



**AMERICAN CONSULATE GENERAL
AMSTERDAM, THE NETHERLANDS
020-5755331/020-5755333**

Dear Madam/Sir Petitioner:

These instructions pertain to Form I-864, the Affidavit of Support, for you to complete and provide to your beneficiary.

Your beneficiary must bring the completed, signed I-864, Affidavit of Support, properly assembled and with supporting documents, to the final visa interview.

This form is required by U.S. immigration law to be signed by the petitioner if your petition is filed under one of the visa categories listed below:

- ➡ All family-based immigrants, including adoptees (self-petitioning widow/ers and battered spouses of U.S. citizens and the children of battered spouses of U.S. citizens are exempt from this requirement); and
- ➡ Those employment-based immigrants who are petitioned by a relative or by a business in which a relative has a significant ownership interest.

The form I-864, or if you need them, forms I-864A, I-864EZ and/or I-864W, can be found at:

<http://www.uscis.gov> (Click on the tab: 'Immigration Forms')

Or you can call or e-mail the Consulate, to have them sent to you.
020 575 5331/5333 or ImmigrantVisasAMS@state.gov

2009 GUIDELINES

MINIMUM INCOME REQUIREMENT FOR USE IN COMPLETING THE FORM I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT

Use the table below for the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam:

2009 HHS Poverty Guidelines

Size of Family Unit	48 Contiguous States and D.C. 100%	125%	Alaska 100%	125%	Hawaii 100%	125%
1	10,830	13,538	13,530	16,913	\$12,460	15,575
2	14,570	18,213	18,210	22,763	16,760	20,950
3	18,310	22,888	22,890	28,613	21,060	26,325
4	22,050	27,563	27,570	34,463	25,360	31,700
5	25,790	32,238	32,250	40,313	29,660	37,075
6	29,530	36,913	36,930	46,163	33,960	42,450
7	33,270	41,588	41,610	52,013	38,260	47,825
8	37,010	46,263	46,290	57,863	42,560	53,200
For each additional person, add	3,740	4,675	4,680	5,850	4,300	5,375

IMPORTANT NOTICE FOR SPONSORS

Read the following selection before submitting Form I-864, Affidavit of Support Under Section 213A of the Act.

WHO NEEDS FORM I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT?

- Applicants for family-based immigrant visa (IV) categories, including biological and adopted children of U.S. citizens who are not eligible for automatic naturalization upon admission as a legal permanent resident
- Any alien classified IR-2 based on a stepparent-stepchild relationship with a U.S. citizen
- Any alien classified IR-2 who will be age 18 or over upon admission to the United States as a lawful resident
- Any alien classified IR-2 who will not be taking up residence in the United States
- Any alien classified IR-2 who will not be residing with, and in the legal custody of, the U.S. citizen
- Orphans adopted abroad by U.S. citizen (IR-3/IR-4) or
- Applicants for employment-based immigrant visas where a relative filed the immigrant visa petition or has a five percent or
- Greater ownership interest in the business that filed the petition

WHICH APPLICANTS FOR FAMILY-BASED IMMIGRANT VISAS DO NOT NEED THE I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT?

- a. Biological (natural-born, in or out of wedlock) children of U.S. citizens (IR-2 immigrant visa (IV) category) provided the child will be admitted to the United States while under the age of 18 and will reside in the United States with, and in the custody of, the U.S. citizen parent;
- b. Self-petitioning widow or widower and battered spouses and children;
- c. An adopted child classified IR-2 who satisfies the requirement of **INA 101(b)(1)(e)** with respect to U.S. citizen parent; provided the child will be admitted to the United States while under age 18 and will reside in the United States with, and in the custody of, the adoptive U.S. citizen parent;
- d. Orphans adopted abroad by U.S. citizen (IR-3/IR-4 immigrant visa (IV) category) with a full and final adoption, who will be admitted to the United States while under age 18 and will reside in the United States with, and in the custody of, the adoptive U.S. citizen parent;

or

- e. Immigrants who have already worked or can be credited with 40 qualifying quarters of work as defined in Title II of the Social Security Act (SSA).

