and withdrawals during the past 12 months, and the average balance during the year. If there have been recent unusually large deposits, an explanation thereof should be given;
- proof of ownership of property or real estate, in the form of a title deed or the equivalent and a letter from a lawyer, or real estate agent showing its present valuation (any mortgages or loans against the property must be stated);
- letter or letters verifying ownership of stocks and bonds, with present market value or expected earnings indicated;
- statement from insurance company showing policies held and present cash surrender value;
- proof of income from business investments or other sources.

If the financial resources are derived from a source outside the United States, a statement as to how the funds or income are to be transferred to the U.S. must be provided.

### **Employment**

An applicant relying on an offer of prearranged employment to meet the public charge provisions of the law should have the prospective employer submit a notarized letter of employment on the letter head stationary of the employing business. The letter should:

- contain a definite offer of employment;
- give a description of the job offered to the alien and an explanation of skills which qualify the alien for the position;
- state the rate of compensation to be paid and if pertinent, additional information detailing other benefits to be included in lieu of cash payment;

- specify the location, type and duration (whether seasonal, temporary or indefinite) of the employment offered;
- and state whether the employment will be immediately available upon the applicant's arrival in the U.S.

### **I-134 affidavit of support**

Persons in the U.S. who wish to furnish sponsorship of K-3 category visa applicant in the form of an affidavit of support should use form I-134 which is available from the U.S. Citizenship and Immigration Service webpage: <http://www.uscis.gov/> (see section Forms). Sponsors may also elect to furnish a statement in the form of an affidavit sworn to before a notary public or other official competent to administer an oath, setting forth his or her willingness and financial ability to contribute to the applicant's support and reasons, in detail, for sponsoring the applicant.

The affidavit should include:

- information regarding his or her annual income;
- where material, information regarding his or her other resources;
- obligations for the support of members of his or her own family and other persons, if any;
- other obligations and expenses;
- plans and arrangements made for the applicant's reception and support;
- an expression of willingness to deposit a bond, if necessary, with the USCIS to guarantee that the applicant will not become a public charge in the United States;
- and an acknowledgment that the sponsor is aware of his or her responsibilities under the Social Security Act, as amended, and the Food Stamp Act, as amended, that the affidavit will be binding upon the sponsor for three years after entry of the named persons; and that the affidavit and supporting documentation may be made available to a public assistance agency. (The provisions of the above laws are contained in form DS-1858, Sponsor's Financial Responsibility Under the Social Security Act, and printed in Part III of the instructions for Form I-134).

The sponsor should include in the affidavit a statement concerning his or her status in the U.S. If the sponsor is an American citizen the affidavit should include a statement about how U.S. citizenship was acquired. If naturalized, the affidavit should indicate the date of naturalization, the name and location of the court, and the number of the sponsor's certificate of naturalization. If the sponsor is an alien who has been lawfully admitted into the U.S. for permanent residence, he or she should state in the affidavit the date and place of admission for permanent residence and the alien registration number which appears on his or her Alien Resignation Receipt Card.

To substantiate the information regarding income and resources the sponsor should attach two or more of the following items to the affidavit:

- notarized copies of his or her latest federal income tax return;
- a statement from his or her employer showing salary and the length and permanency of employment;
- a statement from an officer of a bank regarding his or her account, the date the account was opened and the present balance;
- any other evidence adequate to establish financial ability to carry out his or her undertaking toward the applicant for what might be an indefinite period of time.

If the sponsor is well established in business, he or she may submit a rating from a recognized business rating organization in lieu of the foregoing. If the sponsor is married, the affidavit should be signed jointly by both husband and wife. Affidavits of support should be signed jointly by both husband and wife. Affidavits of support should be of recent date when presented to the consular officer. They are unacceptable if more than one year has elapsed from the date of execution. The affidavit of support should be given to the applicant to present on the day of his or her visa interview. If you do not wish for the person to see this affidavit, you may send it directly to the Embassy with a cover letter giving the applicant's full name, date and place of birth, and case number.

***Note: An applicant who expects to meet the public charge provisions of the law through the presentation of an affidavit of support is encouraged to forward this information sheet to his or her sponsor so as to assist the sponsor in preparing the affidavit.***