

Domicile

Domicile is a complex issue and must be determined on a case by case basis. To qualify as a sponsor, a petitioner who is residing abroad must have a principal residence in the U.S. and intend to maintain that residence for the foreseeable future. Lawful permanent resident (LPR) sponsors must show they are maintaining their LPR status.

Many U.S. citizens and lawful permanent residents reside outside the United States on a temporary basis, usually for work or family considerations. "Temporary" may cover an extended period of residence abroad. The sponsor living abroad must establish the following in order to be considered domiciled in the United States:

- He/she left the United States for a limited and not indefinite period of time,
- He/she intended to maintain a domicile in the United States, and
- He/she has evidence of continued ties to the United States.

An American citizen or LPR spouse or dependent who has maintained a residence in the U.S. and/or whose spouse/parent works in one of the categories listed below would also qualify as a sponsor.

Frequently Asked Questions about domicile

- [Can a U.S. citizen or lawful permanent resident \(LPR\) petitioner who is not domiciled \(living\) in the United States be a sponsor?](#)
- [If the petitioner does not have a domicile in the United States, can a joint sponsor file an I-864?](#)
- [What kinds of employment abroad can be counted as U.S. domicile?](#)
- [How can a petitioner establish a domicile?](#)

Can a U.S. citizen or lawful permanent resident (LPR) petitioner who is not domiciled (living) in the United States be a sponsor?

No. The law requires that sponsors be domiciled (live) in any of the States of the United States, the District of Columbia, or any territory or possession of the United States.

If the petitioner does not have a domicile in the United States, can a joint sponsor file an I-864?

No. Under the law, a joint sponsor cannot sponsor an immigrant when the petitioner does not have a domicile in the United States. The petitioner must first meet all the requirements for being a sponsor (age, domicile and citizenship) except those related to income before there can be a joint sponsor.

What kinds of employment abroad can be counted as U.S. domicile?

- Employment by the U.S. government
- Employment by an American institution of research recognized by the Attorney General
- Employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce with the United States, or a subsidiary of such a firm
- Employment with a public international organization in which the United States participates by treaty or statute
- Employment by a religious denomination/group having a genuine organization within the United States and is stationed abroad with that religious denomination
- Employment as a missionary by a religious denomination/group or by an interdenominational mission organization within the United States and is stationed abroad with that religious denomination

There may be other circumstances in which a sponsor can show that his or her presence abroad is of a temporary nature, and the sponsor has a domicile in the United States. The sponsor must satisfy to the consular officer that he/she has not given up his/her domicile in the United States and established his/her domicile abroad.

How can a petitioner establish a domicile?

When a sponsor has clearly not maintained a domicile in the United States, he/she will need to re-establish a U.S. domicile in order for him/her to be a sponsor. The sponsor may make a number of steps to show that he/she considers the United States his/her principal place of residence. Examples of things he/she can do are given below:

- Find a job in the United States
- Locate a place to live in the United States
- Register children in U.S. schools
- Make arrangements to give up (relinquish) residence abroad
- Other evidence of a U.S. residence

If the sponsor establishes U.S. domicile, it is not necessary for the sponsor to go to the United States before the sponsored family members. However, the sponsored immigrant may not enter the United States before the sponsor returns to the United States to live. The sponsored immigrant must travel with the sponsor or after the sponsor has entered the United States.