



## FREQUENTLY ASKED QUESTIONS ABOUT FORM I-134, AFFIDAVIT OF SUPPORT

In recent weeks, thousands of humanitarian parole applications have been submitted for Afghan nationals seeking to leave dangerous conditions in Afghanistan. The parole process typically involves a petitioner in the United States filing a humanitarian parole application on Form I-131 on behalf of an individual overseas. An individual overseas can also file a self-petition on Form I-131. In either case, Form I-131 must typically be accompanied by Form I-134, Affidavit of Support signed by the financial sponsor. Please find answers below to some of the most commonly asked questions about Form I-134.

### **Q. What is Form I-134 and when is it used?**

A. Form I-134 may be used in any case where a noncitizen is potentially inadmissible on public charge grounds, but where there is no requirement for the submission of a Form I-864, Affidavit of Support under Section 213A of the INA. The purpose of Form I-134 is to document the personal finances of the sponsor who resides in the United States. It is most commonly requested by USCIS in support of an application for humanitarian parole, but it also often requested by the Department of State in support of a fiancé(e)'s application for a K-1 visa.

### **Q. What is the minimum income requirement for the I-134?**

A. USCIS will refer to the Federal Poverty Guidelines to determine whether the sponsor has demonstrated adequate household income. The current FPG are available at [uscis.gov/i-864p](https://uscis.gov/i-864p). For example, a sponsor on an I-134 with a household size of four and living in one of the lower 48 states should be able to document an income at or above \$26,500, or 100 percent of the FPG. In

contrast, a sponsor on an I-864 would need to evidence an income of \$33,125, since the I-864 sponsor is required to show an income of 125% of the FPG in most cases.

**Q. Does each parole applicant need a separate I-134?**

A. Yes. Each parole applicant must submit a separate I-134.

**Q. What type of support does the financial sponsor need to provide?**

A. Form I-134 asks the sponsor whether he or she intends to make specific contributions, such as room and board or monetary support to the individual. Documenting an intent to provide specific contributions will strengthen the affidavit of support. However, there is no specific monetary or other support that is *required* of the financial sponsor.

**Q. Is the I-134 legally enforceable?** No. The government regulation governing the I-134 states that it is not legally enforceable. Furthermore, several state courts have found the I-134 to be legally unenforceable.

**Q. Does the I-134 sponsor need to be the I-131 applicant?**

A. No. The sponsor *can* be the applicant, but it is not a requirement. There are three potential parties: the parole applicant, the beneficiary overseas, and the financial sponsor. In some cases, the parole applicant and financial sponsor will be the same, but that is not always the case. Take for example, a U.S. citizen living in New York who wishes to file an I-131 application for humanitarian parole on behalf of his mother. The U.S. citizen is not working and cannot fulfill the income guidelines for the affidavit of support. The U.S. citizen remains the applicant on the I-131 but uses his cousin to be the financial sponsor on Form I-134.

**Q. Does the I-134 sponsor need to be related to the parole applicant or beneficiary?**

A. No. There is no requirement of a familial or other relationship between the sponsor, the parole applicant, or the beneficiary of the parole application. However, Department of State guidance on the I-134 indicates that a family relationship or a close friendship between the financial sponsor and

the beneficiary will strengthen the weight of the I-134. Therefore, an I-134 submitted by a financial sponsor who can document ties to the beneficiary will be given more weight.

**Q. Does the I-134 sponsor need to be a U.S. citizen or lawful permanent resident LPR?** No.

However, USCIS guidance indicates that an LPR or a U.S. citizen may more easily be able to show the ability to support the parolee in the United States. Therefore, identifying a U.S. citizen or LPR sponsor is advisable in most cases.

**Q. Does a self-petitioner for parole need a separate financial sponsor?** Yes. Self-petitioners for parole should typically identify a separate financial sponsor. USCIS states that it is possible for a self-petitioner to show that he or she is financially self-sufficient by submitting supporting documents, but a separate financial sponsor is advisable in most cases.

**Q. What documentation should the sponsor submit with the I-134?**

A. The sponsor should submit proof of his or her citizenship or immigration status and evidence of sufficient income and resources, which may include pay stubs, a copy of the most recent year of tax returns, bank statements, or a letter from an employer. The instructions to the I-134 specifically list the following documents as being required:

- A signed statement from an officer of the bank or other financial institution that states when the account was opened, the total amount deposited for the past year, and the present balance of such account
- A signed statement from an employer on business letterhead that states the date and nature of employment, salary paid, and whether the position is temporary or permanent
- A copy of the last federal income tax return filed, or a report of commercial rating concern (if self-employed)
- A list containing the serial numbers and denominations of bonds and names of the owners (if applicable).

While USCIS indicates that the above-documents are required, we know of cases where the I-134 has been accepted without all of this documentation. The government has broad discretion in determining what documents to require for the affidavit of support. At a minimum, the financial sponsor should provide the most recent federal income tax return and proof of current employment.

**Q. Is it possible to have multiple sponsors for the I-134?**

A. Yes. The applicant can submit affidavits of support from two sponsors if, standing alone, each affidavit would be found insufficient.

**Q. Can a nonprofit organization submit Form I-134?**

A. USCIS may also accept proof that a nonprofit organization or medical institution is committed to providing financial support to the parolee for the duration of the person's stay in the United States. The organizational director may complete the I-134 on behalf of the organization or, instead of completing the I-134, provide a letter on behalf of the organization outlining the commitment to providing financial support to the parolee.

**Q. When does the I-134 become effective?**

The I-134 goes into effect after the parolee has arrived in the United States.

**Q: When does the I-134 terminate?**

Since the I-134 is not legally enforceable as a contract against the financial sponsor, there is no clear date as to when the I-134 obligation terminates. In contrast to the I-864, where there is a clear commitment that persists until the person who immigrates becomes a U.S. citizen, dies, or can be credited with 40 quarters of work in the United States, there is no fixed termination date under the I-134. The I-134 can be thought of as a tool for USCIS and the State Department to analyze the likelihood that the non-citizen will become a public charge.