



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

GENERAL

The Immigration and Nationality Act requires an applicant for a visa to establish to the satisfaction of the consular officer at the time of application for a visa, and also to the satisfaction of the United States immigration official 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.

An applicant for an immigrant visa may generally satisfy this requirement of the law by the presentation of documentary evidence establishing that:

1. the applicant has, or will have, in the United States personal funds sufficient to provide support for the applicant and dependent family members, or sufficient to provide support until suitable employment is located;
2. the applicant has arranged employment in the United States that will provide an adequate income for the applicant and dependent family members;
3. relatives or friends in the United States will assure the applicant's support; or
4. a combination of the above circumstances exists.

APPLICANT'S 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 of income from one or more of the following sources:

1. Statement from a senior officer of a bank 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 therefor should be given);
2. Proof of ownership of property or real estate, in the form of a title, deed or the equivalent, and a letter from a lawyer, banker or responsible real estate agent showing its present valuation (any mortgages or loans against the property must be stated);
3. Letter or letters verifying ownership of stocks and bonds, with present market value or expected earnings indicated;
4. Statement from insurance company showing policies held and present cash surrender value;
5. 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 letterhead stationery of the employing business. The letter should:

1. Contain a definite offer of employment;
2. Give a description of the job offered to the alien and an explanation of skills which qualify the alien for the position;
3. State the rate of compensation to be paid and, if pertinent, additional information detailing other benefits to be included in lieu of cash payment;
4. Specify the location, type, and duration (whether seasonal, temporary, or indefinite) of the employment offered; and
5. State whether the employment will be immediately available upon the applicant's arrival in the United States.

AFFIDAVIT OF SUPPORT

Persons in the United States who desire to furnish sponsorship for an applicant in the form of an affidavit of support should use Form I-134, Affidavit of Support, available from the Immigration and Naturalization Service. 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 sponsor's affidavit should include:

1. Information regarding his or her annual income;
2. Where material, information regarding his or her other resources;
3. Obligations for the support of members of his or her own family and other persons, if any;
4. Other obligations and expenses;
5. Plans and arrangements made for the applicant's reception and support;
6. An expression of willingness to deposit a bond, if necessary, with the Immigration and Naturalization Service to guarantee that the applicant will not become a public charge in the United States; and
7. 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 (3) 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 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 United States; if the sponsor is an American citizen the affidavit should include a statement about how United States 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 United States 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 Registration Receipt Card.

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

1. Notarized copies of his or her latest federal income tax return;
2. A statement from his or her employer showing salary and the length and permanency of employment;
3. A statement from an officer of a bank regarding his or her account, the date the account was opened, and the present balance;
4. 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 of recent date when presented to the consular officer. They are unacceptable if more than one year has elapsed from the date of execution. A sponsor may prefer to forward his or her affidavit of support directly to the consular office where the visa application will be made, in which event the contents will not be divulged to the applicant.



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 an affidavit.

适应公众负担法例证件

根据移民归化条例,每一签证申请人向领事申请签证及向美国移民官申请入境时必须提出充分证据证明其人不会需要公众负担。为适应此法例要求,申请签证人士通常可呈示证件来证明:

1. 在美国,申请人已有或将有私人钱财足够供养本人及家属;或足够供养至本人找到合适的工作为止;
2. 申请人已在美国获得工作职位,收入足够供养申请人及其家人;
3. 在美国的亲戚或朋友愿意提供给申请人生活费;
4. 以上三种情况合并存在。

申请人私有钱财:

想用私人财富来证明自己不需公众负担的申请人,可以向领事呈交下述一项或多项文件作为证据:

1. 银行高级人员的信件,列出申请人现存款项,开户日期及一年来的存款、支出次数和金额,以及一年内的平均结余。(如果近日曾存入巨款,请解释原因);
2. 银行信,律师信或有地位的产业经纪人的信件,证明申请人拥有私人物业或地产并列出现时价值。(如该物业或地产已被用作按揭或贷款用途,请说明)。
3. 证明申请人持有股票或债券兼附时值之函件。
4. 保险公司证明信,证明保单和兑现价值。
5. 商务投资或其它收入的证明。

如果财富收入来源来自美国境外,必须提供一份声明书,说明将如何把金钱和收入转帐到美国。

就 业

想通过预先安排好的职位来证明自己不需要公众负担的申请人,要提供未来雇主用公司信笺写出并经过认证的聘请信。信的内容应该包括:

1. 有明确的聘约;
2. 说明提供的工作内容及申请人可以担任该工作的技能;
3. 说明将付给申请人的薪金及其它福利;
4. 说明聘用申请人在何地、何部门从事何种工作及时间(如季节性、临时性或不定期等);
5. 说明申请人抵达美国后是否马上可以就职。

生活保证誓章

在美国的人如果想提供生活保证誓章来担保申请人的话,必须填写可在美国移民归化局取得的 I—134 号表格(生活保证誓章)。担保人也可以选用书面声明的形式,在公证人或监誓官面前发誓,陈述他的意愿和能够支付申请人的生活费用的经济能力以及为什么要担保申请人的理由。

担保誓章须包括如下内容:

1. 有关其收入的资料;
2. 必要时提供有关其财源的资料;
3. 其本人必须供养之家人或其他人士;
4. 其他债务和开支;
5. 接待和供养申请人的计划和安排;
6. 表示愿意在必要时为申请人存储一笔保金在移民局保证申请人不会成为公众负担之人。
7. 表示明白在社会保障法例和食物税条例下,担保人所负的责任。生活保证誓章将会约束担保人负责申请人入境后三年内的生活,而且,誓章和其它附加文件可能交给公共援助处(以上法例刊登在 DS—1858 号表及 I—134 号表的第三部分)。

担保人应在誓章内陈述其在美国的身份。如果担保人是美国公民,则应陈述如何获得美国国籍。如担保人是归化(入籍)美国,应说明入籍日期,法庭名称、地点和入籍证书号码。如果担保人是合法入境的美国永久居民,应说明获准永久居留的日期和地点并列出其外籍人登记证的号码。

担保人可在其誓章上兼附下述两项或更多的证件以证实有关收入和财富来源:

1. 经过认证的最近期联邦入息税单的副本。
2. 雇主证明信,列出其职位的雇用期和薪金。
3. 银行证明信,述明其银行户口情况,开户日期及现存款项。
4. 任何其他证件证明担保人有足够经济能力履行其无限期负担申请人生活费用之承诺。

如果担保人是具有地位的商人,则可以提供一份由有资格的评价机构发出的商业评估证代替上述证件。如果担保人是已婚人士,其誓章应由夫妇两人签字。

生活保证誓章呈交领事时应是近日作出的。宣誓日期已满一年的誓章则无效。

注意:申请人如果打算呈交生活保证誓章来证明符合公众负担法例,则可将此资料寄给其担保人以协助担保人作出誓章。