CHECKLIST FOR PREPARING THE FORM I-864, AFFIDAVIT OF SUPPORT UNDER SECTION 213A OF THE ACT

Documents must be submitted in the following order:

- a. Petitioner's Documents—Form I-864, Affidavit of Support Under Section 213A of the Act. The petitioner in family-based immigrants, or the employment-based immigrants where a relative filed the petition or has ownership interest (5% or more) in the petitioning entity, or a joint sponsor must complete a Form I-864, Affidavit of Support Under Section 213A of the Act.
 - (1) All pages in correct order, 1, 2, 3, 4, 5, and 6 *are* stapled together.
 - (2) Each page filled out completely.
 - (3) Part 7 signed by the petitioner (for employment cases, by the relative) *(not required to be notarized)*.
 - (4) *Photocopy or Internal Revenue Service (IRS) transcript of the most recent federal tax return with all supporting schedules that the sponsor had filed prior to the time of Affidavit of Support (AOS) signing. The return must have all pages in the correct order and must be stapled together.*
 - (5) If you did not have to file a tax return, attach a written explanation and a copy of the instructions from the *IRS* publication that shows you were not obligated to file. (For information on most income tax obligations visit the IRS *Web site*.)
 - (6) If assets are needed to meet the minimum income requirement:
 - (a) Evidence of assets with a cash value that equals at least five times the difference between your total household income and the poverty guideline for your household size (see chart below):

Example for a Household of 4:

125% Poverty Guideline	\$25,000 (2006)
Sponsor's Income	\$18,000
Difference	\$7,000
Multiply by 5	X 5
Minimum Required Cash Value of Assets	\$35,000

- (b) Evidence of ownership, location, and the value of each asset;
- (c) Evidence of liens, mortgages, and liabilities for each asset (if any); and
- (d) *When required under [9 FAM 40.41 N5.4 a \(3\)](#)*, evidence of current employment or self-employment, such as a recent pay statement or a statement from your employer on business stationery, showing beginning date of employment, type of work performed, and salary or wages paid.

b. Joint Sponsor's Documents (if required):

- (1) Form I-864, Affidavit of Support Under Section 213A of the Act: Must be completed by a joint sponsor if the petitioner's income does not meet the 125% income requirement.
- (2) The joint sponsor: Must meet the same qualifications as the petitioner and submit the same documentation as noted in (a) Petitioner's Documents above.

NOTE: The petitioner must also submit a Form I-864, Affidavit of Support Under Section 213A of the Act.

c. Household members whose income and assets are to be considered:

A separate Form I-864-A, Contract Between Sponsor and Household Member must be completed for each household member whose income and assets are to be considered.

- (1) Each page must be filled out completely and stapled together;

- (2) All tax, employment, and asset documents must be assembled in the same manner as the sponsor's (see above) and attached to the correct Form I-864-A Contract Between Sponsor and Household Member.
 - (3) Proof of U.S. citizenship or lawful permanent resident (LPR) status;
 - (4) Part 2 and Part 5 completed by sponsor *(not required to be notarized)*.
 - (5) Part 3 or Part 4 and Part 6 must be completed by the household member *(not required to be notarized)*.
- d. Documents for the Principal Immigrant and Accompanying Dependents:
- (1) Principal Applicant:
 - (a) Original Form I-864, Affidavit of Support Under Section 213A of the Act and Form I-864-A, Contract Between Sponsor and Household Member (if needed); must be signed *(not required to be notarized)*.
 - (b) *The sponsor's most recent Federal income tax return filed prior to the time of Form I-864 signing is needed for each principal immigrant.*
 - (2) Accompanying Dependents:
 - (a) Each dependent must have a signed *(not required to be notarized)* Form I-864 Affidavit of Support Under Section 213A of the Act and Form I-864-A, Contract Between Sponsor and Household Member if needed.
 - (b) Copies of the principal's Form I-864 Affidavit of Support Under Section 213A of the Act and Form I-864-A Contract Between Sponsor and Household Member may be used, *(photocopies of signatures and notarizations will be accepted)*.
 - (c) Copies of supporting documents are not required for dependents applying for visas or adjustment of status together with the principal immigrant.