

## DEFINITIONS

For definitions of “Secretary” and “appropriate congressional committees” as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of Title 22, Foreign Relations and Intercourse.

**§ 1183. Admission of aliens on giving bond or undertaking; return upon permanent departure**

An alien inadmissible under paragraph (4) of section 1182(a) of this title may, if otherwise admissible, be admitted in the discretion of the Attorney General (subject to the affidavit of support requirement and attribution of sponsor's income and resources under section 1183a of this title) upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States, and to all States, territories, counties, towns, municipalities, and districts thereof holding the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. Such bond or undertaking shall terminate upon the permanent departure from the United States, the naturalization, or the death of such alien, and any sums or other security held to secure performance thereof, except to the extent forfeited for violation of the terms thereof, shall be returned to the person by whom furnished, or to his legal representatives. Suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, territory, district, county, town, or municipality in which such alien becomes a public charge, irrespective of whether a demand for payment of public expenses has been made.

(June 27, 1952, ch. 477, title II, ch. 2, § 213, 66 Stat. 188; Pub. L. 91-313, § 1, July 10, 1970, 84 Stat. 413; Pub. L. 101-649, title VI, § 603(a)(8), Nov. 29, 1990, 104 Stat. 5083; Pub. L. 104-208, div. C, title III, § 308(d)(3)(A), title V, § 564(f), Sept. 30, 1996, 110 Stat. 3009-617, 3009-684.)

## AMENDMENTS

1996—Pub. L. 104-208, § 564(f), inserted “(subject to the affidavit of support requirement and attribution of sponsor's income and resources under section 1183a of this title)” after “in the discretion of the Attorney General”.

Pub. L. 104-208, § 308(d)(3)(A), substituted “inadmissible” for “excludable”.

1990—Pub. L. 101-649 substituted “(4)” for “(7) or (15)” and inserted before period at end “, irrespective of whether a demand for payment of public expenses has been made” after “becomes a public charge”.

1970—Pub. L. 91-313 substituted provisions admitting, under the specified conditions, an alien excludable under pars. (7) or (15) of section 1182(a) of this title, for provisions admitting, under the specified conditions, any alien excludable because of the likelihood of becoming a public charge or because of physical disability other than tuberculosis in any form, leprosy, or a dangerous contagious disease, and struck out provisions authorizing a cash deposit with the Attorney General in lieu of a bond, such amount to be deposited in the United States Postal Savings System, and provisions that the admission of the alien be consideration for the giving of the bond, undertaking, or cash deposit.

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 308(d)(3)(A) of Pub. L. 104-208 effective, with certain transitional provisions, on the

first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of this title.

Amendment by section 564(f) of Pub. L. 104-208 effective Sept. 30, 1996, see section 591 of Pub. L. 104-208, set out as a note under section 1101 of this title.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-649 applicable to individuals entering United States on or after June 1, 1991, see section 601(e)(1) of Pub. L. 101-649, set out as a note under section 1101 of this title.

## ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**§ 1183a. Requirements for sponsor's affidavit of support**

## (a) Enforceability

## (1) Terms of affidavit

No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 1182(a)(4) of this title unless such affidavit is executed by a sponsor of the alien as a contract—

(A) in which the sponsor agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable;

(B) that is legally enforceable against the sponsor by the sponsored alien, the Federal Government, any State (or any political subdivision of such State), or by any other entity that provides any means-tested public benefit (as defined in subsection (e)<sup>1</sup> of this section), consistent with the provisions of this section; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (b)(2) of this section.

## (2) Period of enforceability

An affidavit of support shall be enforceable with respect to benefits provided for an alien before the date the alien is naturalized as a citizen of the United States, or, if earlier, the termination date provided under paragraph (3).

## (3) Termination of period of enforceability upon completion of required period of employment, etc.

## (A) In general

An affidavit of support is not enforceable after such time as the alien (i) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act [42 U.S.C. 401 et seq.] or can be credited with such qualifying quarters as provided under subparagraph (B), and (ii) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did

<sup>1</sup> See References in Text note below.